
HOUSE BILL 2087

State of Washington

61st Legislature

2009 Regular Session

By Representatives Springer, Hunter, and Kelley; by request of Governor Gregoire

Read first time 02/10/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to eliminating certain boards, committees, and
2 commissions and the transfer of certain duties effective June 30, 2009;
3 amending RCW 18.06.080, 43.121.100, 46.20.100, 46.82.280, 46.82.330,
4 46.82.420, 70.128.163, 18.44.011, 18.44.195, 18.44.221, 18.44.251,
5 43.70.056, 13.40.462, 13.40.510, 43.08.250, 43.70.555, 74.14A.060,
6 74.14C.050, 19.146.225, 46.20.520, 70.149.040, 79A.75.900, 70.14.060,
7 4.92.130, 18.84.040, 18.84.070, 70.104.090, 15.92.070, 17.21.020,
8 90.56.005, 90.56.060, 70.94.524, 70.94.527, 70.94.528, 70.94.534,
9 70.94.537, 70.94.541, 70.94.551, 70.94.996, 82.70.060, 47.06.050,
10 47.60.286, 47.60.290, 47.60.330, 28B.116.020, 28B.12.040, 46.01.325,
11 46.01.140, and 43.15.020; reenacting and amending RCW 69.50.520;
12 creating new sections; repealing RCW 43.121.010, 43.121.015,
13 43.121.020, 43.121.030, 43.121.040, 43.121.050, 43.121.060, 43.121.070,
14 43.121.080, 43.121.110, 43.121.120, 43.121.130, 43.121.140, 43.121.150,
15 43.121.160, 43.121.170, 43.121.175, 43.121.180, 43.121.910, 28B.04.085,
16 46.82.300, 70.128.225, 18.20.260, 70.96A.070, 18.44.500, 18.44.510,
17 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050,
18 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085,
19 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150,
20 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920,
21 79A.25.220, 19.146.280, 43.09.430, 43.09.435, 43.09.440, 43.09.445,

1 43.09.450, 43.09.455, 43.09.460, 4.92.230, 21.20.550, 21.20.560,
2 21.20.570, 21.20.580, 21.20.590, 17.15.040, 17.21.230, 17.21.240,
3 17.21.250, 17.21.260, 17.21.270, 70.104.070, 70.104.080, 90.56.120,
4 90.56.130, 70.94.544, 43.360.040, 47.60.310, 28B.116.040, 46.01.320,
5 18.155.050, 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140,
6 74.32.150, 74.32.160, 74.32.170, and 74.32.180; repealing 2008 c 311 s
7 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008
8 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified);
9 repealing 1997 c 406 s 1 (uncodified); providing an effective date;
10 providing expiration dates; and declaring an emergency.

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

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

29 **Acupuncture Ad Hoc Committee**

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

32 (1) The secretary is hereby authorized and empowered to execute the
33 provisions of this chapter and shall offer examinations in acupuncture

1 at least twice a year at such times and places as the secretary may
2 select. The examination shall be a written examination and may include
3 a practical examination.

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

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

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

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

24 **Council for Children and Families**

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

27 (1) RCW 43.121.010 (Legislative declaration, intent) and 1982 c 4
28 s 1;

29 (2) RCW 43.121.015 (Definitions) and 2008 c 152 s 8, 1988 c 278 s
30 4, & 1987 c 351 s 2;

31 (3) RCW 43.121.020 (Council established--Members, chairperson--
32 Appointment, qualifications, terms, vacancies) and 2008 c 152 s 7, 2007
33 c 144 s 1, 1996 c 10 s 1, 1994 c 48 s 1, 1989 c 304 s 4, 1987 c 351 s
34 3, 1984 c 261 s 1, & 1982 c 4 s 2;

- 1 (4) RCW 43.121.030 (Compensation and travel expenses of members)
2 and 1984 c 287 s 87 & 1982 c 4 s 3;
- 3 (5) RCW 43.121.040 (Executive director, salary--Staff) and 1982 c
4 4 s 4;
- 5 (6) RCW 43.121.050 (Council powers and duties--Generally--Rules)
6 and 1988 c 278 s 5, 1987 c 351 s 4, & 1982 c 4 s 5;
- 7 (7) RCW 43.121.060 (Contracts for services--Scope of programs--
8 Funding) and 1982 c 4 s 6;
- 9 (8) RCW 43.121.070 (Contracts for services--Factors in awarding)
10 and 1982 c 4 s 7;
- 11 (9) RCW 43.121.080 (Contracts for services--Partial funding by
12 administering organization, what constitutes) and 1982 c 4 s 8;
- 13 (10) RCW 43.121.110 (Parenting skills--Legislative findings) and
14 1988 c 278 s 1;
- 15 (11) RCW 43.121.120 (Community-based early parenting skills
16 programs--Funding) and 1988 c 278 s 2;
- 17 (12) RCW 43.121.130 (Decreased state funding of parenting skills
18 programs--Evaluation) and 1998 c 245 s 48 & 1988 c 278 s 3;
- 19 (13) RCW 43.121.140 (Shaken baby syndrome--Outreach campaign) and
20 1993 c 107 s 2;
- 21 (14) RCW 43.121.150 (Juvenile crime--Legislative findings) and 1997
22 c 338 s 56;
- 23 (15) RCW 43.121.160 (Postpartum depression--Public information and
24 communication outreach campaign) and 2005 c 347 s 2;
- 25 (16) RCW 43.121.170 (Home visitation programs--Findings--Intent)
26 and 2007 c 466 s 1;
- 27 (17) RCW 43.121.175 (Home visitation programs--Definitions) and
28 2007 c 466 s 2;
- 29 (18) RCW 43.121.180 (Home visitation programs--Funding--Home
30 visitation services coordination or consolidation plan--Report) and
31 2008 c 152 s 6 & 2007 c 466 s 3; and
- 32 (19) RCW 43.121.910 (Severability--1982 c 4) and 1982 c 4 s 15.

33 **Sec. 4.** RCW 43.121.100 and 2005 c 53 s 4 are each amended to read
34 as follows:

35 (~~The council may accept~~) Contributions, grants, or gifts in cash
36 or otherwise, including funds generated by the sale of "heirloom" birth
37 certificates under chapter 70.58 RCW from persons, associations, or

1 corporations and funds generated through the issuance of the "Keep Kids
2 Safe" license plate under chapter 46.16 RCW(~~(. All moneys received by~~
3 ~~the council or any employee thereof from contributions, grants, or~~
4 ~~gifts)) and not funds through appropriation by the legislature shall be
5 deposited in a depository approved by the state treasurer to be known
6 as the children's trust fund. Disbursements of such funds shall be on
7 the authorization of the (~~council or a duly authorized representative~~
8 ~~thereof and only for the purposes stated in RCW 43.121.050)) secretary
9 of the department of social and health services or the secretary's
10 designee. In order to maintain an effective expenditure and revenue
11 control, such funds shall be subject in all respects to chapter 43.88
12 RCW, but no appropriation shall be required to permit expenditure of
13 such funds.~~~~

14 **Displaced Homemaker Program Statewide Advisory Committee**

15 NEW SECTION. **Sec. 5.** RCW 28B.04.085 (Displaced homemaker program
16 advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each
17 repealed.

18 **Driver Instructor's Advisory Committee**

19 **Sec. 6.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
20 as follows:

21 (1) **Application.** The application of a person under the age of
22 eighteen years for a driver's license or a motorcycle endorsement must
23 be signed by a parent or guardian with custody of the minor. If the
24 person under the age of eighteen has no father, mother, or guardian,
25 then the application must be signed by the minor's employer.

26 (2) **Traffic safety education requirement.** For a person under the
27 age of eighteen years to obtain a driver's license he or she must meet
28 the traffic safety education requirements of this subsection.

29 (a) To meet the traffic safety education requirement for a driver's
30 license the applicant must satisfactorily complete a traffic safety
31 education course as defined in RCW 28A.220.020 for a course offered by
32 a school district, or as defined by the department of licensing for a

1 course offered by a driver training school licensed under chapter 46.82
2 RCW. The course offered by a school district or an approved private
3 school must meet the standards established by the office of the state
4 superintendent of public instruction. The course offered by a driver
5 training school must meet the standards established by the department
6 of licensing (~~with the advice of the driver instructors' advisory~~
7 ~~committee, pursuant to RCW 46.82.300~~). The traffic safety education
8 course may be provided by:

9 (i) A recognized secondary school; or

10 (ii) A driver training school licensed under chapter 46.82 RCW that
11 is annually approved by the department of licensing.

12 (b) To meet the traffic safety education requirement for a
13 motorcycle endorsement, the applicant must successfully complete a
14 motorcycle safety education course that meets the standards established
15 by the department of licensing.

16 (c) The department may waive the traffic safety education
17 requirement for a driver's license if the applicant demonstrates to the
18 department's satisfaction that:

19 (i) He or she was unable to take or complete a traffic safety
20 education course;

21 (ii) A need exists for the applicant to operate a motor vehicle;
22 and

23 (iii) He or she has the ability to operate a motor vehicle in such
24 a manner as not to jeopardize the safety of persons or property.

25 The department may adopt rules to implement this subsection (2)(c) in
26 concert with the supervisor of the traffic safety education section of
27 the office of the superintendent of public instruction.

28 (d) The department may waive the traffic safety education
29 requirement if the applicant was licensed to drive a motor vehicle or
30 motorcycle outside this state and provides proof that he or she has had
31 education equivalent to that required under this subsection.

32 **Sec. 7.** RCW 46.82.280 and 2006 c 219 s 2 are each amended to read
33 as follows:

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

36 (1) "Behind-the-wheel instruction" means instruction in an approved

1 driver training school instruction vehicle according to and inclusive
2 of the minimum required curriculum. Behind-the-wheel instruction is
3 characterized by driving experience.

4 (2) "Classroom" means a space dedicated to and used exclusively by
5 a driver training instructor for the instruction of students. With
6 prior department approval, a branch office classroom may be located
7 within alternative facilities, such as a public or private library,
8 school, community college, college or university, or a business
9 training facility.

10 (3) "Classroom instruction" means that portion of a traffic safety
11 education course that is characterized by classroom-based student
12 instruction conducted by or under the direct supervision of a licensed
13 instructor or licensed instructors.

14 (4) "Driver training school" means a commercial driver training
15 school engaged in the business of giving instruction, for a fee, in the
16 operation of automobiles.

17 (5) "Driver training education course" means a course of
18 instruction in traffic safety education approved and licensed by the
19 department of licensing that consists of classroom and behind-the-wheel
20 instruction as documented by the minimum approved curriculum.

21 (6) "Director" means the director of the department of licensing of
22 the state of Washington.

23 (7) (~~"Advisory committee" means the driving instructors' advisory~~
24 ~~committee as created in this chapter.~~

25 (+8)) "Fraudulent practices" means any conduct or representation on
26 the part of a driver training school owner or instructor including:

27 (a) Inducing anyone to believe, or to give the impression, that a
28 license to operate a motor vehicle or any other license granted by the
29 director may be obtained by any means other than those prescribed by
30 law, or furnishing or obtaining the same by illegal or improper means,
31 or requesting, accepting, or collecting money for such purposes;

32 (b) (~~Operation of~~) Operating a driver training school without a
33 license, providing instruction without an instructor's license,
34 verifying enrollment prior to being licensed, misleading or false
35 statements on applications for a commercial driver training school
36 license or instructor's license or on any required records or
37 supporting documentation;

1 (c) Failing to fully document and maintain all required driver
2 training school records of instruction, school operation, and
3 instructor training;

4 (d) Issuing a driver training course certificate without requiring
5 completion of the necessary behind-the-wheel and classroom instruction.

6 ~~((+9))~~ (8) "Instructor" means any person employed by or otherwise
7 associated with a driver training school to instruct persons in the
8 operation of an automobile.

9 ~~((+10))~~ (9) "Owner" means an individual, partnership, corporation,
10 association, or other person or group that holds a substantial interest
11 in a driver training school.

12 ~~((+11))~~ (10) "Place of business" means a designated location at
13 which the business of a driver training school is transacted and its
14 records are kept.

15 ~~((+12))~~ (11) "Person" means any individual, firm, corporation,
16 partnership, or association.

17 ~~((+13))~~ (12) "Substantial interest holder" means a person who has
18 actual or potential influence over the management or operation of any
19 driver training school. Evidence of substantial interest includes, but
20 is not limited to, one or more of the following:

21 (a) Directly or indirectly owning, operating, managing, or
22 controlling a driver training school or any part of a driver training
23 school;

24 (b) Directly or indirectly profiting from or assuming liability for
25 debts of a driver training school;

26 (c) Is an officer or director of a driver training school;

27 (d) Owning ten percent or more of any class of stock in a privately
28 or closely held corporate driver training school, or five percent or
29 more of any class of stock in a publicly traded corporate driver
30 training school;

31 (e) Furnishing ten percent or more of the capital, whether in cash,
32 goods, or services, for the operation of a driver training school
33 during any calendar year; or

34 (f) Directly or indirectly receiving a salary, commission,
35 royalties, or other form of compensation from the activity in which a
36 driver training school is or seeks to be engaged.

37 ~~((+14))~~ (13) "Student" means any person enrolled in a driver
38 training course that pays a fee for instruction.

1 NEW SECTION. **Sec. 8.** RCW 46.82.300 (Driver instructors' advisory
2 committee) and 2006 c 219 s 3, 2002 c 195 s 5, 1984 c 287 s 93, & 1979
3 ex.s. c 51 s 3 are each repealed.

4 **Sec. 9.** RCW 46.82.330 and 2006 c 219 s 7 are each amended to read
5 as follows:

6 (1) The application for an instructor's license shall document the
7 applicant's fitness, knowledge, skills, and abilities to teach the
8 classroom and behind-the-wheel phases of a driver training education
9 program in a commercial driver training school.

10 (2) An applicant shall be eligible to apply for an original
11 instructor's certificate if the applicant possesses and meets the
12 following qualifications and conditions:

13 (a) Has been licensed to drive for five or more years and possesses
14 a current and valid Washington driver's license or is a resident of a
15 jurisdiction immediately adjacent to Washington state and possesses a
16 current and valid license issued by such jurisdiction, and does not
17 have on his or her driving record any of the violations or penalties
18 set forth in ~~((+2))~~(a)(i), (ii), or (iii) of this ~~((section))~~
19 subsection. The director shall have the right to examine the driving
20 record of the applicant from the department of licensing and from other
21 jurisdictions and from these records determine if the applicant has
22 had:

23 (i) Not more than one moving traffic violation within the preceding
24 twelve months or more than two moving traffic violations in the
25 preceding twenty-four months;

26 (ii) No alcohol-related traffic violation or incident within the
27 preceding seven years; and

28 (iii) No driver's license suspension, cancellation, revocation, or
29 denial within the preceding five years;

30 (b) Is a high school graduate or the equivalent and at least
31 twenty-one years of age;

32 (c) Has completed an acceptable application on a form prescribed by
33 the director;

34 (d) Has satisfactorily completed a course of instruction in the
35 training of drivers acceptable to the director that is no less than
36 sixty hours in length and includes instruction in classroom and behind-

1 the-wheel teaching methods and supervised practice behind-the-wheel
2 teaching of driving techniques; and

3 (e) Has paid an examination fee as set by rule of the department
4 and has successfully completed an instructor's examination (~~as~~
5 ~~prepared by the advisory committee~~), which shall consist of a
6 knowledge test and an actual driving test conducted in a vehicle
7 provided by the applicant. The examination shall determine:

8 (i) The applicant's knowledge of driving laws and rules;

9 (ii) The applicant's ability to safely operate a motor vehicle; and

10 (iii) The applicant's ability to impart this knowledge and ability
11 to others.

12 **Sec. 10.** RCW 46.82.420 and 2008 c 125 s 3 are each amended to read
13 as follows:

14 (1) The (~~advisory committee shall consult with the~~) department
15 (~~in the development and maintenance of~~) shall develop and maintain a
16 basic minimum required curriculum and (~~the department~~) shall furnish
17 to each qualifying applicant for an instructor's license or a driver
18 training school license a copy of such curriculum.

19 (2) In addition to information on the safe, lawful, and responsible
20 operation of motor vehicles on the state's highways, the basic minimum
21 required curriculum shall include information on:

22 (a) Intermediate driver's license issuance, passenger and driving
23 restrictions and sanctions for violating the restrictions, and the
24 effect of traffic violations and collisions on the driving privileges;

25 (b) The effects of alcohol and drug use on motor vehicle operators,
26 including information on drug and alcohol related traffic injury and
27 mortality rates in the state of Washington and the current penalties
28 for driving under the influence of drugs or alcohol;

29 (c) Motorcycle awareness, approved by the director, to ensure new
30 operators of motor vehicles have been instructed in the importance of
31 safely sharing the road with motorcyclists;

32 (d) Bicycle safety, to ensure that operators of motor vehicles have
33 been instructed in the importance of safely sharing the road with
34 bicyclists; and

35 (e) Pedestrian safety, to ensure that operators of motor vehicles
36 have been instructed in the importance of safely sharing the road with
37 pedestrians.

1 (3) Should the director be presented with acceptable proof that any
2 licensed instructor or driver training school is not showing proper
3 diligence in teaching such basic minimum curriculum as required, the
4 instructor or school shall be required to appear before the ((~~advisory~~
5 ~~committee~~)) director and show cause why the license of the instructor
6 or school should not be revoked for such negligence. If the
7 ((~~committee~~)) director does not accept such reasons as may be offered,
8 the director may revoke the license of the instructor or school, or
9 both.

10 **Adult Family Home Advisory Committee**

11 NEW SECTION. **Sec. 11.** RCW 70.128.225 (Advisory committee) and
12 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.

13 **Sec. 12.** RCW 70.128.163 and 2001 c 193 s 6 are each amended to
14 read as follows:

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

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

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

23 (b) To facilitate the continuity of safe and appropriate resident
24 care and services;

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

28 (d) To provide residents with the opportunity for orderly
29 discharge.

30 (2) Licensee participation in the temporary management program is
31 voluntary. The department shall have the discretion to approve any
32 temporary manager and the temporary management arrangements. The
33 temporary management shall assume the total responsibility for the
34 daily operations of the home.

1 (3) The temporary management shall contract with the licensee as an
2 independent contractor and is responsible for ensuring that all minimum
3 licensing requirements are met. The temporary management shall protect
4 the health, safety, and well-being of the residents for the duration of
5 the temporary management and shall perform all acts reasonably
6 necessary to ensure that residents' needs are met. The licensee is
7 responsible for all costs related to administering the temporary
8 management program and contracting with the temporary management. The
9 temporary management agreement shall at a minimum address the
10 following:

11 (a) Provision of liability insurance to protect residents and their
12 property;

13 (b) Preservation of resident trust funds;

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

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

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

23 (4) The licensee and department shall provide written notification
24 immediately to all residents, legal representatives, interested family
25 members, and the state long-term care ombudsman program, of the
26 temporary management and the reasons for it. This notification shall
27 include notice that residents may move from the home without notifying
28 the licensee in advance, and without incurring any charges, fees, or
29 costs otherwise available for insufficient advance notice, during the
30 temporary management period.

31 (5) The temporary management period under this section concludes
32 twenty-eight days after issuance of the formal notification of
33 enforcement action or conclusion of administrative proceedings,
34 whichever date is later. Nothing in this section precludes the
35 department from revoking its approval of the temporary management
36 and/or exercising its licensing enforcement authority under this
37 chapter. The department's decision whether to approve or to revoke a

1 temporary management arrangement is not subject to the administrative
2 procedure act, chapter 34.05 RCW.

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

9 **Boarding Home Advisory Board**

10 NEW SECTION. **Sec. 13.** RCW 18.20.260 (Advisory board) and 2000 c
11 47 s 8 are each repealed.

12 **Citizens Advisory Council on Alcoholism and Drug Addiction**

13 NEW SECTION. **Sec. 14.** RCW 70.96A.070 (Citizens advisory council--
14 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c
15 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each
16 repealed.

17 **Citizens' Work Group on Health Care Reform**

18 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
19 each repealed:
20 2008 c 311 s 1 (uncodified);
21 2008 c 311 s 2 (uncodified);
22 2008 c 311 s 3 (uncodified); and
23 2008 c 311 s 4 (uncodified).

24 **Escrow Commission**

25 **Sec. 16.** RCW 18.44.011 and 1999 c 30 s 1 are each amended to read
26 as follows:

1 Unless a different meaning is apparent from the context, terms used
2 in this chapter shall have the following meanings:

3 (1) "Department" means the department of financial institutions.

4 (2) "Director" means the director of financial institutions, or his
5 or her duly authorized representative.

6 (3) "Director of licensing" means the director of the department of
7 licensing, or his or her duly authorized representative.

8 (4) "Escrow" means any transaction, except the acts of a qualified
9 intermediary in facilitating an exchange under section 1031 of the
10 internal revenue code, wherein any person or persons, for the purpose
11 of effecting and closing the sale, purchase, exchange, transfer,
12 encumbrance, or lease of real or personal property to another person or
13 persons, delivers any written instrument, money, evidence of title to
14 real or personal property, or other thing of value to a third person to
15 be held by such third person until the happening of a specified event
16 or the performance of a prescribed condition or conditions, when it is
17 then to be delivered by such third person, in compliance with
18 instructions under which he or she is to act, to a grantee, grantor,
19 promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor,
20 or any agent or employee thereof.

21 (5) "Split escrow" means a transaction in which two or more escrow
22 agents act to effect and close an escrow transaction.

23 (6) "Escrow agent" means any person engaged in the business of
24 performing for compensation the duties of the third person referred to
25 in subsection (4) of this section.

26 (7) "Licensed escrow agent" means any sole proprietorship, firm,
27 association, partnership, or corporation holding a license as an escrow
28 agent under the provisions of this chapter.

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

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

34 (10) "Designated escrow officer" means any licensed escrow officer
35 designated by a licensed escrow agent and approved by the director as
36 the licensed escrow officer responsible for supervising that agent's
37 handling of escrow transactions, management of the agent's trust

1 account, and supervision of all other licensed escrow officers employed
2 by the agent.

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

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

10 **Sec. 17.** RCW 18.44.195 and 1999 c 30 s 4 are each amended to read
11 as follows:

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

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

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

17 (b) An understanding of the principles of real estate conveyancing
18 and the general purposes and legal effects of deeds, mortgages, deeds
19 of trust, contracts of sale, exchanges, rental and optional agreements,
20 leases, earnest money agreements, personal property transfers, and
21 encumbrances;

22 (c) An understanding of the obligations between principal and
23 agent;

24 (d) An understanding of the meaning and nature of encumbrances upon
25 real property;

26 (e) An understanding of the principles and practice of trust
27 accounting; and

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

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

34 **Sec. 18.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read
35 as follows:

36 The director shall, within thirty days after (~~the~~) a written

1 request ((of the escrow commission)), hold a public hearing to
2 determine whether the fidelity bond, surety bond, and/or the errors and
3 omissions policy specified in RCW 18.44.201 is reasonably available to
4 a substantial number of licensed escrow agents. If the director
5 determines and the insurance commissioner concurs that such bond or
6 bonds and/or policy is not reasonably available, the director shall
7 waive the requirements for such bond or bonds and/or policy for a fixed
8 period of time.

9 **Sec. 19.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read
10 as follows:

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

14 REQUEST FOR WAIVER OF
15 ERRORS AND OMISSIONS POLICY

16 I,, residing at, City of, County
17 of, State of Washington, declare the following:

- 18 (1) ~~((The state escrow commission has determined~~
19 ~~that))~~ An errors and omissions policy is not reasonably
20 available to a substantial number of licensed escrow
21 officers; and
22 (2) Purchasing an errors and omissions policy is cost-
23 prohibitive at this time; and
24 (3) I have not engaged in any conduct that resulted in
25 the termination of my escrow certificate; and
26 (4) I have not paid, directly or through an errors and
27 omissions policy, claims in excess of ten thousand dollars,
28 exclusive of costs and attorneys' fees, during the calendar
29 year preceding submission of this affidavit; and
30 (5) I have not paid, directly or through an errors and
31 omissions policy, claims, exclusive of costs and attorneys'
32 fees, totaling in excess of twenty thousand dollars in the
33 three calendar years immediately preceding submission of
34 this affidavit; and

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

4 THEREFORE, in consideration of the above, I,
5, respectfully request that the director of financial
6 institutions grant this request for a waiver of the
7 requirement that I purchase and maintain an errors and
8 omissions policy covering my activities as an escrow agent
9 licensed by the state of Washington for the period from
10, 19, to, 19

11 Submitted this day of day of, 19

12

13 (signature)

14 State of Washington, }

15 ss.

16 County of }

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

21 Dated

22 Signature of

23 Notary Public

24 (Seal or stamp)

Title

25 My appointment expires

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

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

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

33 **Expert Panel on Infection Control**

1 **Sec. 21.** RCW 43.70.056 and 2007 c 261 s 2 are each amended to read
2 as follows:

3 (1) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Health care-associated infection" means a localized or
6 systemic condition that results from adverse reaction to the presence
7 of an infectious agent or its toxins and that was not present or
8 incubating at the time of admission to the hospital.

9 (b) "Hospital" means a health care facility licensed under chapter
10 70.41 RCW.

11 (2)(a) A hospital shall collect data related to health
12 care-associated infections as required under this subsection (2) on the
13 following:

14 (i) Beginning July 1, 2008, central line-associated bloodstream
15 infection in the intensive care unit;

16 (ii) Beginning January 1, 2009, ventilator-associated pneumonia;
17 and

18 (iii) Beginning January 1, 2010, surgical site infection for the
19 following procedures:

20 (A) Deep sternal wound for cardiac surgery, including coronary
21 artery bypass graft;

22 (B) Total hip and knee replacement surgery; and

23 (C) Hysterectomy, abdominal and vaginal.

24 (b) Until required otherwise under (c) of this subsection, a
25 hospital must routinely collect and submit the data required to be
26 collected under (a) of this subsection to the national healthcare
27 safety network of the United States centers for disease control and
28 prevention in accordance with national healthcare safety network
29 definitions, methods, requirements, and procedures.

30 (c)(i) With respect to any of the health care-associated infection
31 measures for which reporting is required under (a) of this subsection,
32 the department must, by rule, require hospitals to collect and submit
33 the data to the centers for medicare and medicaid services according to
34 the definitions, methods, requirements, and procedures of the hospital
35 compare program, or its successor, instead of to the national
36 healthcare safety network, if the department determines that:

37 (A) The measure is available for reporting under the hospital

1 compare program, or its successor, under substantially the same
2 definition; and

3 (B) Reporting under this subsection (2)(c) will provide
4 substantially the same information to the public.

5 (ii) If the department determines that reporting of a measure must
6 be conducted under this subsection (2)(c), the department must adopt
7 rules to implement such reporting. The department's rules must require
8 reporting to the centers for medicare and medicaid services as soon as
9 practicable, but not more than one hundred twenty days, after the
10 centers for medicare and medicaid services allow hospitals to report
11 the respective measure to the hospital compare program, or its
12 successor. However, if the centers for medicare and medicaid services
13 allow infection rates to be reported using the centers for disease
14 control and prevention's national healthcare safety network, the
15 department's rules must require reporting that reduces the burden of
16 data reporting and minimizes changes that hospitals must make to
17 accommodate requirements for reporting.

18 (d) Data collection and submission required under this subsection
19 (2) must be overseen by a qualified individual with the appropriate
20 level of skill and knowledge to oversee data collection and submission.

21 (e)(i) A hospital must release to the department, or grant the
22 department access to, its hospital-specific information contained in
23 the reports submitted under this subsection (2), as requested by the
24 department.

25 (ii) The hospital reports obtained by the department under this
26 subsection (2), and any of the information contained in them, are not
27 subject to discovery by subpoena or admissible as evidence in a civil
28 proceeding, and are not subject to public disclosure as provided in RCW
29 42.56.360.

30 (3) The department shall:

31 (a) Provide oversight of the health care-associated infection
32 reporting program established in this section;

33 (b) By January 1, 2011, submit a report to the appropriate
34 committees of the legislature (~~based on the recommendations of the~~
35 ~~advisory committee established in subsection (5) of this section~~) for
36 additional reporting requirements related to health care-associated
37 infections, considering the methodologies and practices of the United
38 States centers for disease control and prevention, the centers for

1 medicare and medicaid services, the joint commission, the national
2 quality forum, the institute for healthcare improvement, and other
3 relevant organizations;

4 (c) Delete, by rule, the reporting of categories that the
5 department determines are no longer necessary to protect public health
6 and safety;

7 (d) By December 1, 2009, and by each December 1st thereafter,
8 prepare and publish a report on the department's web site that compares
9 the health care-associated infection rates at individual hospitals in
10 the state using the data reported in the previous calendar year
11 pursuant to subsection (2) of this section. The department may update
12 the reports quarterly. ~~((In developing a methodology for the report
13 and determining its contents, the department shall consider the
14 recommendations of the advisory committee established in subsection (5)
15 of this section.))~~ The report is subject to the following:

16 (i) The report must disclose data in a format that does not release
17 health information about any individual patient; and

18 (ii) The report must not include data if the department determines
19 that a data set is too small or possesses other characteristics that
20 make it otherwise unrepresentative of a hospital's particular ability
21 to achieve a specific outcome; and

22 (e) Evaluate, on a regular basis, the quality and accuracy of
23 health care-associated infection reporting required under subsection
24 (2) of this section and the data collection, analysis, and reporting
25 methodologies.

26 (4) The department may respond to requests for data and other
27 information from the data required to be reported under subsection (2)
28 of this section, at the requestor's expense, for special studies and
29 analysis consistent with requirements for confidentiality of patient
30 records.

31 ~~(5)((a) The department shall establish an advisory committee which
32 may include members representing infection control professionals and
33 epidemiologists, licensed health care providers, nursing staff,
34 organizations that represent health care providers and facilities,
35 health maintenance organizations, health care payers and consumers, and
36 the department. The advisory committee shall make recommendations to
37 assist the department in carrying out its responsibilities under this~~

1 ~~section, including making recommendations on allowing a hospital to~~
2 ~~review and verify data to be released in the report and on excluding~~
3 ~~from the report selected data from certified critical access hospitals.~~

4 ~~(b) In developing its recommendations, the advisory committee shall~~
5 ~~consider methodologies and practices related to health care associated~~
6 ~~infections of the United States centers for disease control and~~
7 ~~prevention, the centers for medicare and medicaid services, the joint~~
8 ~~commission, the national quality forum, the institute for healthcare~~
9 ~~improvement, and other relevant organizations.~~

10 ~~(6))~~ The department shall adopt rules as necessary to carry out
11 its responsibilities under this section.

12 **Family Policy Council**

13 **Sec. 22.** RCW 13.40.462 and 2006 c 304 s 2 are each amended to read
14 as follows:

15 (1) The department of social and health services juvenile
16 rehabilitation administration shall establish a reinvesting in youth
17 program that awards grants to counties for implementing research-based
18 early intervention services that target juvenile justice-involved youth
19 and reduce crime, subject to the availability of amounts appropriated
20 for this specific purpose.

21 (2) Effective July 1, 2007, any county or group of counties may
22 apply for participation in the reinvesting in youth program.

23 (3) Counties that participate in the reinvesting in youth program
24 shall have a portion of their costs of serving youth through the
25 research-based intervention service models paid for with moneys from
26 the reinvesting in youth account established pursuant to RCW 13.40.466.

27 (4) The department of social and health services juvenile
28 rehabilitation administration shall review county applications for
29 funding through the reinvesting in youth program and shall select the
30 counties that will be awarded grants with funds appropriated to
31 implement this program. The department, in consultation with the
32 Washington state institute for public policy, shall develop guidelines
33 to determine which counties will be awarded funding in accordance with
34 the reinvesting in youth program. At a minimum, counties must meet the

1 following criteria in order to participate in the reinvesting in youth
2 program:

3 (a) Counties must match state moneys awarded for research-based
4 early intervention services with nonstate resources that are at least
5 proportional to the expected local government share of state and local
6 government cost avoidance that would result from the implementation of
7 such services;

8 (b) Counties must demonstrate that state funds allocated pursuant
9 to this section are used only for the intervention service models
10 authorized pursuant to RCW 13.40.464;

11 (c) Counties must participate fully in the state quality assurance
12 program established in RCW 13.40.468 to ensure fidelity of program
13 implementation. If no state quality assurance program is in effect for
14 a particular selected research-based service, the county must submit a
15 quality assurance plan for state approval with its grant application.
16 Failure to demonstrate continuing compliance with quality assurance
17 plans shall be grounds for termination of state funding; and

18 (d) Counties that submit joint applications must submit for
19 approval by the department of social and health services juvenile
20 rehabilitation administration multicounty plans for efficient program
21 delivery.

22 ~~((5) The department of social and health services juvenile
23 rehabilitation administration shall convene a technical advisory
24 committee comprised of representatives from the house of
25 representatives, the senate, the governor's office of financial
26 management, the department of social and health services juvenile
27 rehabilitation administration, the family policy council, the juvenile
28 court administrator's association, and the Washington association of
29 counties to assist in the implementation of chapter 304, Laws of
30 2006.))~~

31 **Sec. 23.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to
32 read as follows:

33 (1) In order to receive funds under RCW 13.40.500 through
34 13.40.540, local governments may, through their respective agencies
35 that administer funding for consolidated juvenile services, submit
36 proposals that establish community juvenile accountability programs

1 within their communities. These proposals must be submitted to the
2 juvenile rehabilitation administration of the department of social and
3 health services for certification.

4 (2) The proposals must:

5 (a) Demonstrate that the proposals were developed with the input of
6 the community public health and safety networks established under RCW
7 70.190.060, and the local law and justice councils established under
8 RCW 72.09.300;

9 (b) Describe how local community groups or members are involved in
10 the implementation of the programs funded under RCW 13.40.500 through
11 13.40.540;

12 (c) Include a description of how the grant funds will contribute to
13 the expected outcomes of the program and the reduction of youth
14 violence and juvenile crime in their community. Data approaches are
15 not required to be replicated if the networks have information that
16 addresses risks in the community for juvenile offenders.

17 (3) A local government receiving a grant under this section shall
18 agree that any funds received must be used efficiently to encourage the
19 use of community-based programs that reduce the reliance on secure
20 confinement as the sole means of holding juvenile offenders accountable
21 for their crimes. The local government shall also agree to account for
22 the expenditure of all funds received under the grant and to submit to
23 audits for compliance with the grant criteria developed under RCW
24 13.40.520.

25 (4) The juvenile rehabilitation administration, in consultation
26 with the Washington association of juvenile court administrators((~~7~~))
27 and the state law and justice advisory council, ((~~and the family policy~~
28 ~~council,~~)) shall establish guidelines for programs that may be funded
29 under RCW 13.40.500 through 13.40.540. The guidelines must:

30 (a) Target diverted and adjudicated juvenile offenders;

31 (b) Include assessment methods to determine services, programs, and
32 intervention strategies most likely to change behaviors and norms of
33 juvenile offenders;

34 (c) Provide maximum structured supervision in the community.
35 Programs should use natural surveillance and community guardians such
36 as employers, relatives, teachers, clergy, and community mentors to the
37 greatest extent possible;

1 (d) Promote good work ethic values and educational skills and
2 competencies necessary for the juvenile offender to function
3 effectively and positively in the community;

4 (e) Maximize the efficient delivery of treatment services aimed at
5 reducing risk factors associated with the commission of juvenile
6 offenses;

7 (f) Maximize the reintegration of the juvenile offender into the
8 community upon release from confinement;

9 (g) Maximize the juvenile offender's opportunities to make full
10 restitution to the victims and amends to the community;

11 (h) Support and encourage increased court discretion in imposing
12 community-based intervention strategies;

13 (i) Be compatible with research that shows which prevention and
14 early intervention strategies work with juvenile offenders;

15 (j) Be outcome-based in that it describes what outcomes will be
16 achieved or what outcomes have already been achieved;

17 (k) Include an evaluation component; and

18 (l) Recognize the diversity of local needs.

19 (5) The state law and justice advisory council, with the assistance
20 of (~~the family policy council and~~) the governor's juvenile justice
21 advisory committee, may provide support and technical assistance to
22 local governments for training and education regarding community-based
23 prevention and intervention strategies.

24 **Sec. 24.** RCW 43.08.250 and 2008 c 329 s 913 are each amended to
25 read as follows:

26 (1) The money received by the state treasurer from fees, fines,
27 forfeitures, penalties, reimbursements or assessments by any court
28 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
29 deposited in the public safety and education account which is hereby
30 created in the state treasury. The legislature shall appropriate the
31 funds in the account to promote traffic safety education, highway
32 safety, criminal justice training, crime victims' compensation,
33 judicial education, the judicial information system, civil
34 representation of indigent persons under RCW 2.53.030, winter
35 recreation parking, drug court operations, and state game programs.
36 Through the fiscal biennium ending June 30, 2009, the legislature may
37 appropriate moneys from the public safety and education account for

1 purposes of appellate indigent defense and other operations of the
2 office of public defense, the criminal litigation unit of the attorney
3 general's office, the treatment alternatives to street crimes program,
4 crime victims advocacy programs, justice information network
5 telecommunication planning, treatment for supplemental security income
6 clients, sexual assault treatment, operations of the administrative
7 office of the courts, security in the common schools, alternative
8 school start-up grants, programs for disruptive students, criminal
9 justice data collection, Washington state patrol criminal justice
10 activities, drug court operations, unified family courts, local court
11 backlog assistance, financial assistance to local jurisdictions for
12 extraordinary costs incurred in the adjudication of criminal cases,
13 domestic violence treatment and related services, the department of
14 corrections' costs in implementing chapter 196, Laws of 1999,
15 reimbursement of local governments for costs associated with
16 implementing criminal and civil justice legislation, the replacement of
17 the department of corrections' offender-based tracking system, secure
18 and semi-secure crisis residential centers, HOPE beds, (~~the family
19 policy council and~~) community public health and safety networks, the
20 street youth program, public notification about registered sex
21 offenders, and narcotics or methamphetamine-related enforcement,
22 education, training, and drug and alcohol treatment services. During
23 the 2007-2009 fiscal biennium, the legislature may transfer from the
24 public safety and education account to the state general fund such
25 amounts as to reflect the excess fund balance of the fund.

26 (2)(a) The equal justice subaccount is created as a subaccount of
27 the public safety and education account. The money received by the
28 state treasurer from the increase in fees imposed by sections 9, 10,
29 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in
30 the equal justice subaccount and shall be appropriated only for:

31 (i) Criminal indigent defense assistance and enhancement at the
32 trial court level, including a criminal indigent defense pilot program;

33 (ii) Representation of parents in dependency and termination
34 proceedings;

35 (iii) Civil legal representation of indigent persons; and

36 (iv) Contribution to district court judges' salaries and to
37 eligible elected municipal court judges' salaries.

1 (b) For the 2005-07 fiscal biennium, an amount equal to twenty-five
2 percent of revenues to the equal justice subaccount, less one million
3 dollars, shall be appropriated from the equal justice subaccount to the
4 administrator for the courts for purposes of (a)(iv) of this
5 subsection. For the 2007-09 fiscal biennium and subsequent fiscal
6 biennia, an amount equal to fifty percent of revenues to the equal
7 justice subaccount shall be appropriated from the equal justice
8 subaccount to the administrator for the courts for the purposes of
9 (a)(iv) of this subsection.

10 **Sec. 25.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to
11 read as follows:

12 The department(~~(, in consultation with the family policy council~~
13 ~~created in chapter 70.190 RCW,)) shall establish, by rule, standards
14 for local health departments and networks to use in assessment,
15 performance measurement, policy development, and assurance regarding
16 social development to prevent health problems caused by risk factors
17 empirically linked to: Violent criminal acts by juveniles, teen
18 substance abuse, teen pregnancy and male parentage, teen suicide
19 attempts, dropping out of school, child abuse or neglect, and domestic
20 violence. The standards shall be based on the standards set forth in
21 the public health services improvement plan as required by RCW
22 43.70.550.~~

23 **Sec. 26.** RCW 69.50.520 and 2005 c 518 s 937, 2005 c 514 s 1107,
24 and 2005 c 514 s 202 are each reenacted and amended to read as follows:

25 The violence reduction and drug enforcement account is created in
26 the state treasury. All designated receipts from RCW 9.41.110(8),
27 66.24.210(4), 66.24.290(2), 69.50.505(9)(a), 82.08.150 (5) and
28 (7)(b)(iii), 82.24.020(2), 82.24.026(2)(c), 82.64.020, and section 420,
29 chapter 271, Laws of 1989 shall be deposited into the account.
30 Expenditures from the account may be used only for funding services and
31 programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994
32 sp. sess., including state incarceration costs. Funds from the account
33 may also be appropriated to reimburse local governments for costs
34 associated with implementing criminal justice legislation including
35 chapter 338, Laws of 1997. During the 2003-2005 and 2005-2007
36 bienniums, funds from the account may also be used for costs associated

1 with providing grants to local governments in accordance with chapter
2 338, Laws of 1997, funding drug offender treatment services in
3 accordance with RCW 70.96A.350, maintenance and operating costs of the
4 Washington association of sheriffs and police chiefs jail reporting
5 system, maintenance and operating costs of the juvenile rehabilitation
6 administration's client activity tracking system, civil indigent legal
7 representation, multijurisdictional narcotics task forces, and
8 transfers to the health services account(~~(, and grants to community~~
9 ~~networks under chapter 70.190 RCW by the family policy council)~~).

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

12 (1) RCW 70.190.005 (Purpose) and 1994 sp.s. c 7 s 301 & 1992 c 198
13 s 1;

14 (2) RCW 70.190.010 (Definitions) and 1996 c 132 s 2, 1995 c 399 s
15 200, & 1992 c 198 s 3;

16 (3) RCW 70.190.020 (Consolidate efforts of existing entities) and
17 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;

18 (4) RCW 70.190.030 (Proposals to facilitate services at the
19 community level) and 1994 sp.s. c 7 s 316 & 1992 c 198 s 5;

20 (5) RCW 70.190.040 (Finding--Grants to improve readiness to learn)
21 and 1993 c 336 s 901;

22 (6) RCW 70.190.050 (Community networks--Outcome evaluation) and
23 1998 c 245 s 122 & 1994 sp.s. c 7 s 207;

24 (7) RCW 70.190.060 (Community networks--Legislative intent--
25 Membership--Open meetings) and 2005 c 274 s 345, 1998 c 314 s 12, 1996
26 c 132 s 3, & 1994 sp.s. c 7 s 303;

27 (8) RCW 70.190.065 (Member's authorization of expenditures--
28 Limitation) and 1996 c 132 s 5;

29 (9) RCW 70.190.070 (Community networks--Duties) and 1994 sp.s. c 7
30 s 304;

31 (10) RCW 70.190.075 (Lead fiscal agent) and 1996 c 132 s 4;

32 (11) RCW 70.190.080 (Community networks--Programs and plans) and
33 1996 c 132 s 6 & 1994 sp.s. c 7 s 305;

34 (12) RCW 70.190.085 (Community networks--Sexual abstinence and
35 activity campaign) and 1994 c 299 s 5;

36 (13) RCW 70.190.090 (Community networks--Planning grants and

1 contracts--Distribution of funds--Reports) and 1999 c 309 s 918, 1996
2 c 132 s 7, & 1994 sp.s. c 7 s 306;
3 (14) RCW 70.190.100 (Duties of council) and 1998 c 245 s 123 & 1994
4 sp.s. c 7 s 307;
5 (15) RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994
6 sp.s. c 7 s 308;
7 (16) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s
8 309;
9 (17) RCW 70.190.130 (Comprehensive plan--Approval process--Network
10 expenditures--Penalty for noncompliance with chapter) and 1998 c 314 s
11 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;
12 (18) RCW 70.190.150 (Federal restrictions on funds transfers,
13 waivers) and 1994 sp.s. c 7 s 312;
14 (19) RCW 70.190.160 (Community networks--Implementation in federal
15 and state plans) and 1994 sp.s. c 7 s 314;
16 (20) RCW 70.190.170 (Transfer of funds and programs to state
17 agency) and 1994 sp.s. c 7 s 320;
18 (21) RCW 70.190.180 (Community network--Grants for use of school
19 facilities) and 1994 sp.s. c 7 s 604;
20 (22) RCW 70.190.190 (Network members immune from civil liability--
21 Network assets not subject to attachment or execution) and 1996 c 132
22 s 9;
23 (23) RCW 70.190.910 (Severability--1992 c 198) and 1992 c 198 s 20;
24 and
25 (24) RCW 70.190.920 (Effective date--1992 c 198) and 1992 c 198 s
26 21.

27 **Sec. 28.** RCW 74.14A.060 and 2000 c 219 s 2 are each amended to
28 read as follows:

29 The secretary of the department of social and health services shall
30 charge appropriated funds to support blended funding projects for youth
31 subject to any current or future waiver the department receives to the
32 requirements of IV-E funding. To be eligible for blended funding a
33 child must be eligible for services designed to address a behavioral,
34 mental, emotional, or substance abuse issue from the department of
35 social and health services and require services from more than one
36 categorical service delivery system. ~~((Before any blended funding
37 project is established by the secretary, any entity or person proposing~~

1 ~~the project shall seek input from the public health and safety network~~
2 ~~or networks established in the catchment area of the project. The~~
3 ~~network or networks shall submit recommendations on the blended funding~~
4 ~~project to the family policy council. The family policy council shall~~
5 ~~advise the secretary whether to approve the proposed blended funding~~
6 ~~project. The network shall review the proposed blended funding project~~
7 ~~pursuant to its authority to examine the decategorization of program~~
8 ~~funds under RCW 70.190.110, within the current appropriation level.))~~
9 The department shall document the number of children who participate in
10 blended funding projects, the total blended funding amounts per child,
11 the amount charged to each appropriation by program, and services
12 provided to each child through each blended funding project and report
13 this information to the appropriate committees of the legislature by
14 December 1st of each year, beginning in December 1, 2000.

15 **Sec. 29.** RCW 74.14C.050 and 1995 c 311 s 9 are each amended to
16 read as follows:

17 By December 1, 1995, the department, with the assistance of ((~~the~~
18 ~~family policy council,~~)) two urban and two rural public health and
19 safety networks to be chosen by the ((~~family policy council~~))
20 secretary, and two private, nonprofit agencies with expertise and
21 experience in preservation services, shall submit to the legislature an
22 implementation and evaluation plan that identifies:

23 (1) A valid and reliable process that can be used by caseworkers
24 for accurately identifying clients who are eligible for intensive
25 family preservation services and family preservation services. The
26 plan shall recognize the due process rights of families that receive
27 preservation services and recognize that family preservation services
28 are not intended to be investigative for purposes of chapter 13.34 RCW;

29 (2) Necessary data by which program success will be measured,
30 projections of service needs, budget requests, and long-range planning;

31 (3) Regional and statewide projections of service needs;

32 (4) A cost estimate for statewide implementation and expansion of
33 preservation services on a phased-in basis beginning no later than July
34 1, 1996;

35 (5) A plan and time frame for phased-in implementation of
36 preservation services on a statewide basis to be accomplished as soon
37 as possible but no later than July 1, 1997;

1 (6) Data regarding the number of children in foster care, group
2 care, institutional placements, and other out-of-home placements due to
3 medical needs, mental health needs, developmental disabilities, and
4 juvenile offenses, and an assessment of the feasibility of providing
5 preservation services to include all of these children;

6 (7) Standards and outcome measures for the department when the
7 department provides preservation services directly; and

8 (8) A process to assess outcome measures identified in RCW
9 74.14C.030 for contractors providing preservation services.

10 **Firearms Range Advisory Committee**

11 NEW SECTION. **Sec. 30.** RCW 79A.25.220 (Firearms range advisory
12 committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3
13 are each repealed.

14 **Model Toxic Control Act Science Advisory Board**

15 NEW SECTION. **Sec. 31.** 1997 c 406 s 1 (uncodified) is repealed.

16 **Mortgage Brokers**

17 NEW SECTION. **Sec. 32.** RCW 19.146.280 (Mortgage broker
18 commission--Code of conduct--Complaint review) and 2006 c 19 s 17, 2001
19 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each
20 repealed.

21 **Sec. 33.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to
22 read as follows:

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

1 **Motorcycle Safety Education Advisory Board**

2 **Sec. 34.** RCW 46.20.520 and 1998 c 245 s 89 are each amended to
3 read as follows:

4 (1) The director of licensing shall use moneys designated for the
5 motorcycle safety education account of the highway safety fund to
6 implement by July 1, 1983, a voluntary motorcycle operator training and
7 education program. The director may contract with public and private
8 entities to implement this program.

9 ~~(2) ((There is created a motorcycle safety education advisory board
10 to assist the director of licensing in the development of a motorcycle
11 operator training education program. The board shall monitor this
12 program following implementation and report to the director of
13 licensing as necessary with recommendations including, but not limited
14 to, administration, application, and substance of the motorcycle
15 operator training and education program.~~

16 ~~The board shall consist of five members appointed by the director
17 of licensing. Three members of the board, one of whom shall be
18 appointed chairperson, shall be active motorcycle riders or members of
19 nonprofit motorcycle organizations which actively support and promote
20 motorcycle safety education. One member shall be a currently employed
21 Washington state patrol motorcycle officer with at least five years
22 experience and at least one year cumulative experience as a motorcycle
23 officer. One member shall be a member of the public. The term of
24 appointment shall be two years. The board shall meet at the call of
25 the director, but not less than two times annually and not less than
26 five times during its term of appointment, and shall receive no
27 compensation for services but shall be reimbursed for travel expenses
28 while engaged in business of the board in accordance with RCW 43.03.050
29 and 43.03.060 as now existing or hereafter amended.~~

30 ~~(3))~~ The priorities of the program shall be in the following order
31 of priority:

32 (a) Public awareness of motorcycle safety.

33 (b) Motorcycle safety education programs conducted by public and
34 private entities.

35 (c) Classroom and on-cycle training.

36 (d) Improved motorcycle operator testing.

Oil Heat Advisory Committee

Sec. 35. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows:

The director shall:

(1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

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

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

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

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

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

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

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds

1 that contamination is not present or that the contamination is
2 apparently minor and not a threat to human health or the environment,
3 the director may provide written opinions and conclusions on the
4 results of the investigation to owners and operators of active and
5 abandoned heating oil tanks. The agency is authorized to collect, from
6 persons requesting advice and assistance, the costs incurred by the
7 agency in providing such advice and assistance. The costs may include
8 travel costs and expenses associated with review of reports and
9 preparation of written opinions and conclusions. Funds from cost
10 reimbursement must be deposited in the heating oil pollution liability
11 trust account. The state of Washington, the pollution liability
12 insurance agency, and its officers and employees are immune from all
13 liability, and no cause of action arises from any act or omission in
14 providing, or failing to provide, such advice, opinion, conclusion, or
15 assistance;

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

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

21 ~~(12) ((Create an advisory committee of stakeholders to advise the
22 director on all aspects of program operations and fees authorized by
23 this chapter, including pollution prevention programs. The advisory
24 committee must have one member each from the Pacific Northwest oil heat
25 council, the Washington oil marketers association, the western states
26 petroleum association, and the department of ecology and three members
27 from among the owners of home heating oil tanks registered with the
28 pollution liability insurance agency who are generally representative
29 of the geographical distribution and types of registered owners. The
30 committee should meet at least quarterly, or more frequently at the
31 discretion of the director; and~~

32 ~~(13))~~) Study if appropriate user fees to supplement program funding
33 are necessary and develop recommendations for legislation to authorize
34 such fees.

35 **Parks Centennial Advisory Committee**

1 **Sec. 36.** RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read
2 as follows:

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

4 **Performance Audit Citizen Advisory Board**

5 NEW SECTION. **Sec. 37.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 43.09.430 (Performance audits--Definitions) and 2005 c 385
8 s 2;

9 (2) RCW 43.09.435 (Performance audits--Citizen advisory board) and
10 2005 c 385 s 3;

11 (3) RCW 43.09.440 (Performance audits--Collaboration with joint
12 legislative audit and review committee--Criteria--Statewide performance
13 review--Contracting out--Release of audit reports) and 2005 c 385 s 5;

14 (4) RCW 43.09.445 (Performance audits--Local jurisdictions) and
15 2005 c 385 s 6;

16 (5) RCW 43.09.450 (Performance audits--Audit of performance audit
17 program) and 2005 c 385 s 8;

18 (6) RCW 43.09.455 (Performance audits--Follow-up and corrective
19 action--Progress reports) and 2005 c 385 s 9; and

20 (7) RCW 43.09.460 (Performance audits--Appropriation--Budget
21 request) and 2005 c 385 s 11.

22 **Prescription Drug Purchasing Consortium Advisory Commission**

23 **Sec. 38.** RCW 70.14.060 and 2005 c 129 s 1 are each amended to read
24 as follows:

25 (1) The administrator of the state health care authority shall,
26 directly or by contract, adopt policies necessary for establishment of
27 a prescription drug purchasing consortium. The consortium's purchasing
28 activities shall be based upon the evidence-based prescription drug

1 program established under RCW 70.14.050. State purchased health care
2 programs as defined in RCW 41.05.011 shall purchase prescription drugs
3 through the consortium for those prescription drugs that are purchased
4 directly by the state and those that are purchased through
5 reimbursement of pharmacies, unless exempted under this section. The
6 administrator shall not require any supplemental rebate offered to the
7 department of social and health services by a pharmaceutical
8 manufacturer for prescription drugs purchased for medical assistance
9 program clients under chapter 74.09 RCW be extended to any other state
10 purchased health care program, or to any other individuals or entities
11 participating in the consortium. The administrator shall explore joint
12 purchasing opportunities with other states.

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

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

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

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

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

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

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

35 ~~(iv) One member who is a licensed advanced registered nurse
36 practitioner;~~

37 ~~(v) One member representing a health carrier licensed under Title
38 48 RCW; and~~

1 ~~(vi) One member representing unions that represent private sector~~
2 ~~employees;~~

3 ~~(b) The administrator shall select two members of the advisory~~
4 ~~committee from a list of nominees submitted by statewide organizations~~
5 ~~representing consumers. One of the consumer members shall have~~
6 ~~knowledge or experience regarding senior citizen prescription drug cost~~
7 ~~and utilization issues;~~

8 ~~(c) The administrator shall select two members of the advisory~~
9 ~~committee from a list of nominees submitted by statewide organizations~~
10 ~~representing business, one of whom shall represent small businesses who~~
11 ~~employ fifty or fewer employees and one of whom shall represent large~~
12 ~~businesses; and~~

13 ~~(d) The administrator shall select one member who is versed in~~
14 ~~biologic medicine through research or academia from the University of~~
15 ~~Washington or Washington State University.~~

16 ~~(5) The administrator shall consult with the advisory committee on~~
17 ~~at least a quarterly basis on significant policy decisions related to~~
18 ~~implementation of the purchasing consortium.~~

19 ~~(6))~~) This section does not apply to state purchased health care
20 services that are purchased from or through health carriers as defined
21 in RCW 48.43.005, or group model health maintenance organizations that
22 are accredited by the national committee for quality assurance.

23 ~~((7))~~) (4) The state health care authority is authorized to adopt
24 rules implementing chapter 129, Laws of 2005.

25 ~~((8))~~) (5) State purchased health care programs are exempt from
26 the requirements of this section if they can demonstrate to the
27 administrator that, as a result of the availability of federal programs
28 or other purchasing arrangements, their other purchasing mechanisms
29 will result in greater discounts and aggregate cost savings than would
30 be realized through participation in the consortium.

31 **Risk Management Advisory Committee**

32 NEW SECTION. **Sec. 39.** RCW 4.92.230 (Risk management--Advisory
33 committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are
34 each repealed.

1 **Sec. 40.** RCW 4.92.130 and 2002 c 332 s 14 are each amended to read
2 as follows:

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

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

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

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

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

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

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

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

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

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

1 (8) The liability account shall not exceed fifty percent of the
2 actuarial value of the outstanding liability as determined annually by
3 the risk management division. If the account exceeds the maximum
4 amount specified in this section, premiums may be adjusted by the risk
5 management division in order to maintain the account balance at the
6 maximum limits. If, after adjustment of premiums, the account balance
7 remains above the limits specified, the excess amount shall be prorated
8 back to the appropriate funds.

9 **Securities Advisory Committee**

10 NEW SECTION. **Sec. 41.** The following acts or parts of acts are
11 each repealed:

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

15 (2) RCW 21.20.560 (State advisory committee--Chairperson,
16 secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s
17 4, & 1959 c 282 s 56;

18 (3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and
19 1959 c 282 s 57;

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

22 (5) RCW 21.20.590 (State advisory committee--Reimbursement of
23 travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, &
24 1959 c 282 s 59.

25 **Radiologic Technologists Ad Hoc Committee**

26 **Sec. 42.** RCW 18.84.040 and 2008 c 246 s 4 are each amended to read
27 as follows:

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

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

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

3 (c) Establish forms and procedures necessary to administer this
4 chapter;

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

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

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

14 (g) Issue a registration to an applicant who meets the requirement
15 for a registration.

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

18 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the
19 issuance and denial of registrations and certifications, unregistered
20 and uncertified practice, and the discipline of registrants and
21 certificants under this chapter. The secretary is the disciplining
22 authority under this chapter.

23 ~~((4) The secretary may appoint ad hoc members of the profession to
24 serve in an ad hoc advisory capacity to the secretary in carrying out
25 this chapter. The members will serve for designated times and provide
26 advice on matters specifically identified and requested by the
27 secretary. The members shall be compensated in accordance with RCW
28 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
29 43.03.060.))~~

30 **Sec. 43.** RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended
31 to read as follows:

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

1 **Pesticide Committees**

2 NEW SECTION. **Sec. 44.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 17.15.040 (Interagency integrated pest management
5 coordinating committee--Creation--Composition--Duties--Public notice--
6 Progress reports) and 1997 c 357 s 5;

7 (2) RCW 17.21.230 (Pesticide advisory board) and 1994 c 283 s 26,
8 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c 20 s 1, 1971 ex.s. c 191
9 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;

10 (3) RCW 17.21.240 (Pesticide advisory board--Vacancies) and 1994 c
11 283 s 27, 1989 c 380 s 55, & 1961 c 249 s 24;

12 (4) RCW 17.21.250 (Pesticide advisory board--Duties) and 1989 c 380
13 s 56 & 1961 c 249 s 25;

14 (5) RCW 17.21.260 (Pesticide advisory board--Officers, meetings)
15 and 1994 c 283 s 28, 1989 c 380 s 57, & 1961 c 249 s 26;

16 (6) RCW 17.21.270 (Pesticide advisory board--Travel expenses) and
17 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s 24, & 1961 c 249 s 27;

18 (7) RCW 70.104.070 (Pesticide incident reporting and tracking
19 review panel--Intent) and 1989 c 380 s 67; and

20 (8) RCW 70.104.080 (Pesticide panel--Generally) and 1994 c 264 s
21 41, 1991 c 3 s 363, & 1989 c 380 s 68.

22 **Sec. 45.** RCW 70.104.090 and 1991 c 3 s 364 are each amended to
23 read as follows:

24 ~~((The responsibilities of the review panel shall include, but not~~
25 ~~be limited to:~~

26 ~~(1) Establishing guidelines for centralizing the receipt of~~
27 ~~information relating to actual or alleged health and environmental~~
28 ~~incidents involving pesticides;~~

29 ~~(2) Reviewing and making recommendations for procedures for~~
30 ~~investigation of pesticide incidents, which shall be implemented by the~~
31 ~~appropriate agency unless a written statement providing the reasons for~~
32 ~~not adopting the recommendations is provided to the review panel;~~

33 ~~(3) Monitoring the time periods required for response to reports of~~
34 ~~pesticide incidents by the departments of agriculture, health, and~~
35 ~~labor and industries;~~

36 ~~(4) At the request of the chair or any panel member, reviewing~~

1 ~~pesticide incidents of unusual complexity or those that cannot be~~
2 ~~resolved;~~

3 ~~(5) Identifying inadequacies in state and/or federal law that~~
4 ~~result in insufficient protection of public health and safety, with~~
5 ~~specific attention to advising the appropriate agencies on the adequacy~~
6 ~~of pesticide reentry intervals established by the federal environmental~~
7 ~~protection agency and registered pesticide labels to protect the health~~
8 ~~and safety of farmworkers. The panel shall establish a priority list~~
9 ~~for reviewing reentry intervals, which considers the following~~
10 ~~criteria:~~

11 ~~(a) Whether the pesticide is being widely used in labor-intensive~~
12 ~~agriculture in Washington;~~

13 ~~(b) Whether another state has established a reentry interval for~~
14 ~~the pesticide that is longer than the existing federal reentry~~
15 ~~interval;~~

16 ~~(c) The toxicity category of the pesticide under federal law;~~

17 ~~(d) Whether the pesticide has been identified by a federal or state~~
18 ~~agency or through a scientific review as presenting a risk of cancer,~~
19 ~~birth defects, genetic damage, neurological effects, blood disorders,~~
20 ~~sterility, menstrual dysfunction, organ damage, or other chronic or~~
21 ~~subchronic effects; and~~

22 ~~(e) Whether reports or complaints of ill effects from the pesticide~~
23 ~~have been filed following worker entry into fields to which the~~
24 ~~pesticide has been applied; and~~

25 ~~(6) Reviewing and approving an annual report prepared by))~~ The
26 department of health shall prepare an annual report to the governor,
27 agency heads, and members of the legislature, with the same available
28 to the public. The report shall include, at a minimum:

29 ~~((+a))~~ (1) A summary of the year's activities;

30 ~~((+b))~~ (2) A synopsis of the cases reviewed;

31 ~~((+c))~~ (3) A separate descriptive listing of each case in which
32 adverse health or environmental effects due to pesticides were found to
33 occur;

34 ~~((+d))~~ (4) A tabulation of the data from each case;

35 ~~((+e))~~ (5) An assessment of the effects of pesticide exposure in
36 the workplace;

37 ~~((+f))~~ (6) The identification of trends, issues, and needs; and

1 (~~(g)~~) (7) Any recommendations for improved pesticide use
2 practices.

3 **Sec. 46.** RCW 15.92.070 and 1991 c 341 s 8 are each amended to read
4 as follows:

5 The laboratory is advised by a board appointed by the dean of the
6 Washington State University college of agriculture and home economics.
7 The dean shall cooperate with appropriate officials in Washington,
8 Idaho, and Oregon in selecting board members.

9 (1) The board shall consist of one representative from each of the
10 following interests: A human toxicologist or a health professional
11 knowledgeable in worker exposure to pesticides, the Washington State
12 University vice-provost for research or research administrator,
13 representatives from the state department of agriculture, the
14 department of ecology, the department of health, the department of
15 labor and (~~(industry—[industries])~~) industries, privately owned
16 Washington pesticide analytical laboratories, federal regional
17 pesticide laboratories, an Idaho and Oregon laboratory, whether state,
18 university, or private, a chemical and fertilizer industry
19 representative, farm organizations, food processors, marketers, farm
20 labor, environmental organizations, and consumers. Each board member
21 shall serve a three-year term. The members of the board shall serve
22 without compensation but shall be reimbursed for travel expenses
23 incurred while engaged in the business of the board as provided in RCW
24 43.03.050 and 43.03.060.

25 (2) The board (~~(is in liaison with the pesticide advisory board and~~
26 ~~the pesticide incident reporting and tracking panel and)) shall review
27 the chemicals investigated by the laboratory according to the following
28 criteria:~~

29 (a) Chemical uses for which a database exists on environmental fate
30 and acute toxicology, and that appear safer environmentally than
31 pesticides available on the market;

32 (b) Chemical uses not currently under evaluation by public
33 laboratories in Idaho or Oregon for use on Washington crops;

34 (c) Chemicals that have lost or may lose their registration and
35 that no reasonably viable alternatives for Washington crops are known;
36 and

37 (d) Other chemicals vital to Washington agriculture.

1 (3) The laboratory shall conduct research activities using approved
2 good laboratory practices, namely procedures and recordkeeping required
3 of the national IR-4 minor use pesticide registration program.

4 (4) The laboratory shall coordinate activities with the national
5 IR-4 program.

6 **Sec. 47.** RCW 17.21.020 and 2004 c 100 s 1 are each amended to read
7 as follows:

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

10 (1) "Agricultural commodity" means any plant or part of a plant, or
11 animal, or animal product, produced by a person (including farmers,
12 ranchers, vineyardists, plant propagators, Christmas tree growers,
13 aquaculturists, floriculturists, orchardists, foresters, or other
14 comparable persons) primarily for sale, consumption, propagation, or
15 other use by people or animals.

16 (2) "Agricultural land" means land on which an agricultural
17 commodity is produced or land that is in a government-recognized
18 conservation reserve program. This definition does not apply to
19 private gardens where agricultural commodities are produced for
20 personal consumption.

21 (3) "Antimicrobial pesticide" means a pesticide that is used for
22 the control of microbial pests, including but not limited to viruses,
23 bacteria, algae, and protozoa, and is intended for use as a
24 disinfectant or sanitizer.

25 (4) "Apparatus" means any type of ground, water, or aerial
26 equipment, device, or contrivance using motorized, mechanical, or
27 pressurized power and used to apply any pesticide on land and anything
28 that may be growing, habitating, or stored on or in such land, but
29 shall not include any pressurized handsized household device used to
30 apply any pesticide, or any equipment, device, or contrivance of which
31 the person who is applying the pesticide is the source of power or
32 energy in making such pesticide application, or any other small
33 equipment, device, or contrivance that is transported in a piece of
34 equipment licensed under this chapter as an apparatus.

35 (5) "Arthropod" means any invertebrate animal that belongs to the
36 phylum arthropoda, which in addition to insects, includes allied

1 classes whose members are wingless and usually have more than six legs;
2 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

3 (6) "Certified applicator" means any individual who is licensed as
4 a commercial pesticide applicator, commercial pesticide operator,
5 public operator, private-commercial applicator, demonstration and
6 research applicator, private applicator, limited private applicator,
7 rancher private applicator, or any other individual who is certified by
8 the director to use or supervise the use of any pesticide which is
9 classified by the EPA or the director as a restricted use pesticide.

10 (7) "Commercial pesticide applicator" means any person who engages
11 in the business of applying pesticides to the land of another.

12 (8) "Commercial pesticide operator" means any employee of a
13 commercial pesticide applicator who uses or supervises the use of any
14 pesticide and who is required to be licensed under provisions of this
15 chapter.

16 (9) "Defoliant" means any substance or mixture of substances
17 intended to cause the leaves or foliage to drop from a plant with or
18 without causing abscission.

19 (10) "Department" means the Washington state department of
20 agriculture.

21 (11) "Desiccant" means any substance or mixture of substances
22 intended to artificially accelerate the drying of plant tissues.

23 (12) "Device" means any instrument or contrivance intended to trap,
24 destroy, control, repel, or mitigate pests, but not including equipment
25 used for the application of pesticides when sold separately from the
26 pesticides.

27 (13) "Direct supervision" by certified private applicators shall
28 mean that the designated restricted use pesticide shall be applied for
29 purposes of producing any agricultural commodity on land owned or
30 rented by the applicator or the applicator's employer, by a competent
31 person acting under the instructions and control of a certified private
32 applicator who is available if and when needed, even though such
33 certified private applicator is not physically present at the time and
34 place the pesticide is applied. The certified private applicator shall
35 have direct management responsibility and familiarity of the pesticide,
36 manner of application, pest, and land to which the pesticide is being
37 applied. Direct supervision by all other certified applicators means
38 direct on-the-job supervision and shall require that the certified

1 applicator be physically present at the application site and that the
2 person making the application be in voice and visual contact with the
3 certified applicator at all times during the application. However,
4 direct supervision for forest application does not require constant
5 voice and visual contact when general use pesticides are applied using
6 nonapparatus type equipment, the certified applicator is physically
7 present and readily available in the immediate application area, and
8 the certified applicator directly observes pesticide mixing and
9 batching. Direct supervision of an aerial apparatus means the pilot of
10 the aircraft must be appropriately certified.

11 (14) "Director" means the director of the department or a duly
12 authorized representative.

13 (15) "Engage in business" means any application of pesticides by
14 any person upon lands or crops of another.

15 (16) "EPA" means the United States environmental protection agency.

16 (17) "EPA restricted use pesticide" means any pesticide classified
17 for restricted use by the administrator, EPA.

18 (18) "FIFRA" means the federal insecticide, fungicide and
19 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

20 (19) "Forest application" means the application of pesticides to
21 agricultural land used to grow trees for the commercial production of
22 wood or wood fiber for products such as dimensional lumber, shakes,
23 plywood, poles, posts, pilings, particle board, hardboard, oriented
24 strand board, pulp, paper, cardboard, or other similar products.

25 (20) "Fumigant" means any pesticide product or combination of
26 products that is a vapor or gas or forms a vapor or gas on application
27 and whose method of pesticidal action is through the gaseous state.

28 (21) "Fungi" means all nonchlorophyll-bearing thallophytes (all
29 nonchlorophyll-bearing plants of lower order than mosses and
30 liverworts); for example, rusts, smuts, mildews, molds, and yeasts,
31 except those on or in a living person or other animals.

32 (22) "Fungicide" means any substance or mixture of substances
33 intended to prevent, destroy, repel, or mitigate any fungi.

34 (23) "Herbicide" means any substance or mixture of substances
35 intended to prevent, destroy, repel, or mitigate any weed or other
36 higher plant.

37 (24) "Immediate service call" means a landscape application to

1 satisfy an emergency customer request for service, or a treatment to
2 control a pest to landscape plants.

3 (25) "Insect" means any small invertebrate animal, in any life
4 stage, whose adult form is segmented and which generally belongs to the
5 class insecta, comprised of six-legged, usually winged forms, as, for
6 example, beetles, bugs, bees, and flies. The term insect shall also
7 apply to other allied classes of arthropods whose members are wingless
8 and usually have more than six legs, for example, spiders, mites,
9 ticks, centipedes, and isopod crustaceans.

10 (26) "Insecticide" means any substance or mixture of substances
11 intended to prevent, destroy, repel, or mitigate any insect.

12 (27) "Land" means all land and water areas, including airspace and
13 all plants, animals, structures, buildings, devices, and contrivances,
14 appurtenant to or situated on, fixed or mobile, including any used for
15 transportation.

16 (28) "Landscape application" means an application of any EPA
17 registered pesticide to any exterior landscape area around residential
18 property, commercial properties such as apartments or shopping centers,
19 parks, golf courses, schools including nursery schools and licensed day
20 cares, or cemeteries or similar areas. This definition shall not apply
21 to: (a) Applications made by private applicators, limited private
22 applicators, or rancher private applicators; (b) mosquito abatement,
23 gypsy moth eradication, or similar wide-area pest control programs
24 sponsored by governmental entities; and (c) commercial pesticide
25 applicators making structural applications.

26 (29) "Limited private applicator" means a certified applicator who
27 uses or is in direct supervision, as defined for private applicators in
28 this section, of the use of any herbicide classified by the EPA or the
29 director as a restricted use pesticide, for the sole purpose of
30 controlling weeds on nonproduction agricultural land owned or rented by
31 the applicator or the applicator's employer. Limited private
32 applicators may also use restricted use pesticides on timber areas,
33 excluding aquatic sites, to control weeds designated for mandatory
34 control under chapters 17.04, 17.06, and 17.10 RCW and state and local
35 regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A
36 limited private applicator may apply restricted use herbicides to the
37 types of land described in this subsection of another person if applied
38 without compensation other than trading of personal services between

1 the applicator and the other person. This license is only valid when
2 making applications in counties of Washington located east of the crest
3 of the Cascade mountains.

4 (30) "Limited production agricultural land" means land used to grow
5 hay and grain crops that are consumed by the livestock on the farm
6 where produced. No more than ten percent of the hay and grain crops
7 grown on limited production agricultural land may be sold each crop
8 year. Limited production agricultural land does not include aquatic
9 sites.

10 (31) "Nematocide" means any substance or mixture of substances
11 intended to prevent, destroy, repel, or mitigate nematodes.

12 (32) "Nematode" means any invertebrate animal of the phylum
13 nemathelminthes and class nematoda, that is, unsegmented round worms
14 with elongated, fusiform, or saclike bodies covered with cuticle, and
15 inhabiting soil, water, plants or plant parts. Nematodes may also be
16 called nemas or eelworms.

17 (33) "Nonproduction agricultural land" means pastures, rangeland,
18 fencerows, and areas around farm buildings but not aquatic sites.

19 (34) "Person" means any individual, partnership, association,
20 corporation, or organized group of persons whether or not incorporated.

21 (35) "Pest" means, but is not limited to, any insect, rodent,
22 nematode, snail, slug, weed, and any form of plant or animal life or
23 virus, except virus, bacteria, or other microorganisms on or in a
24 living person or other animal or in or on processed food or beverages
25 or pharmaceuticals, which is normally considered to be a pest, or which
26 the director may declare to be a pest.

27 (36) "Pesticide" means, but is not limited to:

28 (a) Any substance or mixture of substances intended to prevent,
29 destroy, control, repel, or mitigate any pest;

30 (b) Any substance or mixture of substances intended to be used as
31 a plant regulator, defoliant or desiccant; and

32 (c) Any spray adjuvant as defined in RCW 15.58.030.

33 ~~(37) ("Pesticide advisory board" means the pesticide advisory
34 board as provided for in this chapter.~~

35 ~~(38))~~ "Plant regulator" means any substance or mixture of
36 substances intended through physiological action, to accelerate or
37 retard the rate of growth or maturation, or to otherwise alter the
38 behavior of ornamental or crop plants or their produce, but shall not

1 include substances insofar as they are intended to be used as plant
2 nutrients, trace elements, nutritional chemicals, plant inoculants, or
3 soil amendments.

4 ~~((+39+))~~ (38) "Private applicator" means a certified applicator who
5 uses or is in direct supervision of the use of any pesticide classified
6 by the EPA or the director as a restricted use pesticide, for the
7 purposes of producing any agricultural commodity and for any associated
8 noncrop application on land owned or rented by the applicator or the
9 applicator's employer or if applied without compensation other than
10 trading of personal services between producers of agricultural
11 commodities on the land of another person.

12 ~~((+40+))~~ (39) "Private-commercial applicator" means a certified
13 applicator who uses or supervises the use of any pesticide classified
14 by the EPA or the director as a restricted use pesticide for purposes
15 other than the production of any agricultural commodity on lands owned
16 or rented by the applicator or the applicator's employer.

17 ~~((+41+))~~ (40) "Rancher private applicator" means a certified
18 applicator who uses or is in direct supervision, as defined for private
19 applicators in this section, of the use of any herbicide or any
20 rodenticide classified by the EPA or the director as a restricted use
21 pesticide for the purpose of controlling weeds and pest animals on
22 nonproduction agricultural land and limited production agricultural
23 land owned or rented by the applicator or the applicator's employer.
24 Rancher private applicators may also use restricted use pesticides on
25 timber areas, excluding aquatic sites, to control weeds designated for
26 mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state
27 and local regulations adopted under chapters 17.04, 17.06, and 17.10
28 RCW. A rancher private applicator may apply restricted use herbicides
29 and rodenticides to the types of land described in this subsection of
30 another person if applied without compensation other than trading of
31 personal services between the applicator and the other person. This
32 license is only valid when making applications in counties of
33 Washington located east of the crest of the Cascade mountains.

34 ~~((+42+))~~ (41) "Residential property" includes property less than
35 one acre in size zoned as residential by a city, town, or county, but
36 does not include property zoned as agricultural or agricultural
37 homesites.

1 (~~(43)~~) (42) "Restricted use pesticide" means any pesticide or
2 device which, when used as directed or in accordance with a widespread
3 and commonly recognized practice, the director determines, subsequent
4 to a hearing, requires additional restrictions for that use to prevent
5 unreasonable adverse effects on the environment including people,
6 lands, beneficial insects, animals, crops, and wildlife, other than
7 pests.

8 (~~(44)~~) (43) "Rodenticide" means any substance or mixture of
9 substances intended to prevent, destroy, repel, or mitigate rodents, or
10 any other vertebrate animal which the director may declare by rule to
11 be a pest.

12 (~~(45)~~) (44) "School facility" means any facility used for
13 licensed day care center purposes or for the purposes of a public
14 kindergarten or public elementary or secondary school. School facility
15 includes the buildings or structures, playgrounds, landscape areas,
16 athletic fields, school vehicles, or any other area of school property.

17 (~~(46)~~) (45) "Snails or slugs" include all harmful mollusks.

18 (~~(47)~~) (46) "Unreasonable adverse effects on the environment"
19 means any unreasonable risk to people or the environment taking into
20 account the economic, social, and environmental costs and benefits of
21 the use of any pesticide, or as otherwise determined by the director.

22 (~~(48)~~) (47) "Weed" means any plant which grows where it is not
23 wanted.

24 **Oil Spill Advisory Council**

25 NEW SECTION. **Sec. 48.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 90.56.120 (Oil spill advisory council--Meetings--Travel
28 expenses and compensation) and 2006 c 372 s 907 & 2005 c 304 s 2; and

29 (2) RCW 90.56.130 (Council--Duties--Work plan--Reports) and 2005 c
30 304 s 3.

31 **Sec. 49.** RCW 90.56.005 and 2005 c 304 s 1 are each amended to read
32 as follows:

33 (1) The legislature declares that water borne transportation as a
34 source of supply for oil and hazardous substances poses special concern

1 for the state of Washington. Each year billions of gallons of crude
2 oil and refined petroleum products are transported as cargo and fuel by
3 vessels on the navigable waters of the state. These shipments are
4 expected to increase in the coming years. Vessels transporting oil
5 into Washington travel on some of the most unique and special marine
6 environments in the United States. These marine environments are a
7 source of natural beauty, recreation, and economic livelihood for many
8 residents of this state. As a result, the state has an obligation to
9 ensure the citizens of the state that the waters of the state will be
10 protected from oil spills.

11 (2) The legislature finds that prevention is the best method to
12 protect the unique and special marine environments in this state. The
13 technology for containing and cleaning up a spill of oil or hazardous
14 substances is at best only partially effective. Preventing spills is
15 more protective of the environment and more cost-effective when all the
16 response and damage costs associated with responding to a spill are
17 considered. Therefore, the legislature finds that the primary
18 objective of the state is to achieve a zero spills strategy to prevent
19 any oil or hazardous substances from entering waters of the state.

20 (3) The legislature also finds that:

21 (a) Recent accidents in Washington, Alaska, southern California,
22 Texas, Pennsylvania, and other parts of the nation have shown that the
23 transportation, transfer, and storage of oil have caused significant
24 damage to the marine environment;

25 (b) Even with the best efforts, it is nearly impossible to remove
26 all oil that is spilled into the water, and average removal rates are
27 only fourteen percent;

28 (c) Washington's navigable waters are treasured environmental and
29 economic resources that the state cannot afford to place at undue risk
30 from an oil spill;

31 (d) The state has a fundamental responsibility, as the trustee of
32 the state's natural resources and the protector of public health and
33 the environment to prevent the spill of oil; and

34 (e) In section 5002 of the federal oil pollution act of 1990, the
35 United States congress found that many people believed that complacency
36 on the part of industry and government was one of the contributing
37 factors to the Exxon Valdez spill and, further, that one method to
38 combat this complacency is to involve local citizens in the monitoring

1 and oversight of oil spill plans. Congress also found that a mechanism
2 should be established that fosters the long-term partnership of
3 industry, government, and local communities in overseeing compliance
4 with environmental concerns in the operation of crude oil terminals.
5 Moreover, congress concluded that, in addition to Alaska, a program of
6 citizen monitoring and oversight should be established in other major
7 crude oil terminals in the United States because recent oil spills
8 indicate that the safe transportation of oil is a national problem.

9 (4) In order to establish a comprehensive prevention and response
10 program to protect Washington's waters and natural resources from
11 spills of oil, it is the purpose of this chapter:

12 (a) To establish state agency expertise in marine safety and to
13 centralize state activities in spill prevention and response
14 activities;

15 (b) To prevent spills of oil and to promote programs that reduce
16 the risk of both catastrophic and small chronic spills;

17 (c) To ensure that responsible parties are liable, and have the
18 resources and ability, to respond to spills and provide compensation
19 for all costs and damages;

20 (d) To provide for state spill response and wildlife rescue
21 planning and implementation;

22 (e) To support and complement the federal oil pollution act of 1990
23 and other federal law, especially those provisions relating to the
24 national contingency plan for cleanup of oil spills and discharges,
25 including provisions relating to the responsibilities of state agencies
26 designated as natural resource trustees. The legislature intends this
27 chapter to be interpreted and implemented in a manner consistent with
28 federal law;

29 (f) To provide broad powers of regulation to the department of
30 ecology relating to spill prevention and response;

31 (g) To provide for ~~((an))~~ independent ~~((oil spill advisory council~~
32 ~~to))~~ review, on an ongoing basis, of the adequacy of oil spill
33 prevention, preparedness, and response activities in this state; and

34 (h) To provide an adequate funding source for state response and
35 prevention programs.

36 **Sec. 50.** RCW 90.56.060 and 2005 c 304 s 4 are each amended to read
37 as follows:

1 (1) The department shall prepare and annually update a statewide
2 master oil and hazardous substance spill prevention and contingency
3 plan. In preparing the plan, the department shall consult with an
4 advisory committee representing diverse interests concerned with oil
5 and hazardous substance spills, including the United States coast
6 guard, the federal environmental protection agency, state agencies,
7 local governments, port districts, private facilities, environmental
8 organizations, oil companies, shipping companies, containment and
9 cleanup contractors, tow companies, and hazardous substance
10 manufacturers(~~(, and with the oil spill advisory council)~~).

11 (2) The state master plan prepared under this section shall at a
12 minimum:

13 (a) Take into consideration the elements of oil spill prevention
14 and contingency plans approved or submitted for approval pursuant to
15 this chapter and chapter 88.46 RCW and oil and hazardous substance
16 spill contingency plans prepared pursuant to other state or federal law
17 or prepared by federal agencies and regional entities;

18 (b) State the respective responsibilities as established by
19 relevant statutes and rules of each of the following in the prevention
20 of and the assessment, containment, and cleanup of a worst case spill
21 of oil or hazardous substances into the environment of the state: (i)
22 State agencies; (ii) local governments; (iii) appropriate federal
23 agencies; (iv) facility operators; (v) property owners whose land or
24 other property may be affected by the oil or hazardous substance spill;
25 and (vi) other parties identified by the department as having an
26 interest in or the resources to assist in the containment and cleanup
27 of an oil or hazardous substance spill;

28 (c) State the respective responsibilities of the parties identified
29 in (b) of this subsection in an emergency response;

30 (d) Identify actions necessary to reduce the likelihood of spills
31 of oil and hazardous substances;

32 (e) Identify and obtain mapping of environmentally sensitive areas
33 at particular risk to oil and hazardous substance spills;

34 (f) Establish an incident command system for responding to oil and
35 hazardous substances spills; and

36 (g) Establish a process for immediately notifying affected tribes
37 of any oil spill.

1 (3) In preparing and updating the state master plan, the department
2 shall:

3 (a) Consult with federal, provincial, municipal, and community
4 officials, other state agencies, the state of Oregon, and with
5 representatives of affected regional organizations;

6 (b) Submit the draft plan to the public for review and comment;

7 (c) Submit to the appropriate standing committees of the
8 legislature for review, not later than November 1st of each year, the
9 plan and any annual revision of the plan; and

10 (d) Require or schedule unannounced oil spill drills as required by
11 RCW 90.56.260 to test the sufficiency of oil spill contingency plans
12 approved under RCW 90.56.210.

13 (4) The department shall evaluate the functions of advisory
14 committees created by the department regarding oil spill prevention,
15 preparedness, and response programs, and shall revise or eliminate
16 those functions which are no longer necessary.

17 **Commute Trip Reduction Board**

18 **Sec. 51.** RCW 70.94.524 and 2006 c 329 s 1 are each amended to read
19 as follows:

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

22 (1) "A major employer" means a private or public employer,
23 including state agencies, that employs one hundred or more full-time
24 employees at a single worksite who begin their regular work day between
25 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous
26 months during the year.

27 (2) "Major worksite" means a building or group of buildings that
28 are on physically contiguous parcels of land or on parcels separated
29 solely by private or public roadways or rights-of-way, and at which
30 there are one hundred or more full-time employees, who begin their
31 regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at
32 least twelve continuous months.

33 (3) "Major employment installation" means a military base or
34 federal reservation, excluding tribal reservations, at which there are

1 one hundred or more full-time employees, who begin their regular
2 workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least
3 twelve continuous months during the year.

4 (4) "Person hours of delay" means the daily person hours of delay
5 per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated
6 using the best available methodology by the department of
7 transportation.

8 (5) "Commute trip" means trips made from a worker's home to a
9 worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

10 (6) "Proportion of single-occupant vehicle commute trips" means the
11 number of commute trips made by single-occupant automobiles divided by
12 the number of full-time employees.

13 (7) "Commute trip vehicle miles traveled per employee" means the
14 sum of the individual vehicle commute trip lengths in miles over a set
15 period divided by the number of full-time employees during that period.

16 (8) "Base year" means the twelve-month period commencing when a
17 major employer is determined to be participating by the local
18 jurisdiction, on which commute trip reduction goals shall be based.

19 (9) "Growth and transportation efficiency center" means a defined,
20 compact, mixed-use urban area that contains jobs or housing and
21 supports multiple modes of transportation. For the purpose of funding,
22 a growth and transportation efficiency center must meet minimum
23 criteria established by the (~~commute trip reduction board under RCW~~
24 ~~70.94.537~~) department of transportation, and must be certified by a
25 regional transportation planning organization as established in RCW
26 47.80.020.

27 (10)(a) "Affected urban growth area" means:

28 (i) An urban growth area, designated pursuant to RCW 36.70A.110,
29 whose boundaries contain a state highway segment exceeding the one
30 hundred person hours of delay threshold calculated by the department of
31 transportation, and any contiguous urban growth areas; and

32 (ii) An urban growth area, designated pursuant to RCW 36.70A.110,
33 containing a jurisdiction with a population over seventy thousand that
34 adopted a commute trip reduction ordinance before the year 2000, and
35 any contiguous urban growth areas.

36 (b) Affected urban growth areas will be listed by the department of
37 transportation in the rules for chapter 329, Laws of 2006 using the
38 criteria identified in (a) of this subsection.

1 (11) "Certification" means a determination by a regional
2 transportation planning organization that a locally designated growth
3 and transportation efficiency center program meets the minimum criteria
4 developed in a collaborative regional process and the rules established
5 by the department of transportation.

6 **Sec. 52.** RCW 70.94.527 and 2006 c 329 s 2 are each amended to read
7 as follows:

8 (1) Each county containing an urban growth area, designated
9 pursuant to RCW 36.70A.110, and each city within an urban growth area
10 with a state highway segment exceeding the one hundred person hours of
11 delay threshold calculated by the department of transportation, as well
12 as those counties and cities located in any contiguous urban growth
13 areas, shall adopt a commute trip reduction plan and ordinance for
14 major employers in the affected urban growth area by a date specified
15 by the (~~commute trip reduction board~~) department of transportation.
16 Jurisdictions located within an urban growth area with a population
17 greater than seventy thousand that adopted a commute trip reduction
18 ordinance before the year 2000, as well as any jurisdiction within
19 contiguous urban growth areas, shall also adopt a commute trip
20 reduction plan and ordinance for major employers in the affected urban
21 growth area by a date specified by the (~~commute trip reduction board~~)
22 department of transportation. Jurisdictions containing a major
23 employment installation in a county with an affected growth area,
24 designated pursuant to RCW 36.70A.110, shall adopt a commute trip
25 reduction plan and ordinance for major employers in the major
26 employment installation by a date specified by the (~~commute trip
27 reduction board~~) department of transportation. The ordinance shall
28 establish the requirements for major employers and provide an appeals
29 process by which major employers, who as a result of special
30 characteristics of their business or its locations would be unable to
31 meet the requirements of the ordinance, may obtain waiver or
32 modification of those requirements. The plan shall be designed to
33 achieve reductions in the proportion of single-occupant vehicle commute
34 trips and be consistent with the rules established by the department of
35 transportation. The county, city, or town shall submit its adopted
36 plan to the regional transportation planning organization. The county,
37 city, or town plan shall be included in the regional commute trip

1 reduction plan for regional transportation planning purposes,
2 consistent with the rules established by the department of
3 transportation in RCW 70.94.537.

4 (2) All other counties, cities, and towns may adopt and implement
5 a commute trip reduction plan consistent with department of
6 transportation rules established under RCW 70.94.537. Tribal
7 governments are encouraged to adopt a commute trip reduction plan for
8 their lands. State investment in voluntary commute trip reduction
9 plans shall be limited to those areas that meet criteria developed by
10 the (~~commute trip reduction board~~) department of transportation.

11 (3) The department of ecology may, after consultation with the
12 department of transportation, as part of the state implementation plan
13 for areas that do not attain the national ambient air quality standards
14 for carbon monoxide or ozone, require municipalities other than those
15 identified in subsection (1) of this section to adopt and implement
16 commute trip reduction plans if the department determines that such
17 plans are necessary for attainment of said standards.

18 (4) A commute trip reduction plan shall be consistent with the
19 rules established under RCW 70.94.537 and shall include but is not
20 limited to (a) goals for reductions in the proportion of single-
21 occupant vehicle commute trips consistent with the state goals
22 (~~established by the commute trip reduction board under RCW 70.94.537~~)
23 and the regional commute trip reduction plan goals established in the
24 regional commute trip reduction plan; (b) a description of the
25 requirements for major public and private sector employers to implement
26 commute trip reduction programs; (c) a commute trip reduction program
27 for employees of the county, city, or town; and (d) means, consistent
28 with rules established by the department of transportation, for
29 determining base year values and progress toward meeting commute trip
30 reduction plan goals. The plan shall be developed in consultation with
31 local transit agencies, the applicable regional transportation planning
32 organization, major employers, and other interested parties.

33 (5) The commute trip reduction plans adopted by counties, cities,
34 and towns under this chapter shall be consistent with and may be
35 incorporated in applicable state or regional transportation plans and
36 local comprehensive plans and shall be coordinated, and consistent
37 with, the commute trip reduction plans of counties, cities, or towns
38 with which the county, city, or town has, in part, common borders or

1 related regional issues. Such regional issues shall include assuring
2 consistency in the treatment of employers who have worksites subject to
3 the requirements of this chapter in more than one jurisdiction.
4 Counties, cities, and towns adopting commute trip reduction plans may
5 enter into agreements through the interlocal cooperation act or by
6 resolution or ordinance as appropriate with other jurisdictions, local
7 transit agencies, transportation management associations or other
8 private or nonprofit providers of transportation services, or regional
9 transportation planning organizations to coordinate the development and
10 implementation of such plans. Transit agencies shall work with
11 counties, cities, and towns as a part of their six-year transit
12 development plan established in RCW 35.58.2795 to take into account the
13 location of major employer worksites when planning and prioritizing
14 transit service changes or the expansion of public transportation
15 services, including rideshare services. Counties, cities, or towns
16 adopting a commute trip reduction plan shall review it annually and
17 revise it as necessary to be consistent with applicable plans developed
18 under RCW 36.70A.070. Regional transportation planning organizations
19 shall review the local commute trip reduction plans during the
20 development and update of the regional commute trip reduction plan.

21 (6) Each affected regional transportation planning organization
22 shall adopt a commute trip reduction plan for its region consistent
23 with the rules and deadline established by the department of
24 transportation under RCW 70.94.537. The plan shall include, but is not
25 limited to: (a) Regional program goals for commute trip reduction in
26 urban growth areas and all designated growth and transportation
27 efficiency centers; (b) a description of strategies for achieving the
28 goals; (c) a sustainable financial plan describing projected revenues
29 and expenditures to meet the goals; (d) a description of the way in
30 which progress toward meeting the goals will be measured; and (e)
31 minimum criteria for growth and transportation efficiency centers. (i)
32 Regional transportation planning organizations shall review proposals
33 from local jurisdictions to designate growth and transportation
34 efficiency centers and shall determine whether the proposed growth and
35 transportation efficiency center is consistent with the criteria
36 defined in the regional commute trip reduction plan. (ii) Growth and
37 transportation efficiency centers certified as consistent with the
38 minimum requirements by the regional transportation planning

1 organization shall be identified in subsequent updates of the regional
2 commute trip reduction plan. These plans shall be developed in
3 collaboration with all affected local jurisdictions, transit agencies,
4 and other interested parties within the region. The plan will be
5 reviewed and approved by (~~{the} commute trip reduction board as~~
6 ~~established under RCW 70.94.537~~) the department of transportation.
7 Regions without an approved regional commute trip reduction plan shall
8 not be eligible for state commute trip reduction program funds.

9 The regional commute trip reduction plan shall be consistent with
10 and incorporated into transportation demand management components in
11 the regional transportation plan as required by RCW 47.80.030.

12 (7) Each regional transportation planning organization implementing
13 a regional commute trip reduction program shall, consistent with the
14 rules and deadline established by the department of transportation,
15 submit its plan as well as any related local commute trip reduction
16 plans and certified growth and transportation efficiency center
17 programs, to the (~~commute trip reduction board established under RCW~~
18 ~~70.94.537~~) department of transportation. The (~~commute trip reduction~~
19 ~~board~~) department of transportation shall review the regional commute
20 trip reduction plan and the local commute trip reduction plans. The
21 regional transportation planning organization shall collaborate with
22 the (~~commute trip reduction board~~) department of transportation to
23 evaluate the consistency of local commute trip reduction plans with the
24 regional commute trip reduction plan. Local and regional plans must be
25 approved by the (~~commute trip reduction board~~) department of
26 transportation in order to be eligible for state funding provided for
27 the purposes of this chapter.

28 (8) Each regional transportation planning organization implementing
29 a regional commute trip reduction program shall submit an annual
30 progress report to the (~~commute trip reduction board established under~~
31 ~~RCW 70.94.537~~) department of transportation. The report shall be due
32 at the end of each state fiscal year for which the program has been
33 implemented. The report shall describe progress in attaining the
34 applicable commute trip reduction goals and shall highlight any
35 problems being encountered in achieving the goals. The information
36 shall be reported in a form established by the (~~commute trip reduction~~
37 ~~board~~) department of transportation.

1 (9) Any waivers or modifications of the requirements of a commute
2 trip reduction plan granted by a jurisdiction shall be submitted for
3 review to the (~~commute trip reduction board established under RCW~~
4 ~~70.94.537~~) department of transportation. The (~~commute trip reduction~~
5 ~~board~~) department of transportation may not deny the granting of a
6 waiver or modification of the requirements of a commute trip reduction
7 plan by a jurisdiction but they may notify the jurisdiction of any
8 comments or objections.

9 (10) Plans implemented under this section shall not apply to
10 commute trips for seasonal agricultural employees.

11 (11) Plans implemented under this section shall not apply to
12 construction worksites when the expected duration of the construction
13 project is less than two years.

14 (12) If an affected urban growth area has not previously
15 implemented a commute trip reduction program and the state has funded
16 solutions to state highway deficiencies to address the area's exceeding
17 the person hours of delay threshold, the affected urban growth area
18 shall be exempt from the duties of this section for a period not
19 exceeding two years.

20 **Sec. 53.** RCW 70.94.528 and 2006 c 329 s 4 are each amended to read
21 as follows:

22 (1) A county, city, or town may, as part of its commute trip
23 reduction plan, designate existing activity centers listed in its
24 comprehensive plan or new activity centers as growth and transportation
25 efficiency centers and establish a transportation demand management
26 program in the designated area.

27 (a) The transportation demand management program for the growth and
28 transportation efficiency center shall be developed in consultation
29 with local transit agencies, the applicable regional transportation
30 planning organization, major employers, and other interested parties.

31 (b) In order to be eligible for state funding provided for the
32 purposes of this section, designated growth and transportation
33 efficiency centers shall be certified by the applicable regional
34 transportation organization to: (i) Meet the minimum land use and
35 transportation criteria established in collaboration among local
36 jurisdictions, transit agencies, the regional transportation planning
37 organization, and other interested parties as part of the regional

1 commute trip reduction plan; and (ii) have established a transportation
2 demand management program that includes the elements identified in (c)
3 of this subsection and is consistent with the rules established by the
4 department of transportation in RCW 70.94.537(~~(+2)~~) (1). If a
5 designated growth and transportation efficiency center is denied
6 certification, the local jurisdiction may appeal the decision to the
7 (~~commute trip reduction board~~) department of transportation.

8 (c) Transportation demand management programs for growth and
9 transportation efficiency centers shall include, but are not limited
10 to: (i) Goals for reductions in the proportion of single-occupant
11 vehicle trips that are more aggressive than the state program goal
12 (~~established by the commute trip reduction board~~); (ii) a sustainable
13 financial plan demonstrating how the program can be implemented to meet
14 state and regional trip reduction goals, indicating resources from
15 public and private sources that are reasonably expected to be made
16 available to carry out the plan, and recommending any innovative
17 financing techniques consistent with chapter 47.29 RCW, including
18 public/private partnerships, to finance needed facilities, services,
19 and programs; (iii) a proposed organizational structure for
20 implementing the program; (iv) a proposal to measure performance toward
21 the goal and implementation progress; and (v) an evaluation to which
22 local land use and transportation policies apply, including parking
23 policies and ordinances, to determine the extent that they complement
24 and support the trip reduction investments of major employers. Each of
25 these program elements shall be consistent with the rules established
26 under RCW 70.94.537.

27 (d) A designated growth and transportation efficiency center shall
28 be consistent with the land use and transportation elements of the
29 local comprehensive plan.

30 (e) Transit agencies, local governments, and regional
31 transportation planning organizations shall identify certified growth
32 and transportation efficiency centers as priority areas for new service
33 and facility investments in their respective investment plans.

34 (2) A county, city, or town that has established a growth and
35 transportation efficiency center program shall support vehicle trip
36 reduction activities in the designated area. The implementing
37 jurisdiction shall adopt policies, ordinances, and funding strategies
38 that will lead to attainment of program goals in those areas.

1 **Sec. 54.** RCW 70.94.534 and 2006 c 329 s 6 are each amended to read
2 as follows:

3 (1) Each jurisdiction implementing a commute trip reduction plan
4 under this chapter or as part of a plan or ordinance developed under
5 RCW 36.70A.070 shall review each employer's initial commute trip
6 reduction program to determine if the program is likely to meet the
7 applicable commute trip reduction goals. The employer shall be
8 notified by the jurisdiction of its findings. If the jurisdiction
9 finds that the program is not likely to meet the applicable commute
10 trip reduction goals, the jurisdiction will work with the employer to
11 modify the program as necessary. The jurisdiction shall complete
12 review of each employer's initial commute trip reduction program within
13 ninety days of receipt.

14 (2) Employers implementing commute trip reduction programs are
15 expected to undertake good faith efforts to achieve the goals outlined
16 in RCW 70.94.527(4). Employers are considered to be making a good
17 faith effort if the following conditions have been met:

18 (a) The employer has met the minimum requirements identified in RCW
19 70.94.531;

20 (b) The employer has notified the jurisdiction of its intent to
21 substantially change or modify its program and has either received the
22 approval of the jurisdiction to do so or has acknowledged that its
23 program may not be approved without additional modifications;

24 (c) The employer has provided adequate information and
25 documentation of implementation when requested by the jurisdiction; and

26 (d) The employer is working collaboratively with its jurisdiction
27 to continue its existing program or is developing and implementing
28 program modifications likely to result in improvements to the program
29 over an agreed upon length of time.

30 (3) Each jurisdiction shall review at least once every two years
31 each employer's progress and good faith efforts toward meeting the
32 applicable commute trip reduction goals. If an employer makes a good
33 faith effort, as defined in this section, but is not likely to meet the
34 applicable commute trip reduction goals, the jurisdiction shall work
35 collaboratively with the employer to make modifications to the commute
36 trip reduction program. Failure of an employer to reach the applicable
37 commute trip reduction goals is not a violation of this chapter.

1 (4) If an employer fails to make a good faith effort and fails to
2 meet the applicable commute trip reduction goals, the jurisdiction
3 shall work collaboratively with the employer to propose modifications
4 to the program and shall direct the employer to revise its program
5 within thirty days to incorporate those modifications or modifications
6 which the jurisdiction determines to be equivalent.

7 (5) Each jurisdiction implementing a commute trip reduction plan
8 pursuant to this chapter may impose civil penalties, in the manner
9 provided in chapter 7.80 RCW, for failure by an employer to implement
10 a commute trip reduction program or to modify its commute trip
11 reduction program as required in subsection (4) of this section. No
12 major employer may be held liable for civil penalties for failure to
13 reach the applicable commute trip reduction goals. No major employer
14 shall be liable for civil penalties under this chapter if failure to
15 achieve a commute trip reduction program goal was the result of an
16 inability to reach agreement with a certified collective bargaining
17 agent under applicable laws where the issue was raised by the employer
18 and pursued in good faith.

19 (6) Jurisdictions shall notify major employers of the procedures
20 for applying for goal modification or exemption from the commute trip
21 reduction requirements based on the guidelines established by the
22 ~~((commute trip reduction board authorized under RCW 70.94.537))~~
23 department of transportation.

24 **Sec. 55.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to read
25 as follows:

26 ~~(1) ((A sixteen member state commute trip reduction board is
27 established as follows:~~

28 ~~(a) The secretary of the department of transportation or the
29 secretary's designee who shall serve as chair;~~

30 ~~(b) One representative from the office of the governor or the
31 governor's designee;~~

32 ~~(c) The director or the director's designee of one of the following
33 agencies, to be determined by the governor:~~

34 ~~(i) Department of general administration;~~

35 ~~(ii) Department of ecology;~~

36 ~~(iii) Department of community, trade, and economic development;~~

1 ~~(d) Three representatives from cities and towns or counties~~
2 ~~appointed by the governor for staggered four-year terms from a list~~
3 ~~recommended by the association of Washington cities or the Washington~~
4 ~~state association of counties;~~

5 ~~(e) Two representatives from transit agencies appointed by the~~
6 ~~governor for staggered four-year terms from a list recommended by the~~
7 ~~Washington state transit association;~~

8 ~~(f) Two representatives from participating regional transportation~~
9 ~~planning organizations appointed by the governor for staggered four-~~
10 ~~year terms;~~

11 ~~(g) Four representatives of employers at or owners of major~~
12 ~~worksites in Washington, or transportation management associations,~~
13 ~~business improvement areas, or other transportation organizations~~
14 ~~representing employers, appointed by the governor for staggered four-~~
15 ~~year terms; and~~

16 ~~(h) Two citizens appointed by the governor for staggered four-year~~
17 ~~terms.~~

18 ~~Members of the commute trip reduction board shall serve without~~
19 ~~compensation but shall be reimbursed for travel expenses as provided in~~
20 ~~RCW 43.03.050 and 43.03.060. Members appointed by the governor shall~~
21 ~~be compensated in accordance with RCW 43.03.220. The board has all~~
22 ~~powers necessary to carry out its duties as prescribed by this chapter.~~

23 ~~(2) By March 1, 2007,))~~ The department of transportation shall
24 establish rules for commute trip reduction plans and implementation
25 procedures. ~~((The commute trip reduction board shall advise the~~
26 ~~department on the content of the rules.))~~ The rules are intended to
27 ensure consistency in commute trip reduction plans and goals among
28 jurisdictions while fairly taking into account differences in
29 employment and housing density, employer size, existing and anticipated
30 levels of transit service, special employer circumstances, and other
31 relevant factors ~~((the board determines to be relevant))~~. The rules
32 shall include:

33 (a) Guidance criteria for growth and transportation efficiency
34 centers;

35 (b) Data measurement methods and procedures for determining the
36 efficacy of commute trip reduction activities and progress toward
37 meeting commute trip reduction plan goals;

38 (c) Model commute trip reduction ordinances;

1 (d) Methods for assuring consistency in the treatment of employers
2 who have worksites subject to the requirements of this chapter in more
3 than one jurisdiction;

4 (e) An appeals process by which major employers, who as a result of
5 special characteristics of their business or its locations would be
6 unable to meet the requirements of a commute trip reduction plan, may
7 obtain a waiver or modification of those requirements and criteria for
8 determining eligibility for waiver or modification;

9 (f) Establishment of a process for determining the state's affected
10 areas, including criteria and procedures for regional transportation
11 planning organizations in consultation with local jurisdictions to
12 propose to add or exempt urban growth areas;

13 (g) Listing of the affected areas of the program to be done every
14 four years as identified in subsection (~~((5))~~) (4) of this section;

15 (h) Establishment of a criteria and application process to
16 determine whether jurisdictions that voluntarily implement commute trip
17 reduction are eligible for state funding;

18 (i) Guidelines and deadlines for creating and updating local
19 commute trip reduction plans, including guidance to ensure consistency
20 between the local commute trip reduction plan and the transportation
21 demand management strategies identified in the transportation element
22 in the local comprehensive plan, as required by RCW 36.70A.070;

23 (j) Guidelines for creating and updating regional commute trip
24 reduction plans, including guidance to ensure the regional commute trip
25 reduction plan is consistent with and incorporated into transportation
26 demand management components in the regional transportation plan;

27 (k) Methods for regional transportation planning organizations to
28 evaluate and certify that designated growth and transportation
29 efficiency center programs meet the minimum requirements and are
30 eligible for funding;

31 (l) Guidelines for creating and updating growth and transportation
32 efficiency center programs; and

33 (m) Establishment of statewide program goals. The goals shall be
34 designed to achieve substantial reductions in the proportion of
35 single-occupant vehicle commute trips and the commute trip vehicle
36 miles traveled per employee, at a level that is projected to improve
37 the mobility of people and goods by increasing the efficiency of the
38 state highway system.

1 ((+3)) (2) The ((board)) department shall create a state commute
2 trip reduction plan that shall be updated every four years as discussed
3 in subsection ((+5)) (4) of this section. The state commute trip
4 reduction plan shall include, but is not limited to: (a) Statewide
5 commute trip reduction program goals that are designed to substantially
6 improve the mobility of people and goods; (b) identification of
7 strategies at the state and regional levels to achieve the goals and
8 recommendations for how transportation demand management strategies can
9 be targeted most effectively to support commute trip reduction program
10 goals; (c) performance measures for assessing the cost-effectiveness of
11 commute trip reduction strategies and the benefits for the state
12 transportation system; and (d) a sustainable financial plan. The
13 ((board)) department shall review and approve regional commute trip
14 reduction plans, and work collaboratively with regional transportation
15 planning organizations in the establishment of the state commute trip
16 reduction plan.

17 ((+4)) (3) The ((board)) department shall work with affected
18 jurisdictions, major employers, and other parties to develop and
19 implement a public awareness campaign designed to increase the
20 effectiveness of local commute trip reduction programs and support
21 achievement of the objectives identified in this chapter.

22 ((+5)) (4) The ((board)) department shall evaluate and update the
23 commute trip reduction program plan and recommend changes to the rules
24 every four years, with the first assessment report due July 1, 2011, to
25 ensure that the latest data methodology used by the department of
26 transportation is incorporated into the program and to determine which
27 areas of the state should be affected by the program. The ((board))
28 department shall review the definition of a major employer no later
29 than December 1, 2009. The ((board)) department shall regularly
30 identify urban growth areas that are projected to be affected by
31 chapter 329, Laws of 2006 in the next four-year period and may provide
32 advance planning support to the potentially affected jurisdictions.

33 ((+6)) (5) The ((board)) department shall review progress toward
34 implementing commute trip reduction plans and programs and the costs
35 and benefits of commute trip reduction plans and programs and shall
36 make recommendations to the legislature and the governor by December 1,
37 2009, and every two years thereafter. In assessing the costs and
38 benefits, the ((board)) department shall consider the costs of not

1 having implemented commute trip reduction plans and programs (~~with the~~
2 ~~assistance of the transportation performance audit board authorized~~
3 ~~under chapter 44.75 RCW~~). The ~~((board))~~ department shall examine
4 other transportation demand management programs nationally and
5 incorporate its findings into its recommendations to the legislature.
6 The recommendations shall address the need for continuation,
7 modification, or termination or any or all requirements of this
8 chapter.

9 ~~((7) The board shall invite personnel with appropriate expertise~~
10 ~~from state, regional, and local government, private, public, and~~
11 ~~nonprofit providers of transportation services, and employers or owners~~
12 ~~of major worksites in Washington to act as a technical advisory group.~~
13 ~~The technical advisory group shall advise the board on the~~
14 ~~implementation of local and regional commute trip reduction plans and~~
15 ~~programs, program evaluation, program funding allocations, and state~~
16 ~~rules and guidelines.))~~

17 **Sec. 56.** RCW 70.94.541 and 2006 c 329 s 8 are each amended to read
18 as follows:

19 (1) ~~((The department of transportation shall provide staff support~~
20 ~~to the commute trip reduction board in carrying out the requirements of~~
21 ~~RCW 70.94.537.~~

22 ~~(2))~~ The department of transportation shall provide technical
23 assistance to regional transportation planning organizations, counties,
24 cities, and towns, the department of general administration, other
25 state agencies, and other employers in developing and implementing
26 commute trip reduction plans and programs. The technical assistance
27 shall include: (a) Guidance in single measurement methodology and
28 practice to be used in determining progress in attaining plan goals;
29 (b) developing model plans and programs appropriate to different
30 situations; and (c) providing consistent training and informational
31 materials for the implementation of commute trip reduction programs.
32 Model plans and programs, training, and informational materials shall
33 be developed in cooperation with representatives of regional
34 transportation planning organizations, local governments, transit
35 agencies, and employers.

36 ~~((3))~~ (2) In carrying out this section the department of

1 transportation may contract with statewide associations representing
2 cities, towns, and counties to assist cities, towns, and counties in
3 implementing commute trip reduction plans and programs.

4 NEW SECTION. **Sec. 57.** RCW 70.94.544 (Transportation demand
5 management--Use of funds) and 2006 c 329 s 9, 2001 c 74 s 1, & 1991 c
6 202 s 17 are each repealed.

7 **Sec. 58.** RCW 70.94.551 and 2006 c 329 s 11 are each amended to
8 read as follows:

9 (1) The director of the department of general administration (~~may~~
10 ~~coordinate an interagency board for the purpose of developing~~), in
11 consultation with state agencies, shall develop policies or guidelines
12 that promote consistency among state agency commute trip reduction
13 programs required by RCW 70.94.527 and 70.94.531. (~~The board shall~~
14 ~~include representatives of the departments of transportation, ecology,~~
15 ~~and community, trade, and economic development and such other~~
16 ~~departments and interested groups as the director of the department of~~
17 ~~general administration determines to be necessary.)) Policies and
18 guidelines shall be applicable to all state agencies including but not
19 limited to policies and guidelines regarding parking and parking
20 charges, employee incentives for commuting by other than single-
21 occupant automobiles, flexible and alternative work schedules,
22 alternative worksites, and the use of state-owned vehicles for car and
23 van pools and guaranteed rides home. The policies and guidelines shall
24 also consider the costs and benefits to state agencies of achieving
25 commute trip reductions and consider mechanisms for funding state
26 agency commute trip reduction programs.~~

27 (2) State agencies sharing a common location in affected urban
28 growth areas where the total number of state employees is one hundred
29 or more shall, with assistance from the department of general
30 administration, develop and implement a joint commute trip reduction
31 program. The worksite shall be treated as specified in RCW 70.94.531
32 and 70.94.534.

33 (3) The department of general administration shall review the
34 initial commute trip reduction program of each state agency subject to
35 the commute trip reduction plan for state agencies to determine if the
36 program is likely to meet the applicable commute trip reduction goals

1 and notify the agency of any deficiencies. If it is found that the
2 program is not likely to meet the applicable commute trip reduction
3 goals, the department of general administration will work with the
4 agency to modify the program as necessary.

5 (4) Each state agency implementing a commute trip reduction plan
6 shall report at least once per year to its agency director on the
7 performance of the agency's commute trip reduction program as part of
8 the agency's quality management, accountability, and performance system
9 as defined by RCW 43.17.385. The reports shall assess the performance
10 of the program, progress toward state goals established under RCW
11 70.94.537, and recommendations for improving the program.

12 (5) The department of general administration shall review the
13 agency performance reports defined in subsection (4) of this section
14 and submit a biennial report for state agencies subject to this chapter
15 to the governor and incorporate the report in the (~~commute trip~~
16 ~~reduction board~~) department of transportation report to the
17 legislature as directed in RCW 70.94.537(~~(+6)~~) (5). The report shall
18 include, but is not limited to, an evaluation of the most recent
19 measurement results, progress toward state goals established under RCW
20 70.94.537, and recommendations for improving the performance of state
21 agency commute trip reduction programs. The information shall be
22 reported in a form established by the (~~commute trip reduction board~~)
23 department of transportation.

24 **Sec. 59.** RCW 70.94.996 and 2004 c 229 s 501 are each amended to
25 read as follows:

26 (1) To the extent that funds are appropriated, the department of
27 transportation shall administer a performance-based grant program for
28 private employers, public agencies, nonprofit organizations,
29 developers, and property managers who provide financial incentives for
30 ride sharing in vehicles carrying two or more persons, for using public
31 transportation, for using car sharing, or for using nonmotorized
32 commuting, including telework, before July 1, 2013, to their own or
33 other employees.

34 (2) The amount of the grant will be determined based on the value
35 to the transportation system of the vehicle trips reduced. The
36 (~~commute trip reduction task force~~) department of transportation
37 shall develop an award rate giving priority to applications achieving

1 the greatest reduction in trips and commute miles per public dollar
2 requested and considering the following criteria: The local cost of
3 providing new highway capacity, congestion levels, and geographic
4 distribution.

5 (3) No private employer, public agency, nonprofit organization,
6 developer, or property manager is eligible for grants under this
7 section in excess of one hundred thousand dollars in any fiscal year.

8 (4) The total of grants provided under this section may not exceed
9 seven hundred fifty thousand dollars in any fiscal year. However, this
10 subsection does not apply during the 2003-2005 fiscal biennium.

11 (5) The department of transportation shall report to the department
12 of revenue by the 15th day of each month the aggregate monetary amount
13 of grants provided under this section in the prior month and the
14 identity of the recipients of those grants.

15 (6) The source of funds for this grant program is the multimodal
16 transportation account.

17 (7) This section expires January 1, 2014.

18 **Sec. 60.** RCW 82.70.060 and 2005 c 319 s 138 are each amended to
19 read as follows:

20 The (~~commute trip reduction task force~~) department of
21 transportation shall determine the effectiveness of the tax credit
22 under RCW 82.70.020, the grant program in RCW 70.94.996, and the
23 relative effectiveness of the tax credit and the grant program as part
24 of its ongoing evaluation of the commute trip reduction law and report
25 to the senate and house transportation committees and to the fiscal
26 committees of the house of representatives and the senate. The report
27 must include information on the amount of tax credits claimed to date
28 and recommendations on future funding between the tax credit program
29 and the grant program. The report must be incorporated into the
30 recommendations required in RCW 70.94.537(~~(+5)~~) (6).

31 **Main Street Advisory Committee**

32 NEW SECTION. **Sec. 61.** RCW 43.360.040 (Washington main street
33 advisory committee) and 2005 c 514 s 911 are each repealed.

1 **Ferry Advisory Committee**

2 NEW SECTION. **Sec. 62.** RCW 47.60.310 (State ferries--Local
3 expressions--Ferry advisory committees) and 1988 c 100 s 1, 1983 c 15
4 s 24, 1983 c 3 s 137, 1977 c 29 s 1, & 1961 c 13 s 47.60.310 are each
5 repealed.

6 **Sec. 63.** RCW 47.06.050 and 2007 c 516 s 10 are each amended to
7 read as follows:

8 The state-owned facilities component of the statewide multimodal
9 transportation plan shall consist of:

10 (1) The state highway system plan, which identifies program and
11 financing needs and recommends specific and financially realistic
12 improvements to preserve the structural integrity of the state highway
13 system, ensure acceptable operating conditions, and provide for
14 enhanced access to scenic, recreational, and cultural resources. The
15 state highway system plan shall contain the following elements:

16 (a) A system preservation element, which shall establish structural
17 preservation objectives for the state highway system including bridges,
18 identify current and future structural deficiencies based upon analysis
19 of current conditions and projected future deterioration, and recommend
20 program funding levels and specific actions necessary to preserve the
21 structural integrity of the state highway system consistent with
22 adopted objectives. Lowest life cycle cost methodologies must be used
23 in developing a pavement management system. This element shall serve
24 as the basis for the preservation component of the six-year highway
25 program and the two-year biennial budget request to the legislature;

26 (b) A highway maintenance element, establishing service levels for
27 highway maintenance on state-owned highways. The highway maintenance
28 element must include an estimate of costs for achieving those service
29 levels over twenty years. This element will serve as the basis for the
30 maintenance component of the six-year highway program and the two-year
31 biennial budget request to the legislature;

32 (c) A capacity and operational improvement element, which shall
33 establish operational objectives, including safety considerations, for
34 moving people and goods on the state highway system, identify current
35 and future capacity, operational, and safety deficiencies, and
36 recommend program funding levels and specific improvements and
37 strategies necessary to achieve the operational objectives. In

1 developing capacity and operational improvement plans the department
2 shall first assess strategies to enhance the operational efficiency of
3 the existing system before recommending system expansion. Strategies
4 to enhance the operational efficiencies include but are not limited to
5 access management, transportation system management, demand management,
6 and high occupancy vehicle facilities. The capacity and operational
7 improvement element must conform to the state implementation plan for
8 air quality and be consistent with regional transportation plans
9 adopted under chapter 47.80 RCW, and shall serve as the basis for the
10 capacity and operational improvement portions of the six-year highway
11 program and the two-year biennial budget request to the legislature;

12 (d) A scenic and recreational highways element, which shall
13 identify and recommend designation of scenic and recreational highways,
14 provide for enhanced access to scenic, recreational, and cultural
15 resources associated with designated routes, and recommend a variety of
16 management strategies to protect, preserve, and enhance these
17 resources. The department, affected counties, cities, and towns,
18 regional transportation planning organizations, and other state or
19 federal agencies shall jointly develop this element;

20 (e) A paths and trails element, which shall identify the needs of
21 nonmotorized transportation modes on the state transportation systems
22 and provide the basis for the investment of state transportation funds
23 in paths and trails, including funding provided under chapter 47.30
24 RCW.

25 (2) The state ferry system plan, which shall guide capital and
26 operating investments in the state ferry system. The plan shall
27 establish service objectives for state ferry routes, forecast travel
28 demand for the various markets served in the system, develop strategies
29 for ferry system investment that consider regional and statewide
30 vehicle and passenger needs, support local land use plans, and assure
31 that ferry services are fully integrated with other transportation
32 services. The plan must provide for maintenance of capital assets.
33 The plan must also provide for preservation of capital assets based on
34 lowest life cycle cost methodologies. The plan shall assess the role
35 of private ferries operating under the authority of the utilities and
36 transportation commission and shall coordinate ferry system capital and
37 operational plans with these private operations. The ferry system plan

1 must be consistent with the regional transportation plans for areas
2 served by the state ferry system(~~(, and shall be developed in~~
3 ~~conjunction with the ferry advisory committees)~~).

4 **Sec. 64.** RCW 47.60.286 and 2007 c 512 s 4 are each amended to read
5 as follows:

6 (1) The commission shall, with the involvement of the department,
7 conduct a survey to gather data on ferry users to help inform level of
8 service, operational, pricing, planning, and investment decisions. The
9 survey must include, but is not limited to:

- 10 (a) Recreational use;
11 (b) Walk-on customer use;
12 (c) Vehicle customer use;
13 (d) Freight and goods movement demand; and
14 (e) Reactions to potential operational strategies and pricing
15 policies described under RCW 47.60.327 and 47.60.290.

16 (2) The commission shall develop the survey (~~(after providing an~~
17 ~~opportunity for ferry advisory committees to offer input)~~).

18 (3) The survey must be updated at least every two years and
19 maintained to support the development and implementation of adaptive
20 management of ferry services.

21 **Sec. 65.** RCW 47.60.290 and 2007 c 512 s 5 are each amended to read
22 as follows:

23 (1) The department shall annually review fares and pricing policies
24 applicable to the operation of the Washington state ferries.

25 (2) Beginning in 2008, the department shall develop fare and
26 pricing policy proposals that must:

27 (a) Recognize that each travel shed is unique, and might not have
28 the same farebox recovery rate and the same pricing policies;

29 (b) Use data from the current survey conducted under RCW 47.60.286;

30 (c) Be developed with input from affected ferry users by public
31 hearing (~~(and by review with the affected ferry advisory committees)~~),
32 in addition to the data gathered from the survey conducted in RCW
33 47.60.286;

34 (d) Generate the amount of revenue required by the biennial
35 transportation budget;

1 (e) Consider the impacts on users, capacity, and local communities;
2 and

3 (f) Keep fare schedules as simple as possible.

4 (3) While developing fare and pricing policy proposals, the
5 department must consider the following:

6 (a) Options for using pricing to level vehicle peak demand; and

7 (b) Options for using pricing to increase off-peak ridership.

8 **Sec. 66.** RCW 47.60.330 and 2007 c 512 s 8 are each amended to read
9 as follows:

10 (1) Before a substantial change to the service levels provided to
11 ferry users, the department shall consult with affected ferry users by
12 public hearing (~~and by review with the affected ferry advisory~~
13 ~~committees~~)).

14 (2) Before adding or eliminating a ferry route, the department
15 shall consult with affected ferry users and receive legislative
16 approval.

17 **Foster Care Endowed Scholarship Advisory Board**

18 NEW SECTION. **Sec. 67.** RCW 28B.116.040 (Foster care endowed
19 scholarship advisory board) and 2005 c 215 s 5 are each repealed.

20 **Sec. 68.** RCW 28B.116.020 and 2005 c 215 s 3 are each amended to
21 read as follows:

22 (1) The foster care endowed scholarship program is created. The
23 purpose of the program is to help students who were in foster care
24 attend an institution of higher education in the state of Washington.
25 The foster care endowed scholarship program shall be administered by
26 the higher education coordinating board.

27 (2) In administering the program, the higher education coordinating
28 board's powers and duties shall include but not be limited to:

29 (a) Adopting necessary rules and guidelines; and

30 (b) Administering the foster care endowed scholarship trust fund
31 and the foster care scholarship endowment fund(~~(+and~~

32 ~~(c) Establishing and assisting the foster care endowed scholarship~~
33 ~~advisory board in its duties as described in RCW 28B.116.040~~)).

1 (3) In administering the program, the higher education coordinating
2 board's powers and duties may include but not be limited to:

3 (a) Working with the department of social and health services and
4 the superintendent of public instruction to provide information about
5 the foster care endowed scholarship program to children in foster care
6 in the state of Washington and to students over the age of sixteen who
7 could be eligible for this program;

8 (b) Publicizing the program; and

9 (c) Contracting with a private agency to perform outreach to the
10 potentially eligible students.

11 Higher Education Coordinating Board--Work Study

12 **Sec. 69.** RCW 28B.12.040 and 1994 c 130 s 4 are each amended to
13 read as follows:

14 (~~With the assistance of an advisory committee,~~) The higher
15 education coordinating board shall develop and administer the state
16 work-study program. The board shall be authorized to enter into
17 agreements with employers and eligible institutions for the operation
18 of the program. These agreements shall include such provisions as the
19 higher education coordinating board may deem necessary or appropriate
20 to carry out the purposes of this chapter.

21 (~~The members of the work study advisory committee may include, but
22 need not be limited to representatives of public and private community
23 colleges, technical colleges, and four year institutions of higher
24 education; vocational schools; students; community service
25 organizations; public schools; business; and labor. When selecting
26 members of the advisory committee, the board shall consult with
27 institutions of higher education, the state board for community and
28 technical colleges, the workforce training and education coordinating
29 board, and appropriate associations and organizations.)) With the
30 exception of off-campus community service placements, the share from
31 moneys disbursed under the state work-study program of the compensation
32 of students employed under such program in accordance with such
33 agreements shall not exceed eighty percent of the total such
34 compensation paid such students.~~

1 By rule, the board shall define community service placements and
2 may determine any salary matching requirements for any community
3 service employers.

4 **Title and Registration Advisory Committee**

5 NEW SECTION. **Sec. 70.** RCW 46.01.320 (Title and registration
6 advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216
7 s 3 are each repealed.

8 **Sec. 71.** RCW 46.01.325 and 2005 c 319 s 116 are each amended to
9 read as follows:

10 (1) The director shall prepare(~~(, with the advice of the title and~~
11 ~~registration advisory committee,)~~) an annual comprehensive analysis and
12 evaluation of agent and subagent fees. The director shall make
13 recommendations for agent and subagent fee revisions (~~(approved by the~~
14 ~~title and registration advisory committee)~~) to the senate and house
15 transportation committees by January 1st of every third year starting
16 with 1996. Fee revision recommendations may be made more frequently
17 when justified by the annual analysis and evaluation(~~(, and requested~~
18 ~~by the title and registration advisory committee)~~).

19 (2) The annual comprehensive analysis and evaluation must consider,
20 but is not limited to:

21 (a) Unique and significant financial, legislative, or other
22 relevant developments that may impact fees;

23 (b) Current funding for ongoing operating and maintenance
24 automation project costs affecting revenue collection and service
25 delivery;

26 (c) Future system requirements including an appropriate sharing of
27 costs between the department, agents, and subagents;

28 (d) Beneficial mix of customer service delivery options based on a
29 fee structure commensurate with quality performance standards;

30 (e) Appropriate indices projecting state and national growth in
31 business and economic conditions prepared by the United States
32 department of commerce, the department of revenue, and the revenue
33 forecast council for the state of Washington.

1 **Sec. 72.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to read
2 as follows:

3 (1) The county auditor, if appointed by the director of licensing
4 shall carry out the provisions of this title relating to the licensing
5 of vehicles and the issuance of vehicle license number plates under the
6 direction and supervision of the director and may with the approval of
7 the director appoint assistants as special deputies and recommend
8 subagents to accept applications and collect fees for vehicle licenses
9 and transfers and to deliver vehicle license number plates.

10 (2) A county auditor appointed by the director may request that the
11 director appoint subagencies within the county.

12 (a) Upon authorization of the director, the auditor shall use an
13 open competitive process including, but not limited to, a written
14 business proposal and oral interview to determine the qualifications of
15 all interested applicants.

16 (b) A subagent may recommend a successor who is either the
17 subagent's sibling, spouse, or child, or a subagency employee, as long
18 as the recommended successor participates in the open, competitive
19 process used to select an applicant. In making successor
20 recommendation and appointment determinations, the following provisions
21 apply:

22 (i) If a subagency is held by a partnership or corporate entity,
23 the nomination must be submitted on behalf of, and agreed to by, all
24 partners or corporate officers.

25 (ii) No subagent may receive any direct or indirect compensation or
26 remuneration from any party or entity in recognition of a successor
27 nomination. A subagent may not receive any financial benefit from the
28 transfer or termination of an appointment.

29 (iii) (a) and (b) of this subsection are intended to assist in the
30 efficient transfer of appointments in order to minimize public
31 inconvenience. They do not create a proprietary or property interest
32 in the appointment.

33 (c) The auditor shall submit all proposals to the director, and
34 shall recommend the appointment of one or more subagents who have
35 applied through the open competitive process. The auditor shall
36 include in his or her recommendation to the director, not only the name
37 of the successor who is a relative or employee, if applicable and if

1 otherwise qualified, but also the name of one other applicant who is
2 qualified and was chosen through the open competitive process. The
3 director has final appointment authority.

4 (3)(a) A county auditor who is appointed as an agent by the
5 department shall enter into a standard contract provided by the
6 director(~~(, developed with the advice of the title and registration~~
7 ~~advisory committee)~~).

8 (b) A subagent appointed under subsection (2) of this section shall
9 enter into a standard contract with the county auditor(~~(, developed~~
10 ~~with the advice of the title and registration advisory committee)~~).
11 The director shall provide the standard contract to county auditors.

12 (c) The contracts provided for in (a) and (b) of this subsection
13 must contain at a minimum provisions that:

14 (i) Describe the responsibilities, and where applicable, the
15 liability, of each party relating to the service expectations and
16 levels, equipment to be supplied by the department, and equipment
17 maintenance;

18 (ii) Require the specific type of insurance or bonds so that the
19 state is protected against any loss of collected motor vehicle tax
20 revenues or loss of equipment;

21 (iii) Specify the amount of training that will be provided by the
22 state, the county auditor, or subagents;

23 (iv) Describe allowable costs that may be charged to vehicle
24 licensing activities as provided for in (d) of this subsection;

25 (v) Describe the causes and procedures for termination of the
26 contract, which may include mediation and binding arbitration.

27 (d) The department shall develop procedures that will standardize
28 and prescribe allowable costs that may be assigned to vehicle licensing
29 and vessel registration and title activities performed by county
30 auditors.

31 (e) The contracts may include any provision that the director deems
32 necessary to ensure acceptable service and the full collection of
33 vehicle and vessel tax revenues.

34 (f) The director may waive any provisions of the contract deemed
35 necessary in order to ensure that readily accessible service is
36 provided to the citizens of the state.

37 (4)(a) At any time any application is made to the director, the
38 county auditor, or other agent pursuant to any law dealing with

1 licenses, registration, or the right to operate any vehicle or vessel
2 upon the public highways or waters of this state, excluding applicants
3 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant
4 shall pay to the director, county auditor, or other agent a fee of
5 three dollars for each application in addition to any other fees
6 required by law.

7 (b) Counties that do not cover the expenses of vehicle licensing
8 and vessel registration and title activities may submit to the
9 department a request for cost-coverage moneys. The request must be
10 submitted on a form developed by the department. The department shall
11 develop procedures to verify whether a request is reasonable. Payment
12 shall be made on requests found to be allowable from the licensing
13 services account.

14 (c) Applicants for certificates of ownership, including applicants
15 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the
16 director, county auditor, or other agent a fee of four dollars in
17 addition to any other fees required by law.

18 (d) The fees under (a) and (c) of this subsection, if paid to the
19 county auditor as agent of the director, or if paid to a subagent of
20 the county auditor, shall be paid to the county treasurer in the same
21 manner as other fees collected by the county auditor and credited to
22 the county current expense fund. If the fee is paid to another agent
23 of the director, the fee shall be used by the agent to defray his or
24 her expenses in handling the application.

25 (e) Applicants required to pay the three-dollar fee established
26 under (a) of this subsection, must pay an additional seventy-five
27 cents, which must be collected and remitted to the state treasurer and
28 distributed as follows:

29 (i) Fifty cents must be deposited into the department of licensing
30 services account of the motor vehicle fund and must be used for agent
31 and subagent support, which is to include but not be limited to the
32 replacement of department-owned equipment in the possession of agents
33 and subagents.

34 (ii) Twenty-five cents must be deposited into the license plate
35 technology account created under RCW 46.16.685.

36 (5) A subagent shall collect a service fee of (a) ten dollars for
37 changes in a certificate of ownership, with or without registration
38 renewal, or verification of record and preparation of an affidavit of

1 lost title other than at the time of the title application or transfer
2 and (b) four dollars for registration renewal only, issuing a transit
3 permit, or any other service under this section.

4 (6) If the fee is collected by the state patrol as agent for the
5 director, the fee so collected shall be certified to the state
6 treasurer and deposited to the credit of the state patrol highway
7 account. If the fee is collected by the department of transportation
8 as agent for the director, the fee shall be certified to the state
9 treasurer and deposited to the credit of the motor vehicle fund. All
10 such fees collected by the director or branches of his office shall be
11 certified to the state treasurer and deposited to the credit of the
12 highway safety fund.

13 (7) Any county revenues that exceed the cost of providing vehicle
14 licensing and vessel registration and title activities in a county,
15 calculated in accordance with the procedures in subsection (3)(d) of
16 this section, shall be expended as determined by the county legislative
17 authority during the process established by law for adoption of county
18 budgets.

19 (8) The director may adopt rules to implement this section.

20 **Sexual Offender Treatment Providers Advisory Committee**

21 NEW SECTION. **Sec. 73.** 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. 74.** 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;

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

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

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

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

12 (8) RCW 74.32.170 (Investigation to determine if additional
13 requirements or standards affecting vendor group--Prevailing wage
14 scales and fringe benefit programs to be considered) and 1971 ex.s. c
15 298 s 4; and

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

19 **Lieutenant Governor Appointments and Assignments**

20 **Sec. 75.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to read
21 as follows:

22 The lieutenant governor serves as president of the senate and is
23 responsible for making appointments to, and serving on, the committees
24 and boards as set forth in this section.

25 (1) The lieutenant governor serves on the following boards and
26 committees:

27 (a) Capitol furnishings preservation committee, RCW 27.48.040;

28 (b) Washington higher education facilities authority, RCW
29 28B.07.030;

30 (c) Productivity board, also known as the employee involvement and
31 recognition board, RCW 41.60.015;

32 (d) State finance committee, RCW 43.33.010;

33 (e) State capitol committee, RCW 43.34.010;

34 (f) Washington health care facilities authority, RCW 70.37.030;

35 (g) State medal of merit nominating committee, RCW 1.40.020;

1 (h) Medal of valor committee, RCW 1.60.020; and
2 (i) Association of Washington generals, RCW 43.15.030.
3 (2) The lieutenant governor, and when serving as president of the
4 senate, appoints members to the following boards and committees:
5 (a) Organized crime advisory board, RCW 43.43.858;
6 (b) Civil legal aid oversight committee, RCW 2.53.010;
7 (c) Office of public defense advisory committee, RCW 2.70.030;
8 (d) Washington state gambling commission, RCW 9.46.040;
9 (e) Sentencing guidelines commission, RCW 9.94A.860;
10 (f) State building code council, RCW 19.27.070;
11 (g) Women's history consortium board of advisors, RCW 27.34.365;
12 (h) Financial literacy public-private partnership, RCW 28A.300.450;
13 (i) Joint administrative rules review committee, RCW 34.05.610;
14 (j) Capital projects advisory review board, RCW 39.10.220;
15 (k) Select committee on pension policy, RCW 41.04.276;
16 (l) Legislative ethics board, RCW 42.52.310;
17 (m) Washington citizens' commission on salaries, RCW 43.03.305;
18 (n) Legislative oral history (~~(advisory)~~) committee, RCW
19 (~~43.07.230~~) 44.04.325;
20 (o) State council on aging, RCW 43.20A.685;
21 (p) State investment board, RCW 43.33A.020;
22 (q) Capitol campus design advisory committee, RCW 43.34.080;
23 (r) Washington state arts commission, RCW 43.46.015;
24 (s) Information services board, RCW 43.105.032;
25 (t) K-20 educational network board, RCW 43.105.800;
26 (u) Municipal research council, RCW 43.110.010;
27 (~~(Council for children and families, RCW 43.121.020;~~
28 ~~(w))~~) PNWER-Net working subgroup under chapter 43.147 RCW;
29 (~~(x))~~) (w) Community economic revitalization board, RCW
30 43.160.030;
31 (~~(y))~~) (x) Washington economic development finance authority, RCW
32 43.163.020;
33 (~~(z) Tourism development advisory committee, RCW 43.330.095;~~
34 ~~(aa))~~) (y) Life sciences discovery fund authority, RCW 43.350.020;
35 (~~(bb))~~) (z) Legislative children's oversight committee, RCW
36 44.04.220;
37 (~~(cc))~~) (aa) Joint legislative audit and review committee, RCW
38 44.28.010;

1 ~~((dd))~~ (bb) Joint committee on energy supply and energy
2 conservation, RCW 44.39.015;
3 ~~((ee))~~ (cc) Legislative evaluation and accountability program
4 committee, RCW 44.48.010;
5 ~~((ff))~~ (dd) Agency council on coordinated transportation, RCW
6 47.06B.020;
7 ~~((gg))~~ (ee) Manufactured housing task force, RCW 59.22.090;
8 ~~((hh))~~ (ff) Washington horse racing commission, RCW 67.16.014;
9 ~~((ii))~~ (gg) Correctional industries board of directors, RCW
10 72.09.080;
11 ~~((jj))~~ (hh) Joint committee on veterans' and military affairs,
12 RCW 73.04.150;
13 ~~((kk) Washington state parks centennial advisory committee, RCW~~
14 ~~79A.75.010;~~
15 ~~((ll) Puget Sound council, RCW 90.71.030;~~
16 ~~((mm))~~ (ii) Joint legislative committee on water supply during
17 drought, RCW 90.86.020; and
18 ~~((nn) Statute law committee, RCW 1.08.001; and~~
19 ~~((oo))~~ (jj) Joint legislative oversight committee on trade policy,
20 RCW 44.55.020.

21 NEW SECTION. **Sec. 76.** Section 35 of this act expires June 1,
22 2013.

23 NEW SECTION. **Sec. 77.** (1) All documents and papers, equipment, or
24 other tangible property in the possession of the terminated entity
25 shall be delivered to the custody of the entity assuming the
26 responsibilities of the terminated entity or if such responsibilities
27 have been eliminated, documents and papers shall be delivered to the
28 state archivist and equipment or other tangible property to the
29 department of general administration.

30 (2) All funds held by, or other moneys due to, the terminated
31 entity shall revert to the fund from which they were appropriated, or
32 if that fund is abolished to the general fund.

33 (3) All contractual rights and duties of an entity shall be
34 assigned or delegated to the entity assuming the responsibilities of
35 the terminated entity, or if there is none to such entity as the
36 governor shall direct.

1 NEW SECTION. **Sec. 78.** Subheadings used in this act are not any
2 part of the law.

3 NEW SECTION. **Sec. 79.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 June 30, 2009.

INDEX	PAGE #
ACUPUNCTURE AD HOC COMMITTEE	2
ADULT FAMILY HOME ADVISORY COMMITTEE	11
BOARDING HOME ADVISORY BOARD	13
CITIZENS ADVISORY COUNCIL ON ALCOHOLISM AND DRUG ADDICTION	13
CITIZENS ' WORK GROUP ON HEALTH CARE REFORM	13
COMMUTE TRIP REDUCTION BOARD	53
COUNCIL FOR CHILDREN AND FAMILIES	3
DISPLACED HOMEMAKER PROGRAM STATEWIDE ADVISORY COMMITTEE	5
DRIVER INSTRUCTOR ' S ADVISORY COMMITTEE	5
ESCROW COMMISSION	14
EXPERT PANEL ON INFECTION CONTROL	18
FAMILY POLICY COUNCIL	21
FERRY ADVISORY COMMITTEE	70
FIREARMS RANGE ADVISORY COMMITTEE	30
FOSTER CARE ENDOWED SCHOLARSHIP ADVISORY BOARD	73
HIGHER EDUCATION COORDINATING BOARD--WORK STUDY	74
LIEUTENANT GOVERNOR APPOINTMENTS AND ASSIGNMENTS	80
MAIN STREET ADVISORY COMMITTEE	69
MODEL TOXIC CONTROL ACT SCIENCE ADVISORY BOARD	30
MORTGAGE BROKERS	30
MOTORCYCLE SAFETY EDUCATION ADVISORY BOARD	31
OIL HEAT ADVISORY COMMITTEE	32
OIL SPILL ADVISORY COUNCIL	49
PARKS CENTENNIAL ADVISORY COMMITTEE	34
PERFORMANCE AUDIT CITIZEN ADVISORY BOARD	34
PESTICIDE COMMITTEES	40
PRESCRIPTION DRUG PURCHASING CONSORTIUM ADVISORY COMMISSION	34
RADIOLOGIC TECHNOLOGISTS AD HOC COMMITTEE	38
RISK MANAGEMENT ADVISORY COMMITTEE	36
SECURITIES ADVISORY COMMITTEE	38
SEXUAL OFFENDER TREATMENT PROVIDERS ADVISORY COMMITTEE	79
TITLE AND REGISTRATION ADVISORY COMMITTEE	75
VENDOR RATES ADVISORY RATES	79

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