
HOUSE BILL 2151

State of Washington

61st Legislature

2009 Regular Session

By Representatives Springer and Kelley; by request of Governor Gregoire

Read first time 02/11/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to eliminating boards and commissions on June 30,
2 2010; amending RCW 28C.18.050, 28C.18.090, 18.106.010, 18.106.040,
3 18.106.050, 18.106.070, 43.03.027, 43.03.028, 34.12.100, 42.17.370,
4 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040,
5 43.70.665, 39.10.210, 39.10.230, 39.10.250, 39.10.270, 39.10.280,
6 39.10.290, 39.10.320, 39.10.350, 39.10.430, 39.10.460, 43.131.408,
7 39.04.350, 18.205.020, 18.205.060, 28A.300.520, 43.215.065, 72.09.495,
8 74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331,
9 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 43.330.280, 43.160.060,
10 43.330.080, 43.330.250, 43.330.270, 82.33A.020, 39.102.040, 43.160.900,
11 43.330.050, 43.330.082, 43.330.310, 82.33A.010, 70.168.030, 70.168.050,
12 70.168.060, 70.168.130, 18.76.050, 38.52.030, 38.52.070, 38.52.240,
13 38.52.330, 46.48.170, 18.73.030, 18.73.101, 15.76.110, 15.76.150,
14 70.112.010, 70.112.020, 43.43.934, 43.43.962, 38.52.530, 49.26.120,
15 48.62.061, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050,
16 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130,
17 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 18.225.010,
18 18.225.040, 16.57.353, 18.50.045, 18.50.060, 18.50.105, 77.12.670,
19 77.08.045, 18.36A.020, 18.36A.080, 18.36A.110, 46.09.020, 43.30.820,
20 18.210.010, 18.210.050, 18.210.060, 70.118.110, 43.43.866, 43.10.240,
21 18.200.010, 18.200.050, 18.200.070, 13.60.110, 90.71.010, 90.71.210,

1 90.71.230, 90.71.240, 90.71.270, 90.71.310, 18.140.010, 18.140.030,
2 18.140.160, 18.140.170, 77.95.100, 77.95.180, 77.95.190, 82.58.020,
3 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316, 46.16.715,
4 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901, 46.16.30903,
5 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911, 46.16.30913,
6 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920, 46.16.30922,
7 46.16.30924, 46.16.30926, 46.16.30928, 70.119A.180, 90.86.030,
8 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 28C.04.390,
9 28C.04.420, and 43.15.020; amending 2007 c 465 s 3 (uncodified);
10 amending 2005 c 158 s 3 (uncodified); reenacting and amending RCW
11 74.15.030, 18.71.205, 77.12.690, and 46.16.233; creating new sections;
12 repealing RCW 28B.50.254, 18.106.110, 18.250.030, 39.10.220, 39.10.240,
13 39.10.260, 43.34.080, 18.205.080, 43.63A.068, 43.101.310, 43.101.315,
14 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345,
15 43.105.055, 70.198.010, 43.215.090, 43.162.005, 43.162.010, 43.162.015,
16 43.162.020, 43.162.025, 43.162.030, 70.168.020, 38.52.040, 18.73.040,
17 18.73.050, 15.76.170, 70.112.030, 70.112.040, 70.112.050, 43.43.932,
18 43.43.936, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100,
19 18.280.040, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240,
20 43.105.800, 43.105.810, 18.225.060, 18.225.070, 16.57.015, 71.09.320,
21 18.50.140, 18.50.150, 77.12.680, 18.36A.070, 46.09.280, 18.210.040,
22 18.210.070, 70.118.100, 43.43.858, 43.43.860, 43.43.862, 43.43.864,
23 10.29.030, 10.29.040, 10.29.080, 10.29.090, 18.200.060, 72.09.800,
24 13.60.120, 42.56.140, 90.71.250, 18.140.230, 18.140.240, 18.140.250,
25 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060,
26 46.16.705, 50.12.200, 70.119A.160, 18.104.190, 27.34.360, 27.34.365,
27 27.34.370, 27.34.375, and 27.34.380; providing an effective date; and
28 providing an expiration date.

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

30 NEW SECTION. **Sec. 1.** Intent. One of the key roles of advisory
31 boards, committees, and commissions is to provide input, advice and
32 recommendations from stakeholders, other interested parties, and the
33 public to state agencies. These advisory boards, committees, and
34 commissions may be abolished without detriment to the mission of the
35 agency each supports. Most of the advisory functions of these boards,
36 committees, and commissions can be performed without the administrative

1 costs of maintaining formal organizations. In the interest of building
2 a leaner, more efficient, and more responsible government, this vital
3 communications conduit must be maintained for the benefit of the state
4 and its citizens, through the use of modern communication technology.
5 It is the intent of this legislation that while advisory boards,
6 committees, and commissions be eliminated, agencies should identify
7 new, less costly, and more effective opportunities to ensure a broad
8 range of citizen participation is provided and that all reasonable
9 efforts are made to ensure that channels are maintained for vital input
10 from the citizens of Washington. In addition, by providing one year
11 before eliminating these entities, ample time is provided for the
12 advisory groups to complete work in progress and for agencies to
13 develop alternative communication strategies.

14 **Advisory Council on Adult Education**

15 NEW SECTION. **Sec. 2.** RCW 28B.50.254 (Advisory council on adult
16 education--Workforce training and education coordinating board to
17 monitor) and 1991 c 238 s 19 are each repealed.

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

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

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

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

30 (4) Upon enactment of new federal initiatives relating to workforce
31 development, the board shall advise the governor and the legislature on
32 mechanisms for integrating the federal initiatives into the state's
33 workforce development system and make recommendations on the
34 legislative or administrative measures necessary to streamline and
35 coordinate state efforts to meet federal guidelines.

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

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

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

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

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

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

33 The board shall perform the requirements of this section in
34 cooperation with the operating agencies.

1 **Advisory Board of Plumbers**

2 NEW SECTION. **Sec. 5.** RCW 18.106.110 (Advisory board of plumbers)
3 and 2006 c 185 s 4, 1997 c 307 s 1, 1995 c 95 s 1, 1975-'76 2nd ex.s.
4 c 34 s 56, & 1973 1st ex.s. c 175 s 11 are each repealed.

5 **Sec. 6.** RCW 18.106.010 and 2006 c 185 s 1 are each amended to read
6 as follows:

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

9 (1) (~~("Advisory board" means the state advisory board of plumbers.~~
10 ~~(2))~~) "Contractor" means any person, corporate or otherwise, who
11 engages in, or offers or advertises to engage in, any work covered by
12 the provisions of this chapter by way of trade or business, or any
13 person, corporate or otherwise, who employs anyone, or offers or
14 advertises to employ anyone, to engage in any work covered by the
15 provisions of this chapter.

16 ((+3)) (2) "Department" means the department of labor and
17 industries.

18 ((+4)) (3) "Director" means the director of department of labor
19 and industries.

20 ((+5)) (4) "Journeyman plumber" means any person who has been
21 issued a certificate of competency by the department of labor and
22 industries as provided in this chapter.

23 ((+6)) (5) "Like-in-kind" means having similar characteristics
24 such as plumbing size, type, and function, and being in the same
25 location.

26 ((+7)) (6) "Medical gas piping" means oxygen, nitrous oxide, high
27 pressure nitrogen, medical compressed air, and medical vacuum systems.

28 ((+8)) (7) "Medical gas piping installer" means a journeyman
29 plumber who has been issued a medical gas piping installer endorsement.

30 ((+9)) (8) "Plumbing" means that craft involved in installing,
31 altering, repairing and renovating potable water systems, liquid waste
32 systems, and medical gas piping systems within a building.
33 Installation in a water system of water softening or water treatment
34 equipment is not within the meaning of plumbing as used in this
35 chapter.

36 ((+10)) (9) "Specialty plumber" means anyone who has been issued
37 a specialty certificate of competency limited to:

1 (a) Installation, maintenance, and repair of the plumbing of
2 single-family dwellings, duplexes, and apartment buildings that do not
3 exceed three stories;

4 (b) Maintenance and repair of backflow prevention assemblies; or

5 (c) A domestic water pumping system consisting of the installation,
6 maintenance, and repair of the pressurization, treatment, and
7 filtration components of a domestic water system consisting of: One or
8 more pumps; pressure, storage, and other tanks; filtration and
9 treatment equipment; if appropriate, a pitless adapter; along with
10 valves, transducers, and other plumbing components that:

11 (i) Are used to acquire, treat, store, or move water suitable for
12 either drinking or other domestic purposes, including irrigation, to:

13 (A) A single-family dwelling, duplex, or other similar place of
14 residence; (B) a public water system, as defined in RCW 70.119.020 and
15 as limited under RCW 70.119.040; or (C) a farm owned and operated by a
16 person whose primary residence is located within thirty miles of any
17 part of the farm;

18 (ii) Are located within the interior space, including but not
19 limited to an attic, basement, crawl space, or garage, of a residential
20 structure, which space is separated from the living area of the
21 residence by a lockable entrance and fixed walls, ceiling, or floor;

22 (iii) If located within the interior space of a residential
23 structure, are connected to a plumbing distribution system supplied and
24 installed into the interior space by either: (A) A person who,
25 pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary
26 permit or certificate of competency as a journeyman plumber, specialty
27 plumber, or trainee, as defined in this chapter; or (B) a person exempt
28 from the requirement to obtain a certified plumber to do such plumbing
29 work under RCW 18.106.150.

30 **Sec. 7.** RCW 18.106.040 and 2006 c 185 s 2 are each amended to read
31 as follows:

32 (1) Upon receipt of the application and evidence set forth in RCW
33 18.106.030, the director shall review the same and make a determination
34 as to whether the applicant is eligible to take an examination for the
35 certificate of competency. To be eligible to take the examination:

36 (a) Each applicant for a journeyman plumber's certificate of
37 competency shall furnish written evidence that he or she has completed

1 a course of study in the plumbing trade in the armed services of the
2 United States or at a school licensed by the workforce training and
3 education coordinating board, or has had four or more years of
4 experience under the direct supervision of a licensed journeyman
5 plumber.

6 (b) Each applicant for a specialty plumber's certificate of
7 competency under RCW 18.106.010(~~((+10+))~~) (9)(a) shall furnish written
8 evidence that he or she has completed a course of study in the plumbing
9 trade in the armed services of the United States or at a school
10 licensed by the workforce training and education coordinating board
11 under chapter 28C.10 RCW, or that he or she has had at least three
12 years practical experience in the specialty.

13 (c) Each applicant for a specialty plumber's certificate of
14 competency under RCW 18.106.010(~~((+10+))~~) (9) (b) or (c) shall furnish
15 written evidence that he or she is eligible to take the examination.
16 These eligibility requirements for the specialty plumbers defined by
17 RCW 18.106.010(~~((+10+))~~) (9)(c) shall be one year of practical experience
18 working on pumping systems not exceeding one hundred gallons per
19 minute, and two years of practical experience working on pumping
20 systems exceeding one hundred gallons per minute, or equivalent as
21 determined by rule by the department (~~((in consultation with the
22 advisory board))~~), and that experience may be obtained at the same time
23 the individual is meeting the experience required by RCW 19.28.191.
24 The eligibility requirements for other specialty plumbers shall be
25 established by rule by the director pursuant to subsection (2)(b) of
26 this section.

27 (2)(a) The director shall establish reasonable rules for the
28 examinations to be given applicants for certificates of competency.
29 (~~((In establishing the rules, the director shall consult with the state
30 advisory board of plumbers as established in RCW 18.106.110.))~~)

31 (b) The director shall establish reasonable criteria by rule for
32 determining an applicant's eligibility to take an examination for the
33 certificate of competency for specialty plumbers under subsection
34 (1)(c) of this section. (~~((In establishing the criteria, the director
35 shall consult with the state advisory board of plumbers as established
36 in RCW 18.106.110.))~~) These rules must take effect by December 31,
37 2006.

1 (3) Upon determination that the applicant is eligible to take the
2 examination, the director shall so notify the applicant, indicating the
3 time and place for taking the same.

4 (4) No other requirement for eligibility may be imposed.

5 **Sec. 8.** RCW 18.106.050 and 2006 c 185 s 3 are each amended to read
6 as follows:

7 (1) The department(~~(, with the advice of the advisory board,)~~)
8 shall prepare a written examination to be administered to applicants
9 for certificates of competency for journeyman plumber and specialty
10 plumber. The examination shall be constructed to determine:

11 (a) Whether the applicant possesses varied general knowledge of the
12 technical information and practical procedures that are identified with
13 the trade of journeyman plumber or specialty plumber; and

14 (b) Whether the applicant is familiar with the applicable plumbing
15 codes and the administrative rules of the department pertaining to
16 plumbing and plumbers.

17 (2) The department(~~(, with the consent of the advisory board,)~~) may
18 enter into a contract with a nationally recognized testing agency to
19 develop, administer, and score any examinations required by this
20 chapter. All applicants shall, before taking an examination, pay the
21 required examination fee. The department shall set the examination fee
22 by contract with a nationally recognized testing agency. The fee shall
23 cover but not exceed the costs of preparing and administering the
24 examination and the materials necessary to conduct the practical
25 elements of the examination. The department shall approve training
26 courses and set the fees for training courses for examinations provided
27 by this chapter.

28 (3) An examination to determine the competency of an applicant for
29 a domestic water pumping system specialty plumbing certificate as
30 defined by RCW 18.106.010(~~(+10+)~~) (9)(c) must be established by the
31 department (~~(in consultation with the advisory board by December 31,~~
32 ~~2006)~~). The department may include an examination for appropriate
33 electrical safety and technical requirements as required by RCW
34 19.28.191 with the examination required by this section. The
35 department(~~(, in consultation with the advisory board,)~~) may accept the
36 certification by a professional or trade association or other
37 acceptable entity as meeting the examination requirement of this

1 section. Individuals who can provide evidence to the department prior
2 to January 1, 2007, that they have been employed in the pump and
3 irrigation business as defined by RCW 18.106.010(~~(+10+)~~) (9)(c) for not
4 less than four thousand hours in the most recent four calendar years
5 shall be issued the appropriate certificate by the department upon
6 receiving such documentation and applicable fees. The department shall
7 establish a single document for those who have received both the
8 plumbing specialty certification defined by this subsection and have
9 also met the certification requirements for a pump and irrigation or
10 domestic pump specialty electrician, showing that the individual has
11 received both certifications.

12 (4) The department shall certify the results of the examinations
13 provided by this chapter, and shall notify the applicant in writing
14 whether he or she has passed or failed. Any applicant who has failed
15 the examination may retake the examination, upon the terms and after a
16 period of time that the director shall set by rule. The director may
17 not limit the number of times that a person may take the examination.

18 **Sec. 9.** RCW 18.106.070 and 2006 c 185 s 10 are each amended to
19 read as follows:

20 (1) The department shall issue a certificate of competency to all
21 applicants who have passed the examination and have paid the fee for
22 the certificate. The certificate shall bear the date of issuance, and
23 shall expire on the birthdate of the holder immediately following the
24 date of issuance. The certificate shall be renewable every other year,
25 upon application, on or before the birthdate of the holder, except for
26 specialty plumbers defined by RCW 18.106.010(~~(+10+)~~) (9)(c) who also
27 have an electrical certification issued jointly as provided by RCW
28 18.106.050(3) in which case their certificate shall be renewable every
29 three years on or before the birthdate of the holder. The department
30 shall renew a certificate of competency if the applicant: (a) Pays the
31 renewal fee assessed by the department; and (b) during the past two
32 years has completed sixteen hours of continuing education approved by
33 the department (~~(with the advice of the advisory board)~~), including
34 four hours related to electrical safety. For holders of the specialty
35 plumber certificate under RCW 18.106.010(~~(+10+)~~) (9)(c), the continuing
36 education may comprise both electrical and plumbing education with a
37 minimum of twelve of the required twenty-four hours of continuing

1 education in plumbing. If a person fails to renew the certificate by
2 the renewal date, he or she must pay a doubled fee. If the person does
3 not renew the certificate within ninety days of the renewal date, he or
4 she must retake the examination and pay the examination fee.

5 The journeyman plumber and specialty plumber certificates of
6 competency, the medical gas piping installer endorsement, and the
7 temporary permit provided for in this chapter grant the holder the
8 right to engage in the work of plumbing as a journeyman plumber,
9 specialty plumber, or medical gas piping installer, in accordance with
10 their provisions throughout the state and within any of its political
11 subdivisions on any job or any employment without additional proof of
12 competency or any other license or permit or fee to engage in the work.
13 This section does not preclude employees from adhering to a union
14 security clause in any employment where such a requirement exists.

15 (2) A person who is indentured in an apprenticeship program
16 approved under chapter 49.04 RCW for the plumbing construction trade or
17 who is learning the plumbing construction trade may work in the
18 plumbing construction trade if supervised by a certified journeyman
19 plumber or a certified specialty plumber in that plumber's specialty.
20 All apprentices and individuals learning the plumbing construction
21 trade shall obtain a plumbing training certificate from the department.
22 The certificate shall authorize the holder to learn the plumbing
23 construction trade while under the direct supervision of a journeyman
24 plumber or a specialty plumber working in his or her specialty. The
25 holder of the plumbing training certificate shall renew the certificate
26 annually. At the time of renewal, the holder shall provide the
27 department with an accurate list of the holder's employers in the
28 plumbing construction industry for the previous year and the number of
29 hours worked for each employer. An annual fee shall be charged for the
30 issuance or renewal of the certificate. The department shall set the
31 fee by rule. The fee shall cover but not exceed the cost of
32 administering and enforcing the trainee certification and supervision
33 requirements of this chapter. Apprentices and individuals learning the
34 plumbing construction trade shall have their plumbing training
35 certificates in their possession at all times that they are performing
36 plumbing work. They shall show their certificates to an authorized
37 representative of the department at the representative's request.

1 (3) Any person who has been issued a plumbing training certificate
2 under this chapter may work if that person is under supervision.
3 Supervision shall consist of a person being on the same job site and
4 under the control of either a journeyman plumber or an appropriate
5 specialty plumber who has an applicable certificate of competency
6 issued under this chapter. Either a journeyman plumber or an
7 appropriate specialty plumber shall be on the same job site as the
8 noncertified individual for a minimum of seventy-five percent of each
9 working day unless otherwise provided in this chapter. The ratio of
10 noncertified individuals to certified journeymen or specialty plumbers
11 working on a job site shall be: (a) Not more than two noncertified
12 plumbers working on any one job site for every certified specialty
13 plumber or journeyman plumber working as a specialty plumber; and (b)
14 not more than one noncertified plumber working on any one job site for
15 every certified journeyman plumber working as a journeyman plumber.

16 An individual who has a current training certificate and who has
17 successfully completed or is currently enrolled in an approved
18 apprenticeship program or in a technical school program in the plumbing
19 construction trade in a school approved by the workforce training and
20 education coordinating board, may work without direct on-site
21 supervision during the last six months of meeting the practical
22 experience requirements of this chapter.

23 (4) An individual who has a current training certificate and who
24 has successfully completed or is currently enrolled in a medical gas
25 piping installer training course approved by the department may work on
26 medical gas piping systems if the individual is under the direct
27 supervision of a certified medical gas piping installer who holds a
28 medical gas piping installer endorsement one hundred percent of a
29 working day on a one-to-one ratio.

30 (5) The training to become a certified plumber must include not
31 less than sixteen hours of classroom training established by the
32 director (~~with the advice of the advisory board~~). The classroom
33 training must include, but not be limited to, electrical wiring safety,
34 grounding, bonding, and other related items plumbers need to know to
35 work under RCW 19.28.091.

36 (6) All persons who are certified plumbers before January 1, 2003,
37 are deemed to have received the classroom training required in
38 subsection (5) of this section.

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

2 **Sec. 10.** RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to
3 read as follows:

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

14 **Sec. 11.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read
15 as follows:

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

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

35 The arts commission; the human rights commission; the board of
36 accountancy; the board of pharmacy; the eastern Washington historical
37 society; the Washington state historical society; the recreation and

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

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

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

20 **Sec. 12.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to
21 read as follows:

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

29 **Sec. 13.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to
30 read as follows:

31 The commission is empowered to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **Sec. 14.** RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended
22 to read as follows:

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

34 **Airport Impact Mitigation Advisory Board**

1 **Sec. 15.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each
2 amended to read as follows:

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

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

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

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

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

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

11 **Athletic Training Advisory Committee**

12 NEW SECTION. **Sec. 16.** RCW 18.250.030 (Athletic training advisory
13 committee) and 2007 c 253 s 4 are each repealed.

14 **Sec. 17.** RCW 18.250.010 and 2007 c 253 s 2 are each amended to
15 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (v) Any medical diagnosis; and

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

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

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

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

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

8 **Sec. 18.** RCW 18.250.020 and 2007 c 253 s 3 are each amended to
9 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **Sec. 19.** RCW 18.250.060 and 2007 c 253 s 7 are each amended to
10 read as follows:

11 An applicant for an athletic trainer license must:

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

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

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

20 **Basic Health Advisory Committee**

21 **Sec. 20.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to
22 read as follows:

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

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

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

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

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

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

30 **Breast and Cervical Cancer Medical Advisory Committee**

31 **Sec. 21.** RCW 43.70.665 and 2006 c 55 s 1 are each amended to read
32 as follows:

33
34 (1) The legislature finds that Washington state has the highest
35 incidence of breast cancer in the nation. Despite this, mortality

1 rates from breast cancer have declined due largely to early screening
2 and detection. Invasive cervical cancer is the most preventable type
3 of cancer. The Pap test, used to detect early signs of this disease,
4 has been called "medicine's most successful screening test." Applied
5 consistently, invasive cervical cancer could nearly be eliminated. The
6 legislature further finds that increasing access to breast and cervical
7 cancer screening is critical to reducing incidence and mortality rates,
8 and eliminating the disparities of this disease in women in Washington
9 state. Furthermore, the legislature finds there is a need for a
10 permanent program providing early detection and screening to the women
11 and families of Washington state.

12 It is the intent of the legislature to establish an early detection
13 breast and cervical cancer screening program as a voluntary screening
14 program directed at reducing mortalities through early detection to be
15 offered to eligible women only as funds are available.

16 (2) As used in this section:

17 (a) "Eligible woman" means a woman who is age forty to sixty-four,
18 and whose income is at or below two hundred fifty percent of the
19 federal poverty level, as published annually by the federal department
20 of health and human services. Priority enrollment shall be given to
21 women as defined by the federal national breast and cervical cancer
22 early detection program, under P.L. 101-354.

23 (b) "Approved providers" means those state-supported health
24 providers, radiology facilities, and cytological laboratories that are
25 recognized by the department as meeting the minimum program policies
26 and procedures adopted by the department to qualify under the federal
27 national breast and cervical cancer early detection program, and are
28 designated as eligible for funding by the department.

29 (c) "Comprehensive" means a screening program that focuses on
30 breast and cervical cancer screening as a preventive health measure,
31 and includes diagnostic and case management services.

32 (3) The department of health is authorized to administer a state-
33 supported early detection breast and cervical cancer screening program
34 to assist eligible women with preventive health services. To the
35 extent of available funding, eligible women may be enrolled in the
36 early detection breast and cervical cancer screening program and
37 additional eligible women may be enrolled to the extent that grants and

1 contributions from community sources provide sufficient funds for
2 expanding the program.

3 (4) Funds appropriated for the state program shall be used only to
4 operate early detection breast and cervical cancer screening programs
5 that have been approved by the department, or to increase access to
6 existing state-approved programs, and shall not supplant federally
7 supported breast and cervical cancer early detection programs.

8 (5) Enrollment in the early detection breast and cervical cancer
9 screening program shall not result in expenditures that exceed the
10 amount that has been appropriated for the program in the operating
11 budget. If it appears that continued enrollment will result in
12 expenditures exceeding the appropriated level for a particular fiscal
13 year, the department may freeze new enrollment in the program. Nothing
14 in this section prevents the department from continuing enrollment in
15 the program if there are adequate private or public funds in addition
16 to those appropriated in the biennial budget to support the cost of
17 such enrollment.

18 ~~((6) The department shall establish a medical advisory committee
19 composed of interested medical professionals and consumer liaisons with
20 expertise in a variety of areas relevant to breast and cervical health
21 to provide expert medical advice and guidance. The medical advisory
22 committee shall address national, state, and local concerns regarding
23 best practices in the field of early prevention and detection for
24 breast and cervical cancer and assist the early detection breast and
25 cervical cancer screening program in implementing program policy that
26 follows the best practices of high quality health care for clinical,
27 diagnostic, pathologic, radiological, and oncology services.))~~

28 **Capital Projects Advisory Review Board and Project Review Committee**

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

31 (1) RCW 39.10.220 (Board--Membership--Vacancies) and 2007 c 494 s
32 102 & 2005 c 377 s 1;

33 (2) RCW 39.10.240 (Project review committee--Creation--Members) and
34 2007 c 494 s 104; and

1 (3) RCW 39.10.260 (Project review committee--Meetings--Open and
2 public) and 2007 c 494 s 106.

3 **Sec. 23.** RCW 39.10.210 and 2007 c 494 s 101 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Alternative public works contracting procedure" means the
8 design-build, general contractor/construction manager, and job order
9 contracting procedures authorized in RCW 39.10.300, 39.10.340, and
10 39.10.420, respectively.

11 ~~((2)) ("Board" means the capital projects advisory review board.~~

12 ~~((3)) "Committee" means the project review committee.~~

13 ~~((4))~~ "Department" means the department of general administration.

14 (3) "Design-build procedure" means a contract between a public body
15 and another party in which the party agrees to both design and build
16 the facility, portion of the facility, or other item specified in the
17 contract.

18 ~~((5))~~ (4) "Total contract cost" means the fixed amount for the
19 detailed specified general conditions work, the negotiated maximum
20 allowable construction cost, and the percent fee on the negotiated
21 maximum allowable construction cost.

22 ~~((6))~~ (5) "General contractor/construction manager" means a firm
23 with which a public body has selected and negotiated a maximum
24 allowable construction cost to provide services during the design phase
25 and to act as construction manager and general contractor during the
26 construction phase.

27 ~~((7))~~ (6) "Job order contract" means a contract in which the
28 contractor agrees to a fixed period, indefinite quantity delivery order
29 contract which provides for the use of negotiated, definitive work
30 orders for public works as defined in RCW 39.04.010.

31 ~~((8))~~ (7) "Job order contractor" means a registered or licensed
32 contractor awarded a job order contract.

33 ~~((9))~~ (8) "Maximum allowable construction cost" means the maximum
34 cost of the work to construct the project including a percentage for
35 risk contingency, negotiated support services, and approved change
36 orders.

1 ((+10)) (9) "Negotiated support services" means items a general
2 contractor would normally manage or perform on a construction project
3 including, but not limited to surveying, hoisting, safety enforcement,
4 provision of toilet facilities, temporary heat, cleanup, and trash
5 removal.

6 ((+11)) (10) "Percent fee" means the percentage amount to be
7 earned by the general contractor/construction manager as overhead and
8 profit.

9 ((+12)) (11) "Public body" means any general or special purpose
10 government, including but not limited to state agencies, institutions
11 of higher education, counties, cities, towns, ports, school districts,
12 and special purpose districts.

13 ((+13)) (12) "Certified public body" means a public body certified
14 to use design-build or general contractor/construction manager
15 contracting procedures, or both, under RCW 39.10.270.

16 ((+14)) (13) "Public works project" means any work for a public
17 body within the definition of "public work" in RCW 39.04.010.

18 ((+15)) (14) "Total project cost" means the cost of the project
19 less financing and land acquisition costs.

20 ((+16)) (15) "Unit price book" means a book containing specific
21 prices, based on generally accepted industry standards and information,
22 where available, for various items of work to be performed by the job
23 order contractor. The prices may include: All the costs of materials;
24 labor; equipment; overhead, including bonding costs; and profit for
25 performing the items of work. The unit prices for labor must be at the
26 rates in effect at the time the individual work order is issued.

27 ((+17)) (16) "Work order" means an order issued for a definite
28 scope of work to be performed pursuant to a job order contract.

29 **Sec. 24.** RCW 39.10.230 and 2007 c 494 s 103 are each amended to
30 read as follows:

31 The ~~((board has the following powers and duties))~~ department shall:

- 32 (1) Develop and recommend to the legislature policies to further
33 enhance the quality, efficiency, and accountability of capital
34 construction projects through the use of traditional and alternative
35 delivery methods in Washington, and make recommendations regarding
36 expansion, continuation, elimination, or modification of the
37 alternative public works contracting methods;

1 (2) Evaluate the use of existing contracting procedures and
2 potential future use of other alternative contracting procedures
3 including competitive negotiation contracts; and

4 (~~(3) ((Appoint members of the committee; and~~
5 ~~(4))~~) Develop and administer questionnaires designed to provide
6 quantitative and qualitative data on alternative public works
7 contracting procedures on which evaluations are based.

8 **Sec. 25.** RCW 39.10.250 and 2007 c 494 s 105 are each amended to
9 read as follows:

10 The (~~(committee))~~ department shall:

11 (1) Certify, or recertify, public bodies for a period of three
12 years to use the design-build or general contractor/construction
13 manager, or both, contracting procedures for projects with a total
14 project cost of ten million dollars or more;

15 (2) Review and approve the use of the design-build or general
16 contractor/construction manager contracting procedures on a project by
17 project basis for public bodies that are not certified under RCW
18 39.10.270; and

19 (3) Review and approve the use of the general
20 contractor/construction manager contracting procedure by certified
21 public bodies for projects with a total project cost under ten million
22 dollars.

23 **Sec. 26.** RCW 39.10.270 and 2007 c 494 s 107 are each amended to
24 read as follows:

25 (1) A public body may apply for certification to use the design-
26 build or general contractor/construction manager contracting procedure,
27 or both. Once certified, a public body may use the contracting
28 procedure for which it is certified on individual projects with a total
29 project cost over ten million dollars without seeking (~~(committee))~~
30 department approval. The certification period is three years. A
31 public body seeking certification must submit to the (~~(committee))~~
32 department an application in a format and manner as prescribed by the
33 (~~(committee))~~ department. The application must include a description
34 of the public body's qualifications, its capital plan during the
35 certification period, and its intended use of alternative contracting
36 procedures.

1 (2) To certify a public body, the ~~((committee))~~ department shall
2 determine that the public body:

3 (a) Has the necessary experience and qualifications to determine
4 which projects are appropriate for using alternative contracting
5 procedures;

6 (b) Has the necessary experience and qualifications to carry out
7 the alternative contracting procedure including, but not limited to:
8 (i) Project delivery knowledge and experience; (ii) personnel with
9 appropriate construction experience; (iii) a management plan and
10 rationale for its alternative public works projects; (iv) demonstrated
11 success in managing public works projects; (v) demonstrated success in
12 managing at least one general contractor/construction manager or
13 design-build project within the previous five years; (vi) the ability
14 to properly manage its capital facilities plan including, but not
15 limited to, appropriate project planning and budgeting experience; and
16 (vii) the ability to meet requirements of this chapter; and

17 (c) Has resolved any audit findings on previous public works
18 projects in a manner satisfactory to the ~~((committee))~~ department.

19 (3) ~~((The committee shall, if practicable, make its determination
20 at the public meeting during which an application for certification is
21 reviewed.))~~ Public comments must be considered before a determination
22 is made. Within ten business days of the public meeting, the
23 ~~((committee))~~ department shall provide a written determination to the
24 public body, and make its determination available to the public on the
25 ~~((committee's))~~ department's web site.

26 (4) The ~~((committee))~~ department may revoke any public body's
27 certification upon a finding, after a public hearing, that its use of
28 design-build or general contractor/construction manager contracting
29 procedures no longer serves the public interest.

30 (5) The ~~((committee))~~ department may renew the certification of a
31 public body for one additional three-year period. The public body must
32 submit an application for recertification at least three months before
33 the initial certification expires. The application shall include
34 updated information on the public body's capital plan for the next
35 three years, its intended use of the procedures, and any other
36 information requested by the ~~((committee))~~ department. The
37 ~~((committee))~~ department must review the application for
38 recertification ~~((at a meeting held))~~ before expiration of the

1 applicant's initial certification period. A public body must reapply
2 for certification under the process described in subsection (1) of this
3 section once the period of recertification expires.

4 (6) Certified public bodies must submit project data information as
5 required in RCW 39.10.320 and 39.10.350.

6 **Sec. 27.** RCW 39.10.280 and 2007 c 494 s 108 are each amended to
7 read as follows:

8 (1) A public body not certified under RCW 39.10.270 must apply for
9 approval from the ((committee)) department to use the design-build or
10 general contractor/construction manager contracting procedure on a
11 project. A public body seeking approval must submit to the
12 ((committee)) department an application in a format and manner as
13 prescribed by the ((committee)) department. The application must
14 include a description of the public body's qualifications, a
15 description of the project, and its intended use of alternative
16 contracting procedures.

17 (2) To approve a proposed project, the ((committee)) department
18 shall determine that:

19 (a) The alternative contracting procedure will provide a
20 substantial fiscal benefit or the use of the traditional method of
21 awarding contracts in lump sum to the low responsive bidder is not
22 practical for meeting desired quality standards or delivery schedules;

23 (b) The proposed project meets the requirements for using the
24 alternative contracting procedure as described in RCW 39.10.300 or
25 39.10.340;

26 (c) The public body has the necessary experience or qualified team
27 to carry out the alternative contracting procedure including, but not
28 limited to: (i) Project delivery knowledge and experience; (ii)
29 sufficient personnel with construction experience to administer the
30 contract; (iii) a written management plan that shows clear and logical
31 lines of authority; (iv) the necessary and appropriate funding and time
32 to properly manage the job and complete the project; (v) continuity of
33 project management team, including personnel with experience managing
34 projects of similar scope and size to the project being proposed; and
35 (vi) necessary and appropriate construction budget;

36 (d) For design-build projects, construction personnel independent

1 of the design-build team are knowledgeable in the design-build process
2 and are able to oversee and administer the contract; and

3 (e) The public body has resolved any audit findings related to
4 previous public works projects in a manner satisfactory to the
5 ((committee)) department.

6 (3) ~~((The committee shall, if practicable, make its determination
7 at the public meeting during which a submittal is reviewed.))~~ Public
8 comments must be considered before a determination is made.

9 (4) ~~((Within ten business days after the public meeting, the
10 committee))~~ The department shall provide a written determination to the
11 public body, and make its determination available to the public on the
12 ~~((committee's))~~ department's web site. ~~((If the committee fails to
13 make a written determination within ten business days of the public
14 meeting, the request of the public body to use the alternative
15 contracting procedure on the requested project shall be deemed
16 approved.))~~

17 (5) The requirements of subsection (1) of this section also apply
18 to certified public bodies seeking to use the general
19 contractor/construction manager contracting procedure on projects with
20 a total project cost of less than ten million dollars.

21 (6) Failure of the ((committee)) department to meet within sixty
22 calendar days of a public body's application to use an alternative
23 contracting procedure on a project shall be deemed an approval of the
24 application.

25 **Sec. 28.** RCW 39.10.290 and 2007 c 494 s 109 are each amended to
26 read as follows:

27 Final determinations by the ((committee)) department may be
28 appealed ~~((to the board))~~ within seven days by the public body or by an
29 interested party. A written notice of an appeal must be provided to
30 the ((committee)) department and, as applicable, to the public body.
31 ~~((The board shall resolve an appeal))~~ Appeals are under the
32 administrative procedures act and must be resolved within forty-five
33 days of receipt of the appeal and ~~((shall send))~~ a written
34 determination of its decision must be sent to the party making the
35 appeal and to the appropriate public body, as applicable. ~~((The public
36 body shall comply with the determination of the board.))~~

1 **Sec. 29.** RCW 39.10.320 and 2007 c 494 s 203 are each amended to
2 read as follows:

3 (1) A public body utilizing the design-build contracting procedure
4 shall provide for:

5 (a) Reasonable budget contingencies totaling not less than five
6 percent of the anticipated contract value;

7 (b) Employment of staff or consultants with expertise and prior
8 experience in the management of comparable projects;

9 (c) Contract documents that include alternative dispute resolution
10 procedures to be attempted prior to the initiation of litigation;

11 (d) Submission of project information, as required by the ((~~board~~))
12 department; and

13 (e) Contract documents that require the contractor, subcontractors,
14 and designers to submit project information required by the ((~~board~~))
15 department.

16 (2) A public body utilizing the design-build contracting procedure
17 may provide incentive payments to contractors for early completion,
18 cost savings, or other goals if such payments are identified in the
19 request for proposals.

20 **Sec. 30.** RCW 39.10.350 and 2007 c 494 s 302 are each amended to
21 read as follows:

22 (1) A public body using the general contractor/construction manager
23 contracting procedure shall provide for:

24 (a) The preparation of appropriate, complete, and coordinated
25 design documents;

26 (b) Confirmation that a constructability analysis of the design
27 documents has been performed prior to solicitation of a subcontract bid
28 package;

29 (c) Reasonable budget contingencies totaling not less than five
30 percent of the anticipated contract value;

31 (d) To the extent appropriate, on-site architectural or engineering
32 representatives during major construction or installation phases;

33 (e) Employment of staff or consultants with expertise and prior
34 experience in the management of comparable projects, critical path
35 method schedule review and analysis, and the administration, pricing,
36 and negotiation of change orders;

1 (f) Contract documents that include alternative dispute resolution
2 procedures to be attempted before the initiation of litigation;

3 (g) Contract documents that: (i) Obligate the public owner to
4 accept or reject a request for equitable adjustment, change order, or
5 claim within a specified time period but no later than sixty calendar
6 days after the receipt by the public body of related documentation; and
7 (ii) provide that if the public owner does not respond in writing to a
8 request for equitable adjustment, change order, or claim within the
9 specified time period, the request is deemed denied;

10 (h) Submission of project information, as required by the (~~board~~)
11 department; and

12 (i) Contract documents that require the contractor, subcontractors,
13 and designers to submit project information required by the (~~board~~)
14 department.

15 (2) A public body using the general contractor/construction manager
16 contracting procedure may include an incentive clause for early
17 completion, cost savings, or other performance goals if such incentives
18 are identified in the request for proposals. No incentives granted may
19 exceed five percent of the maximum allowable construction cost. No
20 incentives may be paid from any contingency fund established for
21 coordination of the construction documents or coordination of the work.

22 (3) If the construction is completed for less than the maximum
23 allowable construction cost, any savings not otherwise negotiated as
24 part of an incentive clause shall accrue to the public body. If the
25 construction is completed for more than the maximum allowable
26 construction cost, the additional cost is the responsibility of the
27 general contractor/construction manager.

28 (4) If the public body and the general contractor/construction
29 manager agree, in writing, on a price for additional work, the public
30 body must issue a change order within thirty days of the written
31 agreement. If the public body does not issue a change order within the
32 thirty days, interest shall accrue on the dollar amount of the
33 additional work satisfactorily completed until a change order is
34 issued. The public body shall pay this interest at a rate of one
35 percent per month.

36 **Sec. 31.** RCW 39.10.430 and 2007 c 494 s 402 are each amended to
37 read as follows:

1 (1) Job order contracts shall be awarded through a competitive
2 process using public requests for proposals.

3 (2) The public body shall make an effort to solicit proposals from
4 certified minority or certified woman-owned contractors to the extent
5 permitted by the Washington state civil rights act, RCW 49.60.400.

6 (3) The public body shall publish, at least once in a statewide
7 publication and legal newspaper of general circulation published in
8 every county in which the public works project is anticipated, a
9 request for proposals for job order contracts and the availability and
10 location of the request for proposal documents. The public body shall
11 ensure that the request for proposal documents at a minimum includes:

12 (a) A detailed description of the scope of the job order contract
13 including performance, technical requirements and specifications,
14 functional and operational elements, minimum and maximum work order
15 amounts, duration of the contract, and options to extend the job order
16 contract;

17 (b) The reasons for using job order contracts;

18 (c) A description of the qualifications required of the proposer;

19 (d) The identity of the specific unit price book to be used;

20 (e) The minimum contracted amount committed to the selected job
21 order contractor;

22 (f) A description of the process the public body will use to
23 evaluate qualifications and proposals, including evaluation factors and
24 the relative weight of factors. The public body shall ensure that
25 evaluation factors include, but are not limited to, proposal price and
26 the ability of the proposer to perform the job order contract. In
27 evaluating the ability of the proposer to perform the job order
28 contract, the public body may consider: The ability of the
29 professional personnel who will work on the job order contract; past
30 performance on similar contracts; ability to meet time and budget
31 requirements; ability to provide a performance and payment bond for the
32 job order contract; recent, current, and projected workloads of the
33 proposer; location; and the concept of the proposal;

34 (g) The form of the contract to be awarded;

35 (h) The method for pricing renewals of or extensions to the job
36 order contract;

37 (i) A notice that the proposals are subject to RCW 39.10.470; and

38 (j) Other information relevant to the project.

1 (4) A public body shall establish a committee to evaluate the
2 proposals. After the committee has selected the most qualified
3 finalists, the finalists shall submit final proposals, including sealed
4 bids based upon the identified unit price book. Such bids may be in
5 the form of coefficient markups from listed price book costs. The
6 public body shall award the contract to the firm submitting the highest
7 scored final proposal using the evaluation factors and the relative
8 weight of factors published in the public request for proposals and
9 will notify the ((~~board~~)) department of the award of the contract.

10 (5) The public body shall provide a protest period of at least ten
11 business days following the day of the announcement of the apparent
12 successful proposal to allow a protester to file a detailed statement
13 of the grounds of the protest. The public body shall promptly make a
14 determination on the merits of the protest and provide to all proposers
15 a written decision of denial or acceptance of the protest. The public
16 body shall not execute the contract until two business days following
17 the public body's decision on the protest.

18 (6) The requirements of RCW 39.30.060 do not apply to requests for
19 proposals for job order contracts.

20 **Sec. 32.** RCW 39.10.460 and 2007 c 494 s 405 are each amended to
21 read as follows:

22 A public body shall provide to the ((~~board~~)) department the
23 following information for each job order contract at the end of each
24 contract year:

- 25 (1) A list of work orders issued;
- 26 (2) The cost of each work order;
- 27 (3) A list of subcontractors hired under each work order;
- 28 (4) If requested by the ((~~board~~)) department, a copy of the intent
29 to pay prevailing wage and the affidavit of wages paid for each work
30 order subcontract; and
- 31 (5) Any other information requested by the ((~~board~~)) department.

32 **Sec. 33.** RCW 43.131.408 and 2007 c 494 s 507 are each amended to
33 read as follows:

34 The following acts or parts of acts, as now existing or hereafter
35 amended, are each repealed, effective June 30, 2014:

- 36 (1) RCW 39.10.200 and 2007 c 494 § 1 & 1994 c 132 § 1;

1 (2) RCW 39.10.210 and section 23 of this act, 2007 c 494 § 101, &
2 2005 c 469 § 3;
3 (~~(1)~~) (~~RCW 39.10.220 and 2007 c 494 § 102 & 2005 c 377 § 1;~~
4 ~~(4)~~) RCW 39.10.230 and section 24 of this act, 2007 c 494 § 103,
5 & 2005 c 377 § 2;
6 (~~(5)~~ ~~RCW 39.10.240 and 2007 c 494 § 104;~~
7 ~~(6)~~) (4) RCW 39.10.250 and section 25 of this act & 2007 c 494 §
8 105;
9 (~~(7)~~ ~~RCW 39.10.260 and 2007 c 494 § 106;~~
10 ~~(8)~~) (5) RCW 39.10.270 and section 26 of this act & 2007 c 494 §
11 107;
12 (~~(9)~~) (6) RCW 39.10.280 and section 27 of this act & 2007 c 494
13 § 108;
14 (~~(10)~~) (7) RCW 39.10.290 and section 28 of this act & 2007 c 494
15 § 109;
16 (~~(11)~~) (8) RCW 39.10.300 and 2007 c 494 § 201, 2003 c 352 § 2,
17 2003 c 300 § 4, 2002 c 46 § 1, & 2001 c 328 § 2;
18 (~~(12)~~) (9) RCW 39.10.310 and 2007 c 494 § 202 & 1994 c 132 § 8;
19 (~~(13)~~) (10) RCW 39.10.320 and section 29 of this act, 2007 c 494
20 § 203, & 1994 c 132 § 7;
21 (~~(14)~~) (11) RCW 39.10.330 and 2007 c 494 § 204;
22 (~~(15)~~) (12) RCW 39.10.340 and 2007 c 494 § 301, 2003 c 352 § 3,
23 2003 c 300 § 5, 2002 c 46 § 2, & 2001 c 328 § 3;
24 (~~(16)~~) (13) RCW 39.10.350 and section 30 of this act & 2007 c 494
25 § 302;
26 (~~(17)~~) (14) RCW 39.10.360 and 2007 c 494 § 303;
27 (~~(18)~~) (15) RCW 39.10.370 and 2007 c 494 § 304;
28 (~~(19)~~) (16) RCW 39.10.380 and 2007 c 494 § 305;
29 (~~(20)~~) (17) RCW 39.10.390 and 2007 c 494 § 306;
30 (~~(21)~~) (18) RCW 39.10.400 and 2007 c 494 § 307;
31 (~~(22)~~) (19) RCW 39.10.410 and 2007 c 494 § 308;
32 (~~(23)~~) (20) RCW 39.10.420 and 2007 c 494 § 401 & 2003 c 301 § 1;
33 (~~(24)~~) (21) RCW 39.10.430 and section 31 of this act & 2007 c 494
34 § 402;
35 (~~(25)~~) (22) RCW 39.10.440 and 2007 c 494 § 403;
36 (~~(26)~~) (23) RCW 39.10.450 and 2007 c 494 § 404;
37 (~~(27)~~) (24) RCW 39.10.460 and section 32 of this act & 2007 c 494
38 § 405;

1 (~~(+28+)~~) (25) RCW 39.10.470 and 2005 c 274 § 275 & 1994 c 132 § 10;
2 (~~(+29+)~~) (26) RCW 39.10.480 and 1994 c 132 § 9;
3 (~~(+30+)~~) (27) RCW 39.10.490 and 2007 c 494 § 501 & 2001 c 328 § 5;
4 (~~(+31+)~~) (28) RCW 39.10.500 and 2007 c 494 § 502;
5 (~~(+32+)~~) (29) RCW 39.10.510 and 2007 c 494 § 503;
6 (~~(+33+)~~) (30) RCW 39.10.900 and 1994 c 132 § 13;
7 (~~(+34+)~~) (31) RCW 39.10.901 and 1994 c 132 § 14; and
8 (~~(+35+)~~) (32) RCW 39.10.903 and 2007 c 494 § 510.

9 **Sec. 34.** RCW 39.04.350 and 2007 c 133 s 2 are each amended to read
10 as follows:

11 (1) Before award of a public works contract, a bidder must meet the
12 following responsibility criteria to be considered a responsible bidder
13 and qualified to be awarded a public works project. The bidder must:

14 (a) At the time of bid submittal, have a certificate of
15 registration in compliance with chapter 18.27 RCW;

16 (b) Have a current state unified business identifier number;

17 (c) If applicable, have industrial insurance coverage for the
18 bidder's employees working in Washington as required in Title 51 RCW;
19 an employment security department number as required in Title 50 RCW;
20 and a state excise tax registration number as required in Title 82 RCW;
21 and

22 (d) Not be disqualified from bidding on any public works contract
23 under RCW 39.06.010 or 39.12.065(3).

24 (2) In addition to the bidder responsibility criteria in subsection
25 (1) of this section, the state or municipality may adopt relevant
26 supplemental criteria for determining bidder responsibility applicable
27 to a particular project which the bidder must meet.

28 (a) Supplemental criteria for determining bidder responsibility,
29 including the basis for evaluation and the deadline for appealing a
30 determination that a bidder is not responsible, must be provided in the
31 invitation to bid or bidding documents.

32 (b) In a timely manner before the bid submittal deadline, a
33 potential bidder may request that the state or municipality modify the
34 supplemental criteria. The state or municipality must evaluate the
35 information submitted by the potential bidder and respond before the
36 bid submittal deadline. If the evaluation results in a change of the

1 criteria, the state or municipality must issue an addendum to the
2 bidding documents identifying the new criteria.

3 (c) If the bidder fails to supply information requested concerning
4 responsibility within the time and manner specified in the bid
5 documents, the state or municipality may base its determination of
6 responsibility upon any available information related to the
7 supplemental criteria or may find the bidder not responsible.

8 (d) If the state or municipality determines a bidder to be not
9 responsible, the state or municipality must provide, in writing, the
10 reasons for the determination. The bidder may appeal the determination
11 within the time period specified in the bidding documents by presenting
12 additional information to the state or municipality. The state or
13 municipality must consider the additional information before issuing
14 its final determination. If the final determination affirms that the
15 bidder is not responsible, the state or municipality may not execute a
16 contract with any other bidder until two business days after the bidder
17 determined to be not responsible has received the final determination.

18 (3) The (~~capital projects advisory review board created in RCW~~
19 ~~39.10.800~~) department of general administration shall develop
20 suggested guidelines to assist the state and municipalities in
21 developing supplemental bidder responsibility criteria. The guidelines
22 must be posted on the board's web site.

23 **Capitol Campus Design Advisory Committee**

24 NEW SECTION. **Sec. 35.** RCW 43.34.080 (Capitol campus design
25 advisory committee--Generally) and 1990 c 93 s 1 are each repealed.

26 **Chemical Dependency Certification Advisory Committee**

27 NEW SECTION. **Sec. 36.** RCW 18.205.080 (Chemical dependency
28 certification advisory committee--Composition--Terms) and 1998 c 243 s
29 8 are each repealed.

30 **Sec. 37.** RCW 18.205.020 and 2008 c 135 s 15 are each amended to
31 read as follows:

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

3 (1) "Certification" means a voluntary process recognizing an
4 individual who qualifies by examination and meets established
5 educational prerequisites, and which protects the title of practice.

6 (2) "Certified chemical dependency professional" means an
7 individual certified in chemical dependency counseling, under this
8 chapter.

9 (3) "Certified chemical dependency professional trainee" means an
10 individual working toward the education and experience requirements for
11 certification as a chemical dependency professional.

12 (4) "Chemical dependency counseling" means employing the core
13 competencies of chemical dependency counseling to assist or attempt to
14 assist an alcohol or drug addicted person to develop and maintain
15 abstinence from alcohol and other mood-altering drugs.

16 (5) (~~"Committee" means the chemical dependency certification~~
17 ~~advisory committee established under this chapter.~~

18 ~~(6)~~) "Core competencies of chemical dependency counseling" means
19 competency in the nationally recognized knowledge, skills, and
20 attitudes of professional practice, including assessment and diagnosis
21 of chemical dependency, chemical dependency treatment planning and
22 referral, patient and family education in the disease of chemical
23 dependency, individual and group counseling with alcoholic and drug
24 addicted individuals, relapse prevention counseling, and case
25 management, all oriented to assist alcoholic and drug addicted patients
26 to achieve and maintain abstinence from mood-altering substances and
27 develop independent support systems.

28 ~~((7))~~ (6) "Department" means the department of health.

29 ~~((8))~~ (7) "Health profession" means a profession providing health
30 services regulated under the laws of this state.

31 ~~((9))~~ (8) "Secretary" means the secretary of health or the
32 secretary's designee.

33 **Sec. 38.** RCW 18.205.060 and 1998 c 243 s 6 are each amended to
34 read as follows:

35 In addition to any other authority provided by law, the secretary
36 has the authority to:

- 1 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
2 chapter(~~(, in consultation with the committee)~~);
- 3 (2) Establish all certification, examination, and renewal fees in
4 accordance with RCW 43.70.250;
- 5 (3) Establish forms and procedures necessary to administer this
6 chapter;
- 7 (4) Issue certificates to applicants who have met the education,
8 training, and examination requirements for certification and to deny
9 certification to applicants who do not meet the minimum qualifications,
10 except that proceedings concerning the denial of certification based
11 upon unprofessional conduct or impairment shall be governed by the
12 uniform disciplinary act, chapter 18.130 RCW;
- 13 (5) Hire clerical, administrative, investigative, and other staff
14 as needed to implement this chapter, and hire individuals certified
15 under this chapter to serve as examiners for any practical
16 examinations;
- 17 (6) Determine minimum education requirements and evaluate and
18 designate those educational programs that will be accepted as proof of
19 eligibility to take a qualifying examination for applicants for
20 certification;
- 21 (7) Prepare, grade, and administer, or determine the nature of, and
22 supervise the grading and administration of, examinations for
23 applicants for certification;
- 24 (8) Determine whether alternative methods of training are
25 equivalent to formal education, and establish forms, procedures, and
26 criteria for evaluation of an applicant's alternative training to
27 determine the applicant's eligibility to take any qualifying
28 examination;
- 29 (9) Determine which states have credentialing requirements
30 equivalent to those of this state, and issue certificates to
31 individuals credentialed in those states without examinations;
- 32 (10) Define and approve any experience requirement for
33 certification;
- 34 (11) Implement and administer a program for consumer education;
- 35 (12) Adopt rules implementing a continuing competency program;
- 36 (13) Maintain the official department record of all applicants and
37 certificated individuals;

1 (14) Establish by rule the procedures for an appeal of an
2 examination failure; and

3 (15) Establish disclosure requirements.

4 **Children of Incarcerated Parents Advisory Committee**

5 NEW SECTION. **Sec. 39.** RCW 43.63A.068 (Advisory committee on
6 policies and programs for children and families with incarcerated
7 parents--Funding for programs and services) and 2007 c 384 s 6 are each
8 repealed.

9 **Sec. 40.** RCW 28A.300.520 and 2007 c 384 s 5 are each amended to
10 read as follows:

11 (1) The superintendent of public instruction shall review current
12 policies and assess the adequacy and availability of programs targeted
13 at children who have a parent who is incarcerated in a department of
14 corrections facility. The superintendent of public instruction shall
15 adopt policies that support the children of incarcerated parents and
16 meet their needs with the goal of facilitating normal child
17 development, including maintaining adequate academic progress, while
18 reducing intergenerational incarceration.

19 ~~((The superintendent shall conduct the following activities))~~
20 To assist in implementing the requirements of subsection (1) of this
21 section((+

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

25 ~~(b) Participate in the children of incarcerated parents advisory~~
26 ~~committee and report information obtained under this section to the~~
27 ~~advisory committee)).~~

28 **Sec. 41.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
29 read as follows:

30 (1)(a) The director of the department of early learning shall
31 review current department policies and assess the adequacy and
32 availability of programs targeted at persons who receive assistance who
33 are the children and families of a person who is incarcerated in a

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

4 (b) The director shall adopt policies that support the children of
5 incarcerated parents and meet their needs with the goal of facilitating
6 normal child development, while reducing intergenerational
7 incarceration.

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

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

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

17 **Sec. 42.** RCW 72.09.495 and 2007 c 384 s 2 are each amended to read
18 as follows:

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

21 (a) The impact of existing policies on the ability of offenders to
22 maintain familial contact and engagement between inmates and children;
23 and

24 (b) The adequacy and availability of programs targeted at inmates
25 with children.

26 (2) The secretary shall adopt policies that encourage familial
27 contact and engagement between inmates and their children with the goal
28 of reducing recidivism and intergenerational incarceration. Programs
29 and policies should take into consideration the children's need to
30 maintain contact with his or her parent and the inmate's ability to
31 develop plans to financially support their children, assist in
32 reunification when appropriate, and encourage the improvement of
33 parenting skills where needed.

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

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

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

3 ~~(c) Participate in the children of incarcerated parents advisory~~
4 ~~committee and report information obtained under this section to the~~
5 ~~advisory committee)).~~

6 **Sec. 43.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to read
7 as follows:

8 (1)(a) The secretary of social and health services shall review
9 current department policies and assess the adequacy and availability of
10 programs targeted at persons who receive services through the
11 department who are the children and families of a person who is
12 incarcerated in a department of corrections facility. Great attention
13 shall be focused on programs and policies affecting foster youth who
14 have a parent who is incarcerated.

15 (b) The secretary shall adopt policies that encourage familial
16 contact and engagement between inmates of the department of corrections
17 facilities and their children with the goal of facilitating normal
18 child development, while reducing recidivism and intergenerational
19 incarceration. Programs and policies should take into consideration
20 the children's need to maintain contact with his or her parent, the
21 inmate's ability to develop plans to financially support their
22 children, assist in reunification when appropriate, and encourage the
23 improvement of parenting skills where needed. The programs and
24 policies should also meet the needs of the child while the parent is
25 incarcerated.

26 (2) (~~The secretary shall conduct the following activities~~) To
27 assist in implementing the requirements of subsection (1) of this
28 section(~~(+~~

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

33 ~~(b) Participate in the children of incarcerated parents advisory~~
34 ~~committee and report information obtained under this section to the~~
35 ~~advisory committee)).~~

1 **Children of Color**

2 **Sec. 44.** 2007 c 465 s 3 (uncodified) is amended to read as
3 follows:

4 This act expires June 30, (~~2014~~) 2010.

5 **Children's Services Advisory Committee**

6 **Sec. 45.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
7 as follows:

8 The department shall have the duty to provide child welfare
9 services and shall:

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

13 (2) Within available resources, recruit an adequate number of
14 prospective adoptive and foster homes, both regular and specialized,
15 i.e. homes for children of ethnic minority, including Indian homes for
16 Indian children, sibling groups, handicapped and emotionally disturbed,
17 teens, pregnant and parenting teens, and annually report to the
18 governor and the legislature concerning the department's success in:
19 (a) Meeting the need for adoptive and foster home placements; (b)
20 reducing the foster parent turnover rate; (c) completing home studies
21 for legally free children; and (d) implementing and operating the
22 passport program required by RCW 74.13.285. The report shall include
23 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

24 (3) Investigate complaints of any recent act or failure to act on
25 the part of a parent or caretaker that results in death, serious
26 physical or emotional harm, or sexual abuse or exploitation, or that
27 presents an imminent risk of serious harm, and on the basis of the
28 findings of such investigation, offer child welfare services in
29 relation to the problem to such parents, legal custodians, or persons
30 serving in loco parentis, and/or bring the situation to the attention
31 of an appropriate court, or another community agency. An investigation
32 is not required of nonaccidental injuries which are clearly not the
33 result of a lack of care or supervision by the child's parents, legal
34 custodians, or persons serving in loco parentis. If the investigation

1 reveals that a crime against a child may have been committed, the
2 department shall notify the appropriate law enforcement agency.

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

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

12 (a) The department shall conduct the monthly visits with children
13 and caregivers required under this section unless the child's placement
14 is being supervised under a contract between the department and a
15 private agency accredited by a national child welfare accrediting
16 entity, in which case the private agency shall, within existing
17 resources, conduct the monthly visits with the child and with the
18 child's caregiver according to the standards described in this
19 subsection and shall provide the department with a written report of
20 the visits within fifteen days of completing the visits.

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

25 (6) Have authority to accept custody of children from parents and
26 to accept custody of children from juvenile courts, where authorized to
27 do so under law, to provide child welfare services including placement
28 for adoption, to provide for the routine and necessary medical, dental,
29 and mental health care, or necessary emergency care of the children,
30 and to provide for the physical care of such children and make payment
31 of maintenance costs if needed. Except where required by Public Law
32 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
33 children for adoption from the department shall discriminate on the
34 basis of race, creed, or color when considering applications in their
35 placement for adoption.

36 (7) Have authority to provide temporary shelter to children who
37 have run away from home and who are admitted to crisis residential
38 centers.

1 (8) Have authority to purchase care for children; and shall follow
2 in general the policy of using properly approved private agency
3 services for the actual care and supervision of such children insofar
4 as they are available, paying for care of such children as are accepted
5 by the department as eligible for support at reasonable rates
6 established by the department.

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

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

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

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

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

30 ~~((11))~~ (10) Refer cases to the division of child support whenever
31 state or federal funds are expended for the care and maintenance of a
32 child, including a child with a developmental disability who is placed
33 as a result of an action under chapter 13.34 RCW, unless the department
34 finds that there is good cause not to pursue collection of child
35 support against the parent or parents of the child. Cases involving
36 individuals age eighteen through twenty shall not be referred to the
37 division of child support unless required by federal law.

1 ~~((+12+))~~ (11) Have authority within funds appropriated for foster
2 care services to purchase care for Indian children who are in the
3 custody of a federally recognized Indian tribe or tribally licensed
4 child-placing agency pursuant to parental consent, tribal court order,
5 or state juvenile court order; and the purchase of such care shall be
6 subject to the same eligibility standards and rates of support
7 applicable to other children for whom the department purchases care.

8 Notwithstanding any other provision of RCW 13.32A.170 through
9 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
10 services to be provided by the department of social and health services
11 under subsections (4), (6), and (7) of this section, subject to the
12 limitations of these subsections, may be provided by any program
13 offering such services funded pursuant to Titles II and III of the
14 federal juvenile justice and delinquency prevention act of 1974.

15 ~~((+13+))~~ (12) Within amounts appropriated for this specific
16 purpose, provide preventive services to families with children that
17 prevent or shorten the duration of an out-of-home placement.

18 ~~((+14+))~~ (13) Have authority to provide independent living services
19 to youths, including individuals who have attained eighteen years of
20 age, and have not attained twenty-one years of age who are or have been
21 in foster care.

22 ~~((+15+))~~ (14) Consult at least quarterly with foster parents,
23 including members of the foster parent association of Washington state,
24 for the purpose of receiving information and comment regarding how the
25 department is performing the duties and meeting the obligations
26 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
27 recruitment of foster homes, reducing foster parent turnover rates,
28 providing effective training for foster parents, and administering a
29 coordinated and comprehensive plan that strengthens services for the
30 protection of children. Consultation shall occur at the regional and
31 statewide levels.

32 **Sec. 46.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
33 each reenacted and amended to read as follows:

34 The secretary shall have the power and it shall be the secretary's
35 duty:

36 (1) ~~((In consultation with the children's services advisory
37 committee, and))~~ With the advice and assistance of persons

1 representative of the various type agencies to be licensed, to
2 designate categories of facilities for which separate or different
3 requirements shall be developed as may be appropriate whether because
4 of variations in the ages, sex and other characteristics of persons
5 served, variations in the purposes and services offered or size or
6 structure of the agencies to be licensed hereunder, or because of any
7 other factor relevant thereto;

8 (2) (~~In consultation with the children's services advisory~~
9 ~~committee, and~~) With the advice and assistance of persons
10 representative of the various type agencies to be licensed, to adopt
11 and publish minimum requirements for licensing applicable to each of
12 the various categories of agencies to be licensed.

13 The minimum requirements shall be limited to:

14 (a) The size and suitability of a facility and the plan of
15 operation for carrying out the purpose for which an applicant seeks a
16 license;

17 (b) Obtaining background information and any out-of-state
18 equivalent, to determine whether the applicant or service provider is
19 disqualified and to determine the character, competence, and
20 suitability of an agency, the agency's employees, volunteers, and other
21 persons associated with an agency;

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

25 (d) Obtaining child protective services information or records
26 maintained in the department case management information system. No
27 unfounded allegation of child abuse or neglect as defined in RCW
28 26.44.020 may be disclosed to a child-placing agency, private adoption
29 agency, or any other provider licensed under this chapter;

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

33 (i) Agencies and their staff, volunteers, students, and interns
34 when the agency is seeking license or relicense;

35 (ii) Foster care and adoption placements; and

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

37 (f) If any adult living in the home has not resided in the state of

1 Washington for the preceding five years, the department shall review
2 any child abuse and neglect registries maintained by any state where
3 the adult has resided over the preceding five years;

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

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

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

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

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

19 (l) The financial ability of an agency to comply with minimum
20 requirements established pursuant to chapter 74.15 RCW and RCW
21 74.13.031; and

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

24 (3) To investigate any person, including relatives by blood or
25 marriage except for parents, for character, suitability, and competence
26 in the care and treatment of children, expectant mothers, and
27 developmentally disabled persons prior to authorizing that person to
28 care for children, expectant mothers, and developmentally disabled
29 persons. However, if a child is placed with a relative under RCW
30 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
31 and competent to provide care and treatment the criminal history
32 background check required by this section need not be completed before
33 placement, but shall be completed as soon as possible after placement;

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

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

5 (6) To prescribe the procedures and the form and contents of
6 reports necessary for the administration of chapter 74.15 RCW and RCW
7 74.13.031 and to require regular reports from each licensee;

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

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

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

18 **Sec. 47.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to
19 read as follows:

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

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

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

32 (3) To make a periodic review of requirements under RCW
33 74.15.030(7) and to adopt necessary changes after consultation as
34 required in subsection (1) of this section;

35 (4) To issue to applicants for licenses hereunder, other than
36 foster-family homes or child-placing agencies, who comply with the
37 requirements, a certificate of compliance, a copy of which shall be

1 presented to the department of social and health services before a
2 license shall be issued, except that (~~a provisional~~) an initial
3 license may be issued as provided in RCW 74.15.120.

4 **Sec. 48.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to read
5 as follows:

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

8 (~~In consultation with the children's services advisory committee~~
9 ~~and~~) With the advice and assistance of persons representative of the
10 various type agencies to be licensed, to develop minimum requirements
11 pertaining to each category of agency established pursuant to chapter
12 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
13 persons residing therein.

14 The secretary of health or the city, county, or district health
15 department designated by the secretary shall have the power and the
16 duty:

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

19 (2) To issue to applicants for licenses hereunder who comply with
20 the requirements adopted hereunder, a certificate of compliance, a copy
21 of which shall be presented to the department of social and health
22 services before a license shall be issued, except that (~~a~~
23 ~~provisional~~) an initial license may be issued as provided in RCW
24 74.15.120.

25 **Combined Fund Drive Committee**

26 **Sec. 49.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
27 as follows:

28 The director of the department of personnel is authorized to adopt
29 rules, after consultation with state agencies, institutions of higher
30 education, and employee organizations(~~, to create a Washington state~~
31 ~~combined fund drive committee, and~~) for the operation of the
32 Washington state combined fund drive.

1 **Sec. 50.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to
2 read as follows:

3 To operate the Washington state combined fund ((drive's powers and
4 duties include)) drive program, the director of the department of
5 personnel or his or her designee may but ((are)) is not limited to the
6 following:

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

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

11 (3) Engaging in or encouraging fund-raising activities including
12 the solicitation and acceptance of charitable gifts, grants, and
13 donations from state employees, retired public employees, corporations,
14 foundations, and other individuals for the benefit of the beneficiaries
15 of the Washington state combined fund drive;

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

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

22 (6) Engaging in appropriate fund-raising and advertising activities
23 for the support of the administrative duties of the Washington state
24 combined fund drive; and

25 (7) Charging an administrative fee to the beneficiaries of the
26 Washington state combined fund drive to fund the administrative duties
27 of the Washington state combined fund drive.

28 Activities of the Washington state combined fund drive shall not
29 result in direct commercial solicitation of state employees, or a
30 benefit or advantage that would violate one or more provisions of
31 chapter 42.52 RCW. This section does not authorize individual state
32 agencies to enter into contracts or partnerships unless otherwise
33 authorized by law.

34 **Sec. 51.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
35 read as follows:

36 The ((Washington state combined fund drive committee)) department
37 of personnel may enter into contracts and partnerships with private

1 institutions, persons, firms, or corporations for the benefit of the
2 beneficiaries of the Washington state combined fund drive. Activities
3 of the Washington state combined fund drive shall not result in direct
4 commercial solicitation of state employees, or a benefit or advantage
5 that would violate one or more provisions of chapter 42.52 RCW. This
6 section does not authorize individual state agencies to enter into
7 contracts or partnerships unless otherwise authorized by law.

8 **Board of Law Enforcement Training Standards**
9 **and Board on Correctional Training Standards**

10 NEW SECTION. **Sec. 52.** The following acts or parts of acts are
11 each repealed:

- 12 (1) RCW 43.101.310 (Board on law enforcement training standards and
13 education--Board on correctional training standards--Created--Purpose)
14 and 1997 c 351 s 2;
- 15 (2) RCW 43.101.315 (Boards--Membership) and 1997 c 351 s 3;
- 16 (3) RCW 43.101.320 (Boards--Terms of members) and 1997 c 351 s 4;
- 17 (4) RCW 43.101.325 (Termination of membership upon termination of
18 qualifying office or employment) and 1997 c 351 s 5;
- 19 (5) RCW 43.101.330 (Boards--Chairs--Quorum) and 1997 c 351 s 6;
- 20 (6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;
- 21 (7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997
22 c 351 s 8; and
- 23 (8) RCW 43.101.345 (Recommendations of boards--Review by
24 commission) and 1997 c 351 s 9.

25 **Sec. 53.** RCW 43.101.380 and 2006 c 22 s 3 are each amended to read
26 as follows:

27 (1) The procedures governing adjudicative proceedings before
28 agencies under chapter 34.05 RCW, the administrative procedure act,
29 govern hearings before the commission and govern all other actions
30 before the commission unless otherwise provided in this chapter. The
31 standard of proof in actions before the commission is clear, cogent,
32 and convincing evidence.

33 (2) In all hearings requested under RCW 43.101.155, a five-member
34 hearings panel shall both hear the case and make the commission's final

1 administrative decision. Members of the commission (~~or the board on~~
2 ~~law enforcement training standards and education~~) may but need not be
3 appointed to the hearings panels. The commission shall appoint as
4 follows two or more panels to hear appeals from decertification
5 actions:

6 (a) When a hearing is requested in relation to decertification of
7 a Washington peace officer who is not a peace officer of the Washington
8 state patrol, the commission shall appoint to the panel: (i) One
9 police chief; (ii) one sheriff; (iii) two peace officers who are at or
10 below the level of first line supervisor, who are from city or county
11 law enforcement agencies, and who have at least ten years' experience
12 as peace officers; and (iv) one person who is not currently a peace
13 officer and who represents a community college or four-year college or
14 university.

15 (b) When a hearing is requested in relation to decertification of
16 a peace officer of the Washington state patrol, the commission shall
17 appoint to the panel: (i) Either one police chief or one sheriff; (ii)
18 one administrator of the state patrol; (iii) one peace officer who is
19 at or below the level of first line supervisor, who is from a city or
20 county law enforcement agency, and who has at least ten years'
21 experience as a peace officer; (iv) one state patrol officer who is at
22 or below the level of first line supervisor, and who has at least ten
23 years' experience as a peace officer; and (v) one person who is not
24 currently a peace officer and who represents a community college or
25 four-year college or university.

26 (c) When a hearing is requested in relation to decertification of
27 a tribal police officer, the commission shall appoint to the panel (i)
28 either one chief or one sheriff; (ii) one tribal police chief; (iii)
29 one peace officer who is at or below the level of first line
30 supervisor, who is from a city or county law enforcement agency, and
31 who has at least ten years' experience as a peace officer; (iv) one
32 tribal police officer who is at or below the level of first line
33 supervisor, and who has at least ten years' experience as a peace
34 officer; and (v) one person who is not currently a peace officer and
35 who represents a community college or four-year college or university.

36 (d) Persons appointed to hearings panels by the commission shall,
37 in relation to any decertification matter on which they sit, have the

1 powers, duties, and immunities, and are entitled to the emoluments,
2 including travel expenses in accordance with RCW 43.03.050 and
3 43.03.060, of regular commission members.

4 (3) Where the charge upon which revocation or denial is based is
5 that a peace officer was "discharged for disqualifying misconduct," and
6 the discharge is "final," within the meaning of RCW 43.101.105(1)(d),
7 and the officer received a civil service hearing or arbitration hearing
8 culminating in an affirming decision following separation from service
9 by the employer, the hearings panel may revoke or deny certification if
10 the hearings panel determines that the discharge occurred and was based
11 on disqualifying misconduct; the hearings panel need not redetermine
12 the underlying facts but may make this determination based solely on
13 review of the records and decision relating to the employment
14 separation proceeding. However, the hearings panel may, in its
15 discretion, consider additional evidence to determine whether such a
16 discharge occurred and was based on such disqualifying misconduct. The
17 hearings panel shall, upon written request by the subject peace
18 officer, allow the peace officer to present additional evidence of
19 extenuating circumstances.

20 Where the charge upon which revocation or denial of certification
21 is based is that a peace officer "has been convicted at any time of a
22 felony offense" within the meaning of RCW 43.101.105(1)(c), the
23 hearings panel shall revoke or deny certification if it determines that
24 the peace officer was convicted of a felony. The hearings panel need
25 not redetermine the underlying facts but may make this determination
26 based solely on review of the records and decision relating to the
27 criminal proceeding. However, the hearings panel shall, upon the
28 panel's determination of relevancy, consider additional evidence to
29 determine whether the peace officer was convicted of a felony.

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

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

1 **Customer Advisory Board--Department of Information Services**

2 NEW SECTION. **Sec. 54.** RCW 43.105.055 (Advisory committees--
3 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
4 repealed.

5 **Sec. 55.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
6 read as follows:

7 The department shall:

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

10 (a) The review of agency information technology portfolios and
11 related requests; and

12 (b) Implementation of statewide and interagency policies,
13 standards, and guidelines;

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

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

23 (b) Mainframe computing services;

24 (c) Support for departmental and microcomputer evaluation,
25 installation, and use;

26 (d) Equipment acquisition assistance, including leasing, brokering,
27 and establishing master contracts;

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

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

33 (g) Office automation services;

34 (h) System development services; and

35 (i) Training.

36 These services are for discretionary use by customers and customers
37 may elect other alternatives for service if those alternatives are more

1 cost-effective or provide better service. Agencies may be required to
2 use the backbone network portions of the telecommunications services
3 during an initial start-up period not to exceed three years;

4 (3) Establish rates and fees for services provided by the
5 department to assure that the services component of the department is
6 self-supporting. A billing rate plan shall be developed for a two-year
7 period to coincide with the budgeting process. The rate plan shall be
8 subject to review at least annually by the (~~customer advisory board~~)
9 office of financial management. The rate plan shall show the proposed
10 rates by each cost center and will show the components of the rate
11 structure as mutually determined by the department and the (~~customer
12 advisory board~~) office of financial management. The same rate
13 structure will apply to all user agencies of each cost center. The
14 rate plan and any adjustments to rates shall be approved by the office
15 of financial management. The services component shall not subsidize
16 the operations of the strategic planning and policy component;

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

20 (5) Develop plans for the department's achievement of statewide
21 goals and objectives set forth in the state strategic information
22 technology plan required under RCW 43.105.160. These plans shall
23 address such services as telecommunications, central and distributed
24 computing, local area networks, office automation, and end user
25 computing. The department shall seek the advice of the (~~customer
26 advisory board and the~~) board in the development of these plans;

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

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

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

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

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

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

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

9 (b) Promulgation of policies, standards, and guidelines adopted by
10 the board;

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

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

13 (12) Be the lead agency in coordinating video telecommunications
14 services for all state agencies and develop, pursuant to board
15 policies, standards and common specifications for leased and purchased
16 telecommunications equipment. The department shall not evaluate the
17 merits of school curriculum, higher education course offerings, or
18 other education and training programs proposed for transmission and/or
19 reception using video telecommunications resources. Nothing in this
20 section shall abrogate or abridge the legal responsibilities of
21 licensees of telecommunications facilities as licensed by the federal
22 communication commission on March 27, 1990; and

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

25 **Early Intervention for Children who are Deaf**
26 **and have Hearing Loss--Advisory Committee**

27 NEW SECTION. **Sec. 56.** RCW 70.198.010 (Findings) and 2004 c 47 s
28 1 are each repealed.

29 **Early Learning Advisory Council**

30 NEW SECTION. **Sec. 57.** RCW 43.215.090 (Early learning advisory
31 council--Statewide early learning plan) and 2007 c 394 s 3 are each
32 repealed.

1 **Eastern State Hospital Board and Western State Hospital Board**

2 **Sec. 58.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to
3 read as follows:

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

18 ~~(2)((a) The eastern state hospital board and the western state
19 hospital board are each established. Members of the boards shall be
20 appointed by the governor with the consent of the senate. Each board
21 shall include:~~

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(c) Members shall serve four-year terms. Members of the board~~
2 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~
3 ~~and 43.03.060 and shall receive compensation as provided in RCW~~
4 ~~43.03.240.~~

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

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

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

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

10 ~~(d) Monitor and review the activities of the hospital in~~
11 ~~implementing the intent of the legislature set forth in this section;~~
12 ~~and~~

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

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

24 (i) Promote recruitment and retention of highly qualified
25 professionals at the state hospitals and community mental health
26 programs;

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

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

32 (iv) Promote bilateral understanding of treatment orientation,
33 possibilities, and challenges between state hospital professionals and
34 community mental health professionals.

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

37 (i) Enter joint operating agreements with state universities or
38 other institutions of higher education to accomplish the placement and

1 training of students and faculty in psychiatry, psychology, social
2 work, occupational therapy, nursing, and other relevant professions at
3 the state hospitals and community mental health programs;

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

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

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

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

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

20 **Economic Development Commission**

21 NEW SECTION. **Sec. 59.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 43.162.005 (Findings--Intent) and 2007 c 232 s 1 & 2003 c
24 235 s 1;

25 (2) RCW 43.162.010 (Washington state economic development
26 commission--Membership--Rules) and 2007 c 232 s 2 & 2003 c 235 s 2;

27 (3) RCW 43.162.015 (Executive director) and 2007 c 232 s 3;

28 (4) RCW 43.162.020 (Duties--Biennial report) and 2007 c 232 s 4 &
29 2003 c 235 s 3;

30 (5) RCW 43.162.025 (Additional authority) and 2007 c 232 s 5; and

31 (6) RCW 43.162.030 (Authority of governor and department of
32 community, trade, and economic development not affected) and 2007 c 232
33 s 7 & 2003 c 235 s 4.

1 **Sec. 60.** RCW 43.330.280 and 2007 c 227 s 2 are each amended to
2 read as follows:

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

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

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

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

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

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

34 ~~(A) Specific mechanisms to support, enhance, or develop innovation~~
35 ~~research teams and strengthen their research and commercialization~~
36 ~~capacity in areas identified as useful to strategic clusters and~~
37 ~~innovative firms in the state;~~

1 ~~(B) Identification of the funding necessary for laboratory~~
2 ~~infrastructure needed to house innovation research teams;~~

3 ~~(C) Specification of the most promising research areas meriting~~
4 ~~enhanced resources and recruitment of significant entrepreneurial~~
5 ~~researchers to join or lead innovation research teams;~~

6 ~~(D) The most productive approaches to take in the recruitment, in~~
7 ~~the identified promising research areas, of a minimum of ten~~
8 ~~significant entrepreneurial researchers over the next ten years to join~~
9 ~~or lead innovation research teams;~~

10 ~~(E) Steps to take in solicitation of private sector support for the~~
11 ~~recruitment of entrepreneurial researchers and the commercialization~~
12 ~~activity of innovation research teams; and~~

13 ~~(F) Mechanisms for ensuring the location of innovation research~~
14 ~~teams in innovation partnership zones;~~

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

25 ~~(e) Develop performance measures to be used in evaluating the~~
26 ~~performance of innovation research teams, the implementation of the~~
27 ~~plan and programs under (d)(i) and (ii) of this subsection, and the~~
28 ~~performance of innovation partnership zone grant recipients, including~~
29 ~~but not limited to private investment measures, business initiation~~
30 ~~measures, job creation measures, and measures of innovation such as~~
31 ~~licensing of ideas in research institutions, patents, or other~~
32 ~~recognized measures of innovation. The performance measures developed~~
33 ~~shall be consistent with the economic development commission's~~
34 ~~comprehensive plan for economic development and its standards and~~
35 ~~metrics for program evaluation. The commission shall report to the~~
36 ~~legislature and the governor by December 31, 2008, on the measures~~
37 ~~developed; and~~

1 ~~(f) Using the performance measures developed, perform a biennial~~
2 ~~assessment and report, the first of which shall be due December 31,~~
3 ~~2012, on:~~

4 ~~(i) Commercialization of technologies developed at state~~
5 ~~universities, found at other research institutions in the state, and~~
6 ~~facilitated with public assistance at existing companies;~~

7 ~~(ii) Outcomes of the funding of innovation research teams and~~
8 ~~recruitment of significant entrepreneurial researchers;~~

9 ~~(iii) Comparison with other states of Washington's outcomes from~~
10 ~~the innovation research teams and efforts to recruit significant~~
11 ~~entrepreneurial researchers; and~~

12 ~~(iv) Outcomes of the grants for innovation partnership zones.~~
13 ~~The report shall include recommendations for modifications of chapter~~
14 ~~227, Laws of 2007 and of state commercialization efforts that would~~
15 ~~enhance the state's economic competitiveness.~~

16 ~~(2) The economic development commission and))~~ The workforce
17 training and education coordinating board shall ~~((jointly convene a~~
18 ~~working group to))):~~

19 ~~((a))~~ (1) Specify the process and criteria for identification of
20 substate geographic concentrations of firms or employment in an
21 industry and the industry's customers, suppliers, supporting
22 businesses, and institutions, which process will include the use of
23 labor market information from the employment security department and
24 local labor markets; and

25 ~~((b))~~ (2) Establish criteria for identifying strategic clusters
26 which are important to economic prosperity in the state, considering
27 cluster size, growth rate, and wage levels among other factors.

28 **Sec. 61.** RCW 43.160.060 and 2008 c 327 s 5 are each amended to
29 read as follows:

30 The board is authorized to make direct loans to political
31 subdivisions of the state and to federally recognized Indian tribes for
32 the purposes of assisting the political subdivisions and federally
33 recognized Indian tribes in financing the cost of public facilities,
34 including development of land and improvements for public facilities,
35 project-specific environmental, capital facilities, land use,
36 permitting, feasibility, and marketing studies and plans; project
37 design, site planning, and analysis; project debt and revenue impact

1 analysis; as well as the construction, rehabilitation, alteration,
2 expansion, or improvement of the facilities. A grant may also be
3 authorized for purposes designated in this chapter, but only when, and
4 to the extent that, a loan is not reasonably possible, given the
5 limited resources of the political subdivision or the federally
6 recognized Indian tribe and the finding by the board that financial
7 circumstances require grant assistance to enable the project to move
8 forward. However, no more than twenty-five percent of all financial
9 assistance approved by the board in any biennium may consist of grants
10 to political subdivisions and federally recognized Indian tribes.

11 Application for funds shall be made in the form and manner as the
12 board may prescribe. In making grants or loans the board shall conform
13 to the following requirements:

14 (1) The board shall not provide financial assistance:
15 (a) For a project the primary purpose of which is to facilitate or
16 promote a retail shopping development or expansion.

17 (b) For any project that evidence exists would result in a
18 development or expansion that would displace existing jobs in any other
19 community in the state.

20 (c) For a project the primary purpose of which is to facilitate or
21 promote gambling.

22 (d) For a project located outside the jurisdiction of the applicant
23 political subdivision or federally recognized Indian tribe.

24 (2) The board shall only provide financial assistance:
25 (a) For a project demonstrating convincing evidence that a specific
26 private development or expansion is ready to occur and will occur only
27 if the public facility improvement is made that:

28 (i) Results in the creation of significant private sector jobs or
29 significant private sector capital investment as determined by the
30 board and is consistent with the state comprehensive economic
31 development plan (~~developed by the Washington economic development~~
32 ~~commission pursuant to chapter 43.162 RCW, once the plan is adopted~~);
33 and

34 (ii) Will improve the opportunities for the successful maintenance,
35 establishment, or expansion of industrial or commercial plants or will
36 otherwise assist in the creation or retention of long-term economic
37 opportunities;

1 (b) For a project that cannot meet the requirement of (a) of this
2 subsection but is a project that:

3 (i) Results in the creation of significant private sector jobs or
4 significant private sector capital investment as determined by the
5 board and is consistent with the state comprehensive economic
6 development plan (~~((developed by the Washington economic development
7 commission pursuant to chapter 43.162 RCW, once the plan is adopted))~~);

8 (ii) Is part of a local economic development plan consistent with
9 applicable state planning requirements;

10 (iii) Can demonstrate project feasibility using standard economic
11 principles; and

12 (iv) Is located in a rural community as defined by the board, or a
13 rural county;

14 (c) For site-specific plans, studies, and analyses that address
15 environmental impacts, capital facilities, land use, permitting,
16 feasibility, marketing, project engineering, design, site planning, and
17 project debt and revenue impacts, as grants not to exceed fifty
18 thousand dollars.

19 (3) The board shall develop guidelines for local participation and
20 allowable match and activities.

21 (4) An application must demonstrate local match and local
22 participation, in accordance with guidelines developed by the board.

23 (5) An application must be approved by the political subdivision
24 and supported by the local associate development organization or local
25 workforce development council or approved by the governing body of the
26 federally recognized Indian tribe.

27 (6) The board may allow de minimis general system improvements to
28 be funded if they are critically linked to the viability of the
29 project.

30 (7) An application must demonstrate convincing evidence that the
31 median hourly wage of the private sector jobs created after the project
32 is completed will exceed the countywide median hourly wage.

33 (8) The board shall prioritize each proposed project according to:

34 (a) The relative benefits provided to the community by the jobs the
35 project would create, not just the total number of jobs it would create
36 after the project is completed, but also giving consideration to the
37 unemployment rate in the area in which the jobs would be located;

1 (b) The rate of return of the state's investment, including, but
2 not limited to, the leveraging of private sector investment,
3 anticipated job creation and retention, and expected increases in state
4 and local tax revenues associated with the project;

5 (c) Whether the proposed project offers a health insurance plan for
6 employees that includes an option for dependents of employees;

7 (d) Whether the public facility investment will increase existing
8 capacity necessary to accommodate projected population and employment
9 growth in a manner that supports infill and redevelopment of existing
10 urban or industrial areas that are served by adequate public
11 facilities. Projects should maximize the use of existing
12 infrastructure and provide for adequate funding of necessary
13 transportation improvements; and

14 (e) Whether the applicant has developed and adhered to guidelines
15 regarding its permitting process for those applying for development
16 permits consistent with section 1(2), chapter 231, Laws of 2007.

17 (9) A responsible official of the political subdivision or the
18 federally recognized Indian tribe shall be present during board
19 deliberations and provide information that the board requests.

20 Before any financial assistance application is approved, the
21 political subdivision or the federally recognized Indian tribe seeking
22 the assistance must demonstrate to the community economic
23 revitalization board that no other timely source of funding is
24 available to it at costs reasonably similar to financing available from
25 the community economic revitalization board.

26 **Sec. 62.** RCW 43.330.080 and 2007 c 249 s 2 are each amended to
27 read as follows:

28 The department shall contract with county-designated associate
29 development organizations to increase the support for and coordination
30 of community and economic development services in communities or
31 regional areas. The organizations contracted with in each community or
32 regional area shall be broadly representative of community and economic
33 interests. The organization shall be capable of identifying key
34 economic and community development problems, developing appropriate
35 solutions, and mobilizing broad support for recommended initiatives.
36 The contracting organization shall work with and include local
37 governments, local chambers of commerce, workforce development

1 councils, port districts, labor groups, institutions of higher
2 education, community action programs, and other appropriate private,
3 public, or nonprofit community and economic development groups. The
4 scope of services delivered under these contracts shall include two
5 broad areas of work:

6 (1) Direct assistance, including business planning, to companies
7 who need support to stay in business, expand, or relocate to Washington
8 from out of state or other countries. Assistance includes:

9 (a) Working with the appropriate partners, including but not
10 limited to, local governments, workforce development organizations,
11 port districts, community colleges and higher education institutions,
12 export assistance providers, the Washington manufacturing services, the
13 Washington state quality award, council, small business assistance
14 programs, and other federal, state, and local programs to facilitate
15 the alignment of planning efforts and the seamless delivery of business
16 support services in the county;

17 (b) Providing information on state and local permitting processes,
18 tax issues, and other essential information for operating, expanding,
19 or locating a business in Washington;

20 (c) Marketing Washington and local areas as excellent locations to
21 expand or relocate a business and positioning Washington as a globally
22 competitive place to grow business, which may include developing and
23 executing regional plans to attract companies from out of state;

24 (d) Working with businesses on site location and selection
25 assistance;

26 (e) Providing business retention and expansion services, including
27 business outreach and monitoring efforts to identify and address
28 challenges and opportunities faced by businesses; and

29 (f) (~~Participate~~—~~[Participating]~~) Participating in economic
30 development system-wide discussions regarding gaps in business start-up
31 assistance in Washington; and

32 (2) Support for regional economic research and regional planning
33 efforts to implement target industry strategies and other economic
34 development strategies that support increased living standards and
35 increase foreign direct investment throughout Washington. Activities
36 include:

37 (a) Participation in regional planning efforts involving combined
38 strategies around workforce development and economic development

1 policies and programs. The contracting organization shall participate
2 with the state board for community and technical colleges as created in
3 RCW 28B.50.050, and any community and technical colleges in providing
4 for the coordination of job skills training within its region;

5 (b) Collecting and reporting data as specified by the contract with
6 the department for statewide systemic analysis. (~~The department shall~~
7 ~~consult with the Washington state economic development commission in~~
8 ~~the establishment of such uniform data as is needed to conduct a~~
9 ~~statewide systemic analysis of the state's economic development~~
10 ~~programs and expenditures.~~) In cooperation with other local,
11 regional, and state planning efforts, contracting organizations may
12 provide insight into the needs of target industry clusters, business
13 expansion plans, early detection of potential relocations or layoffs,
14 training needs, and other appropriate economic information;

15 (c) In conjunction with other governmental jurisdictions and
16 institutions, (~~participate~~) participation in the development of a
17 countywide economic development plan, consistent with the state
18 comprehensive plan for economic development (~~developed by the~~
19 ~~Washington state economic development commission~~)).

20 **Sec. 63.** RCW 43.330.250 and 2008 c 329 s 914 are each amended to
21 read as follows:

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

24 (2) Only the governor, with the recommendation of the director of
25 the department of community, trade, and economic development (~~and the~~
26 ~~economic development commission~~), may authorize expenditures from the
27 account.

28 (3) Expenditures from the account shall be made in an amount
29 sufficient to fund (~~a minimum of~~) one staff position for the
30 (~~economic development commission~~) department and to cover any other
31 operational costs of the (~~commission~~) department.

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

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

- 1 (a) Workforce development;
- 2 (b) Public infrastructure needed to support or sustain the
3 operations of the business or facility; and
- 4 (c) Other lawfully provided assistance, including, but not limited
5 to, technical assistance, environmental analysis, relocation
6 assistance, and planning assistance. Funding may be provided for such
7 assistance only when it is in the public interest and may only be
8 provided under a contractual arrangement ensuring that the state will
9 receive appropriate consideration, such as an assurance of job creation
10 or retention.
- 11 (6) The funds shall not be expended from the account unless:
- 12 (a) The circumstances are such that time does not permit the
13 director of the department of community, trade, and economic
14 development or the business or facility to secure funding from other
15 state sources;
- 16 (b) The business or facility produces or will produce significant
17 long-term economic benefits to the state, a region of the state, or a
18 particular community in the state;
- 19 (c) The business or facility does not require continuing state
20 support;
- 21 (d) The expenditure will result in new jobs, job retention, or
22 higher incomes for citizens of the state;
- 23 (e) The expenditure will not supplant private investment; and
- 24 (f) The expenditure is accompanied by private investment.
- 25 (7) No more than three million dollars per year may be expended
26 from the account for the purpose of assisting an individual business or
27 facility pursuant to the authority specified in this section.
- 28 (8) If the account balance in the strategic reserve account exceeds
29 fifteen million dollars at any time, the amount in excess of fifteen
30 million dollars shall be transferred to the education construction
31 account.

32 **Sec. 64.** RCW 43.330.270 and 2007 c 227 s 1 are each amended to
33 read as follows:

34 (1) The director shall designate innovation partnership zones on
35 the basis of the following criteria:

36 (a) Innovation partnership zones must have three types of

1 institutions operating within their boundaries, or show evidence of
2 planning and local partnerships that will lead to dense concentrations
3 of these institutions:

4 (i) Research capacity in the form of a university or community
5 college fostering commercially valuable research, nonprofit
6 institutions creating commercially applicable innovations, or a
7 national laboratory;

8 (ii) Dense proximity of globally competitive firms in a research-
9 based industry or industries or of individual firms with innovation
10 strategies linked to (a)(i) of this subsection. A globally competitive
11 firm may be signified through international organization for
12 standardization 9000 or 1400 certification, or other recognized
13 evidence of international success; and

14 (iii) Training capacity either within the zone or readily
15 accessible to the zone. The training capacity requirement may be met
16 by the same institution as the research capacity requirement, to the
17 extent both are associated with an educational institution in the
18 proposed zone.

19 (b) The support of a local jurisdiction, a research institution, an
20 educational institution, an industry or cluster association, a
21 workforce development council, and an associate development
22 organization, port, or chamber of commerce;

23 (c) Identifiable boundaries for the zone within which the applicant
24 will concentrate efforts to connect innovative researchers,
25 entrepreneurs, investors, industry associations or clusters, and
26 training providers. The geographic area defined should lend itself to
27 a distinct identity and have the capacity to accommodate firm growth;

28 (d) The innovation partnership zone administrator must be an
29 economic development council, port, workforce development council,
30 city, or county.

31 (2) On October 1st of each year, the director shall designate
32 innovation partnership zones on the basis of applications that meet the
33 legislative criteria, estimated economic impact of the zone, and
34 evidence of forward planning for the zone(~~(, and other criteria as~~
35 ~~recommended by the Washington state economic development commission)~~).
36 Estimated economic impact must include evidence of anticipated private
37 investment, job creation, innovation, and commercialization. The

1 director shall require evidence that zone applicants will promote
2 commercialization, innovation, and collaboration among zone residents.

3 (3) Innovation partnership zones are eligible for funds and other
4 resources as provided by the legislature or at the discretion of the
5 governor.

6 (4) If the innovation partnership zone meets the other requirements
7 of the fund sources, then the zone is eligible for the following funds
8 relating to:

9 (a) The local infrastructure financing tools program;

10 (b) The sales and use tax for public facilities in rural counties;
11 and

12 (c) Job skills.

13 (5) An innovation partnership zone shall be designated as a zone
14 for a four-year period. At the end of the four-year period, the zone
15 must reapply for the designation through the department.

16 (6) The department shall convene annual information sharing events
17 for innovation partnership zone administrators and other interested
18 parties.

19 (7) An innovation partnership zone shall provide performance
20 measures as required by the director, including but not limited to
21 private investment measures, job creation measures, and measures of
22 innovation such as licensing of ideas in research institutions,
23 patents, or other recognized measures of innovation. ~~((The Washington
24 state economic development commission shall review annually the
25 individual innovation partnership zone's performance measures and make
26 recommendations to the department regarding additional zone designation
27 criteria.))~~

28 **Sec. 65.** RCW 82.33A.020 and 2007 c 232 s 9 are each amended to
29 read as follows:

30 The economic climate council shall ~~((consult with the Washington
31 economic development commission in selecting benchmarks and developing
32 economic climate reports and benchmarks. The commission shall))~~
33 provide for a process to ensure public participation in the selection
34 of the benchmarks.

35 **Sec. 66.** RCW 39.102.040 and 2007 c 229 s 2 are each amended to
36 read as follows:

1 (1) Prior to applying to the board to use local infrastructure
2 financing, a sponsoring local government shall:

3 (a) Designate a revenue development area within the limitations in
4 RCW 39.102.060;

5 (b) Certify that the conditions in RCW 39.102.070 are met;

6 (c) Complete the process in RCW 39.102.080;

7 (d) Provide public notice as required in RCW 39.102.100; and

8 (e) Pass an ordinance adopting the revenue development area as
9 required in RCW 39.102.090.

10 (2) Any local government that has created an increment area under
11 chapter 39.89 RCW and has not issued bonds to finance any public
12 improvement may apply to the board and have its increment area
13 considered for approval as a revenue development area under this
14 chapter without adopting a new revenue development area under RCW
15 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW
16 39.102.090(1) and otherwise meets the conditions and limitations under
17 this chapter.

18 (3) As a condition to imposing a sales and use tax under RCW
19 82.14.475, a sponsoring local government, including any cosponsoring
20 local government seeking authority to impose a sales and use tax under
21 RCW 82.14.475, must apply to the board and be approved for a project
22 award amount. The application shall be in a form and manner prescribed
23 by the board and include but not be limited to information establishing
24 that the applicant is an eligible candidate to impose the local sales
25 and use tax under RCW 82.14.475, the anticipated effective date for
26 imposing the tax, the estimated number of years that the tax will be
27 imposed, and the estimated amount of tax revenue to be received in each
28 fiscal year that the tax will be imposed. The board shall make
29 available forms to be used for this purpose. As part of the
30 application, each applicant must provide to the board a copy of the
31 ordinance or ordinances creating the revenue development area as
32 required in RCW 39.102.090. A notice of approval to use local
33 infrastructure financing shall contain a project award that represents
34 the maximum amount of state contribution that the applicant, including
35 any cosponsoring local governments, can earn each year that local
36 infrastructure financing is used. The total of all project awards
37 shall not exceed the annual state contribution limit. The
38 determination of a project award shall be made based on information

1 contained in the application and the remaining amount of annual state
2 contribution limit to be awarded. Determination of a project award by
3 the board is final.

4 (4)(a) Sponsoring local governments, and any cosponsoring local
5 governments, applying in calendar year 2007 for a competitive project
6 award, must submit completed applications to the board no later than
7 July 1, 2007. By September 15, 2007, in consultation with the
8 department of revenue and the department of community, trade, and
9 economic development, the board shall approve competitive project
10 awards from competitive applications submitted by the 2007 deadline.
11 No more than two million five hundred thousand dollars in competitive
12 project awards shall be approved in 2007. For projects not approved by
13 the board in 2007, sponsoring and cosponsoring local governments may
14 apply again to the board in 2008 for approval of a project.

15 (b) Sponsoring local governments, and any cosponsoring local
16 governments, applying in calendar year 2008 for a competitive project
17 award, must submit completed applications to the board no later than
18 July 1, 2008. By September 18, 2008, in consultation with the
19 department of revenue and the department of community, trade, and
20 economic development, the board shall approve competitive project
21 awards from competitive applications submitted by the 2008 deadline.

22 (c) Except as provided in RCW 39.102.050(2), a total of no more
23 than five million dollars in competitive project awards shall be
24 approved for local infrastructure financing.

25 (d) The project selection criteria and weighting developed prior to
26 July 22, 2007, for the application evaluation and approval process
27 shall apply to applications received prior to November 1, 2007. In
28 evaluating applications for a competitive project award after November
29 1, 2007, the board shall(~~(, in consultation with the Washington state~~
30 ~~economic development commission,)) develop the relative weight to be
31 assigned to the following criteria:~~

32 (i) The project's potential to enhance the sponsoring local
33 government's regional and/or international competitiveness;

34 (ii) The project's ability to encourage mixed use and transit-
35 oriented development and the redevelopment of a geographic area;

36 (iii) Achieving an overall distribution of projects statewide that
37 reflect geographic diversity;

- 1 (iv) The estimated wages and benefits for the project is greater
2 than the average labor market area;
- 3 (v) The estimated state and local net employment change over the
4 life of the project;
- 5 (vi) The current economic health and vitality of the proposed
6 revenue development area and the contiguous community and the estimated
7 impact of the proposed project on the proposed revenue development area
8 and contiguous community;
- 9 (vii) The estimated state and local net property tax change over
10 the life of the project;
- 11 (viii) The estimated state and local sales and use tax increase
12 over the life of the project;
- 13 (ix) An analysis that shows that, over the life of the project,
14 neither the local excise tax allocation revenues nor the local property
15 tax allocation revenues will constitute more than eighty percent of the
16 total local funds as described in RCW 39.102.020(29)(c); and
- 17 (x) If a project is located within an urban growth area, evidence
18 that the project utilizes existing urban infrastructure and that the
19 transportation needs of the project will be adequately met through the
20 use of local infrastructure financing or other sources.
- 21 (e)(i) Except as provided in this subsection (4)(e), the board may
22 not approve the use of local infrastructure financing within more than
23 one revenue development area per county.
- 24 (ii) In a county in which the board has approved the use of local
25 infrastructure financing, the use of such financing in additional
26 revenue development areas may be approved, subject to the following
27 conditions:
- 28 (A) The sponsoring local government is located in more than one
29 county; and
- 30 (B) The sponsoring local government designates a revenue
31 development area that comprises portions of a county within which the
32 use of local infrastructure financing has not yet been approved.
- 33 (iii) In a county where the local infrastructure financing tool is
34 authorized under RCW 39.102.050, the board may approve additional use
35 of the local infrastructure financing tool.
- 36 (5) Once the board has approved the sponsoring local government,
37 and any cosponsoring local governments, to use local infrastructure
38 financing, notification must be sent by the board to the sponsoring

1 local government, and any cosponsoring local governments, authorizing
2 the sponsoring local government, and any cosponsoring local
3 governments, to impose the local sales and use tax authorized under RCW
4 82.14.475, subject to the conditions in RCW 82.14.475.

5 **Sec. 67.** RCW 43.160.900 and 2008 c 327 s 9 are each amended to
6 read as follows:

7 (1) The community economic revitalization board shall conduct
8 biennial outcome-based evaluations of the financial assistance provided
9 under this chapter. The evaluations shall include information on the
10 number of applications for community economic revitalization board
11 assistance; the number and types of projects approved; the grant or
12 loan amount awarded each project; the projected number of jobs created
13 or retained by each project; the actual number and cost of jobs created
14 or retained by each project; the wages and health benefits associated
15 with the jobs; the amount of state funds and total capital invested in
16 projects; the number and types of businesses assisted by funded
17 projects; the location of funded projects; the transportation
18 infrastructure available for completed projects; the local match and
19 local participation obtained; the number of delinquent loans; and the
20 number of project terminations. The evaluations may also include
21 additional performance measures and recommendations for programmatic
22 changes.

23 (2)(a) By September 1st of each even-numbered year, the board shall
24 forward its draft evaluation to the (~~Washington state economic~~
25 ~~development commission~~) department of community, trade, and economic
26 development for review and comment(~~(, as required in section 10 of this~~
27 ~~act)~~). The board shall provide any additional information as may be
28 requested by the (~~commission~~) department for the purpose of its
29 review.

30 (b) Any written comments or recommendations provided by the
31 (~~commission~~) department as a result of its review shall be included
32 in the board's completed evaluation. The evaluation must be presented
33 to the governor and appropriate committees of the legislature by
34 December 31st of each even-numbered year. The initial evaluation must
35 be submitted by December 31, 2010.

1 **Sec. 68.** RCW 43.330.050 and 2005 c 136 s 12 are each amended to
2 read as follows:

3 The department shall be responsible for promoting community and
4 economic development within the state by assisting the state's
5 communities to increase the quality of life of their citizens and their
6 economic vitality, and by assisting the state's businesses to maintain
7 and increase their economic competitiveness, while maintaining a
8 healthy environment. Community and economic development efforts shall
9 include: Efforts to increase economic opportunity; local planning to
10 manage growth; the promotion and provision of affordable housing and
11 housing-related services; providing public infrastructure; business and
12 trade development; assisting firms and industrial sectors to increase
13 their competitiveness; fostering the development of minority and women-
14 owned businesses; facilitating technology development, transfer, and
15 diffusion; community services and advocacy for low-income persons; and
16 public safety efforts. The department shall have the following general
17 functions and responsibilities:

18 (1) Provide advisory assistance to the governor, other state
19 agencies, and the legislature on community and economic development
20 matters and issues;

21 (2) Assist the governor in coordinating the activities of state
22 agencies that have an impact on local government and communities;

23 (3) Cooperate with the (~~Washington state economic development~~
24 ~~commission, the~~) legislature(~~(7)~~) and the governor in the development
25 and implementation of strategic plans for the state's community and
26 economic development efforts;

27 (4) Solicit private and federal grants for economic and community
28 development programs and administer such programs in conjunction with
29 other programs assigned to the department by the governor or the
30 legislature;

31 (5) Cooperate with and provide technical and financial assistance
32 to local governments, businesses, and community-based organizations
33 serving the communities of the state for the purpose of aiding and
34 encouraging orderly, productive, and coordinated development of the
35 state, and, unless stipulated otherwise, give additional consideration
36 to local communities and individuals with the greatest relative need
37 and the fewest resources;

1 (6) Participate with other states or subdivisions thereof in
2 interstate programs and assist cities, counties, municipal
3 corporations, governmental conferences or councils, and regional
4 planning commissions to participate with other states and provinces or
5 their subdivisions;

6 (7) Hold public hearings and meetings to carry out the purposes of
7 this chapter;

8 (8) Conduct research and analysis in furtherance of the state's
9 economic and community development efforts including maintenance of
10 current information on market, demographic, and economic trends as they
11 affect different industrial sectors, geographic regions, and
12 communities with special economic and social problems in the state; and

13 (9) Develop a schedule of fees for services where appropriate.

14 **Sec. 69.** RCW 43.330.082 and 2007 c 249 s 3 are each amended to
15 read as follows:

16 (1) Contracting associate development organizations shall provide
17 the department with measures of their performance. Annual reports
18 shall include information on the impact of the contracting organization
19 on employment, wages, tax revenue, and capital investment. Specific
20 measures shall be developed in the contracting process between the
21 department and the contracting organization every two years.
22 Performance measures should be consistent across regions to allow for
23 statewide evaluation.

24 (2)(a) The department and contracting organizations shall agree
25 upon specific target levels for the performance measures in subsection
26 (1) of this section. Comparison of agreed thresholds and actual
27 performance shall occur annually.

28 (b) Contracting organizations that fail to achieve the agreed
29 performance targets in more than one-half of the agreed measures shall
30 develop remediation plans to address performance gaps. The remediation
31 plans shall include revised performance thresholds specifically chosen
32 to provide evidence of progress in making the identified service
33 changes.

34 (c) Contracts and state funding shall be terminated for one year
35 for organizations that fail to achieve the agreed upon progress toward
36 improved performance defined under (b) of this subsection. During the
37 year in which termination for nonperformance is in effect,

1 organizations shall review alternative delivery strategies to include
2 reorganization of the contracting organization, merging of previous
3 efforts with existing regional partners, and other specific steps
4 toward improved performance. At the end of the period of termination,
5 the department may contract with the associate development organization
6 or its successor as it deems appropriate.

7 (3) The department shall report to the legislature (~~and the~~
8 ~~Washington economic development commission~~) by December 31st of each
9 year on the performance results of the contracts with associate
10 development organizations.

11 **Sec. 70.** RCW 43.330.310 and 2008 c 14 s 9 are each amended to read
12 as follows:

13 (1) The legislature establishes a comprehensive green economy jobs
14 growth initiative based on the goal of, by 2020, increasing the number
15 of green economy jobs to twenty-five thousand from the eight thousand
16 four hundred green economy jobs the state had in 2004.

17 (2) The department, in consultation with the employment security
18 department, the state workforce training and education coordinating
19 board, the state board (~~of~~ ~~for~~) for community and technical
20 colleges, and the higher education coordinating board, shall develop a
21 defined list of terms, consistent with current workforce and economic
22 development terms, associated with green economy industries and jobs.

23 (3)(a) The employment security department, in consultation with the
24 department, the state workforce training and education coordinating
25 board, the state board for community and technical colleges, the higher
26 education coordinating board, Washington State University small
27 business development center, and the Washington State University
28 extension energy program, shall conduct labor market research to
29 analyze the current labor market and projected job growth in the green
30 economy, the current and projected recruitment and skill requirement of
31 green economy industry employers, the wage and benefits ranges of jobs
32 within green economy industries, and the education and training
33 requirements of entry-level and incumbent workers in those industries.

34 (b) The University of Washington business and economic development
35 center shall: Analyze the current opportunities for and participation
36 in the green economy by minority and women-owned business enterprises
37 in Washington; identify existing barriers to their successful

1 participation in the green economy; and develop strategies with
2 specific policy recommendations to improve their successful
3 participation in the green economy. The research may be informed by
4 the research of the Puget Sound regional council prosperity
5 partnership, as well as other entities. The University of Washington
6 business and economic development center shall report to the
7 appropriate committees of the house of representatives and the senate
8 on their research, analysis, and recommendations by December 1, 2008.

9 (4) Based on the findings from subsection (3) of this section, the
10 employment security department, in consultation with the department and
11 taking into account the requirements and goals of chapter 14, Laws of
12 2008 and other state clean energy and energy efficiency policies, shall
13 propose which industries will be considered high-demand green
14 industries, based on current and projected job creation and their
15 strategic importance to the development of the state's green economy.
16 The employment security department and the department shall take into
17 account which jobs within green economy industries will be considered
18 high-wage occupations and occupations that are part of career pathways
19 to the same, based on family-sustaining wage and benefits ranges.
20 These designations, and the results of the employment security
21 department's broader labor market research, shall inform the planning
22 and strategic direction of the department, the state workforce training
23 and education coordinating board, the state board for community and
24 technical colleges, and the higher education coordinating board.

25 (5) The department shall identify emerging technologies and
26 innovations that are likely to contribute to advancements in the green
27 economy, including the activities in designated innovation partnership
28 zones established in RCW 43.330.270.

29 (6) The department (~~(, consistent with the priorities established by~~
30 ~~the state economic development commission,)~~) shall:

31 (a) Develop targeting criteria for existing investments, and make
32 recommendations for new or expanded financial incentives and
33 comprehensive strategies, to recruit, retain, and expand green economy
34 industries and small businesses; and

35 (b) Make recommendations for new or expanded financial incentives
36 and comprehensive strategies to stimulate research and development of
37 green technology and innovation, including designating innovation
38 partnership zones linked to the green economy.

1 (7) For the purposes of this section, "target populations" means
2 (a) entry-level or incumbent workers in high-demand green industries
3 who are in, or are preparing for, high-wage occupations; (b) dislocated
4 workers in declining industries who may be retrained for high-wage
5 occupations in high-demand green industries; (c) dislocated
6 agriculture, timber, or energy sector workers who may be retrained for
7 high-wage occupations in high-demand green industries; (d) eligible
8 veterans or national guard members; (e) disadvantaged populations; or
9 (f) anyone eligible to participate in the state opportunity grant
10 program under RCW 28B.50.271.

11 (8) The legislature directs the state workforce training and
12 education coordinating board to create and pilot green industry skill
13 panels. These panels shall consist of business representatives from
14 industry sectors related to clean energy, labor unions representing
15 workers in those industries or labor affiliates administering state-
16 approved, joint apprenticeship programs or labor-management partnership
17 programs that train workers for these industries, state and local
18 veterans agencies, employer associations, educational institutions, and
19 local workforce development councils within the region that the panels
20 propose to operate, and other key stakeholders as determined by the
21 applicant. Any of these stakeholder organizations are eligible to
22 receive grants under this section and serve as the intermediary that
23 convenes and leads the panel. Panel applicants must provide labor
24 market and industry analysis that demonstrates high demand, or demand
25 of strategic importance to the development of the state's clean energy
26 economy as identified in this section, for high-wage occupations, or
27 occupations that are part of career pathways to the same, within the
28 relevant industry sector. The panel shall:

29 (a) Conduct labor market and industry analyses, in consultation
30 with the employment security department, and drawing on the findings of
31 its research when available;

32 (b) Plan strategies to meet the recruitment and training needs of
33 the industry and small businesses; and

34 (c) Leverage and align other public and private funding sources.

35 (9) The green industries jobs training account is created in the
36 state treasury. Moneys from the account must be utilized to supplement
37 the state opportunity grant program established under RCW 28B.50.271.
38 All receipts from appropriations directed to the account must be

1 deposited into the account. Expenditures from the account may be used
2 only for the activities identified in this subsection. The state board
3 for community and technical colleges, in consultation with the state
4 workforce training and education coordinating board, informed by the
5 research of the employment security department and the strategies
6 developed in this section, may authorize expenditures from the account.
7 The state board for community and technical colleges must distribute
8 grants from the account on a competitive basis.

9 (a)(i) Allowable uses of these grant funds, which should be used
10 when other public or private funds are insufficient or unavailable, may
11 include:

12 (A) Curriculum development;

13 (B) Transitional jobs strategies for dislocated workers in
14 declining industries who may be retrained for high-wage occupations in
15 green industries;

16 (C) Workforce education to target populations; and

17 (D) Adult basic and remedial education as necessary linked to
18 occupation skills training.

19 (ii) Allowable uses of these grant funds do not include student
20 assistance and support services available through the state opportunity
21 grant program under RCW 28B.50.271.

22 (b) Applicants eligible to receive these grants may be any
23 organization or a partnership of organizations that has demonstrated
24 expertise in:

25 (i) Implementing effective education and training programs that
26 meet industry demand; and

27 (ii) Recruiting and supporting, to successful completion of those
28 training programs carried out under these grants, the target
29 populations of workers.

30 (c) In awarding grants from the green industries jobs training
31 account, the state board for community and technical colleges shall
32 give priority to applicants that demonstrate the ability to:

33 (i) Use labor market and industry analysis developed by the
34 employment security department and green industry skill panels in the
35 design and delivery of the relevant education and training program, and
36 otherwise utilize strategies developed by green industry skill(~~s~~
37 ~~{skill}~~) panels;

1 (ii) Leverage and align existing public programs and resources and
2 private resources toward the goal of recruiting, supporting, educating,
3 and training target populations of workers;

4 (iii) Work collaboratively with other relevant stakeholders in the
5 regional economy;

6 (iv) Link adult basic and remedial education, where necessary, with
7 occupation skills training;

8 (v) Involve employers and, where applicable, labor unions in the
9 determination of relevant skills and competencies and, where relevant,
10 the validation of career pathways; and

11 (vi) Ensure that supportive services, where necessary, are
12 integrated with education and training and are delivered by
13 organizations with direct access to and experience with the targeted
14 population of workers.

15 **Sec. 71.** RCW 82.33A.010 and 2007 c 232 s 8 are each amended to
16 read as follows:

17 (1) The economic climate council is hereby created.

18 (2) The council shall(~~(, in consultation with the Washington~~
19 ~~economic development commission,~~) select a series of benchmarks that
20 characterize the competitive environment of the state. The benchmarks
21 should be indicators of the cost of doing business; the education and
22 skills of the workforce; a sound infrastructure; and the quality of
23 life. In selecting the appropriate benchmarks, the council shall use
24 the following criteria:

25 (a) The availability of comparative information for other states
26 and countries;

27 (b) The timeliness with which benchmark information can be
28 obtained; and

29 (c) The accuracy and validity of the benchmarks in measuring the
30 economic climate indicators named in this section.

31 (3) Each year the council shall prepare an official state economic
32 climate report on the present status of benchmarks, changes in the
33 benchmarks since the previous report, and the reasons for the changes.
34 The reports shall include current benchmark comparisons with other
35 states and countries, and an analysis of factors related to the
36 benchmarks that may affect the ability of the state to compete
37 economically at the national and international level.

1 (4) All agencies of state government shall provide to the council
2 immediate access to all information relating to economic climate
3 reports.

4 **Emergency Medical Services and Trauma Care Steering Committee**

5 NEW SECTION. **Sec. 72.** RCW 70.168.020 (Steering committee--
6 Composition--Appointment) and 2000 c 93 s 20, 1990 c 269 s 5, & 1988 c
7 183 s 2 are each repealed.

8 **Sec. 73.** RCW 70.168.030 and 1998 c 245 s 117 are each amended to
9 read as follows:

10 (1) (~~Upon the recommendation of the steering committee,~~) The
11 director of the office of financial management shall contract with an
12 independent party for an analysis of the state's trauma system.

13 (2) The analysis shall contain at a minimum, the following:

14 (a) The identification of components of a functional statewide
15 trauma care system, including standards; and

16 (b) An assessment of the current trauma care program compared with
17 the functional statewide model identified in subsection (a) of this
18 section, including an analysis of deficiencies and reasons for the
19 deficiencies.

20 (3) The analysis shall provide a design for a statewide trauma care
21 system based on the findings of the committee under subsection (2) of
22 this section, with a plan for phased-in implementation. The plan shall
23 include, at a minimum, the following:

24 (a) Responsibility for implementation;

25 (b) Administrative authority at the state, regional, and local
26 levels;

27 (c) Facility, equipment, and personnel standards;

28 (d) Triage and care criteria;

29 (e) Data collection and use;

30 (f) Cost containment strategies;

31 (g) System evaluation; and

32 (h) Projected costs.

1 **Sec. 74.** RCW 70.168.050 and 1990 c 269 s 3 are each amended to
2 read as follows:

3 (1) The department(~~(, in consultation with, and having solicited~~
4 ~~the advice of, the emergency medical services and trauma care steering~~
5 ~~committee,)) shall establish the Washington state emergency medical
6 services and trauma care system.~~

7 (2) The department shall adopt rules consistent with this chapter
8 to carry out the purpose of this chapter. All rules shall be adopted
9 in accordance with chapter 34.05 RCW. All rules and procedures adopted
10 by the department shall minimize paperwork and compliance requirements
11 for facilities and other participants. The department shall assure an
12 opportunity for consultation, review, and comment by the public and
13 providers of emergency medical services and trauma care before adoption
14 of rules. When developing rules to implement this chapter the
15 department shall consider the report of the Washington state trauma
16 project established under chapter 183, Laws of 1988. Nothing in this
17 chapter requires the department to follow any specific recommendation
18 in that report except as it may also be included in this chapter.

19 (3) The department may apply for, receive, and accept gifts and
20 other payments, including property and service, from any governmental
21 or other public or private entity or person, and may make arrangements
22 as to the use of these receipts, including any activities related to
23 the design, maintenance, or enhancements of the emergency medical
24 services and trauma care system in the state. The department shall
25 make available upon request to the appropriate legislative committees
26 information concerning the source, amount, and use of such gifts or
27 payments.

28 **Sec. 75.** RCW 70.168.060 and 1990 c 269 s 8 are each amended to
29 read as follows:

30 The department(~~(, in consultation with and having solicited the~~
31 ~~advice of the emergency medical services and trauma care steering~~
32 ~~committee,)) shall:~~

33 (1) Establish the following on a statewide basis:

34 (a) By September 1990, minimum standards for facility, equipment,
35 and personnel for level I, II, III, IV, and V trauma care services;

36 (b) By September 1990, minimum standards for facility, equipment,

1 and personnel for level I, I-pediatric, II, and III trauma-related
2 rehabilitative services;

3 (c) By September 1990, minimum standards for facility, equipment,
4 and personnel for level I, II, and III pediatric trauma care services;

5 (d) By September 1990, minimum standards required for verified
6 prehospital trauma care services, including equipment and personnel;

7 (e) Personnel training requirements and programs for providers of
8 trauma care. The department shall design programs which are accessible
9 to rural providers including on-site training;

10 (f) Statewide emergency medical services and trauma care system
11 objectives and priorities;

12 (g) Minimum standards for the development of facility patient care
13 protocols and prehospital patient care protocols and patient care
14 procedures;

15 (h) By July 1991, minimum standards for an effective emergency
16 medical communication system;

17 (i) Minimum standards for an effective emergency medical services
18 transportation system; and

19 (j) By July 1991, establish a program for emergency medical
20 services and trauma care research and development;

21 (2) Establish statewide standards, personnel training requirements
22 and programs, system objectives and priorities, protocols and
23 guidelines as required in subsection (1) of this section, by utilizing
24 those standards adopted in the report of the Washington trauma advisory
25 committee as authorized by chapter 183, Laws of 1988. In establishing
26 standards for level IV or V trauma care services the department may
27 adopt similar standards adopted for services provided in rural health
28 care facilities authorized in chapter 70.175 RCW. The department may
29 modify standards, personnel training requirements and programs, system
30 objectives and priorities, and guidelines in rule if the department
31 determines that such modifications are necessary to meet federal and
32 other state requirements or are essential to allow the department and
33 others to establish the system or should it determine that public
34 health considerations or efficiencies in the delivery of emergency
35 medical services and trauma care warrant such modifications;

36 (3) Designate emergency medical services and trauma care planning
37 and service regions as provided for in this chapter;

1 (4) By July 1, 1992, establish the minimum and maximum number of
2 hospitals and health care facilities in the state and within each
3 emergency medical services and trauma care planning and service region
4 that may provide designated trauma care services based upon approved
5 regional emergency medical services and trauma care plans;

6 (5) By July 1, 1991, establish the minimum and maximum number of
7 prehospital providers in the state and within each emergency medical
8 services and trauma care planning and service region that may provide
9 verified trauma care services based upon approved regional emergency
10 medical services and trauma care plans;

11 (6) By July 1993, begin the designation of hospitals and health
12 care facilities to provide designated trauma care services in
13 accordance with needs identified in the statewide emergency medical
14 services and trauma care plan;

15 (7) By July 1990, adopt a format for submission of the regional
16 plans to the department;

17 (8) By July 1991, begin the review and approval of regional
18 emergency medical services and trauma care plans;

19 (9) By July 1992, prepare regional plans for those regions that do
20 not submit a regional plan to the department that meets the
21 requirements of this chapter;

22 (10) By October 1992, prepare and implement the statewide emergency
23 medical services and trauma care system plan incorporating the regional
24 plans;

25 (11) Coordinate the statewide emergency medical services and trauma
26 care system to assure integration and smooth operation between the
27 regions;

28 ~~(12) ((Facilitate coordination between the emergency medical
29 services and trauma care steering committee and the emergency medical
30 services licensing and certification advisory committee;~~

31 ~~(+13))~~ Monitor the statewide emergency medical services and trauma
32 care system;

33 ~~((+14))~~ (13) Conduct a study of all costs, charges, expenses, and
34 levels of reimbursement associated with providers of trauma care
35 services, and provide its findings and any recommendations regarding
36 adequate and equitable reimbursement to trauma care providers to the
37 legislature by July 1, 1991;

1 ~~((+15))~~ (14) Monitor the level of public and private payments made
2 on behalf of trauma care patients to determine whether health care
3 providers have been adequately reimbursed for the costs of care
4 rendered such persons;

5 ~~((+16))~~ (15) By July 1991, design and establish the statewide
6 trauma care registry as authorized in RCW 70.168.090 to (a) assess the
7 effectiveness of emergency medical services and trauma care delivery,
8 and (b) modify standards and other system requirements to improve the
9 provision of emergency medical services and trauma care;

10 ~~((+17))~~ (16) By July 1991, develop patient outcome measures to
11 assess the effectiveness of emergency medical services and trauma care
12 in the system;

13 ~~((+18))~~ (17) By July 1993, develop standards for regional
14 emergency medical services and trauma care quality assurance programs
15 required in RCW 70.168.090;

16 ~~((+19))~~ (18) Administer funding allocated to the department for
17 the purpose of creating, maintaining, or enhancing the statewide
18 emergency medical services and trauma care system; and

19 ~~((+20))~~ (19) By October 1990, begin coordination and development
20 of trauma prevention and education programs.

21 **Sec. 76.** RCW 70.168.130 and 1990 c 269 s 16 are each amended to
22 read as follows:

23 (1) The department(~~(, with the assistance of the emergency medical~~
24 ~~services and trauma care steering committee,)~~) shall adopt a program
25 for the disbursement of funds for the development, implementation, and
26 enhancement of the emergency medical services and trauma care system.
27 Under the program, the department shall disburse funds to each
28 emergency medical services and trauma care regional council, or their
29 chosen fiscal agent or agents, which shall be city or county
30 governments, stipulating the purpose for which the funds shall be
31 expended. The regional emergency medical services and trauma care
32 council shall use such funds to make available matching grants in an
33 amount not to exceed fifty percent of the cost of the proposal for
34 which the grant is made; provided, the department may waive or modify
35 the matching requirement if it determines insufficient local funding
36 exists and the public health and safety would be jeopardized if the
37 proposal were not funded. Grants shall be made to any public or

1 private nonprofit agency which, in the judgment of the regional
2 emergency medical services and trauma care council, will best fulfill
3 the purpose of the grant.

4 (2) Grants may be awarded for any of the following purposes:

5 (a) Establishment and initial development of an emergency medical
6 services and trauma care system;

7 (b) Expansion and improvement of an emergency medical services and
8 trauma care system;

9 (c) Purchase of equipment for the operation of an emergency medical
10 services and trauma care system;

11 (d) Training and continuing education of emergency medical and
12 trauma care personnel; and

13 (e) Department approved research and development activities
14 pertaining to emergency medical services and trauma care.

15 (3) Any emergency medical services agency or trauma care provider
16 which receives a grant shall stipulate that it will:

17 (a) Operate in accordance with applicable provisions and standards
18 required under this chapter;

19 (b) Provide, without prior inquiry as to ability to pay, emergency
20 medical and trauma care to all patients requiring such care; and

21 (c) Be consistent with applicable provisions of the regional
22 emergency medical services and trauma care plan and the statewide
23 emergency medical services and trauma care system plan.

24 **Sec. 77.** RCW 18.76.050 and 1990 c 269 s 21 are each amended to
25 read as follows:

26 The secretary (~~((with the advice of the emergency medical services
27 and trauma care steering committee established under RCW 18.73.050))~~)
28 shall adopt rules, under chapter 34.05 RCW, prescribing:

29 (1) Standards for the operation of a poison information center;

30 (2) Standards and procedures for certification, recertification and
31 decertification of poison center medical directors and poison
32 information specialists; and

33 (3) Standards and procedures for reciprocity with other states or
34 national certifying agencies.

1 **Emergency Management Council**

2 NEW SECTION. **Sec. 78.** RCW 38.52.040 (Emergency management
3 council--Members--Ad hoc committees--Function as state emergency
4 response commission--Rules review) and 1995 c 269 s 1202, 1988 c 81 s
5 18, 1984 c 38 s 5, 1979 ex.s. c 57 s 8, 1975-'76 2nd ex.s. c 34 s 82,
6 1974 ex.s. c 171 s 6, & 1951 c 178 s 5 are each repealed.

7 **Sec. 79.** RCW 38.52.030 and 1997 c 49 s 2 are each amended to read
8 as follows:

9 (1) The director may employ such personnel and may make such
10 expenditures within the appropriation therefor, or from other funds
11 made available for purposes of emergency management, as may be
12 necessary to carry out the purposes of this chapter.

13 (2) The director, subject to the direction and control of the
14 governor, shall be responsible to the governor for carrying out the
15 program for emergency management of this state. The director shall
16 coordinate the activities of all organizations for emergency management
17 within the state, and shall maintain liaison with and cooperate with
18 emergency management agencies and organizations of other states and of
19 the federal government, and shall have such additional authority,
20 duties, and responsibilities authorized by this chapter, as may be
21 prescribed by the governor.

22 (3) The director shall develop and maintain a comprehensive, all-
23 hazard emergency plan for the state which shall include an analysis of
24 the natural, technological, or human caused hazards which could affect
25 the state of Washington, and shall include the procedures to be used
26 during emergencies for coordinating local resources, as necessary, and
27 the resources of all state agencies, departments, commissions, and
28 boards. The comprehensive emergency management plan shall direct the
29 department in times of state emergency to administer and manage the
30 state's emergency operations center. This will include representation
31 from all appropriate state agencies and be available as a single point
32 of contact for the authorizing of state resources or actions, including
33 emergency permits. The comprehensive emergency management plan must
34 specify the use of the incident command system for
35 multiagency/multijurisdiction operations. The comprehensive, all-
36 hazard emergency plan authorized under this subsection may not include

1 preparation for emergency evacuation or relocation of residents in
2 anticipation of nuclear attack. This plan shall be known as the
3 comprehensive emergency management plan.

4 (4) In accordance with the comprehensive emergency management plans
5 and the programs for the emergency management of this state, the
6 director shall procure supplies and equipment, institute training
7 programs and public information programs, and shall take all other
8 preparatory steps, including the partial or full mobilization of
9 emergency management organizations in advance of actual disaster, to
10 insure the furnishing of adequately trained and equipped forces of
11 emergency management personnel in time of need.

12 (5) The director shall make such studies and surveys of the
13 industries, resources, and facilities in this state as may be necessary
14 to ascertain the capabilities of the state for emergency management,
15 and shall plan for the most efficient emergency use thereof.

16 ~~((The emergency management council shall advise the director on
17 all aspects of the communications and warning systems and facilities
18 operated or controlled under the provisions of this chapter.~~

19 ~~(7))~~ The director, through the state enhanced 911 coordinator,
20 shall coordinate and facilitate implementation and operation of a
21 statewide enhanced 911 emergency communications network.

22 ~~((8))~~ (7) The director shall appoint a state coordinator of
23 search and rescue operations to coordinate those state resources,
24 services and facilities (other than those for which the state director
25 of aeronautics is directly responsible) requested by political
26 subdivisions in support of search and rescue operations, and on request
27 to maintain liaison with and coordinate the resources, services, and
28 facilities of political subdivisions when more than one political
29 subdivision is engaged in joint search and rescue operations.

30 ~~((9))~~ (8) The director, subject to the direction and control of
31 the governor, shall prepare and administer a state program for
32 emergency assistance to individuals within the state who are victims of
33 a natural, technological, or human caused disaster, as defined by RCW
34 38.52.010(6). Such program may be integrated into and coordinated with
35 disaster assistance plans and programs of the federal government which
36 provide to the state, or through the state to any political subdivision
37 thereof, services, equipment, supplies, materials, or funds by way of
38 gift, grant, or loan for purposes of assistance to individuals affected

1 by a disaster. Further, such program may include, but shall not be
2 limited to, grants, loans, or gifts of services, equipment, supplies,
3 materials, or funds of the state, or any political subdivision thereof,
4 to individuals who, as a result of a disaster, are in need of
5 assistance and who meet standards of eligibility for disaster
6 assistance established by the department of social and health services:
7 PROVIDED, HOWEVER, That nothing herein shall be construed in any manner
8 inconsistent with the provisions of Article VIII, section 5 or section
9 7 of the Washington state Constitution.

10 ((+10+)) (9) The director shall appoint a state coordinator for
11 radioactive and hazardous waste emergency response programs. The
12 coordinator shall consult with the state radiation control officer in
13 matters relating to radioactive materials. The duties of the state
14 coordinator for radioactive and hazardous waste emergency response
15 programs shall include:

16 (a) Assessing the current needs and capabilities of state and local
17 radioactive and hazardous waste emergency response teams on an ongoing
18 basis;

19 (b) Coordinating training programs for state and local officials
20 for the purpose of updating skills relating to emergency mitigation,
21 preparedness, response, and recovery;

22 (c) Utilizing appropriate training programs such as those offered
23 by the federal emergency management agency, the department of
24 transportation and the environmental protection agency; and

25 (d) Undertaking other duties in this area that are deemed
26 appropriate by the director.

27 **Sec. 80.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to read
28 as follows:

29 (1) Each political subdivision of this state is hereby authorized
30 and directed to establish a local organization or to be a member of a
31 joint local organization for emergency management in accordance with
32 the state comprehensive emergency management plan and program:
33 PROVIDED, That a political subdivision proposing such establishment
34 shall submit its plan and program for emergency management to the state
35 director and secure his or her recommendations thereon, and
36 verification of consistency with the state comprehensive emergency
37 management plan, in order that the plan of the local organization for

1 emergency management may be coordinated with the plan and program of
2 the state. Local comprehensive emergency management plans must specify
3 the use of the incident command system for
4 multiagency/multijurisdiction operations. No political subdivision may
5 be required to include in its plan provisions for the emergency
6 evacuation or relocation of residents in anticipation of nuclear
7 attack. (~~(If the director's recommendations are adverse to the plan as~~
8 ~~submitted, and, if the local organization does not agree to the~~
9 ~~director's recommendations for modification to the proposal, the matter~~
10 ~~shall be referred to the council for final action.)) The director may
11 authorize two or more political subdivisions to join in the
12 establishment and operation of a joint local organization for emergency
13 management as circumstances may warrant, in which case each political
14 subdivision shall contribute to the cost of emergency management upon
15 such fair and equitable basis as may be determined upon by the
16 executive heads of the constituent subdivisions. If in any case the
17 executive heads cannot agree upon the proper division of cost the
18 matter shall be referred to the ((~~council~~)) director for arbitration
19 and its decision shall be final. When two or more political
20 subdivisions join in the establishment and operation of a joint local
21 organization for emergency management each shall pay its share of the
22 cost into a special pooled fund to be administered by the treasurer of
23 the most populous subdivision, which fund shall be known as the
24 emergency management fund. Each local organization or
25 joint local organization for emergency management shall have a director
26 who shall be appointed by the executive head of the political
27 subdivision, and who shall have direct responsibility for the
28 organization, administration, and operation of such local organization
29 for emergency management, subject to the direction and control of such
30 executive officer or officers. In the case of a joint local
31 organization for emergency management, the director shall be appointed
32 by the joint action of the executive heads of the constituent political
33 subdivisions. Each local organization or joint local organization for
34 emergency management shall perform emergency management functions
35 within the territorial limits of the political subdivision within which
36 it is organized, and, in addition, shall conduct such functions outside
37 of such territorial limits as may be required pursuant to the
38 provisions of this chapter.~~

1 (2) In carrying out the provisions of this chapter each political
2 subdivision, in which any disaster as described in RCW 38.52.020
3 occurs, shall have the power to enter into contracts and incur
4 obligations necessary to combat such disaster, protecting the health
5 and safety of persons and property, and providing emergency assistance
6 to the victims of such disaster. Each political subdivision is
7 authorized to exercise the powers vested under this section in the
8 light of the exigencies of an extreme emergency situation without
9 regard to time-consuming procedures and formalities prescribed by law
10 (excepting mandatory constitutional requirements), including, but not
11 limited to, budget law limitations, requirements of competitive bidding
12 and publication of notices, provisions pertaining to the performance of
13 public work, entering into contracts, the incurring of obligations, the
14 employment of temporary workers, the rental of equipment, the purchase
15 of supplies and materials, the levying of taxes, and the appropriation
16 and expenditures of public funds.

17 **Sec. 81.** RCW 38.52.240 and 1986 c 266 s 33 are each amended to
18 read as follows:

19 The compensation board shall hear and decide all applications for
20 compensation under this chapter. The board shall submit its
21 recommendations to the director on such forms as he or she may
22 prescribe. ~~((In case the decision of the director is different from
23 the recommendation of the compensation board, the matter shall be
24 submitted to the state emergency management council for action.))~~

25 **Sec. 82.** RCW 38.52.330 and 1986 c 266 s 38 are each amended to
26 read as follows:

27 The department is authorized to make all expenditures necessary and
28 proper to carry out the provisions of this chapter including payments
29 to claimants for compensation as emergency workers and their
30 dependents; to adjust and dispose of all claims submitted by a local
31 compensation board. When medical treatment is necessary, the
32 department is authorized to make medical and compensation payments on
33 an interim basis. Nothing herein shall be construed to mean that the
34 department ~~((or the state emergency management council))~~ or its
35 officers or agents shall have the final decision with respect to the
36 compensability of any case or the amount of compensation or benefits

1 due, but any emergency worker or his or her dependents shall have the
2 same right of appeal from any order, decision, or award to the same
3 extent as provided in chapter 51.32 RCW.

4 **Sec. 83.** RCW 46.48.170 and 1988 c 81 s 19 are each amended to read
5 as follows:

6 The Washington state patrol acting by and through the chief of the
7 Washington state patrol shall have the authority to adopt and enforce
8 the regulations promulgated by the United States department of
9 transportation, Title 49 CFR parts 100 through 199, transportation of
10 hazardous materials, as these regulations apply to motor carriers.
11 "Motor carrier" means any person engaged in the transportation of
12 passengers or property operating interstate and intrastate upon the
13 public highways of this state, except farmers. The chief of the
14 Washington state patrol (~~(shall confer with the emergency management~~
15 ~~council under RCW 38.52.040 and~~)) may make rules and regulations
16 pertaining thereto, sufficient to protect persons and property from
17 unreasonable risk of harm or damage. The chief of the Washington state
18 patrol shall establish such additional rules not inconsistent with
19 Title 49 CFR parts 100 through 199, transportation of hazardous
20 materials, which for compelling reasons make necessary the reduction of
21 risk associated with the transportation of hazardous materials. No
22 such rules may lessen a standard of care; however, the chief of the
23 Washington state patrol may(~~(, after conferring with the emergency~~
24 ~~management council,~~)) establish a rule imposing a more stringent
25 standard of care. The chief of the Washington state patrol shall
26 appoint the necessary qualified personnel to carry out the provisions
27 of RCW 46.48.170 through (~~(46.48.190)~~) 46.48.185.

28 **Emergency Medical Services Licensing and Certification Advisory**
29 **Committee**

30 NEW SECTION. **Sec. 84.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 18.73.040 (Emergency medical services licensing and
33 certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55,

1 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, &
2 1973 1st ex.s. c 208 s 4; and

3 (2) RCW 18.73.050 (Committee--Duties--Review of rules) and 1990 c
4 269 s 7, 1987 c 214 s 3, 1979 ex.s. c 261 s 3, & 1973 1st ex.s. c 208
5 s 5.

6 **Sec. 85.** RCW 18.71.205 and 1996 c 191 s 55 and 1996 c 178 s 6 are
7 each reenacted and amended to read as follows:

8 (1) The secretary of the department of health(~~(, in conjunction~~
9 ~~with the advice and assistance of the emergency medical services~~
10 ~~licensing and certification advisory committee as prescribed in RCW~~
11 ~~18.73.050, and the commission,)~~) shall prescribe:

12 (a) Practice parameters, training standards for, and levels of,
13 physician trained emergency medical service intermediate life support
14 technicians and paramedics;

15 (b) Minimum standards and performance requirements for the
16 certification and recertification of physician's trained emergency
17 medical service intermediate life support technicians and paramedics;
18 and

19 (c) Procedures for certification, recertification, and
20 decertification of physician's trained emergency medical service
21 intermediate life support technicians and paramedics.

22 (2) Initial certification shall be for a period established by the
23 secretary pursuant to RCW 43.70.250 and 43.70.280.

24 (3) Recertification shall be granted upon proof of continuing
25 satisfactory performance and education, and shall be for a period
26 established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

27 (4) As used in chapters 18.71 and 18.73 RCW, "approved medical
28 program director" means a person who:

29 (a) Is licensed to practice medicine and surgery pursuant to
30 chapter 18.71 RCW or osteopathic medicine and surgery pursuant to
31 chapter 18.57 RCW; and

32 (b) Is qualified and knowledgeable in the administration and
33 management of emergency care and services; and

34 (c) Is so certified by the department of health for a county, group
35 of counties, or cities with populations over four hundred thousand in
36 coordination with the recommendations of the local medical community
37 and local emergency medical services and trauma care council.

1 (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
2 uncertified practice, the issuance and denial of certificates, and the
3 disciplining of certificate holders under this section. The secretary
4 shall be the disciplining authority under this section. Disciplinary
5 action shall be initiated against a person credentialed under this
6 chapter in a manner consistent with the responsibilities and duties of
7 the medical program director under whom such person is responsible.

8 (6) Such activities of physician's trained emergency medical
9 service intermediate life support technicians and paramedics shall be
10 limited to actions taken under the express written or oral order of
11 medical program directors and shall not be construed at any time to
12 include free standing or nondirected actions, for actions not
13 presenting an emergency or life-threatening condition.

14 **Sec. 86.** RCW 18.73.030 and 2005 c 193 s 2 are each amended to read
15 as follows:

16 Unless a different meaning is plainly required by the context, the
17 following words and phrases as used in this chapter shall have the
18 meanings indicated.

19 (1) "Secretary" means the secretary of the department of health.

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

21 (3) (~~"Committee" means the emergency medical services licensing~~
22 ~~and certification advisory committee.~~

23 ~~(4))~~ "Ambulance" means a ground or air vehicle designed and used
24 to transport the ill and injured and to provide personnel, facilities,
25 and equipment to treat patients before and during transportation.

26 ~~((+5))~~ (4) "Aid vehicle" means a vehicle used to carry aid
27 equipment and individuals trained in first aid or emergency medical
28 procedure.

29 ~~((+6))~~ (5) "Emergency medical technician" means a person who is
30 authorized by the secretary to render emergency medical care pursuant
31 to RCW 18.73.081.

32 ~~((+7))~~ (6) "Ambulance service" means an organization that operates
33 one or more ambulances.

34 ~~((+8))~~ (7) "Aid service" means an organization that operates one
35 or more aid vehicles.

36 ~~((+9))~~ (8) "Emergency medical service" means medical treatment and
37 care which may be rendered at the scene of any medical emergency or

1 while transporting any patient in an ambulance to an appropriate
2 medical facility, including ambulance transportation between medical
3 facilities.

4 ~~((+10+))~~ (9) "Communications system" means a radio and landline
5 network which provides rapid public access, coordinated central
6 dispatching of services, and coordination of personnel, equipment, and
7 facilities in an emergency medical services and trauma care system.

8 ~~((+11+))~~ (10) "Prehospital patient care protocols" means the
9 written procedure adopted by the emergency medical services medical
10 program director which direct the out-of-hospital emergency care of the
11 emergency patient which includes the trauma care patient. These
12 procedures shall be based upon the assessment of the patient's medical
13 needs and what treatment will be provided for emergency conditions.
14 The protocols shall meet or exceed statewide minimum standards
15 developed by the department in rule as authorized in chapter 70.168
16 RCW.

17 ~~((+12+))~~ (11) "Patient care procedures" means written operating
18 guidelines adopted by the regional emergency medical services and
19 trauma care council, in consultation with the local emergency medical
20 services and trauma care councils, emergency communication centers, and
21 the emergency medical services medical program director, in accordance
22 with statewide minimum standards. The patient care procedures shall
23 identify the level of medical care personnel to be dispatched to an
24 emergency scene, procedures for triage of patients, the level of trauma
25 care facility to first receive the patient, and the name and location
26 of other trauma care facilities to receive the patient should an
27 interfacility transfer be necessary. Procedures on interfacility
28 transfer of patients shall be consistent with the transfer procedures
29 in chapter 70.170 RCW.

30 ~~((+13+))~~ (12) "Emergency medical services medical program director"
31 means a person who is an approved medical program director as defined
32 by RCW 18.71.205(4).

33 ~~((+14+))~~ (13) "Council" means the local or regional emergency
34 medical services and trauma care council as authorized under chapter
35 70.168 RCW.

36 ~~((+15+))~~ (14) "Basic life support" means noninvasive emergency
37 medical services requiring basic medical treatment skills as defined in
38 chapter 18.73 RCW.

1 "Director" shall mean the director of agriculture. (~~"Commission"~~
2 ~~shall mean the fairs commission created by this chapter.~~) "State
3 allocations" shall mean allocations from the state fair fund.

4 **Sec. 90.** RCW 15.76.150 and 2002 c 313 s 113 are each amended to
5 read as follows:

6 The director shall have the authority to make allocations from the
7 state fair fund, including interest income under RCW 43.79A.040,
8 exclusively as follows: Eighty-five percent to participating
9 agricultural fairs, distributed according to the merit of such fairs
10 measured by a merit rating to be set up by the director. This merit
11 rating shall take into account such factors as area and population
12 served, open and/or youth participation, attendance, gate receipts,
13 number and type of exhibits, premiums and prizes paid, community
14 support, evidence of successful achievement of the aims and purposes of
15 the fair, extent of improvements made to grounds and facilities from
16 year to year, and overall condition and appearance of grounds and
17 facilities. The remaining fifteen percent of money in the state fair
18 fund may be used for special assistance to any participating fair or
19 fairs and for administrative expenses incurred in the administration of
20 this chapter only(~~, including expenses incurred by the fair commission
21 as may be approved by the director~~): PROVIDED, That not more than
22 five percent of the state fair fund may be used for such expenses.

23 The division and payment of funds authorized in this section shall
24 occur at such times as the director may prescribe.

25 **Family Practice Education Advisory Board**

26 NEW SECTION. **Sec. 91.** The following acts or parts of acts are
27 each repealed:

- 28 (1) RCW 70.112.030 (Family practice education advisory board--
29 Chairman--Membership) and 1975 1st ex.s. c 108 s 3;
- 30 (2) RCW 70.112.040 (Advisory board--Terms of members--Filling
31 vacancies) and 1975 1st ex.s. c 108 s 4; and
- 32 (3) RCW 70.112.050 (Advisory board--Duties) and 1998 c 245 s 111 &
33 1975 1st ex.s. c 108 s 5.

1 **Sec. 92.** RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each
2 amended to read as follows:

3 (1) "School of medicine" means the University of Washington school
4 of medicine located in Seattle, Washington;

5 (2) "Residency programs" mean community based family practice
6 residency educational programs either in existence or established under
7 this chapter;

8 (3) "Affiliated" means established or developed in cooperation with
9 the school of medicine;

10 (4) "Family practice unit" means the community facility or
11 classroom used for training of ambulatory health skills within a
12 residency training program; and

13 (~~(5) "Advisory board" means the family practice education advisory~~
14 ~~board created by this chapter.~~)

15 **Sec. 93.** RCW 70.112.020 and 1975 1st ex.s. c 108 s 2 are each
16 amended to read as follows:

17 There is established a statewide medical education system for the
18 purpose of training resident physicians in family practice. The dean
19 of the school of medicine shall be responsible for implementing the
20 development and expansion of residency programs in cooperation with the
21 medical profession, hospitals, and clinics located throughout the
22 state. The chairman of the department of family medicine in the school
23 of medicine(~~(, with the consent of the advisory board,)~~) shall
24 determine where affiliated residency programs shall exist; giving
25 consideration to communities in the state where the population,
26 hospital facilities, number of physicians, and interest in medical
27 education indicate the potential success of the residency program. The
28 medical education system shall provide financial support for residents
29 in training for those programs which are affiliated with the school of
30 medicine and shall establish positions for appropriate faculty to staff
31 these programs. The number of programs shall be determined by the
32 board and be in keeping with the needs of the state.

1 **Fire Protection Policy Board**

2 NEW SECTION. **Sec. 94.** The following acts or parts of acts are
3 each repealed:

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

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

8 **Sec. 95.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read
9 as follows:

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

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

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

32 (~~e~~) Cooperate with the common schools, technical and community
33 colleges, institutions of higher education, and any department or
34 division of the state, or of any county or municipal corporation in
establishing and maintaining instruction in fire service training and

1 education in accordance with any act of congress and legislation
2 enacted by the legislature in pursuance thereof and in establishing,
3 building, and operating training and education facilities.

4 Industrial fire departments and private fire investigators may
5 participate in training and education programs under this chapter for
6 a reasonable fee established by rule;

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

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

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

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

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

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

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

37 ~~(d) Provide representation for local fire protection services to~~

1 ~~the governor in state level fire protection planning matters such as,~~
2 ~~but not limited to, hazardous materials control;~~

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

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

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

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

14 ~~((i))~~ (c) Implement any legislation enacted by the legislature to
15 meet the requirements of any acts of congress that apply to this
16 section.

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

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

33 **Sec. 96.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read
34 as follows:

35 The ~~((state fire protection policy board shall review and make~~
36 ~~recommendations to the chief on the refinement and maintenance of the))~~
37 Washington state fire services mobilization plan(~~(, which))~~) shall

1 include the procedures to be used during fire and other emergencies for
2 coordinating local, regional, and state fire jurisdiction resources.
3 (~~In carrying out this duty, the fire protection policy board shall~~
4 ~~consult with and solicit recommendations from representatives of state~~
5 ~~and local fire and emergency management organizations, regional fire~~
6 ~~defense boards, and the department of natural resources.)) The
7 Washington state fire services mobilization plan shall be consistent
8 with, and made part of, the Washington state comprehensive emergency
9 management plan. The chief shall (~~review the fire services~~
10 ~~mobilization plan as submitted by the fire protection policy board,~~
11 ~~recommend changes that may be necessary, and~~) approve the fire
12 services mobilization plan for inclusion within the state comprehensive
13 emergency management plan.~~

14 It is the responsibility of the chief to mobilize jurisdictions
15 under the Washington state fire services mobilization plan. The state
16 fire marshal shall serve as the state fire resources coordinator when
17 the Washington state fire services mobilization plan is mobilized.

18 **Sec. 97.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
19 as follows:

20 The enhanced 911 advisory committee is created to advise and assist
21 the state enhanced 911 coordinator in coordinating and facilitating the
22 implementation and operation of enhanced 911 throughout the state. The
23 director shall appoint members of the committee who represent diverse
24 geographical areas of the state and include state residents who are
25 members of the national emergency number association, the associated
26 public communications officers Washington chapter, the Washington state
27 fire chiefs association, the Washington association of sheriffs and
28 police chiefs, the Washington state council of firefighters, the
29 Washington state council of police officers, the Washington ambulance
30 association, (~~the state fire protection policy board,~~) the Washington
31 state firefighters association, the Washington state association of
32 fire marshals, the Washington fire commissioners association, the
33 Washington state patrol, the association of Washington cities, the
34 Washington state association of counties, the utilities and
35 transportation commission or commission staff, a representative of a
36 voice over internet protocol company, and an equal number of
37 representatives of large and small local exchange telephone companies

1 and large and small radio communications service companies offering
2 commercial mobile radio service in the state. This section expires
3 December 31, 2011.

4 **Sec. 98.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read
5 as follows:

6 (1) No person may assign any employee, contract with, or permit any
7 individual or person to remove or encapsulate asbestos in any facility
8 unless performed by a certified asbestos worker and under the direct,
9 on-site supervision of a certified asbestos supervisor. In cases in
10 which an employer conducts an asbestos abatement project in its own
11 facility and by its own employees, supervision can be performed in the
12 regular course of a certified asbestos supervisor's duties. Asbestos
13 workers must have access to certified asbestos supervisors throughout
14 the duration of the project.

15 (2) The department shall require persons undertaking asbestos
16 projects to provide written notice to the department before the
17 commencement of the project except as provided in RCW 49.26.125. The
18 notice shall include a written description containing such information
19 as the department requires by rule. The department may by rule allow
20 a person to report multiple projects at one site in one report. The
21 department shall by rule establish the procedure and criteria by which
22 a person will be considered to have attempted to meet the
23 prenotification requirement.

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

30 **Hazardous Substance Mixed Waste Advisory Board**

31 NEW SECTION. **Sec. 99.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and
34 2005 c 1 s 7; and

1 (2) RCW 70.105E.090 (Advisory board--Public involvement--Funding)
2 and 2005 c 1 s 9.

3 **Health and Welfare Advisory Board**
4 **and Property and Liability Advisory Board**

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

7 (1) RCW 48.62.051 (Health and welfare advisory board--Creation--
8 Membership--Duties) and 1991 sp.s. c 30 s 5; and

9 (2) RCW 48.62.041 (Property and liability advisory board--
10 Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

11 **Sec. 101.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended
12 to read as follows:

13 The state risk manager(~~(, in consultation with the property and~~
14 ~~liability advisory board,~~)) shall adopt rules governing the management
15 and operation of both individual and joint local government self-
16 insurance programs covering property or liability risks. The state
17 risk manager shall also adopt rules governing the management and
18 operation of both individual and joint local government self-insured
19 health and welfare benefits programs (~~(in consultation with the health~~
20 ~~and welfare benefits advisory board)~~). All rules shall be appropriate
21 for the type of program and class of risk covered. The state risk
22 manager's rules shall include:

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

26 (2) Standards for claims management procedures; and

27 (3) Standards for contracts between self-insurance programs and
28 private businesses including standards for contracts between third-
29 party administrators and programs.

1 **Health Information Infrastructure Advisory Board**

2 **Sec. 102.** RCW 41.05.035 and 2007 c 259 s 10 are each amended to
3 read as follows:

4 (1) The administrator shall design and pilot a consumer-centric
5 health information infrastructure and the first health record banks
6 that will facilitate the secure exchange of health information when and
7 where needed and shall:

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

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

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

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

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

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

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

1 ~~(c) The members of the board, stakeholder committee, and any~~
2 ~~advisory group:~~

3 ~~(i) Shall agree to the terms and conditions imposed by the~~
4 ~~administrator regarding conflicts of interest as a condition of~~
5 ~~appointment;~~

6 ~~(ii) Are immune from civil liability for any official acts~~
7 ~~performed in good faith as members of the board, stakeholder committee,~~
8 ~~or any advisory group.~~

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

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

17 ~~((5))~~ (3) The administrator may enter into contracts to issue,
18 distribute, and administer grants that are necessary or proper to carry
19 out this section.

20 **Higher Education Coordinating Board Advisory Council**

21 NEW SECTION. **Sec. 103.** RCW 28B.76.100 (Advisory council) and
22 2007 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

23 **Sec. 104.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
24 read as follows:

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

33 (2) The board shall ~~((convene a research advisory group and shall~~
34 ~~collaborate with the group to))~~ identify the most cost-effective manner

1 for the board to collect data or access existing data. The board shall
2 (~~work with the advisory group to~~) develop research priorities,
3 policies, and common definitions to maximize the reliability and
4 consistency of data across institutions. (~~The advisory group shall~~
5 ~~include representatives of public and independent higher education~~
6 ~~institutions and other state agencies, including the state board for~~
7 ~~community and technical colleges, the office of the superintendent of~~
8 ~~public instruction, the office of financial management, the employment~~
9 ~~security department, the workforce training and education coordinating~~
10 ~~board, and other agencies as appropriate.~~)

11 (3) Specific protocols shall be developed by the board (~~and the~~
12 ~~advisory group~~) to protect the privacy of individual student records
13 while ensuring the availability of student data for legitimate research
14 purposes.

15 **Home Inspector Advisory Licensing Board**

16 NEW SECTION. **Sec. 105.** RCW 18.280.040 (Home inspector advisory
17 licensing board) and 2008 c 119 s 4 are each repealed.

18 **Sec. 106.** RCW 18.280.010 and 2008 c 119 s 1 are each amended to
19 read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) (~~"Board" means the home inspector advisory licensing board.~~
23 ~~(2)~~) "Department" means the department of licensing.

24 (~~(3)~~) (2) "Director" means the director of the department of
25 licensing.

26 (~~(4)~~) (3) "Entity" or "entities" means educational groups or
27 organizations, national organizations or associations, or a national
28 test organization.

29 (~~(5)~~) (4) "Home inspection" means a professional examination of
30 the current condition of a house.

31 (~~(6)~~) (5) "Home inspector" means a person who carries out a
32 noninvasive examination of the condition of a home, often in connection
33 with the sale of that home, using special training and education to
34 carry out the inspection.

1 ((+7)) (6) "Report" means a written report prepared and issued
2 after a home inspection.

3 ((+8)) (7) "Wood destroying organism" means insects or fungi that
4 consume, excavate, develop in, or otherwise modify the integrity of
5 wood or wood products. "Wood destroying organism" includes but is not
6 limited to carpenter ants, moisture ants, subterranean termites,
7 dampwood termites, beetles in the family Anobiidae, and wood decay
8 fungi, known as wood rot.

9 **Sec. 107.** RCW 18.280.030 and 2008 c 119 s 3 are each amended to
10 read as follows:

11 A person licensed under this chapter is responsible for performing
12 a visual and noninvasive inspection of the following readily accessible
13 systems and components of a home and reporting on the general condition
14 of those systems and components at the time of the inspection in his or
15 her written report: The roof, foundation, exterior, heating system,
16 air-conditioning system, structure, plumbing and electrical systems,
17 and other aspects of the home as may be identified by the ((board))
18 director. The inspection must include looking for certain fire and
19 safety hazards as defined by the ((board)) director. The standards of
20 practice to be developed by the ((board)) director will be used as the
21 minimum standards for an inspection. The duties of the home inspector
22 with regard to wood destroying organisms are provided in RCW
23 18.280.190.

24 **Sec. 108.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to
25 read as follows:

26 The director has the following authority in administering this
27 chapter:

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

30 (2) To administer licensing examinations ((approved by the board))
31 and to adopt or recognize examinations prepared by other entities ((as
32 approved by the board));

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

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

1 **Sec. 109.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to
2 read as follows:

3 The ((board)) director has the following authority in administering
4 this chapter:

5 (1) ~~((To establish rules, including board organization and
6 assignment of terms, and meeting frequency and timing, for adoption by
7 the director;~~

8 (2)) To establish the minimum qualifications for licensing
9 applicants as provided in this chapter;

10 ((3)) (2) To approve the method of administration of examinations
11 required by this chapter ~~((or by rule as established by the director));~~

12 ((4)) (3) To approve the content of or recognition of
13 examinations prepared by other entities ~~((for adoption by the
14 director));~~

15 ((5)) (4) To set the time and place of examinations ~~((with the
16 approval of the director));~~ and

17 ((6)) (5) To establish and review standards of professional
18 conduct, practice, and ethics ~~((for adoption by the director. These)),~~
19 which standards must address what constitutes certain fire and safety
20 hazards as used in RCW 18.280.030.

21 **Sec. 110.** RCW 18.280.070 and 2008 c 119 s 7 are each amended to
22 read as follows:

23 In order to become licensed as a home inspector, an applicant must
24 submit the following to the department:

25 (1) An application on a form developed by the department;

26 (2) Proof of a minimum of one hundred twenty hours of classroom
27 instruction approved by the ((board)) director;

28 (3) Proof of up to forty hours of field training supervised by a
29 licensed home inspector;

30 (4) Evidence of successful passage of the written exam as required
31 in RCW 18.280.080; and

32 (5) The fee in the amount set by the department.

33 **Sec. 111.** RCW 18.280.080 and 2008 c 119 s 8 are each amended to
34 read as follows:

35 Applicants for licensure must pass an exam that is psychometrically
36 valid, reliable, and legally defensible by the state. The exam is to

1 be developed, maintained, and administered by the department. The
2 ((~~board shall recommend to the~~)) director shall determine whether to
3 use an exam that is prepared by a national entity. If an exam prepared
4 by a national entity is used, a section specific to Washington shall be
5 developed by the director and included as part of the entire exam.

6 **Sec. 112.** RCW 18.280.110 and 2008 c 119 s 11 are each amended to
7 read as follows:

8 (1) As a condition of renewing a license under this chapter, a
9 licensed home inspector shall present satisfactory evidence to the
10 ((~~board~~)) director of having completed the continuing education
11 requirements provided for in this section.

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

15 **Sec. 113.** RCW 18.280.120 and 2008 c 119 s 12 are each amended to
16 read as follows:

17 (1) A licensed home inspector shall provide a written report of the
18 home inspection to each person for whom the inspector performs a home
19 inspection within a time period set by the ((~~board~~)) director in rule.
20 The issues to be addressed in the report shall be set by the ((~~board~~))
21 director in rule.

22 (2) A licensed home inspector, or other licensed home inspectors or
23 employees who work for the same company or for any company in which the
24 home inspector has a financial interest, shall not, from the time of
25 the inspection until one year from the date of the report, perform any
26 work other than home inspection-related consultation on the home upon
27 which he or she has performed a home inspection.

28 **Sec. 114.** RCW 18.280.130 and 2008 c 119 s 13 are each amended to
29 read as follows:

30 (1) The director shall immediately suspend the license of a person
31 who has been certified pursuant to RCW 74.20A.320 by the department of
32 social and health services as a person who is not in compliance with a
33 child support order. If the person has continued to meet all other
34 requirements for a license under this chapter during the suspension,
35 reissuance of the license is automatic upon the ((~~board's~~)) director's

1 receipt of a release issued by the department of social and health
2 services stating that the licensee is in compliance with the child
3 support order. The procedure in RCW 74.20A.320 is the exclusive
4 administrative remedy for contesting the establishment of noncompliance
5 with a child support order, and suspension of a license under this
6 subsection, and satisfies the requirements of RCW 34.05.422.

7 (2) The director(~~(, with the assistance of the board,)~~) shall
8 establish by rule under what circumstances a home inspector license may
9 be suspended or revoked. These circumstances shall be based upon
10 accepted industry standards (~~(and the board's cumulative experience)~~).

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

15 **Industry Cluster Advisory Committee**

16 **Sec. 115.** RCW 43.330.090 and 2007 c 228 s 201 are each amended to
17 read as follows:

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

1 formulating its industry cluster-based strategies and shall assist
2 local communities in identifying regional industry clusters and
3 developing industry cluster-based strategies.

4 (2)(a) The department shall promote, market, and encourage growth
5 in the production of films and videos, as well as television
6 commercials within the state; to this end the department is directed to
7 assist in the location of a film and video production studio within the
8 state.

9 (b) The department may, in carrying out its efforts to encourage
10 film and video production in the state, solicit and receive gifts,
11 grants, funds, fees, and endowments, in trust or otherwise, from
12 tribal, local, or other governmental entities, as well as private
13 sources, and may expend the same or any income therefrom for the
14 encouragement of film and video production. All revenue received for
15 such purposes shall be deposited into the film and video promotion
16 account created in RCW 43.330.092.

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

20 (a) Facilitating regional focus group discussions and conducting
21 studies to identify industry clusters, appraise the current information
22 linkages within a cluster, and identify issues of common concern within
23 a cluster;

24 (b) Supporting industry and cluster associations, publications of
25 association and cluster directories, and related efforts to create or
26 expand the activities of industry and cluster associations;

27 (c) Administering a competitive grant program to fund activities
28 designed to further regional cluster growth. In administering the
29 program, the department shall work with (~~(an industry cluster advisory~~
30 ~~committee with equal representation from)) the workforce training and
31 education coordinating board, the state board for community and
32 technical colleges, the employment security department, business, and
33 labor.~~

34 (i) The (~~(industry cluster advisory committee))~~ department shall
35 (~~(recommend))~~ seek recommendations on criteria for evaluating
36 applications for grant funds and recommend applicants for receipt of
37 grant funds.

1 (ii) Applicants must include organizations from at least two
2 counties and participants from the local business community. Eligible
3 organizations include, but are not limited to, local governments,
4 economic development councils, chambers of commerce, federally
5 recognized Indian tribes, workforce development councils, and
6 educational institutions.

7 (iii) Applications must evidence financial participation of the
8 partner organizations.

9 (iv) Priority shall be given to applicants which will use the grant
10 funds to build linkages and joint projects, to develop common resources
11 and common training, and to develop common research and development
12 projects or facilities.

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

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

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

18 (4) As used in subsection (3) of this section, "industry cluster"
19 means a geographic concentration of interdependent competitive firms
20 that do business with each other. "Industry cluster" also includes
21 firms that sell inside and outside of the geographic region as well as
22 support firms that supply raw materials, components, and business
23 services.

24 **Integrated Justice Information Board**

25 NEW SECTION. **Sec. 116.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
28 104 s 1;

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

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

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

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

3 **K-12 Educational Network Board**

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

5 NEW SECTION. **Sec. 117.** The following acts or parts of acts are
6 each repealed:

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

9 (2) RCW 43.105.810 (K-20 network technical steering committee) and
10 1999 c 285 s 6.

11 **Sec. 118.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to
12 read as follows:

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

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

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

17 (3) "Committee" means the state interoperability executive
18 committee;

19 (4) "Local governments" includes all municipal and quasi municipal
20 corporations and political subdivisions, and all agencies of such
21 corporations and subdivisions authorized to contract separately;

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

23 (6) "Purchased services" means services provided by a vendor to
24 accomplish routine, continuing, and necessary functions. This term
25 includes, but is not limited to, services acquired for equipment
26 maintenance and repair, operation of a physical plant, security,
27 computer hardware and software installation and maintenance,
28 telecommunications installation and maintenance, data entry, keypunch
29 services, programming services, and computer time-sharing;

30 (7) "Backbone network" means the shared high-density portions of
31 the state's telecommunications transmission facilities. It includes
32 specially conditioned high-speed communications carrier lines,
33 multiplexors, switches associated with such communications lines, and

1 any equipment and software components necessary for management and
2 control of the backbone network;

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

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

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

11 (11) "Information services" means data processing,
12 telecommunications, office automation, and computerized information
13 systems;

14 (12) "Equipment" means the machines, devices, and transmission
15 facilities used in information processing, such as computers, word
16 processors, terminals, telephones, wireless communications system
17 facilities, cables, and any physical facility necessary for the
18 operation of such equipment;

19 (13) "Information technology portfolio" or "portfolio" means a
20 strategic management process documenting relationships between agency
21 missions and information technology and telecommunications investments;

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

25 (15) "Proprietary software" means that software offered for sale or
26 license;

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

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

35 ~~(18) "K-20 network technical steering committee" or "committee"~~
36 ~~means the K-20 network technical steering committee created in RCW~~
37 ~~43.105.810;~~

1 ~~(19)~~) "K-20 network" means the network established in RCW
2 43.105.820;

3 ~~((20))~~ (18) "Educational sectors" means those institutions of
4 higher education, school districts, and educational service districts
5 that use the network for distance education, data transmission, and
6 other uses permitted by the ~~((K-20))~~ board.

7 **Sec. 119.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to
8 read as follows:

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

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

15 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
16 maintain equipment, proprietary software, and purchased services, or to
17 delegate to other agencies and institutions of state government, under
18 appropriate standards, the authority to purchase, lease, rent, or
19 otherwise acquire, dispose of, and maintain equipment, proprietary
20 software, and purchased services: PROVIDED, That, agencies and
21 institutions of state government are expressly prohibited from
22 acquiring or disposing of equipment, proprietary software, and
23 purchased services without such delegation of authority. The
24 acquisition and disposition of equipment, proprietary software, and
25 purchased services is exempt from RCW 43.19.1919 and, as provided in
26 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
27 This subsection (1)(b) does not apply to the legislative branch;

28 (c) To develop statewide or interagency technical policies,
29 standards, and procedures;

30 (d) To review and approve standards and common specifications for
31 new or expanded telecommunications networks proposed by agencies,
32 public postsecondary education institutions, educational service
33 districts, or statewide or regional providers of K-12 information
34 technology services, and to assure the cost-effective development and
35 incremental implementation of a statewide video telecommunications
36 system to serve: Public schools; educational service districts;

1 vocational-technical institutes; community colleges; colleges and
2 universities; state and local government; and the general public
3 through public affairs programming;

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

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

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

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

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

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

17 (ii) Training and education; and

18 (iii) Project management;

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

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

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

28 (a) Establish technical standards to facilitate electronic access
29 to government information and interoperability of information systems,
30 including wireless communications systems. Local governments are
31 strongly encouraged to follow the standards established by the board;
32 and

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

35 In developing these standards, the board is encouraged to include
36 the state library, state archives, and appropriate representatives of
37 state and local government.

1 (3)(a) The board(~~(, in consultation with the K-20 board,)~~) has the
2 duty to govern, operate, and oversee the technical design,
3 implementation, and operation of the K-20 network including, but not
4 limited to, the following duties: Establishment and implementation of
5 K-20 network technical policy, including technical standards and
6 conditions of use; review and approval of network design; procurement
7 of shared network services and equipment; and resolving user/provider
8 disputes concerning technical matters. The board shall delegate
9 general operational and technical oversight to the (~~K-20 network~~
10 ~~technical steering committee~~) department as appropriate.

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

14 **Sec. 120.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
15 read as follows:

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

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

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

23 (3) To adopt, modify, and implement policies to facilitate network
24 development, operation, and expansion. Such policies may include but
25 need not be limited to the following issues: Quality of educational
26 services; access to the network by recognized organizations and
27 accredited institutions that deliver educational programming, including
28 public libraries; prioritization of programming within limited
29 resources; prioritization of access to the system and the sharing of
30 technological advances; network security; identification and evaluation
31 of emerging technologies for delivery of educational programs; future
32 expansion or redirection of the system; network fee structures; and
33 costs for the development and operation of the network;

34 (4) To prepare and submit to the governor and the legislature a
35 coordinated budget for network development, operation, and expansion.

36 The budget shall include the recommendations of the (~~K-20~~) board on
37 (a) any state funding requested for network transport and equipment,

1 distance education facilities and hardware or software specific to the
2 use of the network, and proposed new network end sites, (b) annual
3 copayments to be charged to public educational sector institutions and
4 other public entities connected to the network, and (c) charges to
5 nongovernmental entities connected to the network;

6 (5) To adopt and monitor the implementation of a methodology to
7 evaluate the effectiveness of the network in achieving the educational
8 goals and measurable objectives;

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

11 (7) To establish by rule acceptable use policies governing user
12 eligibility for participation in the K-20 network, acceptable uses of
13 network resources, and procedures for enforcement of such policies.
14 The ((K-20)) board shall set forth appropriate procedures for
15 enforcement of acceptable use policies, that may include suspension of
16 network connections and removal of shared equipment for violations of
17 network conditions or policies. ((However, the information services))
18 The board shall have sole responsibility for the implementation of
19 enforcement procedures relating to technical conditions of use.

20 **Sec. 121.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
21 read as follows:

22 The information services board shall prepare a technical plan for
23 the design and construction of the K-20 telecommunication system. The
24 board shall ensure that the technical plan adheres to the goals and
25 objectives established under RCW 43.105.041. The board shall provide
26 formal project approval and oversight during the development and
27 implementation of the K-20 telecommunications network. In approving
28 the plan, the board shall conduct a request for proposal process. The
29 technical plan shall be developed in phases as follows:

30 (1) Phase one shall provide a telecommunication backbone connecting
31 educational service districts, the main campuses of public
32 baccalaureate institutions, the branch campuses of public research
33 institutions, and the main campuses of community colleges and technical
34 colleges.

35 (2) Phase two shall provide for (a) connection to the network by
36 entities that include, but need not be limited to: School districts,
37 public higher education off-campus and extension centers, and branch

1 campuses of community colleges and technical colleges, as prioritized
2 by the K-20 telecommunications oversight and policy committee, or as
3 modified by the board; (b) distance education facilities and components
4 for entities listed in subsections (1) and (2) of this section; and (c)
5 connection for independent nonprofit institutions of higher education,
6 provided that:

7 (i) The ((K-20)) board and each independent nonprofit institution
8 of higher education to be connected agree in writing to terms and
9 conditions of connectivity. The terms and conditions shall ensure,
10 among other things, that the provision of K-20 services does not
11 violate Article VIII, section 5 of the state Constitution and that the
12 institution shall adhere to network policies; and

13 (ii) The ((K-20)) board determines that inclusion of the
14 independent nonprofit institutions of higher education will not
15 significantly affect the network's eligibility for federal universal
16 service fund discounts or subsidies.

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

20 **Mental Health Counselors, Marriage and Family**
21 **Therapists, and Social Workers Advisory Committee**

22 NEW SECTION. **Sec. 122.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 18.225.060 (Washington state mental health counselors,
25 marriage and family therapists, and social workers advisory committee--
26 Established--Composition) and 2001 c 251 s 6; and

27 (2) RCW 18.225.070 (Department of health--Advice/assistance of
28 advisory committee) and 2001 c 251 s 7.

29 **Sec. 123.** RCW 18.225.010 and 2008 c 135 s 11 are each amended to
30 read as follows:

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

33 (1) "Advanced social work" means the application of social work
34 theory and methods including emotional and biopsychosocial assessment,

1 psychotherapy under the supervision of a licensed independent clinical
2 social worker, case management, consultation, advocacy, counseling, and
3 community organization.

4 (2) "Applicant" means a person who completes the required
5 application, pays the required fee, is at least eighteen years of age,
6 and meets any background check requirements and uniform disciplinary
7 act requirements.

8 (3) "Associate" means a prelicensure candidate who has a graduate
9 degree in a mental health field under RCW 18.225.090 and is gaining the
10 supervision and supervised experience necessary to become a licensed
11 independent clinical social worker, a licensed advanced social worker,
12 a licensed mental health counselor, or a licensed marriage and family
13 therapist.

14 (~~(4) ("Committee" means the Washington state mental health~~
15 ~~counselors, marriage and family therapists, and social workers advisory~~
16 ~~committee.~~

17 ~~(5))~~) "Department" means the department of health.

18 ~~((6))~~) (5) "Disciplining authority" means the department.

19 ~~((7))~~) (6) "Independent clinical social work" means the diagnosis
20 and treatment of emotional and mental disorders based on knowledge of
21 human development, the causation and treatment of psychopathology,
22 psychotherapeutic treatment practices, and social work practice as
23 defined in advanced social work. Treatment modalities include but are
24 not limited to diagnosis and treatment of individuals, couples,
25 families, groups, or organizations.

26 ~~((8))~~) (7) "Marriage and family therapy" means the diagnosis and
27 treatment of mental and emotional disorders, whether cognitive,
28 affective, or behavioral, within the context of relationships,
29 including marriage and family systems. Marriage and family therapy
30 involves the professional application of psychotherapeutic and family
31 systems theories and techniques in the delivery of services to
32 individuals, couples, and families for the purpose of treating such
33 diagnosed nervous and mental disorders. The practice of marriage and
34 family therapy means the rendering of professional marriage and family
35 therapy services to individuals, couples, and families, singly or in
36 groups, whether such services are offered directly to the general
37 public or through organizations, either public or private, for a fee,
38 monetary or otherwise.

1 ~~((+9))~~ (8) "Mental health counseling" means the application of
2 principles of human development, learning theory, psychotherapy, group
3 dynamics, and etiology of mental illness and dysfunctional behavior to
4 individuals, couples, families, groups, and organizations, for the
5 purpose of treatment of mental disorders and promoting optimal mental
6 health and functionality. Mental health counseling also includes, but
7 is not limited to, the assessment, diagnosis, and treatment of mental
8 and emotional disorders, as well as the application of a wellness model
9 of mental health.

10 ~~((+10))~~ (9) "Secretary" means the secretary of health or the
11 secretary's designee.

12 **Sec. 124.** RCW 18.225.040 and 2001 c 251 s 4 are each amended to
13 read as follows:

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

16 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
17 chapter(~~(. Any rules adopted shall be in consultation with the~~
18 ~~committee));~~

19 (2) Establish all licensing, examination, and renewal fees in
20 accordance with RCW 43.70.250;

21 (3) Establish forms and procedures necessary to administer this
22 chapter;

23 (4) Issue licenses to applicants who have met the education,
24 training, and examination requirements for licensure and to deny a
25 license to applicants who do not meet the requirements;

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

30 (6) Administer and supervise the grading and taking of examinations
31 for applicants for licensure;

32 (7) Determine which states have credentialing requirements
33 substantially equivalent to those of this state, and issue licenses to
34 individuals credentialed in those states without examinations;

35 (8) Implement and administer a program for consumer education (~~in~~
36 ~~consultation with the committee));~~

1 (9) Adopt rules implementing a continuing education program (~~in~~
2 ~~consultation with the committee~~);

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

5 (11) Establish by rule the procedures for an appeal of an
6 examination failure.

7 **Livestock Identification Advisory Board**

8 NEW SECTION. **Sec. 125.** RCW 16.57.015 (Livestock identification
9 advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c
10 354 s 10 are each repealed.

11 **Sec. 126.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to
12 read as follows:

13 (1) The director may adopt rules:

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

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

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

27 **McNeil Island Secure Community Transition** 28 **Facility Operational Advisory Board**

29 NEW SECTION. **Sec. 127.** RCW 71.09.320 (Transition facilities--
30 Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each
31 repealed.

1 **Midwifery Advisory Committee**

2 NEW SECTION. **Sec. 128.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 18.50.140 (Midwifery advisory committee--Generally) and
5 1994 sp.s. c 9 s 706, 1991 c 3 s 114, 1987 c 467 s 5, & 1981 c 53 s 3;
6 and

7 (2) RCW 18.50.150 (Midwifery advisory committee--Advice and
8 recommendations) and 1998 c 245 s 6, 1991 c 3 s 115, & 1981 c 53 s 4.

9 **Sec. 129.** RCW 18.50.045 and 1991 c 3 s 107 are each amended to
10 read as follows:

11 The secretary shall (~~promulgate~~) adopt standards by rule under
12 chapter 34.05 RCW for accrediting midwifery educational programs. The
13 standards shall cover the provision of adequate clinical and didactic
14 instruction in all subjects and noncurriculum matters under this
15 section including, but not limited to, staffing and teacher
16 qualifications. (~~In developing the standards, the secretary shall be
17 advised by and receive the recommendations of the midwifery advisory
18 committee.~~)

19 **Sec. 130.** RCW 18.50.060 and 1991 c 3 s 109 are each amended to
20 read as follows:

21 (1) The secretary is hereby authorized and empowered to execute the
22 provisions of this chapter and shall offer examinations in midwifery at
23 least twice a year at such times and places as the secretary may
24 select. The examinations shall be written and shall be in the English
25 language.

26 (2) The secretary(~~, with the assistance of the midwifery advisory
27 committee,~~) shall develop or approve a licensure examination in the
28 subjects that the secretary determines are within the scope of and
29 commensurate with the work performed by a licensed midwife. The
30 examination shall be sufficient to test the scientific and practical
31 fitness of candidates to practice midwifery. All application papers
32 shall be deposited with the secretary and there retained for at least
33 one year, when they may be destroyed.

34 (3) If the examination is satisfactorily completed, the secretary
35 shall issue to such candidate a license entitling the candidate to
36 practice midwifery in the state of Washington.

1 migratory birds shall be deposited in the state wildlife (~~fund~~)
2 account and shall be used only for that portion of the cost of printing
3 and production of the stamps for nonwaterfowl migratory bird hunters as
4 determined by subsection (4) of this section, and for those
5 nonwaterfowl migratory bird projects specified by the director for the
6 acquisition and development of nonwaterfowl migratory bird habitat in
7 the state and for the enhancement, protection, and propagation of
8 nonwaterfowl migratory birds in the state.

9 (4) With regard to the revenue from license validation and stamp
10 sales that is not the result of sales to stamp collectors, the
11 department shall determine the proportion of migratory waterfowl
12 hunters and solely nonwaterfowl migratory bird hunters by using the
13 yearly migratory bird hunter harvest information program survey results
14 or, in the event that these results are not available, other similar
15 survey results. A two-year average of the most recent survey results
16 shall be used to determine the proportion of the revenue attributed to
17 migratory waterfowl hunters and the proportion attributed to solely
18 nonwaterfowl migratory bird hunters for each fiscal year. For fiscal
19 year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the
20 stamp revenue shall be attributed to migratory waterfowl hunters and
21 four percent of the stamp revenue shall be attributed to solely
22 nonwaterfowl migratory game hunters.

23 (5) Acquisition shall include but not be limited to the acceptance
24 of gifts of real estate or any interest therein or the rental, lease,
25 or purchase of real estate or any interest therein. If the department
26 acquires any fee interest, leasehold, or rental interest in real
27 property under this section, it shall allow the general public
28 reasonable access to that property and shall, if appropriate, ensure
29 that the deed or other instrument creating the interest allows such
30 access to the general public. If the department obtains a covenant in
31 real property in its favor or an easement or any other interest in real
32 property under this section, it shall exercise its best efforts to
33 ensure that the deed or other instrument creating the interest grants
34 to the general public in the form of a covenant running with the land
35 reasonable access to the property. The private landowner from whom the
36 department obtains such a covenant or easement shall retain the right
37 of granting access to the lands by written permission, but may not
38 charge a fee for access.

1 (6) The department may produce migratory bird stamps in any given
2 year in excess of those necessary for sale in that year. The excess
3 stamps may be sold to the (~~migratory waterfowl art committee for sale~~
4 ~~to the~~) public.

5 **Sec. 134.** RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33
6 are each reenacted and amended to read as follows:

7 The (~~migratory waterfowl art committee~~) director is responsible
8 for the selection of the annual migratory bird stamp design (~~and shall~~
9 ~~provide the design to the department. If the committee does not~~
10 ~~perform this duty within the time frame necessary to achieve proper and~~
11 ~~timely distribution of the stamps to license dealers, the director~~
12 ~~shall initiate the art work selection for that year~~). The
13 (~~committee~~) department shall create collector art prints and related
14 artwork, utilizing the same design (~~as provided to the department~~).
15 The administration, sale, distribution, and other matters relating to
16 the prints and sales of stamps with prints and related artwork shall be
17 the responsibility of the (~~migratory waterfowl art committee~~)
18 department.

19 The total amount brought in from the sale of prints and related
20 artwork shall be deposited in the state wildlife (~~fund~~) account. The
21 costs of producing and marketing of prints and related artwork(~~,~~
22 ~~including administrative expenses mutually agreed upon by the committee~~
23 ~~and the director,~~) shall be paid out of the total amount brought in
24 from sales of those same items. Net funds derived from the sale of
25 prints and related artwork shall be used by the director to contract
26 with one or more appropriate individuals or nonprofit organizations for
27 the development of waterfowl propagation projects within Washington
28 which specifically provide waterfowl for the Pacific flyway. The
29 department shall not contract with any individual or organization that
30 obtains compensation for allowing waterfowl hunting except if the
31 individual or organization does not permit hunting for compensation on
32 the subject property.

33 (~~The migratory waterfowl art committee shall have an annual audit~~
34 ~~of its finances conducted by the state auditor and shall furnish a copy~~
35 ~~of the audit to the commission.~~)

1 (~~(+6)~~) (5) "Nutrition and food science" means the prevention and
2 treatment of disease or other human conditions through the use of
3 foods, water, herbs, roots, bark, or natural food elements.

4 (~~(+7)~~) (6) "Manual manipulation" or "mechanotherapy" means
5 manipulation of a part or the whole of the body by hand or by
6 mechanical means.

7 (~~(+8)~~) (7) "Physical modalities" means use of physical, chemical,
8 electrical, and other noninvasive modalities, including but not limited
9 to heat, cold, air, light, water in any of its forms, sound, massage,
10 and therapeutic exercise.

11 (~~(+9)~~) (8) "Homeopathy" means a system of medicine based on the
12 use of infinitesimal doses of medicines capable of producing symptoms
13 similar to those of the disease treated, as listed in the homeopathic
14 pharmacopeia of the United States.

15 (~~(+10)~~) (9) "Naturopathic medicines" means vitamins; minerals;
16 botanical medicines; homeopathic medicines; hormones; and those legend
17 drugs and controlled substances consistent with naturopathic medical
18 practice in accordance with rules established by the secretary.
19 Controlled substances are limited to codeine and testosterone products
20 that are contained in Schedules III, IV, and V in chapter 69.50 RCW.

21 (~~(+11)~~) (10) "Hygiene and immunization" means the use of such
22 preventative techniques as personal hygiene, asepsis, public health,
23 and immunizations, to the extent allowed by rule.

24 (~~(+12)~~) (11) "Minor office procedures" means care and procedures
25 incident thereto of superficial lacerations, lesions, and abrasions,
26 and the removal of foreign bodies located in superficial structures,
27 not to include the eye; and the use of antiseptics and topical or local
28 anesthetics in connection therewith. "Minor office procedures" also
29 includes intramuscular, intravenous, subcutaneous, and intradermal
30 injections of substances consistent with the practice of naturopathic
31 medicine and in accordance with rules established by the secretary.

32 (~~(+13)~~) (12) "Common diagnostic procedures" means the use of
33 venipuncture consistent with the practice of naturopathic medicine,
34 commonly used diagnostic modalities consistent with naturopathic
35 practice, health history taking, physical examination, radiography,
36 examination of body orifices excluding endoscopy, laboratory medicine,
37 and obtaining samples of human tissues, but excluding incision or
38 excision beyond that which is authorized as a minor office procedure.

1 (~~(14)~~) (13) "Suggestion" means techniques including but not
2 limited to counseling, biofeedback, and hypnosis.

3 (~~(15)~~) (14) "Radiography" means the ordering, but not the
4 interpretation, of radiographic diagnostic and other imaging studies
5 and the taking and interpretation of standard radiographs.

6 **Sec. 138.** RCW 18.36A.080 and 1991 c 3 s 93 are each amended to
7 read as follows:

8 The secretary(~~(, members of the committee,)~~) or individuals acting
9 on (~~their~~) the secretary's behalf, are immune from suit in any civil
10 action based on any act performed in the course of their duties.

11 **Sec. 139.** 2005 c 158 s 3 (uncodified) is amended to read as
12 follows:

13 The secretary (~~{of health}~~) of health, in consultation with the
14 (~~(naturopathic advisory committee and the)~~) Washington state board of
15 pharmacy, shall develop education and training requirements for the use
16 of controlled substances authorized under this act. The requirements
17 must be met by the naturopath prior to being authorized to prescribe
18 controlled substances under this act.

19 **Sec. 140.** RCW 18.36A.110 and 1991 c 3 s 96 are each amended to
20 read as follows:

21 (1) The date and location of the examination shall be established
22 by the secretary. Applicants who have been found to meet the education
23 and experience requirements for licensure shall be scheduled for the
24 next examination following the filing of the application. The
25 secretary shall establish by rule the examination application deadline.

26 (2) The examination shall contain subjects appropriate to the
27 standards of competency and scope of practice.

28 (3) The secretary shall establish by rule the requirements for a
29 reexamination if the applicant has failed the examination.

30 (~~(4) The committee may recommend to the secretary an examination~~
31 ~~prepared or administered, or both, by a private testing agency or~~
32 ~~association of licensing boards.))~~

1 **Nonhighway and Off-Road Vehicle Activities**
2 **Advisory Committee**

3 NEW SECTION. **Sec. 141.** RCW 46.09.280 (Nonhighway and off-road
4 vehicle activities advisory committee) and 2007 c 241 s 19, 2004 c 105
5 s 8, 2003 c 185 s 1, & 1986 c 206 s 13 are each repealed.

6 **Sec. 142.** RCW 46.09.020 and 2007 c 241 s 13 are each amended to
7 read as follows:

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

10 (1) (~~"Advisory committee" means the nonhighway and off-road~~
11 ~~vehicle activities advisory committee established in RCW 46.09.280.~~

12 ~~(2))~~ "Board" means the recreation and conservation funding board
13 established in RCW 79A.25.110.

14 ~~((3))~~ (2) "Dealer" means a person, partnership, association, or
15 corporation engaged in the business of selling off-road vehicles at
16 wholesale or retail in this state.

17 ~~((4))~~ (3) "Department" means the department of licensing.

18 ~~((5))~~ (4) "Highway," for the purpose of this chapter only, means
19 the entire width between the boundary lines of every roadway publicly
20 maintained by the state department of transportation or any county or
21 city with funding from the motor vehicle fund. A highway is generally
22 capable of travel by a conventional two-wheel drive passenger
23 automobile during most of the year and in use by such vehicles.

24 ~~((6))~~ (5) "Motorized vehicle" means a vehicle that derives motive
25 power from an internal combustion engine.

26 ~~((7))~~ (6) "Nonhighway road" means any road owned or managed by a
27 public agency or any private road for which the owner has granted an
28 easement for public use for which appropriations from the motor vehicle
29 fund were not used for (a) original construction or reconstruction in
30 the last twenty-five years; or (b) maintenance in the last four years.

31 ~~((8))~~ (7) "Nonhighway road recreation facilities" means
32 recreational facilities that are adjacent to, or accessed by, a
33 nonhighway road and intended primarily for nonhighway road recreational
34 users.

35 ~~((9))~~ (8) "Nonhighway road recreational user" means a person
36 whose purpose for consuming fuel on a nonhighway road or off-road is
37 primarily for nonhighway road recreational purposes, including, but not

1 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
2 picnicking, driving for pleasure, kayaking/canoeing, and gathering
3 berries, firewood, mushrooms, and other natural products.

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

7 Nonhighway vehicle does not include:

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

10 (b) Snowmobiles or any military vehicles; or

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

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

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

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

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

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

36 ~~((+16+))~~ (15) "ORV recreation facilities" include, but are not
37 limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and

1 ORV use areas, designated for ORV use by the managing authority that
2 are intended primarily for ORV recreational users.

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

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

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

16 ~~((+20+))~~ (19) "ORV use permit" means a permit issued for operation
17 of an off-road vehicle under this chapter.

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

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

23 **Olympic Natural Resources Center Policy Advisory Board**

24 **Sec. 143.** RCW 43.30.820 and 1991 c 316 s 3 are each amended to
25 read as follows:

26 The Olympic natural resources center shall operate under the
27 authority of the board of regents of the University of Washington. It
28 shall be administered by a director appointed jointly by the deans of
29 the college of forest resources and the college of ocean and fishery
30 sciences. The director shall be a member of the faculty of one of
31 those colleges. The director shall appoint and maintain a scientific
32 or technical committee, and other committees as necessary, to advise
33 the director on the efficiency, effectiveness, and quality of the
34 center's activities.

1 (~~A policy advisory board consisting of eleven members shall be~~
2 ~~appointed by the governor to advise the deans and the director on~~
3 ~~policies for the center that are consistent with the purposes of the~~
4 ~~center. Membership on the policy advisory board shall broadly~~
5 ~~represent the various interests concerned with the purposes of the~~
6 ~~center, including state and federal government, environmental~~
7 ~~organizations, local community, timber industry, and Indian tribes.~~

8 ~~Service on boards and committees of the center shall be without~~
9 ~~compensation but actual travel expenses incurred in connection with~~
10 ~~service to the center may be reimbursed from appropriated funds in~~
11 ~~accordance with RCW 43.03.050 and 43.03.060.)~~)

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

13 NEW SECTION. **Sec. 144.** The following acts or parts of acts are
14 each repealed:

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

17 **Sec. 145.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

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

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

28 ~~((3))~~ (2) "Designer," "licensee," or "permit holder" means an
29 individual authorized under this chapter to perform design services for
30 on-site wastewater treatment systems.

31 ~~((4))~~ (3) "Director" means the director of the Washington state
32 department of licensing.

33 ~~((5))~~ (4) "Engineer" means a professional engineer licensed under
34 chapter 18.43 RCW.

1 ((+6+)) (5) "Practice of engineering" has the meaning set forth in
2 RCW 18.43.020(5).

3 ((+7+)) (6) "On-site wastewater treatment system" means an
4 integrated system of components that: Convey, store, treat, and/or
5 provide subsurface soil treatment and disposal of wastewater effluent
6 on the property where it originates or on adjacent or other property
7 and includes piping, treatment devices, other accessories, and soil
8 underlying the disposal component of the initial and reserve areas, for
9 on-site wastewater treatment under three thousand five hundred gallons
10 per day when not connected to a public sewer system.

11 ((+8+)) (7) "On-site wastewater design" means the development of
12 plans, details, specifications, instructions, or inspections by
13 application of specialized knowledge in analysis of soils, on-site
14 wastewater treatment systems, disposal methods, and technologies to
15 create an integrated system of collection, transport, distribution,
16 treatment, and disposal of on-site wastewater.

17 ((+9+)) (8) "Local health jurisdiction" or "jurisdictional health
18 department" means an administrative agency created under chapter 70.05,
19 70.08, or 70.46 RCW, that administers the regulation and codes
20 regarding on-site wastewater treatment systems.

21 ((+10+)) (9) "Practice permit" means an authorization to practice
22 granted to an individual who designs on-site wastewater treatment
23 systems and who has been authorized by a local health jurisdiction to
24 practice on or before July 1, 2000.

25 ((+11+)) (10) "License" means a license to design on-site
26 wastewater treatment systems under this chapter.

27 ((+12+)) (11) "Certificate of competency" means a certificate
28 issued to employees of local health jurisdictions indicating that the
29 certificate holder has passed the licensing examination required under
30 this chapter.

31 **Sec. 146.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
32 read as follows:

33 The director may:

- 34 (1) ~~((Appoint and reappoint members to the advisory committee,~~
35 ~~including temporary additional members, and remove committee members~~
36 ~~for just cause;~~

1 ~~(2)~~) Employ administrative, clerical, and investigative staff as
2 necessary to administer and enforce this chapter;
3 ~~((3))~~ (2) Establish fees for applications, examinations, and
4 renewals in accordance with chapter 43.24 RCW;
5 ~~((4))~~ (3) Issue practice permits and licenses to applicants who
6 meet the requirements of this chapter; and
7 ~~((5))~~ (4) Exercise rule-making authority to implement this
8 section.

9 **Sec. 147.** RCW 18.210.060 and 2002 c 86 s 258 are each amended to
10 read as follows:

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

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

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

16 ~~((c))~~ (3) Review and approve or deny initial and renewal license
17 applications.

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

20 **On-site Sewage Disposal Systems Alternative Systems**
21 **Technical Review Committee**

22 NEW SECTION. **Sec. 148.** RCW 70.118.100 (Alternative systems--
23 Technical review committee) and 1997 c 447 s 3 are each repealed.

24 **Sec. 149.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to
25 read as follows:

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

1 subject in all respects to chapter 43.88 RCW but no appropriation shall
2 be required to permit expenditures and payment of obligations from the
3 fund.

4 **Sec. 152.** RCW 43.10.240 and 1985 c 251 s 1 are each amended to
5 read as follows:

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

16 **Orthotic and Prosthetics Advisory Committee**

17 NEW SECTION. **Sec. 153.** RCW 18.200.060 (Advisory committee--
18 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

19 **Sec. 154.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
20 read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) (~~"Advisory committee" means the orthotics and prosthetics~~
24 ~~advisory committee.~~

25 ~~(2)~~) "Department" means the department of health.

26 ~~(3)~~) (2) "Secretary" means the secretary of health or the
27 secretary's designee.

28 ~~(4)~~) (3) "Orthotics" means the science and practice of
29 evaluating, measuring, designing, fabricating, assembling, fitting,
30 adjusting, or servicing, as well as providing the initial training
31 necessary to accomplish the fitting of, an orthosis for the support,
32 correction, or alleviation of neuromuscular or musculoskeletal
33 dysfunction, disease, injury, or deformity. The practice of orthotics

1 encompasses evaluation, treatment, and consultation. With basic
2 observational gait and postural analysis, orthotists assess and design
3 orthoses to maximize function and provide not only the support but the
4 alignment necessary to either prevent or correct deformity or to
5 improve the safety and efficiency of mobility or locomotion, or both.
6 Orthotic practice includes providing continuing patient care in order
7 to assess its effect on the patient's tissues and to assure proper fit
8 and function of the orthotic device by periodic evaluation.

9 ~~((+5))~~ (4) "Orthotist" means a person licensed to practice
10 orthotics under this chapter.

11 ~~((+6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace
12 or support that is designed for long-term use. Except for the
13 treatment of scoliosis, orthosis does not include prefabricated or
14 direct-formed orthotic devices, as defined in this section, or any of
15 the following assistive technology devices: Commercially available
16 knee orthoses used following injury or surgery; spastic muscle tone-
17 inhibiting orthoses; upper extremity adaptive equipment; finger
18 splints; hand splints; custom-made, leather wrist gauntlets; face masks
19 used following burns; wheelchair seating that is an integral part of
20 the wheelchair and not worn by the patient independent of the
21 wheelchair; fabric or elastic supports; corsets; arch supports, also
22 known as foot orthotics; low-temperature formed plastic splints;
23 trusses; elastic hose; canes; crutches; cervical collars; dental
24 appliances; and other similar devices as determined by the secretary,
25 such as those commonly carried in stock by a pharmacy, department
26 store, corset shop, or surgical supply facility. Prefabricated
27 orthoses, also known as custom-fitted, or off-the-shelf, are devices
28 that are manufactured as commercially available stock items for no
29 specific patient. Direct-formed orthoses are devices formed or shaped
30 during the molding process directly on the patient's body or body
31 segment. Custom-fabricated orthoses, also known as custom-made
32 orthoses, are devices designed and fabricated, in turn, from raw
33 materials for a specific patient and require the generation of an
34 image, form, or mold that replicates the patient's body or body segment
35 and, in turn, involves the rectification of dimensions, contours, and
36 volumes to achieve proper fit, comfort, and function for that specific
37 patient.

1 ~~((7))~~ (6) "Prosthetics" means the science and practice of
2 evaluating, measuring, designing, fabricating, assembling, fitting,
3 aligning, adjusting, or servicing, as well as providing the initial
4 training necessary to accomplish the fitting of, a prosthesis through
5 the replacement of external parts of a human body lost due to
6 amputation or congenital deformities or absences. The practice of
7 prosthetics also includes the generation of an image, form, or mold
8 that replicates the patient's body or body segment and that requires
9 rectification of dimensions, contours, and volumes for use in the
10 design and fabrication of a socket to accept a residual anatomic limb
11 to, in turn, create an artificial appendage that is designed either to
12 support body weight or to improve or restore function or cosmesis, or
13 both. Involved in the practice of prosthetics is observational gait
14 analysis and clinical assessment of the requirements necessary to
15 refine and mechanically fix the relative position of various parts of
16 the prosthesis to maximize the function, stability, and safety of the
17 patient. The practice of prosthetics includes providing continuing
18 patient care in order to assess the prosthetic device's effect on the
19 patient's tissues and to assure proper fit and function of the
20 prosthetic device by periodic evaluation.

21 ~~((8))~~ (7) "Prosthetist" means a person who is licensed to
22 practice prosthetics under this chapter.

23 ~~((9))~~ (8) "Prosthesis" means a definitive artificial limb that is
24 alignable or articulated, or, in lower extremity applications, capable
25 of weight bearing. Prosthesis means an artificial medical device that
26 is not surgically implanted and that is used to replace a missing limb,
27 appendage, or other external human body part including an artificial
28 limb, hand, or foot. The term does not include artificial eyes, ears,
29 fingers or toes, dental appliances, ostomy products, devices such as
30 artificial breasts, eyelashes, wigs, or other devices as determined by
31 the secretary that do not have a significant impact on the
32 musculoskeletal functions of the body. In the lower extremity of the
33 body, the term prosthesis does not include prostheses required for
34 amputations distal to and including the transmetatarsal level. In the
35 upper extremity of the body, the term prosthesis does not include
36 prostheses that are provided to restore function for amputations distal
37 to and including the carpal level.

1 (~~(10)~~) (9) "Authorized health care practitioner" means licensed
2 physicians, physician's assistants, osteopathic physicians,
3 chiropractors, naturopaths, podiatric physicians and surgeons,
4 dentists, and advanced registered nurse practitioners.

5 **Sec. 155.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
6 read as follows:

7 In addition to other authority provided by law, the secretary has
8 the authority to:

9 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
10 chapter;

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

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

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

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

28 (6) Establish the standards and procedures for revocation of
29 approval of education programs;

30 (7) Utilize or contract with individuals or organizations having
31 expertise in the profession or in education to assist in the
32 evaluations;

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

35 (9) Determine whether alternative methods of training are
36 equivalent to formal education, and establish forms, procedures, and

1 criteria for evaluation of an applicant's alternative training to
2 determine the applicant's eligibility to take any qualifying
3 examination;

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

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

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

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

11 (14) Maintain the official department records of all applicants and
12 licensees;

13 (15) Establish by rule the procedures for an appeal of an
14 examination failure;

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

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

20 **Sec. 156.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
21 read as follows:

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

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

30 (b) The applicant has the amount of formal training, including the
31 hours of classroom education and clinical practice, in areas of study
32 as the secretary deems necessary and appropriate;

33 (c) The applicant has completed a clinical internship or residency
34 in the professional area for which a license is sought in accordance
35 with the standards, guidelines, or procedures for clinical internships
36 or residencies inside or outside the state as established by the
37 secretary, or that are otherwise substantially equivalent to the

1 standards commonly accepted in the fields of orthotics and prosthetics
2 as determined by the secretary pursuant to subsections (3) and (5) of
3 this section. The secretary must set the internship as at least one
4 year.

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

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

12 (4) An applicant failing to make the required grade in the first
13 examination may take up to three subsequent examinations as the
14 applicant desires upon prepaying a fee, determined by the secretary
15 under RCW 43.70.250, for each subsequent examination. Upon failing
16 four examinations, the secretary may invalidate the original
17 application and require remedial education before the person may take
18 future examinations.

19 (5) The secretary may waive some of the education, examination, or
20 experience requirements of this section if the secretary determines
21 that the applicant meets alternative standards, established by the
22 secretary through rule, that are substantially equivalent to the
23 requirements in subsections (1) and (2) of this section.

1 **Oversight Committee on Character-Building**
2 **Residential Services in Prisons**

3 NEW SECTION. **Sec. 157.** RCW 72.09.800 (Comprehensive plan for
4 character-building residential services in prisons--Establishment of
5 oversight committee) and 2008 c 104 s 2 are each repealed.

6 **Advisory Board on Missing and Exploited Children**

7 NEW SECTION. **Sec. 158.** RCW 13.60.120 (Task force on missing and
8 exploited children--Advisory board) and 1999 c 168 s 3 are each
9 repealed.

10 **Sec. 159.** RCW 13.60.110 and 1999 c 168 s 2 are each amended to
11 read as follows:

12 (1) A task force on missing and exploited children is established
13 in the Washington state patrol. The task force shall be under the
14 direction of the chief of the state patrol.

15 (2) The task force is authorized to assist law enforcement
16 agencies, upon request, in cases involving missing or exploited
17 children by:

18 (a) Direct assistance and case management;

19 (b) Technical assistance;

20 (c) Personnel training;

21 (d) Referral for assistance from local, state, national, and
22 international agencies; and

23 (e) Coordination and information sharing among local, state,
24 interstate, and federal law enforcement and social service agencies.

25 (3) To maximize the efficiency and effectiveness of state resources
26 and to improve interagency cooperation, the task force shall, where
27 feasible, use existing facilities, systems, and staff made available by
28 the state patrol and other local, state, interstate, and federal law
29 enforcement and social service agencies. The chief of the state patrol
30 may employ such additional personnel as are necessary for the work of
31 the task force and may share personnel costs with other agencies.

1 (4) The chief of the state patrol shall seek public and private
2 grants and gifts to support the work of the task force.

3 (5) By December 1, 2001, and annually thereafter, the chief of the
4 state patrol shall submit a report to the appropriate committees of the
5 legislature. The report shall establish performance measurements and
6 objectives for the task force and assess the accomplishments of the
7 task force.

8 (6) For the purposes of RCW 13.60.100 (~~through 13.60.120~~) and
9 13.60.110, "exploited children" means children under the age of
10 eighteen who are employed, used, persuaded, induced, enticed, or
11 coerced to engage in, or assist another person to engage in, sexually
12 explicit conduct. "Exploited children" also means the rape,
13 molestation, or use for prostitution of children under the age of
14 eighteen.

15 **Public Records Exemptions Accountability Committee**

16 NEW SECTION. **Sec. 160.** RCW 42.56.140 (Public records exemptions
17 accountability committee) and 2007 c 198 s 2 are each repealed.

18 **Puget Sound Partnership--Ecosystems Coordination Board**

19 NEW SECTION. **Sec. 161.** RCW 90.71.250 (Ecosystem coordination
20 board--Membership--Duties) and 2007 c 341 s 7 are each repealed.

21 **Sec. 162.** RCW 90.71.010 and 2007 c 341 s 2 are each amended to
22 read as follows:

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

25 (1) "Action agenda" means the comprehensive schedule of projects,
26 programs, and other activities designed to achieve a healthy Puget
27 Sound ecosystem that is authorized and further described in RCW
28 90.71.300 and 90.71.310.

29 (2) "Action area" means the geographic areas delineated as provided
30 in RCW 90.71.260.

1 (3) "Benchmarks" means measurable interim milestones or
2 achievements established to demonstrate progress towards a goal,
3 objective, or outcome.

4 (~~(4)~~) (~~("Board" means the ecosystem coordination board.~~
5 ~~(5)~~) "Council" means the leadership council.

6 (~~(6)~~) (5) "Environmental indicator" means a physical, biological,
7 or chemical measurement, statistic, or value that provides a proximate
8 gauge, or evidence of, the state or condition of Puget Sound.

9 (~~(7)~~) (6) "Implementation strategies" means the strategies
10 incorporated on a biennial basis in the action agenda developed under
11 RCW 90.71.310.

12 (~~(8)~~) (7) "Nearshore" means the area beginning at the crest of
13 coastal bluffs and extending seaward through the marine photics zone,
14 and to the head of tide in coastal rivers and streams. "Nearshore"
15 also means both shoreline and estuaries.

16 (~~(9)~~) (8) "Panel" means the Puget Sound science panel.

17 (~~(10)~~) (9) "Partnership" means the Puget Sound partnership.

18 (~~(11)~~) (10) "Puget Sound" means Puget Sound and related inland
19 marine waters, including all salt waters of the state of Washington
20 inside the international boundary line between Washington and British
21 Columbia, and lying east of the junction of the Pacific Ocean and the
22 Strait of Juan de Fuca, and the rivers and streams draining to Puget
23 Sound as mapped by water resource inventory areas 1 through 19 in WAC
24 173-500-040 as it exists on July 1, 2007.

25 (~~(12)~~) (11) "Puget Sound partner" means an entity that has been
26 recognized by the partnership, as provided in RCW 90.71.340, as having
27 consistently achieved outstanding progress in implementing the 2020
28 action agenda.

29 (~~(13)~~) (12) "Watershed groups" means all groups sponsoring or
30 administering watershed programs, including but not limited to local
31 governments, private sector entities, watershed planning units,
32 watershed councils, shellfish protection areas, regional fishery
33 enhancement groups, marine (~~resource[s]~~) resources committees
34 including those working with the Northwest straits commission,
35 nearshore groups, and watershed lead entities.

36 (~~(14)~~) (13) "Watershed programs" means and includes all
37 watershed-level plans, programs, projects, and activities that relate

1 to or may contribute to the protection or restoration of Puget Sound
2 waters. Such programs include jurisdiction-wide programs regardless of
3 whether more than one watershed is addressed.

4 **Sec. 163.** RCW 90.71.210 and 2007 c 341 s 3 are each amended to
5 read as follows:

6 An agency of state government, to be known as the Puget Sound
7 partnership, is created to oversee the restoration of the environmental
8 health of Puget Sound by 2020. The agency shall consist of a
9 leadership council, an executive director, ((~~an ecosystem coordination~~
10 ~~board,~~)) and a Puget Sound science panel.

11 **Sec. 164.** RCW 90.71.230 and 2007 c 341 s 5 are each amended to
12 read as follows:

13 (1) The leadership council shall have the power and duty to:

14 (a) Provide leadership and have responsibility for the functions of
15 the partnership, including adopting, revising, and guiding the
16 implementation of the action agenda, allocating funds for Puget Sound
17 recovery, providing progress and other reports, setting strategic
18 priorities and benchmarks, adopting and applying accountability
19 measures, and making appointments to the ((~~board and~~)) panel;

20 (b) Adopt rules, in accordance with chapter 34.05 RCW;

21 (c) Create subcommittees and advisory committees as appropriate to
22 assist the council;

23 (d) Enter into, amend, and terminate contracts with individuals,
24 corporations, or research institutions to effectuate the purposes of
25 this chapter;

26 (e) Make grants to governmental and nongovernmental entities to
27 effectuate the purposes of this chapter;

28 (f) Receive such gifts, grants, and endowments, in trust or
29 otherwise, for the use and benefit of the partnership to effectuate the
30 purposes of this chapter;

31 (g) Promote extensive public awareness, education, and
32 participation in Puget Sound protection and recovery;

33 (h) Work collaboratively with the Hood Canal coordinating council
34 established in chapter 90.88 RCW on Hood Canal-specific issues;

35 (i) Maintain complete and consolidated financial information to

1 ensure that all funds received and expended to implement the action
2 agenda have been accounted for; and

3 (j) Exercise such other powers and duties as are necessary and
4 appropriate to carry out the provisions of this chapter.

5 (2) The council may delegate functions to the chair and to the
6 executive director, however the council may not delegate its decisional
7 authority regarding developing or amending the action agenda.

8 (3) The council shall work closely with existing organizations and
9 all levels of government to ensure that the action agenda and its
10 implementation are scientifically sound, efficient, and achieve
11 necessary results to accomplish recovery of Puget Sound to health by
12 2020.

13 (4) The council shall support, engage, and foster collaboration
14 among watershed groups to assist in the recovery of Puget Sound.

15 (5) When working with federally recognized Indian tribes to develop
16 and implement the action agenda, the council shall conform to the
17 procedures and standards required in a government-to-governmental
18 relationship with tribes under the 1989 Centennial Accord between the
19 state of Washington and the sovereign tribal governments in the state
20 of Washington.

21 (6) Members of the council shall be compensated in accordance with
22 RCW 43.03.220 and be reimbursed for travel expenses in accordance with
23 RCW 43.03.050 and 43.03.060.

24 **Sec. 165.** RCW 90.71.240 and 2007 c 341 s 6 are each amended to
25 read as follows:

26 (1) The partnership shall be administered by an executive director
27 who serves as a communication link between all levels of government,
28 the private sector, tribes, nongovernmental organizations, the council,
29 (~~the board,~~) and the panel. The executive director shall be
30 accountable to the council and the governor for effective
31 communication, actions, and results.

32 (2) The executive director shall be appointed by and serve at the
33 pleasure of the governor, in consultation with the council. The
34 governor shall consider the recommendations of the council when
35 appointing the executive director.

36 (3) The executive director shall have complete charge of and

1 supervisory powers over the partnership, subject to the guidance from
2 the council.

3 (4) The executive director shall employ a staff, who shall be state
4 employees under Title 41 RCW.

5 (5) Upon approval of the council, the executive director may take
6 action to create a private nonprofit entity, which may take the form of
7 a nonprofit corporation, to assist the partnership in restoring Puget
8 Sound by:

9 (a) Raising money and other resources through charitable giving,
10 donations, and other appropriate mechanisms;

11 (b) Engaging and educating the public regarding Puget Sound's
12 health, including efforts and opportunities to restore Puget Sound
13 ecosystems; and

14 (c) Performing other similar activities as directed by the
15 partnership.

16 **Sec. 166.** RCW 90.71.270 and 2007 c 341 s 9 are each amended to
17 read as follows:

18 (1) The council shall appoint a nine-member Puget Sound science
19 panel to provide independent, nonrepresentational scientific advice to
20 the council and expertise in identifying environmental indicators and
21 benchmarks for incorporation into the action agenda.

22 (2) In establishing the panel, the council shall request the
23 Washington academy of sciences, created in chapter 70.220 RCW, to
24 nominate fifteen scientists with recognized expertise in fields of
25 science essential to the recovery of Puget Sound. Nominees should
26 reflect the full range of scientific and engineering disciplines
27 involved in Puget Sound recovery. At a minimum, the Washington academy
28 of sciences shall consider making nominations from scientists
29 associated with federal, state, and local agencies, tribes, the
30 business and environmental communities, and members of the K-12,
31 college, and university communities(~~(, and members of the board)~~). The
32 solicitation should be to all sectors, and candidates may be from all
33 public and private sectors. Persons nominated by the Washington
34 academy of sciences must disclose any potential conflicts of interest,
35 and any financial relationship with any leadership councilmember, and
36 disclose sources of current financial support and contracts relating to
37 Puget Sound recovery.

1 (3) The panel shall select a chair and a vice-chair. Panel members
2 shall serve four-year terms, except that the council shall determine
3 initial terms of two, three, and four years to provide for staggered
4 terms. The council shall determine reappointments and select
5 replacements or additional members of the panel. No panel member may
6 serve longer than twelve years.

7 (4) The executive director shall designate a lead staff scientist
8 to coordinate panel actions, and administrative staff to support panel
9 activities. The legislature intends to provide ongoing funding for
10 staffing of the panel to ensure that it has sufficient capacity to
11 provide independent scientific advice.

12 (5) The executive director of the partnership and the science panel
13 shall explore a shared state and federal responsibility for the
14 staffing and administration of the panel. In the event that a
15 federally sponsored Puget Sound recovery office is created, the council
16 may propose that such office provide for staffing and administration of
17 the panel.

18 (6) The panel shall assist the council in developing and revising
19 the action agenda, making recommendations to the action agenda, and
20 making recommendations to the council for updates or revisions.

21 (7) Members of the panel shall be reimbursed for travel expenses
22 under RCW 43.03.050 and 43.03.060, and based upon the availability of
23 funds, the council may contract with members of the panel for
24 compensation for their services under chapter 39.29 RCW. If appointees
25 to the panel are employed by the federal, state, tribal, or local
26 governments, the council may enter into interagency personnel
27 agreements.

28 **Sec. 167.** RCW 90.71.310 and 2008 c 329 s 926 are each amended to
29 read as follows:

30 (1) The council shall develop a science-based action agenda that
31 leads to the recovery of Puget Sound by 2020 and achievement of the
32 goals and objectives established in RCW 90.71.300. The action agenda
33 shall:

34 (a) Address all geographic areas of Puget Sound including upland
35 areas and tributary rivers and streams that affect Puget Sound;

36 (b) Describe the problems affecting Puget Sound's health using
37 supporting scientific data, and provide a summary of the historical

1 environmental health conditions of Puget Sound so as to determine past
2 levels of pollution and restorative actions that have established the
3 current health conditions of Puget Sound;

4 (c) Meet the goals and objectives described in RCW 90.71.300,
5 including measurable outcomes for each goal and objective specifically
6 describing what will be achieved, how it will be quantified, and how
7 progress towards outcomes will be measured. The action agenda shall
8 include near-term and long-term benchmarks designed to ensure
9 continuous progress needed to reach the goals, objectives, and
10 designated outcomes by 2020. The council shall consult with the panel
11 in developing these elements of the plan;

12 (d) Identify and prioritize the strategies and actions necessary to
13 restore and protect Puget Sound and to achieve the goals and objectives
14 described in RCW 90.71.300;

15 (e) Identify the agency, entity, or person responsible for
16 completing the necessary strategies and actions, and potential sources
17 of funding;

18 (f) Include prioritized actions identified through the assembled
19 proposals from each of the seven action areas and the identification
20 and assessment of ecosystem scale programs as provided in RCW
21 90.71.260;

22 (g) Include specific actions to address aquatic rehabilitation zone
23 one, as defined in RCW 90.88.010;

24 (h) Incorporate any additional goals adopted by the council; and

25 (i) Incorporate appropriate actions to carry out the biennial
26 science work plan created in RCW 90.71.290.

27 (2) In developing the action agenda and any subsequent revisions,
28 the council shall, when appropriate, incorporate the following:

29 (a) Water quality, water quantity, sediment quality, watershed,
30 marine resource, and habitat restoration plans created by governmental
31 agencies, watershed groups, and marine and shoreline groups(~~(.---The~~
32 ~~council shall consult with the board in incorporating these plans))~~);

33 (b) Recovery plans for salmon, orca, and other species in Puget
34 Sound listed under the federal endangered species act;

35 (c) Existing plans and agreements signed by the governor, the
36 commissioner of public lands, other state officials, or by federal
37 agencies;

1 (d) Appropriate portions of the Puget Sound water quality
2 management plan existing on July 1, 2007.

3 (3) Until the action agenda is adopted, the existing Puget Sound
4 management plan and the 2007-09 Puget Sound biennial plan shall remain
5 in effect. The existing Puget Sound management plan shall also
6 continue to serve as the comprehensive conservation and management plan
7 for the purposes of the national estuary program described in section
8 320 of the federal clean water act, until replaced by the action agenda
9 and approved by the United States environmental protection agency as
10 the new comprehensive conservation and management plan.

11 (4) The council shall adopt the action agenda by December 1, 2008.
12 The council shall revise the action agenda as needed, and revise the
13 implementation strategies every two years using an adaptive management
14 process informed by tracking actions and monitoring results in Puget
15 Sound. In revising the action agenda and the implementation
16 strategies, the council shall consult the panel (~~and the board~~) and
17 provide opportunity for public review and comment. Biennial updates
18 shall:

19 (a) Contain a detailed description of prioritized actions necessary
20 in the biennium to achieve the goals, objectives, outcomes, and
21 benchmarks of progress identified in the action agenda;

22 (b) Identify the agency, entity, or person responsible for
23 completing the necessary action; and

24 (c) Establish biennial benchmarks for near-term actions.

25 (5) The action agenda shall be organized and maintained in a single
26 document to facilitate public accessibility to the plan.

27 **Real Estate Appraiser Commission**

28 NEW SECTION. **Sec. 168.** The following acts or parts of acts are
29 each repealed:

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

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

34 (3) RCW 18.140.250 (Commission member's compensation) and 2000 c
35 249 s 5.

1 **Sec. 169.** RCW 18.140.010 and 2005 c 339 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Appraisal" means the act or process of estimating value; an
6 estimate of value; or of or pertaining to appraising and related
7 functions.

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

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

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

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

24 (6) (~~"Commission" means the real estate appraiser commission of~~
25 ~~the state of Washington.~~

26 ~~(7))~~ "Comparative market analysis" means a brokers price opinion.

27 ~~((8))~~ (7) "Department" means the department of licensing.

28 ~~((9))~~ (8) "Director" means the director of the department of
29 licensing.

30 ~~((10))~~ (9) "Expert review appraiser" means a state-certified or
31 state-licensed real estate appraiser chosen by the director for the
32 purpose of providing appraisal review assistance to the director.

33 ~~((11))~~ (10) "Federal department" means an executive department of
34 the United States of America specifically concerned with housing
35 finance issues, such as the department of housing and urban
36 development, the department of veterans affairs, or their legal federal
37 successors.

1 ~~((12))~~ (11) "Federal financial institutions regulatory agency"
2 means the board of governors of the federal reserve system, the federal
3 deposit insurance corporation, the office of the comptroller of the
4 currency, the office of thrift supervision, the national credit union
5 administration, their successors and/or such other agencies as may be
6 named in future amendments to 12 U.S.C. Sec. 3350(6).

7 ~~((13))~~ (12) "Federal secondary mortgage marketing agency" means
8 the federal national mortgage association, the government national
9 mortgage association, the federal home loan mortgage corporation, their
10 successors and/or such other similarly functioning housing finance
11 agencies as may be federally chartered in the future.

12 ~~((14))~~ (13) "Federally related transaction" means any real
13 estate-related financial transaction that the federal financial
14 institutions regulatory agency or the resolution trust corporation
15 engages in, contracts for, or regulates; and that requires the services
16 of an appraiser.

17 ~~((15))~~ (14) "Financial institution" means any person doing
18 business under the laws of this state or the United States relating to
19 banks, bank holding companies, savings banks, trust companies, savings
20 and loan associations, credit unions, consumer loan companies, and the
21 affiliates, subsidiaries, and service corporations thereof.

22 ~~((16))~~ (15) "Mortgage broker" for the purpose of this chapter
23 means a mortgage broker licensed under chapter 19.146 RCW, any mortgage
24 broker approved and subject to audit by the federal national mortgage
25 association, the government national mortgage association, or the
26 federal home loan mortgage corporation as provided in RCW 19.146.020,
27 any mortgage broker approved by the United States secretary of housing
28 and urban development for participation in any mortgage insurance under
29 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,
30 subsidiaries, and service corporations thereof.

31 ~~((17))~~ (16) "Real estate" means an identified parcel or tract of
32 land, including improvements, if any.

33 ~~((18))~~ (17) "Real estate-related financial transaction" means any
34 transaction involving:

35 (a) The sale, lease, purchase, investment in, or exchange of real
36 property, including interests in property, or the financing thereof;

37 (b) The refinancing of real property or interests in real property;
38 and

1 (c) The use of real property or interests in property as security
2 for a loan or investment, including mortgage-backed securities.

3 ~~((+19+))~~ (18) "Real property" means one or more defined interests,
4 benefits, or rights inherent in the ownership of real estate.

5 ~~((+20+))~~ (19) "Review" means the act or process of critically
6 studying an appraisal report prepared by another.

7 ~~((+21+))~~ (20) "Specialized appraisal services" means all appraisal
8 services that do not fall within the definition of appraisal
9 assignment. The term "specialized appraisal service" may apply to
10 valuation work and to analysis work. Regardless of the intention of
11 the client or employer, if the appraiser would be perceived by third
12 parties or the public as acting as a disinterested third party in
13 rendering an unbiased analysis, opinion, or conclusion, the work is
14 classified as an appraisal assignment and not a specialized appraisal
15 service.

16 ~~((+22+))~~ (21) "State-certified general real estate appraiser" means
17 a person certified by the director to develop and communicate real
18 estate appraisals of all types of property. A state-certified general
19 real estate appraiser may designate or identify an appraisal rendered
20 by him or her as a "certified appraisal."

21 ~~((+23+))~~ (22) "State-certified residential real estate appraiser"
22 means a person certified by the director to develop and communicate
23 real estate appraisals of all types of residential property of one to
24 four units without regard to transaction value or complexity and
25 nonresidential property having a transaction value as specified in
26 rules adopted by the director. A state certified residential real
27 estate appraiser may designate or identify an appraisal rendered by him
28 or her as a "certified appraisal."

29 ~~((+24+))~~ (23) "State-licensed real estate appraiser" means a person
30 licensed by the director to develop and communicate real estate
31 appraisals of noncomplex one to four residential units and complex one
32 to four residential units and nonresidential property having
33 transaction values as specified in rules adopted by the director.

34 ~~((+25+))~~ (24) "State-registered appraiser trainee," "trainee," or
35 "trainee real estate appraiser" means a person registered by the
36 director under RCW 18.140.280 to develop and communicate real estate
37 appraisals under the immediate and personal direction of a state-
38 certified real estate appraiser. Appraisals are limited to those types

1 of properties that the supervisory appraiser is permitted by their
2 current credential, and that the supervisory appraiser is competent and
3 qualified to appraise. By signing the appraisal report, or being
4 identified in the certification or addenda as having lent significant
5 professional assistance, the state-registered appraiser trainee accepts
6 total and complete individual responsibility for all content, analyses,
7 and conclusions in the report.

8 ~~((+26+))~~ (25) "Supervisory appraiser" means a person holding a
9 currently valid certificate issued by the director as a state-certified
10 real estate appraiser providing direct supervision to another state-
11 certified, state-licensed, or state-registered appraiser trainee. The
12 supervisory appraiser must be in good standing in each jurisdiction
13 that he or she is credentialed. The supervisory appraiser must sign
14 all appraisal reports. By signing the appraisal report, the
15 supervisory appraiser accepts full responsibility for all content,
16 analyses, and conclusions in the report.

17 **Sec. 170.** RCW 18.140.030 and 2005 c 339 s 4 are each amended to
18 read as follows:

19 The director shall have the following powers and duties:

20 (1) To adopt rules in accordance with chapter 34.05 RCW necessary
21 to implement this chapter and chapter 18.235 RCW ~~((, with the advice and
22 approval of the commission))~~;

23 (2) To receive and approve or deny applications for certification
24 or licensure as a state-certified or state-licensed real estate
25 appraiser and for registration as a state-registered appraiser trainee
26 under this chapter; to establish appropriate administrative procedures
27 for the processing of such applications; to issue certificates,
28 licenses, or registrations to qualified applicants pursuant to the
29 provisions of this chapter; and to maintain a roster of the names and
30 addresses of individuals who are currently certified, licensed, or
31 registered under this chapter;

32 ~~((To provide administrative assistance to the members of and to
33 keep records for the real estate appraiser commission;~~

34 ~~(+4))~~ To solicit bids and enter into contracts with educational
35 testing services or organizations for the preparation of questions and
36 answers for certification or licensure examinations;

1 ~~((+5))~~ (4) To administer or contract for administration of
2 certification or licensure examinations at locations and times as may
3 be required to carry out the responsibilities under this chapter;
4 ~~((+6))~~ (5) To enter into contracts for professional services
5 determined to be necessary for adequate enforcement of this chapter;
6 ~~((+7) To consider recommendations by the real estate appraiser
7 commission relating to the experience, education, and examination
8 requirements for each classification of state-certified appraiser and
9 for licensure;~~
10 ~~(8) To consider recommendations by the real estate appraiser
11 commission relating to the educational requirements for the state-
12 registered appraiser trainee classification;~~
13 ~~(9) To consider recommendations by the real estate appraiser
14 commission relating to the maximum number of state-registered appraiser
15 trainees that each supervisory appraiser will be permitted to
16 supervise;~~
17 ~~(10) To consider recommendations by the real estate appraiser
18 commission relating to continuing education requirements as a
19 prerequisite to renewal of certification or licensure;~~
20 ~~(11) To consider recommendations by the real estate appraiser
21 commission relating to standards of professional appraisal conduct or
22 practice in the enforcement of this chapter;~~
23 ~~(+12))~~ (6) To employ such professional, clerical, and technical
24 assistance as may be necessary to properly administer the work of the
25 director;
26 ~~((+13))~~ (7) To establish forms necessary to administer this
27 chapter;
28 ~~((+14))~~ (8) To establish an expert review appraiser roster
29 comprised of state-certified or licensed real estate appraisers whose
30 purpose is to assist the director by applying their individual
31 expertise by reviewing real estate appraisals for compliance with this
32 chapter. Qualifications to act as an expert review appraiser shall be
33 established by the director ~~((with the advice of the commission))~~. An
34 application to serve as an expert review appraiser shall be submitted
35 to the real estate appraiser program, and the roster of accepted expert
36 review appraisers shall be maintained by the department. An expert
37 review appraiser may be added to or deleted from that roster by the

1 director. The expert review appraiser shall be reimbursed for expenses
2 (~~in the same manner as~~) by the department (~~reimburses the~~
3 ~~commission~~); and

4 (~~(15)~~) (9) To do all other things necessary to carry out the
5 provisions of this chapter and minimally meet the requirements of
6 federal guidelines regarding state certification or licensure of
7 appraisers and registration of state-registered appraiser trainees that
8 the director determines are appropriate for state-certified and state-
9 licensed appraisers and state-registered appraiser trainees in this
10 state.

11 **Sec. 171.** RCW 18.140.160 and 2007 c 256 s 1 are each amended to
12 read as follows:

13 In addition to the unprofessional conduct described in RCW
14 18.235.130, the director may take disciplinary action for the following
15 conduct, acts, or conditions:

16 (1) Failing to meet the minimum qualifications for state
17 certification, licensure, or registration established by or pursuant to
18 this chapter;

19 (2) Paying money other than the fees provided for by this chapter
20 to any employee of the director (~~or the commission~~) to procure state
21 certification, licensure, or registration under this chapter;

22 (3) Continuing to act as a state-certified real estate appraiser,
23 state-licensed real estate appraiser, or state-registered appraiser
24 trainee when his or her certificate, license, or registration is on an
25 expired status;

26 (4) Violating any provision of this chapter or any lawful rule made
27 by the director pursuant thereto;

28 (5) Issuing an appraisal report on any real property in which the
29 appraiser has an interest unless his or her interest is clearly stated
30 in the appraisal report;

31 (6) Being affiliated as an employer, independent contractor, or
32 supervisory appraiser of a state-certified real estate appraiser,
33 state-licensed real estate appraiser, or state-registered appraiser
34 trainee whose certification, license, or registration is currently in
35 a suspended or revoked status;

36 (7) Failure or refusal without good cause to exercise reasonable

1 diligence in performing an appraisal practice under this chapter,
2 including preparing an oral or written report to communicate
3 information concerning an appraisal practice; and

4 (8) Negligence or incompetence in performing an appraisal practice
5 under this chapter, including preparing an oral or written report to
6 communicate information concerning an appraisal practice.

7 **Sec. 172.** RCW 18.140.170 and 2005 c 339 s 15 are each amended to
8 read as follows:

9 The director may investigate the actions of a state-certified or
10 state-licensed real estate appraiser or a state-registered appraiser
11 trainee or an applicant for certification, licensure, or registration
12 or recertification, relicensure, or reregistration. Upon receipt of
13 information indicating that a state-certified or state-licensed real
14 estate appraiser or state-registered appraiser trainee under this
15 chapter may have violated this chapter, the director may cause one or
16 more of the staff investigators to make an investigation of the facts
17 to determine whether or not there is admissible evidence of any such
18 violation. (~~(If technical assistance is required, a staff investigator~~
19 ~~may consult with one or more of the members of the commission.))~~)

20 **Regional Fisheries Enhancement Group Advisory Board**

21 NEW SECTION. **Sec. 173.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 77.95.110 (Regional fisheries enhancement group advisory
24 board) and 2000 c 107 s 108; and

25 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
26 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
27 1995 c 367 s 6.

28 **Sec. 174.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
29 read as follows:

30 The department may provide start-up funds to regional fisheries
31 enhancement groups for costs associated with any enhancement project.
32 The (~~(regional fisheries enhancement group advisory board and the))~~)

1 commission shall develop guidelines for providing funds to the regional
2 fisheries enhancement groups.

3 **Sec. 175.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to
4 read as follows:

5 To maximize available state resources, the department and the
6 department of transportation shall work in partnership (~~with the~~
7 ~~regional fisheries enhancement group advisory board~~) to identify
8 cooperative projects to eliminate fish passage barriers caused by state
9 roads and highways. (~~The advisory board may provide input to the~~
10 ~~department to aid in identifying priority barrier removal projects that~~
11 ~~can be accomplished with the assistance of regional fisheries~~
12 ~~enhancement groups.~~) The department of transportation shall provide
13 engineering and other technical services to assist regional fisheries
14 enhancement groups with fish passage barrier removal projects, provided
15 that the barrier removal projects have been identified as a priority by
16 the department of fish and wildlife and the department of
17 transportation has received an appropriation to continue the fish
18 barrier removal program.

19 **Sec. 176.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to
20 read as follows:

21 The department shall (~~coordinate with the regional fisheries~~
22 ~~enhancement group advisory board to~~) field test coho and chinook
23 salmon remote site incubators. The purpose of field testing efforts
24 shall be to gather conclusive scientific data on the effectiveness of
25 coho and chinook remote site incubators.

26 **Revenue-Simplified Sales and Use Tax Admin Advisory Group**

27 **Sec. 177.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to
28 read as follows:

29 ((~~1~~)) For the purposes of reviewing or amending the agreement
30 embodying the simplification requirements in RCW 82.58.050, the state
31 shall enter into multistate discussions. For purposes of these
32 discussions, the state shall be represented by the department. The
33 governor may appoint up to four persons to consult with the department

1 at these discussions. The persons advising the department shall not be
2 compensated and are not entitled to payment of travel expenses by the
3 state.

4 ~~((2) The department shall regularly consult with an advisory group
5 composed of one member from each of the two largest caucuses of the
6 senate, appointed by the majority and minority leaders of the senate;
7 one member from each of the two largest caucuses of the house of
8 representatives, appointed by the speaker and minority leader of the
9 house of representatives; representatives of retailers, including those
10 selling via mail, telephone, and the internet; representatives of large
11 and small businesses; and representatives of counties and cities. The
12 department shall use its best efforts to consult with the advisory
13 group before any multistate discussions in which it is anticipated that
14 amendments may be proposed to the agreement embodying the
15 simplification requirements in RCW 82.58.050.))~~

16 **State Solid Waste Advisory Committee**

17 NEW SECTION. **Sec. 178.** The following acts or parts of acts are
18 each repealed:

19 (1) RCW 70.95.040 (Solid waste advisory committee--Members--
20 Meetings--Travel expenses--"Governor's award of excellence.") and 1991
21 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

22 (2) RCW 70.95.050 (Solid waste advisory committee--Staff services
23 and facilities) and 1969 ex.s. c 134 s 5;

24 (3) RCW 70.95.070 (Review of standards prior to adoption--
25 Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s.
26 c 41 s 4 & 1969 ex.s. c 134 s 7; and

27 (4) RCW 70.105.060 (Review of rules, regulations, criteria and fee
28 schedules) and 1975-'76 2nd ex.s. c 101 s 6.

29 **Sec. 179.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to
30 read as follows:

31 As used in this chapter, unless the context indicates otherwise:

32 (1) "City" means every incorporated city and town.

33 (2) "Commission" means the utilities and transportation commission.

34 (3) ~~(("Committee" means the state solid waste advisory committee.~~

1 ~~(4)~~) "Composted material" means organic solid waste that has been
2 subjected to controlled aerobic degradation at a solid waste facility
3 in compliance with the requirements of this chapter. Natural decay of
4 organic solid waste under uncontrolled conditions does not result in
5 composted material.

6 ~~((5))~~ (4) "Department" means the department of ecology.

7 ~~((6))~~ (5) "Director" means the director of the department of
8 ecology.

9 ~~((7))~~ (6) "Disposal site" means the location where any final
10 treatment, utilization, processing, or deposit of solid waste occurs.

11 ~~((8))~~ (7) "Energy recovery" means a process operating under
12 federal and state environmental laws and regulations for converting
13 solid waste into usable energy and for reducing the volume of solid
14 waste.

15 ~~((9))~~ (8) "Functional standards" means criteria for solid waste
16 handling expressed in terms of expected performance or solid waste
17 handling functions.

18 ~~((10))~~ (9) "Incineration" means a process of reducing the volume
19 of solid waste operating under federal and state environmental laws and
20 regulations by use of an enclosed device using controlled flame
21 combustion.

22 ~~((11))~~ (10) "Inert waste landfill" means a landfill that receives
23 only inert waste, as determined under RCW 70.95.065, and includes
24 facilities that use inert wastes as a component of fill.

25 ~~((12))~~ (11) "Jurisdictional health department" means city,
26 county, city-county, or district public health department.

27 ~~((13))~~ (12) "Landfill" means a disposal facility or part of a
28 facility at which solid waste is placed in or on land and which is not
29 a land treatment facility.

30 ~~((14))~~ (13) "Local government" means a city, town, or county.

31 ~~((15))~~ (14) "Modify" means to substantially change the design or
32 operational plans including, but not limited to, removal of a design
33 element previously set forth in a permit application or the addition of
34 a disposal or processing activity that is not approved in the permit.

35 ~~((16))~~ (15) "Multiple family residence" means any structure
36 housing two or more dwelling units.

37 ~~((17))~~ (16) "Person" means individual, firm, association,

1 copartnership, political subdivision, government agency, municipality,
2 industry, public or private corporation, or any other entity
3 whatsoever.

4 ~~((+18+))~~ (17) "Recyclable materials" means those solid wastes that
5 are separated for recycling or reuse, such as papers, metals, and
6 glass, that are identified as recyclable material pursuant to a local
7 comprehensive solid waste plan. Prior to the adoption of the local
8 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
9 local governments may identify recyclable materials by ordinance from
10 July 23, 1989.

11 ~~((+19+))~~ (18) "Recycling" means transforming or remanufacturing
12 waste materials into usable or marketable materials for use other than
13 landfill disposal or incineration.

14 ~~((+20+))~~ (19) "Residence" means the regular dwelling place of an
15 individual or individuals.

16 ~~((+21+))~~ (20) "Sewage sludge" means a semisolid substance
17 consisting of settled sewage solids combined with varying amounts of
18 water and dissolved materials, generated from a wastewater treatment
19 system, that does not meet the requirements of chapter 70.95J RCW.

20 ~~((+22+))~~ (21) "Soil amendment" means any substance that is intended
21 to improve the physical characteristics of the soil, except composted
22 material, commercial fertilizers, agricultural liming agents,
23 unmanipulated animal manures, unmanipulated vegetable manures, food
24 wastes, food processing wastes, and materials exempted by rule of the
25 department, such as biosolids as defined in chapter 70.95J RCW and
26 wastewater as regulated in chapter 90.48 RCW.

27 ~~((+23+))~~ (22) "Solid waste" or "wastes" means all putrescible and
28 nonputrescible solid and semisolid wastes including, but not limited
29 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
30 demolition and construction wastes, abandoned vehicles or parts
31 thereof, and recyclable materials.

32 ~~((+24+))~~ (23) "Solid waste handling" means the management, storage,
33 collection, transportation, treatment, utilization, processing, and
34 final disposal of solid wastes, including the recovery and recycling of
35 materials from solid wastes, the recovery of energy resources from
36 solid wastes or the conversion of the energy in solid wastes to more
37 useful forms or combinations thereof.

1 ((+25+)) (24) "Source separation" means the separation of different
2 kinds of solid waste at the place where the waste originates.

3 ((+26+)) (25) "Vehicle" includes every device physically capable of
4 being moved upon a public or private highway, road, street, or
5 watercourse and in, upon, or by which any person or property is or may
6 be transported or drawn upon a public or private highway, road, street,
7 or watercourse, except devices moved by human or animal power or used
8 exclusively upon stationary rails or tracks.

9 ((+27+)) (26) "Waste-derived soil amendment" means any soil
10 amendment as defined in this chapter that is derived from solid waste
11 as defined in ((RCW 70.95.030)) this section, but does not include
12 biosolids or biosolids products regulated under chapter 70.95J RCW or
13 wastewaters regulated under chapter 90.48 RCW.

14 ((+28+)) (27) "Waste reduction" means reducing the amount or
15 toxicity of waste generated or reusing materials.

16 ((+29+)) (28) "Yard debris" means plant material commonly created
17 in the course of maintaining yards and gardens, and through
18 horticulture, gardening, landscaping, or similar activities. Yard
19 debris includes but is not limited to grass clippings, leaves,
20 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
21 garden debris, holiday trees, and tree prunings four inches or less in
22 diameter.

23 **Sec. 180.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
24 read as follows:

25 (1) The department of ecology shall develop and implement an
26 environmental excellence awards program that recognizes products that
27 are produced, labeled, or packaged in a manner that helps ensure
28 environmental protection. The award shall be in recognition of
29 products that are made from recycled materials, easy to recycle,
30 substitute for more hazardous products, or otherwise help protect the
31 environment. Application for the award shall be voluntary. The awards
32 may be made in a variety of product categories including, but not
33 limited to:

- 34 (a) Paint products;
- 35 (b) Cleaning products;
- 36 (c) Pest control products;
- 37 (d) Automotive, marine, and related maintenance products;

1 (e) Hobby and recreation products; and

2 (f) Any other product available for retail or wholesale sale.

3 ~~(2) ((The state solid waste advisory committee shall establish an~~
4 ~~environmental excellence product award subcommittee to develop and~~
5 ~~recommend criteria for awarding environmental excellence awards for~~
6 ~~products. The subcommittee shall also review award applications and~~
7 ~~make recommendations to the department. The subcommittee shall consist~~
8 ~~of equal representation of: (a) Product manufacturing or other~~
9 ~~business representatives; (b) environmental representatives; (c) labor~~
10 ~~or consumer representatives; and (d) independent technical experts.~~
11 ~~Members of the subcommittee need not necessarily be regular members of~~
12 ~~the state solid waste advisory committee.~~

13 (3)) Products receiving an environmental excellence award pursuant
14 to this section shall be entitled to display a logo or other symbol
15 developed by the department to signify the award. Awards shall be
16 given each year to as many products as qualify. The award logo may be
17 displayed for a period to be determined by the department.

18 **Sec. 181.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to
19 read as follows:

20 The words and phrases defined in this section shall have the
21 meanings indicated when used in this chapter unless the context clearly
22 requires otherwise.

23 (1) "Department" means the department of ecology.

24 (2) "Director" means the director of the department of ecology or
25 the director's designee.

26 (3) "Disposal site" means a geographical site in or upon which
27 hazardous wastes are disposed of in accordance with the provisions of
28 this chapter.

29 (4) "Dispose or disposal" means the discarding or abandoning of
30 hazardous wastes or the treatment, decontamination, or recycling of
31 such wastes once they have been discarded or abandoned.

32 (5) "Dangerous wastes" means any discarded, useless, unwanted, or
33 abandoned substances, including but not limited to certain pesticides,
34 or any residues or containers of such substances which are disposed of
35 in such quantity or concentration as to pose a substantial present or
36 potential hazard to human health, wildlife, or the environment because
37 such wastes or constituents or combinations of such wastes:

1 (a) Have short-lived, toxic properties that may cause death,
2 injury, or illness or have mutagenic, teratogenic, or carcinogenic
3 properties; or

4 (b) Are corrosive, explosive, flammable, or may generate pressure
5 through decomposition or other means.

6 (6) "Extremely hazardous waste" means any dangerous waste which
7 (a) will persist in a hazardous form for several years or more at
8 a disposal site and which in its persistent form

9 (i) presents a significant environmental hazard and may be
10 concentrated by living organisms through a food chain or may affect the
11 genetic make-up of man or wildlife, and

12 (ii) is highly toxic to man or wildlife

13 (b) if disposed of at a disposal site in such quantities as would
14 present an extreme hazard to man or the environment.

15 (7) "Person" means any person, firm, association, county, public or
16 municipal or private corporation, agency, or other entity whatsoever.

17 (8) "Pesticide" shall have the meaning of the term as defined in
18 RCW 15.58.030 as now or hereafter amended.

19 (9) (~~"Solid waste advisory committee" means the same advisory~~
20 ~~committee as per RCW 70.95.040 through 70.95.070.~~

21 ~~(10)~~) "Designated zone facility" means any facility that requires
22 an interim or final status permit under rules adopted under this
23 chapter and that is not a preempted facility as defined in this
24 section.

25 ~~((11))~~ (10) "Facility" means all contiguous land and structures,
26 other appurtenances, and improvements on the land used for recycling,
27 storing, treating, incinerating, or disposing of hazardous waste.

28 ~~((12))~~ (11) "Preempted facility" means any facility that includes
29 as a significant part of its activities any of the following
30 operations: (a) Landfill, (b) incineration, (c) land treatment, (d)
31 surface impoundment to be closed as a landfill, or (e) waste pile to be
32 closed as a landfill.

33 ~~((13))~~ (12) "Hazardous household substances" means those
34 substances identified by the department as hazardous household
35 substances in the guidelines developed under RCW 70.105.220.

36 ~~((14))~~ (13) "Hazardous substances" means any liquid, solid, gas,
37 or sludge, including any material, substance, product, commodity, or

1 waste, regardless of quantity, that exhibits any of the characteristics
2 or criteria of hazardous waste as described in rules adopted under this
3 chapter.

4 ~~((+15+))~~ (14) "Hazardous waste" means and includes all dangerous
5 and extremely hazardous waste, including substances composed of both
6 radioactive and hazardous components.

7 ~~((+16+))~~ (15) "Local government" means a city, town, or county.

8 ~~((+17+))~~ (16) "Moderate-risk waste" means (a) any waste that
9 exhibits any of the properties of hazardous waste but is exempt from
10 regulation under this chapter solely because the waste is generated in
11 quantities below the threshold for regulation, and (b) any household
12 wastes which are generated from the disposal of substances identified
13 by the department as hazardous household substances.

14 ~~((+18+))~~ (17) "Service charge" means an assessment imposed under
15 RCW 70.105.280 against those facilities that store, treat, incinerate,
16 or dispose of dangerous or extremely hazardous waste that contains both
17 a nonradioactive hazardous component and a radioactive component.
18 Service charges shall also apply to facilities undergoing closure under
19 this chapter in those instances where closure entails the physical
20 characterization of remaining wastes which contain both a
21 nonradioactive hazardous component and a radioactive component or the
22 management of such wastes through treatment or removal, except any
23 commercial low-level radioactive waste facility.

24 **Sec. 182.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
25 read as follows:

26 The department shall conduct a study to determine the best
27 management practices for categories of waste for the priority waste
28 management methods established in RCW 70.105.150, with due
29 consideration in the course of the study to sound environmental
30 management and available technology. As an element of the study, the
31 department shall review methods that will help achieve the priority of
32 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed
33 rules, the department shall conduct public hearings regarding the best
34 management practices for the various waste categories studied by the
35 department. After conducting the study, the department shall prepare
36 new rules or modify existing rules as appropriate to promote
37 implementation of the priorities established in RCW 70.105.150 for

1 management practices which assure use of sound environmental management
2 techniques and available technology. The preliminary study shall be
3 completed by July 1, 1986, and the rules shall be adopted by July 1,
4 1987. (~~The solid waste advisory committee shall review the studies
5 and the new or modified rules.~~)

6 The studies shall be updated at least once every five years. The
7 funding for these studies shall be from the hazardous waste control and
8 elimination account, subject to legislative appropriation.

9 **Special License Plate Review Board**

10 NEW SECTION. **Sec. 183.** RCW 46.16.705 (Special license plate
11 review board--Created) and 2005 c 319 s 117 & 2003 c 196 s 101 are each
12 repealed.

13 **Sec. 184.** RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401
14 are each reenacted and amended to read as follows:

15 (1) Except for those license plates issued under RCW 46.16.305(1)
16 before January 1, 1987, under RCW 46.16.305(3), and to commercial
17 vehicles with a gross weight in excess of twenty-six thousand pounds,
18 effective with vehicle registrations due or to become due on January 1,
19 2001, the appearance of the background of all vehicle license plates
20 may vary in color and design but must be legible and clearly
21 identifiable as a Washington state license plate, as designated by the
22 department. Additionally, to ensure maximum legibility and
23 reflectivity, the department shall periodically provide for the
24 replacement of license plates, except for commercial vehicles with a
25 gross weight in excess of twenty-six thousand pounds. Frequency of
26 replacement shall be established in accordance with empirical studies
27 documenting the longevity of the reflective materials used to make
28 license plates.

29 (2) Special license plate series approved by the special license
30 plate review board created under RCW 46.16.705 and enacted by the
31 legislature prior to June 30, 2010, may display a symbol or artwork
32 approved by the special license plate review board. Beginning July 1,
33 2010, special license plate series approved by the department and

1 enacted into law by the legislature may display a symbol or artwork
2 approved by the department.

3 (3) By November 1, 2003, in providing for the periodic replacement
4 of license plates, the department shall offer to vehicle owners the
5 option of retaining their current license plate numbers. The
6 department shall charge a retention fee of twenty dollars if this
7 option is exercised. Revenue generated from the retention fee must be
8 deposited into the multimodal transportation account.

9 **Sec. 185.** RCW 46.16.316 and 2005 c 210 s 2 are each amended to
10 read as follows:

11 Except as provided in RCW 46.16.305:

12 (1) When a person who has been issued a special license plate or
13 plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or
14 46.16.301 as it existed before amendment by section 5, chapter 291,
15 Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by
16 the (~~special license plate review board under RCW 46.16.715 through~~
17 ~~46.16.775)); or (c) under RCW 46.16.601 sells, trades, or otherwise
18 transfers or releases ownership of the vehicle upon which the special
19 license plate or plates have been displayed, he or she shall
20 immediately report the transfer of such plate or plates to an acquired
21 vehicle or vehicle eligible for such plates pursuant to departmental
22 rule, or he or she shall surrender such plates to the department
23 immediately if such surrender is required by departmental rule. If a
24 person applies for a transfer of the plate or plates to another
25 eligible vehicle, a transfer fee of ten dollars shall be charged in
26 addition to all other applicable fees. Such transfer fees shall be
27 deposited in the motor vehicle fund. Failure to surrender the plates
28 when required is a traffic infraction.~~

29 (2) If the special license plate or plates issued by the department
30 become lost, defaced, damaged, or destroyed, application for a
31 replacement special license plate or plates shall be made and fees paid
32 as provided by law for the replacement of regular license plates.

33 **Sec. 186.** RCW 46.16.715 and 2005 c 319 s 118 are each amended to
34 read as follows:

35 (~~(1) The board shall meet periodically at the call of the chair,~~
36 ~~but must meet at least one time each year within ninety days before an~~

1 ~~upcoming regular session of the legislature. The board may adopt its~~
2 ~~own rules and may establish its own procedures. It shall act~~
3 ~~collectively in harmony with recorded resolutions or motions adopted by~~
4 ~~a majority vote of the members, and it must have a quorum present to~~
5 ~~take a vote on a special license plate application.~~

6 ~~(2) The board will be compensated from the general appropriation~~
7 ~~for the department of licensing in accordance with RCW 43.03.250. Each~~
8 ~~board member will be compensated in accordance with RCW 43.03.250 and~~
9 ~~reimbursed for actual necessary traveling and other expenses in going~~
10 ~~to, attending, and returning from meetings of the board or that are~~
11 ~~incurred in the discharge of duties requested by the chair. However,~~
12 ~~in no event may a board member be compensated in any year for more than~~
13 ~~one hundred twenty days, except the chair may be compensated for not~~
14 ~~more than one hundred fifty days. Service on the board does not~~
15 ~~qualify as a service credit for the purposes of a public retirement~~
16 ~~system.~~

17 ~~(3) The board shall keep proper records and is subject to audit by~~
18 ~~the state auditor or other auditing entities.~~

19 ~~(4)) The department of licensing shall ((provide administrative~~
20 ~~support to the board, which must include at least the following)):~~

21 ~~((a) Provide general staffing to meet the administrative needs of~~
22 ~~the board;~~

23 ~~(b)) (1) Report to the ((board)) department on the reimbursement~~
24 ~~status of any new special license plate series for which the state had~~
25 ~~to pay the start-up costs;~~

26 ~~((c)) (2) Process special license plate applications and confirm~~
27 ~~that the sponsoring organization has submitted all required~~
28 ~~documentation. If an incomplete application is received, the~~
29 ~~department must return it to the sponsoring organization; and~~

30 ~~((d)) (3) Compile the annual financial reports submitted by~~
31 ~~sponsoring organizations with active special license plate series and~~
32 ~~present those reports to the ((board for review and approval))~~
33 ~~department.~~

34 **Sec. 187.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read
35 as follows:

36 (1) ~~((The creation of the board does not in any way preclude the~~

1 ~~authority of the legislature to independently propose and enact special~~
2 ~~license plate legislation.~~

3 ~~(2))~~ The ~~((board))~~ department must review and either approve or
4 reject special license plate applications submitted by sponsoring
5 organizations.

6 ~~((3))~~ (2) Duties of the ~~((board))~~ department include but are not
7 limited to the following:

8 (a) Review and approve the annual financial reports submitted by
9 sponsoring organizations with active special license plate series and
10 present those annual financial reports to the senate and house
11 transportation committees;

12 (b) Report annually to the senate and house transportation
13 committees on the special license plate applications that were
14 considered by the ~~((board))~~ department;

15 (c) Issue approval and rejection notification letters to sponsoring
16 organizations, ~~((the department,))~~ the chairs of the senate and house
17 of representatives transportation committees, and the legislative
18 sponsors identified in each application. The letters must be issued
19 within seven days of making a determination on the status of an
20 application;

21 (d) Review annually the number of plates sold for each special
22 license plate series created after January 1, 2003. The ~~((board))~~
23 department may submit a recommendation to discontinue a special plate
24 series to the chairs of the senate and house of representatives
25 transportation committees(~~(+~~

26 ~~(e) Provide policy guidance and directions to the department~~
27 ~~concerning the adoption of rules necessary to limit the number of~~
28 ~~special license plates that an organization or a governmental entity~~
29 ~~may apply for)).~~

30 ~~((4))~~ (3) Except as provided in chapter 72, Laws of 2008, in
31 order to assess the effects and impact of the proliferation of special
32 license plates, the legislature declares a temporary moratorium on the
33 issuance of any additional plates until July 1, 2009. During this
34 period of time, the special license plate review board created in RCW
35 46.16.705 and the department of licensing are prohibited from
36 accepting, reviewing, processing, or approving any applications.
37 Additionally, no special license plate may be enacted by the

1 legislature during the moratorium, unless the proposed license plate
2 has been approved by the board before February 15, 2005.

3 **Sec. 188.** RCW 46.16.745 and 2005 c 210 s 8 are each amended to
4 read as follows:

5 (1) A sponsoring organization meeting the requirements of RCW
6 46.16.735, applying for the creation of a special license plate (~~to~~
7 ~~the special license plate review board~~) must, on an application
8 supplied by the department, provide the minimum application
9 requirements in subsection (2) of this section.

10 (2) The sponsoring organization shall:

11 (a) Submit prepayment of all start-up costs associated with the
12 creation and implementation of the special license plate in an amount
13 determined by the department. The department shall place this money
14 into the special license plate applicant trust account created under
15 RCW 46.16.755(~~(+4)~~) (3);

16 (b) Provide a proposed license plate design;

17 (c) Provide a marketing strategy outlining short and long-term
18 marketing plans for each special license plate and a financial analysis
19 outlining the anticipated revenue and the planned expenditures of the
20 revenues derived from the sale of the special license plate;

21 (d) Provide a signature of a legislative sponsor and proposed
22 legislation creating the special license plate;

23 (e) Provide proof of organizational qualifications as determined by
24 the department as provided for in RCW 46.16.735;

25 (f) Provide signature sheets that include signatures from
26 individuals who intend to purchase the special license plate and the
27 number of plates each individual intends to purchase. The sheets must
28 reflect a minimum of three thousand five hundred intended purchases of
29 the special license plate.

30 (3) After an application is approved by the (~~special license plate~~
31 ~~review board~~) department, the application need not be reviewed again
32 (~~by the board~~) for a period of three years.

33 **Sec. 189.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to
34 read as follows:

35 (1)(a) Revenues generated from the sale of special license plates
36 for those sponsoring organizations who used the application process in

1 RCW 46.16.745(~~(+3)~~) must be deposited into the motor vehicle account
2 until the department determines that the state's implementation costs
3 have been fully reimbursed. The department shall apply the application
4 fee required under RCW 46.16.745(~~(+3)(a)~~) towards those costs.

5 (b) When it is determined that the state has been fully reimbursed
6 the department must notify the house of representatives and senate
7 transportation committees, the sponsoring organization, and the
8 treasurer, and commence the distribution of the revenue as otherwise
9 provided by law.

10 (2) If reimbursement does not occur within two years from the date
11 the plate is first offered for sale to the public, the special license
12 plate series must be placed in probationary status for a period of one
13 year from that date. If the state is still not fully reimbursed for
14 its implementation costs after the one-year probation, the plate series
15 must be discontinued immediately. Special plates issued before
16 discontinuation are valid until replaced under RCW 46.16.233.

17 (3) The special license plate applicant trust account is created in
18 the custody of the state treasurer. All receipts from special license
19 plate applicants, except the application fee as provided in RCW
20 46.16.745(~~(+3)~~), must be deposited into the account. Only the
21 director of the department or the director's designee may authorize
22 disbursements from the account. The account is not subject to the
23 allotment procedures under chapter 43.88 RCW, nor is an appropriation
24 required for disbursements.

25 (4) The department shall provide the special license plate
26 applicant with a written receipt for the payment.

27 (5) The department shall maintain a record of each special license
28 plate applicant trust account deposit, including, but not limited to,
29 the name and address of each special license plate applicant whose
30 funds are being deposited, the amount paid, and the date of the
31 deposit.

32 (6) After the department receives written notice that the special
33 license plate applicant's application has been:

34 (a) Approved by the legislature, the director shall request that
35 the money be transferred to the motor vehicle account;

36 (b) Denied by the (~~special license plate review board~~) department
37 or the legislature, the director shall provide a refund to the
38 applicant within thirty days; or

1 (c) Withdrawn by the special license plate applicant, the director
2 shall provide a refund to the applicant within thirty days.

3 **Sec. 190.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to
4 read as follows:

5 (1) A special license plate series created by the legislature after
6 January 1, ((2004)) 2011, that has not been reviewed and approved by
7 the ((~~special license plate review board~~)) department is subject to the
8 following requirements:

9 (a) The organization sponsoring the license plate series shall,
10 within thirty days of enactment of the legislation creating the plate
11 series, submit prepayment of all start-up costs associated with the
12 creation and implementation of the special license plate in an amount
13 determined by the department. The prepayment will be credited to the
14 motor vehicle fund. The creation and implementation of the plate
15 series may not commence until payment is received by the department.

16 (b) If the sponsoring organization is not able to meet the
17 prepayment requirements in (a) of this subsection and can demonstrate
18 this fact to the satisfaction of the department, the revenues generated
19 from the sale of the special license plates must be deposited in the
20 motor vehicle account until the department determines that the state's
21 portion of the implementation costs have been fully reimbursed. When
22 it is determined that the state has been fully reimbursed the
23 department must notify the treasurer to commence distribution of the
24 revenue according to statutory provisions.

25 (c) The sponsoring organization must provide a proposed license
26 plate design to the department within thirty days of enactment of the
27 legislation creating the plate series.

28 (2) The state must be reimbursed for its portion of the
29 implementation costs within two years from the date the new plate
30 series goes on sale to the public. If the reimbursement does not occur
31 within the two-year time frame, the special license plate series must
32 be placed in probationary status for a period of one year from that
33 date. If the state is still not fully reimbursed for its
34 implementation costs after the one-year probation, the plate series
35 must be discontinued immediately. Those plates issued before
36 discontinuation are valid until replaced under RCW 46.16.233.

1 (3) If the sponsoring organization ceases to exist or the purpose
2 of the special plate series ceases to exist, revenues generated from
3 the sale of the special license plates must be deposited into the motor
4 vehicle account.

5 (4) A sponsoring organization may not seek to redesign their plate
6 series until all of the existing inventory is sold or purchased by the
7 organization itself. All cost for redesign of a plate series must be
8 paid by the sponsoring organization.

9 **Sec. 191.** RCW 46.16.30901 and 2004 c 35 s 1 are each amended to
10 read as follows:

11 The department shall issue a special license plate displaying a
12 symbol, approved by the special license plate review board before June
13 30, 2010, for professional firefighters and paramedics who are members
14 of the Washington State Council of Firefighters. Upon initial
15 application and subsequent renewals, applicants must show proof of
16 eligibility by providing a certificate of current membership from the
17 Washington State Council of Firefighters. The special license plate
18 may be used in lieu of regular or personalized license plates for
19 vehicles required to display one or two vehicle license plates,
20 excluding vehicles registered under chapter 46.87 RCW, upon the terms
21 and conditions established by the department.

22 **Sec. 192.** RCW 46.16.30903 and 2004 c 48 s 1 are each amended to
23 read as follows:

24 ~~((1) The legislature recognizes the Helping Kids Speak license~~
25 ~~plate has been reviewed by the special license plate review board under~~
26 ~~RCW 46.16.725, and found to fully comply with all provisions of RCW~~
27 ~~46.16.715 through 46.16.775.~~

28 ~~(2))~~) The department shall issue a special license plate displaying
29 a symbol, as approved by the special license plate review board before
30 June 30, 2010, recognizing an organization that supports programs that
31 provide no-cost speech pathology programs to children. The special
32 license plate may be used in lieu of regular or personalized license
33 plates for vehicles required to display one or two vehicle license
34 plates, excluding vehicles registered under chapter 46.87 RCW, upon
35 terms and conditions established by the department. The special plates

1 will commemorate an organization that supports programs that provide
2 free diagnostic and therapeutic services to children who have a severe
3 delay in language or speech development.

4 **Sec. 193.** RCW 46.16.30905 and 2004 c 221 s 1 are each amended to
5 read as follows:

6 ~~((1) The legislature recognizes that the law enforcement memorial
7 license plate has been reviewed by the special license plate review
8 board as specified in chapter 196, Laws of 2003, and was found to fully
9 comply with all provisions of chapter 196, Laws of 2003.~~

10 (2)) The department shall issue a special license plate displaying
11 a symbol, as approved by the special license plate review board before
12 June 30, 2010, honoring law enforcement officers in Washington killed
13 in the line of duty. The special license plate may be used in lieu of
14 regular or personalized license plates for vehicles required to display
15 one or two vehicle license plates, excluding vehicles registered under
16 chapter 46.87 RCW, upon the terms and conditions established by the
17 department.

18 **Sec. 194.** RCW 46.16.30907 and 2005 c 42 s 1 are each amended to
19 read as follows:

20 ~~((1) The legislature recognizes that the Washington's Wildlife
21 license plate collection, to include three distinct designs including
22 bear, deer, and elk, has been reviewed by the special license plate
23 review board under RCW 46.16.725 and was found to fully comply with all
24 provisions of RCW 46.16.715 through 46.16.775.~~

25 (2)) The department shall issue a special license plate collection
26 displaying a symbol or artwork, as approved by the special license
27 plate review board and the legislature before June 30, 2010,
28 recognizing Washington's wildlife, that may be used in lieu of regular
29 or personalized license plates for vehicles required to display one or
30 two vehicle license plates, excluding vehicles registered under chapter
31 46.87 RCW, upon terms and conditions established by the department.

32 **Sec. 195.** RCW 46.16.30909 and 2005 c 44 s 1 are each amended to
33 read as follows:

34 ~~((1) The legislature recognizes that the Washington state parks
35 and recreation commission license plate application has been reviewed~~

1 by the special license plate review board under RCW 46.16.725 and was
2 found to fully comply with all provisions of RCW 46.16.715 through
3 46.16.775.

4 (2)) The department shall issue a special license plate displaying
5 a symbol or artwork, as approved by the special license plate review
6 board and the legislature before June 30, 2010, recognizing Washington
7 state parks as premier destinations of uncommon quality that preserve
8 significant natural, cultural, historical, and recreational resources,
9 that may be used in lieu of regular or personalized license plates for
10 vehicles required to display one and two vehicle license plates,
11 excluding vehicles registered under chapter 46.87 RCW, upon terms and
12 conditions established by the department.

13 **Sec. 196.** RCW 46.16.30911 and 2005 c 48 s 1 are each amended to
14 read as follows:

15 (~~(1) The legislature recognizes that the "Washington Lighthouses"~~
16 ~~license plate has been reviewed by the special license plate review~~
17 ~~board under RCW 46.16.725, and found to fully comply with RCW 46.16.715~~
18 ~~through 46.16.775.~~

19 (2)) The department shall issue a special license plate displaying
20 a symbol or artwork, as approved by the special license plate review
21 board and the legislature before June 30, 2010, recognizing an
22 organization that supports selected Washington state lighthouses and
23 provides environmental education programs. The special license plate
24 may be used in lieu of regular or personalized license plates for
25 vehicles required to display one or two vehicle license plates,
26 excluding vehicles registered under chapter 46.87 RCW, upon terms and
27 conditions established by the department.

28 **Sec. 197.** RCW 46.16.30913 and 2005 c 53 s 1 are each amended to
29 read as follows:

30 (~~(1) The legislature recognizes that the "Keep Kids Safe" license~~
31 ~~plate has been reviewed and approved by the special license plate~~
32 ~~review board under RCW 46.16.725, and found to fully comply with all~~
33 ~~provisions of RCW 46.16.715 through 46.16.775.~~

34 (2)) The department shall issue a special license plate displaying
35 artwork, as approved by the special license plate review board before
36 June 30, 2010, recognizing efforts to prevent child abuse and neglect.

1 The special license plate may be used in lieu of regular or
2 personalized license plates for vehicles required to display one or two
3 vehicle license plates, excluding vehicles registered under chapter
4 46.87 RCW, upon terms and conditions established by the department.

5 **Sec. 198.** RCW 46.16.30914 and 2005 c 71 s 1 are each amended to
6 read as follows:

7 ~~((1) The legislature recognizes that the "we love our pets"~~
8 ~~license plate has been reviewed by the special license plate review~~
9 ~~board under RCW 46.16.725, and found to fully comply with all~~
10 ~~provisions of RCW 46.16.715 through 46.16.775.~~

11 (2)) The department shall issue a special license plate displaying
12 a symbol or artwork, as approved by the special license plate review
13 board before June 30, 2010, recognizing an organization that assists
14 local member agencies of the federation of animal welfare and control
15 agencies to promote and perform spay/neuter surgery on Washington state
16 pets, in order to reduce pet overpopulation. The special license plate
17 may be used in lieu of regular or personalized license plates for
18 vehicles required to display one or two vehicle license plates,
19 excluding vehicles registered under chapter 46.87 RCW, upon terms and
20 conditions established by the department.

21 **Sec. 199.** RCW 46.16.30916 and 2005 c 85 s 1 are each amended to
22 read as follows:

23 ~~((1) The legislature recognizes that the Gonzaga University alumni~~
24 ~~association license plate has been reviewed by the special license~~
25 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
26 ~~all provisions of RCW 46.16.715 through 46.16.775.~~

27 (2)) The department shall issue a special license plate displaying
28 a symbol or artwork, as approved by the special license plate review
29 board before June 30, 2010, recognizing the Gonzaga University alumni
30 association. The special license plate may be used in lieu of regular
31 or personalized license plates for vehicles required to display one or
32 two vehicle license plates, excluding vehicles registered under chapter
33 46.87 RCW, upon terms and conditions established by the department.

34 **Sec. 200.** RCW 46.16.30918 and 2005 c 177 s 1 are each amended to
35 read as follows:

1 ~~((1) The legislature recognizes that the "Washington's National~~
2 ~~Park Fund" license plate has been reviewed by the special license plate~~
3 ~~review board under RCW 46.16.725, and found to fully comply with RCW~~
4 ~~46.16.715 through 46.16.775.~~

5 (2)) The department shall issue a special license plate displaying
6 a symbol or artwork, as approved by the special license plate review
7 board and the legislature before June 30, 2010, recognizing
8 Washington's National Park Fund, that may be used in lieu of regular or
9 personalized license plates for vehicles required to display one or two
10 vehicle license plates, excluding vehicles registered under chapter
11 46.87 RCW, upon terms and conditions established by the department.

12 **Sec. 201.** RCW 46.16.30920 and 2008 c 183 s 1 are each amended to
13 read as follows:

14 ~~((1) The legislature recognizes that the armed forces license~~
15 ~~plate collection has been reviewed and approved by the special license~~
16 ~~plate review board.~~

17 (2)) The department shall issue a special license plate
18 collection, as approved by the special license plate review board and
19 the legislature before June 30, 2010, recognizing the contribution of
20 veterans, active duty military personnel, reservists, and members of
21 the national guard. The collection includes six separate designs, each
22 containing a symbol representing a different branch of the armed forces
23 to include army, navy, air force, marine corps, coast guard, and
24 national guard.

25 ~~((3))~~ (2) Armed forces special license plates may be used in lieu
26 of regular or personalized license plates for vehicles required to
27 display one and two vehicle license plates, excluding vehicles
28 registered under chapter 46.87 RCW, upon terms and conditions
29 established by the department.

30 ~~((4))~~ (3) Upon request, the department must make available to the
31 purchaser, at no additional cost, a decal indicating the purchaser's
32 military status. The department must work with the department of
33 veterans affairs to establish a list of the decals to be made
34 available. The list of available decals must include, but is not
35 limited to, "veteran," "disabled veteran," "reservist," "retiree," or
36 "active duty." The department may specify where the decal may be

1 placed on the license plate. Decals are required to be made available
2 only for standard six-inch by twelve-inch license plates.

3 ~~((+5+))~~ (4) Armed forces license plates and decals are available
4 only to veterans as defined in RCW 41.04.007, active duty military
5 personnel, reservists, members of the national guard, and the families
6 of veterans and service members. Upon initial application, any
7 purchaser requesting an armed forces license plate and decal will be
8 required to show proof of eligibility by providing: A DD-214 or
9 discharge papers if a veteran; a military identification or retired
10 military identification card; or a declaration of fact attesting to the
11 purchaser's eligibility as required under this section. "Family" or
12 "families" means an individual's spouse, child, parent, sibling, aunt,
13 uncle, or cousin. A child includes stepchild, adopted child, foster
14 child, grandchild, and son or daughter-in-law. A parent includes
15 stepparent, grandparent, and in-laws. A sibling includes brother, half
16 brother, stepbrother, sister, half sister, stepsister, and brother or
17 sister-in-law.

18 ~~((+6+))~~ (5) The department of veterans affairs must enter into an
19 agreement with the department to reimburse the department for the costs
20 associated with providing military status decals described in
21 subsection ~~((+4+))~~ (3) of this section.

22 ~~((+7+))~~ (6) Armed forces license plates are not available free of
23 charge to disabled veterans, former prisoners of war, or spouses of
24 deceased former prisoners of war under the privileges defined in RCW
25 73.04.110 and 73.04.115.

26 **Sec. 202.** RCW 46.16.30922 and 2005 c 220 s 1 are each amended to
27 read as follows:

28 ~~((+1) The legislature recognizes that the "Ski & Ride Washington"~~
29 ~~license plate has been reviewed and approved by the special license~~
30 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
31 ~~RCW 46.16.715 through 46.16.775.~~

32 ~~(+2+))~~ The department shall issue a special license plate displaying
33 a symbol or artwork, as approved by the special license plate review
34 board and the legislature before June 30, 2010, recognizing the
35 Washington snowsports industry, that may be used in lieu of regular or
36 personalized license plates for vehicles required to display vehicle

1 license plates, excluding vehicles registered under chapter 46.87 RCW,
2 upon terms and conditions established by the department.

3 **Sec. 203.** RCW 46.16.30924 and 2005 c 224 s 1 are each amended to
4 read as follows:

5 ~~((1) The legislature recognizes that the Wild On Washington~~
6 ~~license plate has been reviewed by the special license plate review~~
7 ~~board under RCW 46.16.725 and was found to fully comply with all~~
8 ~~provisions of RCW 46.16.715 through 46.16.775.~~

9 (2)) The department shall issue a special license plate displaying
10 a symbol or artwork, as approved by the special license plate review
11 board and the legislature before June 30, 2010, referred to as "Wild On
12 Washington license plates," that may be used in lieu of regular or
13 personalized license plates for vehicles required to display one or two
14 vehicle license plates, excluding vehicles registered under chapter
15 46.87 RCW, upon terms and conditions established by the department.

16 **Sec. 204.** RCW 46.16.30926 and 2005 c 225 s 1 are each amended to
17 read as follows:

18 ~~((1) The legislature recognizes that the Endangered Wildlife~~
19 ~~license plate has been reviewed by the special license plate review~~
20 ~~board under RCW 46.16.725 and was found to fully comply with all~~
21 ~~provisions of RCW 46.16.715 through 46.16.775.~~

22 (2)) The department shall issue a special license plate displaying
23 a symbol or artwork, as approved by the special license plate review
24 board and the legislature before June 30, 2010, referred to as
25 "Endangered Wildlife license plates," that may be used in lieu of
26 regular or personalized license plates for vehicles required to display
27 one or two vehicle license plates, excluding vehicles registered under
28 chapter 46.87 RCW, upon terms and conditions established by the
29 department.

30 **Sec. 205.** RCW 46.16.30928 and 2005 c 426 s 1 are each amended to
31 read as follows:

32 ~~((1) The legislature recognizes that the "Share the Road" license~~
33 ~~plate has been reviewed by the special license plate review board under~~
34 ~~RCW 46.16.725, and found to fully comply with RCW 46.16.715 through~~
35 ~~46.16.775.~~

1 (2)) The department shall issue a special license plate displaying
2 a symbol or artwork, as approved by the special license plate review
3 board and the legislature before June 30, 2010, recognizing an
4 organization that promotes bicycle safety and awareness education. The
5 special license plate may be used in lieu of regular or personalized
6 license plates for vehicles required to display one or two vehicle
7 license plates, excluding vehicles registered under chapter 46.87 RCW,
8 upon terms and conditions established by the department. The special
9 plates will commemorate the life of Cooper Jones.

10 **Unemployment Insurance State Advisory Council**

11 NEW SECTION. **Sec. 206.** RCW 50.12.200 (State advisory council--
12 Committees and councils) and 1982 1st ex.s. c 18 s 1, 1975-'76 2nd
13 ex.s. c 34 s 149, 1953 ex.s. c 8 s 4, 1947 c 215 s 12, & 1945 c 35 s 59
14 are each repealed.

15 **Water Supply Advisory Committee**

16 NEW SECTION. **Sec. 207.** RCW 70.119A.160 (Water supply advisory
17 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

18 **Sec. 208.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each
19 amended to read as follows:

20 (1) It is the intent of the legislature that the department
21 establish water use efficiency requirements designed to ensure
22 efficient use of water while maintaining water system financial
23 viability, improving affordability of supplies, and enhancing system
24 reliability.

25 (2) The requirements of this section shall apply to all municipal
26 water suppliers and shall be tailored to be appropriate to system size,
27 forecasted system demand, and system supply characteristics.

28 (3) For the purposes of this section:

29 (a) Water use efficiency includes conservation planning

1 requirements, water distribution system leakage standards, and water
2 conservation performance reporting requirements; and

3 (b) "Municipal water supplier" and "municipal water supply
4 purposes" have the meanings provided by RCW 90.03.015.

5 (4) To accomplish the purposes of this section, the department
6 shall adopt rules necessary to implement this section by December 31,
7 2005. The department shall:

8 (a) Develop conservation planning requirements that ensure
9 municipal water suppliers are: (i) Implementing programs to integrate
10 conservation with water system operation and management; and (ii)
11 identifying how to appropriately fund and implement conservation
12 activities. Requirements shall apply to the conservation element of
13 water system plans and small water system management programs developed
14 pursuant to chapter 43.20 RCW. In establishing the conservation
15 planning requirements the department shall review the current
16 department conservation planning guidelines and include those elements
17 that are appropriate for rule. Conservation planning requirements
18 shall include but not be limited to:

19 (A) Selection of cost-effective measures to achieve a system's
20 water conservation objectives. Requirements shall allow the municipal
21 water supplier to select and schedule implementation of the best
22 methods for achieving its conservation objectives;

23 (B) Evaluation of the feasibility of adopting and implementing
24 water delivery rate structures that encourage water conservation;

25 (C) Evaluation of each system's water distribution system leakage
26 and, if necessary, identification of steps necessary for achieving
27 water distribution system leakage standards developed under (b) of this
28 subsection;

29 (D) Collection and reporting of water consumption and source
30 production and/or water purchase data. Data collection and reporting
31 requirements shall be sufficient to identify water use patterns among
32 utility customer classes, where applicable, and evaluate the
33 effectiveness of each system's conservation program. Requirements,
34 including reporting frequency, shall be appropriate to system size and
35 complexity. Reports shall be available to the public; and

36 (E) Establishment of minimum requirements for water demand forecast
37 methodologies such that demand forecasts prepared by municipal water

1 suppliers are sufficient for use in determining reasonably anticipated
2 future water needs;

3 (b) Develop water distribution system leakage standards to ensure
4 that municipal water suppliers are taking appropriate steps to reduce
5 water system leakage rates or are maintaining their water distribution
6 systems in a condition that results in leakage rates in compliance with
7 the standards. Limits shall be developed in terms of percentage of
8 total water produced and/or purchased and shall not be lower than ten
9 percent. The department may consider alternatives to the percentage of
10 total water supplied where alternatives provide a better evaluation of
11 the water system's leakage performance. The department shall institute
12 a graduated system of requirements based on levels of water system
13 leakage. A municipal water supplier shall select one or more control
14 methods appropriate for addressing leakage in its water system;

15 (c) Establish minimum requirements for water conservation
16 performance reporting to assure that municipal water suppliers are
17 regularly evaluating and reporting their water conservation
18 performance. The objective of setting conservation goals is to enhance
19 the efficient use of water by the water system customers. Performance
20 reporting shall include:

21 (i) Requirements that municipal water suppliers adopt and achieve
22 water conservation goals. The elected governing board or governing
23 body of the water system shall set water conservation goals for the
24 system. In setting water conservation goals the water supplier may
25 consider historic conservation performance and conservation investment,
26 customer base demographics, regional climate variations, forecasted
27 demand and system supply characteristics, system financial viability,
28 system reliability, and affordability of water rates. Conservation
29 goals shall be established by the municipal water supplier in an open
30 public forum;

31 (ii) Requirements that the municipal water supplier adopt schedules
32 for implementing conservation program elements and achieving
33 conservation goals to ensure that progress is being made toward adopted
34 conservation goals;

35 (iii) A reporting system for regular reviews of conservation
36 performance against adopted goals. Performance reports shall be
37 available to customers and the public. Requirements, including

1 reporting frequency, shall be appropriate to system size and
2 complexity;

3 (iv) Requirements that any system not meeting its water
4 conservation goals shall develop a plan for modifying its conservation
5 program to achieve its goals along with procedures for reporting
6 performance to the department;

7 (v) If a municipal water supplier determines that further
8 reductions in consumption are not reasonably achievable, it shall
9 identify how current consumption levels will be maintained;

10 (d) Adopt rules that, to the maximum extent practical, utilize
11 existing mechanisms and simplified procedures in order to minimize the
12 cost and complexity of implementation and to avoid placing unreasonable
13 financial burden on smaller municipal systems.

14 ~~(5) ((The department shall establish an advisory committee to
15 assist the department in developing rules for water use efficiency.
16 The advisory committee shall include representatives from public water
17 system customers, environmental interest groups, business interest
18 groups, a representative cross section of municipal water suppliers, a
19 water utility conservation professional, tribal governments, the
20 department of ecology, and any other members determined necessary by
21 the department. The department may use the water supply advisory
22 committee created pursuant to RCW 70.119A.160 augmented with additional
23 participants as necessary to comply with this subsection to assist the
24 department in developing rules.~~

25 ~~(6))~~ The department shall provide technical assistance upon
26 request to municipal water suppliers and local governments regarding
27 water conservation, which may include development of best management
28 practices for water conservation programs, conservation landscape
29 ordinances, conservation rate structures for public water systems, and
30 general public education programs on water conservation.

31 ~~((7))~~ (6) To ensure compliance with this section, the department
32 shall establish a compliance process that incorporates a graduated
33 approach employing the full range of compliance mechanisms available to
34 the department.

35 ~~((8))~~ (7) Prior to completion of rule making required in
36 subsection (4) of this section, municipal water suppliers shall
37 continue to meet the existing conservation requirements of the

1 department and shall continue to implement their current water
2 conservation programs.

3 **Sec. 209.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
4 as follows:

5 (1) The joint legislative committee on water supply during drought
6 shall convene from time to time at the call of the chair when a drought
7 conditions order under RCW 43.83B.405 is in effect, or when the chair
8 determines, in consultation with the department of ecology, that it is
9 likely that such an order will be issued within the next year.

10 (2) The committee may request and review information relating to
11 water supply conditions in the state, and economic, environmental, and
12 other impacts relating to decreased water supply being experienced or
13 anticipated. The governor's executive water emergency committee, the
14 department of ecology, (~~the water supply advisory committee,~~) and
15 other state agencies with water management or related responsibilities
16 shall cooperate in responding to requests from the committee.

17 (3) During drought conditions in which an order issued under RCW
18 43.83B.405 is in effect, the department of ecology shall provide to the
19 committee no less than monthly a report describing drought response
20 activities of the department and other state and federal agencies
21 participating on the water supply availability committee. The report
22 shall include information regarding applications for, and approvals and
23 denials of emergency water withdrawals and temporary changes or
24 transfers of, water rights under RCW 43.83B.410.

25 (4) The committee from time to time shall make recommendations to
26 the senate and house of representatives on budgetary and legislative
27 actions that will improve the state's drought response programs and
28 planning.

29 **Well Drilling Technical Advisory Group**

30 NEW SECTION. **Sec. 210.** RCW 18.104.190 (Technical advisory group)
31 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

32 **Sec. 211.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to
33 read as follows:

1 The department shall have the power:

2 (1) To issue, deny, suspend or revoke licenses pursuant to the
3 provisions of this chapter;

4 (2) At all reasonable times, to enter upon lands for the purpose of
5 inspecting, taking measurements from, or tagging any well, constructed
6 or being constructed;

7 (3) To call upon or receive professional or technical advice from
8 the department of health(~~(, the technical advisory group created in RCW~~
9 ~~18.104.190,)) or any other public agency or person;~~

10 (4) To adopt rules, in consultation with the department of health
11 (~~(and the technical advisory group created in RCW 18.104.190, governing~~
12 ~~licensing and well construction)), as may be appropriate to carry out
13 the purposes of this chapter. The rules adopted by the department may
14 include, but are not limited to:~~

15 (a) Standards for the construction and maintenance of wells and
16 their casings;

17 (b) Methods of capping, sealing, and decommissioning wells to
18 prevent contamination of groundwater resources and to protect public
19 health and safety;

20 (c) Methods of artificial recharge of groundwater bodies and of
21 construction of wells which insure separation of individual water
22 bearing formations;

23 (d) The manner of conducting and the content of examinations
24 required to be taken by applicants for license hereunder;

25 (e) Requirements for the filing of notices of intent, well reports,
26 and the payment of fees;

27 (f) Reporting requirements of well contractors;

28 (g) Limitations on well construction in areas identified by the
29 department as requiring intensive control of withdrawals in the
30 interests of sound management of the groundwater resource;

31 (5) To require the operator in the construction of a well and the
32 property owner in the maintenance of a well to guard against waste and
33 contamination of the groundwater resources;

34 (6) To require the operator to place a well identification tag on
35 a new well and on an existing well on which work is performed after the
36 effective date of rules requiring well identification tags and to place
37 or require the owner to place a well identification tag on an existing
38 well;

- 1 (7) To require the well owner to repair or decommission any well:
2 (a) That is abandoned, unusable, or not intended for future use; or
3 (b) That is an environmental, safety, or public health hazard.

4 **Sec. 212.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to
5 read as follows:

6 (1) If requested in writing by the governing body of a local health
7 district or county, the department by memorandum of agreement may
8 delegate to the governing body the authority to administer and enforce
9 the well tagging, sealing, and decommissioning portions of the water
10 well construction program.

11 (2) The department shall determine whether a local health district
12 or county that seeks delegation under this section has the resources,
13 capability, and expertise, including qualified field inspectors, to
14 administer the delegated program. If the department determines the
15 local government has these resources, it shall notify well contractors
16 and operators of the proposal. The department shall accept written
17 comments on the proposal for sixty days after the notice is mailed.

18 (3) If the department determines that a delegation of authority to
19 a local health district or county to administer and enforce the well
20 sealing and decommissioning portions of the water well construction
21 program will enhance the public health and safety and the environment,
22 the department and the local governing body may enter into a memorandum
23 of agreement setting forth the specific authorities delegated by the
24 department to the local governing body. The memorandum of agreement
25 must be, at a minimum, reviewed annually. The department(~~(, in~~
26 ~~consultation with the technical advisory group, created under RCW~~
27 ~~18.104.190,)) shall adopt rules outlining the annual review and
28 reporting process. A detailed summary of the review must be made
29 available to well contractors and operators upon request and be
30 published on the department's web site.~~

31 (4) With regard to the portions of the water well construction
32 program delegated under this section, the local governing agency shall
33 exercise only the authority delegated to it under this section. If,
34 after a public hearing, the department determines that a local
35 governing body is not administering the program in accordance with this
36 chapter, it shall notify the local governing body of the deficiencies.

1 If corrective action is not taken within a reasonable time, not to
2 exceed sixty days, the department by order shall withdraw the
3 delegation of authority.

4 (5) The department shall promptly furnish the local governing body
5 with a copy of each water well report and notification of start cards
6 received in the area covered by a delegated program.

7 (6) The department and the local governing body shall coordinate to
8 reduce duplication of effort and shall share all appropriate
9 information including technical reports, violations, and well reports.

10 (7) Any person aggrieved by a decision of a local health district
11 or county under a delegated program may appeal the decision to the
12 department. The department's decision is subject to review by the
13 pollution control hearings board as provided in RCW 43.21B.110.

14 (8) The department shall not delegate the authority to license well
15 contractors, renew licenses, receive notices of intent to commence
16 constructing a well, receive well reports, or collect state fees
17 provided for in this chapter.

18 **Sec. 213.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to
19 read as follows:

20 The department by rule shall adopt procedures to permit a well
21 operator to modify construction standards to meet unforeseen
22 circumstances encountered during the construction of a well. ((The
23 procedures shall be developed in consultation with the technical
24 advisory group established in RCW 18.104.190.))

25 **Sec. 214.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to
26 read as follows:

27 (1) Licenses issued pursuant to this chapter shall be renewed every
28 two years. A license shall be renewed upon payment of a renewal fee
29 and completion of continuing education requirements and receipt of a
30 completed license renewal application. If a licensee fails to submit
31 an application for renewal, the renewal fee, and proof of completion of
32 the required continuing education, the license shall be suspended at
33 the end of its effective term. The licensee is not allowed to perform
34 work authorized by their license during the time that it is suspended.
35 The licensee is allowed thirty days to submit an application for
36 renewal, the renewal fee, and proof of completion of the required

1 continuing education for the renewal period. Continuing education
2 obtained during the thirty-day suspension period may be applied only to
3 the next renewal period. If a licensee fails to submit an application
4 for renewal, the renewal fee, and proof of completion of the required
5 continuing education by the end of the thirty-day suspension period,
6 the license expires. The department shall adopt rules(~~(, in~~
7 ~~consultation with the technical advisory group created under RCW~~
8 ~~18.104.190,)~~) that allow for an extension of the thirty-day suspension
9 period for certain situations that are beyond the control of the
10 licensee. The rules must also allow for a retirement or inactive
11 license.

12 (2) A person whose license has expired must apply for a new license
13 as provided in this chapter. The department may waive the requirement
14 for a written examination and on-site testing for a person whose
15 license has expired.

16 (3) The department may refuse to renew a license if the licensee
17 has not complied with an order issued by the department or has not paid
18 a penalty imposed in accordance with this chapter, unless the order or
19 penalty is under appeal.

20 (4) The department may issue a conditional license to enable a
21 former licensee to comply with an order to correct problems with a
22 well.

23 **Sec. 215.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to
24 read as follows:

25 (1) A person seeking a new license or to renew an existing license
26 under this chapter must demonstrate a willingness to maintain a high
27 level of professional competency by completing continuing education
28 programs as required by the department by rule. The department shall
29 not approve any continuing education program unless: (a) It is offered
30 by an approved provider; (b) it is open to all persons licensed or
31 pursuing a license under this chapter; and (c) the fees charged are
32 reasonable for all persons desiring to attend the program.

33 (2) The department(~~(, in consultation with the technical advisory~~
34 ~~group created in RCW 18.104.190,)~~) shall adopt rules governing
35 continuing education programs. At a minimum, the rules must establish:
36 A method of approving providers of continuing education; a criteria to

1 evaluate the offerings, workshops, courses, classes, or programs; a
2 criteria for assigning credits; and a criteria for reporting and
3 verifying completion.

4 (3) The department shall support approved providers by providing,
5 upon request and at the department's discretion, technical assistance
6 and presenters for continuing education offerings.

7 (4) The department shall maintain a current list of all continuing
8 education offerings by approved providers and ensure that the list is
9 available to all licensees by request. The list must also be posted on
10 the department's web site.

11 **Women's History Consortium**

12 NEW SECTION. **Sec. 216.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 27.34.360 (Women's history consortium--Created--Washington
15 state historical society as managing agency) and 2005 c 391 s 2;

16 (2) RCW 27.34.365 (Women's history consortium--Board of advisors)
17 and 2005 c 391 s 3;

18 (3) RCW 27.34.370 (Women's history consortium--Responsibilities of
19 board of advisors) and 2005 c 391 s 4;

20 (4) RCW 27.34.375 (Women's history consortium--Responsibilities)
21 and 2005 c 391 s 5; and

22 (5) RCW 27.34.380 (Women's history consortium--Report to the
23 legislature) and 2005 c 391 s 6.

24 **Workforce Training Customer Advisory Committee**

25 **Sec. 217.** RCW 28C.04.390 and 1999 c 121 s 1 are each amended to
26 read as follows:

27 (1) The college board worker retraining program funds shall be used
28 for training programs and related support services, including financial
29 aid, counseling, referral to training resources, job referral, and job
30 development that:

31 (a) Are consistent with the unified plan for workforce development;

1 (b) Provide increased enrollments for dislocated workers;

2 (c) Provide customized training opportunities for dislocated
3 workers; and

4 (d) Provide increased enrollments and support services, including
5 financial aid for those students not receiving unemployment insurance
6 benefits, that do not replace or supplant any existing enrollments,
7 programs, support services, or funding sources.

8 (2) The college board shall develop a plan for use of the worker
9 retraining program funds (~~(in conjunction with the workforce training~~
10 ~~customer advisory committee established in subsection (3) of this~~
11 ~~section)). In developing the plan the college board shall:~~

12 (a) Provide that applicants for worker retraining program funds
13 shall solicit financial support for training programs and give priority
14 in receipt of funds to those applicants which are most successful in
15 matching public dollars with financial support;

16 (b) Provide that applicants for worker retraining program funds
17 shall develop training programs in partnership with local businesses,
18 industry associations, labor, and other partners as appropriate and
19 give priority in receipt of funds to those applicants who develop
20 customized training programs in partnership with local businesses,
21 industry associations, and labor organizations;

22 (c) Give priority in receipt of funds to those applicants serving
23 rural areas;

24 (d) Ensure that applicants receiving worker retraining program
25 funds gather information from local workforce development councils on
26 employer workforce needs, including the needs of businesses with less
27 than twenty-five employees; and

28 (e) Provide for specialized vocational training at a private career
29 school or college at the request of a recipient eligible under
30 subsection (1)(b) of this section. Available tuition for the training
31 is limited to the amount that would otherwise be payable per enrolled
32 quarter to a public institution.

33 (~~(3) The executive director of the college board shall appoint a~~
34 ~~workforce training customer advisory committee by July 1, 1999, to:~~

35 (~~a) Assist in the development of the plan for the use of the~~
36 ~~college board worker retraining program funds and recommend guidelines~~
37 ~~to the college board for the operation of worker retraining programs;~~

1 ~~(b) Recommend selection criteria for worker retraining programs and~~
2 ~~grant applicants for receipt of worker retraining program grants;~~

3 ~~(c) Provide advice to the college board on other workforce~~
4 ~~development activities of the community and technical colleges;~~

5 ~~(d) Recommend selection criteria for job skills grants, consistent~~
6 ~~with criteria established in this chapter and chapter 121, Laws of~~
7 ~~1999. Such criteria shall include a prioritization of job skills~~
8 ~~applicants in rural areas;~~

9 ~~(e) Recommend guidelines to the college board for the operation of~~
10 ~~the job skills program; and~~

11 ~~(f) Recommend grant applicants for receipt of job skills program~~
12 ~~grants.~~

13 ~~(4) Members of the workforce training customer advisory committee~~
14 ~~shall consist of three college system representatives selected by the~~
15 ~~executive director of the college board, three representatives of~~
16 ~~business selected from nominations provided by statewide business~~
17 ~~organizations, and three representatives of labor selected from~~
18 ~~nominations provided by a statewide labor organization representing a~~
19 ~~cross section of workers in the state.))~~

20 **Sec. 218.** RCW 28C.04.420 and 1999 c 121 s 3 are each amended to
21 read as follows:

22 The college board may, subject to appropriation from the
23 legislature or from funds made available from any other public or
24 private source and pursuant to rules adopted by the college board
25 ~~((with the advice of the workforce training customer advisory committee~~
26 ~~established in RCW 28C.04.390))~~, provide job skills grants to
27 educational institutions. The job skills grants shall be used
28 exclusively for programs which are consistent with the job skills
29 program. The college board shall work ~~((in collaboration with the~~
30 ~~workforce training customer advisory committee established in RCW~~
31 ~~28C.04.390))~~ to assure that:

32 (1) The program is within the scope of the job skills program under
33 this chapter and may reasonably be expected to succeed and thereby
34 increase employment within the state;

35 (2) Provision has been made to use any available alternative
36 funding from local, state, and federal sources;

1 (3) The job skills grant will only be used to cover the costs
2 associated with the program;

3 (4) The program will not unnecessarily duplicate existing programs
4 and could not be provided by another educational institution more
5 effectively or efficiently;

6 (5) The program involves an area of skills training and education
7 for which there is a demonstrable need;

8 (6) The applicant has made provisions for the use of existing
9 federal and state resources for student financial assistance;

10 (7) The job skills grant is essential to the success of the program
11 as the resources of the applicant are inadequate to attract the
12 technical assistance and financial support necessary for the program
13 from business and industry;

14 (8) The program represents a collaborative partnership between
15 business, industry, labor, educational institutions, and other
16 partners, as appropriate;

17 (9) The commitment of financial support from business and industry
18 shall be equal to or greater than the amount of the requested job
19 skills grant;

20 (10) Binding commitments have been made to the commission by the
21 applicant for adequate reporting of information and data regarding the
22 program to the commission, particularly information concerning the
23 recruitment and employment of trainees and students, and including a
24 requirement for an annual or other periodic audit of the books of the
25 applicant directly related to the program, and for such control on the
26 part of the commission as it considers prudent over the management of
27 the program, so as to protect the use of public funds, including, in
28 the discretion of the commission and without limitation, right of
29 access to financial and other records of the applicant directly related
30 to the programs; and

31 (11) A provision has been made by the applicant to work, in
32 cooperation with the employment security department, to identify and
33 screen potential trainees, and that provision has been made by the
34 applicant for the participation as trainees of low-income persons
35 including temporary assistance for needy families recipients,
36 dislocated workers, and persons from minority and economically
37 disadvantaged groups to participate in the program.

1 Beginning October 1, 1999, and every two years thereafter, the
2 college board shall provide the legislature and the governor with a
3 report describing the activities and outcomes of the state job skills
4 program.

5 **Lieutenant Governor Appointments and Assignments**

6 **Sec. 219.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to
7 read as follows:

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

11 (1) The lieutenant governor serves on the following boards and
12 committees:

- 13 (a) Capitol furnishings preservation committee, RCW 27.48.040;
- 14 (b) Washington higher education facilities authority, RCW
15 28B.07.030;
- 16 (c) Productivity board, also known as the employee involvement and
17 recognition board, RCW 41.60.015;
- 18 (d) State finance committee, RCW 43.33.010;
- 19 (e) State capitol committee, RCW 43.34.010;
- 20 (f) Washington health care facilities authority, RCW 70.37.030;
- 21 (g) State medal of merit nominating committee, RCW 1.40.020;
- 22 (h) Medal of valor committee, RCW 1.60.020; and
- 23 (i) Association of Washington generals, RCW 43.15.030.

24 (2) The lieutenant governor, and when serving as president of the
25 senate, appoints members to the following boards and committees:

- 26 (a) (~~Organized crime advisory board, RCW 43.43.858;~~
- 27 ~~(b))~~ Civil legal aid oversight committee, RCW 2.53.010;
- 28 (~~(e))~~ (b) Office of public defense advisory committee, RCW
29 2.70.030;
- 30 (~~(d))~~ (c) Washington state gambling commission, RCW 9.46.040;
- 31 (~~(e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;
- 32 (~~(f))~~ (e) State building code council, RCW 19.27.070;
- 33 (~~(g) Women's history consortium board of advisers, RCW 27.34.365;~~
- 34 ~~(h))~~ (f) Financial literacy public-private partnership, RCW
35 28A.300.450;

1 ~~((i))~~ (g) Joint administrative rules review committee, RCW
2 34.05.610;
3 ~~((j) Capital projects advisory review board, RCW 39.10.220;~~
4 ~~(k))~~ (h) Select committee on pension policy, RCW 41.04.276;
5 ~~((l))~~ (i) Legislative ethics board, RCW 42.52.310;
6 ~~((m) Washington citizens' commission on salaries, RCW 43.03.305;~~
7 ~~(n))~~ (j) Legislative oral history (~~(advisory)~~) committee, RCW
8 ~~((43.07.230))~~ 44.04.325;
9 ~~((o))~~ (k) State council on aging, RCW 43.20A.685;
10 ~~((p))~~ (l) State investment board, RCW 43.33A.020;
11 ~~((q) Capitol campus design advisory committee, RCW 43.34.080;~~
12 ~~(r))~~ (m) Washington state arts commission, RCW 43.46.015;
13 ~~((s))~~ (n) Information services board, RCW 43.105.032;
14 ~~((t) K-20 educational network board, RCW 43.105.800;~~
15 ~~(u))~~ (o) Municipal research council, RCW 43.110.010;
16 ~~((v) Council for children and families, RCW 43.121.020;~~
17 ~~(w))~~ (p) PNWER-Net working subgroup under chapter 43.147 RCW;
18 ~~((x))~~ (q) Community economic revitalization board, RCW
19 43.160.030;
20 ~~((y))~~ (r) Washington economic development finance authority, RCW
21 43.163.020;
22 ~~((z) Tourism development advisory committee, RCW 43.330.095;~~
23 ~~(aa))~~ (s) Life sciences discovery fund authority, RCW 43.350.020;
24 ~~((bb))~~ (t) Legislative children's oversight committee, RCW
25 44.04.220;
26 ~~((cc))~~ (u) Joint legislative audit and review committee, RCW
27 44.28.010;
28 ~~((dd))~~ (v) Joint committee on energy supply and energy
29 conservation, RCW 44.39.015;
30 ~~((ee))~~ (w) Legislative evaluation and accountability program
31 committee, RCW 44.48.010;
32 ~~((ff))~~ (x) Agency council on coordinated transportation, RCW
33 47.06B.020;
34 ~~((gg))~~ (y) Manufactured housing task force, RCW 59.22.090;
35 ~~((hh))~~ (z) Washington horse racing commission, RCW 67.16.014;
36 ~~((ii))~~ (aa) Correctional industries board of directors, RCW
37 72.09.080;

1 (~~(jj)~~) (bb) Joint committee on veterans' and military affairs,
2 RCW 73.04.150;
3 (~~(kk) Washington state parks centennial advisory committee, RCW~~
4 ~~79A.75.010;~~
5 ~~(ll) Puget Sound council, RCW 90.71.030;~~
6 ~~(mm)~~) (cc) Joint legislative committee on water supply during
7 drought, RCW 90.86.020; and
8 (~~(nn) Statute law committee, RCW 1.08.001; and~~
9 ~~(oo)~~) (dd) Joint legislative oversight committee on trade policy,
10 RCW 44.55.020.

11 NEW SECTION. Sec. 220. (1) All documents and papers, equipment,
12 or other tangible property in the possession of the terminated entity
13 shall be delivered to the custody of the entity assuming the
14 responsibilities of the terminated entity or if such responsibilities
15 have been eliminated, documents and papers shall be delivered to the
16 state archivist and equipment or other tangible property to the
17 department of general administration.

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

21 (3) All contractual rights and duties of an entity shall be
22 assigned or delegated to the entity assuming the responsibilities of
23 the terminated entity, or if there is none to such entity as the
24 governor shall direct.

25 NEW SECTION. Sec. 221. Subheadings used in this act are not any
26 part of the law.

27 NEW SECTION. Sec. 222. Section 66 of this act expires June 30,
28 2039.

29 NEW SECTION. Sec. 223. This act takes effect June 30, 2010.

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