
HOUSE BILL 2557

State of Washington

61st Legislature

2010 Regular Session

By Representatives Kenney, Chase, and Goodman; by request of Statute Law Committee

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1 AN ACT Relating to correcting references regarding the department
2 of commerce; amending RCW 7.68.360, 9.94A.8673, 19.02.050, 19.27.070,
3 19.27.097, 19.27.150, 19.27.190, 19.27A.020, 19.27A.140, 19.29A.010,
4 24.46.010, 24.50.010, 28A.160.090, 28A.300.150, 28A.300.160,
5 28A.515.320, 28B.06.030, 28B.20.283, 28B.20.289, 28B.20.293,
6 28B.20.296, 28B.30.530, 28B.30.537, 28B.30.900, 28B.38.020, 28B.38.050,
7 28B.50.281, 28B.50.902, 28B.65.040, 28B.65.050, 28B.65.060,
8 28B.109.020, 28C.18.060, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330,
9 35.02.260, 35.13.171, 35.21.300, 35.21.687, 35.21.755, 35.21.779,
10 36.01.120, 36.22.178, 36.34.137, 36.70A.085, 36.70A.131, 36.70A.500,
11 36.70A.5801, 36.70B.040, 36.70B.220, 36.93.080, 36.110.030, 38.52.930,
12 39.04.156, 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230,
13 39.84.090, 40.10.020, 41.06.072, 42.56.270, 43.06.115, 43.07.350,
14 43.19.19201, 43.19.648, 43.20.275, 43.20A.037, 43.20A.790, 43.21A.510,
15 43.21A.515, 43.21A.612, 43.21C.110, 43.21G.010, 43.21M.010, 43.21M.020,
16 43.21M.030, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205,
17 43.31.422, 43.31.504, 43.31.805, 43.31.830, 43.31.840, 43.31.960,
18 43.31.970, 43.41.270, 43.63A.068, 43.63A.115, 43.63A.135, 43.63A.155,
19 43.63A.230, 43.63A.275, 43.63A.307, 43.63A.400, 43.63A.410, 43.63A.420,
20 43.63A.720, 43.63A.735, 43.63A.760, 43.63A.764, 43.70.540, 43.79.201,
21 43.83.184, 43.105.370, 43.105.376, 43.110.010, 43.132.020, 43.132.030,

1 43.132.800, 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.157.010,
2 43.157.030, 43.160.030, 43.162.010, 43.162.025, 43.162.030, 43.163.020,
3 43.163.060, 43.163.120, 43.168.010, 43.176.030, 43.176.040, 43.176.901,
4 43.180.040, 43.180.200, 43.180.220, 43.185A.100, 43.185C.160,
5 43.185C.200, 43.190.030, 43.210.030, 43.210.050, 43.210.060,
6 43.215.550, 43.220.070, 43.270.020, 43.270.070, 43.270.080, 43.280.011,
7 43.280.020, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 43.310.020,
8 43.325.100, 43.325.110, 43.330.065, 43.330.904, 43.332.010, 43.336.050,
9 46.16.340, 46.44.170, 47.06.110, 47.12.064, 47.26.345, 47.39.040,
10 47.39.069, 47.39.090, 47.50.090, 47.76.230, 47.80.090, 49.04.200,
11 50.16.010, 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.010,
12 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.24.020, 59.24.050,
13 59.24.060, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.30.060,
14 64.34.442, 66.08.195, 66.08.198, 67.28.1816, 67.38.070, 70.05.125,
15 70.62.290, 70.94.537, 70.94.551, 70.95.260, 70.95.265, 70.95.810,
16 70.95H.007, 70.95H.050, 70.95N.290, 70.95N.330, 70.103.010, 70.105.020,
17 70.114A.070, 70.119A.170, 70.119A.190, 70.136.030, 70.235.020,
18 70.235.030, 70.235.050, 70.260.020, 72.09.055, 72.78.030, 74.08A.010,
19 74.14B.060, 74.31.020, 76.09.030, 76.15.090, 76.56.020, 79.105.600,
20 79A.30.050, 79A.50.100, 79A.60.480, 80.28.010, 80.36.430, 80.36.440,
21 80.50.030, 80.80.040, 80.80.050, 80.80.080, 82.14.330, 82.14.400,
22 82.16.0497, 82.73.050, 84.14.100, 84.36.560, 88.02.053, 89.10.020,
23 90.03.247, 90.56.280, and 90.82.048; reenacting and amending RCW
24 41.06.070 and 43.21J.030; adding a new section to chapter 43.31 RCW;
25 adding a new section to chapter 43.63A RCW; decodifying RCW 35.22.660,
26 35.22.680, 35.63.140, 35.63.180, 35A.63.149, 35A.63.210, 36.32.520,
27 36.32.560, 36.70.675, 36.70.755, 43.330.005, 59.22.090, 59.28.120,
28 67.28.8001, and 77.12.710; and repealing 2009 c 565 s 34.

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

30 **Sec. 1.** RCW 7.68.360 and 2005 c 358 s 2 are each amended to read
31 as follows:

32 (1) By July 1, 2005, the director of the department of (~~community,~~
33 ~~trade, and economic development~~) commerce, or the director's designee,
34 shall within existing resources convene and chair a work group to
35 develop written protocols for delivery of services to victims of
36 trafficking of humans. The director shall invite appropriate federal

1 agencies to consult with the work group for the purpose of developing
2 protocols that, to the extent possible, are in concert with federal
3 statutes, regulations, and policies. In addition to the director of
4 the department of (~~community, trade, and economic development~~)
5 commerce, the following shall be members of the work group: The
6 secretary of the department of health, the secretary of the department
7 of social and health services, the attorney general, the director of
8 the department of labor and industries, the commissioner of the
9 employment security department, a representative of the Washington
10 association of prosecuting attorneys, the chief of the Washington state
11 patrol, two members selected by the Washington association of sheriffs
12 and police chiefs, and five members, selected by the director of the
13 department of (~~community, trade, and economic development~~) commerce
14 from a list submitted by public and private sector organizations that
15 provide assistance to persons who are victims of trafficking. The
16 attorney general, the chief of the Washington state patrol, and the
17 secretaries or directors may designate a person to serve in their
18 place.

19 Members of the work group shall serve without compensation.

20 (2) The protocols must meet all of the following minimum standards:

21 (a) The protocols must apply to the following state agencies: The
22 department of (~~community, trade, and economic development~~) commerce,
23 the department of health, the department of social and health services,
24 the attorney general's office, the Washington state patrol, the
25 department of labor and industries, and the employment security
26 department;

27 (b) The protocols must provide policies and procedures for
28 interagency coordinated operations and cooperation with government
29 agencies and nongovernmental organizations, agencies, and
30 jurisdictions, including law enforcement agencies and prosecuting
31 attorneys;

32 (c) The protocols must include the establishment of a database
33 electronically available to all affected agencies which contains the
34 name, address, and telephone numbers of agencies that provide services
35 to victims of human trafficking; and

36 (d) The protocols must provide guidelines for providing for the
37 social service needs of victims of trafficking of humans, including
38 housing, health care, and employment.

1 (3) By January 1, 2006, the work group shall finalize the written
2 protocols and submit them with a report to the legislature and the
3 governor.

4 (4) The protocols shall be reviewed on a biennial basis by the work
5 group to determine whether revisions are appropriate. The director of
6 the department of (~~community, trade, and economic development~~)
7 commerce, or the director's designee, shall within existing resources
8 reconvene and chair the work group for this purpose.

9 **Sec. 2.** RCW 9.94A.8673 and 2008 c 249 s 3 are each amended to read
10 as follows:

11 (1) The sex offender policy board shall consist of thirteen voting
12 members. Unless the member is specifically named in this section, the
13 following organizations shall designate a person to sit on the board.

14 (a) The Washington association of sheriffs and police chiefs;

15 (b) The Washington association of prosecuting attorneys;

16 (c) The Washington association of criminal defense lawyers;

17 (d) The chair of the indeterminate sentence review board or his or
18 her designee;

19 (e) The Washington association for the treatment of sex abusers;

20 (f) The secretary of the department of corrections or his or her
21 designee;

22 (g) The Washington state superior court judge's association;

23 (h) The assistant secretary of the juvenile rehabilitation
24 administration or his or her designee;

25 (i) The office of crime victims advocacy in the department of
26 (~~community, trade, and economic development~~) commerce;

27 (j) The Washington state association of counties;

28 (k) The association of Washington cities;

29 (l) The Washington association of sexual assault programs; and

30 (m) The director of the special commitment center or his or her
31 designee.

32 (2) The person so named in subsection (1) of this section has the
33 authority to make decisions on behalf of the organization he or she
34 represents.

35 (3) The nonvoting membership shall consist of the following:

36 (a) Two members of the sentencing guidelines commission chosen by
37 the chair of the commission; and

1 (b) A representative of the criminal justice division in the
2 attorney general's office.

3 (4) The board shall choose its chair by majority vote from among
4 its voting membership. The chair's term shall be two years.

5 (5) The chair of the sentencing guidelines commission shall convene
6 the first meeting.

7 (6) The Washington institute for public policy shall act as an
8 advisor to the board.

9 **Sec. 3.** RCW 19.02.050 and 1997 c 391 s 11 are each amended to read
10 as follows:

11 The legislature hereby directs the full participation by the
12 following agencies in the implementation of this chapter:

13 (1) Department of agriculture;

14 (2) Secretary of state;

15 (3) Department of social and health services;

16 (4) Department of revenue;

17 (5) Department of fish and wildlife;

18 (6) (~~Department of~~) Employment security department;

19 (7) Department of labor and industries;

20 (8) Department of (~~community, trade, and economic development~~)
21 commerce;

22 (9) Liquor control board;

23 (10) Department of health;

24 (11) Department of licensing;

25 (12) Parks and recreation commission;

26 (13) Utilities and transportation commission; and

27 (14) Other agencies as determined by the governor.

28 **Sec. 4.** RCW 19.27.070 and 1995 c 399 s 8 are each amended to read
29 as follows:

30 There is hereby established a state building code council to be
31 appointed by the governor.

32 (1) The state building code council shall consist of fifteen
33 members, two of whom shall be county elected legislative body members
34 or elected executives and two of whom shall be city elected legislative
35 body members or mayors. One of the members shall be a local government
36 building code enforcement official and one of the members shall be a

1 local government fire service official. Of the remaining nine members,
2 one member shall represent general construction, specializing in
3 commercial and industrial building construction; one member shall
4 represent general construction, specializing in residential and
5 multifamily building construction; one member shall represent the
6 architectural design profession; one member shall represent the
7 structural engineering profession; one member shall represent the
8 mechanical engineering profession; one member shall represent the
9 construction building trades; one member shall represent manufacturers,
10 installers, or suppliers of building materials and components; one
11 member shall be a person with a physical disability and shall represent
12 the disability community; and one member shall represent the general
13 public. At least six of these fifteen members shall reside east of the
14 crest of the Cascade mountains. The council shall include: Two
15 members of the house of representatives appointed by the speaker of the
16 house, one from each caucus; two members of the senate appointed by the
17 president of the senate, one from each caucus; and an employee of the
18 electrical division of the department of labor and industries, as ex
19 officio, nonvoting members with all other privileges and rights of
20 membership. Terms of office shall be for three years. The council
21 shall elect a member to serve as chair of the council for one-year
22 terms of office. Any member who is appointed by virtue of being an
23 elected official or holding public employment shall be removed from the
24 council if he or she ceases being such an elected official or holding
25 such public employment. Before making any appointments to the building
26 code council, the governor shall seek nominations from recognized
27 organizations which represent the entities or interests listed in this
28 subsection. Members serving on the council on July 28, 1985, may
29 complete their terms of office. Any vacancy shall be filled by
30 alternating appointments from governmental and nongovernmental entities
31 or interests until the council is constituted as required by this
32 subsection.

33 (2) Members shall not be compensated but shall receive
34 reimbursement for travel expenses in accordance with RCW 43.03.050 and
35 43.03.060.

36 (3) The department of ((community, trade, and economic
37 development)) commerce shall provide administrative and clerical
38 assistance to the building code council.

1 **Sec. 5.** RCW 19.27.097 and 1995 c 399 s 9 are each amended to read
2 as follows:

3 (1) Each applicant for a building permit of a building
4 necessitating potable water shall provide evidence of an adequate water
5 supply for the intended use of the building. Evidence may be in the
6 form of a water right permit from the department of ecology, a letter
7 from an approved water purveyor stating the ability to provide water,
8 or another form sufficient to verify the existence of an adequate water
9 supply. In addition to other authorities, the county or city may
10 impose conditions on building permits requiring connection to an
11 existing public water system where the existing system is willing and
12 able to provide safe and reliable potable water to the applicant with
13 reasonable economy and efficiency. An application for a water right
14 shall not be sufficient proof of an adequate water supply.

15 (2) Within counties not required or not choosing to plan pursuant
16 to RCW 36.70A.040, the county and the state may mutually determine
17 those areas in the county in which the requirements of subsection (1)
18 of this section shall not apply. The departments of health and ecology
19 shall coordinate on the implementation of this section. Should the
20 county and the state fail to mutually determine those areas to be
21 designated pursuant to this subsection, the county may petition the
22 department of (~~community, trade, and economic development~~) commerce
23 to mediate or, if necessary, make the determination.

24 (3) Buildings that do not need potable water facilities are exempt
25 from the provisions of this section. The department of ecology, after
26 consultation with local governments, may adopt rules to implement this
27 section, which may recognize differences between high-growth and low-
28 growth counties.

29 **Sec. 6.** RCW 19.27.150 and 1995 c 399 s 10 are each amended to read
30 as follows:

31 Every month a copy of the United States department of commerce,
32 bureau of the census' "report of building or zoning permits issued and
33 local public construction" or equivalent report shall be transmitted by
34 the governing bodies of counties and cities to the department of
35 (~~community, trade, and economic development~~) commerce.

1 **Sec. 7.** RCW 19.27.190 and 1996 c 186 s 501 are each amended to
2 read as follows:

3 (1)(a) Not later than January 1, 1991, the state building code
4 council, in consultation with the department of (~~community, trade, and~~
5 ~~economic development~~) commerce, shall establish interim requirements
6 for the maintenance of indoor air quality in newly constructed
7 residential buildings. In establishing the interim requirements, the
8 council shall take into consideration differences in heating fuels and
9 heating system types. These requirements shall be in effect July 1,
10 1991, through June 30, 1993.

11 (b) The interim requirements for new electrically space heated
12 residential buildings shall include ventilation standards which provide
13 for mechanical ventilation in areas of the residence where water vapor
14 or cooking odors are produced. The ventilation shall be exhausted to
15 the outside of the structure. The ventilation standards shall further
16 provide for the capacity to supply outside air to each bedroom and the
17 main living area through dedicated supply air inlet locations in walls,
18 or in an equivalent manner. At least one exhaust fan in the home shall
19 be controlled by a dehumidistat or clock timer to ensure that
20 sufficient whole house ventilation is regularly provided as needed.

21 (c)(i) For new single family residences with electric space heating
22 systems, zero lot line homes, each unit in a duplex, and each attached
23 housing unit in a planned unit development, the ventilation standards
24 shall include fifty cubic feet per minute of effective installed
25 ventilation capacity in each bathroom and one hundred cubic feet per
26 minute of effective installed ventilation capacity in each kitchen.

27 (ii) For other new residential units with electric space heating
28 systems the ventilation standards may be satisfied by the installation
29 of two exhaust fans with a combined effective installed ventilation
30 capacity of two hundred cubic feet per minute.

31 (iii) Effective installed ventilation capacity means the capability
32 to deliver the specified ventilation rates for the actual design of the
33 ventilation system. Natural ventilation and infiltration shall not be
34 considered acceptable substitutes for mechanical ventilation.

35 (d) For new residential buildings that are space heated with other
36 than electric space heating systems, the interim standards shall be
37 designed to result in indoor air quality equivalent to that achieved
38 with the interim ventilation standards for electric space heated homes.

1 (e) The interim requirements for all newly constructed residential
2 buildings shall include standards for indoor air quality pollutant
3 source control, including the following requirements: All structural
4 panel components of the residence shall comply with appropriate
5 standards for the emission of formaldehyde; the back-drafting of
6 combustion by-products from combustion appliances shall be minimized
7 through the use of dampers, vents, outside combustion air sources, or
8 other appropriate technologies; and, in areas of the state where
9 monitored data indicate action is necessary to inhibit indoor radon gas
10 concentrations from exceeding appropriate health standards, entry of
11 radon gas into homes shall be minimized through appropriate foundation
12 construction measures.

13 (2) No later than January 1, 1993, the state building code council,
14 in consultation with the department of (~~community, trade, and economic~~
15 ~~development~~) commerce, shall establish final requirements for the
16 maintenance of indoor air quality in newly constructed residences to be
17 in effect beginning July 1, 1993. For new electrically space heated
18 residential buildings, these requirements shall maintain indoor air
19 quality equivalent to that provided by the mechanical ventilation and
20 indoor air pollutant source control requirements included in the
21 February 7, 1989, Bonneville power administration record of decision
22 for the environmental impact statement on new energy efficient homes
23 programs (DOE/EIS-0127F) built with electric space heating. In
24 residential units other than single family, zero lot line, duplexes,
25 and attached housing units in planned unit developments, ventilation
26 requirements may be satisfied by the installation of two exhaust fans
27 with a combined effective installed ventilation capacity of two hundred
28 cubic feet per minute. For new residential buildings that are space
29 heated with other than electric space heating systems, the standards
30 shall be designed to result in indoor air quality equivalent to that
31 achieved with the ventilation and source control standards for electric
32 space heated homes. In establishing the final requirements, the
33 council shall take into consideration differences in heating fuels and
34 heating system types.

35 **Sec. 8.** RCW 19.27A.020 and 2009 c 423 s 4 are each amended to read
36 as follows:

1 (1) The state building code council shall adopt rules to be known
2 as the Washington state energy code as part of the state building code.

3 (2) The council shall follow the legislature's standards set forth
4 in this section to adopt rules to be known as the Washington state
5 energy code. The Washington state energy code shall be designed to:

6 (a) Construct increasingly energy efficient homes and buildings
7 that help achieve the broader goal of building zero fossil-fuel
8 greenhouse gas emission homes and buildings by the year 2031;

9 (b) Require new buildings to meet a certain level of energy
10 efficiency, but allow flexibility in building design, construction, and
11 heating equipment efficiencies within that framework; and

12 (c) Allow space heating equipment efficiency to offset or
13 substitute for building envelope thermal performance.

14 (3) The Washington state energy code shall take into account
15 regional climatic conditions. Climate zone 1 shall include all
16 counties not included in climate zone 2. Climate zone 2 includes:
17 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
18 Oreille, Spokane, Stevens, and Whitman counties.

19 (4) The Washington state energy code for residential buildings
20 shall be the 2006 edition of the Washington state energy code, or as
21 amended by rule by the council.

22 (5) The minimum state energy code for new nonresidential buildings
23 shall be the Washington state energy code, 2006 edition, or as amended
24 by the council by rule.

25 (6)(a) Except as provided in (b) of this subsection, the Washington
26 state energy code for residential structures shall preempt the
27 residential energy code of each city, town, and county in the state of
28 Washington.

29 (b) The state energy code for residential structures does not
30 preempt a city, town, or county's energy code for residential
31 structures which exceeds the requirements of the state energy code and
32 which was adopted by the city, town, or county prior to March 1, 1990.
33 Such cities, towns, or counties may not subsequently amend their energy
34 code for residential structures to exceed the requirements adopted
35 prior to March 1, 1990.

36 (7) The state building code council shall consult with the
37 department (~~(of community, trade, and economic development)~~) as
38 provided in RCW 34.05.310 prior to publication of proposed rules. The

1 director of the department (~~of community, trade, and economic~~
2 ~~development~~)) shall recommend to the state building code council any
3 changes necessary to conform the proposed rules to the requirements of
4 this section.

5 (8) The state building code council shall evaluate and consider
6 adoption of the international energy conservation code in Washington
7 state in place of the existing state energy code.

8 (9) The definitions in RCW 19.27A.140 apply throughout this
9 section.

10 **Sec. 9.** RCW 19.27A.140 and 2009 c 423 s 2 are each amended to read
11 as follows:

12 The definitions in this section apply to RCW 19.27A.130 through
13 19.27A.190 and 19.27A.020 unless the context clearly requires
14 otherwise.

15 (1) "Benchmark" means the energy used by a facility as recorded
16 monthly for at least one year and the facility characteristics
17 information inputs required for a portfolio manager.

18 (2) "Conditioned space" means conditioned space, as defined in the
19 Washington state energy code.

20 (3) "Consumer-owned utility" includes a municipal electric utility
21 formed under Title 35 RCW, a public utility district formed under Title
22 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
23 cooperative formed under chapter 23.86 RCW, a mutual corporation or
24 association formed under chapter 24.06 RCW, a port district formed
25 under Title 53 RCW, or a water-sewer district formed under Title 57
26 RCW, that is engaged in the business of distributing electricity to one
27 or more retail electric customers in the state.

28 (4) "Cost-effectiveness" means that a project or resource is
29 forecast:

- 30 (a) To be reliable and available within the time it is needed; and
31 (b) To meet or reduce the power demand of the intended consumers at
32 an estimated incremental system cost no greater than that of the least-
33 cost similarly reliable and available alternative project or resource,
34 or any combination thereof.

35 (5) "Council" means the state building code council.

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

1 (7) "Embodied energy" means the total amount of fossil fuel energy
2 consumed to extract raw materials and to manufacture, assemble,
3 transport, and install the materials in a building and the life-cycle
4 cost benefits including the recyclability and energy efficiencies with
5 respect to building materials, taking into account the total sum of
6 current values for the costs of investment, capital, installation,
7 operating, maintenance, and replacement as estimated for the lifetime
8 of the product or project.

9 (8) "Energy consumption data" means the monthly amount of energy
10 consumed by a customer as recorded by the applicable energy meter for
11 the most recent twelve-month period.

12 (9) "Energy service company" has the same meaning as in RCW
13 43.19.670.

14 (10) "General administration" means the department of general
15 administration.

16 (11) "Greenhouse gas" and "greenhouse gases" includes carbon
17 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
18 and sulfur hexafluoride.

19 (12) "Investment grade energy audit" means an intensive engineering
20 analysis of energy efficiency and management measures for the facility,
21 net energy savings, and a cost-effectiveness determination.

22 (13) "Investor-owned utility" means a corporation owned by
23 investors that meets the definition of "corporation" as defined in RCW
24 80.04.010 and is engaged in distributing either electricity or natural
25 gas, or both, to more than one retail electric customer in the state.

26 (14) "Major facility" means any publicly owned or leased building,
27 or a group of such buildings at a single site, having ten thousand
28 square feet or more of conditioned floor space.

29 (15) "National energy performance rating" means the score provided
30 by the energy star program, to indicate the energy efficiency
31 performance of the building compared to similar buildings in that
32 climate as defined in the United States environmental protection agency
33 "ENERGY STAR® Performance Ratings Technical Methodology."

34 (16) "Net zero energy use" means a building with net energy
35 consumption of zero over a typical year.

36 (17) "Portfolio manager" means the United States environmental
37 protection agency's energy star portfolio manager or an equivalent tool
38 adopted by the department.

1 (18) "Preliminary energy audit" means a quick evaluation by an
2 energy service company of the energy savings potential of a building.

3 (19) "Qualifying public agency" includes all state agencies,
4 colleges, and universities.

5 (20) "Qualifying utility" means a consumer-owned or investor-owned
6 gas or electric utility that serves more than twenty-five thousand
7 customers in the state of Washington.

8 (21) "Reporting public facility" means any of the following:

9 (a) A building or structure, or a group of buildings or structures
10 at a single site, owned by a qualifying public agency, that exceed ten
11 thousand square feet of conditioned space;

12 (b) Buildings, structures, or spaces leased by a qualifying public
13 agency that exceeds ten thousand square feet of conditioned space,
14 where the qualifying public agency purchases energy directly from the
15 investor-owned or consumer-owned utility;

16 (c) A wastewater treatment facility owned by a qualifying public
17 agency; or

18 (d) Other facilities selected by the qualifying public agency.

19 (22) "State portfolio manager master account" means a portfolio
20 manager account established to provide a single shared portfolio that
21 includes reports for all the reporting public facilities.

22 **Sec. 10.** RCW 19.29A.010 and 2000 c 213 s 2 are each amended to
23 read as follows:

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

26 (1) "Biomass generation" means electricity derived from burning
27 solid organic fuels from wood, forest, or field residue, or dedicated
28 energy crops that do not include wood pieces that have been treated
29 with chemical preservatives such as creosote, pentachlorophenol, or
30 copper-chroma-arsenic.

31 (2) "Bonneville power administration system mix" means a generation
32 mix sold by the Bonneville power administration that is net of any
33 resource specific sales and that is net of any electricity sold to
34 direct service industrial customers, as defined in section 3(8) of the
35 Pacific Northwest electric power planning and conservation act (16
36 U.S.C. Sec. 839(a)(8)).

1 (3) "Coal generation" means the electricity produced by a
2 generating facility that burns coal as the primary fuel source.

3 (4) "Commission" means the utilities and transportation commission.

4 (5) "Conservation" means an increase in efficiency in the use of
5 energy use that yields a decrease in energy consumption while providing
6 the same or higher levels of service. Conservation includes low-income
7 weatherization programs.

8 (6) "Consumer-owned utility" means a municipal electric utility
9 formed under Title 35 RCW, a public utility district formed under Title
10 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
11 cooperative formed under chapter 23.86 RCW, or a mutual corporation or
12 association formed under chapter 24.06 RCW, that is engaged in the
13 business of distributing electricity to more than one retail electric
14 customer in the state.

15 (7) "Declared resource" means an electricity source specifically
16 identified by a retail supplier to serve retail electric customers. A
17 declared resource includes a stated quantity of electricity tied
18 directly to a specified generation facility or set of facilities either
19 through ownership or contract purchase, or a contractual right to a
20 stated quantity of electricity from a specified generation facility or
21 set of facilities.

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

24 (9) "Electricity information coordinator" means the organization
25 selected by the department under RCW 19.29A.080 to: (a) Compile
26 generation data in the Northwest power pool by generating project and
27 by resource category; (b) compare the quantity of electricity from
28 declared resources reported by retail suppliers with available
29 generation from such resources; (c) calculate the net system power mix;
30 and (d) coordinate with other comparable organizations in the western
31 interconnection.

32 (10) "Electric meters in service" means those meters that record in
33 at least nine of twelve calendar months in any calendar year not less
34 than two hundred fifty kilowatt hours per month.

35 (11) "Electricity product" means the electrical energy produced by
36 a generating facility or facilities that a retail supplier sells or
37 offers to sell to retail electric customers in the state of Washington,
38 provided that nothing in this title shall be construed to mean that

1 electricity is a good or product for the purposes of Title 62A RCW, or
2 any other purpose. It does not include electrical energy generated on-
3 site at a retail electric customer's premises.

4 (12) "Electric utility" means a consumer-owned or investor-owned
5 utility as defined in this section.

6 (13) "Electricity" means electric energy measured in kilowatt
7 hours, or electric capacity measured in kilowatts, or both.

8 (14) "Fuel mix" means the actual or imputed sources of electricity
9 sold to retail electric customers, expressed in terms of percentage
10 contribution by resource category. The total fuel mix included in each
11 disclosure shall total one hundred percent.

12 (15) "Geothermal generation" means electricity derived from thermal
13 energy naturally produced within the earth.

14 (16) "Governing body" means the council of a city or town, the
15 commissioners of an irrigation district, municipal electric utility, or
16 public utility district, or the board of directors of an electric
17 cooperative or mutual association that has the authority to set and
18 approve rates.

19 (17) "High efficiency cogeneration" means electricity produced by
20 equipment, such as heat or steam used for industrial, commercial,
21 heating, or cooling purposes, that meets the federal energy regulatory
22 commission standards for qualifying facilities under the public utility
23 regulatory policies act of 1978.

24 (18) "Hydroelectric generation" means a power source created when
25 water flows from a higher elevation to a lower elevation and the flow
26 is converted to electricity in one or more generators at a single
27 facility.

28 (19) "Investor-owned utility" means a company owned by investors
29 that meets the definition of RCW 80.04.010 and is engaged in
30 distributing electricity to more than one retail electric customer in
31 the state.

32 (20) "Landfill gas generation" means electricity produced by a
33 generating facility that uses waste gases produced by the decomposition
34 of organic materials in landfills.

35 (21) "Natural gas generation" means electricity produced by a
36 generating facility that burns natural gas as the primary fuel source.

37 (22) "Northwest power pool" means the generating resources included

1 in the United States portion of the Northwest power pool area as
2 defined by the western systems coordinating council.

3 (23) "Net system power mix" means the fuel mix in the Northwest
4 power pool, net of: (a) Any declared resources in the Northwest power
5 pool identified by in-state retail suppliers or out-of-state entities
6 that offer electricity for sale to retail electric customers; (b) any
7 electricity sold by the Bonneville power administration to direct
8 service industrial customers; and (c) any resource specific sales made
9 by the Bonneville power administration.

10 (24) "Oil generation" means electricity produced by a generating
11 facility that burns oil as the primary fuel source.

12 (25) "Proprietary customer information" means: (a) Information
13 that relates to the source and amount of electricity used by a retail
14 electric customer, a retail electric customer's payment history, and
15 household data that is made available by the customer solely by virtue
16 of the utility-customer relationship; and (b) information contained in
17 a retail electric customer's bill.

18 (26) "Renewable resources" means electricity generation facilities
19 fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal
20 energy; (e) landfill gas; or (f) biomass energy based on solid organic
21 fuels from wood, forest, or field residues, or dedicated energy crops
22 that do not include wood pieces that have been treated with chemical
23 preservatives such as creosote, pentachlorophenol, or copper-chrome-
24 arsenic.

25 (27) "Resale" means the purchase and subsequent sale of electricity
26 for profit, but does not include the purchase and the subsequent sale
27 of electricity at the same rate at which the electricity was purchased.

28 (28) "Retail electric customer" means a person or entity that
29 purchases electricity for ultimate consumption and not for resale.

30 (29) "Retail supplier" means an electric utility that offers an
31 electricity product for sale to retail electric customers in the state.

32 (30) "Small utility" means any consumer-owned utility with twenty-
33 five thousand or fewer electric meters in service, or that has an
34 average of seven or fewer customers per mile of distribution line.

35 (31) "Solar generation" means electricity derived from radiation
36 from the sun that is directly or indirectly converted to electrical
37 energy.

38 (32) "State" means the state of Washington.

1 (33) "Waste incineration generation" means electricity derived from
2 burning solid or liquid wastes from businesses, households,
3 municipalities, or waste treatment operations.

4 (34) "Wind generation" means electricity created by movement of air
5 that is converted to electrical energy.

6 **Sec. 11.** RCW 24.46.010 and 1995 c 399 s 12 are each amended to
7 read as follows:

8 It is the finding of the legislature that foreign trade zones serve
9 an important public purpose by the creation of employment opportunities
10 within the state and that the establishment of zones designed to
11 accomplish this purpose is to be encouraged. It is the further intent
12 of the legislature that the department of (~~community, trade, and~~
13 ~~economic development~~) commerce provide assistance to entities planning
14 to apply to the United States for permission to establish such zones.

15 **Sec. 12.** RCW 24.50.010 and 2006 c 34 s 2 are each amended to read
16 as follows:

17 (1) Washington manufacturing services is organized as a private,
18 nonprofit corporation in accordance with chapter 24.03 RCW and this
19 section. The mission of the center is to operate a modernization
20 extension system, coordinate a network of public and private
21 modernization resources, and stimulate the competitiveness of small and
22 midsize manufacturers in Washington.

23 (2) Washington manufacturing services shall be governed by a board
24 of directors. A majority of the board of directors shall be
25 representatives of small and medium-sized manufacturing firms and
26 industry associations, networks, or consortia. The board shall also
27 include at least one member representing labor unions or labor councils
28 and, as ex officio members, the director of the department of
29 (~~community, trade, and economic development~~) commerce, the executive
30 director of the state board for community and technical colleges, and
31 the director of the workforce training and education coordinating
32 board, or their respective designees.

33 (3) Washington manufacturing services may:

34 (a) Charge fees for services, make and execute contracts with any
35 individual, corporation, association, public agency, or any other

1 entity, and employ all other legal instruments necessary or convenient
2 for the performance of its duties and the exercise of its powers and
3 functions under this chapter; and

4 (b) Receive funds from federal, state, or local governments,
5 private businesses, foundations, or any other source for purposes
6 consistent with this chapter.

7 (4) Washington manufacturing services shall:

8 (a) Develop policies, plans, and programs to assist in the
9 modernization of businesses in targeted sectors of Washington's economy
10 and coordinate the delivery of modernization services;

11 (b) Provide information about the advantages of modernization and
12 the modernization services available in the state to federal, state,
13 and local economic development officials, state colleges and
14 universities, and private providers;

15 (c) Collaborate with the Washington quality initiative in the
16 development of manufacturing quality standards and quality
17 certification programs;

18 (d) Serve as an information clearinghouse and provide access for
19 users to the federal manufacturing extension partnership national
20 research and information system; and

21 (e) Provide, either directly or through contracts, assistance to
22 industry associations, networks, or consortia, that would be of value
23 to their member firms in:

24 (i) Adopting advanced business management practices such as
25 strategic planning and total quality management;

26 (ii) Developing mechanisms for interfirm collaboration and
27 cooperation;

28 (iii) Appraising, purchasing, installing, and effectively using
29 equipment, technologies, and processes that improve the quality of
30 goods and services and the productivity of the firm;

31 (iv) Improving human resource systems and workforce training in a
32 manner that moves firms toward flexible, high-performance work
33 organizations;

34 (v) Developing new products;

35 (vi) Conducting market research, analysis, and development of new
36 sales channels and export markets;

37 (vii) Improving processes to enhance environmental, health, and
38 safety compliance; and

1 (viii) Improving credit, capital management, and business finance
2 skills.

3 **Sec. 13.** RCW 28A.160.090 and 1995 c 399 s 20 are each amended to
4 read as follows:

5 Each school district board shall determine its own policy as to
6 whether or not its school buses will be rented or leased for the
7 purposes of RCW 28A.160.080, and if the board decision is to rent or
8 lease, under what conditions, subject to the following:

9 (1) Such renting or leasing may take place only after the director
10 of (~~community, trade, and economic development~~) commerce or any of
11 his or her agents so authorized has, at the request of an involved
12 governmental agency, declared that an emergency exists in a designated
13 area insofar as the need for additional transport is concerned.

14 (2) The agency renting or leasing the school buses must agree, in
15 writing, to reimburse the school district for all costs and expenses
16 related to their use and also must provide an indemnity agreement
17 protecting the district against any type of claim or legal action
18 whatsoever, including all legal costs incident thereto.

19 **Sec. 14.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to
20 read as follows:

21 The superintendent of public instruction shall collect and
22 disseminate to school districts information on child abuse and neglect
23 prevention curriculum and shall adopt rules dealing with the prevention
24 of child abuse for purposes of curriculum use in the common schools.
25 The superintendent of public instruction and the departments of social
26 and health services and (~~community, trade, and economic development~~)
27 commerce shall share relevant information.

28 **Sec. 15.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to
29 read as follows:

30 (1) The office of the superintendent of public instruction shall be
31 the lead agency and shall assist the department of social and health
32 services, the department of (~~community, trade, and economic
33 development~~) commerce, and school districts in establishing a
34 coordinated primary prevention program for child abuse and neglect.

1 (2) In developing the program, consideration shall be given to the
2 following:

3 (a) Parent, teacher, and children's workshops whose information and
4 training is:

5 (i) Provided in a clear, age-appropriate, nonthreatening manner,
6 delineating the problem and the range of possible solutions;

7 (ii) Culturally and linguistically appropriate to the population
8 served;

9 (iii) Appropriate to the geographic area served; and

10 (iv) Designed to help counteract common stereotypes about child
11 abuse victims and offenders;

12 (b) Training for school age children's parents and school staff,
13 which includes:

14 (i) Physical and behavioral indicators of abuse;

15 (ii) Crisis counseling techniques;

16 (iii) Community resources;

17 (iv) Rights and responsibilities regarding reporting;

18 (v) School district procedures to facilitate reporting and apprise
19 supervisors and administrators of reports; and

20 (vi) Caring for a child's needs after a report is made;

21 (c) Training for licensed day care providers and parents that
22 includes:

23 (i) Positive child guidance techniques;

24 (ii) Physical and behavioral indicators of abuse;

25 (iii) Recognizing and providing safe, quality day care;

26 (iv) Community resources;

27 (v) Rights and responsibilities regarding reporting; and

28 (vi) Caring for the abused or neglected child;

29 (d) Training for children that includes:

30 (i) The right of every child to live free of abuse;

31 (ii) How to disclose incidents of abuse and neglect;

32 (iii) The availability of support resources and how to obtain help;

33 (iv) Child safety training and age-appropriate self-defense
34 techniques; and

35 (v) A period for crisis counseling and reporting immediately
36 following the completion of each children's workshop in a school
37 setting which maximizes the child's privacy and sense of safety.

1 (3) The primary prevention program established under this section
2 shall be a voluntary program and shall not be part of the basic program
3 of education.

4 (4) Parents shall be given notice of the primary prevention program
5 and may refuse to have their children participate in the program.

6 **Sec. 16.** RCW 28A.515.320 and 1996 c 186 s 503 are each amended to
7 read as follows:

8 The common school construction fund is to be used exclusively for
9 the purpose of financing the construction of facilities for the common
10 schools. The sources of said fund shall be: (1) Those proceeds
11 derived from sale or appropriation of timber and other crops from
12 school and state land other than those granted for specific purposes;
13 (2) the interest accruing on the permanent common school fund less the
14 allocations to the state treasurer's service (~~(account-[fund])~~) fund
15 pursuant to RCW 43.08.190 and the state investment board expense
16 account pursuant to RCW 43.33A.160 together with all rentals and other
17 revenue derived therefrom and from land and other property devoted to
18 the permanent common school fund; (3) all moneys received by the state
19 from the United States under the provisions of section 191, Title 30,
20 United States Code, Annotated, and under section 810, chapter 12, Title
21 16, (Conservation), United States Code, Annotated, except moneys
22 received before June 30, 2001, and when thirty megawatts of geothermal
23 power is certified as commercially available by the receiving utilities
24 and the department of (~~community, trade, and economic development~~)
25 commerce, eighty percent of such moneys, under the Geothermal Steam Act
26 of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the
27 legislature may direct. That portion of the common school construction
28 fund derived from interest on the permanent common school fund may be
29 used to retire such bonds as may be authorized by law for the purpose
30 of financing the construction of facilities for the common schools.

31 The interest accruing on the permanent common school fund less the
32 allocations to the state treasurer's service fund pursuant to RCW
33 43.08.190 and the state investment board expense account pursuant to
34 RCW 43.33A.160 together with all rentals and other revenues accruing
35 thereto pursuant to subsection (2) of this section prior to July 1,
36 1967, shall be exclusively applied to the current use of the common
37 schools.

1 To the extent that the moneys in the common school construction
2 fund are in excess of the amount necessary to allow fulfillment of the
3 purpose of said fund, the excess shall be available for deposit to the
4 credit of the permanent common school fund or available for the current
5 use of the common schools, as the legislature may direct. Any money
6 from the common school construction fund which is made available for
7 the current use of the common schools shall be restored to the fund by
8 appropriation, including interest income (~~foregone~~~~[forgone]~~)
9 forgone, before the end of the next fiscal biennium following such use.

10 **Sec. 17.** RCW 28B.06.030 and 1995 c 335 s 303 are each amended to
11 read as follows:

12 (1) The state board for community and technical colleges, in
13 consultation with the department of (~~community, trade, and economic~~
14 ~~development~~) commerce, the department of social and health services,
15 the superintendent of public instruction, and community-based,
16 nonprofit providers of adult literacy services, shall develop an adult
17 literacy program to serve eligible parents as defined under RCW
18 (~~28A.610.020~~) 28B.06.020. The program shall give priority to serving
19 parents with children who have not yet enrolled in school or are in
20 grades kindergarten through three.

21 (2) In addition to providing basic skills instruction to eligible
22 parents, the program may include other program components which may
23 include transportation, child care, and such other directly necessary
24 activities as may be necessary to accomplish the purposes of this
25 chapter.

26 (3) Parents who elect to participate in training or work programs,
27 as a condition of receiving public assistance, shall have the hours
28 spent in parent participation programs, conducted as part of a federal
29 head start program, or the state early childhood education and
30 assistance program under RCW (~~28A.215.100 through 28A.215.200 and~~
31 ~~28A.215.900 through 28A.215.908~~) 43.215.400 through 43.215.450 and
32 43.215.900 through 43.215.903, or parent literacy programs under this
33 chapter, counted toward the fulfillment of their work and training
34 obligation for the receipt of public assistance.

35 (4) State funds as may be appropriated for project even start shall
36 be used solely to expand and complement, but not supplant, federal
37 funds for adult literacy programs.

1 (5) The state board for community and technical colleges shall
2 adopt rules as necessary to carry out the purposes of this chapter.

3 **Sec. 18.** RCW 28B.20.283 and 1995 c 399 s 25 are each amended to
4 read as follows:

5 The legislature finds that the development and commercialization of
6 new technology is a vital part of economic development.

7 The legislature also finds that it is in the interests of the state
8 of Washington to provide a mechanism to transfer and apply research and
9 technology developed at the institutions of higher education to the
10 private sector in order to create new products and technologies which
11 provide job opportunities in advanced technology for the citizens of
12 this state.

13 It is the intent of the legislature that the University of
14 Washington, the Washington State University, and the department of
15 (~~community, trade, and economic development~~) commerce work
16 cooperatively with the private sector in the development and
17 implementation of a world class technology transfer program.

18 **Sec. 19.** RCW 28B.20.289 and 2003 c 403 s 11 are each amended to
19 read as follows:

20 (1) The technology center shall be administered by the board of
21 directors of the technology center.

22 (2) The board shall consist of the following members: Fourteen
23 members from among individuals who are associated with or employed by
24 technology-based industries and have broad business experience and an
25 understanding of high technology; eight members from the state's
26 universities with graduate science and engineering programs; the
27 executive director of the Spokane Intercollegiate Research and
28 Technology Institute or his or her designated representative; the
29 provost of the University of Washington or his or her designated
30 representative; the provost of the Washington State University or his
31 or her designated representative; and the director of the department of
32 (~~community, trade, and economic development~~) commerce or his or her
33 designated representative. The term of office for each board member,
34 excluding the executive director of the Spokane Intercollegiate
35 Research and Technology Institute, the provost of the University of
36 Washington, the provost of the Washington State University, and the

1 director of the department of (~~community, trade, and economic~~
2 ~~development~~) commerce, shall be three years. The executive director
3 of the technology center shall be an ex officio, nonvoting member of
4 the board. The board shall meet at least quarterly. Board members
5 shall be appointed by the governor based on the recommendations of the
6 existing board of the technology center, and the research universities.
7 The governor shall stagger the terms of the first group of appointees
8 to ensure the long term continuity of the board.

9 (3) The duties of the board include:

10 (a) Developing the general operating policies for the technology
11 center;

12 (b) Appointing the executive director of the technology center;

13 (c) Approving the annual operating budget of the technology center;

14 (d) Establishing priorities for the selection and funding of
15 research projects that guarantee the greatest potential return on the
16 state's investment;

17 (e) Approving and allocating funding for research projects
18 conducted by the technology center, based on the recommendations of the
19 advisory committees for each of the research centers;

20 (f) In cooperation with the department of (~~community, trade, and~~
21 ~~economic development~~) commerce, developing a biennial work plan and
22 five-year strategic plan for the technology center that are consistent
23 with the statewide technology development and commercialization goals;

24 (g) Coordinating with the University of Washington, Washington
25 State University, and other participating institutions of higher
26 education in the development of training, research, and development
27 programs to be conducted at the technology center that shall be
28 targeted to meet industrial needs;

29 (h) Assisting the department of (~~community, trade, and economic~~
30 ~~development~~) commerce in the department's efforts to develop state
31 science and technology public policies and coordinate publicly funded
32 programs;

33 (i) Performing the duties required under chapter 70.210 RCW
34 relating to the investing in innovation grants program;

35 (j) Reviewing annual progress reports on funded research projects
36 that are prepared by the advisory committees for each of the research
37 centers;

1 (k) Providing an annual report to the governor and the legislature
2 detailing the activities and performance of the technology center; and
3 (l) Submitting annually to the department of (~~community, trade,~~
4 ~~and economic development~~) commerce an updated strategic plan and a
5 statement of performance measured against the mission, roles, and
6 contractual obligations of the technology center.

7 **Sec. 20.** RCW 28B.20.293 and 1995 c 399 s 27 are each amended to
8 read as follows:

9 The department of (~~community, trade, and economic development~~)
10 commerce shall contract with the University of Washington for the
11 expenditure of state-appropriated funds for the operation of the
12 Washington technology center. The department (~~of community, trade,~~
13 ~~and economic development~~) shall provide guidance to the technology
14 center regarding expenditure of state-appropriated funds and the
15 development of the center's strategic plan. The director of (~~the~~
16 ~~department of community, trade, and economic development~~) commerce
17 shall not withhold funds appropriated for the technology center if the
18 technology center complies with the provisions of its contract with the
19 department (~~of community, trade, and economic development~~). The
20 department shall be responsible to the legislature for the contractual
21 performance of the center.

22 **Sec. 21.** RCW 28B.20.296 and 2004 c 151 s 2 are each amended to
23 read as follows:

24 (1) The Washington technology center, through its northwest energy
25 technology collaborative, shall provide a forum for public and private
26 collaborative initiatives to promote renewable energy and energy
27 efficiency sectors in Washington state and the Pacific Northwest. The
28 center shall seek to integrate the initiatives of the northwest energy
29 technology collaborative into existing state programs and initiatives,
30 including grant programs administered by the center, and energy
31 efficiency business development projects and energy assistance programs
32 of the department of (~~community, trade, and economic development~~)
33 commerce.

34 (2) The center, through its northwest energy technology
35 collaborative, shall develop and implement a strategic plan for public
36 and private collaboration in renewable energy and energy efficiency

1 business development. The center, together with the department, shall
2 prepare an initial draft of a statewide strategic plan and circulate it
3 widely among businesses and individuals in these sectors for review and
4 comment. The center shall also organize a summit of public and private
5 sector interests to further developments of the proposed strategic
6 plan. The plan shall address, among other things, the role that public
7 sector policies, programs, and expenditures may play in promoting these
8 economic sectors, including subjects such as workforce development,
9 education, tax incentives, economic development assistance, public
10 sector energy purchases, public sector construction standards,
11 transportation, and land use regulation and zoning. The strategic plan
12 shall include recommendations for legislative and administrative policy
13 changes and for legislative appropriations. The plan shall also
14 recommend proposals for capital and operating investments in public
15 higher education facilities, proposals for creating and strengthening
16 public and private partnerships, and proposals for federal financial
17 assistance and expenditures for research and development programs in
18 Washington state. The finalized strategic plan shall be provided to
19 the governor and to the appropriate committees of the senate and house
20 of representatives by January 1, 2005.

21 (3) The strategic plan required by subsection (2) of this section
22 may be incorporated into the center's five-year strategic plan required
23 by RCW 28B.20.289(3)(f).

24 **Sec. 22.** RCW 28B.30.530 and 2009 c 486 s 1 are each amended to
25 read as follows:

26 (1) The board of regents of Washington State University shall
27 establish the Washington State University small business development
28 center.

29 (2) The center shall provide management and technical assistance
30 including but not limited to training, counseling, and research
31 services to small businesses throughout the state. The center shall
32 work with the department of (~~community, trade, and economic~~
33 ~~development~~) commerce, the state board for community and technical
34 colleges, the higher education coordinating board, the workforce
35 training and education coordinating board, the employment security
36 department, the Washington state economic development commission,

1 associate development organizations, and workforce development councils
2 to:

3 (a) Integrate small business development centers with other state
4 and local economic development and workforce development programs;

5 (b) Target the centers' services to small businesses;

6 (c) Tailor outreach and services at each center to the needs and
7 demographics of entrepreneurs and small businesses located within the
8 service area;

9 (d) Establish and expand small business development center
10 satellite offices when financially feasible; and

11 (e) Coordinate delivery of services to avoid duplication.

12 (3) The administrator of the center may contract with other public
13 or private entities for the provision of specialized services.

14 (4) The small business development center may accept and disburse
15 federal grants or federal matching funds or other funds or donations
16 from any source when made, granted, or donated to carry out the
17 center's purposes. When drawing on funds from the business assistance
18 account created in RCW (~~(30.60.010)~~) 28B.30.531, the center must first
19 use the funds to make increased management and technical assistance
20 available to small and start-up businesses at satellite offices. The
21 funds may also be used to develop and expand assistance programs such
22 as small business planning workshops and small business counseling.

23 (5) The legislature directs the small business development center
24 to request United States small business administration approval of a
25 special emphasis initiative, as permitted under 13 C.F.R. 130.340(c) as
26 of April 1, 2009, to target assistance to Washington state's smaller
27 businesses. This initiative would be negotiated and included in the
28 first cooperative agreement application process that occurs after July
29 26, 2009.

30 (6) By December 1, 2009, and December 1, 2010, respectively, the
31 center shall provide a written progress report and a final report to
32 the appropriate committees of the legislature with respect to the
33 requirements in subsections (2) and (5) of this section and the amount
34 and use of funding received through the business assistance account.
35 The reports must also include data on the number, location, staffing,
36 and budget levels of satellite offices; affiliations with community
37 colleges, associate development organizations or other local
38 organizations; the number, size, and type of small businesses assisted;

1 and the types of services provided. The reports must also include
2 information on the outcomes achieved, such as jobs created or retained,
3 private capital invested, and return on the investment of state and
4 federal dollars.

5 **Sec. 23.** RCW 28B.30.537 and 1998 c 245 s 20 are each amended to
6 read as follows:

7 The IMPACT center shall:

8 (1) Coordinate the teaching, research, and extension expertise of
9 the college of agriculture and home economics at Washington State
10 University to assist in:

11 (a) The design and development of information and strategies to
12 expand the long-term international markets for Washington agricultural
13 products; and

14 (b) The dissemination of such information and strategies to
15 Washington exporters, overseas users, and public and private trade
16 organizations;

17 (2) Research and identify current impediments to increased exports
18 of Washington agricultural products, and determine methods of
19 surmounting those impediments and opportunities for exporting new
20 agricultural products and commodities to foreign markets;

21 (3) Prepare curricula to present and distribute information
22 concerning international trade in agricultural commodities and products
23 to students, exporters, international traders, and the public;

24 (4) Provide high-quality research and graduate education and
25 professional nondegree training in international trade in agricultural
26 commodities in cooperation with other existing programs;

27 (5) Ensure that activities of the center adequately reflect the
28 objectives for the state's agricultural market development programs
29 established by the department of agriculture as the lead state agency
30 for such programs under chapter 43.23 RCW; and

31 (6) Link itself through cooperative agreements with the center for
32 international trade in forest products at the University of Washington,
33 the state department of agriculture, the department of (~~community,~~
34 ~~trade, and economic development~~) commerce, Washington's agriculture
35 businesses and associations, and other state agency data collection,
36 processing, and dissemination efforts.

1 **Sec. 24.** RCW 28B.30.900 and 1996 c 186 s 201 are each amended to
2 read as follows:

3 (1) All powers, duties, and functions of the state energy office
4 under RCW 43.21F.045 relating to implementing energy education, applied
5 research, and technology transfer programs shall be transferred to
6 Washington State University.

7 (2) The specific programs transferred to Washington State
8 University shall include but not be limited to the following:
9 Renewable energy, energy software, industrial energy efficiency,
10 education and information, energy ideas clearinghouse, and
11 telecommunications.

12 (3)(a) All reports, documents, surveys, books, records, files,
13 papers, or written material in the possession of the state energy
14 office pertaining to the powers, functions, and duties transferred
15 shall be delivered to the custody of Washington State University. All
16 cabinets, furniture, office equipment, software, database, motor
17 vehicles, and other tangible property employed by the state energy
18 office in carrying out the powers, functions, and duties transferred
19 shall be made available to Washington State University.

20 (b) Any appropriations made to, any other funds provided to, or any
21 grants made to or contracts with the state energy office for carrying
22 out the powers, functions, and duties transferred shall, on July 1,
23 1996, be transferred and credited to Washington State University.

24 (c) Whenever any question arises as to the transfer of any funds,
25 books, documents, records, papers, files, software, database,
26 equipment, or other tangible property used or held in the exercise of
27 the powers and the performance of the duties and functions transferred,
28 an arbitrator mutually agreed upon by the parties in dispute shall make
29 a determination as to the proper allocation and certify the same to the
30 state agencies concerned.

31 (d) All rules and all pending business before the state energy
32 office pertaining to the powers, functions, and duties transferred
33 shall be continued and acted upon by Washington State University. All
34 existing contracts, grants, and obligations, excluding personnel
35 contracts and obligations, shall remain in full force and shall be
36 assigned to and performed by Washington State University.

37 (e) The transfer of the powers, duties, and functions of the state

1 energy office does not affect the validity of any act performed before
2 July 1, 1996.

3 (f) If apportionments of budgeted funds are required because of the
4 transfers directed by this section, the director of the office of
5 financial management shall certify the apportionments to the agencies
6 affected, the state auditor, and the state treasurer. Each of these
7 shall make the appropriate transfer and adjustments in funds and
8 appropriation.

9 (4) Washington State University shall enter into an interagency
10 agreement with the department of (~~community, trade, and economic~~
11 ~~development~~) commerce regarding the relationship between policy
12 development and public outreach. The department of (~~community, trade,~~
13 ~~and economic development~~) commerce shall provide Washington State
14 University available existing and future oil overcharge restitution and
15 federal energy block funding for a minimum period of five years to
16 carry out energy programs. Nothing in chapter 186, Laws of 1996
17 prohibits Washington State University from seeking grant funding for
18 energy-related programs directly from other entities.

19 (5) Washington State University shall select and appoint existing
20 state energy office employees to positions to perform the duties and
21 functions transferred. Employees appointed by Washington State
22 University are exempt from the provisions of chapter 41.06 RCW unless
23 otherwise designated by the institution. Any future vacant or new
24 positions will be filled using Washington State University's standard
25 hiring procedures.

26 **Sec. 25.** RCW 28B.38.020 and 1998 c 344 s 10 are each amended to
27 read as follows:

28 (1) The institute shall be administered by the board of directors.

29 (2) The board shall consist of the following members:

30 (a) Nine members of the general public. Of the general public
31 membership, at least six shall be individuals who are associated with
32 or employed by technology-based or manufacturing-based industries and
33 have broad business experience and an understanding of high technology;

34 (b) The executive director of the Washington technology center or
35 the director's designee;

36 (c) The provost of Washington State University or the provost's
37 designee;

- 1 (d) The provost of Eastern Washington University or the provost's
2 designee;
- 3 (e) The provost of Central Washington University or the provost's
4 designee;
- 5 (f) The provost of the University of Washington or the provost's
6 designee;
- 7 (g) An academic representative from the Spokane community colleges;
8 (h) One member from Gonzaga University; and
9 (i) One member from Whitworth College.
- 10 (3) The term of office for each board member, excluding the
11 executive director of the Washington technology center, the provosts of
12 Washington State University, Eastern Washington University, Central
13 Washington University, and the University of Washington, shall be three
14 years. The executive director of the institute shall be an ex officio,
15 nonvoting member of the board. Board members shall be appointed by the
16 governor. Initial appointments shall be for staggered terms to ensure
17 the long-term continuity of the board. The board shall meet at least
18 quarterly.
- 19 (4) The duties of the board include:
- 20 (a) Developing the general operating policies for the institute;
21 (b) Appointing the executive director of the institute;
22 (c) Approving the annual operating budget of the institute;
23 (d) Establishing priorities for the selection and funding of
24 research projects that guarantee the greatest potential return on the
25 state's investment;
- 26 (e) Approving and allocating funding for research projects
27 conducted by the institute;
- 28 (f) In cooperation with the department of (~~community, trade, and~~
29 ~~economic development~~) commerce, developing a biennial work plan and
30 five-year strategic plan for the institute that are consistent with the
31 statewide technology development and commercialization goals;
- 32 (g) Coordinating with public, independent, and private institutions
33 of higher education, and other participating institutions of higher
34 education in the development of training, research, and development
35 programs to be conducted at the institute that are targeted to meet
36 industrial needs;
- 37 (h) Assisting the department of (~~community, trade, and economic~~

1 ~~development~~) commerce in the department's efforts to develop state
2 science and technology public policies and coordinate publicly funded
3 programs;

4 (i) Reviewing annual progress reports on funded research projects;

5 (j) Providing an annual report to the governor and the legislature
6 detailing the activities and performance of the institute; and

7 (k) Submitting annually to the department of (~~community, trade,~~
8 ~~and economic development~~) commerce an updated strategic plan and a
9 statement of performance measured against the mission, roles, and
10 contractual obligations of the institute.

11 (5) The board may enter into contracts to fulfill its
12 responsibilities and purposes under this chapter.

13 **Sec. 26.** RCW 28B.38.050 and 1998 c 344 s 13 are each amended to
14 read as follows:

15 The department of (~~community, trade, and economic development~~)
16 commerce shall contract with the institute for the expenditure of
17 state-appropriated funds for the operation of the institute. The
18 department (~~of community, trade, and economic development~~) shall
19 provide guidance to the institute regarding expenditure of state-
20 appropriated funds and the development of the institute's strategic
21 plan. The director of the department (~~of community, trade, and~~
22 ~~economic development~~) shall not withhold funds appropriated for the
23 institute if the institute complies with the provisions of its contract
24 with the department (~~of community, trade, and economic development~~).
25 The department is responsible to the legislature for the contractual
26 performance of the institute.

27 **Sec. 27.** RCW 28B.50.281 and 2009 c 536 s 9 are each amended to
28 read as follows:

29 (1) The state board shall work with the leadership team, the
30 Washington state apprenticeship and training council, and the office of
31 the superintendent of public instruction to jointly develop, by June
32 30, 2010, curricula and training programs, to include on-the-job
33 training, classroom training, and safety and health training, for the
34 development of the skills and qualifications identified by the
35 department of (~~community, trade, and economic development~~) commerce
36 under section 7 of this act.

1 (2) The board shall target a portion of any federal stimulus
2 funding received to ensure commensurate capacity for high employer-
3 demand programs of study developed under this section. To that end,
4 the state board must coordinate with the department, the leadership
5 team, the workforce board, or another appropriate state agency in the
6 application for and receipt of any funding that may be made available
7 through the federal youthbuild program, workforce investment act, job
8 corps, or other relevant federal programs.

9 (3) The board shall provide an interim report to the appropriate
10 committees of the legislature by December 1, 2011, and a final report
11 by December 1, 2013, detailing the effectiveness of, and any
12 recommendations for improving, the worker training curricula and
13 programs established in this section.

14 (4) Existing curricula and training programs or programs provided
15 by community and technical colleges in the state developed under this
16 section must be recognized as programs of study under RCW 28B.50.273.

17 (5) Subject to available funding, the board may grant enrollment
18 priority to persons who qualify for a waiver under RCW 28B.15.522 and
19 who enroll in curricula and training programs provided by community or
20 technical colleges in the state that have been developed in accordance
21 with this section.

22 (6) The college board may prioritize workforce training programs
23 that lead to a credential, certificate, or degree in green economy
24 jobs. For purposes of this section, green economy jobs include those
25 in the primary industries of a green economy including clean energy,
26 high-efficiency building, green transportation, and environmental
27 protection. Prioritization efforts may include but are not limited to:

28 (a) Prioritization of the use of high employer-demand funding for
29 workforce training programs in green economy jobs, if the programs meet
30 minimum criteria for identification as a high-demand program of study
31 as defined by the state board for community and technical colleges,
32 however any additional community and technical college high-demand
33 funding authorized for the 2009-2011 fiscal biennium and thereafter may
34 be subject to prioritization; (b) increased outreach efforts to public
35 utilities, education, labor, government, and private industry to
36 develop tailored, green job training programs; and (c) increased
37 outreach efforts to target populations. Outreach efforts shall be
38 conducted in partnership with local workforce development councils.

1 (7) The definitions in RCW 43.330.010 apply to this section and RCW
2 28B.50.282.

3 **Sec. 28.** RCW 28B.50.902 and 2009 c 151 s 4 are each amended to
4 read as follows:

5 The college board, in consultation with business, industry, labor,
6 the workforce training and education coordinating board, the department
7 of (~~community, trade, and economic development~~) commerce, the
8 employment security department, and community and technical colleges,
9 shall designate centers of excellence and allocate funds to existing
10 and new centers of excellence based on a competitive basis.

11 Eligible applicants for the program established under this section
12 include community and technical colleges. Priority shall be given to
13 applicants that have an established education and training program
14 serving the targeted industry and that have in their home district or
15 region an industry cluster with the same targeted industry at its core.

16 It is the role of centers of excellence to employ strategies to:
17 Create educational efficiencies; build a diverse, competitive workforce
18 for strategic industries; maintain an institutional reputation for
19 innovation and responsiveness; develop innovative curriculum and means
20 of delivering education and training; act as brokers of information and
21 resources related to community and technical college education and
22 training for a targeted industry; and serve as partners with workforce
23 development councils, associate development organizations, and other
24 workforce and economic development organizations.

25 Examples of strategies include but are not limited to: Sharing
26 curriculum and other instructional resources, to ensure cost savings to
27 the system; delivering collaborative certificate and degree programs;
28 and holding statewide summits, seminars, conferences, and workshops on
29 industry trends and best practices in community and technical college
30 education and training.

31 **Sec. 29.** RCW 28B.65.040 and 1995 c 399 s 29 are each amended to
32 read as follows:

33 (1) The Washington high-technology coordinating board is hereby
34 created.

35 (2) The board shall be composed of eighteen members as follows:

1 (a) Eleven shall be citizen members appointed by the governor, with
2 the consent of the senate, for four-year terms. In making the
3 appointments the governor shall ensure that a balanced geographic
4 representation of the state is achieved and shall attempt to choose
5 persons experienced in high-technology fields, including at least one
6 representative of labor. Any person appointed to fill a vacancy
7 occurring before a term expires shall be appointed only for the
8 remainder of that term; and

9 (b) Seven of the members shall be as follows: One representative
10 from each of the state's two research universities, one representative
11 of the state college and regional universities, the director for the
12 state system of community and technical colleges or the director's
13 designee, the superintendent of public instruction or the
14 superintendent's designee, a representative of the higher education
15 coordinating board, and the director of the department of (~~community,~~
16 ~~trade, and economic development~~) commerce or the director's designee.

17 (3) Members of the board shall not receive any salary for their
18 services, but shall be reimbursed for travel expenses under RCW
19 43.03.050 and 43.03.060 for each day actually spent in attending to
20 duties as a member of the board.

21 (4) A citizen member of the board shall not be, during the term of
22 office, a member of the governing board of any public or private
23 educational institution, or an employee of any state or local agency.

24 **Sec. 30.** RCW 28B.65.050 and 1998 c 245 s 22 are each amended to
25 read as follows:

26 (1) The board shall oversee, coordinate, and evaluate the high-
27 technology programs.

28 (2) The board shall:

29 (a) Determine the specific high-technology occupational fields in
30 which technical training is needed and advise the institutions of
31 higher education and the higher education coordinating board on their
32 findings;

33 (b) Identify economic areas and high-technology industries in need
34 of technical training and research and development critical to economic
35 development and advise the institutions of higher education and the
36 higher education coordinating board on their findings;

1 (c) Oversee and coordinate the Washington high-technology education
2 and training program to ensure high standards, efficiency, and
3 effectiveness;

4 (d) Work cooperatively with the superintendent of public
5 instruction to identify the skills prerequisite to the high-technology
6 programs in the institutions of higher education;

7 (e) Work cooperatively with and provide any information or advice
8 which may be requested by the higher education coordinating board
9 during the board's review of new baccalaureate degree program proposals
10 which are submitted under this chapter. Nothing in this chapter shall
11 be construed as altering or superseding the powers or prerogatives of
12 the higher education coordinating board over the review of new degree
13 programs as established in section 6(2) of this 1985 act;

14 (f) Work cooperatively with the department of (~~community, trade,~~
15 ~~and economic development~~) commerce to identify the high-technology
16 education and training needs of existing Washington businesses and
17 businesses with the potential to locate in Washington;

18 (g) Work towards increasing private sector participation and
19 contributions in Washington high-technology programs;

20 (h) Identify and evaluate the effectiveness of state sponsored
21 research related to high technology; and

22 (i) Establish and maintain a plan, including priorities, to guide
23 high-technology program development in public institutions of higher
24 education, which plan shall include an assessment of current high-
25 technology programs, steps to increase existing programs, new
26 initiatives and programs necessary to promote high technology, and
27 methods to coordinate and target high-technology programs to changing
28 market opportunities in business and industry.

29 (3) The board may adopt rules under chapter 34.05 RCW as it deems
30 necessary to carry out the purposes of this chapter.

31 (4) The board shall cease to exist on June 30, 1987, unless
32 extended by law for an additional fixed period of time.

33 **Sec. 31.** RCW 28B.65.060 and 1995 c 399 s 31 are each amended to
34 read as follows:

35 Staff support for the high-technology coordinating board shall be
36 provided by the department of (~~community, trade, and economic~~
37 ~~development~~) commerce.

1 **Sec. 32.** RCW 28B.109.020 and 1996 c 253 s 402 are each amended to
2 read as follows:

3 The Washington international exchange scholarship program is
4 created subject to funding under RCW 28B.109.060. The program shall be
5 administered by the board. In administering the program, the board
6 may:

7 (1) Convene an advisory committee that may include but need not be
8 limited to representatives of the office of the superintendent of
9 public instruction, the department of (~~community, trade, and economic~~
10 ~~development~~) commerce, the secretary of state, private business, and
11 institutions of higher education;

12 (2) Select students to receive the scholarship with the assistance
13 of a screening committee composed of leaders in business, international
14 trade, and education;

15 (3) Adopt necessary rules and guidelines including rules for
16 disbursing scholarship funds to participants;

17 (4) Publicize the program;

18 (5) Solicit and accept grants and donations from public and private
19 sources for the program;

20 (6) Establish and notify participants of service obligations; and

21 (7) Establish a formula for selecting the countries from which
22 participants may be selected in consultation with the department of
23 (~~community, trade, and economic development~~) commerce.

24 **Sec. 33.** RCW 28C.18.060 and 2009 c 151 s 6 are each amended to
25 read as follows:

26 The board, in cooperation with the operating agencies of the state
27 training system and private career schools and colleges, shall:

28 (1) Concentrate its major efforts on planning, coordination
29 evaluation, policy analysis, and recommending improvements to the
30 state's training system;

31 (2) Advocate for the state training system and for meeting the
32 needs of employers and the workforce for workforce education and
33 training;

34 (3) Establish and maintain an inventory of the programs of the
35 state training system, and related state programs, and perform a
36 biennial assessment of the vocational education, training, and adult
37 basic education and literacy needs of the state; identify ongoing and

1 strategic education needs; and assess the extent to which employment,
2 training, vocational and basic education, rehabilitation services, and
3 public assistance services represent a consistent, integrated approach
4 to meet such needs;

5 (4) Develop and maintain a state comprehensive plan for workforce
6 training and education, including but not limited to, goals,
7 objectives, and priorities for the state training system, and review
8 the state training system for consistency with the state comprehensive
9 plan. In developing the state comprehensive plan for workforce
10 training and education, the board shall use, but shall not be limited
11 to: Economic, labor market, and populations trends reports in office
12 of financial management forecasts; joint office of financial management
13 and employment security department labor force, industry employment,
14 and occupational forecasts; the results of scientifically based
15 outcome, net-impact and cost-benefit evaluations; the needs of
16 employers as evidenced in formal employer surveys and other employer
17 input; and the needs of program participants and workers as evidenced
18 in formal surveys and other input from program participants and the
19 labor community;

20 (5) In consultation with the higher education coordinating board,
21 review and make recommendations to the office of financial management
22 and the legislature on operating and capital facilities budget requests
23 for operating agencies of the state training system for purposes of
24 consistency with the state comprehensive plan for workforce training
25 and education;

26 (6) Provide for coordination among the different operating agencies
27 and components of the state training system at the state level and at
28 the regional level;

29 (7) Develop a consistent and reliable database on vocational
30 education enrollments, costs, program activities, and job placements
31 from publicly funded vocational education programs in this state;

32 (8)(a) Establish standards for data collection and maintenance for
33 the operating agencies of the state training system in a format that is
34 accessible to use by the board. The board shall require a minimum of
35 common core data to be collected by each operating agency of the state
36 training system;

37 (b) Develop requirements for minimum common core data in

1 consultation with the office of financial management and the operating
2 agencies of the training system;

3 (9) Establish minimum standards for program evaluation for the
4 operating agencies of the state training system, including, but not
5 limited to, the use of common survey instruments and procedures for
6 measuring perceptions of program participants and employers of program
7 participants, and monitor such program evaluation;

8 (10) Every two years administer scientifically based outcome
9 evaluations of the state training system, including, but not limited
10 to, surveys of program participants, surveys of employers of program
11 participants, and matches with employment security department payroll
12 and wage files. Every five years administer scientifically based net-
13 impact and cost-benefit evaluations of the state training system;

14 (11) In cooperation with the employment security department,
15 provide for the improvement and maintenance of quality and utility in
16 occupational information and forecasts for use in training system
17 planning and evaluation. Improvements shall include, but not be
18 limited to, development of state-based occupational change factors
19 involving input by employers and employees, and delineation of skill
20 and training requirements by education level associated with current
21 and forecasted occupations;

22 (12) Provide for the development of common course description
23 formats, common reporting requirements, and common definitions for
24 operating agencies of the training system;

25 (13) Provide for effectiveness and efficiency reviews of the state
26 training system;

27 (14) In cooperation with the higher education coordinating board,
28 facilitate transfer of credit policies and agreements between
29 institutions of the state training system, and encourage articulation
30 agreements for programs encompassing two years of secondary workforce
31 education and two years of postsecondary workforce education;

32 (15) In cooperation with the higher education coordinating board,
33 facilitate transfer of credit policies and agreements between private
34 training institutions and institutions of the state training system;

35 (16) Develop policy objectives for the workforce investment act,
36 P.L. 105-220, or its successor; develop coordination criteria for
37 activities under the act with related programs and services provided by

1 state and local education and training agencies; and ensure that
2 entrepreneurial training opportunities are available through programs
3 of each local workforce investment board in the state;

4 (17) Make recommendations to the commission of student assessment,
5 the state board of education, and the superintendent of public
6 instruction, concerning basic skill competencies and essential core
7 competencies for K-12 education. Basic skills for this purpose shall
8 be reading, writing, computation, speaking, and critical thinking,
9 essential core competencies for this purpose shall be English, math,
10 science/technology, history, geography, and critical thinking. The
11 board shall monitor the development of and provide advice concerning
12 secondary curriculum which integrates vocational and academic
13 education;

14 (18) Establish and administer programs for marketing and outreach
15 to businesses and potential program participants;

16 (19) Facilitate the location of support services, including but not
17 limited to, child care, financial aid, career counseling, and job
18 placement services, for students and trainees at institutions in the
19 state training system, and advocate for support services for trainees
20 and students in the state training system;

21 (20) Facilitate private sector assistance for the state training
22 system, including but not limited to: Financial assistance, rotation
23 of private and public personnel, and vocational counseling;

24 (21) Facilitate the development of programs for school-to-work
25 transition that combine classroom education and on-the-job training,
26 including entrepreneurial education and training, in industries and
27 occupations without a significant number of apprenticeship programs;

28 (22) Include in the planning requirements for local workforce
29 investment boards a requirement that the local workforce investment
30 boards specify how entrepreneurial training is to be offered through
31 the one-stop system required under the workforce investment act, P.L.
32 105-220, or its successor;

33 (23) Encourage and assess progress for the equitable representation
34 of racial and ethnic minorities, women, and people with disabilities
35 among the students, teachers, and administrators of the state training
36 system. Equitable, for this purpose, shall mean substantially
37 proportional to their percentage of the state population in the

1 geographic area served. This function of the board shall in no way
2 lessen more stringent state or federal requirements for representation
3 of racial and ethnic minorities, women, and people with disabilities;

4 (24) Participate in the planning and policy development of governor
5 set-aside grants under P.L. 97-300, as amended;

6 (25) Administer veterans' programs, licensure of private vocational
7 schools, the job skills program, and the Washington award for
8 vocational excellence;

9 (26) Allocate funding from the state job training trust fund;

10 (27) Work with the director of (~~community, trade, and economic~~
11 ~~development~~) commerce and the economic development commission to
12 ensure coordination among workforce training priorities, the long-term
13 economic development strategy of the economic development commission,
14 and economic development and entrepreneurial development efforts,
15 including but not limited to assistance to industry clusters;

16 (28) Conduct research into workforce development programs designed
17 to reduce the high unemployment rate among young people between
18 approximately eighteen and twenty-four years of age. In consultation
19 with the operating agencies, the board shall advise the governor and
20 legislature on policies and programs to alleviate the high unemployment
21 rate among young people. The research shall include disaggregated
22 demographic information and, to the extent possible, income data for
23 adult youth. The research shall also include a comparison of the
24 effectiveness of programs examined as a part of the research conducted
25 in this subsection in relation to the public investment made in these
26 programs in reducing unemployment of young adults. The board shall
27 report to the appropriate committees of the legislature by November 15,
28 2008, and every two years thereafter. Where possible, the data
29 reported to the legislative committees should be reported in numbers
30 and in percentages;

31 (29) Adopt rules as necessary to implement this chapter.

32 The board may delegate to the director any of the functions of this
33 section.

34 **Sec. 34.** RCW 28C.18.130 and 2008 c 103 s 3 are each amended to
35 read as follows:

36 (1) Subject to funding provided for the purposes of this section,
37 the board, in consultation with the state board for community and

1 technical colleges, the department of (~~community, trade, and economic~~
2 ~~development~~) commerce, and the employment security department, shall
3 allocate grants on a competitive basis to establish and support
4 industry skill panels.

5 (2) Eligible applicants for the grants allocated under this section
6 include, but are not limited to, workforce development councils,
7 community and technical colleges, economic development councils,
8 private career schools, chambers of commerce, trade associations, and
9 apprenticeship councils.

10 (3) Entities applying for a grant under this section shall provide
11 an employer match of at least twenty-five percent to be eligible. The
12 local match may include in-kind services.

13 (4) It shall be the role of industry skill panels funded under this
14 chapter to enable businesses in the industry to address workforce skill
15 needs. Industry skill panels shall identify workforce strategies to
16 meet the needs in order to benefit employers and workers across the
17 industry. Examples of strategies include, but are not limited to:
18 Developing career guidance materials; producing or updating skill
19 standards and curricula; designing training programs and courses;
20 developing technical assessments and certifications; arranging employer
21 mentoring, tutoring, and internships; identifying private sector
22 assistance in providing faculty or equipment to training providers; and
23 organizing industry conferences disseminating best practices. The
24 products and services of particular skill panels shall depend upon the
25 needs of the industry.

26 **Sec. 35.** RCW 28C.18.140 and 2008 c 103 s 4 are each amended to
27 read as follows:

28 The board shall establish industry skill panel standards that
29 identify the expectations for industry skill panel products and
30 services. The board shall establish the standards in consultation with
31 labor, the state board for community and technical colleges, the
32 employment security department, the institute of workforce development
33 and economic sustainability, and the department of (~~community, trade,~~
34 ~~and economic development~~) commerce. Continued funding of particular
35 industry skill panels shall be based on meeting the standards
36 established by the board under this section. Beginning December 1,
37 2008, the board shall report annually to the governor and the economic

1 development and higher education committees of the legislature on the
2 results of the industry skill panels funded under this chapter in
3 meeting the standards.

4 **Sec. 36.** RCW 31.24.030 and 2006 c 87 s 6 are each amended to read
5 as follows:

6 In furtherance of its purposes and in addition to the powers now or
7 hereafter conferred on business corporations by Title 23B RCW and upon
8 limited liability companies by chapter 25.15 RCW, as applicable, a
9 business development company has, subject to the restrictions and
10 limitations in this section, the following powers:

11 (1) To assess stockholders, or a class of stockholders, of the
12 business development company, if authorized by the articles of
13 incorporation and approved by the department pursuant to a plan of
14 assessment as provided for in RCW 31.24.066;

15 (2) To make qualified loans to borrowers in relation to business
16 development projects;

17 (3) To make qualified investments in businesses in relation to
18 business development projects;

19 (4) To facilitate and arrange qualified participation loans by
20 qualified loan participants to borrowers in relation to business
21 development projects;

22 (5) To participate in the partial funding of qualified
23 participation loans;

24 (6) To elect, appoint, and employ officers, agents, and employees;

25 (7) To make contracts and incur liabilities for any of the purposes
26 of the business development company. However, a business development
27 company shall not incur any secondary liability by way of guaranty or
28 endorsement of the obligations of any person, firm, company,
29 association, or trust, or in any other manner;

30 (8) To the extent permitted by other applicable law, to borrow
31 money from the federal small business administration and any other
32 similar federal or state agency, for any of the purposes of a business
33 development company;

34 (9) To borrow money from a financial institution or other financial
35 entity;

36 (10) To issue bonds, debentures, notes, or other evidence of
37 indebtedness, whether secured or unsecured, and to secure the same by

1 mortgage, pledge, deed of trust, or other lien on its property,
2 franchises, rights, and privileges of every kind and nature or any part
3 or interest therein, without securing stockholder approval;

4 (11) To purchase, receive, hold, lease, or otherwise acquire, and
5 to sell, convey, transfer, lease, or otherwise dispose of real and
6 personal property, together with such rights and privileges as may be
7 incidental and appurtenant thereto and the use thereof, including, but
8 not restricted to, any real or personal property acquired by the
9 business development company in the satisfaction of debts or
10 enforcement of obligations;

11 (12) To acquire the good will, business, rights, real and personal
12 property, and other assets, or any part thereof, or interest therein,
13 of any persons, firms, corporations, limited liability companies,
14 partnerships, limited partnerships, associations, or trusts, and to
15 assume, undertake, or pay the obligations, debts, and liabilities of
16 any such person, firm, corporation, limited liability company,
17 partnership, limited partnership, association, or trust;

18 (13) To acquire improved or unimproved real estate for the purpose
19 of constructing industrial plants or other business establishments
20 thereon or for the purpose of disposing of such real estate to others
21 for the construction of industrial plants or other business
22 establishments; and to acquire, construct or reconstruct, alter,
23 repair, maintain, operate, sell, convey, transfer, lease, or otherwise
24 dispose of industrial plants or business establishments;

25 (14) To acquire, subscribe for, own, hold, sell, assign, transfer,
26 mortgage, pledge, or otherwise dispose of the stock, shares, bonds,
27 debentures, notes, or other securities and evidences of interest in, or
28 indebtedness of, any person, firm, limited liability company,
29 partnership, limited partnership, association, or trust, and while the
30 owner or holder thereof to exercise all the rights, powers, and
31 privileges of ownership, including the right to vote thereon;

32 (15) To mortgage, pledge, or otherwise encumber any property, right
33 or things of value, acquired pursuant to the powers contained in
34 subsections (11), (12), and (14) of this section, as security for the
35 payment of any part of the purchase price thereof;

36 (16) To cooperate with and avail itself of the facilities and
37 assistance programs of the United States department of commerce, the
38 United States department of the treasury, the United States department

1 of housing and urban development, the department of (~~community, trade,~~
2 ~~and economic development~~) commerce, and any other similar state or
3 federal governmental agencies; and to cooperate with and assist, and
4 otherwise encourage organizations in the various communities of the
5 state in the promotion, assistance, and development of the business
6 prosperity and economic welfare of such communities or of this state or
7 of any part thereof; and

8 (17) To do all acts and things necessary or convenient to carry out
9 the powers expressly granted in this chapter.

10 **Sec. 37.** RCW 34.05.330 and 1998 c 280 s 5 are each amended to read
11 as follows:

12 (1) Any person may petition an agency requesting the adoption,
13 amendment, or repeal of any rule. The office of financial management
14 shall prescribe by rule the format for such petitions and the procedure
15 for their submission, consideration, and disposition and provide a
16 standard form that may be used to petition any agency. Within sixty
17 days after submission of a petition, the agency shall either (a) deny
18 the petition in writing, stating (i) its reasons for the denial,
19 specifically addressing the concerns raised by the petitioner, and,
20 where appropriate, (ii) the alternative means by which it will address
21 the concerns raised by the petitioner, or (b) initiate rule-making
22 proceedings in accordance with RCW 34.05.320.

23 (2) If an agency denies a petition to repeal or amend a rule
24 submitted under subsection (1) of this section, and the petition
25 alleges that the rule is not within the intent of the legislature or
26 was not adopted in accordance with all applicable provisions of law,
27 the person may petition for review of the rule by the joint
28 administrative rules review committee under RCW 34.05.655.

29 (3) If an agency denies a petition to repeal or amend a rule
30 submitted under subsection (1) of this section, the petitioner, within
31 thirty days of the denial, may appeal the denial to the governor. The
32 governor shall immediately file notice of the appeal with the code
33 reviser for publication in the Washington state register. Within
34 forty-five days after receiving the appeal, the governor shall either
35 (a) deny the petition in writing, stating (i) his or her reasons for
36 the denial, specifically addressing the concerns raised by the
37 petitioner, and, (ii) where appropriate, the alternative means by which

1 he or she will address the concerns raised by the petitioner; (b) for
2 agencies listed in RCW 43.17.010, direct the agency to initiate rule-
3 making proceedings in accordance with this chapter; or (c) for agencies
4 not listed in RCW 43.17.010, recommend that the agency initiate rule-
5 making proceedings in accordance with this chapter. The governor's
6 response to the appeal shall be published in the Washington state
7 register and copies shall be submitted to the chief clerk of the house
8 of representatives and the secretary of the senate.

9 (4) In petitioning for repeal or amendment of a rule under this
10 section, a person is encouraged to address, among other concerns:

11 (a) Whether the rule is authorized;

12 (b) Whether the rule is needed;

13 (c) Whether the rule conflicts with or duplicates other federal,
14 state, or local laws;

15 (d) Whether alternatives to the rule exist that will serve the same
16 purpose at less cost;

17 (e) Whether the rule applies differently to public and private
18 entities;

19 (f) Whether the rule serves the purposes for which it was adopted;

20 (g) Whether the costs imposed by the rule are unreasonable;

21 (h) Whether the rule is clearly and simply stated;

22 (i) Whether the rule is different than a federal law applicable to
23 the same activity or subject matter without adequate justification; and

24 (j) Whether the rule was adopted according to all applicable
25 provisions of law.

26 (5) The department of (~~community, trade, and economic~~
27 ~~development~~) commerce and the office of financial management shall
28 coordinate efforts among agencies to inform the public about the
29 existence of this rules review process.

30 (6) The office of financial management shall initiate the rule
31 making required by subsection (1) of this section by September 1, 1995.

32 **Sec. 38.** RCW 35.02.260 and 1995 c 399 s 34 are each amended to
33 read as follows:

34 The department of (~~community, trade, and economic development~~)
35 commerce shall identify federal, state, and local agencies that should
36 receive notification that a new city or town is about to incorporate

1 and shall assist newly formed cities and towns during the interim
2 period before the official date of incorporation in providing such
3 notification to the identified agencies.

4 **Sec. 39.** RCW 35.13.171 and 2009 c 549 s 2010 are each amended to
5 read as follows:

6 Within thirty days after the filing of a city's or town's
7 annexation resolution pursuant to RCW 35.13.015 with the board of
8 county commissioners or within thirty days after filing with the county
9 commissioners a petition calling for an election on annexation, as
10 provided in RCW 35.13.020, or within thirty days after approval by the
11 legislative body of a city or town of a petition of property owners
12 calling for annexation, as provided in RCW 35.13.130, the mayor of the
13 city or town concerned that is not subject to the jurisdiction of a
14 boundary review board under chapter 36.93 RCW, shall convene a review
15 board composed of the following persons:

16 (1) The mayor of the city or town initiating the annexation by
17 resolution, or the mayor in the event of a twenty percent annexation
18 petition pursuant to RCW 35.13.020, or an alternate designated by the
19 mayor;

20 (2) The chair of the board of county commissioners of the county
21 wherein the property to be annexed is situated, or an alternate
22 designated by him or her;

23 (3) The director of (~~community, trade, and economic development~~)
24 commerce, or an alternate designated by the director;

25 Two additional members to be designated, one by the mayor of the
26 annexing city, which member shall be a resident property owner of the
27 city, and one by the chair of the county legislative authority, which
28 member shall be a resident of and a property owner or a resident or a
29 property owner if there be no resident property owner in the area
30 proposed to be annexed, shall be added to the original membership and
31 the full board thereafter convened upon call of the mayor: PROVIDED
32 FURTHER, That three members of the board shall constitute a quorum.

33 **Sec. 40.** RCW 35.21.300 and 1995 c 399 s 36 are each amended to
34 read as follows:

35 (1) The lien for charges for service by a city waterworks, or
36 electric light or power plant may be enforced only by cutting off the

1 service until the delinquent and unpaid charges are paid, except that
2 until June 30, 1991, utility service for residential space heating may
3 be terminated between November 15 and March 15 only as provided in
4 subsections (2) and (4) of this section. In the event of a disputed
5 account and tender by the owner of the premises of the amount the owner
6 claims to be due before the service is cut off, the right to refuse
7 service to any premises shall not accrue until suit has been entered by
8 the city and judgment entered in the case.

9 (2) Utility service for residential space heating shall not be
10 terminated between November 15 through March 15 if the customer:

11 (a) Notifies the utility of the inability to pay the bill,
12 including a security deposit. This notice should be provided within
13 five business days of receiving a payment overdue notice unless there
14 are extenuating circumstances. If the customer fails to notify the
15 utility within five business days and service is terminated, the
16 customer can, by paying reconnection charges, if any, and fulfilling
17 the requirements of this section, receive the protections of this
18 chapter;

19 (b) Provides self-certification of household income for the prior
20 twelve months to a grantee of the department of (~~community, trade, and~~
21 ~~economic development~~) commerce which administers federally funded
22 energy assistance programs. The grantee shall determine that the
23 household income does not exceed the maximum allowed for eligibility
24 under the state's plan for low-income energy assistance under 42 U.S.C.
25 8624 and shall provide a dollar figure that is seven percent of
26 household income. The grantee may verify information in the self-
27 certification;

28 (c) Has applied for home heating assistance from applicable
29 government and private sector organizations and certifies that any
30 assistance received will be applied to the current bill and future
31 utility bills;

32 (d) Has applied for low-income weatherization assistance to the
33 utility or other appropriate agency if such assistance is available for
34 the dwelling;

35 (e) Agrees to a payment plan and agrees to maintain the payment
36 plan. The plan will be designed both to pay the past due bill by the
37 following October 15 and to pay for continued utility service. If the
38 past due bill is not paid by the following October 15, the customer

1 shall not be eligible for protections under this chapter until the past
2 due bill is paid. The plan shall not require monthly payments in
3 excess of seven percent of the customer's monthly income plus one-
4 twelfth of any arrearage accrued from the date application is made and
5 thereafter during November 15 through March 15. A customer may agree
6 to pay a higher percentage during this period, but shall not be in
7 default unless payment during this period is less than seven percent of
8 monthly income plus one-twelfth of any arrearage accrued from the date
9 application is made and thereafter. If assistance payments are
10 received by the customer subsequent to implementation of the plan, the
11 customer shall contact the utility to reformulate the plan; and

12 (f) Agrees to pay the moneys owed even if he or she moves.

13 (3) The utility shall:

14 (a) Include in any notice that an account is delinquent and that
15 service may be subject to termination, a description of the customer's
16 duties in this section;

17 (b) Assist the customer in fulfilling the requirements under this
18 section;

19 (c) Be authorized to transfer an account to a new residence when a
20 customer who has established a plan under this section moves from one
21 residence to another within the same utility service area;

22 (d) Be permitted to disconnect service if the customer fails to
23 honor the payment program. Utilities may continue to disconnect
24 service for those practices authorized by law other than for nonpayment
25 as provided for in this section. Customers who qualify for payment
26 plans under this section who default on their payment plans and are
27 disconnected can be reconnected and maintain the protections afforded
28 under this chapter by paying reconnection charges, if any, and by
29 paying all amounts that would have been due and owing under the terms
30 of the applicable payment plan, absent default, on the date on which
31 service is reconnected; and

32 (e) Advise the customer in writing at the time it disconnects
33 service that it will restore service if the customer contacts the
34 utility and fulfills the other requirements of this section.

35 (4) All municipal utilities shall offer residential customers the
36 option of a budget billing or equal payment plan. The budget billing
37 or equal payment plan shall be offered low-income customers eligible
38 under the state's plan for low-income energy assistance prepared in

1 accordance with 42 U.S.C. 8624(C)(1) without limiting availability to
2 certain months of the year, without regard to the length of time the
3 customer has occupied the premises, and without regard to whether the
4 customer is the tenant or owner of the premises occupied.

5 (5) An agreement between the customer and the utility, whether oral
6 or written, shall not waive the protections afforded under this
7 chapter.

8 **Sec. 41.** RCW 35.21.687 and 1995 c 399 s 37 are each amended to
9 read as follows:

10 (1) Every city and town, including every code city operating under
11 Title 35A RCW, shall identify and catalog real property owned by the
12 city or town that is no longer required for its purposes and is
13 suitable for the development of affordable housing for very low-income,
14 low-income, and moderate-income households as defined in RCW
15 43.63A.510. The inventory shall include the location, approximate
16 size, and current zoning classification of the property. Every city
17 and town shall provide a copy of the inventory to the department of
18 (~~community, trade, and economic development~~) commerce by November 1,
19 1993, with inventory revisions each November 1 thereafter.

20 (2) By November 1 of each year, beginning in 1994, every city and
21 town, including every code city operating under Title 35A RCW, shall
22 purge the inventory of real property of sites that are no longer
23 available for the development of affordable housing. The inventory
24 revision shall also contain a list of real property that has become
25 available since the last update. As used in this section, "real
26 property" means buildings, land, or buildings and land.

27 **Sec. 42.** RCW 35.21.755 and 2007 c 104 s 16 are each amended to
28 read as follows:

29 (1) A public corporation, commission, or authority created pursuant
30 to RCW 35.21.730, 35.21.660, or 81.112.320 shall receive the same
31 immunity or exemption from taxation as that of the city, town, or
32 county creating the same: PROVIDED, That, except for (a) any property
33 within a special review district established by ordinance prior to
34 January 1, 1976, or listed on or which is within a district listed on
35 any federal or state register of historical sites or (b) any property
36 owned, operated, or controlled by a public corporation that is used

1 primarily for low-income housing, or that is used as a convention
2 center, performing arts center, public assembly hall, public meeting
3 place, public esplanade, street, public way, public open space, park,
4 public utility corridor, or view corridor for the general public or (c)
5 any blighted property owned, operated, or controlled by a public
6 corporation that was acquired for the purpose of remediation and
7 redevelopment of the property in accordance with an agreement or plan
8 approved by the city, town, or county in which the property is located,
9 or (d) any property owned, operated, or controlled by a public
10 corporation created under RCW 81.112.320, any such public corporation,
11 commission, or authority shall pay to the county treasurer an annual
12 excise tax equal to the amounts which would be paid upon real property
13 and personal property devoted to the purposes of such public
14 corporation, commission, or authority were it in private ownership, and
15 such real property and personal property is acquired and/or operated
16 under RCW 35.21.730 through 35.21.755, and the proceeds of such excise
17 tax shall be allocated by the county treasurer to the various taxing
18 authorities in which such property is situated, in the same manner as
19 though the property were in private ownership: PROVIDED FURTHER, That
20 the provisions of chapter 82.29A RCW shall not apply to property within
21 a special review district established by ordinance prior to January 1,
22 1976, or listed on or which is within a district listed on any federal
23 or state register of historical sites and which is controlled by a
24 public corporation, commission, or authority created pursuant to RCW
25 35.21.730 or 35.21.660, which was in existence prior to January 1,
26 1987: AND PROVIDED FURTHER, That property within a special review
27 district established by ordinance prior to January 1, 1976, or property
28 which is listed on any federal or state register of historical sites
29 and controlled by a public corporation, commission, or authority
30 created pursuant to RCW 35.21.730 or 35.21.660, which was in existence
31 prior to January 1, 1976, shall receive the same immunity or exemption
32 from taxation as if such property had been within a district listed on
33 any such federal or state register of historical sites as of January 1,
34 1976, and controlled by a public corporation, commission, or authority
35 created pursuant to RCW 35.21.730 or 35.21.660 which was in existence
36 prior to January 1, 1976.

37 (2) As used in this section:

1 (a) "Low-income" means a total annual income, adjusted for family
2 size, not exceeding fifty percent of the area median income.

3 (b) "Area median income" means:

4 (i) For an area within a standard metropolitan statistical area,
5 the area median income reported by the United States department of
6 housing and urban development for that standard metropolitan
7 statistical area; or

8 (ii) For an area not within a standard metropolitan statistical
9 area, the county median income reported by the department of
10 (~~community, trade, and economic development~~) commerce.

11 (c) "Blighted property" means property that is contaminated with
12 hazardous substances as defined under RCW 70.105D.020.

13 **Sec. 43.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to
14 read as follows:

15 (1) In cities or towns where the estimated value of state-owned
16 facilities constitutes ten percent or more of the total assessed
17 valuation, the state agency or institution owning the facilities shall
18 contract with the city or town to pay an equitable share for fire
19 protection services. The contract shall be negotiated as provided in
20 subsections (2) through (6) of this section and shall provide for
21 payment by the agency or institution to the city or town.

22 (2) A city or town seeking to enter into fire protection contract
23 negotiations shall provide written notification to the department of
24 (~~community, trade, and economic development~~) commerce and the state
25 agencies or institutions that own property within the jurisdiction, of
26 its intent to contract for fire protection services. Where there are
27 multiple state agencies located within a single jurisdiction, a city
28 may choose to notify only the department (~~of community, trade, and
29 economic development~~), which in turn shall notify the agencies or
30 institution that own property within the jurisdiction of the city's
31 intent to contract for fire protection services. Any such notification
32 shall be based on the valuation procedures, based on commonly accepted
33 standards, adopted by the department (~~of community, trade, and
34 economic development~~) in consultation with the department of general
35 administration and the association of Washington cities.

36 (3) The department of (~~community, trade, and economic
37 development~~) commerce shall review any such notification to ensure

1 that the valuation procedures and results are accurate. The department
2 will notify each affected city or town and state agency or institution
3 of the results of their review within thirty days of receipt of
4 notification.

5 (4) The parties negotiating fire protection contracts under this
6 section shall conduct those negotiations in good faith. Whenever there
7 are multiple state agencies located within a single jurisdiction, every
8 effort shall be made by the state to consolidate negotiations on behalf
9 of all affected agencies.

10 (5) In the event of notification by one of the parties that an
11 agreement cannot be reached on the terms and conditions of a fire
12 protection contract, the director of the department of (~~community,
13 trade, and economic development~~) commerce shall mediate a resolution
14 of the disagreement. In the event of a continued impasse, the director
15 of the department (~~of community, trade, and economic development~~)
16 shall recommend a resolution.

17 (6) If the parties reject the recommendation of the director of
18 commerce and an impasse continues, the director shall direct the
19 parties to arbitration. The parties shall agree on a neutral
20 arbitrator, and the fees and expenses of the arbitrator shall be shared
21 equally between the parties. The arbitration shall be a final offer,
22 total arbitration, with the arbitrator empowered only to pick the final
23 offer of one of the parties or the recommended resolution by the
24 director (~~of the department of community, trade, and economic
25 development~~). The decision of the arbitrator shall be final, binding,
26 and nonappealable on the parties.

27 (7) The provisions of this section shall not apply if a city or
28 town and a state agency or institution have contracted pursuant to RCW
29 35.21.775.

30 (8) The provisions of this section do not apply to cities and towns
31 not meeting the conditions in subsection (1) of this section. Cities
32 and towns not meeting the conditions of subsection (1) of this section
33 may enter into contracts pursuant to RCW 35.21.775.

34 **Sec. 44.** RCW 36.01.120 and 1995 c 399 s 40 are each amended to
35 read as follows:

36 It is the finding of the legislature that foreign trade zones serve
37 an important public purpose by the creation of employment opportunities

1 within the state and that the establishment of zones designed to
2 accomplish this purpose is to be encouraged. It is the further intent
3 of the legislature that the department of (~~community, trade, and~~
4 ~~economic development~~) commerce provide assistance to entities planning
5 to apply to the United States for permission to establish such zones.

6 **Sec. 45.** RCW 36.22.178 and 2007 c 427 s 1 are each amended to read
7 as follows:

8 The surcharge provided for in this section shall be named the
9 affordable housing for all surcharge.

10 (1) Except as provided in subsection (3) of this section, a
11 surcharge of ten dollars per instrument shall be charged by the county
12 auditor for each document recorded, which will be in addition to any
13 other charge authorized by law. The county may retain up to five
14 percent of these funds collected solely for the collection,
15 administration, and local distribution of these funds. Of the
16 remaining funds, forty percent of the revenue generated through this
17 surcharge will be transmitted monthly to the state treasurer who will
18 deposit the funds into the affordable housing for all account created
19 in RCW 43.185C.190. The department of (~~community, trade, and economic~~
20 ~~development~~) commerce must use these funds to provide housing and
21 shelter for extremely low-income households, including but not limited
22 to grants for building operation and maintenance costs of housing
23 projects or units within housing projects that are affordable to
24 extremely low-income households with incomes at or below thirty percent
25 of the area median income, and that require a supplement to rent income
26 to cover ongoing operating expenses.

27 (2) All of the remaining funds generated by this surcharge will be
28 retained by the county and be deposited into a fund that must be used
29 by the county and its cities and towns for eligible housing activities
30 as described in this subsection that serve very low-income households
31 with incomes at or below fifty percent of the area median income. The
32 portion of the surcharge retained by a county shall be allocated to
33 eligible housing activities that serve extremely low and very low-
34 income households in the county and the cities within a county
35 according to an interlocal agreement between the county and the cities
36 within the county consistent with countywide and local housing needs
37 and policies. A priority must be given to eligible housing activities

1 that serve extremely low-income households with incomes at or below
2 thirty percent of the area median income. Eligible housing activities
3 to be funded by these county funds are limited to:

4 (a) Acquisition, construction, or rehabilitation of housing
5 projects or units within housing projects that are affordable to very
6 low-income households with incomes at or below fifty percent of the
7 area median income, including units for homeownership, rental units,
8 seasonal and permanent farm worker housing units, and single room
9 occupancy units;

10 (b) Supporting building operation and maintenance costs of housing
11 projects or units within housing projects eligible to receive housing
12 trust funds, that are affordable to very low-income households with
13 incomes at or below fifty percent of the area median income, and that
14 require a supplement to rent income to cover ongoing operating
15 expenses;

16 (c) Rental assistance vouchers for housing units that are
17 affordable to very low-income households with incomes at or below fifty
18 percent of the area median income, to be administered by a local public
19 housing authority or other local organization that has an existing
20 rental assistance voucher program, consistent with or similar to the
21 United States department of housing and urban development's section 8
22 rental assistance voucher program standards; and

23 (d) Operating costs for emergency shelters and licensed overnight
24 youth shelters.

25 (3) The surcharge imposed in this section does not apply to
26 assignments or substitutions of previously recorded deeds of trust.

27 **Sec. 46.** RCW 36.34.137 and 1993 c 461 s 5 are each amended to read
28 as follows:

29 (1) Every county shall identify and catalog real property owned by
30 the county that is no longer required for its purposes and is suitable
31 for the development of affordable housing for very low-income, low-
32 income, and moderate-income households as defined in RCW 43.63A.510.
33 The inventory shall include the location, approximate size, and current
34 zoning classification of the property. Every county shall provide a
35 copy of the inventory to the department of ((community development))
36 commerce by November 1, 1993, with inventory revisions each November 1
37 thereafter.

1 (2) By November 1 of each year, beginning in 1994, every county
2 shall purge the inventory of real property of sites that are no longer
3 available for the development of affordable housing. The inventory
4 revision shall include an updated listing of real property that has
5 become available since the last update. As used in this section, "real
6 property" means buildings, land, or buildings and land.

7 **Sec. 47.** RCW 36.70A.085 and 2009 c 514 s 2 are each amended to
8 read as follows:

9 (1) Comprehensive plans of cities that have a marine container port
10 with annual operating revenues in excess of sixty million dollars
11 within their jurisdiction must include a container port element.

12 (2) Comprehensive plans of cities that include all or part of a
13 port district with annual operating revenues in excess of twenty
14 million dollars may include a marine industrial port element. Prior to
15 adopting a marine industrial port element under this subsection (2),
16 the commission of the applicable port district must adopt a resolution
17 in support of the proposed element.

18 (3) Port elements adopted under subsections (1) and (2) of this
19 section must be developed collaboratively between the city and the
20 applicable port, and must establish policies and programs that:

21 (a) Define and protect the core areas of port and port-related
22 industrial uses within the city;

23 (b) Provide reasonably efficient access to the core area through
24 freight corridors within the city limits; and

25 (c) Identify and resolve key land use conflicts along the edge of
26 the core area, and minimize and mitigate, to the extent practicable,
27 incompatible uses along the edge of the core area.

28 (4) Port elements adopted under subsections (1) and (2) of this
29 section must be:

30 (a) Completed and approved by the city according to the schedule
31 specified in RCW 36.70A.130; and

32 (b) Consistent with the economic development, transportation, and
33 land use elements of the city's comprehensive plan, and consistent with
34 the city's capital facilities plan.

35 (5) In adopting port elements under subsections (1) and (2) of this
36 section, cities and ports must: Ensure that there is consistency

1 between the port elements and the port comprehensive scheme required
2 under chapters 53.20 and 53.25 RCW; and retain sufficient planning
3 flexibility to secure emerging economic opportunities.

4 (6) In developing port elements under subsections (1) and (2) of
5 this section, a city may utilize one or more of the following
6 approaches:

7 (a) Creation of a port overlay district that protects container
8 port uses;

9 (b) Use of industrial land banks;

10 (c) Use of buffers and transition zones between incompatible uses;

11 (d) Use of joint transportation funding agreements;

12 (e) Use of policies to encourage the retention of valuable
13 warehouse and storage facilities;

14 (f) Use of limitations on the location or size, or both, of
15 nonindustrial uses in the core area and surrounding areas; and

16 (g) Use of other approaches by agreement between the city and the
17 port.

18 (7) The department of (~~community, trade, and economic~~
19 ~~development~~) commerce must provide matching grant funds to cities
20 meeting the requirements of subsection (1) of this section to support
21 development of the required container port element.

22 (8) Any planned improvements identified in port elements adopted
23 under subsections (1) and (2) of this section must be transmitted by
24 the city to the transportation commission for consideration of
25 inclusion in the statewide transportation plan required under RCW
26 47.01.071.

27 **Sec. 48.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to
28 read as follows:

29 As part of the review required by RCW 36.70A.130(1), a county or
30 city shall review its mineral resource lands designations adopted
31 pursuant to RCW 36.70A.170 and mineral resource lands development
32 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its
33 review, the county or city shall take into consideration:

34 (1) New information made available since the adoption or last
35 review of its designations or development regulations, including data
36 available from the department of natural resources relating to mineral
37 resource deposits; and

1 (2) New or modified model development regulations for mineral
2 resource lands prepared by the department of natural resources, the
3 department of (~~community, trade, and economic development~~) commerce,
4 or the Washington state association of counties.

5 **Sec. 49.** RCW 36.70A.500 and 1997 c 429 s 28 are each amended to
6 read as follows:

7 (1) The department of (~~community, trade, and economic~~
8 ~~development~~) commerce shall provide management services for the fund
9 created by RCW 36.70A.490. The department shall establish procedures
10 for fund management. The department shall encourage participation in
11 the grant program by other public agencies. The department shall
12 develop the grant criteria, monitor the grant program, and select grant
13 recipients in consultation with state agencies participating in the
14 grant program through the provision of grant funds or technical
15 assistance.

16 (2) A grant may be awarded to a county or city that is required to
17 or has chosen to plan under RCW 36.70A.040 and that is qualified
18 pursuant to this section. The grant shall be provided to assist a
19 county or city in paying for the cost of preparing an environmental
20 analysis under chapter 43.21C RCW, that is integrated with a
21 comprehensive plan, subarea plan, plan element, countywide planning
22 policy, development regulation, monitoring program, or other planning
23 activity adopted under or implementing this chapter that:

24 (a) Improves the process for project permit review while
25 maintaining environmental quality; or

26 (b) Encourages use of plans and information developed for purposes
27 of complying with this chapter to satisfy requirements of other state
28 programs.

29 (3) In order to qualify for a grant, a county or city shall:

30 (a) Demonstrate that it will prepare an environmental analysis
31 pursuant to chapter 43.21C RCW and subsection (2) of this section that
32 is integrated with a comprehensive plan, subarea plan, plan element,
33 countywide planning policy, development regulations, monitoring
34 program, or other planning activity adopted under or implementing this
35 chapter;

36 (b) Address environmental impacts and consequences, alternatives,

1 and mitigation measures in sufficient detail to allow the analysis to
2 be adopted in whole or in part by applicants for development permits
3 within the geographic area analyzed in the plan;

4 (c) Demonstrate that procedures for review of development permit
5 applications will be based on the integrated plans and environmental
6 analysis;

7 (d) Include mechanisms to monitor the consequences of growth as it
8 occurs in the plan area and to use the resulting data to update the
9 plan, policy, or implementing mechanisms and associated environmental
10 analysis;

11 (e) Demonstrate substantial progress towards compliance with the
12 requirements of this chapter. A county or city that is more than six
13 months out of compliance with a requirement of this chapter is deemed
14 not to be making substantial progress towards compliance; and

15 (f) Provide local funding, which may include financial
16 participation by the private sector.

17 (4) In awarding grants, the department shall give preference to
18 proposals that include one or more of the following elements:

19 (a) Financial participation by the private sector, or a
20 public/private partnering approach;

21 (b) Identification and monitoring of system capacities for elements
22 of the built environment, and to the extent appropriate, of the natural
23 environment;

24 (c) Coordination with state, federal, and tribal governments in
25 project review;

26 (d) Furtherance of important state objectives related to economic
27 development, protection of areas of statewide significance, and siting
28 of essential public facilities;

29 (e) Programs to improve the efficiency and effectiveness of the
30 permitting process by greater reliance on integrated plans and
31 prospective environmental analysis;

32 (f) Programs for effective citizen and neighborhood involvement
33 that contribute to greater likelihood that planning decisions can be
34 implemented with community support; and

35 (g) Programs to identify environmental impacts and establish
36 mitigation measures that provide effective means to satisfy concurrency
37 requirements and establish project consistency with the plans.

1 (5) If the local funding includes funding provided by other state
2 functional planning programs, including open space planning and
3 watershed or basin planning, the functional plan shall be integrated
4 into and be consistent with the comprehensive plan.

5 (6) State agencies shall work with grant recipients to facilitate
6 state and local project review processes that will implement the
7 projects receiving grants under this section.

8 **Sec. 50.** RCW 36.70A.5801 and 2008 c 289 s 3 are each amended to
9 read as follows:

10 (1) A local government global warming mitigation and adaptation
11 program is established. The program must be administered by the
12 department of (~~community, trade, and economic development~~) commerce
13 and must conclude by June 30, 2010. The department must, through a
14 competitive process, select three or fewer counties and six or fewer
15 cities for the program. Counties selected must reflect a range of
16 opportunities to address climate change in urbanizing, resource, or
17 agricultural areas. Cities selected must reflect a range of sizes,
18 geographic locations, and variations between those that are highly
19 urbanized and those that are less so that have more residential
20 dwellings than employment positions.

21 (2) The program is established to assist the selected counties and
22 cities that: (a) Are addressing climate change through their land use
23 and transportation planning processes; and (b) aspire to address
24 climate change through their land use and transportation planning
25 processes, but lack necessary resources to do so. The department of
26 (~~community, trade, and economic development~~) commerce may fund
27 proposals to inventory and mitigate global warming emissions, or adapt
28 to the adverse impacts of global warming, using criteria it develops to
29 accomplish the objectives of this section and RCW 36.70A.580 and
30 section 4, chapter 289, Laws of 2008.

31 (3) The department of (~~community, trade, and economic
32 development~~) commerce must provide grants and technical assistance to
33 aid the selected counties and cities in their efforts to anticipate,
34 mitigate, and adapt to global warming and its associated problems. The
35 department, in providing grants and technical assistance, must ensure
36 that grants and assistance are awarded to counties and cities meeting
37 the criteria established in subsection (2)(a) and (b) of this section.

1 (4) The department of (~~community, trade, and economic~~
2 ~~development~~) commerce must provide a report of program findings and
3 recommendations to the governor and the appropriate committees of the
4 house of representatives and the senate by January 1, 2011. The report
5 must also consider the positive and negative impacts to affordable
6 housing, employment, transportation costs, and economic development
7 that result from addressing the impacts of climate change at the local
8 level.

9 (5) This section expires January 1, 2011.

10 **Sec. 51.** RCW 36.70B.040 and 1997 c 429 s 46 are each amended to
11 read as follows:

12 (1) A proposed project's consistency with a local government's
13 development regulations adopted under chapter 36.70A RCW, or, in the
14 absence of applicable development regulations, the appropriate elements
15 of the comprehensive plan adopted under chapter 36.70A RCW shall be
16 decided by the local government during project review by consideration
17 of:

18 (a) The type of land use;

19 (b) The level of development, such as units per acre or other
20 measures of density;

21 (c) Infrastructure, including public facilities and services needed
22 to serve the development; and

23 (d) The characteristics of the development, such as development
24 standards.

25 (2) In deciding whether a project is consistent, the determinations
26 made pursuant to RCW 36.70B.030(2) shall be controlling.

27 (3) For purposes of this section, the term "consistency" shall
28 include all terms used in this chapter and chapter 36.70A RCW to refer
29 to performance in accordance with this chapter and chapter 36.70A RCW,
30 including but not limited to compliance, conformity, and consistency.

31 (4) Nothing in this section requires documentation, dictates an
32 agency's procedures for considering consistency, or limits a city or
33 county from asking more specific or related questions with respect to
34 any of the four main categories listed in subsection (1)(a) through (d)
35 of this section.

36 (5) The department of (~~community, trade, and economic~~
37 ~~development~~) commerce is authorized to develop and adopt by rule

1 criteria to assist local governments planning under RCW 36.70A.040 to
2 analyze the consistency of project actions. These criteria shall be
3 jointly developed with the department of ecology.

4 **Sec. 52.** RCW 36.70B.220 and 2005 c 274 s 272 are each amended to
5 read as follows:

6 (1) Each county and city having populations of ten thousand or more
7 that plan under RCW 36.70A.040 shall designate permit assistance staff
8 whose function it is to assist permit applicants. An existing employee
9 may be designated as the permit assistance staff.

10 (2) Permit assistance staff designated under this section shall:

11 (a) Make available to permit applicants all current local
12 government regulations and adopted policies that apply to the subject
13 application. The local government shall provide counter copies thereof
14 and, upon request, provide copies according to chapter 42.56 RCW. The
15 staff shall also publish and keep current one or more handouts
16 containing lists and explanations of all local government regulations
17 and adopted policies;

18 (b) Establish and make known to the public the means of obtaining
19 the handouts and related information; and

20 (c) Provide assistance regarding the application of the local
21 government's regulations in particular cases.

22 (3) Permit assistance staff designated under this section may
23 obtain technical assistance and support in the compilation and
24 production of the handouts under subsection (2) of this section from
25 the municipal research council and the department of (~~community,~~
26 ~~trade, and economic development~~) commerce.

27 **Sec. 53.** RCW 36.93.080 and 1995 c 399 s 44 are each amended to
28 read as follows:

29 Expenditures by the board shall be subject to the provisions of
30 chapter 36.40 RCW and other statutes relating to expenditures by
31 counties. The department of (~~community, trade, and economic~~
32 ~~development~~) commerce shall on a quarterly basis remit to each county
33 one-half of the actual costs incurred by the county for the operation
34 of the boundary review board within individual counties as provided for
35 in this chapter. However, in the event no funds are appropriated to

1 the said agency for this purpose, this shall not in any way affect the
2 operation of the boundary review board.

3 **Sec. 54.** RCW 36.110.030 and 1995 c 399 s 45 are each amended to
4 read as follows:

5 A statewide jail industries board of directors is established. The
6 board shall consist of the following members:

7 (1) One sheriff and one police chief, to be selected by the
8 Washington association of sheriffs and police chiefs;

9 (2) One county commissioner or one county councilmember to be
10 selected by the Washington state association of counties;

11 (3) One city official to be selected by the association of
12 Washington cities;

13 (4) Two jail administrators to be selected by the Washington state
14 jail association, one of whom shall be from a county or a city with an
15 established jail industries program;

16 (5) One prosecuting attorney to be selected by the Washington
17 association of prosecuting attorneys;

18 (6) One administrator from a city or county corrections department
19 to be selected by the Washington correctional association;

20 (7) One county clerk to be selected by the Washington association
21 of county clerks;

22 (8) Three representatives from labor to be selected by the
23 governor. The representatives may be chosen from a list of nominations
24 provided by statewide labor organizations representing a cross-section
25 of trade organizations;

26 (9) Three representatives from business to be selected by the
27 governor. The representatives may be chosen from a list of nominations
28 provided by statewide business organizations representing a cross-
29 section of businesses, industries, and all sizes of employers;

30 (10) The governor's representative from the employment security
31 department;

32 (11) One member representing crime victims, to be selected by the
33 governor;

34 (12) One member representing online law enforcement officers, to be
35 selected by the governor;

36 (13) One member from the department of (~~community, trade, and~~
37 ~~economic development~~) commerce to be selected by the governor;

1 (14) One member representing higher education, vocational
2 education, or adult basic education to be selected by the governor; and

3 (15) The governor's representative from the correctional industries
4 division of the state department of corrections shall be an ex officio
5 member for the purpose of coordination and cooperation between prison
6 and jail industries and to further a positive relationship between
7 state and local government offender programs.

8 **Sec. 55.** RCW 38.52.930 and 1995 c 391 s 10 are each amended to
9 read as follows:

10 All powers, duties, and functions of the department of (~~community,~~
11 ~~trade, and economic development~~) commerce pertaining to emergency
12 management are transferred to the state military department. All
13 references to the director or the department of community development
14 (~~or~~), the department of community, trade, and economic development,
15 or the department of commerce in the Revised Code of Washington shall
16 be construed to mean the adjutant general or the state military
17 department when referring to the functions transferred in this section.

18 **Sec. 56.** RCW 39.04.156 and 2000 c 138 s 104 are each amended to
19 read as follows:

20 The department of (~~community, trade, and economic development~~)
21 commerce, in cooperation with the municipal research and services
22 center, shall prepare a small works roster manual and periodically
23 notify the different types of local government authorized to use a
24 small works roster process about this authority.

25 **Sec. 57.** RCW 39.19.240 and 2005 c 302 s 5 are each amended to read
26 as follows:

27 (1) The office shall, in consultation with the state treasurer and
28 the department of (~~community, trade, and economic development~~)
29 commerce, compile information on minority and women's business
30 enterprises that have received financial assistance through a qualified
31 public depository under the provisions of RCW 43.86A.060. The
32 information shall include, but is not limited to:

33 (a) Name of the qualified public depository;

34 (b) Geographic location of the minority or women's business
35 enterprise;

- 1 (c) Name of the minority or women's business enterprise;
- 2 (d) Date of last certification by the office and certification
3 number;
- 4 (e) Type of business;
- 5 (f) Amount and term of the loan to the minority or women's business
6 enterprise; and
- 7 (g) Other information the office deems necessary for the
8 implementation of this section.

9 (2) The office shall notify the state treasurer of minority or
10 women's business enterprises that are no longer certified under the
11 provisions of this chapter. The written notification shall contain
12 information regarding the reason for the decertification and
13 information on financing provided to the minority or women's business
14 enterprise under RCW 43.86A.060.

15 (3) The office shall, in consultation with the state treasurer and
16 the department of ((community, trade, and economic development))
17 commerce, monitor the performance of loans made to minority and women-
18 owned business enterprises under RCW 43.86A.060.

19 **Sec. 58.** RCW 39.34.230 and 2008 c 181 s 101 are each amended to
20 read as follows:

21 (1) During a covered emergency, the department of ((community,
22 trade, and economic development)) commerce may enter into interlocal
23 agreements under this chapter with one or more public agencies for the
24 purposes of providing mutual aid and cooperation to any public agency
25 affected by the cause of the emergency.

26 (2) All legal liability by a public agency and its employees for
27 damage to property or injury or death to persons caused by acts done or
28 attempted during, or while traveling to or from, a covered emergency,
29 or in preparation for a covered emergency, pursuant to an interlocal
30 agreement entered into under this section, or under the color of this
31 section in a bona fide attempt to comply therewith, shall be the
32 obligation of the state of Washington. Suits may be instituted and
33 maintained against the state for the enforcement of such liability, or
34 for the indemnification of any public agency or its employees for
35 damage done to their private property, or for any judgment against them
36 for acts done in good faith in compliance with this chapter: PROVIDED,
37 That the foregoing shall not be construed to result in indemnification

1 in any case of willful misconduct, gross negligence, or bad faith on
2 the part of any public agency or any of a public agency's employees:
3 PROVIDED, That should the United States or any agency thereof, in
4 accordance with any federal statute, rule, or regulation, provide for
5 the payment of damages to property and/or for death or injury as
6 provided for in this section, then and in that event there shall be no
7 liability or obligation whatsoever upon the part of the state of
8 Washington for any such damage, death, or injury for which the United
9 States government assumes liability.

10 (3) For purposes of this section, "covered emergency" means an
11 emergency for which the governor has proclaimed a state of emergency
12 under RCW 43.06.010, and for which the governor has authorized the
13 department of (~~community, trade, and economic development~~) commerce
14 to enter into interlocal agreements under this section.

15 (4) This section shall not affect the right of any person to
16 receive benefits to which he or she would otherwise be entitled under
17 the workers' compensation law, or under any pension or retirement law,
18 nor the right of any such person to receive any benefits or
19 compensation under any act of congress.

20 **Sec. 59.** RCW 39.35D.080 and 2005 c 12 s 12 are each amended to
21 read as follows:

22 Except as provided in this section, affordable housing projects
23 funded out of the state capital budget are exempt from the provisions
24 of this chapter. On or before July 1, 2008, the department of
25 community, trade, and economic development shall identify, implement,
26 and apply a sustainable building program for affordable housing
27 projects that receive housing trust fund (under chapter 43.185 RCW)
28 funding in a state capital budget. The department of community, trade,
29 and economic development shall not develop its own sustainable building
30 standard, but shall work with stakeholders to adopt an existing
31 sustainable building standard or criteria appropriate for affordable
32 housing. Any application of the program to affordable housing,
33 including any monitoring to track the performance of either sustainable
34 features or energy standards or both, is the responsibility of the
35 department of (~~community, trade, and economic development~~) commerce.
36 Beginning in 2009 and ending in 2016, the department of (~~community,~~

1 ~~trade, and economic development~~) commerce shall report to the
2 department as required under RCW 39.35D.030(3)(b).

3 **Sec. 60.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to
4 read as follows:

5 For each state or local government bond issued, the underwriter of
6 the issue shall supply the department of (~~community, trade, and~~
7 ~~economic development~~) commerce with information on the bond issue
8 within twenty days of its issuance. In cases where the issuer of the
9 bond makes a direct or private sale to a purchaser without benefit of
10 an underwriter, the issuer shall supply the required information. The
11 bond issue information shall be provided on a form prescribed by the
12 department (~~of community, trade, and economic development~~) and shall
13 include but is not limited to: (1) The par value of the bond issue;
14 (2) the effective interest rates; (3) a schedule of maturities; (4) the
15 purposes of the bond issue; (5) cost of issuance information; and (6)
16 the type of bonds that are issued. A copy of the bond covenants shall
17 be supplied with this information.

18 For each state or local government bond issued, the issuer's bond
19 counsel promptly shall provide to the underwriter or to the department
20 of (~~community, trade, and economic development~~) commerce information
21 on the amount of any fees charged for services rendered with regard to
22 the bond issue.

23 Each local government that issues any type of bond shall make a
24 report annually to the department of (~~community, trade, and economic~~
25 ~~development~~) commerce that includes a summary of all the outstanding
26 bonds of the local government as of the first day of January in that
27 year. Such report shall distinguish the outstanding bond issues on the
28 basis of the type of bond, as defined in RCW 39.44.200, and shall
29 report the local government's outstanding indebtedness compared to any
30 applicable limitations on indebtedness, including RCW 35.42.200,
31 39.30.010, and 39.36.020.

32 **Sec. 61.** RCW 39.44.230 and 1995 c 399 s 55 are each amended to
33 read as follows:

34 The department of (~~community, trade, and economic development~~)
35 commerce may adopt rules and regulations pursuant to the administrative
36 procedure act to require (1) the submission of bond issuance

1 information by underwriters and bond counsel to the department ((~~of~~
2 ~~community, trade, and economic development~~)) in a timely manner and (2)
3 the submission of additional information on bond issues by state and
4 local governments, including summaries of outstanding bond issues.

5 **Sec. 62.** RCW 39.84.090 and 1998 c 245 s 34 are each amended to
6 read as follows:

7 (1) Prior to issuance of any revenue bonds, each public corporation
8 shall submit a copy of its enabling ordinance and charter, a
9 description of any industrial development facility proposed to be
10 undertaken, and the basis for its qualification as an industrial
11 development facility to the department of ((~~community, trade, and~~
12 ~~economic development~~)) commerce.

13 (2) If the industrial development facility is not eligible under
14 this chapter, the department of ((~~community, trade, and economic~~
15 ~~development~~)) commerce shall give notice to the public corporation, in
16 writing and by certified mail, within twelve working days of receipt of
17 the description.

18 (3) The department of ((~~community, trade, and economic~~
19 ~~development~~)) commerce shall provide such advice and assistance to
20 public corporations and municipalities which have created or may wish
21 to create public corporations as the public corporations or
22 municipalities request and the department ((~~of community, trade, and~~
23 ~~economic development~~)) considers appropriate.

24 **Sec. 63.** RCW 40.10.020 and 1995 c 399 s 58 are each amended to
25 read as follows:

26 The state archivist is authorized to reproduce those documents
27 designated as essential records by the several elected and appointed
28 officials of the state and local government by microfilm or other
29 miniature photographic process and to assist and cooperate in the
30 storage and safeguarding of such reproductions in such place as is
31 recommended by the state archivist with the advice of the director of
32 ((~~community, trade, and economic development~~)) commerce. The state
33 archivist shall coordinate the essential records protection program and
34 shall carry out the provisions of the state emergency plan as they
35 relate to the preservation of essential records. The state archivist
36 is authorized to charge the several departments of the state and local

1 government the actual cost incurred in reproducing, storing and
2 safeguarding such documents: PROVIDED, That nothing herein shall
3 authorize the destruction of the originals of such documents after
4 reproduction thereof.

5 **Sec. 64.** RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are
6 each reenacted and amended to read as follows:

7 (1) The provisions of this chapter do not apply to:

8 (a) The members of the legislature or to any employee of, or
9 position in, the legislative branch of the state government including
10 members, officers, and employees of the legislative council, joint
11 legislative audit and review committee, statute law committee, and any
12 interim committee of the legislature;

13 (b) The justices of the supreme court, judges of the court of
14 appeals, judges of the superior courts or of the inferior courts, or to
15 any employee of, or position in the judicial branch of state
16 government;

17 (c) Officers, academic personnel, and employees of technical
18 colleges;

19 (d) The officers of the Washington state patrol;

20 (e) Elective officers of the state;

21 (f) The chief executive officer of each agency;

22 (g) In the departments of employment security and social and health
23 services, the director and the director's confidential secretary; in
24 all other departments, the executive head of which is an individual
25 appointed by the governor, the director, his or her confidential
26 secretary, and his or her statutory assistant directors;

27 (h) In the case of a multimember board, commission, or committee,
28 whether the members thereof are elected, appointed by the governor or
29 other authority, serve ex officio, or are otherwise chosen:

30 (i) All members of such boards, commissions, or committees;

31 (ii) If the members of the board, commission, or committee serve on
32 a part-time basis and there is a statutory executive officer: The
33 secretary of the board, commission, or committee; the chief executive
34 officer of the board, commission, or committee; and the confidential
35 secretary of the chief executive officer of the board, commission, or
36 committee;

1 (iii) If the members of the board, commission, or committee serve
2 on a full-time basis: The chief executive officer or administrative
3 officer as designated by the board, commission, or committee; and a
4 confidential secretary to the chair of the board, commission, or
5 committee;

6 (iv) If all members of the board, commission, or committee serve ex
7 officio: The chief executive officer; and the confidential secretary
8 of such chief executive officer;

9 (i) The confidential secretaries and administrative assistants in
10 the immediate offices of the elective officers of the state;

11 (j) Assistant attorneys general;

12 (k) Commissioned and enlisted personnel in the military service of
13 the state;

14 (l) Inmate, student, part-time, or temporary employees, and part-
15 time professional consultants, as defined by the Washington personnel
16 resources board;

17 (m) The public printer or to any employees of or positions in the
18 state printing plant;

19 (n) Officers and employees of the Washington state fruit
20 commission;

21 (o) Officers and employees of the Washington apple commission;

22 (p) Officers and employees of the Washington state dairy products
23 commission;

24 (q) Officers and employees of the Washington tree fruit research
25 commission;

26 (r) Officers and employees of the Washington state beef commission;

27 (s) Officers and employees of the Washington grain commission;

28 (t) Officers and employees of any commission formed under chapter
29 15.66 RCW;

30 (u) Officers and employees of agricultural commissions formed under
31 chapter 15.65 RCW;

32 (v) Officers and employees of the nonprofit corporation formed
33 under chapter 67.40 RCW;

34 (w) Executive assistants for personnel administration and labor
35 relations in all state agencies employing such executive assistants
36 including but not limited to all departments, offices, commissions,
37 committees, boards, or other bodies subject to the provisions of this

1 chapter and this subsection shall prevail over any provision of law
2 inconsistent herewith unless specific exception is made in such law;

3 (x) In each agency with fifty or more employees: Deputy agency
4 heads, assistant directors or division directors, and not more than
5 three principal policy assistants who report directly to the agency
6 head or deputy agency heads;

7 (y) All employees of the marine employees' commission;

8 (z) Staff employed by the department of (~~community, trade, and~~
9 ~~economic development~~) commerce to administer energy policy functions
10 and manage energy site evaluation council activities under RCW
11 43.21F.045(2)(m);

12 (aa) Staff employed by Washington State University to administer
13 energy education, applied research, and technology transfer programs
14 under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

15 (2) The following classifications, positions, and employees of
16 institutions of higher education and related boards are hereby exempted
17 from coverage of this chapter:

18 (a) Members of the governing board of each institution of higher
19 education and related boards, all presidents, vice presidents, and
20 their confidential secretaries, administrative, and personal
21 assistants; deans, directors, and chairs; academic personnel; and
22 executive heads of major administrative or academic divisions employed
23 by institutions of higher education; principal assistants to executive
24 heads of major administrative or academic divisions; other managerial
25 or professional employees in an institution or related board having
26 substantial responsibility for directing or controlling program
27 operations and accountable for allocation of resources and program
28 results, or for the formulation of institutional policy, or for
29 carrying out personnel administration or labor relations functions,
30 legislative relations, public information, development, senior computer
31 systems and network programming, or internal audits and investigations;
32 and any employee of a community college district whose place of work is
33 one which is physically located outside the state of Washington and who
34 is employed pursuant to RCW 28B.50.092 and assigned to an educational
35 program operating outside of the state of Washington;

36 (b) The governing board of each institution, and related boards,
37 may also exempt from this chapter classifications involving research
38 activities, counseling of students, extension or continuing education

1 activities, graphic arts or publications activities requiring
2 prescribed academic preparation or special training as determined by
3 the board: PROVIDED, That no nonacademic employee engaged in office,
4 clerical, maintenance, or food and trade services may be exempted by
5 the board under this provision;

6 (c) Printing craft employees in the department of printing at the
7 University of Washington.

8 (3) In addition to the exemptions specifically provided by this
9 chapter, the director of personnel may provide for further exemptions
10 pursuant to the following procedures. The governor or other
11 appropriate elected official may submit requests for exemption to the
12 director of personnel stating the reasons for requesting such
13 exemptions. The director of personnel shall hold a public hearing,
14 after proper notice, on requests submitted pursuant to this subsection.
15 If the director determines that the position for which exemption is
16 requested is one involving substantial responsibility for the
17 formulation of basic agency or executive policy or one involving
18 directing and controlling program operations of an agency or a major
19 administrative division thereof, the director of personnel shall grant
20 the request and such determination shall be final as to any decision
21 made before July 1, 1993. The total number of additional exemptions
22 permitted under this subsection shall not exceed one percent of the
23 number of employees in the classified service not including employees
24 of institutions of higher education and related boards for those
25 agencies not directly under the authority of any elected public
26 official other than the governor, and shall not exceed a total of
27 twenty-five for all agencies under the authority of elected public
28 officials other than the governor.

29 The salary and fringe benefits of all positions presently or
30 hereafter exempted except for the chief executive officer of each
31 agency, full-time members of boards and commissions, administrative
32 assistants and confidential secretaries in the immediate office of an
33 elected state official, and the personnel listed in subsections (1)(j)
34 through (v) and (y) and (2) of this section, shall be determined by the
35 director of personnel. Changes to the classification plan affecting
36 exempt salaries must meet the same provisions for classified salary
37 increases resulting from adjustments to the classification plan as
38 outlined in RCW 41.06.152.

1 For the twelve months following February 18, 2009, a salary or wage
2 increase shall not be granted to any position exempt from
3 classification under this chapter.

4 Any person holding a classified position subject to the provisions
5 of this chapter shall, when and if such position is subsequently
6 exempted from the application of this chapter, be afforded the
7 following rights: If such person previously held permanent status in
8 another classified position, such person shall have a right of
9 reversion to the highest class of position previously held, or to a
10 position of similar nature and salary.

11 Any classified employee having civil service status in a classified
12 position who accepts an appointment in an exempt position shall have
13 the right of reversion to the highest class of position previously
14 held, or to a position of similar nature and salary.

15 A person occupying an exempt position who is terminated from the
16 position for gross misconduct or malfeasance does not have the right of
17 reversion to a classified position as provided for in this section.

18 **Sec. 65.** RCW 41.06.072 and 1995 c 399 s 59 are each amended to
19 read as follows:

20 In addition to the exemptions set forth in this chapter, this
21 chapter shall not apply within the department of (~~community, trade,~~
22 ~~and economic development~~) commerce to the director, one confidential
23 secretary, the deputy directors, all assistant directors, the state
24 historic preservation officer, and up to two professional staff members
25 within the emergency management program.

26 **Sec. 66.** RCW 42.56.270 and 2009 c 394 s 3 are each amended to read
27 as follows:

28 The following financial, commercial, and proprietary information is
29 exempt from disclosure under this chapter:

30 (1) Valuable formulae, designs, drawings, computer source code or
31 object code, and research data obtained by any agency within five years
32 of the request for disclosure when disclosure would produce private
33 gain and public loss;

34 (2) Financial information supplied by or on behalf of a person,
35 firm, or corporation for the purpose of qualifying to submit a bid or

1 proposal for (a) a ferry system construction or repair contract as
2 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
3 or improvement as required by RCW 47.28.070;

4 (3) Financial and commercial information and records supplied by
5 private persons pertaining to export services provided under chapters
6 43.163 and 53.31 RCW, and by persons pertaining to export projects
7 under RCW 43.23.035;

8 (4) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
11 43.168 RCW, or during application for economic development loans or
12 program services provided by any local agency;

13 (5) Financial information, business plans, examination reports, and
14 any information produced or obtained in evaluating or examining a
15 business and industrial development corporation organized or seeking
16 certification under chapter 31.24 RCW;

17 (6) Financial and commercial information supplied to the state
18 investment board by any person when the information relates to the
19 investment of public trust or retirement funds and when disclosure
20 would result in loss to such funds or in private loss to the providers
21 of this information;

22 (7) Financial and valuable trade information under RCW 51.36.120;

23 (8) Financial, commercial, operations, and technical and research
24 information and data submitted to or obtained by the clean Washington
25 center in applications for, or delivery of, program services under
26 chapter 70.95H RCW;

27 (9) Financial and commercial information requested by the public
28 stadium authority from any person or organization that leases or uses
29 the stadium and exhibition center as defined in RCW 36.102.010;

30 (10)(a) Financial information, including but not limited to account
31 numbers and values, and other identification numbers supplied by or on
32 behalf of a person, firm, corporation, limited liability company,
33 partnership, or other entity related to an application for a horse
34 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor
35 license, gambling license, or lottery retail license;

36 (b) Internal control documents, independent auditors' reports and
37 financial statements, and supporting documents: (i) Of house-banked

1 social card game licensees required by the gambling commission pursuant
2 to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes
3 with an approved tribal/state compact for class III gaming;

4 (11) Proprietary data, trade secrets, or other information that
5 relates to: (a) A vendor's unique methods of conducting business; (b)
6 data unique to the product or services of the vendor; or (c)
7 determining prices or rates to be charged for services, submitted by
8 any vendor to the department of social and health services for purposes
9 of the development, acquisition, or implementation of state purchased
10 health care as defined in RCW 41.05.011;

11 (12)(a) When supplied to and in the records of the department of
12 (~~community, trade, and economic development~~) commerce:

13 (i) Financial and proprietary information collected from any person
14 and provided to the department of (~~community, trade, and economic~~
15 ~~development~~) commerce pursuant to RCW 43.330.050(8); and

16 (ii) Financial or proprietary information collected from any person
17 and provided to the department of (~~community, trade, and economic~~
18 ~~development~~) commerce or the office of the governor in connection with
19 the siting, recruitment, expansion, retention, or relocation of that
20 person's business and until a siting decision is made, identifying
21 information of any person supplying information under this subsection
22 and the locations being considered for siting, relocation, or expansion
23 of a business;

24 (b) When developed by the department of (~~community, trade, and~~
25 ~~economic development~~) commerce based on information as described in
26 (a)(i) of this subsection, any work product is not exempt from
27 disclosure;

28 (c) For the purposes of this subsection, "siting decision" means
29 the decision to acquire or not to acquire a site;

30 (d) If there is no written contact for a period of sixty days to
31 the department of (~~community, trade, and economic development~~)
32 commerce from a person connected with siting, recruitment, expansion,
33 retention, or relocation of that person's business, information
34 described in (a)(ii) of this subsection will be available to the public
35 under this chapter;

36 (13) Financial and proprietary information submitted to or obtained
37 by the department of ecology or the authority created under chapter
38 70.95N RCW to implement chapter 70.95N RCW;

1 (14) Financial, commercial, operations, and technical and research
2 information and data submitted to or obtained by the life sciences
3 discovery fund authority in applications for, or delivery of, grants
4 under chapter 43.350 RCW, to the extent that such information, if
5 revealed, would reasonably be expected to result in private loss to the
6 providers of this information;

7 (15) Financial and commercial information provided as evidence to
8 the department of licensing as required by RCW 19.112.110 or
9 19.112.120, except information disclosed in aggregate form that does
10 not permit the identification of information related to individual fuel
11 licensees;

12 (16) Any production records, mineral assessments, and trade secrets
13 submitted by a permit holder, mine operator, or landowner to the
14 department of natural resources under RCW 78.44.085;

15 (17)(a) Farm plans developed by conservation districts, unless
16 permission to release the farm plan is granted by the landowner or
17 operator who requested the plan, or the farm plan is used for the
18 application or issuance of a permit;

19 (b) Farm plans developed under chapter 90.48 RCW and not under the
20 federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to
21 RCW 42.56.610 and 90.64.190;

22 (18) Financial, commercial, operations, and technical and research
23 information and data submitted to or obtained by a health sciences and
24 services authority in applications for, or delivery of, grants under
25 RCW 35.104.010 through 35.104.060, to the extent that such information,
26 if revealed, would reasonably be expected to result in private loss to
27 providers of this information;

28 (19) Information gathered under chapter 19.85 RCW or RCW 34.05.328
29 that can be identified to a particular business; and

30 (20) Financial and commercial information submitted to or obtained
31 by the University of Washington, other than information the university
32 is required to disclose under RCW 28B.20.150, when the information
33 relates to investments in private funds, to the extent that such
34 information, if revealed, would reasonably be expected to result in
35 loss to the University of Washington consolidated endowment fund or to
36 result in private loss to the providers of this information.

1 **Sec. 67.** RCW 43.06.115 and 1998 c 245 s 47 are each amended to
2 read as follows:

3 (1) The governor may, by executive order, after consultation with
4 or notification of the executive-legislative committee on economic
5 development created by chapter . . . (Senate Bill No. 5300), Laws of
6 1993, declare a community to be a "military impacted area." A
7 "military impacted area" means a community or communities, as
8 identified in the executive order, that experience serious social and
9 economic hardships because of a change in defense spending by the
10 federal government in that community or communities.

11 (2) If the governor executes an order under subsection (1) of this
12 section, the governor shall establish a response team to coordinate
13 state efforts to assist the military impacted community. The response
14 team may include, but not be limited to, one member from each of the
15 following agencies: (a) The department of (~~community, trade, and~~
16 ~~economic development~~) commerce; (b) the department of social and
17 health services; (c) the employment security department; (d) the state
18 board for community and technical colleges; (e) the higher education
19 coordinating board; and (f) the department of transportation. The
20 governor may appoint a response team coordinator. The governor shall
21 seek to actively involve the impacted community or communities in
22 planning and implementing a response to the crisis. The governor may
23 seek input or assistance from the community diversification advisory
24 committee, and the governor may establish task forces in the community
25 or communities to assist in the coordination and delivery of services
26 to the local community. The state and community response shall
27 consider economic development, human service, and training needs of the
28 community or communities impacted.

29 **Sec. 68.** RCW 43.07.350 and 1993 c 113 s 1 are each amended to read
30 as follows:

31 The secretary of state, in consultation with the department of
32 (~~trade~~) commerce, the department of agriculture, economic development
33 consultants, the consular corps, and other international trade
34 organizations, shall develop a Washington state citizens' exchange
35 program that will initiate and promote:

36 (1) Citizen exchanges between Washington state agricultural,

1 technical, and educational groups and organizations with their
2 counterparts in targeted foreign countries.

3 (2) Expanded educational and training exchanges between Washington
4 state individuals and organizations with similar groups in targeted
5 foreign countries.

6 (3) Programs to extend Washington state expertise to targeted
7 foreign countries to help promote better health and technical
8 assistance in agriculture, water resources, hydroelectric power,
9 forestry management, education, and other areas.

10 (4) Efforts where a special emphasis is placed on utilizing
11 Washington state's rich human resources who are retired from public and
12 private life and have the time to assist in this program.

13 (5) People-to-people programs that may result in increased tourism,
14 business relationships, and trade from targeted foreign nations to the
15 Pacific Northwest.

16 **Sec. 69.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to
17 read as follows:

18 (1) The department of general administration shall identify and
19 catalog real property that is no longer required for department
20 purposes and is suitable for the development of affordable housing for
21 very low-income, low-income, and moderate-income households as defined
22 in RCW 43.63A.510. The inventory shall include the location,
23 approximate size, and current zoning classification of the property.
24 The department of general administration shall provide a copy of the
25 inventory to the department of (~~community, trade, and economic~~
26 ~~development~~) commerce by November 1, 1993, and every November 1
27 thereafter.

28 (2) By November 1 of each year, beginning in 1994, the department
29 of general administration shall purge the inventory of real property of
30 sites that are no longer available for the development of affordable
31 housing. The department shall include an updated listing of real
32 property that has become available since the last update. As used in
33 this section, "real property" means buildings, land, or buildings and
34 land.

35 **Sec. 70.** RCW 43.19.648 and 2009 c 459 s 7 are each amended to read
36 as follows:

1 (1) Effective June 1, 2015, all state agencies and local government
2 subdivisions of the state, to the extent determined practicable by the
3 rules adopted by the department of (~~community, trade, and economic~~
4 ~~development~~) commerce pursuant to RCW 43.325.080, are required to
5 satisfy one hundred percent of their fuel usage for operating publicly
6 owned vessels, vehicles, and construction equipment from electricity or
7 biofuel.

8 (2) In order to phase in this transition for the state, all state
9 agencies, to the extent determined practicable by the department of
10 (~~community, trade, and economic development~~) commerce by rules
11 adopted pursuant to RCW 43.325.080, are required to achieve forty
12 percent fuel usage for operating publicly owned vessels, vehicles, and
13 construction equipment from electricity or biofuel by June 1, 2013.
14 The department of general administration, in consultation with the
15 department of (~~community, trade, and economic development~~) commerce,
16 shall report to the governor and the legislature by December 1, 2013,
17 on what percentage of the state's fuel usage is from electricity or
18 biofuel.

19 (3) Except for cars owned or operated by the Washington state
20 patrol, when tires on vehicles in the state's motor vehicle fleet are
21 replaced, they must be replaced with tires that have the same or better
22 rolling resistance as the original tires.

23 (4) By December 31, 2015, the state must, to the extent
24 practicable, install electrical outlets capable of charging electric
25 vehicles in each of the state's fleet parking and maintenance
26 facilities.

27 (5) The department of transportation's obligations under subsection
28 (2) of this section are subject to the availability of amounts
29 appropriated for the specific purpose identified in subsection (2) of
30 this section.

31 (6) The department of transportation's obligations under subsection
32 (4) of this section are subject to the availability of amounts
33 appropriated for the specific purpose identified in subsection (4) of
34 this section unless the department receives federal or private funds
35 for the specific purpose identified in subsection (4) of this section.

36 (7) The definitions in this subsection apply throughout this
37 section unless the context clearly requires otherwise.

1 (a) "Battery charging station" means an electrical component
2 assembly or cluster of component assemblies designed specifically to
3 charge batteries within electric vehicles, which meet or exceed any
4 standards, codes, and regulations set forth by chapter 19.28 RCW and
5 consistent with rules adopted under RCW 19.27.540.

6 (b) "Battery exchange station" means a fully automated facility
7 that will enable an electric vehicle with a swappable battery to enter
8 a drive lane and exchange the depleted battery with a fully charged
9 battery through a fully automated process, which meets or exceeds any
10 standards, codes, and regulations set forth by chapter 19.28 RCW and
11 consistent with rules adopted under RCW 19.27.540.

12 **Sec. 71.** RCW 43.20.275 and 2006 c 239 s 3 are each amended to read
13 as follows:

14 (1) In collaboration with staff whom the office of financial
15 management may assign, and within funds made expressly available to the
16 state board for these purposes, the state board shall assist the
17 governor by convening and providing assistance to the council. The
18 council shall include one representative from each of the following
19 groups: Each of the commissions, the state board, the department, the
20 department of social and health services, the department of
21 (~~community, trade, and economic development~~) commerce, the health
22 care authority, the department of agriculture, the department of
23 ecology, the office of the superintendent of public instruction, the
24 department of early learning, the workforce training and education
25 coordinating board, and two members of the public who will represent
26 the interests of health care consumers. The council is a class one
27 group under RCW 43.03.220. The two public members shall be paid per
28 diem and travel expenses in accordance with RCW 43.03.050 and
29 43.03.060. The council shall reflect diversity in race, ethnicity, and
30 gender. The governor or the governor's designee shall chair the
31 council.

32 (2) The council shall promote and facilitate communication,
33 coordination, and collaboration among relevant state agencies and
34 communities of color, and the private sector and public sector, to
35 address health disparities. The council shall conduct public hearings,
36 inquiries, studies, or other forms of information gathering to

1 understand how the actions of state government ameliorate or contribute
2 to health disparities. All state agencies must cooperate with the
3 council's efforts.

4 (3) The council with assistance from the state board, shall assess
5 through public hearings, review of existing data, and other means, and
6 recommend initiatives for improving the availability of culturally
7 appropriate health literature and interpretive services within public
8 and private health-related agencies.

9 (4) In order to assist with its work, the council shall establish
10 advisory committees to assist in plan development for specific issues
11 and shall include members of other state agencies and local
12 communities.

13 (5) The advisory committee shall reflect diversity in race,
14 ethnicity, and gender.

15 **Sec. 72.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended to
16 read as follows:

17 (1) The department shall identify and catalog real property that is
18 no longer required for department purposes and is suitable for the
19 development of affordable housing for very low-income, and moderate-
20 income households as defined in RCW 43.63A.510. The inventory shall
21 include the location, approximate size, and current zoning
22 classification of the property. The department shall provide a copy of
23 the inventory to the department of (~~community, trade, and economic~~
24 ~~development~~) commerce by November 1, 1993, and every November 1
25 thereafter.

26 (2) By November 1 of each year, beginning in 1994, the department
27 shall purge the inventory of real property of sites that are no longer
28 available for the development of affordable housing. The department
29 shall include an updated listing of real property that has become
30 available since the last update. As used in this section, "real
31 property" means buildings, land, or buildings and land.

32 **Sec. 73.** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to
33 read as follows:

34 (1) The department shall collaborate with the department of
35 (~~community, trade, and economic development~~) commerce in the
36 development of the coordinated and comprehensive plan for homeless

1 families with children required under RCW 43.63A.650, which designates
2 the department of (~~community, trade, and economic development~~)
3 commerce as the state agency with primary responsibility for providing
4 shelter and housing services to homeless families with children. In
5 fulfilling its responsibilities to collaborate with the department of
6 (~~community, trade, and economic development~~) commerce pursuant to RCW
7 43.63A.650, the department shall develop, administer, supervise, and
8 monitor its portion of the plan. The department's portion of the plan
9 shall contain at least the following elements:

- 10 (a) Coordination or linkage of services with shelter and housing;
11 (b) Accommodation and addressing the needs of homeless families in
12 the design and administration of department programs;
13 (c) Participation of the department's local offices in the
14 identification, assistance, and referral of homeless families; and
15 (d) Ongoing monitoring of the efficiency and effectiveness of the
16 plan's design and implementation.

17 (2) The department shall include community organizations involved
18 in the delivery of services to homeless families with children, and
19 experts in the development and ongoing evaluation of the plan.

20 (3) The duties under this section shall be implemented within
21 amounts appropriated for that specific purpose by the legislature in
22 the operating and capital budgets.

23 **Sec. 74.** RCW 43.21A.510 and 1995 c 399 s 66 are each amended to
24 read as follows:

25 In order to assist the department of (~~community, trade, and~~
26 ~~economic development~~) commerce in providing information to businesses
27 interested in locating in Washington state, the department shall
28 develop an environmental profile of the state. This profile shall
29 identify the state's natural resources and describe how these assets
30 are valuable to industry. Examples of information to be included are
31 water resources and quality, air quality, and recreational
32 opportunities related to natural resources.

33 **Sec. 75.** RCW 43.21A.515 and 1995 c 399 s 67 are each amended to
34 read as follows:

35 In order to emphasize the importance of the state's environmental
36 laws and regulations and to facilitate compliance with them, the

1 department of ecology shall provide assistance to businesses interested
2 in locating in Washington state. When the department of (~~community,~~
3 ~~trade, and economic development~~) commerce receives a query from an
4 interested business through its industrial marketing activities, it
5 shall arrange for the department of ecology to provide information on
6 the state's environmental laws and regulations and methods of
7 compliance. This section shall facilitate compliance with state
8 environmental laws and regulations and shall not weaken their
9 application or effectiveness.

10 **Sec. 76.** RCW 43.21A.612 and 1995 c 399 s 68 are each amended to
11 read as follows:

12 Before the director shall construct said steam generating facility
13 within the state, or make application for any permit, license or other
14 right necessary thereto, the director shall give notice thereof by
15 publishing once a week for four consecutive weeks in a newspaper of
16 general circulation in the county or counties in which such project is
17 located a statement of intention setting forth the general nature,
18 extent and location of the project. If any public utility in the state
19 or any operating agency desires to construct such facility, such
20 utility or operating agency shall notify the director thereof within
21 ten days after the last date of publication of such notice. If the
22 director determines that it is in the best public interest that the
23 director proceed with such construction rather than the public utility
24 or operating agency, the director shall so notify the director of
25 (~~community, trade, and economic development~~) commerce, who shall set
26 a date for hearing thereon. If after considering the evidence
27 introduced the director of (~~community, trade, and economic~~
28 ~~development~~) commerce finds that the public utility or operating
29 agency making the request intends to immediately proceed with such
30 construction and is financially capable of carrying out such
31 construction and further finds that the plan of such utility or
32 operating agency is equally well adapted to serve the public interest,
33 the director shall enter an order so finding and such order shall
34 divest the director of authority to proceed further with such
35 construction or acquisition until such time as the other public utility
36 or agency voluntarily causes an assignment of its right or interest in
37 the project to the director or fails to procure any further required

1 governmental permit, license or authority or having procured such, has
2 the same revoked or withdrawn, in accordance with the laws and
3 regulations of such governmental entity, in which event the director
4 shall have the same authority to proceed as though the director had
5 originally entered an order so authorizing the director to proceed.
6 If, after considering the evidence introduced, the director of
7 (~~community, trade, and economic development~~) commerce finds that the
8 public utility or agency making the request does not intend to
9 immediately proceed with such construction or acquisition or is not
10 financially capable of carrying out such construction or acquisition,
11 or finds that the plan of such utility or operating agency is not
12 equally well adapted to serve the public interest, the director shall
13 then enter an order so finding and authorizing the director to proceed
14 with the construction or acquisition of the facility.

15 **Sec. 77.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to
16 read as follows:

17 It shall be the duty and function of the department of ecology:

18 (1) To adopt and amend thereafter rules of interpretation and
19 implementation of this chapter, subject to the requirements of chapter
20 34.05 RCW, for the purpose of providing uniform rules and guidelines to
21 all branches of government including state agencies, political
22 subdivisions, public and municipal corporations, and counties. The
23 proposed rules shall be subject to full public hearings requirements
24 associated with rule promulgation. Suggestions for modifications of
25 the proposed rules shall be considered on their merits, and the
26 department shall have the authority and responsibility for full and
27 appropriate independent promulgation and adoption of rules, assuring
28 consistency with this chapter as amended and with the preservation of
29 protections afforded by this chapter. The rule-making powers
30 authorized in this section shall include, but shall not be limited to,
31 the following phases of interpretation and implementation of this
32 chapter:

33 (a) Categories of governmental actions which are not to be
34 considered as potential major actions significantly affecting the
35 quality of the environment, including categories pertaining to
36 applications for water right permits pursuant to chapters 90.03 and
37 90.44 RCW. The types of actions included as categorical exemptions in

1 the rules shall be limited to those types which are not major actions
2 significantly affecting the quality of the environment. The rules
3 shall provide for certain circumstances where actions which potentially
4 are categorically exempt require environmental review. An action that
5 is categorically exempt under the rules adopted by the department may
6 not be conditioned or denied under this chapter.

7 (b) Rules for criteria and procedures applicable to the
8 determination of when an act of a branch of government is a major
9 action significantly affecting the quality of the environment for which
10 a detailed statement is required to be prepared pursuant to RCW
11 43.21C.030.

12 (c) Rules and procedures applicable to the preparation of detailed
13 statements and other environmental documents, including but not limited
14 to rules for timing of environmental review, obtaining comments, data
15 and other information, and providing for and determining areas of
16 public participation which shall include the scope and review of draft
17 environmental impact statements.

18 (d) Scope of coverage and contents of detailed statements assuring
19 that such statements are simple, uniform, and as short as practicable;
20 statements are required to analyze only reasonable alternatives and
21 probable adverse environmental impacts which are significant, and may
22 analyze beneficial impacts.

23 (e) Rules and procedures for public notification of actions taken
24 and documents prepared.

25 (f) Definition of terms relevant to the implementation of this
26 chapter including the establishment of a list of elements of the
27 environment. Analysis of environmental considerations under RCW
28 43.21C.030(2) may be required only for those subjects listed as
29 elements of the environment (or portions thereof). The list of
30 elements of the environment shall consist of the "natural" and "built"
31 environment. The elements of the built environment shall consist of
32 public services and utilities (such as water, sewer, schools, fire and
33 police protection), transportation, environmental health (such as
34 explosive materials and toxic waste), and land and shoreline use
35 (including housing, and a description of the relationships with land
36 use and shoreline plans and designations, including population).

37 (g) Rules for determining the obligations and powers under this

1 chapter of two or more branches of government involved in the same
2 project significantly affecting the quality of the environment.

3 (h) Methods to assure adequate public awareness of the preparation
4 and issuance of detailed statements required by RCW 43.21C.030(2)(c).

5 (i) To prepare rules for projects setting forth the time limits
6 within which the governmental entity responsible for the action shall
7 comply with the provisions of this chapter.

8 (j) Rules for utilization of a detailed statement for more than one
9 action and rules improving environmental analysis of nonproject
10 proposals and encouraging better interagency coordination and
11 integration between this chapter and other environmental laws.

12 (k) Rules relating to actions which shall be exempt from the
13 provisions of this chapter in situations of emergency.

14 (l) Rules relating to the use of environmental documents in
15 planning and decision making and the implementation of the substantive
16 policies and requirements of this chapter, including procedures for
17 appeals under this chapter.

18 (m) Rules and procedures that provide for the integration of
19 environmental review with project review as provided in RCW 43.21C.240.
20 The rules and procedures shall be jointly developed with the department
21 of (~~community, trade, and economic development~~) commerce and shall be
22 applicable to the preparation of environmental documents for actions in
23 counties, cities, and towns planning under RCW 36.70A.040. The rules
24 and procedures shall also include procedures and criteria to analyze
25 planned actions under RCW 43.21C.031(2) and revisions to the rules
26 adopted under this section to ensure that they are compatible with the
27 requirements and authorizations of chapter 347, Laws of 1995, as
28 amended by chapter 429, Laws of 1997. Ordinances or procedures adopted
29 by a county, city, or town to implement the provisions of chapter 347,
30 Laws of 1995 prior to the effective date of rules adopted under this
31 subsection (1)(m) shall continue to be effective until the adoption of
32 any new or revised ordinances or procedures that may be required. If
33 any revisions are required as a result of rules adopted under this
34 subsection (1)(m), those revisions shall be made within the time limits
35 specified in RCW 43.21C.120.

36 (2) In exercising its powers, functions, and duties under this
37 section, the department may:

1 (a) Consult with the state agencies and with representatives of
2 science, industry, agriculture, labor, conservation organizations,
3 state and local governments, and other groups, as it deems advisable;
4 and

5 (b) Utilize, to the fullest extent possible, the services,
6 facilities, and information (including statistical information) of
7 public and private agencies, organizations, and individuals, in order
8 to avoid duplication of effort and expense, overlap, or conflict with
9 similar activities authorized by law and performed by established
10 agencies.

11 (3) Rules adopted pursuant to this section shall be subject to the
12 review procedures of chapter 34.05 RCW.

13 **Sec. 78.** RCW 43.21G.010 and 1996 c 186 s 507 are each amended to
14 read as follows:

15 The legislature finds that energy in various forms is increasingly
16 subject to possible shortages and supply disruptions, to the point that
17 there may be foreseen an emergency situation, and that without the
18 ability to institute appropriate emergency measures to regulate the
19 production, distribution, and use of energy, a severe impact on the
20 public health, safety, and general welfare of our state's citizens may
21 occur. The prevention or mitigation of such energy shortages or
22 disruptions and their effects is necessary for preservation of the
23 public health, safety, and general welfare of the citizens of this
24 state.

25 It is the intent of this chapter to:

26 (1) Establish necessary emergency powers for the governor and
27 define the situations under which such powers are to be exercised;

28 (2) Provide penalties for violations of this chapter.

29 It is further the intent of the legislature that in developing
30 proposed orders under the powers granted in RCW 43.21G.040 as now or
31 hereafter amended the governor may utilize, on a temporary or ad hoc
32 basis, the knowledge and expertise of persons experienced in the
33 technical aspects of energy supply, distribution, or use. Such
34 utilization shall be in addition to support received by the governor
35 from the department of (~~community, trade, and economic development~~)
36 commerce under RCW 43.21F.045 (~~and 43.21F.065~~) and from other state
37 agencies.

1 **Sec. 79.** RCW 43.21J.030 and 2007 c 341 s 62 and 2007 c 241 s 4 are
2 each reenacted and amended to read as follows:

3 (1) There is created the environmental enhancement and job creation
4 task force within the office of the governor. The purpose of the task
5 force is to provide a coordinated and comprehensive approach to
6 implementation of chapter 516, Laws of 1993. The task force shall
7 consist of the commissioner of public lands, the director of the
8 department of fish and wildlife, the director of the department of
9 ecology, the director of the parks and recreation commission, the
10 timber team coordinator, the executive director of the workforce
11 training and education coordinating board, and the executive director
12 of the Puget Sound partnership, or their designees. The task force may
13 seek the advice of the following agencies and organizations: The
14 department of (~~community, trade, and economic development~~) commerce,
15 the conservation commission, the employment security department, the
16 recreation and conservation office, appropriate federal agencies,
17 appropriate special districts, the Washington state association of
18 counties, the association of Washington cities, labor organizations,
19 business organizations, timber-dependent communities, environmental
20 organizations, and Indian tribes. The governor shall appoint the task
21 force chair. Members of the task force shall serve without additional
22 pay. Participation in the work of the committee by agency members
23 shall be considered in performance of their employment. The governor
24 shall designate staff and administrative support to the task force and
25 shall solicit the participation of agency personnel to assist the task
26 force.

27 (2) The task force shall have the following responsibilities:

28 (a) Soliciting and evaluating, in accordance with the criteria set
29 forth in RCW 43.21J.040, requests for funds from the environmental and
30 forest restoration account and making distributions from the account.
31 The task force shall award funds for projects and training programs it
32 approves and may allocate the funds to state agencies for disbursement
33 and contract administration;

34 (b) Coordinating a process to assist state agencies and local
35 governments to implement effective environmental and forest restoration
36 projects funded under this chapter;

37 (c) Considering unemployment profile data provided by the
38 employment security department.

1 (3) Beginning July 1, 1994, the task force shall have the following
2 responsibilities:

3 (a) To solicit and evaluate proposals from state and local
4 agencies, private nonprofit organizations, and tribes for environmental
5 and forest restoration projects;

6 (b) To rank the proposals based on criteria developed by the task
7 force in accordance with RCW 43.21J.040; and

8 (c) To determine funding allocations for projects to be funded from
9 the account created in RCW 43.21J.020 and for projects or programs as
10 designated in the omnibus operating and capital appropriations acts.

11 **Sec. 80.** RCW 43.21M.010 and 2009 c 519 s 10 are each amended to
12 read as follows:

13 (1) The departments of ecology, agriculture, (~~community, trade,~~
14 ~~and economic development~~)) commerce, fish and wildlife, natural
15 resources, and transportation shall develop an integrated climate
16 change response strategy to better enable state and local agencies,
17 public and private businesses, nongovernmental organizations, and
18 individuals to prepare for, address, and adapt to the impacts of
19 climate change. The integrated climate change response strategy should
20 be developed, where feasible and consistent with the direction of the
21 strategy, in collaboration with local government agencies with climate
22 change preparation and adaptation plans.

23 (2) The department of ecology shall serve as a central
24 clearinghouse for relevant scientific and technical information about
25 the impacts of climate change on Washington's ecology, economy, and
26 society, as well as serve as a central convener for the development of
27 vital programs and necessary policies to help the state adapt to a
28 rapidly changing climate.

29 (3) The department of ecology shall consult and collaborate with
30 the departments of fish and wildlife, agriculture, (~~community, trade,~~
31 ~~and economic development~~)) commerce, natural resources, and
32 transportation in developing an integrated climate change response
33 strategy and plans of action to prepare for and adapt to climate change
34 impacts.

35 **Sec. 81.** RCW 43.21M.020 and 2009 c 519 s 11 are each amended to
36 read as follows:

1 (1) The integrated climate change response strategy should address
2 the impact of and adaptation to climate change, as well as the regional
3 capacity to undertake actions, existing ecosystem and resource
4 management concerns, and health and economic risks. In addition, the
5 departments of ecology, agriculture, (~~community, trade, and economic~~
6 ~~development~~) commerce, fish and wildlife, natural resources, and
7 transportation should include a range of scenarios for the purposes of
8 planning in order to assess project vulnerability and, to the extent
9 feasible, reduce expected risks and increase resiliency to the impacts
10 of climate change.

11 (2)(a) By December 1, 2011, the department of ecology shall compile
12 an initial climate change response strategy, including information and
13 data from the departments of fish and wildlife, agriculture,
14 (~~community, trade, and economic development~~) commerce, natural
15 resources, and transportation that: Summarizes the best known science
16 on climate change impacts to Washington; assesses Washington's
17 vulnerability to the identified climate change impacts; prioritizes
18 solutions that can be implemented within and across state agencies; and
19 identifies recommended funding mechanisms and technical and other
20 essential resources for implementing solutions.

- 21 (b) The initial strategy must include:
- 22 (i) Efforts to identify priority planning areas for action, based
23 on vulnerability and risk assessments;
 - 24 (ii) Barriers challenging state and local governments to take
25 action, such as laws, policies, regulations, rules, and procedures that
26 require revision to adequately address adaptation to climate change;
 - 27 (iii) Opportunities to integrate climate science and projected
28 impacts into planning and decision making; and
 - 29 (iv) Methods to increase public awareness of climate change, its
30 projected impacts on the community, and to build support for meaningful
31 adaptation policies and strategies.

32 **Sec. 82.** RCW 43.21M.030 and 2009 c 519 s 12 are each amended to
33 read as follows:

34 The departments of ecology, agriculture, (~~community, trade, and~~
35 ~~economic development~~) commerce, fish and wildlife, natural resources,
36 and transportation may consult with qualified nonpartisan experts from
37 the scientific community as needed to assist with developing an

1 integrated climate change response strategy. The qualified nonpartisan
2 experts from the scientific community may assist the department of
3 ecology on the following components:

4 (1) Identifying the timing and extent of impacts from climate
5 change;

6 (2) Assessing the effects of climate variability and change in the
7 context of multiple interacting stressors or impacts;

8 (3) Developing forecasting models;

9 (4) Determining the resilience of the environment, natural systems,
10 communities, and organizations to deal with potential or actual impacts
11 of climate change and the vulnerability to which a natural or social
12 system is susceptible to sustaining damage from climate change impacts;
13 and

14 (5) Identifying other issues, as determined by the department of
15 ecology, necessary to develop policies and actions for the integrated
16 climate change response strategy.

17 **Sec. 83.** RCW 43.22.495 and 2007 c 432 s 7 are each amended to read
18 as follows:

19 Beginning on July 1, 2007, the department of labor and industries
20 shall perform all the consumer complaint and related functions of the
21 state administrative agency that are required for purposes of complying
22 with the regulations established by the federal department of housing
23 and urban development for manufactured housing, including the
24 preparation and submission of the state administrative plan.

25 The department of labor and industries may enter into state or
26 local interagency agreements to coordinate site inspection activities
27 with record monitoring and complaint handling. The interagency
28 agreement may also provide for the reimbursement for cost of work that
29 an agency performs. The department may include other related areas in
30 any interagency agreements which are necessary for the efficient
31 provision of services.

32 ~~((The directors of the department of community, trade, and economic
33 development and the department of labor and industries shall
34 immediately take such steps as are necessary to ensure that chapter
35 432, Laws of 2007 is implemented on July 1, 2007.))~~

1 **Sec. 84.** RCW 43.22A.020 and 2007 c 432 s 1 are each amended to
2 read as follows:

3 Beginning on July 1, 2007, the department shall perform all the
4 consumer complaint and related functions of the state administrative
5 agency that are required for purposes of complying with the regulations
6 established by the federal department of housing and urban development
7 for manufactured housing, including the preparation and submission of
8 the state administrative plan.

9 The department may enter into state or local interagency agreements
10 to coordinate site inspection activities with record monitoring and
11 complaint handling. The interagency agreement may also provide for the
12 reimbursement for cost of work that an agency performs. The department
13 may include other related areas in any interagency agreements which are
14 necessary for the efficient provision of services.

15 ~~((The department of community, trade, and economic development
16 shall transfer all records, files, books, and documents necessary for
17 the department to assume these new functions.~~

18 ~~The directors of community, trade, and economic development and of
19 labor and industries shall immediately take such steps as are necessary
20 to ensure that chapter 432, Laws of 2007 is implemented on July 1,
21 2007.))~~

22 **Sec. 85.** RCW 43.23.035 and 1995 c 399 s 70 are each amended to
23 read as follows:

24 The department of agriculture is hereby designated as the agency of
25 state government for the administration and implementation of state
26 agricultural market development programs and activities, both domestic
27 and foreign, and shall, in addition to the powers and duties otherwise
28 imposed by law, have the following powers and duties:

29 (1) To study the potential marketability of various agricultural
30 commodities of this state in foreign and domestic trade;

31 (2) To collect, prepare, and analyze foreign and domestic market
32 data;

33 (3) To establish a program to promote and assist in the marketing
34 of Washington-bred horses: PROVIDED, That the department shall present
35 a proposal to the legislature no later than December 1, 1986, that
36 provides for the elimination of all state funding for the program after
37 June 30, 1989;

1 (4) To encourage and promote the sale of Washington's agricultural
2 commodities and products at the site of their production through the
3 development and dissemination of referral maps and other means;

4 (5) To encourage and promote those agricultural industries, such as
5 the wine industry, which attract visitors to rural areas in which other
6 agricultural commodities and products are produced and are, or could
7 be, made available for sale;

8 (6) To encourage and promote the establishment and use of public
9 markets in this state for the sale of Washington's agricultural
10 products;

11 (7) To maintain close contact with foreign firms and governmental
12 agencies and to act as an effective intermediary between foreign
13 nations and Washington traders;

14 (8) To publish and disseminate to interested citizens and others
15 information which will aid in carrying out the purposes of chapters
16 43.23, 15.64, 15.65, and 15.66 RCW;

17 (9) To encourage and promote the movement of foreign and domestic
18 agricultural goods through the ports of Washington;

19 (10) To conduct an active program by sending representatives to, or
20 engaging representatives in, foreign countries to promote the state's
21 agricultural commodities and products;

22 (11) To assist and to make Washington agricultural concerns more
23 aware of the potentials of foreign trade and to encourage production of
24 those commodities that will have high export potential and appeal;

25 (12) To coordinate the trade promotional activities of appropriate
26 federal, state, and local public agencies, as well as civic
27 organizations; and

28 (13) To develop a coordinated marketing program with the department
29 of (~~community, trade, and economic development~~) commerce, utilizing
30 existing trade offices and participating in mutual trade missions and
31 activities.

32 As used in this section, "agricultural commodities" includes
33 products of both terrestrial and aquatic farming.

34 **Sec. 86.** RCW 43.30.835 and 2009 c 163 s 2 are each amended to read
35 as follows:

36 (1) The department may develop and implement forest biomass energy

1 demonstration projects, one east of the crest of the Cascade mountains
2 and one west of the crest of the Cascade mountains. The demonstration
3 projects must be designed to:

4 (a) Reveal the utility of Washington's public and private forest
5 biomass feedstock;

6 (b) Create green jobs and generate renewable energy;

7 (c) Generate revenues or improve asset values for beneficiaries of
8 state lands and state forest lands;

9 (d) Improve forest health, reduce pollution, and restore ecological
10 function; and

11 (e) Avoid interfering with the current working area for forest
12 biomass collection surrounding an existing fixed location biomass
13 energy production site.

14 (2) To develop and implement the forest biomass energy
15 demonstration projects, the department may form forest biomass energy
16 partnerships or cooperatives.

17 (3) The forest biomass energy partnerships or cooperatives are
18 encouraged to be public-private partnerships focused on convening the
19 entities necessary to grow, harvest, process, transport, and utilize
20 forest biomass to generate renewable energy. Particular focus must be
21 given to recruiting and employing emerging technologies that can
22 locally process forest biomass feedstock to create local green jobs and
23 reduce transportation costs.

24 (4) The forest biomass energy partnerships or cooperatives may
25 include, but are not limited to: Entrepreneurs or organizations
26 developing and operating emerging technology to process forest biomass;
27 industrial electricity producers; contractors capable of providing the
28 local labor needed to collect, process, and transport forest biomass
29 feedstocks; tribes; federal land management agencies; county, city, and
30 other local governments; the department of (~~community, trade, and
31 economic development~~) commerce; state trust land managers; an
32 organization dedicated to protecting and strengthening the jobs,
33 rights, and working conditions of Washington's working families;
34 accredited research institution representatives; an industrial timber
35 land manager; a small forest landowner; and a not-for-profit
36 conservation organization.

1 NEW SECTION. **Sec. 87.** A new section is added to chapter 43.31 RCW
2 to read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Department" means the department of commerce.

6 (2) "Director" means the director of commerce.

7 **Sec. 88.** RCW 43.31.205 and 1993 c 280 s 41 are each amended to
8 read as follows:

9 In an effort to enhance the economy of the Tri-Cities area, the
10 department (~~((of community, trade, and economic development))~~) is
11 directed to promote the existence of the lease between the state of
12 Washington and the federal government executed September 10, 1964,
13 covering one thousand acres of land lying within the Hanford
14 reservation near Richland, Washington, and the opportunity of
15 subleasing the land to entities for nuclear-related industry, in
16 agreement with the terms of the lease. When promoting the existence of
17 the lease, the department shall work in cooperation with any associate
18 development organization located in or near the Tri-Cities area.

19 **Sec. 89.** RCW 43.31.422 and 2004 c 77 s 1 are each amended to read
20 as follows:

21 The Hanford area economic investment fund is established in the
22 custody of the state treasurer. Moneys in the fund shall only be used
23 for reasonable assistant attorney general costs in support of the
24 committee or pursuant to the decisions of the committee created in RCW
25 43.31.425 for Hanford area revolving loan funds, Hanford area
26 infrastructure projects, or other Hanford area economic development and
27 diversification projects, but may not be used for government or
28 nonprofit organization operating expenses. Up to five percent of
29 moneys in the fund may be used for program administration. For the
30 purpose of this chapter "Hanford area" means Benton and Franklin
31 counties. The director (~~((of community, trade, and economic
32 development))~~) or the director's designee shall authorize disbursements
33 from the fund after an affirmative vote of at least six members of the
34 committee created in RCW 43.31.425 on any decisions reached by the
35 committee created in RCW 43.31.425. The fund is subject to the
36 allotment procedures under chapter 43.88 RCW, but no appropriation is

1 required for disbursements. The legislature intends to establish
2 similar economic investment funds for areas that develop low-level
3 radioactive waste disposal facilities.

4 **Sec. 90.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to
5 read as follows:

6 The child care facility fund committee is established within the
7 business assistance center of the department of (~~community, trade, and~~
8 ~~economic development~~) commerce. The committee shall administer the
9 child care facility fund, with review by the director of (~~community,~~
10 ~~trade, and economic development~~) commerce.

11 (1) The committee shall have five members. The director of
12 (~~community, trade, and economic development~~) commerce shall appoint
13 the members, who shall include:

14 (a) Two persons experienced in investment finance and having skills
15 in providing capital to new businesses, in starting and operating
16 businesses, and providing professional services to small or expanding
17 businesses;

18 (b) One person representing a philanthropic organization with
19 experience in evaluating funding requests;

20 (c) One child care services expert; and

21 (d) One early childhood development expert.

22 In making these appointments, the director shall give careful
23 consideration to ensure that the various geographic regions of the
24 state are represented and that members will be available for meetings
25 and are committed to working cooperatively to address child care needs
26 in Washington state.

27 (2) The committee shall elect officers from among its membership
28 and shall adopt policies and procedures specifying the lengths of
29 terms, methods for filling vacancies, and other matters necessary to
30 the ongoing functioning of the committee.

31 (3) Committee members shall serve without compensation, but may
32 request reimbursement for travel expenses as provided in RCW 43.03.050
33 and 43.03.060.

34 (4) Committee members shall not be liable to the state, to the
35 child care facility fund, or to any other person as a result of their
36 activities, whether ministerial or discretionary, as members except for
37 willful dishonesty or intentional violation of the law. The department

1 of (~~community, trade, and economic development~~) commerce may purchase
2 liability insurance for members and may indemnify these persons against
3 the claims of others.

4 **Sec. 91.** RCW 43.31.805 and 1998 c 345 s 3 are each amended to read
5 as follows:

6 The state trade fair fund is created in the custody of the state
7 treasury. All moneys received by the department (~~of community, trade,
8 and economic development~~) for the purposes of this fund shall be
9 deposited into the fund. Expenditures from the fund may be used only
10 for the purpose of assisting state trade fairs. Only the director (~~of
11 community, trade, and economic development~~) or the director's designee
12 may authorize expenditures from the fund. The fund is subject to
13 allotment procedures under chapter 43.88 RCW, but no appropriation is
14 required for expenditures.

15 **Sec. 92.** RCW 43.31.830 and 1993 c 280 s 53 are each amended to
16 read as follows:

17 (1) It shall be the duty of the director (~~of community, trade, and
18 economic development~~) to certify, from the applications received, the
19 state international trade fair or fairs qualified and entitled to
20 receive funds under RCW 67.16.100, and under rules established by the
21 director.

22 (2) The director shall make annual allotments to state
23 international trade fairs determined qualified to be entitled to
24 participate in the state trade fair fund and shall fix times for the
25 division of and payment from the state trade fair fund: PROVIDED, That
26 total payment to any one state international trade fair shall not
27 exceed sixty thousand dollars in any one year, where participation or
28 presentation occurs within the United States, and eighty thousand
29 dollars in any one year, where participation or presentation occurs
30 outside the United States: PROVIDED FURTHER, That a state
31 international trade fair may qualify for the full allotment of funds
32 under either category. Upon certification of the allotment and
33 division of fair funds by the director the treasurer shall proceed to
34 pay the same to carry out the purposes of RCW 67.16.100.

1 **Sec. 93.** RCW 43.31.840 and 1993 c 280 s 54 are each amended to
2 read as follows:

3 The director (~~(of community, trade, and economic development)~~)
4 shall at the end of each year for which an annual allotment has been
5 made, conduct a post audit of all of the books and records of each
6 state international trade fair participating in the state trade fair
7 fund. The purpose of such post audit shall be to determine how and to
8 what extent each participating state international trade fair has
9 expended all of its funds.

10 The audit required by this section shall be a condition to future
11 allotments of money from the state international trade fair fund, and
12 the director shall make a report of the findings of each post audit and
13 shall use such report as a consideration in an application for any
14 future allocations.

15 **Sec. 94.** RCW 43.31.960 and 1995 c 399 s 72 are each amended to
16 read as follows:

17 The principal proceeds from the sale of the bonds authorized in RCW
18 43.31.956 shall be administered by the director (~~(of community, trade,
19 and economic development)~~).

20 **Sec. 95.** RCW 43.31.970 and 2009 c 459 s 18 are each amended to
21 read as follows:

22 The department (~~(of community, trade, and economic development)~~)
23 must distribute to local governments model ordinances, model
24 development regulations, and guidance for local governments for siting
25 and installing electric vehicle infrastructure, and in particular
26 battery charging stations, and appropriate handling, recycling, and
27 storage of electric vehicle batteries and equipment, when available.
28 The model ordinances, model development regulations, and guidance must
29 be developed by a federal or state agency, or nationally recognized
30 organizations with specific expertise in land-use regulations or
31 electric vehicle infrastructure.

32 **Sec. 96.** RCW 43.41.270 and 2009 c 345 s 12 are each amended to
33 read as follows:

34 (1) The office of financial management shall assist natural
35 resource-related agencies in developing outcome-focused performance

1 measures for administering natural resource-related and environmentally
2 based grant and loan programs. These performance measures are to be
3 used in determining grant eligibility, for program management and
4 performance assessment.

5 (2) The office of financial management and the recreation and
6 conservation office shall assist natural resource-related agencies in
7 developing recommendations for a monitoring program to measure outcome-
8 focused performance measures required by this section. The
9 recommendations must be consistent with the framework and coordinated
10 monitoring strategy developed by the monitoring oversight committee
11 established in RCW 77.85.210.

12 (3) Natural resource agencies shall consult with grant or loan
13 recipients including local governments, tribes, nongovernmental
14 organizations, and other interested parties, and report to the office
15 of financial management on the implementation of this section.

16 (4) For purposes of this section, "natural resource-related
17 agencies" include the department of ecology, the department of natural
18 resources, the department of fish and wildlife, the state conservation
19 commission, the recreation and conservation funding board, the salmon
20 recovery funding board, and the public works board within the
21 department of (~~community, trade, and economic development~~) commerce.

22 (5) For purposes of this section, "natural resource-related
23 environmentally based grant and loan programs" includes the
24 conservation reserve enhancement program; dairy nutrient management
25 grants under chapter 90.64 RCW; state conservation commission water
26 quality grants under chapter 89.08 RCW; coordinated prevention grants,
27 public participation grants, and remedial action grants under RCW
28 70.105D.070; water pollution control facilities financing under chapter
29 70.146 RCW; aquatic lands enhancement grants under RCW 79.105.150;
30 habitat grants under the Washington wildlife and recreation program
31 under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW;
32 and the public works trust fund program under chapter 43.155 RCW. The
33 term also includes programs administered by the department of fish and
34 wildlife related to protection or recovery of fish stocks which are
35 funded with moneys from the capital budget.

36 NEW SECTION. **Sec. 97.** A new section is added to chapter 43.63A
37 RCW to read as follows:

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

3 (1) "Department" means the department of commerce.

4 (2) "Director" means the director of commerce.

5 **Sec. 98.** RCW 43.63A.068 and 2009 c 518 s 18 are each amended to
6 read as follows:

7 (1)(a) The department (~~(of community, trade, and economic~~
8 ~~development)) shall establish an advisory committee to monitor, guide,~~
9 and report on recommendations relating to policies and programs for
10 children and families with incarcerated parents.

11 (b) The advisory committee shall include representatives of the
12 department of corrections, the department of social and health
13 services, the department of early learning, the office of the
14 superintendent of public instruction, representatives of the private
15 nonprofit and business sectors, child advocates, representatives of
16 Washington state Indian tribes as defined under the federal Indian
17 welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the
18 administrative office of the courts, the Washington association of
19 sheriffs and police chiefs, jail administrators, the office of the
20 governor, and others who have an interest in these issues.

21 (c) The advisory committee shall:

22 (i) Gather the data collected by the departments as required in RCW
23 72.09.495, 74.04.800, 43.215.065, and 28A.300.520;

24 (ii) Monitor and provide consultation on the implementation of
25 recommendations contained in the 2006 children of incarcerated parents
26 report;

27 (iii) Identify areas of need and develop recommendations for the
28 legislature, the department of social and health services, the
29 department of corrections, the department of early learning, and the
30 office of the superintendent of public instruction to better meet the
31 needs of children and families of persons incarcerated in department of
32 corrections facilities; and

33 (iv) Advise the department (~~(of community, trade, and economic~~
34 ~~development)) regarding community programs the department should fund
35 with moneys appropriated for this purpose in the operating budget. The
36 advisory committee shall provide recommendations to the department
37 regarding the following:~~

- 1 (A) The goals for geographic distribution of programs and funding;
2 (B) The scope and purpose of eligible services and the priority of
3 such services;
4 (C) Grant award funding limits;
5 (D) Entities eligible to apply for the funding;
6 (E) Whether the funding should be directed towards starting or
7 supporting new programs, expanding existing programs, or whether the
8 funding should be open to all eligible services and providers; and
9 (F) Other areas the advisory committee determines appropriate.

10 (d) The children of incarcerated parents advisory committee shall
11 update the legislature and governor biennially on committee activities,
12 with the first update due by January 1, 2010.

13 (2) The department (~~of community, trade, and economic~~
14 ~~development~~) shall select community programs or services to receive
15 funding that focus on children and families of inmates incarcerated in
16 a department of corrections facility and sustaining the family during
17 the period of the inmate's incarceration.

18 (a) Programs or services which meet the needs of the children of
19 incarcerated parents should be the greatest consideration in the
20 programs that are identified by the department.

21 (b) The department shall consider the recommendations of the
22 advisory committee regarding which services or programs the department
23 should fund.

24 (c) The programs selected shall collaborate with an agency, or
25 agencies, experienced in providing services to aid families and victims
26 of sexual assault and domestic violence to ensure that the programs
27 identify families who have a history of sexual assault or domestic
28 violence and ensure the services provided are appropriate for the
29 children and families.

30 **Sec. 99.** RCW 43.63A.115 and 1993 c 280 s 60 are each amended to
31 read as follows:

32 (1) The community action agency network, established initially
33 under the federal economic opportunity act of 1964 and subsequently
34 under the federal community services block grant program of 1981, as
35 amended, shall be a delivery system for federal and state antipoverty
36 programs in this state, including but not limited to the community

1 services block grant program, the low-income energy assistance program,
2 and the federal department of energy weatherization program.

3 (2) Local community action agencies comprise the community action
4 agency network. The community action agency network shall serve low-
5 income persons in the counties. Each community action agency and its
6 service area shall be designated in the state federal community service
7 block grant plan as prepared by the department (~~of community, trade,~~
8 ~~and economic development~~)).

9 (3) Funds for antipoverty programs may be distributed to the
10 community action agencies by the department (~~of community, trade, and~~
11 ~~economic development~~)) and other state agencies in consultation with
12 the authorized representatives of community action agency networks.

13 **Sec. 100.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended to
14 read as follows:

15 (1) The department (~~of community, trade, and economic~~
16 ~~development~~)) must establish a competitive process to solicit proposals
17 for and prioritize projects whose primary objective is to assist
18 nonprofit youth organizations in acquiring, constructing, or
19 rehabilitating facilities used for the delivery of nonresidential
20 services, excluding outdoor athletic fields.

21 (2) The department (~~of community, trade, and economic~~
22 ~~development~~)) must establish a competitive process to prioritize
23 applications for the assistance as follows:

24 (a) The department (~~of community, trade, and economic~~
25 ~~development~~)) must conduct a statewide solicitation of project
26 applications from local governments, nonprofit organizations, and other
27 entities, as determined by the department (~~of community, trade, and~~
28 ~~economic development~~)). The department (~~of community, trade, and~~
29 ~~economic development~~)) must evaluate and rank applications in
30 consultation with a citizen advisory committee using objective
31 criteria. Projects must have a major recreational component, and must
32 have either an educational or social service component. At a minimum,
33 applicants must demonstrate that the requested assistance will increase
34 the efficiency or quality of the services it provides to youth. The
35 evaluation and ranking process must also include an examination of
36 existing assets that applicants may apply to projects. Grant
37 assistance under this section may not exceed twenty-five percent of the

1 total cost of the project. The nonstate portion of the total project
2 cost may include cash, the value of real property when acquired solely
3 for the purpose of the project, and in-kind contributions.

4 (b) The department (~~of community, trade, and economic~~
5 ~~development~~) must submit a prioritized list of recommended projects to
6 the governor and the legislature in the department of community, trade,
7 and economic development's biennial capital budget request beginning
8 with the 2005-2007 biennium and thereafter. The list must include a
9 description of each project, the amount of recommended state funding,
10 and documentation of nonstate funds to be used for the project. The
11 total amount of recommended state funding for projects on a biennial
12 project list must not exceed eight million dollars. The department
13 (~~of community, trade, and economic development~~) may not sign
14 contracts or otherwise financially obligate funds under this section
15 until the legislature has approved a specific list of projects.

16 (c) In contracts for grants authorized under this section the
17 department (~~of community, trade, and economic development~~) must
18 include provisions that require that capital improvements be held by
19 the grantee for a specified period of time appropriate to the amount of
20 the grant and that facilities be used for the express purpose of the
21 grant. If the grantee is found to be out of compliance with provisions
22 of the contract, the grantee must repay to the state general fund the
23 principal amount of the grant plus interest calculated at the rate of
24 interest on state of Washington general obligation bonds issued most
25 closely to the date of authorization of the grant.

26 **Sec. 101.** RCW 43.63A.155 and 1993 c 280 s 61 are each amended to
27 read as follows:

28 The department (~~of community, trade, and economic development~~)
29 shall retain the bond information it receives under RCW 39.44.210 and
30 39.44.230 and shall publish summaries of local government bond issues
31 at least once a year.

32 The department (~~of community, trade, and economic development~~)
33 shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210
34 and 39.44.230.

35 **Sec. 102.** RCW 43.63A.230 and 2005 c 136 s 2 are each amended to
36 read as follows:

1 The department (~~of community, trade, and economic development~~)
2 shall provide technical assistance to cooperatives authorized under
3 chapter 23.78 RCW and conduct educational programs on employee
4 ownership and self-management. The department shall include
5 information on the option of employee ownership wherever appropriate in
6 its various programs.

7 **Sec. 103.** RCW 43.63A.275 and 1993 c 280 s 67 are each amended to
8 read as follows:

9 (1) Each biennium the department (~~of community, trade, and~~
10 ~~economic development~~) shall distribute such funds as are appropriated
11 for retired senior volunteer programs (RSVP) as follows:

12 (a) At least sixty-five percent of the moneys may be distributed
13 according to formulae and criteria to be determined by the department
14 (~~of community, trade, and economic development~~) in consultation with
15 the RSVP directors association.

16 (b) Up to twenty percent of the moneys may be distributed by
17 competitive grant process to develop RSVP projects in counties not
18 presently being served, or to expand existing RSVP services into
19 counties not presently served.

20 (c) Ten percent of the moneys may be used by the department (~~of~~
21 ~~community, trade, and economic development~~) for administration,
22 monitoring of the grants, and providing technical assistance to the
23 RSVP projects.

24 (d) Up to five percent of the moneys may be used to support
25 projects that will benefit RSVPs statewide.

26 (2) Grants under subsection (1) of this section shall give priority
27 to programs in the areas of education, tutoring, English as a second
28 language, combating of and education on drug abuse, housing and
29 homeless, and respite care, and shall be distributed in accordance with
30 the following:

31 (a) None of the grant moneys may be used to displace any paid
32 employee in the area being served.

33 (b) Grants shall be made for programs that focus on:

34 (i) Developing new roles for senior volunteers in nonprofit and
35 public organizations with special emphasis on areas targeted in section
36 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of
37 the local senior population and shall respect their life experiences;

1 (ii) Increasing the expertise of volunteer managers and RSVP
2 managers in the areas of communication, recruitment, motivation, and
3 retention of today's over-sixty population;

4 (iii) Increasing the number of senior citizens recruited, referred,
5 and placed with nonprofit and public organizations; and

6 (iv) Providing volunteer support such as: Mileage to and from the
7 volunteer assignment, recognition, and volunteer insurance.

8 **Sec. 104.** RCW 43.63A.307 and 2009 c 148 s 2 are each amended to
9 read as follows:

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

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

14 (+2)) "Eligible youth" means an individual who:

15 (a) On or after September 1, 2006, is at least eighteen, was a
16 dependent of the state under chapter 13.34 RCW at any time during the
17 four-month period before his or her eighteenth birthday, and has not
18 yet reached the age of twenty-three;

19 (b) Except as provided in RCW 43.63A.309(2)(a), has a total income
20 from all sources, except for temporary sources that include, but are
21 not limited to, overtime wages, bonuses, or short-term temporary
22 assignments, that does not exceed fifty percent of the area median
23 income;

24 (c) Is not receiving services under RCW 74.13.031(10)(b);

25 (d) Complies with other eligibility requirements the department may
26 establish.

27 ((+3)) (2) "Fair market rent" means the fair market rent in each
28 county of the state, as determined by the United States department of
29 housing and urban development.

30 ((+4)) (3) "Independent housing" means a housing unit that is not
31 owned by or located within the home of the eligible youth's biological
32 parents or any of the eligible youth's former foster care families or
33 dependency guardians. "Independent housing" may include a unit in a
34 transitional or other supportive housing facility.

35 ((+5)) (4) "Individual development account" or "account" means an
36 account established by contract between a low-income individual and a
37 sponsoring organization for the benefit of the low-income individual

1 and funded through periodic contributions by the low-income individual
2 that are matched with contributions by or through the sponsoring
3 organization.

4 ~~((+6))~~ (5) "Subcontractor organization" means an eligible
5 organization described under RCW 43.185A.040 that contracts with the
6 department to administer the independent youth housing program.

7 **Sec. 105.** RCW 43.63A.400 and 1993 c 280 s 72 are each amended to
8 read as follows:

9 The department ~~((of community, trade, and economic development))~~
10 shall distribute grants to eligible public radio and television
11 broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with
12 programming, operations, and capital needs.

13 **Sec. 106.** RCW 43.63A.410 and 1993 c 280 s 73 are each amended to
14 read as follows:

15 (1) Eligibility for grants under this section shall be limited to
16 broadcast stations which are:

17 (a) Licensed to Washington state organizations, nonprofit
18 corporations, or other entities under section 73.621 of the regulations
19 of the federal communications commission; and

20 (b) Qualified to receive community service grants from the
21 federally chartered corporation for public broadcasting. Eligibility
22 shall be established as of February 28th of each year.

23 (2) The formula in this subsection shall be used to compute the
24 amount of each eligible station's grant under this section.

25 (a) Appropriations under this section shall be divided into a radio
26 fund, which shall be twenty-five percent of the total appropriation
27 under this section, and a television fund, which shall be seventy-five
28 percent of the total appropriation under this section. Each of the two
29 funds shall be divided into a base grant pool, which shall be fifty
30 percent of the fund, and an incentive grant pool, which shall be the
31 remaining fifty percent of the fund.

32 (b) Each eligible participating public radio station shall receive
33 an equal share of the radio base grant pool, plus a share of the radio
34 incentive grant pool equal to the proportion its nonfederal financial
35 support bears to the sum of all participating radio stations'

1 nonfederal financial support as most recently reported to the
2 corporation for public broadcasting.

3 (c) Each eligible participating public television station shall
4 receive an equal share of the television base grant pool, plus a share
5 of the television incentive grant pool equal to the proportion its
6 nonfederal financial support bears to the sum of all participating
7 television stations' nonfederal financial support as most recently
8 reported to the corporation for public broadcasting.

9 (3) Annual financial reports to the corporation for public
10 broadcasting by eligible stations shall also be submitted by the
11 stations to the department (~~of community, trade, and economic~~
12 ~~development~~)).

13 **Sec. 107.** RCW 43.63A.420 and 1987 c 308 s 4 are each amended to
14 read as follows:

15 (1) Eligibility for grants under this section shall be limited to
16 broadcast stations that:

17 (a) Have a noncommercial educational license granted by the federal
18 communications commission;

19 (b) Are not eligible under RCW 43.63A.410;

20 (c) Have a permanent employee who is assigned operational
21 management responsibility for the station and who is not compensated
22 with moneys granted under this section;

23 (d) Meet the operating schedule requirements of the station's
24 federal broadcast license;

25 (e) Have facilities and equipment that allow for program
26 origination and production;

27 (f) Have a daily broadcast schedule devoted primarily to serving
28 the educational, informational, and cultural needs of the community
29 within its primary service area. The programming shall be intended for
30 a general audience and not designed to further a particular religious
31 philosophy or political organization;

32 (g) Originate a locally produced program service designed to serve
33 the community;

34 (h) Maintain financial records in accordance with generally
35 accepted accounting principles; and

36 (i) Complete an eligibility criteria statement and annual financial

1 survey pursuant to rules adopted by the department (~~of community~~
2 ~~development~~)).

3 (2)(a) A grant of up to ten thousand dollars per year may be made
4 under this section to those eligible stations operating at least twelve
5 hours per day, three hundred sixty-five days each year, with
6 transmitting facilities developed to the maximum combination of
7 effective radiated power and antenna height possible under the
8 station's federal communications commission license.

9 (b) A grant of up to eight thousand dollars per year may be made
10 under this section to those eligible stations operating at least twelve
11 hours per day, three hundred sixty-five days each year, with
12 transmitting facilities not fully developed under federal
13 communications commission rules.

14 (c) A grant of up to five thousand dollars per year may be made
15 under this section to those eligible stations operating less than
16 twelve hours per day, three hundred sixty-five days each year, with
17 transmitting facilities developed to the maximum combination of
18 effective radiated power and antenna height possible under the
19 station's federal communications commission license.

20 (d) A grant of up to one thousand five hundred dollars per year may
21 be made under this section to those eligible stations not meeting the
22 requirements of (a), (b), or (c) of this subsection.

23 (3) Funding received under this section is specifically for the
24 support of public broadcast operations and facilities improvements
25 which benefit the general community. No funds received under this
26 section may be used for any other purposes by licensees of eligible
27 stations.

28 (4) Any portion of the appropriation not expended under this
29 section shall be transferred for expenditure under RCW 43.63A.410.

30 **Sec. 108.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to
31 read as follows:

32 There is established in the department (~~of community, trade, and~~
33 ~~economic development~~) a grant program to enhance funding for
34 prostitution prevention and intervention services. Activities that can
35 be funded through this grant program shall provide effective
36 prostitution prevention and intervention services, such as counseling,
37 parenting, housing relief, education, and vocational training, that:

- 1 (1) Comprehensively address the problems of persons who are
2 prostitutes; and
3 (2) Enhance the ability of persons to leave or avoid prostitution.

4 **Sec. 109.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended to
5 read as follows:

6 (1) Subject to funds appropriated by the legislature, including
7 funds in the prostitution prevention and intervention account, the
8 department (~~(of community, trade, and economic development)~~) shall make
9 awards under the grant program established by RCW 43.63A.720.

10 (2) Awards shall be made competitively based on the purposes of and
11 criteria in RCW 43.63A.720 through 43.63A.730.

12 (3) Activities funded under this section may be considered for
13 funding in future years, but shall be considered under the same terms
14 and criteria as new activities. Funding of a program or activity under
15 this chapter shall not constitute an obligation by the state of
16 Washington to provide ongoing funding.

17 (4) The department (~~(of community, trade, and economic~~
18 ~~development)~~) may receive such gifts, grants, and endowments from
19 public or private sources as may be made from time to time, in trust or
20 otherwise, for the use and benefit of the purposes of the grant program
21 established under RCW 43.63A.720 and expend the same or any income from
22 these sources according to the terms of the gifts, grants, or
23 endowments.

24 (5) The department (~~(of community, trade, and economic~~
25 ~~development)~~) may expend up to five percent of the funds appropriated
26 for the grant program for administrative costs and grant supervision.

27 **Sec. 110.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each
28 amended to read as follows:

29 (1) The airport impact mitigation account is created in the custody
30 of the state treasury. Moneys deposited in the account, including
31 moneys received from the port of Seattle for purposes of this section,
32 may be used only for airport mitigation purposes as provided in this
33 section. Only the director (~~(of the department of community, trade,~~
34 ~~and economic development)~~) or the director's designee may authorize
35 expenditures from the account. The account is subject to allotment

1 procedures under chapter 43.88 RCW, but an appropriation is not
2 required for expenditures.

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

23 (3) The director (~~of the department of community, trade, and~~
24 ~~economic development~~) shall establish the airport impact mitigation
25 advisory board comprised of persons in the airport impact area to
26 assist the director in developing criteria and ranking applications
27 under this section. The advisory board shall include representation of
28 local governments, the public in general, businesses, schools,
29 community services organizations, parks and recreational activities,
30 and others at the discretion of the director. The advisory board shall
31 be weighted toward those communities closest to the airport that are
32 more adversely impacted by airport activities.

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

36 (5) The department (~~of community, trade, and economic~~
37 ~~development~~) shall report on its activities related to the account

1 created in this section by January 1, 2004, and each January 1st
2 thereafter.

3 **Sec. 111.** RCW 43.63A.764 and 2008 c 327 s 13 are each amended to
4 read as follows:

5 The definitions in this section apply throughout RCW 43.63A.125,
6 this section, and RCW 43.63A.766 and 43.63A.768 unless the context
7 clearly requires otherwise.

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

10 (+2)) "Distressed community" means: (a) A county that has an
11 unemployment rate that is twenty percent above the state average for
12 the immediately previous three years; (b) an area within a county that
13 the department determines to be a low-income community, using as
14 guidance the low-income community designations under the community
15 development financial institutions fund's new markets tax credit
16 program of the United States department of the treasury; or (c) a
17 school district in which at least fifty percent of local elementary
18 students receive free and reduced-price meals.

19 ((+3)) (2) "Nonprofit organization" means an organization that is
20 tax exempt, or not required to apply for an exemption, under section
21 501(c)(3) of the federal internal revenue code of 1986, as amended.

22 ((+4)) (3) "Technical assistance" means professional services
23 provided under contract to nonprofit organizations for feasibility
24 studies, planning, and project management related to acquiring,
25 constructing, or rehabilitating nonresidential community services
26 facilities.

27 **Sec. 112.** RCW 43.70.540 and 2005 c 282 s 45 are each amended to
28 read as follows:

29 The legislature recognizes that the state patrol, the
30 administrative office of the courts, the sheriffs' and police chiefs'
31 association, the department of social and health services, the
32 department of (~~community, trade, and economic development~~) commerce,
33 the sentencing guidelines commission, the department of corrections,
34 and the superintendent of public instruction each have comprehensive
35 data and analysis capabilities that have contributed greatly to our
36 current understanding of crime and violence, and their causes.

1 The legislature finds, however, that a single health-oriented
2 agency must be designated to provide consistent guidelines to all these
3 groups regarding the way in which their data systems collect this
4 important data. It is not the intent of the legislature by RCW
5 43.70.545 to transfer data collection requirements from existing
6 agencies or to require the addition of major new data systems. It is
7 rather the intent to make only the minimum required changes in existing
8 data systems to increase compatibility and comparability, reduce
9 duplication, and to increase the usefulness of data collected by these
10 agencies in developing more accurate descriptions of violence.

11 **Sec. 113.** RCW 43.79.201 and 2009 c 564 s 935 are each amended to
12 read as follows:

13 (1) The charitable, educational, penal and reformatory institutions
14 account is hereby created, in the state treasury, into which account
15 there shall be deposited all moneys arising from the sale, lease or
16 transfer of the land granted by the United States government to the
17 state for charitable, educational, penal and reformatory institutions
18 by section 17 of the enabling act, or otherwise set apart for such
19 institutions, except all moneys arising from the sale, lease, or
20 transfer of that certain one hundred thousand acres of such land
21 assigned for the support of the University of Washington by chapter 91,
22 Laws of 1903 and section 9, chapter 122, Laws of 1893.

23 (2) If feasible, not less than one-half of all income to the
24 charitable, educational, penal, and reformatory institutions account
25 shall be appropriated for the purpose of providing housing, including
26 repair and renovation of state institutions, for persons with mental
27 illness or developmental disabilities, or youth who are blind, deaf, or
28 otherwise disabled. If moneys are appropriated for community-based
29 housing, the moneys shall be appropriated to the department of
30 (~~community, trade, and economic development~~) commerce for the housing
31 assistance program under chapter 43.185 RCW. During the 2009-2011
32 fiscal biennium, the legislature may transfer from the charitable,
33 educational, penal and reformatory institutions account to the state
34 general fund such amounts as reflect excess fund balance of the (~~fund~~
35 ~~account~~) account.

1 **Sec. 114.** RCW 43.83.184 and 1995 c 399 s 78 are each amended to
2 read as follows:

3 For the purpose of acquiring land and providing needed capital
4 improvements consisting of the planning, acquisition, construction,
5 remodeling, and furnishing, together with all improvements,
6 enhancements, fixed equipment facilities of office buildings, parking
7 facilities, and such other buildings, facilities, and utilities as are
8 determined to be necessary to provide space including offices,
9 committee rooms, hearing rooms, work rooms, and industrial-related
10 space for the legislature, for other elective officials, and such other
11 state agencies as may be necessary, and for the purpose of land
12 acquisitions by the department of transportation, grants and loans by
13 the department (~~of community, trade, and economic development~~)
14 commerce, and facilities of the department of corrections and other
15 state agencies, the state finance committee is authorized to issue
16 general obligation bonds of the state of Washington in the sum of
17 sixty-four million two hundred seventy thousand dollars, or so much
18 thereof as may be required, to finance these projects and all costs
19 incidental thereto. No bonds authorized in this section may be offered
20 for sale without prior legislative appropriation.

21 **Sec. 115.** RCW 43.105.370 and 2009 c 509 s 2 are each amended to
22 read as follows:

23 (1) The broadband mapping account is established in the custody of
24 the state treasurer. The department shall deposit into the account
25 such funds received from legislative appropriation, federal grants
26 authorized under the federal broadband data improvement act, P.L. 110-
27 385, Title I, and donated funds from private and public sources.
28 Expenditures from the account may be used only for the purposes of RCW
29 43.105.372 through 43.105.376. Only the director of the department or
30 the director's designee may authorize expenditures from the account.
31 The account is subject to the allotment procedures under chapter 43.88
32 RCW, but an appropriation is not required for expenditures.

33 (2) The department of information services is the single eligible
34 entity in the state for purposes of the federal broadband data
35 improvement act, P.L. 110-385, Title I.

36 (3) Funding received by the department under the federal broadband
37 data improvement act, P.L. 110-385, Title I, must be used in accordance

1 with the requirements of that act and, subject to those requirements,
2 may be distributed by the department on a competitive basis to other
3 entities in the state to achieve the purposes of that act.

4 (4) The department of information services shall consult with the
5 department of (~~community, trade, and economic development~~) commerce
6 or its successor agency, the office of financial management, and the
7 utilities and transportation commission in coordinating broadband
8 mapping activities. In carrying out any broadband mapping activities,
9 the provisions of P.L. 110-385, Title I, regarding trade secrets,
10 commercial or financial information, and privileged or confidential
11 information submitted by the federal communications commission or a
12 broadband provider are deemed to encompass the consulted agencies.

13 **Sec. 116.** RCW 43.105.376 and 2009 c 509 s 5 are each amended to
14 read as follows:

15 (1) The department, in coordination with the department of
16 (~~community, trade, and economic development~~) commerce and the
17 utilities and transportation commission, and such advisors as the
18 department chooses, may prepare regular reports that identify the
19 following:

20 (a) The geographic areas of greatest priority for the deployment of
21 advanced telecommunications infrastructure in the state;

22 (b) A detailed explanation of how any amount of funding received
23 from the federal government for the purposes of broadband mapping,
24 deployment, and adoption will be or have been used; and

25 (c) A determination of how nonfederal sources may be utilized to
26 achieve the purposes of broadband mapping, deployment, and adoption
27 activities in the state.

28 (2) To the greatest extent possible, the initial report should be
29 based upon the information identified in the geographic system maps
30 developed under the requirements of this chapter.

31 (3) The initial report should be delivered to the appropriate
32 committees of the legislature as soon as feasible, but no later than
33 January 18, 2010.

34 (4) Future reports based upon the requirements of subsection (1) of
35 this section should be delivered to the appropriate committees of the
36 legislature by January 15th of each year.

1 **Sec. 117.** RCW 43.110.010 and 2001 c 290 s 1 are each amended to
2 read as follows:

3 There shall be a state agency which shall be known as the municipal
4 research council. The council shall be composed of fourteen members.
5 Two members shall be appointed by the president of the senate, with
6 equal representation from each of the two major political parties; two
7 members shall be appointed by the speaker of the house of
8 representatives, with equal representation from each of the two major
9 political parties; one member shall be the director of (~~community,~~
10 ~~trade, and economic development~~) commerce; six members, who shall be
11 city or town officials, shall be appointed by the governor from a list
12 of six nominees submitted by the board of directors of the association
13 of Washington cities; and three members, who shall be county officials,
14 shall be appointed by the governor, one of whom shall be a nominee
15 submitted by the board of directors of the Washington association of
16 county officials, and two of whom shall be from a list of two nominees
17 submitted by the board of directors of the Washington state association
18 of counties. Of the city or town officials, at least one shall be an
19 official of a city having a population of twenty thousand or more; at
20 least one shall be an official of a city having a population of one
21 thousand five hundred to twenty thousand; and at least one shall be an
22 official of a town having a population of less than one thousand five
23 hundred.

24 The terms of members shall be for two years. The terms of those
25 members who are appointed as legislators or city, town, or county
26 officials shall be dependent upon continuance in legislative, city,
27 town, or county office. The terms of all members except legislative
28 members shall commence on the first day of August in every odd-numbered
29 year. The speaker of the house of representatives and the president of
30 the senate shall make their appointments on or before the third Monday
31 in January in each odd-numbered year, and the terms of the members thus
32 appointed shall commence on the third Monday of January in each odd-
33 numbered year.

34 Councilmembers shall receive no compensation but shall be
35 reimbursed for travel expenses at rates in accordance with RCW
36 43.03.050 and 43.03.060 as now existing or hereafter amended, except
37 that members of the council who are also members of the legislature
38 shall be reimbursed at the rates provided by RCW 44.04.120.

1 **Sec. 118.** RCW 43.132.020 and 2000 c 182 s 2 are each amended to
2 read as follows:

3 The director of financial management or the director's designee
4 shall, in cooperation with appropriate legislative committees and
5 legislative staff, establish a mechanism for the determination of the
6 fiscal impact of proposed legislation which if enacted into law would
7 directly or indirectly increase or decrease revenues received or
8 expenditures incurred by counties, cities, towns, or any other units of
9 local government. The office of financial management shall, when
10 requested by a member of the state legislature, report in writing as to
11 such fiscal impact and said report shall be known as a "fiscal note".

12 Such fiscal notes shall indicate by fiscal year the total impact on
13 the local governments involved for the first two years the legislation
14 would be in effect and also a cumulative six year forecast of the
15 fiscal impact. Where feasible and applicable, the fiscal note also
16 shall indicate the fiscal impact on each individual county or on a
17 representative sampling of cities, towns, or other units of local
18 government.

19 A fiscal note as defined in this section shall be provided only
20 upon request of any member of the state legislature. A request for a
21 fiscal note on legislation shall be considered to be a continuing
22 request for a fiscal note on any formal alteration of the legislation
23 in the form of amendments to the legislation that are adopted by a
24 committee or a house of the legislature or a substitute version of such
25 legislation that is adopted by a committee and preparation of the
26 fiscal note on the prior version of the legislation shall stop, unless
27 the legislator requesting the fiscal note specifies otherwise or the
28 altered version is first adopted or enacted in the last week of a
29 legislative session.

30 Fiscal notes shall be completed within one week of the request
31 unless a longer time period is allowed by the requesting legislator.
32 In the event a fiscal note has not been completed within one week of a
33 request, a daily report shall be prepared for the requesting legislator
34 by the director of financial management which report summarizes the
35 progress in preparing the fiscal note. If the request is referred to
36 the director of ((community, trade, and economic development))
37 commerce, the daily report shall also include the date and time such
38 referral was made.

1 **Sec. 122.** RCW 43.133.030 and 1995 c 399 s 81 are each amended to
2 read as follows:

3 The office of financial management and the department of
4 (~~community, trade, and economic development~~) commerce shall, in
5 cooperation with appropriate legislative committees and legislative
6 staff, establish a procedure for the provision of sunrise notes on the
7 expected impact of bills and resolutions that authorize the creation of
8 new boards and new types of special purpose districts.

9 **Sec. 123.** RCW 43.133.050 and 1995 c 399 s 82 are each amended to
10 read as follows:

11 (1) The office of financial management shall prepare sunrise notes
12 for legislation concerning the creation of new boards. The department
13 of (~~community, trade, and economic development~~) commerce shall
14 prepare sunrise notes for legislation creating new types of special
15 purpose districts.

16 (2) A sunrise note shall be prepared for all executive and agency
17 request legislation that creates a board or special purpose district.

18 (3) The office of financial management or the department of
19 (~~community, trade, and economic development~~) commerce shall also
20 provide a sunrise note at the request of any committee of the
21 legislature.

22 **Sec. 124.** RCW 43.150.040 and 1995 c 399 s 84 are each amended to
23 read as follows:

24 The governor may establish a statewide center for volunteerism and
25 citizen service within the department of (~~community, trade, and
26 economic development~~) commerce and appoint an executive administrator,
27 who may employ such staff as necessary to carry out the purposes of
28 this chapter. The provisions of chapter 41.06 RCW do not apply to the
29 executive administrator and the staff.

30 **Sec. 125.** RCW 43.157.010 and 2009 c 421 s 2 are each amended to
31 read as follows:

32 (~~For purposes of~~) The definitions in this section apply
33 throughout this chapter and RCW 28A.525.166, 28B.76.210,
34 (~~28C.18.080,~~) 43.21A.350, and 90.58.100, unless the context requires
35 otherwise:

1 (1)(a) A "project of statewide significance" is:
2 (i) A border crossing project that involves both private and public
3 investments carried out in conjunction with adjacent states or
4 provinces;
5 (ii) A development project that will provide a net environmental
6 benefit;
7 (iii) A development project in furtherance of the commercialization
8 of innovations; or
9 (iv) A private industrial development with private capital
10 investment in manufacturing or research and development.
11 (b) To qualify for designation under RCW 43.157.030 as a project of
12 statewide significance:
13 (i) The project must be completed after January 1, 2009;
14 (ii) The applicant must submit an application (~~(to the department)~~)
15 for designation as a project of statewide significance to the
16 department (~~(of community, trade, and economic development)~~); and
17 (iii) The project must have:
18 (A) In counties with a population less than or equal to twenty
19 thousand, a capital investment of five million dollars;
20 (B) In counties with a population greater than twenty thousand but
21 no more than fifty thousand, a capital investment of ten million
22 dollars;
23 (C) In counties with a population greater than fifty thousand but
24 no more than one hundred thousand, a capital investment of fifteen
25 million dollars;
26 (D) In counties with a population greater than one hundred thousand
27 but no more than two hundred thousand, a capital investment of twenty
28 million dollars;
29 (E) In counties with a population greater than two hundred thousand
30 but no more than four hundred thousand, a capital investment of thirty
31 million dollars;
32 (F) In counties with a population greater than four hundred
33 thousand but no more than one million, a capital investment of forty
34 million dollars;
35 (G) In counties with a population greater than one million, a
36 capital investment of fifty million dollars;
37 (H) In rural counties as defined by RCW 82.14.370, projected full-

1 time employment positions after completion of construction of fifty or
2 greater;

3 (I) In counties other than rural counties as defined by RCW
4 82.14.370, projected full-time employment positions after completion of
5 construction of one hundred or greater; or

6 (J) Been qualified by the director of the department as a project
7 of statewide significance either because:

8 (I) The economic circumstances of the county merit the additional
9 assistance such designation will bring;

10 (II) The impact on a region due to the size and complexity of the
11 project merits such designation;

12 (III) The project resulted from or is in furtherance of innovation
13 activities at a public research institution in the state or is in or
14 resulted from innovation activities within an innovation partnership
15 zone; or

16 (IV) The project will provide a net environmental benefit as
17 evidenced by plans for design and construction under green building
18 standards or for the creation of renewable energy technology or
19 components or under other environmental criteria established by the
20 director in consultation with the director of the department of
21 ecology.

22 A project may be qualified under this subsection (1)(b)(iii)(J)
23 only after consultation on the availability of staff resources of the
24 office of regulatory assistance.

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

27 (3) "Manufacturing" shall have the meaning assigned it in RCW
28 82.62.010.

29 (4) "Research and development" shall have the meaning assigned it
30 in RCW 82.62.010.

31 (5) "Applicant" means a person applying to the department for
32 designation of a development project as a project of statewide
33 significance.

34 **Sec. 126.** RCW 43.157.030 and 2009 c 421 s 4 are each amended to
35 read as follows:

36 (1) The department of (~~community, trade, and economic~~
37 ~~development~~) commerce shall:

1 (a) Develop an application for designation of development projects
2 as projects of statewide significance. The application must be
3 accompanied by a letter of approval from the legislative authority of
4 any jurisdiction that will have the proposed project of statewide
5 significance within its boundaries. No designation of a project as a
6 project of statewide significance shall be made without such letter of
7 approval. The letter of approval must state that the jurisdiction
8 joins in the request for the designation of the project as one of
9 statewide significance and has or will hire the professional staff that
10 will be required to expedite the processes necessary to the completion
11 of a project of statewide significance. The development project
12 proponents may provide the funding necessary for the jurisdiction to
13 hire the professional staff that will be required to so expedite. The
14 application shall contain information regarding the location of the
15 project, the applicant's average employment in the state for the prior
16 year, estimated new employment related to the project, estimated wages
17 of employees related to the project, estimated time schedules for
18 completion and operation, and other information required by the
19 department; and

20 (b) Designate a development project as a project of statewide
21 significance if the department determines:

22 (i) After review of the application under criteria adopted by rule,
23 the development project will provide significant economic benefit to
24 the local or state economy, or both, the project is aligned with the
25 state's comprehensive plan for economic development under RCW
26 43.162.020, and, by its designation, the project will not prevent equal
27 consideration of all categories of proposals under RCW 43.157.010; and

28 (ii) The development project meets or will meet the requirements of
29 RCW 43.157.010 regarding designation as a project of statewide
30 significance.

31 (2) The office of regulatory assistance shall assign a project
32 facilitator or coordinator to each project of statewide significance
33 to:

34 (a) Assist in the scoping and coordinating functions provided for
35 in chapter 43.42 RCW;

36 (b) Assemble a team of state and local government and private
37 officials to help meet the planning, permitting, and development needs
38 of each project, which team shall include those responsible for

1 planning, permitting and licensing, infrastructure development,
2 workforce development services including higher education,
3 transportation services, and the provision of utilities; and

4 (c) Work with each team member to expedite their actions in
5 furtherance of the project.

6 **Sec. 127.** RCW 43.160.030 and 2008 c 327 s 3 are each amended to
7 read as follows:

8 (1) The community economic revitalization board is hereby created
9 to exercise the powers granted under this chapter.

10 (2) The board shall consist of one member from each of the two
11 major caucuses of the house of representatives to be appointed by the
12 speaker of the house and one member from each of the two major caucuses
13 of the senate to be appointed by the president of the senate. The
14 board shall also consist of the following members appointed by the
15 governor: A recognized private or public sector economist; one port
16 district official; one county official; one city official; one
17 representative of a federally recognized Indian tribe; one
18 representative of the public; one representative of small businesses
19 each from: (a) The area west of Puget Sound, (b) the area east of
20 Puget Sound and west of the Cascade range, (c) the area east of the
21 Cascade range and west of the Columbia river, and (d) the area east of
22 the Columbia river; one executive from large businesses each from the
23 area west of the Cascades and the area east of the Cascades. The
24 appointive members shall initially be appointed to terms as follows:
25 Three members for one-year terms, three members for two-year terms, and
26 three members for three-year terms which shall include the chair.
27 Thereafter each succeeding term shall be for three years. The chair of
28 the board shall be selected by the governor. The members of the board
29 shall elect one of their members to serve as vice-chair. The director
30 of (~~community, trade, and economic development~~) commerce, the
31 director of revenue, the commissioner of employment security, and the
32 secretary of transportation shall serve as nonvoting advisory members
33 of the board.

34 (3) Management services, including fiscal and contract services,
35 shall be provided by the department to assist the board in implementing
36 this chapter.

1 (4) Members of the board shall be reimbursed for travel expenses as
2 provided in RCW 43.03.050 and 43.03.060.

3 (5) If a vacancy occurs by death, resignation, or otherwise of
4 appointive members of the board, the governor shall fill the same for
5 the unexpired term. Members of the board may be removed for
6 malfeasance or misfeasance in office, upon specific written charges by
7 the governor, under chapter 34.05 RCW.

8 (6) A member appointed by the governor may not be absent from more
9 than fifty percent of the regularly scheduled meetings in any one
10 calendar year. Any member who exceeds this absence limitation is
11 deemed to have withdrawn from the office and may be replaced by the
12 governor.

13 (7) A majority of members currently appointed constitutes a quorum.

14 **Sec. 128.** RCW 43.162.010 and 2007 c 232 s 2 are each amended to
15 read as follows:

16 (1) The Washington state economic development commission is
17 established to oversee the economic development strategies and policies
18 of the department of (~~community, trade, and economic development~~)
19 commerce.

20 (2)(a) The Washington state economic development commission shall
21 consist of eleven voting members appointed by the governor as follows:
22 Six representatives of the private sector, one representative of labor,
23 one representative of port districts, one representative of four-year
24 state public higher education, one representative for state community
25 or technical colleges, and one representative of associate development
26 organizations. The director of (~~the department of community, trade,
27 and economic development~~) commerce, the director of the workforce
28 training and education coordinating board, the commissioner of the
29 employment security department, and the chairs and ranking minority
30 members of the standing committees of the house of representatives and
31 the senate overseeing economic development policies shall serve as
32 nonvoting ex officio members.

33 The chair of the commission shall be a voting member selected by
34 the governor with the consent of the senate, and shall serve at the
35 pleasure of the governor. In selecting the chair, the governor shall
36 seek a person who understands the future economic needs of the state

1 and nation and the role the state's economic development system has in
2 meeting those needs.

3 (b) In making the appointments, the governor shall consult with
4 organizations that have an interest in economic development, including,
5 but not limited to, industry associations, labor organizations,
6 minority business associations, economic development councils, chambers
7 of commerce, port associations, tribes, and the chairs of the
8 legislative committees with jurisdiction over economic development.

9 (c) The members shall be representative of the geographic regions
10 of the state, including eastern and central Washington, as well as
11 represent the ethnic diversity of the state. Private sector members
12 shall represent existing and emerging industries, small businesses,
13 women-owned businesses, and minority-owned businesses. Members of the
14 commission shall serve statewide interests while preserving their
15 diverse perspectives, and shall be recognized leaders in their fields
16 with demonstrated experience in economic development or disciplines
17 related to economic development.

18 (3) Members appointed by the governor shall serve at the pleasure
19 of the governor for three-year terms.

20 (4) The commission may establish committees as it desires, and may
21 invite nonmembers of the commission to serve as committee members.

22 (5) The executive director of the commission shall be appointed by
23 the governor with the consent of the voting members of the commission.
24 The governor may dismiss the director only with the approval of a
25 majority vote of the commission. The commission, by a majority vote,
26 may dismiss the executive director with the approval of the governor.

27 (6) The commission may adopt rules for its own governance.

28 **Sec. 129.** RCW 43.162.025 and 2007 c 232 s 5 are each amended to
29 read as follows:

30 Subject to available funds, the Washington state economic
31 development commission may:

32 (1) Periodically review for consistency with the state
33 comprehensive plan for economic development the policies and plans
34 established for:

35 (a) Business and technical assistance by the small business
36 development center, the Washington manufacturing service, the

1 Washington technology center, associate development organizations, the
2 department of (~~community, trade, and economic development~~) commerce,
3 and the office of minority and women-owned business enterprises;

4 (b) Export assistance by the small business export finance
5 assistance center, the international marketing program for agricultural
6 commodities and trade, the department of agriculture, the center for
7 international trade in forest products, associate development
8 organizations, and the department of (~~community, trade, and economic
9 development~~) commerce; and

10 (c) Infrastructure development by the department of (~~community,
11 trade, and economic development~~) commerce and the department of
12 transportation;

13 (2) Review and make recommendations to the office of financial
14 management and the legislature on budget requests and legislative
15 proposals relating to the state economic development system for
16 purposes of consistency with the state comprehensive plan for economic
17 development;

18 (3) Provide for coordination among the different agencies,
19 organizations, and components of the state economic development system
20 at the state level and at the regional level;

21 (4) Advocate for the state economic development system and for
22 meeting the needs of industry associations, industry clusters,
23 businesses, and employees;

24 (5) Identify partners and develop a plan to develop a consistent
25 and reliable database on participation rates, costs, program
26 activities, and outcomes from publicly funded economic development
27 programs in this state by January 1, 2011.

28 (a) In coordination with the development of the database, the
29 commission shall establish standards for data collection and
30 maintenance for providers in the economic development system in a
31 format that is accessible to use by the commission. The commission
32 shall require a minimum of common core data to be collected by each
33 entity providing economic development services with public funds and
34 shall develop requirements for minimum common core data in consultation
35 with the economic climate council, the office of financial management,
36 and the providers of economic development services;

37 (b) The commission shall establish minimum common standards and

1 metrics for program evaluation of economic development programs, and
2 monitor such program evaluations; and

3 (c) The commission shall, beginning no later than January 1, 2012,
4 periodically administer, based on a schedule established by the
5 commission, scientifically based outcome evaluations of the state
6 economic development system including, but not limited to, surveys of
7 industry associations, industry cluster associations, and businesses
8 served by publicly funded economic development programs; matches with
9 employment security department payroll and wage files; and matches with
10 department of revenue tax files; and

11 (6) Evaluate proposals for expenditure from the economic
12 development strategic reserve account and recommend expenditures from
13 the account.

14 The commission may delegate to the director any of the functions of
15 this section.

16 **Sec. 130.** RCW 43.162.030 and 2007 c 232 s 7 are each amended to
17 read as follows:

18 Creation of the Washington state economic development commission
19 shall not be construed to modify any authority or budgetary
20 responsibility of the governor or the department of (~~community, trade,~~
21 ~~and economic development~~) commerce.

22 **Sec. 131.** RCW 43.163.020 and 1995 c 399 s 89 are each amended to
23 read as follows:

24 The Washington economic development finance authority is
25 established as a public body corporate and politic, with perpetual
26 corporate succession, constituting an instrumentality of the state of
27 Washington exercising essential governmental functions. The authority
28 is a public body within the meaning of RCW 39.53.010.

29 The authority shall consist of (~~eighteen [seventeen]~~) seventeen
30 members as follows: The director of (~~the department of community,~~
31 ~~trade, and economic development~~) commerce, the director of the
32 department of agriculture, the state treasurer, one member from each
33 caucus in the house of representatives appointed by the speaker of the
34 house, one member from each caucus in the senate appointed by the
35 president of the senate, and ten public members with one representative
36 of women-owned businesses and one representative of minority-owned

1 businesses and with at least three of the members residing east of the
2 Cascades. The public members shall be residents of the state appointed
3 by the governor on the basis of their interest or expertise in trade,
4 agriculture or business finance or jobs creation and development. One
5 of the public members shall be appointed by the governor as chair of
6 the authority and shall serve as chair of the authority at the pleasure
7 of the governor. The authority may select from its membership such
8 other officers as it deems appropriate.

9 The term of the persons appointed by the governor as public members
10 of the authority, including the public member appointed as chair, shall
11 be four years from the date of appointment, except that the term of
12 three of the initial appointees shall be for two years from the date of
13 appointment and the term of four of the initial appointees shall be for
14 three years from the date of appointment. The governor shall designate
15 the appointees who will serve the two-year and three-year terms.

16 In the event of a vacancy on the authority due to death,
17 resignation or removal of one of the public members, or upon the
18 expiration of the term of one of the public members, the governor shall
19 appoint a successor for the remainder of the unexpired term. If either
20 of the state offices is abolished, the resulting vacancy on the
21 authority shall be filled by the state officer who shall succeed
22 substantially to the power and duties of the abolished office.

23 Any public member of the authority may be removed by the governor
24 for misfeasance, malfeasance or willful neglect of duty after notice
25 and a public hearing, unless such notice and hearing shall be expressly
26 waived in writing by the affected public member.

27 The state officials serving in ex officio capacity may each
28 designate an employee of their respective departments to act on their
29 behalf in all respects with regard to any matter to come before the
30 authority. Such designations shall be made in writing in such manner
31 as is specified by the rules of the authority.

32 The members of the authority shall serve without compensation but
33 shall be entitled to reimbursement, solely from the funds of the
34 authority, for expenses incurred in the discharge of their duties under
35 this chapter. The authority may borrow funds from the department for
36 the purpose of reimbursing members for expenses; however, the authority
37 shall repay the department as soon as practicable.

38 A majority of the authority shall constitute a quorum.

1 **Sec. 132.** RCW 43.163.060 and 1995 c 399 s 90 are each amended to
2 read as follows:

3 (1) The authority is authorized to participate fully in federal and
4 other governmental economic development finance programs and to take
5 such actions as are necessary and consistent with this chapter to
6 secure to itself and the people of the state the benefits of those
7 programs and to meet their requirements.

8 (2) The authority shall coordinate its programs with those
9 contributing to a common purpose found elsewhere in the departments of
10 (~~community, trade, and economic development~~) commerce, agriculture or
11 employment security, or any other department or organization of, or
12 affiliated with, the state or federal government, and shall avoid any
13 duplication of such activities or programs provided elsewhere. The
14 departments of (~~community, trade, and economic development~~) commerce,
15 agriculture, employment security and other relevant state agencies
16 shall provide to the authority all reports prepared in the course of
17 their ongoing activities which may assist in the identification of
18 unmet capital financing needs by small-sized and medium-sized
19 businesses in the state.

20 **Sec. 133.** RCW 43.163.120 and 1998 c 245 s 51 are each amended to
21 read as follows:

22 The authority shall receive no appropriation of state funds. The
23 department of (~~community, trade, and economic development~~) commerce
24 shall provide staff to the authority, to the extent permitted by law,
25 to enable the authority to accomplish its purposes; the staff from the
26 department (~~of community, trade, and economic development~~) may assist
27 the authority in organizing itself and in designing programs, but shall
28 not be involved in the issuance of bonds or in making credit decisions
29 regarding financing provided to borrowers by the authority.

30 **Sec. 134.** RCW 43.168.010 and 1999 c 164 s 501 are each amended to
31 read as follows:

32 The legislature finds that:
33 (1) The economic health and well-being of the state, particularly
34 in areas of high unemployment, economic stagnation, and poverty, is of
35 substantial public concern.

1 (2) The consequences of minimal economic activity and persistent
2 unemployment and underemployment are serious threats to the safety,
3 health, and welfare of residents of these areas, decreasing the value
4 of private investments and jeopardizing the sources of public revenue.

5 (3) The economic and social interdependence of communities and the
6 vitality of industrial and economic activity necessitates, and is in
7 part dependent on preventing substantial dislocation of residents and
8 rebuilding the diversification of the areas' economy.

9 (4) The ability to remedy problems in stagnant areas of the state
10 is beyond the power and control of the regulatory process and influence
11 of the state, and the ordinary operations of private enterprise without
12 additional governmental assistance are insufficient to adequately
13 remedy the problems of poverty and unemployment.

14 (5) The revitalization of depressed communities requires the
15 stimulation of private investment, the development of new business
16 ventures, the provision of capital to ventures sponsored by local
17 organizations and capable of growth in the business markets, and
18 assistance to viable, but under-financed, small businesses in order to
19 create and preserve jobs that are sustainable in the local economy.

20 Therefore, the legislature declares there to be a substantial
21 public purpose in providing capital to promote economic development and
22 job creation in areas of economic stagnation, unemployment, and
23 poverty. To accomplish this purpose, the legislature hereby creates
24 the rural Washington loan fund and vests in the department of
25 (~~community, trade, and economic development~~) commerce the authority
26 to spend federal funds to stimulate the economy of distressed areas.

27 **Sec. 135.** RCW 43.176.030 and 2004 c 237 s 3 are each amended to
28 read as follows:

29 (1) The small business incubator program is created in the
30 department of (~~community, trade, and economic development~~) commerce
31 to provide start-up and operating assistance to qualified small
32 business incubators.

33 (2) The department shall award grants to qualified small business
34 incubator organizations for:

35 (a) Construction and equipment costs, up to a maximum of three
36 million dollars per recipient; and

1 (b) Provision of technical assistance to small businesses, up to a
2 maximum of one hundred twenty-five thousand dollars per year per
3 recipient.

4 (3) The department shall:

5 (a) Require a grant recipient to show that it has the resources to
6 complete the project in a timely manner and the state grant is not the
7 sole source of funds;

8 (b) Develop, in conjunction with the Washington association of
9 small business incubators, criteria for receipt of grant funds,
10 including criteria related to organizational capacity, community need,
11 and the availability of other economic development resources;

12 (c) Accept and receive grants, gifts, and pledges of funds for the
13 support of the small business incubator program, which shall be
14 deposited in the small business incubator account established in RCW
15 43.176.040; and

16 (d) Integrate the promotion of small business incubators as
17 economic development tools in its strategic plan.

18 **Sec. 136.** RCW 43.176.040 and 2004 c 237 s 4 are each amended to
19 read as follows:

20 The small business incubator account is created in the custody of
21 the state treasurer. All money received for the incubator program
22 under RCW 43.176.030 must be deposited in the account. Expenditures
23 from the account may be used only for the small business incubator
24 program. Only the director of (~~the department of community, trade,
25 and economic development~~) commerce or the director's designee may
26 authorize expenditures from the account. The account is subject to the
27 allotment procedures under chapter 43.88 RCW, but an appropriation is
28 not required for expenditures.

29 **Sec. 137.** RCW 43.176.901 and 2004 c 237 s 6 are each amended to
30 read as follows:

31 The department of (~~community, trade, and economic development~~)
32 commerce shall have no duty to provide services related to the small
33 business incubator and entrepreneurship assistance act of 2004 unless
34 and until the small business incubator program and related
35 administrative expenses are funded by the legislature.

1 **Sec. 138.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
2 read as follows:

3 (1) There is hereby established a public body corporate and
4 politic, with perpetual corporate succession, to be known as the
5 Washington state housing finance commission. The commission is an
6 instrumentality of the state exercising essential government functions
7 and, for purposes of the code, acts as a constituted authority on
8 behalf of the state when it issues bonds pursuant to this chapter. The
9 commission is a "public body" within the meaning of RCW 39.53.010.

10 (2) The commission shall consist of the following voting members:

11 (a) The state treasurer, ex officio;

12 (b) The director of (~~community, trade, and economic development~~)
13 commerce, ex officio;

14 (c) An elected local government official, ex officio, with
15 experience in local housing programs, who shall be appointed by the
16 governor with the consent of the senate;

17 (d) A representative of housing consumer interests, appointed by
18 the governor with the consent of the senate;

19 (e) A representative of labor interests, appointed by the governor,
20 with the consent of the senate, after consultation with representatives
21 of organized labor;

22 (f) A representative of low-income persons, appointed by the
23 governor with the consent of the senate;

24 (g) Five members of the public appointed by the governor, with the
25 consent of the senate, on the basis of geographic distribution and
26 their expertise in housing, real estate, finance, energy efficiency, or
27 construction, one of whom shall be appointed by the governor as chair
28 of the commission and who shall serve on the commission and as chair of
29 the commission at the pleasure of the governor.

30 The term of the persons appointed by the governor, other than the
31 chair, shall be four years from the date of their appointment, except
32 that the terms of three of the initial appointees shall be for two
33 years from the date of their appointment. The governor shall designate
34 the appointees who will serve the two-year terms. An appointee may be
35 removed by the governor for cause pursuant to RCW 43.06.070 and
36 43.06.080. The governor shall fill any vacancy in an appointed
37 position by appointment for the remainder of the unexpired term. If
38 the department of (~~community development~~) commerce is abolished, the

1 resulting vacancy shall be filled by a state official who shall be
2 appointed to the commission by the governor. If this official occupies
3 an office or position for which senate confirmation is not required,
4 then his or her appointment to the commission shall be subject to the
5 consent of the senate. The members of the commission shall be
6 compensated in accordance with RCW 43.03.240 and may be reimbursed,
7 solely from the funds of the commission, for expenses incurred in the
8 discharge of their duties under this chapter, subject to the provisions
9 of RCW 43.03.050 and 43.03.060. A majority of the commission
10 constitutes a quorum. Designees shall be appointed in such manner and
11 shall exercise such powers as are specified by the rules of the
12 commission.

13 (3) The commission may adopt an official seal and may select from
14 its membership a vice chair, a secretary, and a treasurer. The
15 commission shall establish rules concerning its exercise of the powers
16 authorized by this chapter. The rules shall be adopted in conformance
17 with chapter 34.05 RCW.

18 **Sec. 139.** RCW 43.180.200 and 1995 c 399 s 99 are each amended to
19 read as follows:

20 For purposes of the code:

21 (1) The legislature reserves the right at any time to alter or
22 change the structure, organization, programs, or activities of the
23 commission and to terminate the commission, so long as the action does
24 not impair any outstanding contracts entered into by the commission;

25 (2) Any net earnings of the commission beyond that necessary to
26 retire its bonds and to carry out the purposes of this chapter shall
27 not inure to the benefit of any person other than the state;

28 (3) Upon dissolution of the commission, title to all of its
29 remaining property shall vest in the state;

30 (4) The commission constitutes the only housing finance agency of
31 the state of Washington; and

32 (5) In order to take advantage of the maximum amount of tax exempt
33 bonds for housing financing available pursuant to the code, any state
34 ceiling with respect to housing shall be allocated in accordance with
35 the following formula:

36 (a) Eighty percent of the state ceiling shall be allocated to the

1 commission and twenty percent shall be allocated to the other issuing
2 authorities in the state.

3 (b) The allocation to the issuing authorities other than the
4 commission shall be distributed to such issuing authorities in amounts
5 as determined following public notice by the department of (~~community,~~
6 ~~trade, and economic development~~) commerce pursuant to rules
7 promulgated by it. The distribution shall be in response to
8 applications received from such issuing authorities and shall be based
9 on the following factors: (i) The amount of housing to be made
10 available by such applicant; (ii) the population within the
11 jurisdiction of the applicant; (iii) coordination with other applicable
12 federal and state housing programs; (iv) the likelihood of implementing
13 the proposed financing during that year; and (v) consistency with the
14 plan of the commission. On or before February 1 of each year, the
15 department (~~of community, trade, and economic development~~) shall
16 distribute the state ceiling allocation among such issuing authorities
17 and any unused portion shall be added to the allocation of the
18 commission. Each issuing authority other than the commission shall
19 confirm its allocation distribution by providing to the department (~~of~~
20 ~~community, trade, and economic development~~) no later than June 1 a
21 copy of an executed bond purchase contract or alternative documentation
22 deemed sufficient by the commission to evidence the reasonable
23 likelihood of the allocation distribution being fully used. Any
24 portion of such allocation not so confirmed shall be added to the
25 allocation of the commission on July 1. Prior to July 1, the
26 commission shall provide written notice of the allocation decrease to
27 the affected issuing authority. The reallocation shall not limit the
28 authority of the commission to assign a portion of its allocation
29 pursuant to subsection (5)(c) of this section.

30 (c) The commission may assign a portion of its allocation to
31 another issuing agency.

32 **Sec. 140.** RCW 43.180.220 and 1994 c 235 s 1 are each amended to
33 read as follows:

34 The commission, in cooperation with the department of (~~community,~~
35 ~~trade, and economic development~~) commerce, and the state investment
36 board, shall develop and implement a housing finance program that:

1 (1) Provides subsidized or unsubsidized mortgage financing for
2 single-family home ownership, including a single condominium unit,
3 located in the state of Washington;

4 (2) Requests the state investment board to make investments, within
5 its policies and investment guidelines, in mortgage-backed securities
6 that are collateralized by loans made within the state of Washington;
7 and

8 (3) Provides flexible loan underwriting guidelines, including but
9 not limited to provisions that will allow reduced downpayment
10 requirements for the purchaser.

11 **Sec. 141.** RCW 43.185A.100 and 2006 c 349 s 11 are each amended to
12 read as follows:

13 The department, the housing finance commission, the affordable
14 housing advisory board, and all local governments, housing authorities,
15 and other nonprofits receiving state housing funds or financing through
16 the housing finance commission shall, by December 31, 2006, and
17 annually thereafter, review current housing reporting requirements
18 related to housing programs and services and give recommendations to
19 streamline and simplify all planning and reporting requirements to the
20 department of (~~community, trade, and economic development~~) commerce,
21 which will compile and present the recommendations annually to the
22 legislature. The entities listed in this section shall also give
23 recommendations for additional legislative actions that could promote
24 affordable housing and end homelessness.

25 **Sec. 142.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to
26 read as follows:

27 (1) Each county shall create a homeless housing task force to
28 develop a ten-year homeless housing plan addressing short-term and
29 long-term housing for homeless persons.

30 Membership on the task force may include representatives of the
31 counties, cities, towns, housing authorities, civic and faith
32 organizations, schools, community networks, human services providers,
33 law enforcement personnel, criminal justice personnel, including
34 prosecutors, probation officers, and jail administrators, substance
35 abuse treatment providers, mental health care providers, emergency

1 health care providers, businesses, at-large representatives of the
2 community, and a homeless or formerly homeless individual.

3 In lieu of creating a new task force, a local government may
4 designate an existing governmental or nonprofit body which
5 substantially conforms to this section and which includes at least one
6 homeless or formerly homeless individual to serve as its homeless
7 representative. As an alternative to a separate plan, two or more
8 local governments may work in concert to develop and execute a joint
9 homeless housing plan, or to contract with another entity to do so
10 according to the requirements of this chapter. While a local
11 government has the authority to subcontract with other entities, the
12 local government continues to maintain the ultimate responsibility for
13 the homeless housing program within its borders.

14 A county may decline to participate in the program authorized in
15 this chapter by forwarding to the department a resolution adopted by
16 the county legislative authority stating the intention not to
17 participate. A copy of the resolution shall also be transmitted to the
18 county auditor and treasurer. If a county declines to participate, the
19 department shall create and execute a local homeless housing plan for
20 the county meeting the requirements of this chapter.

21 (2) In addition to developing a ten-year homeless housing plan,
22 each task force shall establish guidelines consistent with the
23 statewide homeless housing strategic plan, as needed, for the
24 following:

- 25 (a) Emergency shelters;
- 26 (b) Short-term housing needs;
- 27 (c) Temporary encampments;
- 28 (d) Supportive housing for chronically homeless persons; and
- 29 (e) Long-term housing.

30 Guidelines must include, when appropriate, standards for health and
31 safety and notifying the public of proposed facilities to house the
32 homeless.

33 (3) Each county, including counties exempted from creating a new
34 task force under subsection (1) of this section, shall report to the
35 department of (~~community, trade, and economic development~~) commerce
36 such information as may be needed to ensure compliance with this
37 chapter.

1 **Sec. 143.** RCW 43.185C.200 and 2007 c 483 s 604 are each amended to
2 read as follows:

3 (1) The department of community, trade, and economic development
4 shall establish a pilot program to provide grants to eligible
5 organizations, as described in RCW 43.185.060, to provide transitional
6 housing assistance to offenders who are reentering the community and
7 are in need of housing.

8 (2) There shall be a minimum of two pilot programs established in
9 two counties. The pilot programs shall be selected through a request
10 for proposal process and in consultation with the department of
11 corrections. The department shall select the pilot sites by January 1,
12 2008.

13 (3) The pilot program shall:

14 (a) Be operated in collaboration with the community justice center
15 existing in the location of the pilot site;

16 (b) Offer transitional supportive housing that includes individual
17 support and mentoring available on an ongoing basis, life skills
18 training, and close working relationships with community justice
19 centers and community corrections officers. Supportive housing
20 services can be provided directly by the housing operator, or in
21 partnership with community-based organizations;

22 (c) In providing assistance, give priority to offenders who are
23 designated as high risk or high needs as well as those determined not
24 to have a viable release plan by the department of corrections;

25 (d) Optimize available funding by utilizing cost-effective
26 community-based shared housing arrangements or other noninstitutional
27 living arrangements; and

28 (e) Provide housing assistance for a period of time not to exceed
29 twelve months for a participating offender.

30 (4) The department may also use up to twenty percent of the funding
31 appropriated in the operating budget for this section to support the
32 development of additional supportive housing resources for offenders
33 who are reentering the community.

34 (5) The department shall:

35 (a) Collaborate with the department of corrections in developing
36 criteria to determine who will qualify for housing assistance; and

37 (b) Gather data, and report to the legislature by November 1, 2008,
38 on the number of offenders seeking housing, the number of offenders

1 eligible for housing, the number of offenders who receive the housing,
2 and the number of offenders who commit new crimes while residing in the
3 housing to the extent information is available.

4 (6) The department of corrections shall collaborate with
5 organizations receiving grant funds to:

6 (a) Help identify appropriate housing solutions in the community
7 for offenders;

8 (b) Where possible, facilitate an offender's application for
9 housing prior to discharge;

10 (c) Identify enhancements to training provided to offenders prior
11 to discharge that may assist an offender in effectively transitioning
12 to the community;

13 (d) Maintain communication between the organization receiving grant
14 funds, the housing provider, and corrections staff supervising the
15 offender; and

16 (e) Assist the offender in accessing resources and services
17 available through the department of corrections and a community justice
18 center.

19 (7) The state, department of (~~community, trade, and economic~~
20 ~~development~~) commerce, department of corrections, local governments,
21 local housing authorities, eligible organizations as described in RCW
22 43.185.060, and their employees are not liable for civil damages
23 arising from the criminal conduct of an offender solely due to the
24 placement of an offender in housing provided under this section or the
25 provision of housing assistance.

26 (8) Nothing in this section allows placement of an offender into
27 housing without an analysis of the risk the offender may pose to that
28 particular community or other residents.

29 **Sec. 144.** RCW 43.190.030 and 1997 c 194 s 1 are each amended to
30 read as follows:

31 There is created the office of the state long-term care ombudsman.
32 The department of (~~community, trade, and economic development~~)
33 commerce shall contract with a private nonprofit organization to
34 provide long-term care ombudsman services as specified under, and
35 consistent with, the federal older Americans act as amended, federal
36 mandates, the goals of the state, and the needs of its citizens. The
37 department (~~of community, trade, and economic development~~) shall

1 ensure that all program and staff support necessary to enable the
2 ombudsman to effectively protect the interests of residents, patients,
3 and clients of all long-term care facilities is provided by the
4 nonprofit organization that contracts to provide long-term care
5 ombudsman services. The department (~~(of community, trade, and economic~~
6 ~~development)) shall adopt rules to carry out this chapter and the long-
7 term care ombudsman provisions of the federal older Americans act, as
8 amended, and applicable federal regulations. The long-term care
9 ombudsman program shall have the following powers and duties:~~

10 (1) To provide services for coordinating the activities of long-
11 term care ombudsmen throughout the state;

12 (2) Carry out such other activities as the department of
13 (~~community, trade, and economic development~~) commerce deems
14 appropriate;

15 (3) Establish procedures consistent with RCW 43.190.110 for
16 appropriate access by long-term care ombudsmen to long-term care
17 facilities and patients' records, including procedures to protect the
18 confidentiality of the records and ensure that the identity of any
19 complainant or resident will not be disclosed without the written
20 consent of the complainant or resident, or upon court order;

21 (4) Establish a statewide uniform reporting system to collect and
22 analyze data relating to complaints and conditions in long-term care
23 facilities for the purpose of identifying and resolving significant
24 problems, with provision for submission of such data to the department
25 of social and health services and to the federal department of health
26 and human services, or its successor agency, on a regular basis; and

27 (5) Establish procedures to assure that any files maintained by
28 ombudsman programs shall be disclosed only at the discretion of the
29 ombudsman having authority over the disposition of such files, except
30 that the identity of any complainant or resident of a long-term care
31 facility shall not be disclosed by such ombudsman unless:

32 (a) Such complainant or resident, or the complainant's or
33 resident's legal representative, consents in writing to such
34 disclosure; or

35 (b) Such disclosure is required by court order.

36 **Sec. 145.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to
37 read as follows:

1 The small business export finance assistance center and its
2 branches shall be governed and managed by a board of seven directors
3 appointed by the governor, with the advice of the board, and confirmed
4 by the senate. The directors shall serve terms of four years following
5 the terms of service established by the initial appointments after June
6 11, 1998. Three appointees, including directors on June 11, 1998, who
7 are reappointed, must serve initial terms of two years and, if a
8 director is reappointed that director may serve a consecutive four-year
9 term. Four appointees, including directors on June 11, 1998, who are
10 reappointed, must serve initial terms of four years and, if a director
11 is reappointed that director may serve a consecutive four-year term.
12 After the initial appointments, directors may serve two consecutive
13 terms. The directors may provide for the payment of their expenses.
14 The directors shall include the director of (~~community, trade, and~~
15 ~~economic—development~~) commerce or the director's designee;
16 representatives of a large financial institution engaged in financing
17 export transactions in the state of Washington; a small financial
18 institution engaged in financing export transactions in the state of
19 Washington; a large exporting company domiciled in the state of
20 Washington; a small exporting company in the state of Washington;
21 organized labor in a trade involved in international commerce; and a
22 representative at large. To the extent possible, appointments to the
23 board shall reflect geographical balance and the diversity of the state
24 population. Any vacancies on the board due to the expiration of a term
25 or for any other reason shall be filled by appointment by the governor
26 for the unexpired term.

27 **Sec. 146.** RCW 43.210.050 and 1998 c 245 s 84 are each amended to
28 read as follows:

29 The small business export finance assistance center formed under
30 RCW 43.210.020 and 43.210.030 shall enter into a contract under this
31 chapter with the department of (~~community, trade, and economic~~
32 ~~development~~) commerce or its statutory successor. The contract shall
33 require the center to provide export assistance services, consistent
34 with RCW 43.210.070 and 43.210.100 through 43.210.120, shall have a
35 duration of two years, and shall require the center to aggressively
36 seek to fund its continued operation from nonstate funds. The contract
37 shall also require the center to report annually to the department on

1 its success in obtaining nonstate funding. Upon expiration of the
2 contract, any provisions within the contract applicable to the Pacific
3 Northwest export assistance project shall be automatically renewed
4 without change provided the legislature appropriates funds for
5 administration of the small business export assistance center and the
6 Pacific Northwest export assistance project. The provisions of the
7 contract related to the Pacific Northwest export assistance project may
8 be changed at any time if the director of (~~the department of~~
9 ~~community, trade, and economic development~~) commerce or the president
10 of the small business export finance assistance center present
11 compelling reasons supporting the need for a contract change to the
12 board of directors and a majority of the board of directors agrees to
13 the changes. The department of agriculture shall be included in the
14 contracting negotiations with the department of community, trade, and
15 economic development and the small business export finance assistance
16 center when the Pacific Northwest export assistance project provides
17 export services to industrial sectors within the administrative domain
18 of the Washington state department of agriculture.

19 **Sec. 147.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
20 read as follows:

21 The department of (~~community, trade, and economic development~~)
22 commerce or its statutory successor shall adopt rules under chapter
23 34.05 RCW as necessary to carry out the purposes of this chapter.

24 **Sec. 148.** RCW 43.215.550 and 2006 c 265 s 203 are each amended to
25 read as follows:

26 An employer liaison position is established in the department of
27 early learning to be colocated with the department of (~~community,~~
28 ~~trade, and economic development~~) commerce. The employer liaison
29 shall, within appropriated funds:

30 (1) Staff and assist the child care partnership in the
31 implementation of its duties;

32 (2) Provide technical assistance to employers regarding child care
33 services, working with and through local resource and referral
34 organizations whenever possible. Such technical assistance shall
35 include at a minimum:

1 (a) Assessing the child care needs of employees and prospective
2 employees;

3 (b) Reviewing options available to employers interested in
4 increasing access to child care for their employees;

5 (c) Developing techniques to permit small businesses to increase
6 access to child care for their employees;

7 (d) Reviewing methods of evaluating the impact of child care
8 activities on employers; and

9 (e) Preparing, collecting, and distributing current information for
10 employers on options for increasing involvement in child care; and

11 (3) Provide assistance to local child care resource and referral
12 organizations to increase their capacity to provide quality technical
13 assistance to employers in their community.

14 **Sec. 149.** RCW 43.220.070 and 1999 c 280 s 5 are each amended to
15 read as follows:

16 (1) Conservation corps members shall be unemployed residents of the
17 state between eighteen and twenty-five years of age at the time of
18 enrollment who are citizens or lawful permanent residents of the United
19 States. The age requirements may be waived for corps leaders and
20 specialists with special leadership or occupational skills; such
21 members shall be given special responsibility for providing leadership,
22 character development, and sense of community responsibility to the
23 corps members, groups, and work crews to which they are assigned. The
24 upper age requirement may be waived for residents who have a sensory or
25 mental handicap. Special effort shall be made to recruit minority and
26 disadvantaged youth who meet selection criteria of the conservation
27 corps. Preference shall be given to youths residing in areas, both
28 urban and rural, in which there exists substantial unemployment
29 exceeding the state average unemployment rate.

30 (2) The legislature finds that people with developmental
31 disabilities would benefit from experiencing a meaningful work
32 experience, and learning the value of labor and of membership in a
33 productive society.

34 The legislature urges state agencies that are participating in the
35 Washington conservation corps program to consider for enrollment in the
36 program people who have developmental disabilities, as defined in RCW
37 71A.10.020.

1 If an agency chooses to enroll people with developmental
2 disabilities in its Washington conservation corps program, the agency
3 may apply to the United States department of labor, employment
4 standards administration for a special subminimum wage certificate in
5 order to be allowed to pay enrollees with developmental disabilities
6 according to their individual levels of productivity.

7 (3) Corps members shall not be considered state employees. Other
8 provisions of law relating to civil service, hours of work, rate of
9 compensation, sick leave, unemployment compensation, state retirement
10 plans, and vacation leave do not apply to the Washington conservation
11 corps except for the crew supervisors, who shall be project employees,
12 and the administrative and supervisory personnel.

13 (4) Enrollment shall be for a period of six months which may be
14 extended for additional six-month periods by mutual agreement of the
15 corps and the corps member, not to exceed two years. Corps members
16 shall be reimbursed at the minimum wage rate established by state or
17 federal law, whichever is higher, which may be increased by up to five
18 percent for each additional six-month period worked: PROVIDED, That if
19 agencies elect to run a residential program, the appropriate costs for
20 room and board shall be deducted from the corps member's paycheck as
21 provided in chapter 43.220 RCW.

22 (5) Corps members are to be available at all times for emergency
23 response services coordinated through the department of (~~community,~~
24 ~~trade, and economic development~~) commerce or other public agency.
25 Duties may include sandbagging and flood cleanup, search and rescue,
26 and other functions in response to emergencies.

27 **Sec. 150.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
28 read as follows:

29 (1) There is established in the department of (~~community, trade,~~
30 ~~and economic development~~) commerce a grant program to provide
31 incentive for and support for communities to develop targeted and
32 coordinated strategies to reduce the incidence and impact of alcohol,
33 tobacco, or other drug abuse, or violence.

34 (2) The department of (~~community, trade, and economic~~
35 ~~development~~) commerce shall make awards, subject to funds appropriated
36 by the legislature, under the following terms:

1 (a) Starting July 1, 2001, funds will be available to countywide
2 programs through a formula developed by the department of (~~community,~~
3 ~~trade, and economic development~~) commerce in consultation with program
4 contractors, which will take into consideration county population size.

5 (b) In order to be eligible for consideration, applicants must
6 demonstrate, at a minimum:

7 (i) That the community has developed and is committed to carrying
8 out a coordinated strategy of prevention, treatment, and law
9 enforcement activities;

10 (ii) That the community has considered research-based theory when
11 developing its strategy;

12 (iii) That proposals submitted for funding are based on a local
13 assessment of need and address specific objectives contained in a
14 coordinated strategy of prevention, treatment, and law enforcement
15 against alcohol, tobacco, or other drug abuse, or violence;

16 (iv) Evidence of active participation in preparation of the
17 proposal and specific commitments to implementing the community-wide
18 agenda by leadership from education, law enforcement, local government,
19 tribal government, and treatment entities in the community, and the
20 opportunity for meaningful involvement from others such as neighborhood
21 and citizen groups, businesses, human service, health and job training
22 organizations, and other key elements of the community, particularly
23 those whose responsibilities in law enforcement, treatment, prevention,
24 education, or other community efforts provide direct, ongoing contact
25 with substance abusers or those who exhibit violent behavior, or those
26 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

27 (v) Evidence of additional local resources committed to the
28 applicant's strategy totaling at least twenty-five percent of funds
29 awarded under this section. These resources may consist of public or
30 private funds, donated goods or services, and other measurable
31 commitments, including in-kind contributions such as volunteer
32 services, materials, supplies, physical facilities, or a combination
33 thereof; and

34 (vi) That the funds applied for, if received, will not be used to
35 replace funding for existing activities.

36 (c) At a minimum, grant applications must include the following:

37 (i) A definition of geographic area;

1 (ii) A needs assessment describing the extent and impact of
2 alcohol, tobacco, or other drug abuse, and violence in the community,
3 including an explanation of those who are most severely impacted and
4 those most at risk of substance abuse or violent behavior;

5 (iii) An explanation of the community-wide strategy for prevention,
6 treatment, and law enforcement activities related to alcohol, tobacco,
7 or other drug abuse, or violence, with particular attention to those
8 who are most severely impacted and/or those most at risk of alcohol,
9 tobacco, or other drug abuse, or violent behavior;

10 (iv) An explanation of who was involved in development of the
11 strategy and what specific commitments have been made to carry it out;

12 (v) Identification of existing prevention, education, treatment,
13 and law enforcement resources committed by the applicant, including
14 financial and other support, and an explanation of how the applicant's
15 strategy involves and builds on the efforts of existing organizations
16 or coalitions that have been carrying out community efforts against
17 alcohol, tobacco, or other drug abuse, or violence;

18 (vi) Identification of activities that address specific objectives
19 in the strategy for which additional resources are needed;

20 (vii) Identification of additional local resources, including
21 public or private funds, donated goods or services, and other
22 measurable commitments, that have been committed to the activities
23 identified in (c)(vi) of this subsection;

24 (viii) Identification of activities that address specific
25 objectives in the strategy for which funding is requested;

26 (ix) For each activity for which funding is requested, an
27 explanation in sufficient detail to demonstrate:

28 (A) Feasibility through deliberative design, specific objectives,
29 and a realistic plan for implementation;

30 (B) A rationale for how this activity will achieve measurable
31 results and how it will be evaluated;

32 (C) That funds requested are necessary and appropriate to
33 effectively carry out the activity; and

34 (x) Identification of a contracting agent meeting state
35 requirements for each activity proposed for funding.

36 Each contracting agent must execute a written agreement with its
37 local community mobilization advisory board that reflects the duties
38 and powers of each party.

1 (3) Activities that may be funded through this grant program
2 include those that:

3 (a) Prevent alcohol, tobacco, or other drug abuse, or violence
4 through educational efforts, development of positive alternatives,
5 intervention with high-risk groups, and other prevention strategies;

6 (b) Support effective treatment by increasing access to and
7 availability of treatment opportunities, particularly for underserved
8 or highly impacted populations, developing aftercare and support
9 mechanisms, and other strategies to increase the availability and
10 effectiveness of treatment;

11 (c) Provide meaningful consequences for participation in illegal
12 activity and promote safe and healthy communities through support of
13 law enforcement strategies;

14 (d) Create or build on efforts by existing community programs,
15 coordinate their efforts, and develop cooperative efforts or other
16 initiatives to make most effective use of resources to carry out the
17 community's strategy against alcohol, tobacco, or other drug abuse, or
18 violence; and

19 (e) Other activities that demonstrate both feasibility and a
20 rationale for how the activity will achieve measurable results in the
21 strategy against alcohol, tobacco, or other drug abuse, or violence.

22 **Sec. 151.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
23 read as follows:

24 The department of (~~community, trade, and economic development~~)
25 commerce shall ask communities for suggestions on state practices,
26 policies, and priorities that would help communities implement their
27 strategies against alcohol, tobacco, or other drug abuse, or violence.
28 The department (~~of community, trade, and economic development~~) shall
29 review and respond to those suggestions making necessary changes where
30 feasible, making recommendations to the legislature where appropriate,
31 and providing an explanation as to why suggested changes cannot be
32 accomplished, if the suggestions cannot be acted upon.

33 **Sec. 152.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
34 read as follows:

35 The department of (~~community, trade, and economic development~~)
36 commerce may receive such gifts, grants, and endowments from public or

1 private sources as may be made from time to time, in trust or
2 otherwise, for the use and benefit of the purposes of RCW 43.270.010
3 through 43.270.080 and expend the same or any income therefrom
4 according to the terms of the gifts, grants, or endowments.

5 **Sec. 153.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to
6 read as follows:

7 The Washington state sexual assault services advisory committee
8 issued a report to the department of community, trade, and economic
9 development and the department of social and health services in June of
10 1995. The committee made several recommendations to improve the
11 delivery of services to victims of sexual abuse and assault: (1)
12 Consolidate the administration and funding of sexual assault and abuse
13 services in one agency instead of splitting those functions between the
14 department of social and health services and the department of
15 community, trade, and economic development; (2) adopt a funding
16 allocation plan to pool all funds for sexual assault services and to
17 distribute them across the state to ensure the delivery of core and
18 specialized services; (3) establish service, data collection, and
19 management standards and outcome measurements for recipients of grants;
20 and (4) create a data collection system to gather pertinent data
21 concerning the delivery of sexual assault services to victims.

22 The legislature approves the recommendations of the advisory
23 committee and consolidates the functions and funding for sexual assault
24 services in the department of (~~community, trade, and economic~~
25 ~~development~~) commerce to implement the advisory committee's
26 recommendations.

27 The legislature does not intend to effect a reduction in service
28 levels within available funding by transferring department of social
29 and health services' powers and duties to the department of
30 (~~community, trade, and economic development~~) commerce. At a minimum,
31 the department (~~of community, trade, and economic development~~) shall
32 distribute the same percentage of the services it provides victims of
33 sexual assault and abuse, pursuant to RCW 43.280.020, 70.125.080, and
34 74.14B.060, to children as were distributed to children through these
35 programs in fiscal year 1996.

1 **Sec. 154.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to
2 read as follows:

3 There is established in the department of (~~community, trade, and~~
4 ~~economic development~~) commerce a grant program to enhance the funding
5 for treating the victims of sex offenders. Activities that can be
6 funded through this grant program are limited to those that:

7 (1) Provide effective treatment to victims of sex offenders;

8 (2) Increase access to and availability of treatment for victims of
9 sex offenders, particularly if from underserved populations; and

10 (3) Create or build on efforts by existing community programs,
11 coordinate those efforts, or develop cooperative efforts or other
12 initiatives to make the most effective use of resources to provide
13 treatment services to these victims.

14 Funding shall be given to those applicants that emphasize providing
15 stable, victim-focused sexual abuse services and possess the
16 qualifications to provide core services, as defined in RCW 70.125.030.
17 Funds for specialized services, as defined in RCW 70.125.030, shall be
18 disbursed through the request for proposal or request for
19 qualifications process.

20 **Sec. 155.** RCW 43.280.060 and 1996 c 123 s 5 are each amended to
21 read as follows:

22 (1) Subject to funds appropriated by the legislature, the
23 department of (~~community, trade, and economic development~~) commerce
24 shall make awards under the grant program established by RCW
25 43.280.020.

26 (2) To aid the department of (~~community, trade, and economic~~
27 ~~development~~) commerce in making its funding determinations, the
28 department shall form a peer review committee comprised of individuals
29 who are knowledgeable or experienced in the management or delivery of
30 treatment services to victims of sex offenders. The peer review
31 committee shall advise the department on the extent to which each
32 eligible applicant meets the treatment and management standards, as
33 developed by the department. The department shall consider this advice
34 in making awards.

35 (3) Activities funded under this section may be considered for
36 funding in future years, but shall be considered under the same terms

1 and criteria as new activities. Funding under this chapter shall not
2 constitute an obligation by the state of Washington to provide ongoing
3 funding.

4 **Sec. 156.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to
5 read as follows:

6 The department of (~~community, trade, and economic development~~)
7 commerce may receive such gifts, grants, and endowments from public or
8 private sources as may be made from time to time, in trust or
9 otherwise, for the use and benefit of the purposes of this chapter and
10 expend the same or any income therefrom according to the terms of the
11 gifts, grants, or endowments.

12 **Sec. 157.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to
13 read as follows:

14 The office of crime victims advocacy is established in the
15 department of (~~community, trade, and economic development~~) commerce.
16 The office shall assist communities in planning and implementing
17 services for crime victims, advocate on behalf of crime victims in
18 obtaining needed services and resources, and advise local and state
19 governments on practices, policies, and priorities that impact crime
20 victims. In addition, the office shall administer grant programs for
21 sexual assault treatment and prevention services, as authorized in this
22 chapter.

23 **Sec. 158.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to
24 read as follows:

25 The director of (~~the department of community, trade, and economic~~
26 ~~development~~) commerce may establish ad hoc advisory committees, as
27 necessary, to obtain advice and guidance regarding the office of crime
28 victims advocacy program.

29 **Sec. 159.** RCW 43.310.020 and 1995 c 399 s 116 are each amended to
30 read as follows:

31 (1) The department of (~~community, trade, and economic~~
32 ~~development~~) commerce may recommend existing programs or contract with
33 either school districts or community organizations, or both, through a

1 request for proposal process for the development, administration, and
2 implementation in the county of community-based gang risk prevention
3 and intervention pilot programs.

4 (2) Proposals by the school district for gang risk prevention and
5 intervention pilot program grant funding shall begin with school years
6 no sooner than the 1994-95 session, and last for a duration of two
7 years.

8 (3) The school district or community organization proposal shall
9 include:

10 (a) A description of the program goals, activities, and curriculum.
11 The description of the program goals shall include a list of measurable
12 objectives for the purpose of evaluation by the department of
13 (~~community, trade, and economic development~~) commerce. To the extent
14 possible, proposals shall contain empirical data on current problems,
15 such as drop-out rates and occurrences of violence on and off campus by
16 school-age individuals.

17 (b) A description of the individual school or schools and the
18 geographic area to be affected by the program.

19 (c) A demonstration of broad-based support for the program from
20 business and community organizations.

21 (d) A clear description of the experience, expertise, and other
22 qualifications of the community organizations to conduct an effective
23 prevention and intervention program in cooperation with a school or a
24 group of schools.

25 (e) A proposed budget for expenditure of the grant.

26 (4) Grants awarded under this section may not be used for the
27 administrative costs of the school district or the individual school.

28 **Sec. 160.** RCW 43.325.100 and 2007 c 348 s 403 are each amended to
29 read as follows:

30 (1) The department (~~of community, trade, and economic~~
31 ~~development~~) and the department of ecology shall develop a framework
32 for the state of Washington to participate in emerging regional,
33 national, and to the extent possible, global markets to mitigate
34 climate change, on a multisector basis. This framework must include,
35 but not be limited to, credible, verifiable, replicable inventory and
36 accounting methodologies for each sector involved, along with the

1 completion of the stakeholder process identified in executive order
2 number 07-02 creating the Washington state climate change challenge.

3 (2) The department (~~(of community, trade, and economic~~
4 ~~development)~~) and the department of ecology shall include the forestry
5 sector and work closely with the department of natural resources on
6 those recommendations.

7 (3) The department must provide a report to the legislature by
8 December 1, 2008. The report may be included within the report
9 produced for executive order number 07-02.

10 **Sec. 161.** RCW 43.325.110 and 2007 c 348 s 408 are each amended to
11 read as follows:

12 (1) The vehicle electrification demonstration grant program is
13 established within the department (~~(of community, trade, and economic~~
14 ~~development)~~). The director may establish policies and procedures
15 necessary for processing, reviewing, and approving applications made
16 under this chapter.

17 (2) The director may approve an application for a vehicle
18 electrification demonstration project only if the director finds:

19 (a) The applicant is a state agency, public school district, public
20 utility district, or a political subdivision of the state, including
21 port districts, counties, cities, towns, special purpose districts, and
22 other municipal corporations or quasi-municipal corporations or a state
23 institution of higher education;

24 (b) The project partially funds the purchase of or conversion of
25 existing vehicles to plug-in hybrid electric vehicles or battery
26 electric vehicles for use in the applicant's fleet or operations;

27 (c) The project partners with an electric utility and demonstrates
28 technologies to allow controlled vehicle charging, including the use of
29 power electronics or wireless technologies, to regulate time-of-day and
30 duration of charging;

31 (d) The project provides matching resources; and

32 (e) The project provides evaluation of fuel savings, greenhouse gas
33 reductions, battery capabilities, energy management system, charge
34 controlling technologies, and other relevant information determined on
35 the advice of the vehicle electrification work group.

36 (3) The director may approve an application for a vehicle
37 electrification demonstration project if the project, in addition to

1 meeting the requirements of subsection (2) of this section, also
2 demonstrates charging using on-site renewable resources or
3 vehicle-to-grid capabilities that enable the vehicle to discharge
4 electricity into the grid.

5 **Sec. 162.** RCW 43.330.065 and 1996 c 253 s 303 are each amended to
6 read as follows:

7 The department (~~(of community, trade, and economic development)~~),
8 in consultation with the office of protocol, the office of the
9 secretary of state, the department of agriculture, and the employment
10 security department shall identify up to fifteen countries that are of
11 strategic importance to the development of Washington's international
12 trade relations.

13 **Sec. 163.** RCW 43.330.904 and 1996 c 186 s 101 are each amended to
14 read as follows:

15 (1) All powers, duties, and functions of the state energy office
16 relating to energy resource policy and planning and energy facility
17 siting are transferred to the department (~~(of community, trade, and
18 economic development)~~). All references to the director or the state
19 energy office in the Revised Code of Washington shall be construed to
20 mean the director of commerce or the department (~~(of community, trade,
21 and economic development)~~) when referring to the functions transferred
22 in this section.

23 The director shall appoint an assistant director for energy policy,
24 and energy policy staff shall have no additional responsibilities
25 beyond activities concerning energy policy.

26 (2)(a) All reports, documents, surveys, books, records, files,
27 papers, or written material in the possession of the state energy
28 office pertaining to the powers, functions, and duties transferred
29 shall be delivered to the custody of the department (~~(of community,
30 trade, and economic development)~~). All cabinets, furniture, office
31 equipment, software, database, motor vehicles, and other tangible
32 property employed by the state energy office in carrying out the
33 powers, functions, and duties transferred shall be made available to
34 the department (~~(of community, trade, and economic development)~~).

35 (b) Any appropriations made to the state energy office for carrying

1 out the powers, functions, and duties transferred shall, on July 1,
2 1996, be transferred and credited to the department (~~of community,~~
3 ~~trade, and economic development~~)).

4 (c) Whenever any question arises as to the transfer of any funds,
5 books, documents, records, papers, files, software, database,
6 equipment, or other tangible property used or held in the exercise of
7 the powers and the performance of the duties and functions transferred,
8 the director of financial management shall make a determination as to
9 the proper allocation and certify the same to the state agencies
10 concerned.

11 (3) All employees of the state energy office engaged in performing
12 the powers, functions, and duties pertaining to the energy facility
13 site evaluation council are transferred to the jurisdiction of the
14 department (~~of community, trade, and economic development~~). All
15 employees engaged in energy facility site evaluation council duties
16 classified under chapter 41.06 RCW, the state civil service law, are
17 assigned to the department (~~of community, trade, and economic~~
18 ~~development~~) to perform their usual duties upon the same terms as
19 formerly, without any loss of rights, subject to any action that may be
20 appropriate thereafter in accordance with the laws and rules governing
21 state civil service.

22 (4) All rules and all pending business before the state energy
23 office pertaining to the powers, functions, and duties transferred
24 shall be continued and acted upon by the department (~~of community,~~
25 ~~trade, and economic development~~). All existing contracts and
26 obligations shall remain in full force and shall be performed by the
27 department (~~of community, trade, and economic development~~)).

28 (5) The transfer of the powers, duties, and functions of the state
29 energy office does not affect the validity of any act performed before
30 July 1, 1996.

31 (6) If apportionments of budgeted funds are required because of the
32 transfers directed by this section, the director of the office of
33 financial management shall certify the apportionments to the agencies
34 affected, the state auditor, and the state treasurer. Each of these
35 shall make the appropriate transfer and adjustments in funds and
36 appropriation.

37 (7) The department (~~of community, trade, and economic~~

1 ~~development~~) shall direct the closure of the financial records of the
2 state energy office.

3 (8) Responsibility for implementing energy education, applied
4 research, and technology transfer programs rests with Washington State
5 University. The department (~~of community, trade, and economic~~
6 ~~development~~) shall provide Washington State University available
7 existing and future oil overcharge restitution and federal energy block
8 funding for a minimum period of five years to carry out energy programs
9 under an interagency agreement with the department (~~of community,~~
10 ~~trade, and economic development~~). The interagency agreement shall
11 also outline the working relationship between the department (~~of~~
12 ~~community, trade, and economic development~~) and Washington State
13 University as it pertains to the relationship between energy policy
14 development and public outreach. Nothing in chapter 186, Laws of 1996
15 prohibits Washington State University from seeking grant, contract, or
16 fee-for-service funding for energy or related programs directly from
17 other entities.

18 **Sec. 164.** RCW 43.332.010 and 2003 c 346 s 2 are each amended to
19 read as follows:

20 (1) The office of the Washington state trade representative is
21 created in the office of the governor. The office shall serve as the
22 state's official liaison with foreign governments on trade matters.

23 (2) The office shall:

24 (a) Work with the department of (~~community, trade, and economic~~
25 ~~development~~) commerce, the department of agriculture, and other
26 appropriate state agencies, and within the agencies' existing
27 resources, review and analyze proposed and enacted international trade
28 agreements and provide an assessment of the impact of the proposed or
29 enacted agreement on Washington's businesses and firms;

30 (b) Provide input to the office of the United States trade
31 representative in the development of international trade, commodity,
32 and direct investment policies that reflect the concerns of the state
33 of Washington;

34 (c) Serve as liaison to the legislature on matters of trade policy
35 oversight including, but not limited to, updates to the legislature
36 regarding the status of trade negotiations, trade litigation, and the
37 impacts of trade policy on Washington state businesses;

1 (d) Work with the international trade division of the department of
2 (~~community, trade, and economic development~~) commerce and the
3 international marketing program of the Washington state department of
4 agriculture to develop a statewide strategy designed to increase the
5 export of Washington goods and services, particularly goods and
6 services from small and medium-sized businesses; and

7 (e) Conduct other activities the governor deems necessary to
8 promote international trade and foreign investment within the state.

9 (3) The office shall prepare and submit an annual report on its
10 activities under subsection (2) of this section to the governor and
11 appropriate committees of the legislature.

12 **Sec. 165.** RCW 43.336.050 and 2007 c 228 s 105 are each amended to
13 read as follows:

14 The tourism enterprise account is created in the custody of the
15 state treasurer.

16 (1) All receipts from RCW 43.336.030(2)(a) must be deposited into
17 the account. Only the executive director or the executive director's
18 designee may authorize expenditures from the account. The account is
19 subject to allotment procedures under chapter 43.88 RCW, but an
20 appropriation is not required for expenditures.

21 (2) Moneys transferred from the state convention and trade
22 (~~center~~) center account to this account, as provided in RCW
23 67.40.040, shall be available for expenditure in accordance with the
24 requirements of this section. As provided under subsection (3) of this
25 section, moneys must be matched with private sector cash contributions,
26 the value of an advertising equivalency contribution, or through an in-
27 kind contribution. The commission shall determine criteria for what
28 qualifies as an in-kind contribution. The moneys subject to match may
29 be expended as private match is received or with evidence of qualified
30 expenditure.

31 (3)(a) Twenty-five percent of the moneys transferred in fiscal year
32 2009 are subject to a match;

33 (b) Fifty percent of the moneys transferred in fiscal year 2010 are
34 subject to a match; and

35 (c) One hundred percent of the moneys transferred in fiscal year
36 2011, and thereafter, are subject to a match.

1 (4) Expenditures from the account may be used by the department of
2 (~~community, trade, and economic development~~) commerce only for the
3 purposes of expanding and promoting the tourism industry in the state
4 of Washington.

5 **Sec. 166.** RCW 46.16.340 and 1995 c 391 s 8 are each amended to
6 read as follows:

7 The director, from time to time, shall furnish the state military
8 department, the department of (~~community, trade, and economic
9 development~~) commerce, the Washington state patrol, and all county
10 sheriffs a list of the names, addresses, and license plate or radio
11 station call letters of each person possessing the special amateur
12 radio station license plates so that the facilities of such radio
13 stations may be utilized to the fullest extent in the work of these
14 governmental agencies.

15 **Sec. 167.** RCW 46.44.170 and 2005 c 399 s 1 are each amended to
16 read as follows:

17 (1) Any person moving a mobile home as defined in RCW 46.04.302 or
18 a park model trailer as defined in RCW 46.04.622 upon public highways
19 of the state must obtain:

20 (a) A special permit from the department of transportation and
21 local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay
22 the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

23 (b) For mobile homes constructed before June 15, 1976, and already
24 situated in the state: (i) A certification from the department of
25 labor and industries that the mobile home was inspected for fire
26 safety; or (ii) an affidavit in the form prescribed by the department
27 of (~~community, trade, and economic development~~) commerce signed by
28 the owner at the county treasurer's office at the time of the
29 application for the movement permit stating that the mobile home is
30 being moved by the owner for his or her continued occupation or use; or
31 (iii) a copy of the certificate of ownership or title together with an
32 affidavit signed under penalty of perjury by the certified owner
33 stating that the mobile home is being transferred to a wrecking yard or
34 similar facility for disposal. In addition, the destroyed mobile home
35 must be removed from the assessment rolls of the county and any

1 outstanding taxes on the destroyed mobile home must be removed by the
2 county treasurer.

3 (2) A special permit issued as provided in subsection (1) of this
4 section for the movement of any mobile home or a park model trailer
5 that is assessed for purposes of property taxes shall not be valid
6 until the county treasurer of the county in which the mobile home or
7 park model trailer is located shall endorse or attach his or her
8 certificate that all property taxes which are a lien or which are
9 delinquent, or both, upon the mobile home or park model trailer being
10 moved have been satisfied. Further, any mobile home or park model
11 trailer required to have a special movement permit under this section
12 shall display an easily recognizable decal. However, endorsement or
13 certification by the county treasurer and the display of the decal is
14 not required:

15 (a) When a mobile home or park model trailer is to enter the state
16 or is being moved from a manufacturer or distributor to a retail sales
17 outlet or directly to the purchaser's designated location or between
18 retail and sales outlets;

19 (b) When a signed affidavit of destruction is filed with the county
20 assessor and the mobile home or park model trailer is being moved to a
21 disposal site by a landlord as defined in RCW 59.20.030 after (i) the
22 mobile home or park model trailer has been abandoned as defined in RCW
23 59.20.030; or (ii) a final judgment for restitution of the premises
24 under RCW 59.18.410 has been executed in favor of the landlord with
25 regard to the mobile home or park model trailer. The mobile home or
26 park model trailer will be removed from the tax rolls and, upon
27 notification by the assessor, any outstanding taxes on the destroyed
28 mobile home or park model trailer will be removed by the county
29 treasurer; or

30 (c) When a signed affidavit of destruction is filed with the county
31 assessor by any mobile home or park model trailer owner or any property
32 owner with an abandoned mobile home or park model trailer, the same
33 shall be removed from the tax rolls and upon notification by the
34 assessor, any outstanding taxes on the destroyed mobile home or park
35 model trailer shall be removed by the county treasurer.

36 (3) If the landlord of a mobile home park takes ownership of a
37 mobile home or park model trailer with the intent to resell or rent the
38 same under RCW 59.20.030 after (a) the mobile home or park model

1 trailer has been abandoned as defined in RCW 59.20.030; or (b) a final
2 judgment for restitution of the premises under RCW 59.18.410 has been
3 executed in favor of the landlord with regard to the mobile home or
4 park model trailer, the outstanding taxes become the responsibility of
5 the landlord.

6 (4) It is the responsibility of the owner of the mobile home or
7 park model trailer subject to property taxes or the agent to obtain the
8 endorsement and decal from the county treasurer before a mobile home or
9 park model trailer is moved.

10 (5) This section does not prohibit the issuance of vehicle license
11 plates for a mobile home or park model trailer subject to property
12 taxes, but plates shall not be issued unless the mobile home or park
13 model trailer subject to property taxes for which plates are sought has
14 been listed for property tax purposes in the county in which it is
15 principally located and the appropriate fee for the license has been
16 paid.

17 (6) The department of transportation, the department of labor and
18 industries, and local authorities are authorized to adopt reasonable
19 rules for implementing the provisions of this section. The department
20 of transportation shall adopt rules specifying the design, reflective
21 characteristics, annual coloration, and for the uniform implementation
22 of the decal required by this section. By January 1, 2006, the
23 department of labor and industries shall also adopt procedures for
24 notifying destination local jurisdictions concerning the arrival of
25 mobile homes that failed safety inspections.

26 **Sec. 168.** RCW 47.06.110 and 2005 c 319 s 124 are each amended to
27 read as follows:

28 The state-interest component of the statewide multimodal
29 transportation plan shall include a state public transportation plan
30 that:

31 (1) Articulates the state vision of an interest in public
32 transportation and provides quantifiable objectives, including benefits
33 indicators;

34 (2) Identifies the goals for public transit and the roles of
35 federal, state, regional, and local entities in achieving those goals;

36 (3) Recommends mechanisms for coordinating state, regional, and
37 local planning for public transportation;

1 (4) Recommends mechanisms for coordinating public transportation
2 with other transportation services and modes;

3 (5) Recommends criteria, consistent with the goals identified in
4 subsection (2) of this section and with RCW 82.44.180 (2) and (3), for
5 existing federal authorizations administered by the department to
6 transit agencies; and

7 (6) Recommends a statewide public transportation facilities and
8 equipment management system as required by federal law.

9 In developing the state public transportation plan, the department
10 shall involve local jurisdictions, public and private providers of
11 transportation services, nonmotorized interests, and state agencies
12 with an interest in public transportation, including but not limited to
13 the departments of (~~community, trade, and economic development~~)
14 commerce, social and health services, and ecology, the office of the
15 superintendent of public instruction, the office of the governor, and
16 the office of financial management.

17 The department shall submit to the senate and house transportation
18 committees by December 1st of each year, reports summarizing the plan's
19 progress.

20 **Sec. 169.** RCW 47.12.064 and 1995 c 399 s 121 are each amended to
21 read as follows:

22 (1) The department shall identify and catalog real property that is
23 no longer required for department purposes and is suitable for the
24 development of affordable housing for very low-income, low-income, and
25 moderate-income households as defined in RCW 43.63A.510. The inventory
26 shall include the location, approximate size, and current zoning
27 classification of the property. The department shall provide a copy of
28 the inventory to the department of (~~community, trade, and economic
29 development~~) commerce by November 1, 1993, and every November 1
30 thereafter.

31 (2) By November 1 of each year, beginning in 1994, the department
32 shall purge the inventory of real property of sites that are no longer
33 available for the development of affordable housing. The department
34 shall include an updated listing of real property that has become
35 available since the last update. As used in this section, "real
36 property" means buildings, land, or buildings and land.

1 **Sec. 170.** RCW 47.26.345 and 2005 c 83 s 3 are each amended to read
2 as follows:

3 All cities and towns with a population of less than five thousand
4 are eligible to receive money from the small city pavement and sidewalk
5 account created under RCW 47.26.340 for maintenance, repair, and
6 resurfacing of city and town streets. The board shall determine the
7 allocation of money based on:

8 (1) The amount of available funds within the small city pavement
9 and sidewalk account;

10 (2) Whether the city or town meets one or more of the following
11 criteria:

12 (a) The city or town has identified a street in a six-year
13 transportation improvement plan, as defined by RCW 35.77.010, or a
14 project identified through the use of a pavement management system;

15 (b) The city or town has provided pavement rating information on
16 the proposed street improvement or street network improvement;

17 (c) The city or town has provided sidewalk information on the
18 proposed sidewalk system improvement;

19 (d) The city or town has provided information, where available, on
20 traffic conditions for truck routes, bus routes, and traffic volumes;

21 (e) The city or town has the ability to provide a local match as
22 demonstrated by one or more of the following:

23 (i) A funding match based upon a city's assessed valuation;

24 (ii) Community involvement and support, including volunteer
25 participation, such as landscaping and maintaining landscaping along
26 the street or sidewalk system; or

27 (iii) Partnership efforts with federal or other state programs,
28 including the department of (~~community, trade, and economic~~
29 ~~development~~) commerce mainstreet program.

30 **Sec. 171.** RCW 47.39.040 and 1995 c 399 s 122 are each amended to
31 read as follows:

32 The establishment of planning and design standards for items
33 provided for in RCW 47.39.050 shall be coordinated by the department of
34 (~~community, trade, and economic development~~) commerce. The
35 department of transportation, parks and recreation commission, and any
36 other departments or commissions whose interests are affected shall
37 prepare, submit, and file with the department of (~~community, trade,~~

1 ~~and economic development~~) commerce standards relating to the scenic
2 and recreational highway system. If varying planning and design
3 standards are filed, the department of (~~community, trade, and economic~~
4 ~~development~~) commerce shall consult with the submitting agencies on
5 the merits of the several proposals and, based upon such consultation,
6 establish a set of standards. Pursuant to the planning and design
7 standards so established, the department of transportation and the
8 parks and recreation commission shall develop the highways and areas
9 adjacent thereto to accomplish the purposes of this chapter, but the
10 department shall retain exclusive authority over the highway right-of-
11 way.

12 Responsibility for construction and maintenance is hereby
13 established between the department and the parks and recreation
14 commission with the department responsible for activities financed with
15 funds provided for under RCW 47.39.030(1) and the parks and recreation
16 commission responsible for activities financed from other sources of
17 funds. By mutual consent, responsibility for development and/or
18 maintenance may be transferred between the two agencies.

19 **Sec. 172.** RCW 47.39.069 and 1999 c 218 s 4 are each amended to
20 read as follows:

21 (1) The department, in consultation with the department of
22 (~~community, trade, and economic development~~) commerce, the department
23 of natural resources, the parks and recreation commission, affected
24 cities, towns, and counties, federally recognized tribes, regional
25 transportation planning organizations, Washington-based automobile
26 clubs, statewide bicycling organizations, and other interested parties,
27 shall develop by December 31, 1999, criteria for assessing scenic
28 byways and heritage tour routes and an appropriate method of nomination
29 and application for the designation and removal of the designation of
30 the byways. Factors the department may take into consideration, but is
31 not limited by, are: (a) Scenic quality of the byway; (b) natural
32 aspects, such as geological formations, water bodies, vegetation, and
33 wildlife; (c) historic elements; (d) cultural features such as the
34 arts, crafts, music, customs, or traditions of a distinct group of
35 people; (e) archaeological features; (f) recreational activities; (g)
36 roadway safety including accommodations for bicycle and pedestrian

1 travel, tour buses, and automobiles; (h) scenic byway and local and
2 regional byway management plans; and (i) local public involvement and
3 support for the byway.

4 (2) The criteria developed in subsection (1) of this section must
5 not impose nor require regulation of privately owned lands or property
6 rights.

7 (3) Any person may nominate a roadway, path, or trail for inclusion
8 in the scenic byway program. The department shall assess nominations
9 in accordance with the criteria developed under subsection (1) of this
10 section. The department shall submit its recommendations for scenic
11 byway and heritage tour route designations to the commission for its
12 approval and official designation of the roadway, path, or trail as a
13 scenic byway or a heritage tour route. All decisions made by the
14 commission relating to scenic byway and heritage tour route
15 designations are final.

16 (4) The department shall apply the criteria in subsection (1) of
17 this section to state highways that are currently not a part of the
18 designated scenic and recreational highway system. The department
19 shall respond to local requests for route evaluation as defined in
20 subsection (3) of this section.

21 (5) Once the commission has designated a roadway as a scenic byway,
22 the department may submit an individual nomination to the Federal
23 Highway Administration for its consideration of whether the roadway
24 qualifies to be designated as a national scenic byway or an All-
25 American Roadway.

26 **Sec. 173.** RCW 47.39.090 and 1995 c 399 s 123 are each amended to
27 read as follows:

28 In developing the scenic and recreational highways program, the
29 department shall consult with the department of (~~community, trade, and~~
30 ~~economic development~~) commerce, the department of natural resources,
31 the parks and recreation commission, affected cities, towns, and
32 counties, regional transportation planning organizations, statewide
33 bicycling organizations, and other interested parties. The scenic and
34 recreational highways program may identify entire highway loops or
35 similar tourist routes that could be developed to promote tourist
36 activity and provide concurrent economic growth while protecting the
37 scenic and recreational quality surrounding state highways.

1 **Sec. 174.** RCW 47.50.090 and 1995 c 399 s 124 are each amended to
2 read as follows:

3 (1) The department shall develop, adopt, and maintain an access
4 control classification system for all routes on the state highway
5 system, the purpose of which shall be to provide for the implementation
6 and continuing applications of the provision of this chapter.

7 (2) The principal component of the access control classification
8 system shall be access management standards, the purpose of which shall
9 be to provide specific minimum standards to be adhered to in the
10 planning for and approval of access to state highways.

11 (3) The control classification system shall be developed consistent
12 with the following:

13 (a) The department shall, no later than January 1, 1993, adopt
14 rules setting forth procedures governing the implementation of the
15 access control classification system required by this chapter. The
16 rule shall provide for input from the entities described in (b) of this
17 subsection as well as for public meetings to discuss the access control
18 classification system. Nothing in this chapter shall affect the
19 validity of the department's existing or subsequently adopted rules
20 concerning access to the state highway system. Such rules shall remain
21 in effect until repealed or replaced by the rules required by this
22 chapter.

23 (b) The access control classification system shall be developed in
24 cooperation with counties, cities and towns, the department of
25 (~~community, trade, and economic development~~) commerce, regional
26 transportation planning organizations, and other local governmental
27 entities, and for city streets designated as state highways pursuant to
28 chapter 47.24 RCW, adopted with the concurrence of the city design
29 standards committee.

30 (c) The rule required by this section shall provide that assignment
31 of a road segment to a specific access category be made in
32 consideration of the following criteria:

33 (i) Local land use plans and zoning, as set forth in comprehensive
34 plans;

35 (ii) The current functional classification as well as potential
36 future functional classification of each road on the state highway
37 system;

38 (iii) Existing and projected traffic volumes;

1 (iv) Existing and projected state, local, and metropolitan planning
2 organization transportation plans and needs;

3 (v) Drainage requirements;

4 (vi) The character of lands adjoining the highway;

5 (vii) The type and volume of traffic requiring access;

6 (viii) Other operational aspects of access;

7 (ix) The availability of reasonable access by way of county roads
8 and city streets to a state highway; and

9 (x) The cumulative effect of existing and projected connections on
10 the state highway system's ability to provide for the safe and
11 efficient movement of people and goods within the state.

12 (d) Access management standards shall include, but not be limited
13 to, connection location standards, safety factors, design and
14 construction standards, desired levels of service, traffic control
15 devices, and effective maintenance of the roads. The standards shall
16 also contain minimum requirements for the spacing of connections,
17 intersecting streets, roads, and highways.

18 (e) An access control category shall be assigned to each segment of
19 the state highway system by July 1, 1993.

20 **Sec. 175.** RCW 47.76.230 and 2007 c 234 s 94 are each amended to
21 read as follows:

22 (1) The department of transportation shall continue its
23 responsibility for the development and implementation of the state rail
24 plan and programs, and the utilities and transportation commission
25 shall continue its responsibility for railroad safety issues.

26 (2) The department of transportation shall maintain an enhanced
27 data file on the rail system. Proprietary annual station traffic data
28 from each railroad and the modal use of major shippers must be obtained
29 to the extent that such information is available.

30 (3) The department of transportation shall provide technical
31 assistance, upon request, to state agencies and local interests.
32 Technical assistance includes, but is not limited to, the following:

33 (a) Rail project cost-benefit analyses conducted in accordance with
34 methodologies recommended by the federal railroad administration;

35 (b) Assistance in the formation of county rail districts and port
36 districts; and

1 (c) Feasibility studies for rail service continuation or rail
2 service assistance, or both.

3 (4) With funding authorized by the legislature, the department of
4 transportation, in collaboration with the department of (~~community,~~
5 ~~trade, and economic development~~) commerce, and local economic
6 development agencies, and other interested public and private
7 organizations, shall develop a cooperative process to conduct community
8 and business information programs and to regularly disseminate
9 information on rail matters.

10 **Sec. 176.** RCW 47.80.090 and 2009 c 459 s 2 are each amended to
11 read as follows:

12 (1) A regional transportation planning organization containing any
13 county with a population in excess of one million in collaboration with
14 representatives from the department of ecology, the department of
15 (~~community, trade, and economic development~~) commerce, local
16 governments, and the office of regulatory assistance must seek federal
17 or private funding for the planning for, deployment of, or regulations
18 concerning electric vehicle infrastructure. These efforts should
19 include:

20 (a) Development of short-term and long-term plans outlining how
21 state, regional, and local government construction may include electric
22 vehicle infrastructure in publicly available off-street parking and
23 government fleet vehicle parking, including what ratios of charge spots
24 to parking may be appropriate based on location or type of facility or
25 building;

26 (b) Consultations with the state building code council and the
27 department of labor and industries to coordinate the plans with state
28 standards for new residential, commercial, and industrial buildings to
29 ensure that the appropriate electric circuitry is installed to support
30 electric vehicle infrastructure;

31 (c) Consultation with the workforce development council and the
32 higher education coordinating board to ensure the development of
33 appropriate educational and training opportunities for citizens of the
34 state in support of the transition of some portion of vehicular
35 transportation from combustion to electric vehicles;

36 (d) Development of an implementation plan for counties with a

1 population greater than five hundred thousand with the goal of having
2 public and private parking spaces, in the aggregate, be ten percent
3 electric vehicle ready by December 31, 2018; and

4 (e) Development of model ordinances and guidance for local
5 governments for siting and installing electric vehicle infrastructure,
6 in particular battery charging stations, and appropriate handling,
7 recycling, and storage of electric vehicle batteries and equipment.

8 (2) These plans and any recommendations developed as a result of
9 the consultations required by this section must be submitted to the
10 legislature by December 31, 2010, or as soon as reasonably practicable
11 after the securing of any federal or private funding. Priority will be
12 given to the activities in subsection (1)(e) of this section and any
13 ordinances or guidance that is developed will be submitted to the
14 legislature, the department of (~~community, trade, and economic~~
15 ~~development~~) commerce, and affected local governments prior to
16 December 31, 2010, if completed.

17 (3) The definitions in this subsection apply (~~through~~
18 ~~[throughout]~~) throughout this section unless the context clearly
19 requires otherwise.

20 (a) "Battery charging station" means an electrical component
21 assembly or cluster of component assemblies designed specifically to
22 charge batteries within electric vehicles, which meet or exceed any
23 standards, codes, and regulations set forth by chapter 19.28 RCW and
24 consistent with rules adopted under RCW 19.27.540.

25 (b) "Battery exchange station" means a fully automated facility
26 that will enable an electric vehicle with a swappable battery to enter
27 a drive lane and exchange the depleted battery with a fully charged
28 battery through a fully automated process, which meets or exceeds any
29 standards, codes, and regulations set forth by chapter 19.28 RCW and
30 consistent with rules adopted under RCW 19.27.540.

31 (c) "Electric vehicle infrastructure" means structures, machinery,
32 and equipment necessary and integral to support an electric vehicle,
33 including battery charging stations, rapid charging stations, and
34 battery exchange stations.

35 (d) "Rapid charging station" means an industrial grade electrical
36 outlet that allows for faster recharging of electric vehicle batteries
37 through higher power levels, which meets or exceeds any standards,

1 codes, and regulations set forth by chapter 19.28 RCW and consistent
2 with rules adopted under RCW 19.27.540.

3 **Sec. 177.** RCW 49.04.200 and 2009 c 536 s 12 are each amended to
4 read as follows:

5 (1) The council must evaluate the potential of existing
6 apprenticeship and training programs that would produce workers with
7 the skills needed to conduct energy audits and provide energy
8 efficiency services and deliver its findings to the department of
9 (~~community, trade, and economic development, the leadership team~~)
10 commerce, and the appropriate committees of the legislature as soon as
11 possible, but no later than January 18, 2010.

12 (2) The council may prioritize workforce training programs that
13 lead to apprenticeship programs in green economy jobs. For purposes of
14 this section, green economy jobs include those in the primary
15 industries of a green economy, including clean energy, the forestry
16 industry, high-efficiency building, green transportation, and
17 environmental protection. Prioritization efforts may include but are
18 not limited to: (a) Prioritization of the use of high employer-demand
19 funding for workforce training programs in green economy jobs; (b)
20 increased outreach efforts to public utilities, education, labor,
21 government, and private industry to develop tailored, green job
22 training programs; and (c) increased outreach efforts to target
23 populations. Outreach efforts shall be conducted in partnership with
24 local workforce development councils.

25 (3) The definitions in RCW 43.330.010 apply to this section.

26 **Sec. 178.** RCW 50.16.010 and 2009 c 564 s 946 are each amended to
27 read as follows:

28 (1) There shall be maintained as special funds, separate and apart
29 from all public moneys or funds of this state an unemployment
30 compensation fund, an administrative contingency fund, and a federal
31 interest payment fund, which shall be administered by the commissioner
32 exclusively for the purposes of this title, and to which RCW 43.01.050
33 shall not be applicable.

34 (2)(a) The unemployment compensation fund shall consist of:

35 (i) All contributions collected under RCW 50.24.010 and payments in

1 lieu of contributions collected pursuant to the provisions of this
2 title;

3 (ii) Any property or securities acquired through the use of moneys
4 belonging to the fund;

5 (iii) All earnings of such property or securities;

6 (iv) Any moneys received from the federal unemployment account in
7 the unemployment trust fund in accordance with Title XII of the social
8 security act, as amended;

9 (v) All money recovered on official bonds for losses sustained by
10 the fund;

11 (vi) All money credited to this state's account in the unemployment
12 trust fund pursuant to section 903 of the social security act, as
13 amended;

14 (vii) All money received from the federal government as
15 reimbursement pursuant to section 204 of the federal-state extended
16 compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

17 (viii) All moneys received for the fund from any other source.

18 (b) All moneys in the unemployment compensation fund shall be
19 commingled and undivided.

20 (3)(a) Except as provided in (b) of this subsection, the
21 administrative contingency fund shall consist of:

22 (i) All interest on delinquent contributions collected pursuant to
23 this title;

24 (ii) All fines and penalties collected pursuant to the provisions
25 of this title;

26 (iii) All sums recovered on official bonds for losses sustained by
27 the fund; and

28 (iv) Revenue received under RCW 50.24.014.

29 (b) All fees, fines, forfeitures, and penalties collected or
30 assessed by a district court because of the violation of this title or
31 rules adopted under this title shall be remitted as provided in chapter
32 3.62 RCW.

33 (c) Except as provided in (d) of this subsection, moneys available
34 in the administrative contingency fund, other than money in the special
35 account created under RCW 50.24.014, shall be expended upon the
36 direction of the commissioner, with the approval of the governor,
37 whenever it appears to him or her that such expenditure is necessary
38 solely for:

1 (i) The proper administration of this title and that insufficient
2 federal funds are available for the specific purpose to which such
3 expenditure is to be made, provided, the moneys are not substituted for
4 appropriations from federal funds which, in the absence of such moneys,
5 would be made available.

6 (ii) The proper administration of this title for which purpose
7 appropriations from federal funds have been requested but not yet
8 received, provided, the administrative contingency fund will be
9 reimbursed upon receipt of the requested federal appropriation.

10 (iii) The proper administration of this title for which compliance
11 and audit issues have been identified that establish federal claims
12 requiring the expenditure of state resources in resolution. Claims
13 must be resolved in the following priority: First priority is to
14 provide services to eligible participants within the state; second
15 priority is to provide substitute services or program support; and last
16 priority is the direct payment of funds to the federal government.

17 (d)(i) During the 2007-2009 fiscal biennium, moneys available in
18 the administrative contingency fund, other than money in the special
19 account created under RCW 50.24.014(1)(a), shall be expended as
20 appropriated by the legislature for: (A) The cost of the job skills or
21 worker retraining programs at the community and technical colleges and
22 administrative costs at the state board for community and technical
23 colleges; and (B) reemployment services such as business and project
24 development assistance, local economic development capacity building,
25 and local economic development financial assistance at the department
26 of ~~((community, trade, and economic development))~~ commerce. The
27 remaining appropriation may be expended as specified in (c) of this
28 subsection.

29 (ii) During the 2009-2011 fiscal biennium, moneys available in the
30 administrative contingency fund, other than money in the special
31 account created under RCW 50.24.014(1)(a), shall be expended by the
32 department of social and health services as appropriated by the
33 legislature for employment and training services and programs in the
34 WorkFirst program, and for the administrative costs of state agencies
35 participating in the WorkFirst program. The remaining appropriation
36 may be expended as specified in (c) of this subsection.

37 (4) Money in the special account created under RCW 50.24.014(1)(a)

1 may only be expended, after appropriation, for the purposes specified
2 in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014,
3 50.44.053, and 50.22.010.

4 **Sec. 179.** RCW 50.38.030 and 1995 c 399 s 142 are each amended to
5 read as follows:

6 The employment security department shall consult with the following
7 agencies prior to the issuance of the state occupational forecast:

8 (1) Office of financial management;

9 (2) Department of (~~community, trade, and economic development~~)
10 commerce;

11 (3) Department of labor and industries;

12 (4) State board for community and technical colleges;

13 (5) Superintendent of public instruction;

14 (6) Department of social and health services;

15 (7) Workforce training and education coordinating board; and

16 (8) Other state and local agencies as deemed appropriate by the
17 commissioner of the employment security department.

18 These agencies shall cooperate with the employment security
19 department, submitting information relevant to the generation of
20 occupational forecasts.

21 **Sec. 180.** RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended to
22 read as follows:

23 The Washington youthbuild program is established within the
24 department. The commissioner, in cooperation and consultation with the
25 director of the department of (~~community, trade, and economic
26 development~~) commerce, shall:

27 (1) Make grants, up to the lesser of three hundred thousand dollars
28 or twenty-five percent of the total costs of the youthbuild activities,
29 to applicants eligible to provide education and employment training
30 under federal or state employment training programs, for the purpose of
31 carrying out a wide range of multidisciplinary activities and services
32 to assist economically disadvantaged youth under the federal
33 opportunities for youth: Youthbuild program (106 Stat. 3723; 42 U.S.C.
34 Sec. 8011), or locally developed youthbuild-type programs for
35 economically disadvantaged youth; and

1 (2) Coordinate youth employment and training efforts under the
2 department's jurisdiction and cooperate with other agencies and
3 departments providing youth services to ensure that funds appropriated
4 for the purposes of this chapter will be used to supplement funding
5 from federal, state, local, or private sources.

6 **Sec. 181.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to read
7 as follows:

8 (1)(a) Except as provided in (b) of this subsection, a port
9 district may at any time contract indebtedness or borrow money for
10 district purposes and may issue general obligation bonds therefor not
11 exceeding an amount, together with any existing indebtedness of the
12 district not authorized by the voters, of one-fourth of one percent of
13 the value of the taxable property in the district.

14 (b) Port districts having less than eight hundred million dollars
15 in value of taxable property during 1991 may at any time contract
16 indebtedness or borrow money for port district purposes and may issue
17 general obligation bonds therefor not exceeding an amount, combined
18 with existing indebtedness of the district not authorized by the
19 voters, of three-eighths of one percent of the value of the taxable
20 property in the district. Prior to contracting for any indebtedness
21 authorized by this subsection (1)(b), the port district must have a
22 comprehensive plan for harbor improvements or industrial development
23 and a long-term financial plan approved by the department of
24 (~~community, trade, and economic development~~) commerce. The
25 department (~~of community, trade, and economic development~~) is immune
26 from any liability for its part in reviewing or approving port
27 district's improvement or development plans, or financial plans. Any
28 indebtedness authorized by this subsection (1)(b) may be used only to
29 acquire or construct a facility, and, prior to contracting for such
30 indebtedness, the port district must have a lease contract for a
31 minimum of five years for the facility to be acquired or constructed by
32 the debt.

33 (2) With the assent of three-fifths of the voters voting thereon at
34 a general or special port election called for that purpose, a port
35 district may contract indebtedness or borrow money for district
36 purposes and may issue general obligation bonds therefor provided the

1 total indebtedness of the district at any such time shall not exceed
2 three-fourths of one percent of the value of the taxable property in
3 the district.

4 (3) In addition to the indebtedness authorized under subsections
5 (1) and (2) of this section, port districts having less than two
6 hundred million dollars in value of taxable property and operating a
7 municipal airport may at any time contract indebtedness or borrow money
8 for airport capital improvement purposes and may issue general
9 obligation bonds therefor not exceeding an additional one-eighth of one
10 percent of the value of the taxable property in the district without
11 authorization by the voters; and, with the assent of three-fifths of
12 the voters voting thereon at a general or special port election called
13 for that purpose, may contract indebtedness or borrow money for airport
14 capital improvement purposes and may issue general obligation bonds
15 therefor for an additional three-eighths of one percent provided the
16 total indebtedness of the district for all port purposes at any such
17 time shall not exceed one and one-fourth percent of the value of the
18 taxable property in the district.

19 (4) Any port district may issue general district bonds evidencing
20 any indebtedness, payable at any time not exceeding fifty years from
21 the date of the bonds. Any contract for indebtedness or borrowed money
22 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.
23 The bonds shall be issued and sold in accordance with chapter 39.46
24 RCW.

25 (5) Elections required under this section shall be held as provided
26 in RCW 39.36.050.

27 (6) For the purpose of this section, "indebtedness of the district"
28 shall not include any debt of a countywide district with a population
29 less than twenty-five hundred people when the debt is secured by a
30 mortgage on property leased to the federal government; and the term
31 "value of the taxable property" shall have the meaning set forth in RCW
32 39.36.015.

33 (7) This section does not apply to a loan made under a loan
34 agreement under chapter 39.69 RCW, and a computation of indebtedness
35 under this chapter must exclude the amount of a loan under such a loan
36 agreement.

1 **Sec. 182.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to
2 read as follows:

3 (1) A district providing utility service for residential space
4 heating shall not terminate such utility service between November 15
5 through March 15 if the customer:

6 (a) Notifies the utility of the inability to pay the bill,
7 including a security deposit. This notice should be provided within
8 five business days of receiving a payment overdue notice unless there
9 are extenuating circumstances. If the customer fails to notify the
10 utility within five business days and service is terminated, the
11 customer can, by paying reconnection charges, if any, and fulfilling
12 the requirements of this section, receive the protections of this
13 chapter;

14 (b) Provides self-certification of household income for the prior
15 twelve months to a grantee of the department of (~~community, trade, and~~
16 ~~economic development~~) commerce which administers federally funded
17 energy assistance programs. The grantee shall determine that the
18 household income does not exceed the maximum allowed for eligibility
19 under the state's plan for low-income energy assistance under 42 U.S.C.
20 8624 and shall provide a dollar figure that is seven percent of
21 household income. The grantee may verify information provided in the
22 self-certification;

23 (c) Has applied for home heating assistance from applicable
24 government and private sector organizations and certifies that any
25 assistance received will be applied to the current bill and future
26 utility bills;

27 (d) Has applied for low-income weatherization assistance to the
28 utility or other appropriate agency if such assistance is available for
29 the dwelling;

30 (e) Agrees to a payment plan and agrees to maintain the payment
31 plan. The plan will be designed both to pay the past due bill by the
32 following October 15 and to pay for continued utility service. If the
33 past due bill is not paid by the following October 15, the customer
34 shall not be eligible for protections under this chapter until the past
35 due bill is paid. The plan shall not require monthly payments in
36 excess of seven percent of the customer's monthly income plus one-
37 twelfth of any arrearage accrued from the date application is made and
38 thereafter during November 15 through March 15. A customer may agree

1 to pay a higher percentage during this period, but shall not be in
2 default unless payment during this period is less than seven percent of
3 monthly income plus one-twelfth of any arrearage accrued from the date
4 application is made and thereafter. If assistance payments are
5 received by the customer subsequent to implementation of the plan, the
6 customer shall contact the utility to reformulate the plan; and

7 (f) Agrees to pay the moneys owed even if he or she moves.

8 (2) The utility shall:

9 (a) Include in any notice that an account is delinquent and that
10 service may be subject to termination, a description of the customer's
11 duties in this section;

12 (b) Assist the customer in fulfilling the requirements under this
13 section;

14 (c) Be authorized to transfer an account to a new residence when a
15 customer who has established a plan under this section moves from one
16 residence to another within the same utility service area;

17 (d) Be permitted to disconnect service if the customer fails to
18 honor the payment program. Utilities may continue to disconnect
19 service for those practices authorized by law other than for nonpayment
20 as provided for in this section. Customers who qualify for payment
21 plans under this section who default on their payment plans and are
22 disconnected can be reconnected and maintain the protections afforded
23 under this chapter by paying reconnection charges, if any, and by
24 paying all amounts that would have been due and owing under the terms
25 of the applicable payment plan, absent default, on the date on which
26 service is reconnected; and

27 (e) Advise the customer in writing at the time it disconnects
28 service that it will restore service if the customer contacts the
29 utility and fulfills the other requirements of this section.

30 (3) All districts providing utility service for residential space
31 heating shall offer residential customers the option of a budget
32 billing or equal payment plan. The budget billing or equal payment
33 plan shall be offered low-income customers eligible under the state's
34 plan for low-income energy assistance prepared in accordance with 42
35 U.S.C. 8624(C)(1) without limiting availability to certain months of
36 the year, without regard to the length of time the customer has
37 occupied the premises, and without regard to whether the customer is
38 the tenant or owner of the premises occupied.

1 (4) An agreement between the customer and the utility, whether oral
2 or written, shall not waive the protections afforded under this
3 chapter.

4 **Sec. 183.** RCW 54.52.010 and 2007 c 132 s 1 are each amended to
5 read as follows:

6 A public utility district may include along with, or as part of its
7 regular customer billings, a request for voluntary contributions to
8 assist qualified low-income residential customers of the district in
9 paying their electricity bills. All funds received by the district in
10 response to such requests shall be (1) transmitted (a) to the grantee
11 of the department of (~~community, trade, and economic development~~)
12 commerce which administers federally funded energy assistance programs
13 for the state in the district's service area or (b) to a charitable
14 organization within the district's service area; or (2) retained by the
15 district. All such funds shall be used solely to supplement assistance
16 to low-income residential customers of the district in paying their
17 electricity bills. The grantee, charitable organization, or district
18 is responsible to determine which of the district's customers are
19 qualified for low-income assistance and the amount of assistance to be
20 provided to those who are qualified.

21 **Sec. 184.** RCW 54.52.020 and 2007 c 132 s 2 are each amended to
22 read as follows:

23 All assistance provided under this chapter shall be disbursed by
24 the grantee, charitable organization, or district. When applicable,
25 the public utility district will be paid on behalf of the customer by
26 the grantee or the charitable organization. When direct vendor payment
27 is not feasible, a check will be issued jointly payable to the customer
28 and the public utility district. The availability of funds for
29 assistance to a district's low-income customers as a result of
30 voluntary contributions shall not reduce the amount of assistance for
31 which the district's customers are eligible under the federally funded
32 energy assistance programs administered by the grantee of the
33 department of (~~community, trade, and economic development~~) commerce
34 within the district's service area. When applicable, the grantee or
35 charitable organization shall provide the district with a quarterly
36 report on January 15th, April 15th, July 15th, and October 15th which

1 includes information concerning the total amount of funds received from
2 the district, the names of all recipients of assistance from these
3 funds, the amount received by each recipient, and the amount of funds
4 received from the district currently on hand and available for future
5 low-income assistance.

6 **Sec. 185.** RCW 57.46.010 and 1996 c 230 s 1401 are each amended to
7 read as follows:

8 A district may include along with, or as part of its regular
9 customer billings, a request for voluntary contributions to assist
10 qualified low-income residential customers of the district in paying
11 their district bills. All funds received by the district in response
12 to such requests shall be transmitted to the grantee of the department
13 of (~~community, trade, and economic development~~) commerce which
14 administers federally funded energy assistance programs for the state
15 in the district's service area or to a charitable organization within
16 the district's service area. All such funds shall be used solely to
17 supplement assistance to low-income residential customers of the
18 district in paying their district bills. The grantee or charitable
19 organization shall be responsible to determine which of the district's
20 customers are qualified for low-income assistance and the amount of
21 assistance to be provided to those who are qualified.

22 **Sec. 186.** RCW 57.46.020 and 1996 c 230 s 1402 are each amended to
23 read as follows:

24 All assistance provided under this chapter shall be disbursed by
25 the grantee or charitable organization. Where possible the district
26 shall be paid on behalf of the customer by the grantee or the
27 charitable organization. When direct vendor payment is not feasible,
28 a check shall be issued jointly payable to the customer and the
29 district. The availability of funds for assistance to a district's
30 low-income customers as a result of voluntary contributions shall not
31 reduce the amount of assistance for which the district's customers are
32 eligible under the federally funded energy assistance programs
33 administered by the grantee of the department of (~~community, trade,
34 and economic development~~) commerce within the district's service area.
35 The grantee or charitable organization shall provide the district with
36 a quarterly report on January 15th, April 15th, July 15th, and October

1 15th which includes information concerning the total amount of funds
2 received from the district, the names of all recipients of assistance
3 from these funds, the amount received by each recipient, and the amount
4 of funds received from the district currently on hand and available for
5 future low-income assistance.

6 **Sec. 187.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to
7 read as follows:

8 (1) Any city, town, county, or municipal corporation that is
9 required to develop a comprehensive plan under RCW 36.70A.040(1) is
10 authorized to require, after reasonable notice to the public and a
11 public hearing, property owners to provide their portion of reasonable
12 relocation assistance to low-income tenants upon the demolition,
13 substantial rehabilitation whether due to code enforcement or any other
14 reason, or change of use of residential property, or upon the removal
15 of use restrictions in an assisted-housing development. No city, town,
16 county, or municipal corporation may require property owners to provide
17 relocation assistance to low-income tenants, as defined in this
18 chapter, upon the demolition, substantial rehabilitation, upon the
19 change of use of residential property, or upon the removal of use
20 restrictions in an assisted-housing development, except as expressly
21 authorized herein or when authorized or required by state or federal
22 law. As used in this section, "assisted housing development" means a
23 multifamily rental housing development that either receives government
24 assistance and is defined as federally assisted housing in RCW
25 59.28.020, or that receives other federal, state, or local government
26 assistance and is subject to use restrictions.

27 (2) As used in this section, "low-income tenants" means tenants
28 whose combined total income per dwelling unit is at or below fifty
29 percent of the median income, adjusted for family size, in the county
30 where the tenants reside.

31 The department of (~~community, trade, and economic development~~)
32 commerce shall adopt rules defining county median income in accordance
33 with the definitions promulgated by the federal department of housing
34 and urban development.

35 (3) A requirement that property owners provide relocation
36 assistance shall include the amounts of such assistance to be provided
37 to low-income tenants. In determining such amounts, the jurisdiction

1 imposing the requirement shall evaluate, and receive public testimony
2 on, what relocation expenses displaced tenants would reasonably incur
3 in that jurisdiction including:

4 (a) Actual physical moving costs and expenses;

5 (b) Advance payments required for moving into a new residence such
6 as the cost of first and last month's rent and security and damage
7 deposits;

8 (c) Utility connection fees and deposits; and

9 (d) Anticipated additional rent and utility costs in the residence
10 for one year after relocation.

11 (4)(a) Relocation assistance provided to low-income tenants under
12 this section shall not exceed two thousand dollars for each dwelling
13 unit displaced by actions of the property owner under subsection (1) of
14 this section. A city, town, county, or municipal corporation may make
15 future annual adjustments to the maximum amount of relocation
16 assistance required under this subsection in order to reflect any
17 changes in the housing component of the consumer price index as
18 published by the United States department of labor, bureau of labor
19 statistics.

20 (b) The property owner's portion of any relocation assistance
21 provided to low-income tenants under this section shall not exceed one-
22 half of the required relocation assistance under (a) of this subsection
23 in cash or services.

24 (c) The portion of relocation assistance not covered by the
25 property owner under (b) of this subsection shall be paid by the city,
26 town, county, or municipal corporation authorized to require relocation
27 assistance under subsection (1) of this section. The relocation
28 assistance may be paid from proceeds collected from the excise tax
29 imposed under RCW 82.46.010.

30 (5) A city, town, county, or municipal corporation requiring the
31 provision of relocation assistance under this section shall adopt
32 policies, procedures, or regulations to implement such requirement.
33 Such policies, procedures, or regulations shall include provisions for
34 administrative hearings to resolve disputes between tenants and
35 property owners relating to relocation assistance or unlawful detainer
36 actions during relocation, and shall require a decision within thirty
37 days of a request for a hearing by either a tenant or property owner.

1 Judicial review of an administrative hearing decision relating to
2 relocation assistance may be had by filing a petition, within ten days
3 of the decision, in the superior court in the county where the
4 residential property is located. Judicial review shall be confined to
5 the record of the administrative hearing and the court may reverse the
6 decision only if the administrative findings, inferences, conclusions,
7 or decision is:

8 (a) In violation of constitutional provisions;

9 (b) In excess of the authority or jurisdiction of the
10 administrative hearing officer;

11 (c) Made upon unlawful procedure or otherwise is contrary to law;
12 or

13 (d) Arbitrary and capricious.

14 (6) Any city, town, county, or municipal corporation may require
15 relocation assistance, under the terms of this section, for otherwise
16 eligible tenants whose living arrangements are exempted from the
17 provisions of this chapter under RCW 59.18.040(3) and if the living
18 arrangement is considered to be a rental or lease not defined as a
19 retail sale under RCW 82.04.050.

20 (7)(a) Persons who move from a dwelling unit prior to the
21 application by the owner of the dwelling unit for any governmental
22 permit necessary for the demolition, substantial rehabilitation, or
23 change of use of residential property or prior to any notification or
24 filing required for condominium conversion shall not be entitled to the
25 assistance authorized by this section.

26 (b) Persons who move into a dwelling unit after the application for
27 any necessary governmental permit or after any required condominium
28 conversion notification or filing shall not be entitled to the
29 assistance authorized by this section if such persons receive written
30 notice from the property owner prior to taking possession of the
31 dwelling unit that specifically describes the activity or condition
32 that may result in their temporary or permanent displacement and
33 advises them of their ineligibility for relocation assistance.

34 **Sec. 188.** RCW 59.24.020 and 1995 c 399 s 157 are each amended to
35 read as follows:

36 (1) The department of (~~community, trade, and economic~~
37 ~~development~~) commerce shall establish the rental security deposit

1 guarantee program. Through this program the department (~~of community,~~
2 ~~trade, and economic development~~)) shall provide grants and technical
3 assistance to local governments or nonprofit corporations, including
4 local housing authorities as defined in RCW 35.82.030, who operate
5 emergency housing shelters or transitional housing programs. The
6 grants are to be used for the payment of residential rental security
7 deposits under this chapter. The technical assistance is to help the
8 local government or nonprofit corporation apply for grants and carry
9 out the program. In order to be eligible for grants under this
10 program, the recipient local government or nonprofit corporation shall
11 provide fifteen percent of the total amount needed for the security
12 deposit. The security deposit may include last month's rent where such
13 rent is required as a normal practice by the landlord.

14 (2) The grants and matching funds shall be placed by the recipient
15 local government or nonprofit corporation in a revolving loan fund and
16 deposited in a bank or savings institution in an account that is
17 separate from all other funds of the recipient. The funds and interest
18 earned on these funds shall be utilized only as collateral to guarantee
19 the payment of a security deposit required by a residential rental
20 property owner as a condition for entering into a rental agreement with
21 a prospective tenant.

22 (3) Prospective tenants who are eligible to participate in the
23 rental security deposit guarantee program shall be limited to homeless
24 persons or families who are residing in an emergency shelter or
25 transitional housing operated by a local government or a nonprofit
26 corporation, or to families who are temporarily residing in a park,
27 car, or are otherwise without adequate shelter. The local government
28 or nonprofit corporation shall make a determination regarding the
29 person's or family's eligibility to participate in this program and a
30 determination that a local rental unit is available for occupation. A
31 determination of eligibility shall include, but is not limited to: (a)
32 A determination that the person or family is homeless or is in
33 transitional housing; (b) a verification of income and that the person
34 or family can reasonably make the monthly rental payment; and (c) a
35 determination that the person or family does not have the financial
36 resources to make the rental security deposit.

1 **Sec. 189.** RCW 59.24.050 and 1995 c 399 s 158 are each amended to
2 read as follows:

3 The department of (~~community, trade, and economic development~~)
4 commerce may adopt rules to implement this chapter, including but not
5 limited to: (1) The eligibility of and the application process for
6 local governments and nonprofit corporations; (2) the criteria by which
7 grants and technical assistance shall be provided to local governments
8 and nonprofit corporations; and (3) the criteria local governments and
9 nonprofit corporations shall use in entering into contracts with
10 tenants and rental property owners.

11 **Sec. 190.** RCW 59.24.060 and 1995 c 399 s 159 are each amended to
12 read as follows:

13 The department of (~~community, trade, and economic development~~)
14 commerce may receive such gifts, grants, or endowments from public or
15 private sources, as may be made from time to time, in trust or
16 otherwise, to be used by the department (~~of community, trade, and~~
17 ~~economic development~~) for its programs, including the rental security
18 deposit guarantee program. Funds from the housing trust fund, chapter
19 43.185 RCW, up to one hundred thousand dollars, may be used for the
20 rental security deposit guarantee program by the department (~~of~~
21 ~~community, trade, and economic development~~), local governments, and
22 nonprofit organizations, provided all the requirements of this chapter
23 and chapter 43.185 RCW are met.

24 **Sec. 191.** RCW 59.28.030 and 2000 c 255 s 2 are each amended to
25 read as follows:

26 (1) This chapter shall not apply to the expiration or termination
27 of a housing assistance contract between a public housing agency and an
28 owner of existing housing participating in either the section 8
29 certificate or voucher program (42 U.S.C. Sec. 1437f).

30 (2) An owner of federally assisted housing shall not be required to
31 give notice of a prepayment under this chapter, if the owner has: (a)
32 Entered into an agreement with a federal, state, or local agency
33 continuing existing, or imposing new, low-income use restrictions for
34 at least twenty years that ensure that the tenants residing in the
35 development at the time of prepayment are not involuntarily displaced
36 except for good cause and that the housing will continue to serve very

1 low and low-income families and persons in need of affordable housing;
2 and (b) served notice of the agreement on the clerk of the city, or
3 county if in an unincorporated area, in which the property is located,
4 on any public housing agency that would be responsible for
5 administering tenant-based rental assistance to persons who would
6 otherwise be displaced from this housing, and on the department of
7 (~~community, trade, and economic development~~) commerce by regular and
8 certified mail and posted a copy of the agreement in a conspicuous
9 place at the development where it is likely to be seen by the tenants.
10 The posted agreement shall be maintained intact and in legible form for
11 the life of the agreement.

12 (3) An owner of federally assisted housing is not required to give
13 notice that a rental assistance contract is expiring if: (a) The owner
14 has entered into an agreement with the United States department of
15 housing and urban development or other federal, state, or local agency
16 to renew the rental assistance contract for a minimum of five years
17 subject to the availability of adequate appropriations; (b) the
18 agreement itself does not expire in less than twelve months; and (c)
19 the owner has served written notice of the agreement on the clerk of
20 the city, or county if in an unincorporated area, in which the property
21 is located, on any public housing agency that would be responsible for
22 administering tenant-based rental assistance to persons who would
23 otherwise be displaced from this housing, and on the department of
24 (~~community, trade, and economic development~~) commerce, by regular and
25 certified mail and posted these notices in a conspicuous place at the
26 development where they are likely to be seen by the tenants. The
27 posted notices shall be maintained intact and in legible form for the
28 life of the agreement to renew the rental assistance contract.

29 **Sec. 192.** RCW 59.28.040 and 2002 c 30 s 3 are each amended to read
30 as follows:

31 Except as provided in RCW 59.28.030, all owners of federally
32 assisted housing shall, at least twelve months before the expiration of
33 the rental assistance contract or prepayment of a mortgage or loan,
34 serve a written notice of the anticipated expiration or prepayment date
35 on each tenant household residing in the housing, on the clerk of the
36 city, or clerk of the county legislative authority if in an
37 unincorporated area, in which the property is located, on any public

1 housing agency that would be responsible for administering tenant-based
2 rental assistance to persons who would otherwise be displaced from this
3 housing, and on the department of (~~community, trade, and economic~~
4 ~~development~~) commerce, by regular and certified mail. All owners of
5 federally assisted housing shall also serve written notice of the
6 anticipated expiration or prepayment date on each tenant household that
7 moves into the housing after the initial notice has been given, but
8 before the expiration of the rental assistance contract or prepayment
9 of the mortgage or loan. This notice shall be given before a new
10 tenant is asked to execute a rental agreement or required to pay any
11 deposits.

12 **Sec. 193.** RCW 59.28.050 and 1995 c 399 s 161 are each amended to
13 read as follows:

14 This chapter shall not in any way prohibit an owner of federally
15 assisted housing from terminating a rental assistance contract or
16 prepaying a mortgage or loan. The requirement in this chapter for
17 notice shall not be construed as conferring any new or additional
18 regulatory power upon the city or county clerk or upon the department
19 of (~~community, trade, and economic development~~) commerce.

20 **Sec. 194.** RCW 59.28.060 and 2000 c 255 s 4 are each amended to
21 read as follows:

22 (1) The notice to tenants required by RCW 59.28.040 shall state:

23 (a) Whether the owner (i) intends to prepay the mortgage or loan or
24 allow the rental assistance contract to expire in order to operate the
25 housing without any low-income use restrictions, (ii) plans on renewing
26 the rental assistance contract subject to the availability of adequate
27 appropriations, or (iii) is seeking additional financial incentives or
28 higher rents as a condition of remaining in the federal program; (b)
29 the reason the owner plans on taking this action; (c) the owner's plans
30 for the project, including any timetables or deadlines for actions to
31 be taken by the owner and any specific federal, state, or local agency
32 approvals that the owner is required to obtain; (d) the anticipated
33 date of the prepayment of the mortgage or loan or expiration of the
34 rental assistance contract; (e) the effect, if any, that prepayment of
35 the mortgage or loan or expiration of the rental assistance contract
36 will have upon the tenants' rent and other terms of their rental

1 agreement; and (f) that additional information will be served on the
2 city or county, on the local public housing agency, and on the
3 department of (~~community, trade, and economic development~~) commerce
4 and will be posted at the development. The owner shall also include
5 with the notice written information, prepared by the department (~~of~~
6 ~~community, trade, and economic development under RCW 59.28.120(1)~~),
7 concerning the legal rights, responsibilities, and options of owners
8 and tenants when an owner intends to prepay a mortgage or loan or
9 terminate a rental assistance contract.

10 (2) The notice to the city or county clerk and to the department of
11 (~~community, trade, and economic development~~) commerce required by RCW
12 59.28.040 shall state: (a) The name, location, and project number of
13 the federally assisted housing and the type of assistance received from
14 the federal government; (b) the number and size of units; (c) the age,
15 race, family size, and estimated incomes of the tenants who will be
16 affected by the prepayment of the loan or mortgage or expiration of the
17 federal assistance contract; (d) the current rents and projected rent
18 increases for each affected tenant after the prepayment of the mortgage
19 or loan or expiration of the rental assistance contract without
20 disclosing the identities of the affected tenants; (e) the availability
21 and type, if any, of rental assistance after the prepayment of the
22 mortgage or loan or expiration of the rental assistance contract; and
23 (f) the age, race, family size, and estimated incomes of any applicants
24 on the project's waiting list without disclosing the identities of the
25 applicants. The owner shall attach to this notice a copy of the notice
26 the owner sends to the tenants under this chapter.

27 (3) All owners of federally assisted housing shall immediately post
28 a copy of any notices they send the city or county clerk, any public
29 housing agency, and the department of (~~community, trade, and economic~~
30 ~~development~~) commerce, under RCW 59.28.040, in a conspicuous place at
31 the development where they are likely to be seen by current and
32 prospective tenants. The notices shall be maintained intact and in
33 legible form for twelve months from the date they are posted.

34 All owners of federally assisted housing shall, upon request of any
35 state or local agency, provide the agency with a copy of any rent
36 comparability study, market analysis, or projected budget that they
37 submit to the United States department of housing and urban development
38 or other federal agency in conjunction with the prepayment of their

1 mortgage or loan or in anticipation of the expiration of their rental
2 assistance contract, together with any physical inspection reports or
3 capital needs assessments completed by the owner or federal agency
4 within the last three years.

5 **Sec. 195.** RCW 59.30.060 and 2007 c 431 s 7 are each amended to
6 read as follows:

7 The department must have the capability to compile, update, and
8 maintain the most accurate database possible of all the
9 manufactured/mobile home communities in the state, which must include
10 all of the information collected under RCW 59.30.050, except for the
11 addresses of each manufactured/mobile home lot within the
12 manufactured/mobile home community that is subject to chapter 59.20
13 RCW, which must be made available to the attorney general and the
14 department of (~~community, trade, and economic development~~) commerce
15 in a format to be determined by a collaborative agreement between the
16 department of licensing and the attorney general.

17 **Sec. 196.** RCW 64.34.442 and 2008 c 113 s 3 are each amended to
18 read as follows:

19 (1) All cities and counties planning under RCW 36.70A.040, which
20 have allowed any conversion condominiums within the jurisdiction within
21 the previous twelve-month period, must report annually to the
22 department of (~~community, trade, and economic development~~) commerce
23 the following information:

24 (a) The total number of apartment units converted into
25 condominiums;

26 (b) The total number of conversion condominium projects; and

27 (c) The total number of apartment tenants who receive relocation
28 assistance.

29 (2) Upon completion of a conversion condominium project, a city or
30 county may require the declarant to provide the information described
31 in subsection (1) of this section to the appropriately designated
32 department or agency in the city or county for the purpose of complying
33 with subsection (1) of this section.

34 **Sec. 197.** RCW 66.08.195 and 2001 c 8 s 1 are each amended to read
35 as follows:

1 For the purposes of this chapter:

2 (1) "Border area" means any incorporated city or town, or
3 unincorporated area, located within seven miles of the Washington-
4 Canadian border or any unincorporated area that is a point of land
5 surrounded on three sides by saltwater and adjacent to the Canadian
6 border.

7 (2) "Border area per-capita law-enforcement spending" equals total
8 per capita expenditures in a border area on: Law enforcement operating
9 costs, court costs, law enforcement-related insurance, and detention
10 expenses, minus funds allocated to a border area under RCW 66.08.190
11 and 66.08.196.

12 (3) "Border-crossing traffic total" means the number of vehicles,
13 vessels, and aircraft crossing into the United States through a United
14 States customs service border crossing that enter into the border area
15 during a federal fiscal year, using border crossing statistics and
16 criteria included in guidelines adopted by the department of
17 (~~community, trade, and economic development~~) commerce.

18 (4) "Border-related crime statistic" means the sum of infractions
19 and citations issued, and arrests of persons permanently residing
20 outside Washington state in a border area during a calendar year.

21 **Sec. 198.** RCW 66.08.198 and 1995 c 159 s 4 are each amended to
22 read as follows:

23 The department of (~~community, trade, and economic development~~)
24 commerce shall develop guidelines to determine the figures used under
25 the three distribution factors defined in RCW 66.08.195. At the
26 request of any border community, the department may review these
27 guidelines once every three years.

28 **Sec. 199.** RCW 67.28.1816 and 2008 c 28 s 1 are each amended to
29 read as follows:

30 (1) Lodging tax revenues under this chapter may be used, directly
31 by local jurisdictions or indirectly through a convention and visitors
32 bureau or destination marketing organization, for the marketing and
33 operations of special events and festivals and to support the
34 operations and capital expenditures of tourism-related facilities owned
35 by nonprofit organizations described under section 501(c)(3) and
36 section 501(c)(6) of the internal revenue code of 1986, as amended.

1 (2) Local jurisdictions that use the lodging tax revenues under
2 this section must submit an annual economic impact report to the
3 department of (~~community, trade, and economic development~~) commerce
4 for expenditures made beginning January 1, 2008. These reports must
5 include the expenditures by the local jurisdiction for tourism
6 promotion purposes and what is used by a nonprofit organization exempt
7 from taxation under 26 U.S.C. Sec. 501(c)(3) or 501(c)(6). This
8 economic impact report, at a minimum, must include: (a) The total
9 revenue received under this chapter for each year; (b) the list of
10 festivals, special events, or nonprofit 501(c)(3) or 501(c)(6)
11 organizations that received funds under this chapter; (c) the list of
12 festivals, special events, or tourism facilities sponsored or owned by
13 the local jurisdiction that received funds under this chapter; (d) the
14 amount of revenue expended on each festival, special event, or
15 tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or
16 501(c)(6) organization or local jurisdiction; (e) the estimated number
17 of tourists, persons traveling over fifty miles to the destination,
18 persons remaining at the destination overnight, and lodging stays
19 generated per festival, special event, or tourism-related facility
20 owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization
21 or local jurisdiction; and (f) any other measurements the local
22 government finds that demonstrate the impact of the increased tourism
23 attributable to the festival, special event, or tourism-related
24 facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6)
25 organization or local jurisdiction.

26 (3) The joint legislative audit and review committee must report to
27 the legislature and the governor on the use and economic impact of
28 lodging tax revenues by local jurisdictions since January 1, 2008, to
29 support festivals, special events, and tourism-related facilities owned
30 or sponsored by a nonprofit organization under section 501(c)(3) or
31 501(c)(6) of the internal revenue code of 1986, as amended, or a local
32 jurisdiction, and the economic impact generated by these festivals,
33 events, and facilities. This report shall be due September 1, 2012.

34 (4) Reporting under this section must begin with calendar year
35 2008.

36 (5) This section expires June 30, 2013.

1 **Sec. 200.** RCW 67.38.070 and 1995 c 399 s 167 are each amended to
2 read as follows:

3 The comprehensive cultural arts, stadium and convention plan
4 adopted by the district shall be reviewed by the department of
5 (~~community, trade, and economic development~~) commerce to determine:

6 (1) Whether the plan will enhance the progress of the state and
7 provide for the general welfare of the population; and

8 (2) Whether such plan is eligible for matching federal funds.

9 After reviewing the comprehensive cultural arts, stadium and
10 convention plan, the department of (~~community, trade, and economic
11 development~~) commerce shall have sixty days in which to approve such
12 plan and to certify to the state treasurer that such district shall be
13 eligible to receive funds. To be approved a plan shall provide for
14 coordinated cultural arts, stadium and convention planning, and be
15 consistent with the public cultural arts, stadium and convention
16 coordination criteria in a manner prescribed by chapter 35.60 RCW. In
17 the event such comprehensive plan is disapproved and ruled ineligible
18 to receive funds, the department (~~of community, trade, and economic
19 development~~) shall provide written notice to the district within
20 thirty days as to the reasons for such plan's disapproval and such
21 ineligibility. The district may resubmit such plan upon
22 reconsideration and correction of such deficiencies cited in such
23 notice of disapproval.

24 **Sec. 201.** RCW 70.05.125 and 2009 c 479 s 48 are each amended to
25 read as follows:

26 (1) The county public health account is created in the state
27 treasury. Funds deposited in the county public health account shall be
28 distributed by the state treasurer to each local public health
29 jurisdiction based upon amounts certified to it by the department of
30 (~~community, trade, and economic development~~) commerce in consultation
31 with the Washington state association of counties. The account shall
32 include funds distributed under RCW 82.14.200(8) and such funds as are
33 appropriated to the account from the state general fund, the public
34 health services account under RCW 43.72.902, and such other funds as
35 the legislature may appropriate to it.

36 (2)(a) The director of (~~the department of community, trade, and~~

1 ~~economic development~~) commerce shall certify the amounts to be
2 distributed to each local public health jurisdiction using 1995 as the
3 base year of actual city contributions to local public health.

4 (b) Only if funds are available and in an amount no greater than
5 available funds under RCW 82.14.200(8), the department of (~~community,
6 trade, and economic development~~) commerce shall adjust the amount
7 certified under (a) of this subsection to compensate for any annexation
8 of an area with fifty thousand residents or more to any city as a
9 result of a petition during calendar year 1996 or 1997, or for any city
10 that became newly incorporated as a result of an election during
11 calendar year 1994 or 1995. The amount to be adjusted shall be equal
12 to the amount which otherwise would have been lost to the health
13 jurisdiction due to the annexation or incorporation as calculated using
14 the jurisdiction's 1995 funding formula.

15 (c) The county treasurer shall certify the actual 1995 city
16 contribution to the department. Funds in excess of the base shall be
17 distributed proportionately among the health jurisdictions based on
18 incorporated population figures as last determined by the office of
19 financial management.

20 (3) Moneys distributed under this section shall be expended
21 exclusively for local public health purposes.

22 **Sec. 202.** RCW 70.62.290 and 1994 c 250 s 8 are each amended to
23 read as follows:

24 Rules establishing fire and life safety requirements, not
25 inconsistent with the provisions of this chapter, shall continue to be
26 adopted by the director of (~~community, trade, and economic
27 development~~) commerce, through the director of fire protection.

28 **Sec. 203.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to
29 read as follows:

30 (1) A sixteen member state commute trip reduction board is
31 established as follows:

32 (a) The secretary of the department of transportation or the
33 secretary's designee who shall serve as chair;

34 (b) One representative from the office of the governor or the
35 governor's designee;

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

3 (i) Department of general administration;

4 (ii) Department of ecology;

5 (iii) Department of (~~community, trade, and economic development~~)
6 commerce;

7 (d) Three representatives from cities and towns or counties
8 appointed by the governor for staggered four-year terms from a list
9 recommended by the association of Washington cities or the Washington
10 state association of counties;

11 (e) Two representatives from transit agencies appointed by the
12 governor for staggered four-year terms from a list recommended by the
13 Washington state transit association;

14 (f) Two representatives from participating regional transportation
15 planning organizations appointed by the governor for staggered four-
16 year terms;

17 (g) Four representatives of employers at or owners of major
18 worksites in Washington, or transportation management associations,
19 business improvement areas, or other transportation organizations
20 representing employers, appointed by the governor for staggered four-
21 year terms; and

22 (h) Two citizens appointed by the governor for staggered four-year
23 terms.

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

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

- 1 (a) Guidance criteria for growth and transportation efficiency
2 centers;
- 3 (b) Data measurement methods and procedures for determining the
4 efficacy of commute trip reduction activities and progress toward
5 meeting commute trip reduction plan goals;
- 6 (c) Model commute trip reduction ordinances;
- 7 (d) Methods for assuring consistency in the treatment of employers
8 who have worksites subject to the requirements of this chapter in more
9 than one jurisdiction;
- 10 (e) An appeals process by which major employers, who as a result of
11 special characteristics of their business or its locations would be
12 unable to meet the requirements of a commute trip reduction plan, may
13 obtain a waiver or modification of those requirements and criteria for
14 determining eligibility for waiver or modification;
- 15 (f) Establishment of a process for determining the state's affected
16 areas, including criteria and procedures for regional transportation
17 planning organizations in consultation with local jurisdictions to
18 propose to add or exempt urban growth areas;
- 19 (g) Listing of the affected areas of the program to be done every
20 four years as identified in subsection (5) of this section;
- 21 (h) Establishment of a criteria and application process to
22 determine whether jurisdictions that voluntarily implement commute trip
23 reduction are eligible for state funding;
- 24 (i) Guidelines and deadlines for creating and updating local
25 commute trip reduction plans, including guidance to ensure consistency
26 between the local commute trip reduction plan and the transportation
27 demand management strategies identified in the transportation element
28 in the local comprehensive plan, as required by RCW 36.70A.070;
- 29 (j) Guidelines for creating and updating regional commute trip
30 reduction plans, including guidance to ensure the regional commute trip
31 reduction plan is consistent with and incorporated into transportation
32 demand management components in the regional transportation plan;
- 33 (k) Methods for regional transportation planning organizations to
34 evaluate and certify that designated growth and transportation
35 efficiency center programs meet the minimum requirements and are
36 eligible for funding;
- 37 (l) Guidelines for creating and updating growth and transportation
38 efficiency center programs; and

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

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

22 (4) The board shall work with affected jurisdictions, major
23 employers, and other parties to develop and implement a public
24 awareness campaign designed to increase the effectiveness of local
25 commute trip reduction programs and support achievement of the
26 objectives identified in this chapter.

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

1 (6) The board shall review progress toward implementing commute
2 trip reduction plans and programs and the costs and benefits of commute
3 trip reduction plans and programs and shall make recommendations to the
4 legislature and the governor by December 1, 2009, and every two years
5 thereafter. In assessing the costs and benefits, the board shall
6 consider the costs of not having implemented commute trip reduction
7 plans and programs with the assistance of the transportation
8 performance audit board authorized under chapter 44.75 RCW. The board
9 shall examine other transportation demand management programs
10 nationally and incorporate its findings into its recommendations to the
11 legislature. The recommendations shall address the need for
12 continuation, modification, or termination or any or all requirements
13 of this chapter.

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

22 **Sec. 204.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to
23 read as follows:

24 (1) The secretary of the department of transportation may
25 coordinate an interagency board or other interested parties for the
26 purpose of developing policies or guidelines that promote consistency
27 among state agency commute trip reduction programs required by RCW
28 70.94.527 and 70.94.531 or developed under the joint comprehensive
29 commute trip reduction plan described in this section. The board shall
30 include representatives of the departments of transportation, general
31 administration, ecology, and ~~((community, trade, and economic
32 development))~~ commerce and such other departments and interested groups
33 as the secretary of the department of transportation determines to be
34 necessary. Policies and guidelines shall be applicable to all state
35 agencies including but not limited to policies and guidelines regarding
36 parking and parking charges, employee incentives for commuting by other
37 than single-occupant automobiles, flexible and alternative work

1 schedules, alternative worksites, and the use of state-owned vehicles
2 for car and van pools and guaranteed rides home. The policies and
3 guidelines shall also consider the costs and benefits to state agencies
4 of achieving commute trip reductions and consider mechanisms for
5 funding state agency commute trip reduction programs.

6 (2) State agencies sharing a common location in affected urban
7 growth areas where the total number of state employees is one hundred
8 or more shall, with assistance from the department of transportation,
9 develop and implement a joint commute trip reduction program. The
10 worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

11 (3) The department of transportation shall develop a joint
12 comprehensive commute trip reduction plan for all state agencies,
13 including institutions of higher education, located in the Olympia,
14 Lacey, and Tumwater urban growth areas.

15 (a) In developing the joint comprehensive commute trip reduction
16 plan, the department of transportation shall work with applicable state
17 agencies, including institutions of higher education, and shall
18 collaborate with the following entities: Local jurisdictions; regional
19 transportation planning organizations as described in chapter 47.80
20 RCW; transit agencies, including regional transit authorities as
21 described in chapter 81.112 RCW and transit agencies that serve areas
22 within twenty- five miles of the Olympia, Lacey, or Tumwater urban
23 growth areas; and the capitol campus design advisory committee
24 established in RCW 43.34.080.

25 (b) The joint comprehensive commute trip reduction plan must build
26 on existing commute trip reduction programs and policies. At a
27 minimum, the joint comprehensive commute trip reduction plan must
28 include strategies for telework and flexible work schedules, parking
29 management, and consideration of the impacts of worksite location and
30 design on multimodal transportation options.

31 (c) The joint comprehensive commute trip reduction plan must
32 include performance measures and reporting methods and requirements.

33 (d) The joint comprehensive commute trip reduction plan may include
34 strategies to accommodate differences in worksite size and location.

35 (e) The joint comprehensive commute trip reduction plan must be
36 consistent with jurisdictional and regional transportation, land use,
37 and commute trip reduction plans, the state six-year facilities plan,
38 and the master plan for the capitol of the state of Washington.

1 (f) Not more than ninety days after the adoption of the joint
2 comprehensive commute trip reduction plan, state agencies within the
3 three urban growth areas must implement a commute trip reduction
4 program consistent with the objectives and strategies of the joint
5 comprehensive commute trip reduction plan.

6 (4) The department of transportation shall review the initial
7 commute trip reduction program of each state agency subject to the
8 commute trip reduction plan for state agencies to determine if the
9 program is likely to meet the applicable commute trip reduction goals
10 and notify the agency of any deficiencies. If it is found that the
11 program is not likely to meet the applicable commute trip reduction
12 goals, the department of transportation will work with the agency to
13 modify the program as necessary.

14 (5) Each state agency implementing a commute trip reduction plan
15 shall report at least once per year to its agency director on the
16 performance of the agency's commute trip reduction program as part of
17 the agency's quality management, accountability, and performance system
18 as defined by RCW 43.17.385. The reports shall assess the performance
19 of the program, progress toward state goals established under RCW
20 70.94.537, and recommendations for improving the program.

21 (6) The department of transportation shall review the agency
22 performance reports defined in subsection (5) of this section and
23 submit a biennial report for state agencies subject to this chapter to
24 the governor and incorporate the report in the commute trip reduction
25 board report to the legislature as directed in RCW 70.94.537(6). The
26 report shall include, but is not limited to, an evaluation of the most
27 recent measurement results, progress toward state goals established
28 under RCW 70.94.537, and recommendations for improving the performance
29 of state agency commute trip reduction programs. The information shall
30 be reported in a form established by the commute trip reduction board.

31 **Sec. 205.** RCW 70.95.260 and 1995 c 399 s 189 are each amended to
32 read as follows:

33 The department shall in addition to its other powers and duties:

34 (1) Cooperate with the appropriate federal, state, interstate and
35 local units of government and with appropriate private organizations in
36 carrying out the provisions of this chapter.

1 (2) Coordinate the development of a solid waste management plan for
2 all areas of the state in cooperation with local government, the
3 department of (~~community, trade, and economic development~~) commerce,
4 and other appropriate state and regional agencies. The plan shall
5 relate to solid waste management for twenty years in the future and
6 shall be reviewed biennially, revised as necessary, and extended so
7 that perpetually the plan shall look to the future for twenty years as
8 a guide in carrying out a state coordinated solid waste management
9 program. The plan shall be developed into a single integrated document
10 and shall be adopted no later than October 1990. The plan shall be
11 revised regularly after its initial completion so that local
12 governments revising local comprehensive solid waste management plans
13 can take advantage of the data and analysis in the state plan.

14 (3) Provide technical assistance to any person as well as to
15 cities, counties, and industries.

16 (4) Initiate, conduct, and support research, demonstration
17 projects, and investigations, and coordinate research programs
18 pertaining to solid waste management systems.

19 (5) Develop statewide programs to increase public awareness of and
20 participation in tire recycling, and to stimulate and encourage local
21 private tire recycling centers and public participation in tire
22 recycling.

23 (6) May, under the provisions of the Administrative Procedure Act,
24 chapter 34.05 RCW, as now or hereafter amended, from time to time
25 promulgate such rules and regulations as are necessary to carry out the
26 purposes of this chapter.

27 **Sec. 206.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
28 read as follows:

29 The department shall work closely with the department of
30 (~~community, trade, and economic development~~) commerce, the department
31 of general administration, and with other state departments and
32 agencies, the Washington state association of counties, the association
33 of Washington cities, and business associations, to carry out the
34 objectives and purposes of chapter 41, Laws of 1975-'76 2nd ex. sess.

35 **Sec. 207.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to
36 read as follows:

1 (1) In order to establish the feasibility of composting food and
2 yard wastes, the department shall provide funds, as available, to local
3 governments submitting a proposal to compost such wastes.

4 (2) The department, in cooperation with the department of
5 (~~community, trade, and economic development~~) commerce, may approve an
6 application if the project can demonstrate the essential parameters for
7 successful composting, including, but not limited to, cost-
8 effectiveness, handling and safety requirements, and current and
9 potential markets.

10 **Sec. 208.** RCW 70.95H.007 and 1995 c 399 s 192 are each amended to
11 read as follows:

12 There is created the clean Washington center within the department
13 of (~~community, trade, and economic development~~) commerce. As used in
14 this chapter, "center" means the clean Washington center.

15 **Sec. 209.** RCW 70.95H.050 and 1995 c 399 s 194 are each amended to
16 read as follows:

17 The center shall solicit financial contributions and support from
18 manufacturing industries and other private sector sources, foundations,
19 and grants from governmental sources to assist in conducting its
20 activities. It may also use separately appropriated funds of the
21 department of (~~community, trade, and economic development~~) commerce
22 for the center's activities.

23 **Sec. 210.** RCW 70.95N.290 and 2008 c 79 s 1 are each amended to
24 read as follows:

25 (1)(a) The authority is governed by a board of directors. The
26 board of directors is comprised of eleven participating manufacturers,
27 appointed by the director of the department. Five board positions are
28 reserved for representatives of the top ten brand owners by return
29 share of covered electronic products, and six board positions are
30 reserved for representatives of other brands, including at least one
31 board position reserved for a manufacturer who is also a retailer
32 selling their own private label. The return share of covered
33 electronic products used to determine the top ten brand owners for
34 purposes of electing the board must be determined by the department by
35 January 1, 2007.

1 (b) The board must have representation from both television and
2 computer manufacturers.

3 (2) The board shall select from its membership the chair of the
4 board and such other officers as it deems appropriate.

5 (3) A majority of the board constitutes a quorum.

6 (4) The directors of the department of (~~community, trade, and~~
7 ~~economic development~~) commerce and the department of ecology serve as
8 ex officio members. The state agency directors serving in ex officio
9 capacity may each designate an employee of their respective departments
10 to act on their behalf in all respects with regard to any matter to
11 come before the authority. Ex officio designations must be made in
12 writing and communicated to the authority director.

13 (5) The board shall create its own bylaws in accordance with the
14 laws of the state of Washington.

15 (6) Any member of the board may be removed for misfeasance,
16 malfeasance, or willful neglect of duty after notice and a public
17 hearing, unless the notice and hearing are expressly waived in writing
18 by the affected member.

19 (7) The members of the board serve without compensation but are
20 entitled to reimbursement, solely from the funds of the authority, for
21 expenses incurred in the discharge of their duties under this chapter.

22 **Sec. 211.** RCW 70.95N.330 and 2006 c 183 s 34 are each amended to
23 read as follows:

24 (1) The authority shall employ a chief executive officer, appointed
25 by the board, and a chief financial officer, as well as professional,
26 technical, and support staff, appointed by the chief executive officer,
27 necessary to carry out its duties.

28 (2) Employees of the authority are not classified employees of the
29 state. Employees of the authority are exempt from state service rules
30 and may receive compensation only from the authority at rates
31 competitive with state service.

32 (3) The authority may retain its own legal counsel.

33 (4) The departments of ecology and (~~community, trade, and economic~~
34 ~~development~~) commerce shall provide staff to assist in the creation of
35 the authority. If requested by the authority, the departments of
36 ecology and (~~community, trade, and economic development~~) commerce
37 shall also provide start-up support staff to the authority for its

1 first twelve months of operation, or part thereof, to assist in the
2 quick establishment of the authority. Staff expenses must be paid
3 through funds collected by the authority and must be reimbursed to the
4 departments from the authority's financial resources within the first
5 twenty-four months of operation.

6 (5) In addition to accomplishing the activities specifically
7 authorized in this chapter, the authority may:

8 (a) Maintain an office or offices;

9 (b) Make and execute all manner of contracts, agreements, and
10 instruments and financing documents with public and private parties as
11 the authority deems necessary, useful, or convenient to accomplish its
12 purposes;

13 (c) Make expenditures as appropriate for paying the administrative
14 costs and expenses of the authority in carrying out the provisions of
15 this chapter;

16 (d) Give assistance to private and public bodies contracted to
17 provide collection, transportation, and recycling services by providing
18 information, guidelines, forms, and procedures for implementing their
19 programs;

20 (e) Delegate, through contract, any of its powers and duties if
21 consistent with the purposes of this chapter; and

22 (f) Exercise any other power the authority deems necessary, useful,
23 or convenient to accomplish its purposes and exercise the powers
24 expressly granted in this chapter.

25 **Sec. 212.** RCW 70.103.010 and 2003 c 322 s 1 are each amended to
26 read as follows:

27 (1) The legislature finds that lead hazards associated with lead-
28 based paint represent a significant and preventable environmental
29 health problem. Lead-based paint is the most widespread of the various
30 sources of lead exposure to the public. Census data show that one
31 million five hundred sixty thousand homes in Washington state were
32 built prior to 1978 when the sale of residential lead-based paint was
33 banned. These are homes that are believed to contain some lead-based
34 paint.

35 Lead negatively affects every system of the body. It is harmful to
36 individuals of all ages and is especially harmful to children, fetuses,
37 and adults of childbearing age. The effects of lead on a child's

1 cognitive, behavioral, and developmental abilities may necessitate
2 large expenditures of public funds for health care and special
3 education. The irreversible damage to children and subsequent
4 expenditures could be avoided if exposure to lead is reduced.

5 (2) The federal government regulates lead poisoning and lead hazard
6 reduction through:

7 (a)(i) The lead-based paint poisoning prevention act;

8 (ii) The lead contamination control act;

9 (iii) The safe drinking water act;

10 (iv) The resource conservation and recovery act of 1976; and

11 (v) The residential lead-based paint hazard reduction act of 1992;

12 and

13 (b) Implementing regulations of:

14 (i) The environmental protection agency;

15 (ii) The department of housing and urban development;

16 (iii) The occupational safety and health administration; and

17 (iv) The centers for disease control and prevention.

18 (3) In 1992, congress passed the federal residential lead-based
19 paint hazard reduction act, which allows states to provide for the
20 accreditation of lead-based paint activities programs, the
21 certification of persons completing such training programs, and the
22 licensing of lead-based paint activities contractors under standards
23 developed by the United States environmental protection agency.

24 (4) The legislature recognizes the state's need to protect the
25 public from exposure to lead hazards. A qualified and properly trained
26 workforce is needed to assist in the prevention, detection, reduction,
27 and elimination of hazards associated with lead-based paint. The
28 purpose of training workers, supervisors, inspectors, risk assessors,
29 and project designers engaged in lead-based paint activities is to
30 protect building occupants, particularly children ages six years and
31 younger from potential lead-based paint hazards and exposures both
32 during and after lead-based paint activities. Qualified and properly
33 trained individuals and firms will help to ensure lead-based paint
34 activities are conducted in a way that protects the health of the
35 citizens of Washington state and safeguards the environment. The state
36 lead-based paint activities program requires that all lead-based paint
37 activities be performed by certified personnel trained by an accredited
38 program, and that all lead-based paint activities meet minimum work

1 practice standards established by the department (~~(of community, trade,~~
2 ~~and economic development)~~). Therefore, the lead-based paint activities
3 accreditation, training, and certification program shall be established
4 in accordance with this chapter. The lead-based paint activities
5 accreditation, training, and certification program shall be
6 administered by the department (~~(of community, trade, and economic~~
7 ~~development)~~) and shall be used as a means to assure the protection of
8 the general public from exposure to lead hazards.

9 (5) For the welfare of the people of the state of Washington, this
10 chapter establishes a lead-based paint activities program within the
11 department (~~(of community, trade, and economic development)~~) to protect
12 the general public from exposure to lead hazards and to ensure the
13 availability of a trained and qualified workforce to identify and
14 address lead-based paint hazards. The legislature recognizes the
15 department (~~(of community, trade, and economic development)~~) is not a
16 regulatory agency and may delegate enforcement responsibilities under
17 chapter 322, Laws of 2003 to local governments or private entities.

18 **Sec. 213.** RCW 70.105.020 and 1994 c 264 s 42 are each amended to
19 read as follows:

20 The department after notice and public hearing shall:

21 (1) Adopt regulations designating as extremely hazardous wastes
22 subject to the provisions of this chapter those substances which
23 exhibit characteristics consistent with the definition provided in RCW
24 70.105.010(~~(+6)~~) (7);

25 (2) Adopt and may revise when appropriate, minimum standards and
26 regulations for disposal of extremely hazardous wastes to protect
27 against hazards to the public, and to the environment. Before adoption
28 of such standards and regulations, the department shall consult with
29 appropriate agencies of interested local governments and secure
30 technical assistance from the department of agriculture, the department
31 of social and health services, the department of fish and wildlife, the
32 department of natural resources, the department of labor and
33 industries, and the department of (~~community, trade, and economic~~
34 ~~development~~) commerce, through the director of fire protection.

35 **Sec. 214.** RCW 70.114A.070 and 1995 c 220 s 7 are each amended to
36 read as follows:

1 The department of (~~community, trade, and economic development~~)
2 commerce shall contract with private, nonprofit corporations to provide
3 technical assistance to any private individual or nonprofit
4 organization wishing to construct temporary or permanent worker
5 housing. The assistance may include information on state and local
6 application and approval procedures, information or assistance in
7 applying for federal, state, or local financial assistance, including
8 tax incentives, information on cost-effective housing designs, or any
9 other assistance the department of (~~community, trade, and economic
10 development~~) commerce may deem helpful in obtaining the active
11 participation of private individuals or groups in constructing or
12 operating temporary or permanent worker housing.

13 **Sec. 215.** RCW 70.119A.170 and 2001 c 141 s 4 are each amended to
14 read as follows:

15 (1) A drinking water assistance account is created in the state
16 treasury. Such subaccounts as are necessary to carry out the purposes
17 of this chapter are permitted to be established within the account.
18 Therefore, the drinking water assistance administrative account and the
19 drinking water assistance repayment account are created in the state
20 treasury. The purpose of the account is to allow the state to use any
21 federal funds that become available to states from congress to fund a
22 state revolving loan fund program as part of the reauthorization of the
23 federal safe drinking water act. Expenditures from the account may
24 only be made by the secretary, the public works board, or the
25 department of (~~community, trade, and economic development~~) commerce,
26 after appropriation. Moneys in the account may only be used,
27 consistent with federal law, to assist water systems to provide safe
28 drinking water through a program administered through the department of
29 health, the public works board, and the department of (~~community,
30 trade, and economic development~~) commerce and for other activities
31 authorized under federal law. Money may be placed in the account from
32 the proceeds of bonds when authorized by the legislature, transfers
33 from other state funds or accounts, federal capitalization grants or
34 other financial assistance, all repayments of moneys borrowed from the
35 account, all interest payments made by borrowers from the account or
36 otherwise earned on the account, or any other lawful source. All
37 interest earned on moneys deposited in the account, including

1 repayments, shall remain in the account and may be used for any
2 eligible purpose. Moneys in the account may only be used to assist
3 local governments and water systems to provide safe and reliable
4 drinking water, for other services and assistance authorized by federal
5 law to be funded from these federal funds, and to administer the
6 program.

7 (2) The department and the public works board shall establish and
8 maintain a program to use the moneys in the drinking water assistance
9 account as provided by the federal government under the safe drinking
10 water act. The department and the public works board, in consultation
11 with purveyors, local governments, local health jurisdictions,
12 financial institutions, commercial construction interests, other state
13 agencies, and other affected and interested parties, shall by January
14 1, 1999, adopt final joint rules and requirements for the provision of
15 financial assistance to public water systems as authorized under
16 federal law. Prior to the effective date of the final rules, the
17 department and the public works board may establish and utilize
18 guidelines for the sole purpose of ensuring the timely procurement of
19 financial assistance from the federal government under the safe
20 drinking water act, but such guidelines shall be converted to rules by
21 January 1, 1999. The department and the public works board shall make
22 every reasonable effort to ensure the state's receipt and disbursement
23 of federal funds to eligible public water systems as quickly as
24 possible after the federal government has made them available. By
25 December 15, 1997, the department and the public works board shall
26 provide a report to the appropriate committees of the legislature
27 reflecting the input from the affected interests and parties on the
28 status of the program. The report shall include significant issues and
29 concerns, the status of rule making and guidelines, and a plan for the
30 adoption of final rules.

31 (3) If the department, public works board, or any other department,
32 agency, board, or commission of state government participates in
33 providing service under this section, the administering entity shall
34 endeavor to provide cost-effective and timely services. Mechanisms to
35 provide cost-effective and timely services include: (a) Adopting
36 federal guidelines by reference into administrative rules; (b) using
37 existing management mechanisms rather than creating new administrative
38 structures; (c) investigating the use of service contracts, either with

1 other governmental entities or with nongovernmental service providers;
2 (d) the use of joint or combined financial assistance applications; and
3 (e) any other method or practice designed to streamline and expedite
4 the delivery of services and financial assistance.

5 (4) The department shall have the authority to establish assistance
6 priorities and carry out oversight and related activities, other than
7 financial administration, with respect to assistance provided with
8 federal funds. The department, the public works board, and the
9 department of (~~community, trade, and economic development~~) commerce
10 shall jointly develop, with the assistance of water purveyors and other
11 affected and interested parties, a memorandum of understanding setting
12 forth responsibilities and duties for each of the parties. The
13 memorandum of understanding at a minimum, shall include:

14 (a) Responsibility for developing guidelines for providing
15 assistance to public water systems and related oversight prioritization
16 and oversight responsibilities including requirements for
17 prioritization of loans or other financial assistance to public water
18 systems;

19 (b) Department submittal of preapplication information to the
20 public works board for review and comment;

21 (c) Department submittal of a prioritized list of projects to the
22 public works board for determination of:

23 (i) Financial capability of the applicant; and

24 (ii) Readiness to proceed, or the ability of the applicant to
25 promptly commence the project;

26 (d) A process for determining consistency with existing water
27 resource planning and management, including coordinated water supply
28 plans, regional water resource plans, and comprehensive plans under the
29 growth management act, chapter 36.70A RCW;

30 (e) A determination of:

31 (i) Least-cost solutions, including consolidation and restructuring
32 of small systems, where appropriate, into more economical units;

33 (ii) The provision of regional facilities;

34 (iii) Projects and activities that facilitate compliance with the
35 federal safe drinking water act; and

36 (iv) Projects and activities that are intended to achieve the
37 public health objectives of federal and state drinking water laws;

1 (f) Implementation of water conservation and other demand
2 management measures consistent with state guidelines for water
3 utilities;

4 (g) Assistance for the necessary planning and engineering to assure
5 that consistency, coordination, and proper professional review are
6 incorporated into projects or activities proposed for funding;

7 (h) Minimum standards for water system capacity, financial
8 viability, and water system planning;

9 (i) Testing and evaluation of the water quality of the state's
10 public water system to assure that priority for financial assistance is
11 provided to systems and areas with threats to public health from
12 contaminated supplies and reduce in appropriate cases the substantial
13 increases in costs and rates that customers of small systems would
14 otherwise incur under the monitoring and testing requirements of the
15 federal safe drinking water act;

16 (j) Coordination, to the maximum extent possible, with other state
17 programs that provide financial assistance to public water systems and
18 state programs that address existing or potential water quality or
19 drinking contamination problems;

20 (k) Definitions of "affordability" and "disadvantaged community"
21 that are consistent with these and similar terms in use by other state
22 or federal assistance programs;

23 (l) Criteria for the financial assistance program for public water
24 systems, which shall include, but are not limited to:

25 (i) Determining projects addressing the most serious risk to human
26 health;

27 (ii) Determining the capacity of the system to effectively manage
28 its resources, including meeting state financial viability criteria;
29 and

30 (iii) Determining the relative benefit to the community served; and

31 (m) Ensure that each agency fulfills the audit, accounting, and
32 reporting requirements under federal law for its portion of the
33 administration of this program.

34 (5) The department and the public works board shall begin the
35 process to disburse funds no later than October 1, 1997, and shall
36 adopt such rules as are necessary under chapter 34.05 RCW to administer
37 the program by January 1, 1999.

1 **Sec. 216.** RCW 70.119A.190 and 2008 c 214 s 2 are each amended to
2 read as follows:

3 Subject to the availability of amounts appropriated for this
4 specific purpose, the department shall provide financial assistance
5 through a water system acquisition and rehabilitation program, hereby
6 created. The program shall be jointly administered with the public
7 works board and the department of (~~community, trade, and economic~~
8 ~~development~~) commerce. The agencies shall adopt guidelines for the
9 program using as a model the procedures and criteria of the drinking
10 water revolving loan program authorized under RCW 70.119A.170. All
11 financing provided through the program must be in the form of grants
12 that partially cover project costs. The maximum grant to any eligible
13 entity may not exceed twenty-five percent of the funds allocated to the
14 appropriation in any fiscal year.

15 **Sec. 217.** RCW 70.136.030 and 1995 c 399 s 197 are each amended to
16 read as follows:

17 The governing body of each applicable political subdivision of this
18 state shall designate a hazardous materials incident command agency
19 within its respective boundaries, and file this designation with the
20 director of (~~community, trade, and economic development~~) commerce.
21 In designating an incident command agency, the political subdivision
22 shall consider the training, manpower, expertise, and equipment of
23 various available agencies as well as the Uniform Fire Code and other
24 existing codes and regulations. Along state and interstate highway
25 corridors, the Washington state patrol shall be the designated incident
26 command agency unless by mutual agreement that role has been assumed by
27 another designated incident command agency. If a political subdivision
28 has not designated an incident command agency within six months after
29 July 26, 1987, the Washington state patrol shall then assume the role
30 of incident command agency by action of the chief until a designation
31 has been made.

32 **Sec. 218.** RCW 70.235.020 and 2008 c 14 s 3 are each amended to
33 read as follows:

34 (1)(a) The state shall limit emissions of greenhouse gases to
35 achieve the following emission reductions for Washington state:

1 (i) By 2020, reduce overall emissions of greenhouse gases in the
2 state to 1990 levels;

3 (ii) By 2035, reduce overall emissions of greenhouse gases in the
4 state to twenty-five percent below 1990 levels;

5 (iii) By 2050, the state will do its part to reach global climate
6 stabilization levels by reducing overall emissions to fifty percent
7 below 1990 levels, or seventy percent below the state's expected
8 emissions that year.

9 (b) By December 1, 2008, the department shall submit a greenhouse
10 gas reduction plan for review and approval to the legislature,
11 describing those actions necessary to achieve the emission reductions
12 in (a) of this subsection by using existing statutory authority and any
13 additional authority granted by the legislature. Actions taken using
14 existing statutory authority may proceed prior to approval of the
15 greenhouse gas reduction plan.

16 (c) Except where explicitly stated otherwise, nothing in chapter
17 14, Laws of 2008 limits any state agency authorities as they existed
18 prior to June 12, 2008.

19 (d) Consistent with this directive, the department shall take the
20 following actions:

21 (i) Develop and implement a system for monitoring and reporting
22 emissions of greenhouse gases as required under RCW 70.94.151; and

23 (ii) Track progress toward meeting the emission reductions
24 established in this subsection, including the results from policies
25 currently in effect that have been previously adopted by the state and
26 policies adopted in the future, and report on that progress.

27 (2) By December 31st of each even-numbered year beginning in 2010,
28 the department and the department of (~~community, trade, and economic~~
29 ~~development~~) commerce shall report to the governor and the appropriate
30 committees of the senate and house of representatives the total
31 emissions of greenhouse gases for the preceding two years, and totals
32 in each major source sector. The department shall ensure the reporting
33 rules adopted under RCW 70.94.151 allow it to develop a comprehensive
34 inventory of emissions of greenhouse gases from all significant sectors
35 of the Washington economy.

36 (3) Except for purposes of reporting, emissions of carbon dioxide
37 from industrial combustion of biomass in the form of fuel wood, wood

1 waste, wood by-products, and wood residuals shall not be considered a
2 greenhouse gas as long as the region's silvicultural sequestration
3 capacity is maintained or increased.

4 **Sec. 219.** RCW 70.235.030 and 2008 c 14 s 4 are each amended to
5 read as follows:

6 (1)((~~a~~)) The director shall develop, in coordination with the
7 western climate initiative, a design for a regional multisector market-
8 based system to limit and reduce emissions of greenhouse gas consistent
9 with the emission reductions established in RCW 70.235.020(1).

10 (~~(b) By December 1, 2008, the director and the director of the~~
11 ~~department of community, trade, and economic development shall deliver~~
12 ~~to the legislature specific recommendations for approval and request~~
13 ~~for authority to implement the preferred design of a regional~~
14 ~~multisector market based system in (a) of this subsection. These~~
15 ~~recommendations must include:~~

16 ~~(i) Proposed legislation, necessary funding, and the schedule~~
17 ~~necessary to implement the preferred design by January 1, 2012;~~

18 ~~(ii) Any changes determined necessary to the reporting requirements~~
19 ~~established under RCW 70.94.151; and~~

20 ~~(iii) Actions that the state should take to prevent manipulation of~~
21 ~~the multisector market based system designed under this section.)~~

22 (2) In developing the design for the regional multisector market-
23 based system under subsection (1) of this section, the department shall
24 consult with the affected state agencies, and provide opportunity for
25 public review and comment.

26 (~~(3) In addition to the information required under subsection~~
27 ~~(1)(b) of this section, the director and the director of the department~~
28 ~~of community, trade, and economic development shall submit the~~
29 ~~following to the legislature by December 1, 2008:~~

30 ~~(a) Information on progress to date in achieving the requirements~~
31 ~~of chapter 14, Laws of 2008;~~

32 ~~(b) The final recommendations of the climate advisory team,~~
33 ~~including recommended most promising actions to reduce emissions of~~
34 ~~greenhouse gases or otherwise respond to climate change. These~~
35 ~~recommendations must include strategies to reduce the quantity of~~
36 ~~emissions of greenhouse gases per distance traveled in the~~
37 ~~transportation sector;~~

1 ~~(c) A request for additional resources and statutory authority~~
2 ~~needed to limit and reduce emissions of greenhouse gas consistent with~~
3 ~~chapter 14, Laws of 2008 including implementation of the most promising~~
4 ~~recommendations of the climate advisory team;~~

5 ~~(d) Recommendations on how projects funded by the green energy~~
6 ~~incentive account in RCW 43.325.040 may be used to expand the~~
7 ~~electrical transmission infrastructure into urban and rural areas of~~
8 ~~the state for purposes of allowing the recharging of plug-in hybrid~~
9 ~~electric vehicles;~~

10 ~~(e) Recommendations on how local governments could participate in~~
11 ~~the multisector market based system designed under subsection (1) of~~
12 ~~this section;~~

13 ~~(f) Recommendations regarding the circumstances under which~~
14 ~~generation of electricity or alternative fuel from landfill gas and gas~~
15 ~~from anaerobic digesters may receive an offset or credit in the~~
16 ~~regional multisector market based system or other strategies developed~~
17 ~~by the department; and~~

18 ~~(g) Recommendations developed in consultation with the department~~
19 ~~of natural resources and the department of agriculture with the climate~~
20 ~~advisory team, the college of forest resources at the University of~~
21 ~~Washington, and the Washington State University, and a nonprofit~~
22 ~~consortium involved in research on renewable industrial materials,~~
23 ~~regarding how forestry and agricultural lands and practices may~~
24 ~~participate voluntarily as an offset or other credit program in the~~
25 ~~regional multisector market based system. The recommendations must~~
26 ~~ensure that the baseline for this offset or credit program does not~~
27 ~~disadvantage this state in relation to another state or states. These~~
28 ~~recommendations shall address:~~

29 ~~(i) Commercial and other working forests, including accounting for~~
30 ~~site class specific forest management practices;~~

31 ~~(ii) Agricultural and forest products, including accounting for~~
32 ~~substitution of wood for fossil intensive substitutes;~~

33 ~~(iii) Agricultural land and practices;~~

34 ~~(iv) Forest and agricultural lands set aside or managed for~~
35 ~~conservation as of, or after, June 12, 2008; and~~

36 ~~(v) Reforestation and afforestation projects.)~~

1 **Sec. 220.** RCW 70.235.050 and 2009 c 519 s 2 are each amended to
2 read as follows:

3 (1) All state agencies shall meet the statewide greenhouse gas
4 emission limits established in RCW 70.235.020 to achieve the following,
5 using the estimates and strategy established in subsections (2) and (3)
6 of this section:

7 (a) By July 1, 2020, reduce emissions by fifteen percent from 2005
8 emission levels;

9 (b) By 2035, reduce emissions to thirty-six percent below 2005
10 levels; and

11 (c) By 2050, reduce emissions to the greater reduction of fifty-
12 seven and one-half percent below 2005 levels, or seventy percent below
13 the expected state government emissions that year.

14 (2)(a) By June 30, 2010, all state agencies shall report estimates
15 of emissions for 2005 to the department, including 2009 levels of
16 emissions, and projected emissions through 2035.

17 (b) State agencies required to report under RCW 70.94.151 must
18 estimate emissions from methodologies recommended by the department and
19 must be based on actual operation of those agencies. Agencies not
20 required to report under RCW 70.94.151 shall derive emissions estimates
21 using an emissions calculator provided by the department.

22 (3) By June 30, 2011, each state agency shall submit to the
23 department a strategy to meet the requirements in subsection (1) of
24 this section. The strategy must address employee travel activities,
25 teleconferencing alternatives, and include existing and proposed
26 actions, a timeline for reductions, and recommendations for budgetary
27 and other incentives to reduce emissions, especially from employee
28 business travel.

29 (4) By October 1st of each even-numbered year beginning in 2012,
30 each state agency shall report to the department the actions taken to
31 meet the emission reduction targets under the strategy for the
32 preceding fiscal biennium. The department may authorize the department
33 of general administration to report on behalf of any state agency
34 having fewer than five hundred full-time equivalent employees at any
35 time during the reporting period. The department shall cooperate with
36 the department of general administration and the department of
37 (~~community, trade, and economic development~~) commerce to develop

1 consolidated reporting methodologies that incorporate emission
2 reduction actions taken across all or substantially all state agencies.

3 (5) All state agencies shall cooperate in providing information to
4 the department, the department of general administration, and the
5 department of (~~community, trade, and economic development~~) commerce
6 for the purposes of this section.

7 (6) The governor shall designate a person as the single point of
8 accountability for all energy and climate change initiatives within
9 state agencies. This position must be funded from current full-time
10 equivalent allocations without increasing budgets or staffing levels.
11 If duties must be shifted within an agency, they must be shifted among
12 current full-time equivalent allocations. All agencies, councils, or
13 work groups with energy or climate change initiatives shall coordinate
14 with this designee.

15 **Sec. 221.** RCW 70.260.020 and 2009 c 379 s 102 are each amended to
16 read as follows:

17 The Washington State University extension energy program is
18 authorized to implement grants for pilot programs providing community-
19 wide urban residential and commercial energy efficiency upgrades. The
20 Washington State University extension energy program must coordinate
21 and collaborate with the department of (~~community, trade, and economic
22 development~~) commerce on the design, administration, and
23 implementation elements of the pilot program.

24 (1) There must be at least three grants for pilot programs, awarded
25 on a competitive basis to sponsors for conducting direct outreach and
26 delivering energy efficiency services that, to the extent feasible,
27 ensure a balance of participation for: (a) Geographic regions in the
28 state; (b) types of fuel used for heating; (c) owner-occupied and
29 rental residences; (d) small commercial buildings; and (e) single-
30 family and multifamily dwellings.

31 (2) The pilot programs must:

32 (a) Provide assistance for energy audits and energy
33 efficiency-related improvements to structures owned by or used for
34 residential, commercial, or nonprofit purposes in specified urban
35 neighborhoods where the objective is to achieve a high rate of
36 participation among building owners within the pilot area;

1 (b) Utilize volunteer support to reach out to potential customers
2 through the use of community-based institutions;

3 (c) Employ qualified energy auditors and energy efficiency service
4 providers to perform the energy audits using recognized energy
5 efficiency and weatherization services that are cost-effective;

6 (d) Select and provide oversight of contractors to perform energy
7 efficiency services. Sponsors shall require contractors to participate
8 in quality control and efficiency training, use workers trained from
9 workforce training and apprentice programs established under chapter
10 536, Laws of 2009 if these workers are available, pay prevailing wages
11 under chapter 39.12 RCW, hire from the community in which the program
12 is located, and create employment opportunities for veterans, members
13 of the national guard, and low-income and disadvantaged populations;
14 and

15 (e) Work with customers to secure financing for their portion of
16 the project and apply for and administer utility, public, and
17 charitable funding provided for energy audits and retrofits.

18 (3) The Washington State University extension energy program must
19 give priority to sponsors that can secure a sponsor match of at least
20 one dollar for each dollar awarded.

21 (a) A sponsor may use its own moneys, including corporate or
22 ratepayer moneys, or moneys provided by landlords, charitable groups,
23 government programs, the Bonneville power administration, or other
24 sources to pay the sponsor match.

25 (b) A sponsor may meet its match requirement in whole or in part
26 through providing labor, materials, or other in-kind expenditures.

27 (4)(a) Pilot programs receiving funding must report compliance with
28 performance metrics for each sponsor receiving a grant award. The
29 performance metrics include:

30 (i) Monetary and energy savings achieved;

31 (ii) Savings-to-investment ratio achieved for customers;

32 (iii) Wage levels of jobs created;

33 (iv) Utilization of preapprentice and apprenticeship programs; and

34 (v) Efficiency and speed of delivery of services.

35 (b) Pilot programs receiving funding under this section are
36 required to report to the Washington State University (~~energy~~
37 ~~extension [extension energy]~~) extension energy program on compliance

1 with the performance metrics every six months following the receipt of
2 grants, with the last report submitted six months after program
3 completion.

4 (c) The Washington State University extension energy program shall
5 review the accuracy of these reports and provide a progress report on
6 all grant pilot programs to the appropriate committees of the
7 legislature by December 1st of each year.

8 (5)(a) By December 1, 2009, the Washington State University
9 extension energy program shall provide a report to the governor and
10 appropriate legislative committees on the: Number of grants awarded;
11 number of jobs created or maintained; number and type of individuals
12 trained through workforce training and apprentice programs; number of
13 veterans, members of the national guard, and individuals of low-income
14 and disadvantaged populations employed by pilot programs; and amount of
15 funding provided through the grants as established in subsection (1) of
16 this section and the performance metrics established in subsection (4)
17 of this section.

18 (b) By December 1, 2010, the Washington State University extension
19 energy program shall provide a final report to the governor and
20 appropriate legislative committees on the: Number of grants awarded;
21 number of jobs created or maintained; number and type of individuals
22 trained through workforce training and apprentice programs; number of
23 veterans, members of the national guard, and individuals of low-income
24 and disadvantaged populations employed by pilot programs; and amount of
25 funding provided through the grants as established in subsection (1) of
26 this section and the performance metrics established in subsection (4)
27 of this section.

28 **Sec. 222.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to
29 read as follows:

30 (1) The department shall identify and catalog real property that is
31 no longer required for department purposes and is suitable for the
32 development of affordable housing for very low-income, low-income, and
33 moderate-income households as defined in RCW 43.63A.510. The inventory
34 shall include the location, approximate size, and current zoning
35 classification of the property. The department shall provide a copy of
36 the inventory to the department of (~~community, trade, and economic~~

1 development)) commerce by November 1, 1993, and every November 1
2 thereafter.

3 (2) By November 1 of each year, beginning in 1994, the department
4 shall purge the inventory of real property of sites that are no longer
5 available for the development of affordable housing. The department
6 shall include an updated listing of real property that has become
7 available since the last update. As used in this section, "real
8 property" means buildings, land, or buildings and land.

9 **Sec. 223.** RCW 72.78.030 and 2007 c 483 s 103 are each amended to
10 read as follows:

11 (1) The department of community, trade, and economic development
12 shall establish a community transition coordination network pilot
13 program for the purpose of awarding grants to counties or groups of
14 counties for implementing coordinated reentry efforts for offenders
15 returning to the community. Grant awards are subject to the
16 availability of amounts appropriated for this specific purpose.

17 (2) By September 1, 2007, the Washington state institute for public
18 policy shall, in consultation with the department of community, trade,
19 and economic development, develop criteria for the counties in
20 conducting its evaluation as directed by subsection (6)(c) of this
21 section.

22 (3) Effective February 1, 2008, any county or group of counties may
23 apply for participation in the community transition coordination
24 network pilot program by submitting a proposal for a community
25 transition coordination network.

26 (4) A proposal for a community transition coordination network
27 initiated under this section must be collaborative in nature and must
28 seek locally appropriate evidence-based or research-based solutions and
29 promising practices utilizing the participation of public and private
30 entities or programs to support successful, community-based offender
31 reentry.

32 (5) In developing a proposal for a community transition
33 coordination network, counties or groups of counties and the department
34 of corrections shall collaborate in addressing:

35 (a) Efficiencies that may be gained by sharing space or resources
36 in the provision of reentry services to offenders;

1 (b) Mechanisms for communication of information about offenders,
2 including the feasibility of shared access to databases;

3 (c) Partnerships to establish neighborhood corrections initiatives
4 as defined in RCW 72.09.280.

5 (6) A proposal for a community transition coordination network must
6 include:

7 (a) Descriptions of collaboration and coordination between local
8 community policing and supervision programs and those agencies and
9 entities identified in the inventory conducted pursuant to RCW
10 72.78.020 to address the risks and needs of offenders under a
11 participating county or city misdemeanor probation or other
12 supervision program including:

13 (i) A proposed method of assessing offenders to identify the
14 offenders' risks and needs. Counties and cities are encouraged, where
15 possible, to make use of assessment tools developed by the department
16 of corrections in this regard;

17 (ii) A proposal for developing and/or maintaining an individual
18 reentry plan for offenders;

19 (iii) Connecting offenders to services and resources that meet the
20 offender's needs as identified in his or her individual reentry plan
21 including the identification of community representatives or volunteers
22 that may assist the offender with his or her transition; and

23 (iv) The communication of assessment information, individual
24 reentry plans, and service information between parties involved with
25 (~~{the}~~) the offender's reentry;

26 (b) Mechanisms to provide information to former offenders regarding
27 services available to them in the community regardless of the length of
28 time since the offender's release and regardless of whether the
29 offender was released from prison or jail. Mechanisms shall, at a
30 minimum, provide for:

31 (i) Maintenance of the information gathered in RCW 72.78.020
32 regarding services currently existing within the community that are
33 available to offenders; and

34 (ii) Coordination of access to existing services with community
35 providers and provision of information to offenders regarding how to
36 access the various type of services and resources that are available in
37 the community; and

1 (c) An evaluation of the county's or group of counties' readiness
2 to implement a community transition coordination network including the
3 social service needs of offenders in general, capacity of local
4 facilities and resources to meet offenders' needs, and the cost to
5 implement and maintain a community transition coordination network for
6 the duration of the pilot project.

7 (7) The department of community, trade, and economic development
8 shall review county applications for funding through the community
9 transition coordination network pilot program and, no later than April
10 1, 2008, shall select up to four counties or groups of counties. In
11 selecting pilot counties or regions, the department shall consider the
12 extent to which the proposal:

13 (a) Addresses the requirements set out in subsection (6) of this
14 section;

15 (b) Proposes effective partnerships and coordination between local
16 community policing and supervision programs, social service and
17 treatment providers, and the department of corrections' community
18 justice center, if a center is located in the county or region;

19 (c) Focuses on measurable outcomes such as increased employment and
20 income, treatment objectives, maintenance of stable housing, and
21 reduced recidivism;

22 (d) Contributes to the diversity of pilot programs, considering
23 factors such as geographic location, size of county or region, and
24 reentry services currently available. The department shall ensure that
25 a grant is awarded to at least one rural county or group of counties
26 and at least one county or group of counties where a community justice
27 center operated by the department of corrections is located; and

28 (e) Is feasible, given the evaluation of the social service needs
29 of offenders, the existing capacity of local facilities and resources
30 to meet offenders' needs, and the cost to implement a community
31 transition coordination network in the county or group of counties.

32 (8) The department of (~~community, trade, and economic~~
33 ~~development~~) commerce shall convene a policy advisory committee
34 composed of representatives from the senate, the house of
35 representatives, the governor's office of financial management, the
36 department of corrections, to include one representative who is a
37 community corrections officer, the office of crime victims' advocacy,
38 the Washington state association of counties, association of Washington

1 cities, a nonprofit provider of reentry services, and an ex-offender
2 who has discharged the terms of his or her sentence. The advisory
3 committee shall meet no less than annually to receive status reports on
4 the implementation of community transition coordination networks,
5 review annual reports and the pilot project evaluations submitted
6 pursuant to RCW 72.78.050, and identify evidence-based, research-based,
7 and promising practices for other counties seeking to establish
8 community transition coordination networks.

9 (9) Pilot networks established under this section shall extend for
10 a period of four fiscal years, beginning July 1, 2008, and ending June
11 30, 2012.

12 (10) This section expires June 30, 2013.

13 **Sec. 224.** RCW 74.08A.010 and 2004 c 54 s 4 are each amended to
14 read as follows:

15 (1) A family that includes an adult who has received temporary
16 assistance for needy families for sixty months after July 27, 1997,
17 shall be ineligible for further temporary assistance for needy families
18 assistance.

19 (2) For the purposes of applying the rules of this section, the
20 department shall count any month in which an adult family member
21 received a temporary assistance for needy families cash assistance
22 grant unless the assistance was provided when the family member was a
23 minor child and not the head of the household or married to the head of
24 the household.

25 (3) The department shall refer recipients who require specialized
26 assistance to appropriate department programs, crime victims' programs
27 through the department of (~~community, trade, and economic~~
28 ~~development~~) commerce, or the crime victims' compensation program of
29 the department of labor and industries.

30 (4) The department may exempt a recipient and the recipient's
31 family from the application of subsection (1) of this section by reason
32 of hardship or if the recipient meets the family violence options of
33 section 402(A)(7) of Title IVA of the federal social security act as
34 amended by P.L. 104-193. The number of recipients and their families
35 exempted from subsection (1) of this section for a fiscal year shall
36 not exceed twenty percent of the average monthly number of recipients

1 and their families to which assistance is provided under the temporary
2 assistance for needy families program.

3 (5) The department shall not exempt a recipient and his or her
4 family from the application of subsection (1) of this section until
5 after the recipient has received fifty-two months of assistance under
6 this chapter.

7 (6) Beginning on October 31, 2005, the department shall provide
8 transitional food stamp assistance for a period of five months to a
9 household that ceases to receive temporary assistance for needy
10 families assistance and is not in sanction status. If necessary, the
11 department shall extend the household's food stamp certification until
12 the end of the transition period.

13 **Sec. 225.** RCW 74.14B.060 and 1996 c 123 s 8 are each amended to
14 read as follows:

15 (1) Treatment services for children who have been sexually
16 assaulted must be designed and delivered in a manner that accommodates
17 their unique developmental needs and also considers the impact of
18 family dynamics on treatment issues. In addition, the complexity of
19 the civil and criminal justice systems requires that children who are
20 involved receive appropriate consideration and attention that
21 recognizes their unique vulnerability in a system designed primarily
22 for adults.

23 (2) The department of (~~community, trade, and economic~~
24 ~~development~~) commerce shall provide, subject to available funds,
25 comprehensive sexual assault services to sexually abused children and
26 their families. The department shall provide treatment services by
27 qualified, registered, certified, or licensed professionals on a one-
28 to-one or group basis as may be deemed appropriate.

29 (3) Funds appropriated under this section shall be provided solely
30 for contracts or direct purchase of specific treatment services from
31 community organizations and private service providers for child victims
32 of sexual assault and sexual abuse. Funds shall be disbursed through
33 the request for proposal or request for qualifications process.

34 (4) As part of the request for proposal or request for
35 qualifications process the department of (~~community, trade, and~~
36 ~~economic development~~) commerce shall ensure that there be no
37 duplication of services with existing programs including the crime

1 victims' compensation program as provided in chapter 7.68 RCW. The
2 department shall also ensure that victims exhaust private insurance
3 benefits available to the child victim before providing services to the
4 child victim under this section.

5 **Sec. 226.** RCW 74.31.020 and 2007 c 356 s 3 are each amended to
6 read as follows:

7 (1) The Washington traumatic brain injury strategic partnership
8 advisory council is established as an advisory council to the governor,
9 the legislature, and the secretary of the department of social and
10 health services.

11 (2) The council shall be composed of the following members who
12 shall be appointed by the governor:

13 (a) The secretary or the secretary's designee, and representatives
14 from the following: Children's administration, mental health division,
15 aging and disability services administration, and vocational
16 rehabilitation;

17 (b) The executive director of a state brain injury association;

18 (c) A representative from a nonprofit organization serving
19 individuals with traumatic brain injury;

20 (d) The secretary of the department of health or the secretary's
21 designee;

22 (e) The secretary of the department of corrections or the
23 secretary's designee;

24 (f) A representative of the department of (~~community, trade, and~~
25 ~~economic development~~) commerce;

26 (g) A representative from an organization serving veterans;

27 (h) A representative from the national guard;

28 (i) A representative of a Native American tribe located in
29 Washington;

30 (j) The executive director of the Washington protection and
31 advocacy system;

32 (k) A neurologist who has experience working with individuals with
33 traumatic brain injuries;

34 (l) A neuropsychologist who has experience working with persons
35 with traumatic brain injuries;

36 (m) A social worker or clinical psychologist who has experience in
37 working with persons who have sustained traumatic brain injuries;

1 (n) A rehabilitation specialist, such as a speech pathologist,
2 vocational rehabilitation counselor, occupational therapist, or
3 physical therapist who has experience working with persons with
4 traumatic brain injuries;

5 (o) Two persons who are individuals with a traumatic brain injury;

6 (p) Two persons who are family members of individuals with
7 traumatic brain injuries; and

8 (q) Two members of the public who have experience with issues
9 related to the causes of traumatic brain injuries.

10 (3) Councilmembers shall not be compensated for serving on the
11 council, but may be reimbursed for all reasonable expenses related to
12 costs incurred in participating in meetings for the council.

13 (4) Initial appointments to the council shall be made by July 30,
14 2007. The terms of appointed councilmembers shall be three years,
15 except that the terms of the appointed members who are initially
16 appointed shall be staggered by the governor to end as follows:

17 (a) Four members on June 30, 2008;

18 (b) Three members on June 30, 2009; and

19 (c) Three members on June 30, 2010.

20 (5) No member may serve more than two consecutive terms.

21 (6) The appointed members of the council shall, to the extent
22 possible, represent rural and urban areas of the state.

23 (7) A chairperson shall be elected every two years by majority vote
24 from among the councilmembers. The chairperson shall act as the
25 presiding officer of the council.

26 (8) The duties of the council include:

27 (a) Collaborating with the department to develop a comprehensive
28 statewide plan to address the needs of individuals with traumatic brain
29 injuries;

30 (b) By November 1, 2007, providing recommendations to the
31 department on criteria to be used to select programs facilitating
32 support groups for individuals with traumatic brain injuries and their
33 families under RCW 74.31.050;

34 (c) By December 1, 2007, submitting a report to the legislature and
35 the governor on the following:

36 (i) The development of a comprehensive statewide information and
37 referral network for individuals with traumatic brain injuries;

1 (ii) The development of a statewide registry to collect data
2 regarding individuals with traumatic brain injuries, including the
3 potential to utilize the department of information services to develop
4 the registry;

5 (iii) The efforts of the department to provide services for
6 individuals with traumatic brain injuries;

7 (d) By December 30, 2007, reviewing the preliminary comprehensive
8 statewide plan developed by the department to meet the needs of
9 individuals with traumatic brain injuries as required in RCW 74.31.030
10 and submitting a report to the legislature and the governor containing
11 comments and recommendations regarding the plan.

12 (9) The council may utilize the advice or services of a nationally
13 recognized expert, or other individuals as the council deems
14 appropriate, to assist the council in carrying out its duties under
15 this section.

16 **Sec. 227.** RCW 76.09.030 and 2008 c 46 s 1 are each amended to read
17 as follows:

18 (1) There is hereby created the forest practices board of the state
19 of Washington as an agency of state government consisting of members as
20 follows:

21 (a) The commissioner of public lands or the commissioner's
22 designee;

23 (b) The director of (~~the department of community, trade, and~~
24 ~~economic development~~) commerce or the director's designee;

25 (c) The director of the department of agriculture or the director's
26 designee;

27 (d) The director of the department of ecology or the director's
28 designee;

29 (e) The director of the department of fish and wildlife or the
30 director's designee;

31 (f) An elected member of a county legislative authority appointed
32 by the governor: PROVIDED, That such member's service on the board
33 shall be conditioned on the member's continued service as an elected
34 county official;

35 (g) One member representing a timber products union, appointed by
36 the governor from a list of three names submitted by a timber labor

1 coalition affiliated with a statewide labor organization that
2 represents a majority of the timber product unions in the state; and

3 (h) Six members of the general public appointed by the governor,
4 one of whom shall be a small forest landowner who actively manages his
5 or her land, and one of whom shall be an independent logging
6 contractor.

7 (2) The director of the department of fish and wildlife's service
8 on the board may be terminated two years after August 18, 1999, if the
9 legislature finds that after two years the department has not made
10 substantial progress toward integrating the laws, rules, and programs
11 governing forest practices, chapter 76.09 RCW, and the laws, rules, and
12 programs governing hydraulic projects, chapter 77.55 RCW. Such a
13 finding shall be based solely on whether the department of fish and
14 wildlife makes substantial progress as defined in this subsection, and
15 will not be based on other actions taken as a member of the board.
16 Substantial progress shall include recommendations to the legislature
17 for closer integration of the existing rule-making authorities of the
18 board and the department of fish and wildlife, and closer integration
19 of the forest practices and hydraulics permitting processes, including
20 exploring the potential for a consolidated permitting process. These
21 recommendations shall be designed to resolve problems currently
22 associated with the existing dual regulatory and permitting processes.

23 (3) The members of the initial board appointed by the governor
24 shall be appointed so that the term of one member shall expire December
25 31, 1975, the term of one member shall expire December 31, 1976, the
26 term of one member shall expire December 31, 1977, the terms of two
27 members shall expire December 31, 1978, and the terms of two members
28 shall expire December 31, 1979. Thereafter, each member shall be
29 appointed for a term of four years. Vacancies on the board shall be
30 filled in the same manner as the original appointments. Each member of
31 the board shall continue in office until his or her successor is
32 appointed and qualified. The commissioner of public lands or the
33 commissioner's designee shall be the chair of the board.

34 (4) The board shall meet at such times and places as shall be
35 designated by the chair or upon the written request of the majority of
36 the board. The principal office of the board shall be at the state
37 capital.

1 (5) Members of the board, except public employees and elected
2 officials, shall be compensated in accordance with RCW 43.03.250. Each
3 member shall be entitled to reimbursement for travel expenses incurred
4 in the performance of their duties as provided in RCW 43.03.050 and
5 43.03.060.

6 (6) The board may employ such clerical help and staff pursuant to
7 chapter 41.06 RCW as is necessary to carry out its duties.

8 **Sec. 228.** RCW 76.15.090 and 2008 c 299 s 8 are each amended to
9 read as follows:

10 The department shall manage the application and evaluation of
11 candidates for evergreen community designation under RCW 35.105.030,
12 and forward its recommendations to the department of (~~community,~~
13 ~~trade, and economic development~~) commerce.

14 **Sec. 229.** RCW 76.56.020 and 1994 c 282 s 1 are each amended to
15 read as follows:

16 The center shall:

17 (1) Coordinate the University of Washington's college of forest
18 resources' faculty and staff expertise to assist in:

19 (a) The development of research and analysis for developing
20 policies and strategies which will expand forest-based international
21 trade, including a major focus on secondary manufacturing;

22 (b) The development of technology or commercialization support for
23 manufactured products that will meet the evolving needs of
24 international customers;

25 (c) The development of research and analysis on other factors
26 critical to forest-based trade, including the quality and availability
27 of raw wood resources; and

28 (d) The coordination, development, and dissemination of market and
29 technical information relevant to international trade in forest
30 products, including a major focus on secondary manufacturing;

31 (2) Further develop and maintain computer databases on worldwide
32 forest products production and trade in order to monitor and report on
33 trends significant to the Northwest forest products industry and
34 support the center's research functions; and coordinate this system
35 with state, federal, and private sector efforts to insure a cost-
36 effective information resource that will avoid unnecessary duplication;

1 (3) Monitor international forest products markets and assess the
2 status of the state's forest products industry, including the
3 competitiveness of small and medium-sized secondary manufacturing firms
4 in the forest products industry, which for the purposes of this chapter
5 shall be firms with annual revenues of twenty-five million or less, and
6 including the increased exports of Washington-produced products of
7 small and medium-sized secondary manufacturing firms;

8 (4) Provide high-quality research and graduate education and
9 professional nondegree training in international trade in forest
10 products in cooperation with the University of Washington's graduate
11 school of business administration, the school of law, the Jackson
12 school of international studies, the Northwest policy center of the
13 graduate school of public administration, and other supporting academic
14 units;

15 (5) Develop cooperative linkages with the international marketing
16 program for agricultural commodities and trade at Washington State
17 University, the international trade project of the United States forest
18 service, the department of natural resources, the department of
19 (~~community, trade, and economic development~~) commerce, the small
20 business export finance assistance center, and other state and federal
21 agencies to avoid duplication of effort and programs;

22 (6) Cooperate with personnel from the state's community and
23 technical colleges in their development of wood products manufacturing
24 and wood technology curriculum and offer periodic workshops on wood
25 products manufacturing, wood technology, and trade opportunities to
26 community colleges and private educators and trainers;

27 (7) Provide for public dissemination of research, analysis, and
28 results of the center's programs to all groups, including direct
29 assistance groups, through technical workshops, short courses,
30 international and national symposia, cooperation with private sector
31 networks and marketing associations, or other means, including
32 appropriate publications;

33 (8) Establish an executive policy board, including representatives
34 of small and medium-sized businesses, with at least fifty percent of
35 its business members representing small businesses with one hundred or
36 fewer employees and medium-sized businesses with one hundred to five
37 hundred employees. The executive policy board shall also include a
38 representative of the community and technical colleges, representatives

1 of state and federal agencies, and a representative of a wood products
2 manufacturing network or trade association of small and medium-sized
3 wood product manufacturers. The executive policy board shall provide
4 advice on: Overall policy direction and program priorities, state and
5 federal budget requests, securing additional research funds,
6 identifying priority areas of focus for research efforts, selection of
7 projects for research, and dissemination of results of research
8 efforts; and

9 (9) Establish advisory or technical committees for each research
10 program area, to advise on research program area priorities, consistent
11 with the international trade opportunities achievable by the forest
12 products sector of the state and region, to help ensure projects are
13 relevant to industry needs, and to advise on and support effective
14 dissemination of research results. Each advisory or technical
15 committee shall include representatives of forest products industries
16 that might benefit from this research.

17 Service on the committees and the executive policy board
18 established in subsections (8) and (9) of this section shall be without
19 compensation but actual travel expenses incurred in connection with
20 service to the center may be reimbursed from appropriated funds in
21 accordance with RCW 43.03.050 and 43.03.060.

22 **Sec. 230.** RCW 79.105.600 and 2005 c 155 s 161 are each amended to
23 read as follows:

24 After consultation with the director of (~~community, trade, and~~
25 ~~economic development~~) commerce, the department may enter into
26 agreements, leases, or other conveyances for archaeological activities
27 on state-owned aquatic lands. The agreements, leases, or other
28 conveyances may contain those conditions as are required for the
29 department to comply with its legal rights and duties. All agreements,
30 leases, or other conveyances, shall be issued in accordance with the
31 terms of chapters 79.105 through 79.140 RCW.

32 **Sec. 231.** RCW 79A.30.050 and 1995 c 200 s 6 are each amended to
33 read as follows:

34 (1) If the authority and state agencies find it mutually beneficial
35 to do so, they are authorized to collaborate and cooperate on projects
36 of shared interest. Agencies authorized to collaborate with the

1 authority include but are not limited to: The commission for
2 activities and projects related to public recreation; the department of
3 agriculture for projects related to the equine agricultural industry;
4 the department of ((community, trade, and economic development))
5 commerce with respect to community and economic development and tourism
6 issues associated with development of the state horse park; Washington
7 State University with respect to opportunities for animal research,
8 education, and extension; the department of ecology with respect to
9 opportunities for making the state horse park's waste treatment
10 facilities a demonstration model for the handling of waste to protect
11 water quality; and with local community colleges with respect to
12 programs related to horses, economic development, business, and
13 tourism.

14 (2) The authority shall cooperate with 4-H clubs, pony clubs, youth
15 groups, and local park departments to provide youth recreational
16 activities. The authority shall also provide for preferential use of
17 an area of the horse park facility for youth and ((the disabled))
18 individuals with disabilities at nominal cost.

19 **Sec. 232.** RCW 79A.50.100 and 1995 c 399 s 209 are each amended to
20 read as follows:

21 (1) A public hearing may be held prior to any withdrawal of state
22 trust lands and shall be held prior to any revocation of withdrawal or
23 modification of withdrawal of state trust lands used for recreational
24 purposes by the department of natural resources or by other state
25 agencies.

26 (2) The department shall cause notice of the withdrawal, revocation
27 of withdrawal or modification of withdrawal of state trust lands as
28 described in subsection (1) of this section to be published by
29 advertisement once a week for four weeks prior to the public hearing in
30 at least one newspaper published and of general circulation in the
31 county or counties in which the state trust lands are situated, and by
32 causing a copy of said notice to be posted in a conspicuous place in
33 the department's Olympia office, in the district office in which the
34 land is situated, and in the office of the county auditor in the county
35 where the land is situated thirty days prior to the public hearing.
36 The notice shall specify the time and place of the public hearing and

1 shall describe with particularity each parcel of state trust lands
2 involved in said hearing.

3 (3) The board of natural resources shall administer the hearing
4 according to its prescribed rules and regulations.

5 (4) The board of natural resources shall determine the most
6 beneficial use or combination of uses of the state trust lands. Its
7 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
8 said decisions as to uses shall conform to applicable state plans and
9 policy guidelines adopted by the department of (~~community, trade, and~~
10 ~~economic development~~) commerce.

11 **Sec. 233.** RCW 79A.60.480 and 2002 c 86 s 327 are each amended to
12 read as follows:

13 (1) The department of licensing may issue a whitewater river
14 outfitter's license to an applicant who submits a completed
15 application, pays the required fee, and complies with the requirements
16 of this section.

17 (2) An applicant for a whitewater river outfitter's license shall
18 make application upon a form provided by the department of licensing.
19 The form must be submitted annually and include the following
20 information:

21 (a) The name, residence address, and residence telephone number,
22 and the business name, address, and telephone number of the applicant;

23 (b) Certification that all employees, subcontractors, or
24 independent contractors hired as guides meet training standards under
25 RCW 79A.60.430 before carrying any passengers for hire;

26 (c) Proof that the applicant has liability insurance for a minimum
27 of three hundred thousand dollars per claim for occurrences by the
28 applicant and the applicant's employees that result in bodily injury or
29 property damage. All guides must be covered by the applicant's
30 insurance policy;

31 (d) Certification that the applicant will maintain the insurance
32 for a period of not less than one year from the date of issuance of the
33 license; and

34 (e) Certification by the applicant that for a period of not less
35 than twenty-four months immediately preceding the application the
36 applicant:

1 (i) Has not had a license, permit, or certificate to carry
2 passengers for hire on a river revoked by another state or by an agency
3 of the government of the United States due to a conviction for a
4 violation of safety or insurance coverage requirements no more
5 stringent than the requirements of this chapter; and

6 (ii) Has not been denied the right to apply for a license, permit,
7 or certificate to carry passengers for hire on a river by another
8 state.

9 (3) The department of licensing shall charge a fee for each
10 application, to be set in accordance with RCW 43.24.086.

11 (4) Any person advertising or representing himself or herself as a
12 whitewater river outfitter who is not currently licensed is guilty of
13 a gross misdemeanor.

14 (5) The department of licensing shall submit annually a list of
15 licensed persons and companies to the department of (~~community, trade,~~
16 ~~and economic development~~) commerce, tourism promotion division.

17 (6) If an insurance company cancels or refuses to renew insurance
18 for a licensee, the insurance company shall notify the department of
19 licensing in writing of the termination of coverage and its effective
20 date not less than thirty days before the effective date of
21 termination.

22 (a) Upon receipt of an insurance company termination notice, the
23 department of licensing shall send written notice to the licensee that
24 on the effective date of termination the department of licensing will
25 suspend the license unless proof of insurance as required by this
26 section is filed with the department of licensing before the effective
27 date of the termination.

28 (b) If an insurance company fails to give notice of coverage
29 termination, this failure shall not have the effect of continuing the
30 coverage.

31 (c) The department of licensing may sanction a license under RCW
32 18.235.110 if the licensee fails to maintain in full force and effect
33 the insurance required by this section.

34 (7) The state of Washington shall be immune from any civil action
35 arising from the issuance of a license under this section.

36 **Sec. 234.** RCW 80.28.010 and 2008 c 299 s 35 are each amended to
37 read as follows:

1 (1) All charges made, demanded or received by any gas company,
2 electrical company or water company for gas, electricity or water, or
3 for any service rendered or to be rendered in connection therewith,
4 shall be just, fair, reasonable and sufficient. Reasonable charges
5 necessary to cover the cost of administering the collection of
6 voluntary donations for the purposes of supporting the development and
7 implementation of evergreen community management plans and ordinances
8 under RCW 80.28.300 shall be deemed as prudent and necessary for the
9 operation of a utility.

10 (2) Every gas company, electrical company and water company shall
11 furnish and supply such service, instrumentalities and facilities as
12 shall be safe, adequate and efficient, and in all respects just and
13 reasonable.

14 (3) All rules and regulations issued by any gas company, electrical
15 company or water company, affecting or pertaining to the sale or
16 distribution of its product, shall be just and reasonable.

17 (4) Utility service for residential space heating shall not be
18 terminated between November 15 through March 15 if the customer:

19 (a) Notifies the utility of the inability to pay the bill,
20 including a security deposit. This notice should be provided within
21 five business days of receiving a payment overdue notice unless there
22 are extenuating circumstances. If the customer fails to notify the
23 utility within five business days and service is terminated, the
24 customer can, by paying reconnection charges, if any, and fulfilling
25 the requirements of this section, receive the protections of this
26 chapter;

27 (b) Provides self-certification of household income for the prior
28 twelve months to a grantee of the department of (~~community, trade, and~~
29 ~~economic development~~) commerce which administers federally funded
30 energy assistance programs. The grantee shall determine that the
31 household income does not exceed the maximum allowed for eligibility
32 under the state's plan for low-income energy assistance under 42 U.S.C.
33 8624 and shall provide a dollar figure that is seven percent of
34 household income. The grantee may verify information provided in the
35 self-certification;

36 (c) Has applied for home heating assistance from applicable
37 government and private sector organizations and certifies that any

1 assistance received will be applied to the current bill and future
2 utility bills;

3 (d) Has applied for low-income weatherization assistance to the
4 utility or other appropriate agency if such assistance is available for
5 the dwelling;

6 (e) Agrees to a payment plan and agrees to maintain the payment
7 plan. The plan will be designed both to pay the past due bill by the
8 following October 15 and to pay for continued utility service. If the
9 past due bill is not paid by the following October 15, the customer
10 shall not be eligible for protections under this chapter until the past
11 due bill is paid. The plan shall not require monthly payments in
12 excess of seven percent of the customer's monthly income plus one-
13 twelfth of any arrearage accrued from the date application is made and
14 thereafter during November 15 through March 15. A customer may agree
15 to pay a higher percentage during this period, but shall not be in
16 default unless payment during this period is less than seven percent of
17 monthly income plus one-twelfth of any arrearage accrued from the date
18 application is made and thereafter. If assistance payments are
19 received by the customer subsequent to implementation of the plan, the
20 customer shall contact the utility to reformulate the plan; and

21 (f) Agrees to pay the moneys owed even if he or she moves.

22 (5) The utility shall:

23 (a) Include in any notice that an account is delinquent and that
24 service may be subject to termination, a description of the customer's
25 duties in this section;

26 (b) Assist the customer in fulfilling the requirements under this
27 section;

28 (c) Be authorized to transfer an account to a new residence when a
29 customer who has established a plan under this section moves from one
30 residence to another within the same utility service area;

31 (d) Be permitted to disconnect service if the customer fails to
32 honor the payment program. Utilities may continue to disconnect
33 service for those practices authorized by law other than for nonpayment
34 as provided for in this subsection. Customers who qualify for payment
35 plans under this section who default on their payment plans and are
36 disconnected can be reconnected and maintain the protections afforded
37 under this chapter by paying reconnection charges, if any, and by

1 paying all amounts that would have been due and owing under the terms
2 of the applicable payment plan, absent default, on the date on which
3 service is reconnected; and

4 (e) Advise the customer in writing at the time it disconnects
5 service that it will restore service if the customer contacts the
6 utility and fulfills the other requirements of this section.

7 (6) A payment plan implemented under this section is consistent
8 with RCW 80.28.080.

9 (7) Every gas company and electrical company shall offer
10 residential customers the option of a budget billing or equal payment
11 plan. The budget billing or equal payment plan shall be offered low-
12 income customers eligible under the state's plan for low-income energy
13 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
14 limiting availability to certain months of the year, without regard to
15 the length of time the customer has occupied the premises, and without
16 regard to whether the customer is the tenant or owner of the premises
17 occupied.

18 (8) Every gas company, electrical company and water company shall
19 construct and maintain such facilities in connection with the
20 manufacture and distribution of its product as will be efficient and
21 safe to its employees and the public.

22 (9) An agreement between the customer and the utility, whether oral
23 or written, shall not waive the protections afforded under this
24 chapter.

25 (10) In establishing rates or charges for water service, water
26 companies as defined in RCW 80.04.010 may consider the achievement of
27 water conservation goals and the discouragement of wasteful water use
28 practices.

29 **Sec. 235.** RCW 80.36.430 and 2009 c 564 s 960 are each amended to
30 read as follows:

31 (1) The Washington telephone assistance program shall be funded by
32 a telephone assistance excise tax on all switched access lines and by
33 funds from any federal government or other programs for this purpose.
34 Switched access lines are defined in RCW 82.14B.020. The telephone
35 assistance excise tax shall be applied equally to all residential and
36 business access lines not to exceed fourteen cents per month. The
37 department shall submit an approved annual budget for the Washington

1 telephone assistance program to the department of revenue no later than
2 March 1st prior to the beginning of each fiscal year. The department
3 of revenue shall then determine the amount of telephone assistance
4 excise tax to be placed on each switched access line and shall inform
5 local exchange companies and the utilities and transportation
6 commission of this amount no later than May 1st. The department of
7 revenue shall determine the amount of telephone assistance excise tax
8 by dividing the total of the program budget funded by the telephone
9 assistance excise tax, as submitted by the department, by the total
10 number of switched access lines in the prior calendar year. The
11 telephone assistance excise tax shall be separately identified on each
12 ratepayer's bill as the "Washington telephone assistance program." All
13 money collected from the telephone assistance excise tax shall be
14 transferred to a telephone assistance fund administered by the
15 department.

16 (2) Local exchange companies shall bill the fund for their expenses
17 incurred in offering the telephone assistance program, including
18 administrative and program expenses. The department shall disburse the
19 money to the local exchange companies. The department is exempted from
20 having to conclude a contract with local exchange companies in order to
21 effect this reimbursement. The department shall recover its
22 administrative costs from the fund. The department may specify by rule
23 the range and extent of administrative and program expenses that will
24 be reimbursed to local exchange companies.

25 (3) The department shall enter into an agreement with the
26 department of (~~community, trade, and economic development~~) commerce
27 for an amount not to exceed eight percent of the prior fiscal year's
28 total revenue for the administrative and program expenses of providing
29 community service voice mail services. The community service voice
30 mail service may include toll-free lines in community action agencies
31 through which recipients can access their community service voice
32 mailboxes at no charge.

33 (4) During the 2009-2011 biennium, the department shall enter into
34 an agreement with the military department for one million dollars to
35 support the WIN 211 program.

36 **Sec. 236.** RCW 80.36.440 and 2003 c 134 s 5 are each amended to
37 read as follows:

1 (1) The commission and the department may adopt any rules necessary
2 to implement RCW 80.36.410 through 80.36.470.

3 (2) Rules necessary for the implementation of community service
4 voice mail services shall be made by the commission and the department
5 in consultation with the department of (~~community, trade, and economic~~
6 ~~development~~)) commerce.

7 **Sec. 237.** RCW 80.50.030 and 2001 c 214 s 4 are each amended to
8 read as follows:

9 (1) There is created and established the energy facility site
10 evaluation council.

11 (2)(a) The chair of the council shall be appointed by the governor
12 with the advice and consent of the senate, shall have a vote on matters
13 before the council, shall serve for a term coextensive with the term of
14 the governor, and is removable for cause. The chair may designate a
15 member of the council to serve as acting chair in the event of the
16 chair's absence. The salary of the chair shall be determined under RCW
17 43.03.040. The chair is a "state employee" for the purposes of chapter
18 42.52 RCW. As applicable, when attending meetings of the council,
19 members may receive reimbursement for travel expenses in accordance
20 with RCW 43.03.050 and 43.03.060, and are eligible for compensation
21 under RCW 43.03.250.

22 (b) The chair or a designee shall execute all official documents,
23 contracts, and other materials on behalf of the council. The
24 Washington state department of (~~community, trade, and economic~~
25 ~~development~~)) commerce shall provide all administrative and staff
26 support for the council. The director of (~~the department of~~
27 ~~community, trade, and economic development~~)) commerce has supervisory
28 authority over the staff of the council and shall employ such personnel
29 as are necessary to implement this chapter. Not more than three such
30 employees may be exempt from chapter 41.06 RCW.

31 (3)(a) The council shall consist of the directors, administrators,
32 or their designees, of the following departments, agencies,
33 commissions, and committees or their statutory successors:

34 (i) Department of ecology;

35 (ii) Department of fish and wildlife;

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

1 (iv) Utilities and transportation commission; and

2 (v) Department of natural resources.

3 (b) The directors, administrators, or their designees, of the
4 following departments, agencies, and commissions, or their statutory
5 successors, may participate as councilmembers at their own discretion
6 provided they elect to participate no later than sixty days after an
7 application is filed:

8 (i) Department of agriculture;

9 (ii) Department of health;

10 (iii) Military department; and

11 (iv) Department of transportation.

12 (c) Council membership is discretionary for agencies that choose to
13 participate under (b) of this subsection only for applications that are
14 filed with the council on or after May 8, 2001. For applications filed
15 before May 8, 2001, council membership is mandatory for those agencies
16 listed in (b) of this subsection.

17 (4) The appropriate county legislative authority of every county
18 wherein an application for a proposed site is filed shall appoint a
19 member or designee as a voting member to the council. The member or
20 designee so appointed shall sit with the council only at such times as
21 the council considers the proposed site for the county which he or she
22 represents, and such member or designee shall serve until there has
23 been a final acceptance or rejection of the proposed site.

24 (5) The city legislative authority of every city within whose
25 corporate limits an energy plant is proposed to be located shall
26 appoint a member or designee as a voting member to the council. The
27 member or designee so appointed shall sit with the council only at such
28 times as the council considers the proposed site for the city which he
29 or she represents, and such member or designee shall serve until there
30 has been a final acceptance or rejection of the proposed site.

31 (6) For any port district wherein an application for a proposed
32 port facility is filed subject to this chapter, the port district shall
33 appoint a member or designee as a nonvoting member to the council. The
34 member or designee so appointed shall sit with the council only at such
35 times as the council considers the proposed site for the port district
36 which he or she represents, and such member or designee shall serve
37 until there has been a final acceptance or rejection of the proposed

1 site. The provisions of this subsection shall not apply if the port
2 district is the applicant, either singly or in partnership or
3 association with any other person.

4 **Sec. 238.** RCW 80.80.040 and 2009 c 448 s 2 are each amended to
5 read as follows:

6 (1) Beginning July 1, 2008, the greenhouse gas emissions
7 performance standard for all baseload electric generation for which
8 electric utilities enter into long-term financial commitments on or
9 after such date is the lower of:

10 (a) One thousand one hundred pounds of greenhouse gases per
11 megawatt-hour; or

12 (b) The average available greenhouse gas emissions output as
13 determined under RCW 80.80.050.

14 (2) This chapter does not apply to long-term financial commitments
15 with the Bonneville power administration.

16 (3) All baseload electric generation facilities in operation as of
17 June 30, 2008, are deemed to be in compliance with the greenhouse gas
18 emissions performance standard established under this section until the
19 facilities are the subject of long-term financial commitments. All
20 baseload electric generation that commences operation after June 30,
21 2008, and is located in Washington, must comply with the greenhouse gas
22 emissions performance standard established in subsection (1) of this
23 section.

24 (4) All electric generation facilities or power plants powered
25 exclusively by renewable resources, as defined in RCW 19.280.020, are
26 deemed to be in compliance with the greenhouse gas emissions
27 performance standard established under this section.

28 (5) All cogeneration facilities in the state that are fueled by
29 natural gas or waste gas or a combination of the two fuels, and that
30 are in operation as of June 30, 2008, are deemed to be in compliance
31 with the greenhouse gas emissions performance standard established
32 under this section until the facilities are the subject of a new
33 ownership interest or are upgraded.

34 (6) In determining the rate of emissions of greenhouse gases for
35 baseload electric generation, the total emissions associated with
36 producing electricity shall be included.

1 (7) In no case shall a long-term financial commitment be determined
2 to be in compliance with the greenhouse gas emissions performance
3 standard if the commitment includes more than twelve percent of
4 electricity from unspecified sources.

5 (8) For a long-term financial commitment with multiple power
6 plants, each specified power plant must be treated individually for the
7 purpose of determining the annualized plant capacity factor and net
8 emissions, and each power plant must comply with subsection (1) of this
9 section, except as provided in subsections (3) through (5) of this
10 section.

11 (9) The department shall establish an output-based methodology to
12 ensure that the calculation of emissions of greenhouse gases for a
13 cogeneration facility recognizes the total usable energy output of the
14 process, and includes all greenhouse gases emitted by the facility in
15 the production of both electrical and thermal energy. In developing
16 and implementing the greenhouse gas emissions performance standard, the
17 department shall consider and act in a manner consistent with any rules
18 adopted pursuant to the public utilities regulatory policy act of 1978
19 (16 U.S.C. Sec. 824a-3), as amended.

20 (10) The following greenhouse gas emissions produced by baseload
21 electric generation owned or contracted through a long-term financial
22 commitment shall not be counted as emissions of the power plant in
23 determining compliance with the greenhouse gas emissions performance
24 standard:

25 (a) Those emissions that are injected permanently in geological
26 formations;

27 (b) Those emissions that are permanently sequestered by other means
28 approved by the department; and

29 (c) Those emissions sequestered or mitigated as approved under
30 subsection (16) of this section.

31 (11) In adopting and implementing the greenhouse gas emissions
32 performance standard, the department of (~~community, trade, and~~
33 ~~economic development~~) commerce energy policy division, in consultation
34 with the commission, the department, the Bonneville power
35 administration, the western electricity (~~coordination~~ [~~coordinating~~])
36 coordinating council, the energy facility site evaluation council,
37 electric utilities, public interest representatives, and consumer

1 representatives, shall consider the effects of the greenhouse gas
2 emissions performance standard on system reliability and overall costs
3 to electricity customers.

4 (12) In developing and implementing the greenhouse gas emissions
5 performance standard, the department shall, with assistance of the
6 commission, the department of (~~community, trade, and economic~~
7 ~~development~~) commerce energy policy division, and electric utilities,
8 and to the extent practicable, address long-term purchases of
9 electricity from unspecified sources in a manner consistent with this
10 chapter.

11 (13) The directors of the energy facility site evaluation council
12 and the department shall each adopt rules under chapter 34.05 RCW in
13 coordination with each other to implement and enforce the greenhouse
14 gas emissions performance standard. The rules necessary to implement
15 this section shall be adopted by June 30, 2008.

16 (14) In adopting the rules for implementing this section, the
17 energy facility site evaluation council and the department shall
18 include criteria to be applied in evaluating the carbon sequestration
19 plan, for baseload electric generation that will rely on subsection
20 (10) of this section to demonstrate compliance, but that will commence
21 sequestration after the date that electricity is first produced. The
22 rules shall include but not be limited to:

23 (a) Provisions for financial assurances, as a condition of plant
24 operation, sufficient to ensure successful implementation of the carbon
25 sequestration plan, including construction and operation of necessary
26 equipment, and any other significant costs;

27 (b) Provisions for geological or other approved sequestration
28 commencing within five years of plant operation, including full and
29 sufficient technical documentation to support the planned
30 sequestration;

31 (c) Provisions for monitoring the effectiveness of the
32 implementation of the sequestration plan;

33 (d) Penalties for failure to achieve implementation of the plan on
34 schedule;

35 (e) Provisions for an owner to purchase emissions reductions in the
36 event of the failure of a sequestration plan under subsection (16) of
37 this section; and

1 (f) Provisions for public notice and comment on the carbon
2 sequestration plan.

3 (15)(a) Except as provided in (b) of this subsection, as part of
4 its role enforcing the greenhouse gas emissions performance standard,
5 the department shall determine whether sequestration or a plan for
6 sequestration will provide safe, reliable, and permanent protection
7 against the greenhouse gases entering the atmosphere from the power
8 plant and all ancillary facilities.

9 (b) For facilities under its jurisdiction, the energy facility site
10 evaluation council shall contract for review of sequestration or the
11 carbon sequestration plan with the department consistent with the
12 conditions under (a) of this subsection, consider the adequacy of
13 sequestration or the plan in its adjudicative proceedings conducted
14 under RCW 80.50.090(3), and incorporate specific findings regarding
15 adequacy in its recommendation to the governor under RCW 80.50.100.

16 (16) A project under consideration by the energy facility site
17 evaluation council by July 22, 2007, is required to include all of the
18 requirements of subsection (14) of this section in its carbon
19 sequestration plan submitted as part of the energy facility site
20 evaluation council process. A project under consideration by the
21 energy facility site evaluation council by July 22, 2007, that receives
22 final site certification agreement approval under chapter 80.50 RCW
23 shall make a good faith effort to implement the sequestration plan. If
24 the project owner determines that implementation is not feasible, the
25 project owner shall submit documentation of that determination to the
26 energy facility site evaluation council. The documentation shall
27 demonstrate the steps taken to implement the sequestration plan and
28 evidence of the technological and economic barriers to successful
29 implementation. The project owner shall then provide to the energy
30 facility site evaluation council notification that they shall implement
31 the plan that requires the project owner to meet the greenhouse gas
32 emissions performance standard by purchasing verifiable greenhouse gas
33 emissions reductions from an electric generating facility located
34 within the western interconnection, where the reduction would not have
35 occurred otherwise or absent this contractual agreement, such that the
36 sum of the emissions reductions purchased and the facility's emissions
37 meets the standard for the life of the facility.

1 **Sec. 239.** RCW 80.80.050 and 2007 c 307 s 7 are each amended to
2 read as follows:

3 The energy policy division of the department of (~~community, trade,~~
4 ~~and economic development~~) commerce shall provide an opportunity for
5 interested parties to comment on the development of a survey of new
6 combined-cycle natural gas thermal electric generation turbines
7 commercially available and offered for sale by manufacturers and
8 purchased in the United States to determine the average rate of
9 emissions of greenhouse gases for these turbines. The department of
10 (~~community, trade, and economic development~~) commerce shall report
11 the results of its survey to the legislature every five years,
12 beginning June 30, 2013. The department of (~~community, trade, and~~
13 ~~economic development~~) commerce shall adopt by rule the average
14 available greenhouse gases emissions output every five years beginning
15 five years after July 22, 2007.

16 **Sec. 240.** RCW 80.80.080 and 2007 c 307 s 10 are each amended to
17 read as follows:

18 For the purposes of RCW 80.80.040 through 80.80.080 and 80.70.020,
19 the department, in consultation with the department of (~~community,~~
20 ~~trade, and economic development~~) commerce energy policy division, the
21 energy facility site evaluation council, the commission, and the
22 governing boards of consumer-owned utilities, shall review the
23 greenhouse gases emissions performance standard established in this
24 chapter to determine need, applicability, and effectiveness no less
25 than every five years following July 22, 2007, or upon implementation
26 of a federal or state law or rule regulating carbon dioxide emissions
27 of electric utilities, and report to the legislature.

28 **Sec. 241.** RCW 82.14.330 and 2003 c 90 s 1 are each amended to read
29 as follows:

30 (1) Beginning in fiscal year 2000, the state treasurer shall
31 transfer into the municipal criminal justice assistance account for
32 distribution under this section from the general fund the sum of four
33 million six hundred thousand dollars divided into four equal deposits
34 occurring on July 1, October 1, January 1, and April 1. For each
35 fiscal year thereafter, the state treasurer shall increase the total
36 transfer by the fiscal growth factor, as defined in RCW 43.135.025,

1 forecast for that fiscal year by the office of financial management in
2 November of the preceding year. The moneys deposited in the municipal
3 criminal justice assistance account for distribution under this
4 section, less any moneys appropriated for purposes under subsection (4)
5 of this section, shall be distributed to the cities of the state as
6 follows:

7 (a) Twenty percent appropriated for distribution shall be
8 distributed to cities with a three-year average violent crime rate for
9 each one thousand in population in excess of one hundred fifty percent
10 of the statewide three-year average violent crime rate for each one
11 thousand in population. The three-year average violent crime rate
12 shall be calculated using the violent crime rates for each of the
13 preceding three years from the annual reports on crime in Washington
14 state as published by the Washington association of sheriffs and police
15 chiefs. Moneys shall be distributed under this subsection (1)(a)
16 ratably based on population as last determined by the office of
17 financial management, but no city may receive more than one dollar per
18 capita. Moneys remaining undistributed under this subsection at the
19 end of each calendar year shall be distributed to the criminal justice
20 training commission to reimburse participating city law enforcement
21 agencies with ten or fewer full-time commissioned patrol officers the
22 cost of temporary replacement of each officer who is enrolled in basic
23 law enforcement training, as provided in RCW 43.101.200.

24 (b) Sixteen percent shall be distributed to cities ratably based on
25 population as last determined by the office of financial management,
26 but no city may receive less than one thousand dollars.

27 The moneys deposited in the municipal criminal justice assistance
28 account for distribution under this subsection shall be distributed at
29 such times as distributions are made under RCW 82.44.150.

30 Moneys distributed under this subsection shall be expended
31 exclusively for criminal justice purposes and shall not be used to
32 replace or supplant existing funding. Criminal justice purposes are
33 defined as activities that substantially assist the criminal justice
34 system, which may include circumstances where ancillary benefit to the
35 civil justice system occurs, and which includes domestic violence
36 services such as those provided by domestic violence programs,
37 community advocates, and legal advocates, as defined in RCW 70.123.020.
38 Existing funding for purposes of this subsection is defined as calendar

1 year 1989 actual operating expenditures for criminal justice purposes.
2 Calendar year 1989 actual operating expenditures for criminal justice
3 purposes exclude the following: Expenditures for extraordinary events
4 not likely to reoccur, changes in contract provisions for criminal
5 justice services, beyond the control of the local jurisdiction
6 receiving the services, and major nonrecurring capital expenditures.

7 (2) In addition to the distributions under subsection (1) of this
8 section:

9 (a) Ten percent shall be distributed on a per capita basis to
10 cities that contract with another governmental agency for the majority
11 of the city's law enforcement services. Cities that subsequently
12 qualify for this distribution shall notify the department of
13 (~~community, trade, and economic development~~) commerce by November
14 30th for the upcoming calendar year. The department of (~~community,~~
15 ~~trade, and economic development~~) commerce shall provide a list of
16 eligible cities to the state treasurer by December 31st. The state
17 treasurer shall modify the distribution of these funds in the following
18 year. Cities have the responsibility to notify the department of
19 (~~community, trade, and economic development~~) commerce of any changes
20 regarding these contractual relationships. Adjustments in the
21 distribution formula to add or delete cities may be made only for the
22 upcoming calendar year; no adjustments may be made retroactively.

23 (b) The remaining fifty-four percent shall be distributed to cities
24 and towns by the state treasurer on a per capita basis. These funds
25 shall be used for: (i) Innovative law enforcement strategies; (ii)
26 programs to help at-risk children or child abuse victim response
27 programs; and (iii) programs designed to reduce the level of domestic
28 violence or to provide counseling for domestic violence victims.

29 The moneys deposited in the municipal criminal justice assistance
30 account for distribution under this subsection, less any moneys
31 appropriated for purposes under subsection (4) of this section, shall
32 be distributed at the times as distributions are made under RCW
33 82.44.150. Moneys remaining undistributed under this subsection at the
34 end of each calendar year shall be distributed to the criminal justice
35 training commission to reimburse participating city law enforcement
36 agencies with ten or fewer full-time commissioned patrol officers the
37 cost of temporary replacement of each officer who is enrolled in basic
38 law enforcement training, as provided in RCW 43.101.200.

1 If a city is found by the state auditor to have expended funds
2 received under this subsection in a manner that does not comply with
3 the criteria under which the moneys were received, the city shall be
4 ineligible to receive future distributions under this subsection until
5 the use of the moneys are justified to the satisfaction of the director
6 or are repaid to the state general fund.

7 (3) Notwithstanding other provisions of this section, the
8 distributions to any city that substantially decriminalizes or repeals
9 its criminal code after July 1, 1990, and that does not reimburse the
10 county for costs associated with criminal cases under RCW 3.50.800 or
11 3.50.805(2), shall be made to the county in which the city is located.

12 (4) Not more than five percent of the funds deposited to the
13 municipal criminal justice assistance account shall be available for
14 appropriations for enhancements to the state patrol crime laboratory
15 system and the continuing costs related to these enhancements. Funds
16 appropriated from this account for such enhancements shall not supplant
17 existing funds from the state general fund.

18 **Sec. 242.** RCW 82.14.400 and 2000 c 240 s 1 are each amended to
19 read as follows:

20 (1) Upon the joint request of a metropolitan park district, a city
21 with a population of more than one hundred fifty thousand, and a county
22 legislative authority in a county with a national park and a population
23 of more than five hundred thousand and less than one million five
24 hundred thousand, the county shall submit an authorizing proposition to
25 the county voters, fixing and imposing a sales and use tax in
26 accordance with this chapter for the purposes designated in subsection
27 (4) of this section and identified in the joint request. Such
28 proposition must be placed on a ballot for a special or general
29 election to be held no later than one year after the date of the joint
30 request.

31 (2) The proposition is approved if it receives the votes of a
32 majority of those voting on the proposition.

33 (3) The tax authorized in this section is in addition to any other
34 taxes authorized by law and shall be collected from those persons who
35 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
36 occurrence of any taxable event within the county. The rate of tax

1 shall equal no more than one-tenth of one percent of the selling price
2 in the case of a sales tax, or value of the article used, in the case
3 of a use tax.

4 (4) Moneys received from any tax imposed under this section shall
5 be used solely for the purpose of providing funds for:

6 (a) Costs associated with financing, design, acquisition,
7 construction, equipping, operating, maintaining, remodeling, repairing,
8 reequipping, or improvement of zoo, aquarium, and wildlife preservation
9 and display facilities that are currently accredited by the American
10 zoo and aquarium association; or

11 (b) Those costs associated with (a) of this subsection and costs
12 related to parks located within a county described in subsection (1) of
13 this section.

14 (5) The department of revenue shall perform the collection of such
15 taxes on behalf of the county at no cost to the county. In lieu of the
16 charge for the administration and collection of local sales and use
17 taxes under RCW 82.14.050 from which the county is exempt under this
18 subsection (5), a percentage of the tax revenues authorized by this
19 section equal to one-half of the maximum percentage provided in RCW
20 82.14.050 shall be transferred annually to the department of
21 (~~community, trade, and economic development~~) commerce, or its
22 successor agency, from the funds allocated under subsection (6)(b) of
23 this section for a period of twelve years from the first date of
24 distribution of funds under subsection (6)(b) of this section. The
25 department of (~~community, trade, and economic development~~) commerce,
26 or its successor agency, shall use funds transferred to it pursuant to
27 this subsection (5) to provide, operate, and maintain community-based
28 housing under chapter 43.185 RCW for (~~persons who are mentally ill~~)
29 individuals with mental illness.

30 (6) If the joint request and the authorizing proposition include
31 provisions for funding those costs included within subsection (4)(b) of
32 this section, the tax revenues authorized by this section shall be
33 allocated annually as follows:

34 (a) Fifty percent to the zoo and aquarium advisory authority; and

35 (b) Fifty percent to be distributed on a per capita basis as set
36 out in the most recent population figures for unincorporated and
37 incorporated areas only within that county, as determined by the office
38 of financial management, solely for parks, as follows: To any

1 metropolitan park district, to cities and towns not contained within a
2 metropolitan park district, and the remainder to the county. Moneys
3 received under this subsection (6)(b) by a county may not be used to
4 replace or supplant existing per capita funding.

5 (7) Funds shall be distributed annually by the county treasurer to
6 the county, and cities and towns located within the county, in the
7 manner set out in subsection (6)(b) of this section.

8 (8) Prior to expenditure of any funds received by the county under
9 subsection (6)(b) of this section, the county shall establish a process
10 which considers needs throughout the unincorporated areas of the county
11 in consultation with community advisory councils established by
12 ordinance.

13 (9) By December 31, 2005, and thereafter, the county or any city
14 with a population greater than eighty thousand must provide at least
15 one dollar match for every two dollars received under this section.

16 (10) Properties subject to a memorandum of agreement between the
17 federal bureau of land management, the advisory council on historic
18 preservation, and the Washington state historic preservation officer
19 have priority for funding from money received under subsection (6)(b)
20 of this section for implementation of the stipulations in the
21 memorandum of agreement.

22 (a) At least one hundred thousand dollars of the first four years
23 of allocations under subsection (6)(b) of this section, to be matched
24 by the county or city with one dollar for every two dollars received,
25 shall be used to implement the stipulations of the memorandum of
26 agreement and for other historical, archaeological, architectural, and
27 cultural preservation and improvements related to the properties.

28 (b) The amount in (a) of this subsection shall come equally from
29 the allocations to the county and to the city in which the properties
30 are located, unless otherwise agreed to by the county and the city.

31 (c) The amount in (a) of this subsection shall not be construed to
32 displace or be offered in lieu of any lease payment from a county or
33 city to the state for the properties in question.

34 **Sec. 243.** RCW 82.16.0497 and 2006 c 213 s 1 are each amended to
35 read as follows:

36 (1) Unless the context clearly requires otherwise, the definitions
37 in this subsection apply throughout this section.

1 (a) "Base credit" means the maximum amount of credit against the
2 tax imposed by this chapter that each light and power business or gas
3 distribution business may take each fiscal year as calculated by the
4 department. The base credit is equal to the proportionate share that
5 the total grants received by each light and power business or gas
6 distribution business in the prior fiscal year bears to the total
7 grants received by all light and power businesses and gas distribution
8 businesses in the prior fiscal year multiplied by five million five
9 hundred thousand dollars for fiscal year 2007, and two million five
10 hundred thousand dollars for all other fiscal years before and after
11 fiscal year 2007.

12 (b) "Billing discount" means a reduction in the amount charged for
13 providing service to qualifying persons in Washington made by a light
14 and power business or a gas distribution business. Billing discount
15 does not include grants received by the light and power business or a
16 gas distribution business.

17 (c) "Grant" means funds provided to a light and power business or
18 gas distribution business by the department of (~~community, trade, and~~
19 ~~economic development~~) commerce or by a qualifying organization.

20 (d) "Low-income home energy assistance program" means energy
21 assistance programs for low-income households as defined on December
22 31, 2000, in the low-income home energy assistance act of 1981 as
23 amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

24 (e) "Qualifying person" means a Washington resident who applies for
25 assistance and qualifies for a grant regardless of whether that person
26 receives a grant.

27 (f) "Qualifying contribution" means money given by a light and
28 power business or a gas distribution business to a qualifying
29 organization, exclusive of money received in the prior fiscal year from
30 its customers for the purpose of assisting other customers.

31 (g) "Qualifying organization" means an entity that has a
32 contractual agreement with the department of (~~community, trade, and~~
33 ~~economic development~~) commerce to administer in a specified service
34 area low-income home energy assistance funds received from the federal
35 government and such other funds that may be received by the entity.

36 (2) Subject to the limitations in this section, a light and power
37 business or a gas distribution business may take a credit each fiscal
38 year against the tax imposed under this chapter.

1 (a)(i) A credit may be taken for qualifying contributions if the
2 dollar amount of qualifying contributions for the fiscal year in which
3 the tax credit is taken is greater than one hundred twenty-five percent
4 of the dollar amount of qualifying contributions given in fiscal year
5 2000.

6 (ii) If no qualifying contributions were given in fiscal year 2000,
7 a credit shall be allowed for the first fiscal year that qualifying
8 contributions are given. Thereafter, credit shall be allowed if the
9 qualifying contributions given exceed one hundred twenty-five percent
10 of qualifying contributions given in the first fiscal year.

11 (iii) The amount of credit shall be fifty percent of the dollar
12 amount of qualifying contributions given in the fiscal year in which
13 the tax credit is taken.

14 (b)(i) A credit may be taken for billing discounts if the dollar
15 amount of billing discounts for the fiscal year in which the tax credit
16 is taken is greater than one hundred twenty-five percent of the dollar
17 amount of billing discounts given in fiscal year 2000.

18 (ii) If no billing discounts were given in fiscal year 2000, a
19 credit shall be allowed in the first fiscal year that billing discounts
20 are given. Thereafter, credit shall be allowed if the dollar amount of
21 billing discounts given exceeds one hundred twenty-five percent of
22 billing discounts given in the first fiscal year.

23 (iii) The amount of credit shall be fifty percent of the dollar
24 amount of the billing discounts given in the fiscal year in which the
25 tax credit is taken.

26 (c) The total amount of credit that may be taken for qualifying
27 contributions and billing discounts in a fiscal year is limited to the
28 base credit for the same fiscal year.

29 (3)(a)(i) Except as provided in (a)(ii) of this subsection, the
30 total amount of credit, statewide, that may be taken in any fiscal year
31 shall not exceed two million five hundred thousand dollars.

32 (ii) The total amount of credit, statewide, that may be taken in
33 fiscal year 2007 shall not exceed five million five hundred thousand
34 dollars.

35 (b) By May 1st of each year starting in 2002, the department of
36 (~~community, trade, and economic development~~) commerce shall notify
37 the department of revenue in writing of the grants received in the

1 current fiscal year by each light and power business and gas
2 distribution business.

3 (4)(a) Not later than June 1st of each year beginning in 2002, the
4 department shall publish the base credit for each light and power
5 business and gas distribution business for the next fiscal year.

6 (b) Not later than July 1st of each year beginning in 2002,
7 application for credit must be made to the department including but not
8 limited to the following information: Billing discounts given by the
9 applicant in fiscal year 2000; qualifying contributions given by the
10 applicant in the prior fiscal year; the amount of money received in the
11 prior fiscal year from customers for the purpose of assisting other
12 customers; the base credit for the next fiscal year for the applicant;
13 the qualifying contributions anticipated to be given in the next fiscal
14 year; and billing discounts anticipated to be given in the next fiscal
15 year. No credit under this section will be allowed to a light and
16 power business or gas distribution business that does not file the
17 application by July 1st.

18 (c) Not later than August 1st of each year beginning in 2002, the
19 department shall notify each applicant of the amount of credit that may
20 be taken in that fiscal year.

21 (d) The balance of base credits not used by other light and power
22 businesses and gas distribution businesses shall be ratably distributed
23 to applicants under the formula in subsection (1)(a) of this section.
24 The total amount of credit that may be taken by an applicant is the
25 base credit plus any ratable portion of unused base credit.

26 (5) The credit taken under this section is limited to the amount of
27 tax imposed under this chapter for the fiscal year. The credit must be
28 claimed in the fiscal year in which the billing reduction is made. Any
29 unused credit expires. Refunds shall not be given in place of credits.

30 (6) No credit may be taken for billing discounts made before July
31 1, 2001. ~~((Within two weeks of May 8, 2001, the department of
32 community, trade, and economic development shall notify the department
33 of revenue in writing of the grants received in fiscal year 2001 by
34 each light and power business and gas distribution business. Within
35 four weeks of May 8, 2001, the department of revenue shall publish the
36 base credit for each light and power business and gas distribution
37 business for fiscal year 2002. Within eight weeks of May 8, 2001,
38 application to the department must be made showing the information~~

1 required in subsection (4)(b) of this section. Within twelve weeks of
2 May 8, 2001, the department shall notify each applicant of the amount
3 of credit that may be taken in fiscal year 2002.)

4 **Sec. 244.** RCW 82.73.050 and 2005 c 514 s 906 are each amended to
5 read as follows:

6 The department of (~~community, trade, and economic development~~)
7 commerce shall provide information to the department to administer this
8 chapter, including a list of designated programs that shall be updated
9 as necessary.

10 **Sec. 245.** RCW 84.14.100 and 2007 c 430 s 10 are each amended to
11 read as follows:

12 (1) Thirty days after the anniversary of the date of the
13 certificate of tax exemption and each year for the tax exemption
14 period, the owner of the rehabilitated or newly constructed property
15 shall file with a designated authorized representative of the city an
16 annual report indicating the following:

17 (a) A statement of occupancy and vacancy of the rehabilitated or
18 newly constructed property during the twelve months ending with the
19 anniversary date;

20 (b) A certification by the owner that the property has not changed
21 use and, if applicable, that the property has been in compliance with
22 the affordable housing requirements as described in RCW 84.14.020 since
23 the date of the certificate approved by the city;

24 (c) A description of changes or improvements constructed after
25 issuance of the certificate of tax exemption; and

26 (d) Any additional information requested by the city in regards to
27 the units receiving a tax exemption.

28 (2) All cities, which issue certificates of tax exemption for
29 multiunit housing that conform to the requirements of this chapter,
30 shall report annually by December 31st of each year, beginning in 2007,
31 to the department of (~~community, trade, and economic development~~)
32 commerce. The report must include the following information:

33 (a) The number of tax exemption certificates granted;

34 (b) The total number and type of units produced or to be produced;

35 (c) The number and type of units produced or to be produced meeting
36 affordable housing requirements;

1 (d) The actual development cost of each unit produced;

2 (e) The total monthly rent or total sale amount of each unit
3 produced;

4 (f) The income of each renter household at the time of initial
5 occupancy and the income of each initial purchaser of owner-occupied
6 units at the time of purchase for each of the units receiving a tax
7 exemption and a summary of these figures for the city; and

8 (g) The value of the tax exemption for each project receiving a tax
9 exemption and the total value of tax exemptions granted.

10 **Sec. 246.** RCW 84.36.560 and 2007 c 301 s 1 are each amended to
11 read as follows:

12 (1) The real and personal property owned or used by a nonprofit
13 entity in providing rental housing for very low-income households or
14 used to provide space for the placement of a mobile home for a very
15 low-income household within a mobile home park is exempt from taxation
16 if:

17 (a) The benefit of the exemption inures to the nonprofit entity;

18 (b) At least seventy-five percent of the occupied dwelling units in
19 the rental housing or lots in a mobile home park are occupied by a very
20 low-income household; and

21 (c) The rental housing or lots in a mobile home park were insured,
22 financed, or assisted in whole or in part through one or more of the
23 following sources:

24 (i) A federal or state housing program administered by the
25 department of (~~community, trade, and economic development~~) commerce;

26 (ii) A federal housing program administered by a city or county
27 government;

28 (iii) An affordable housing levy authorized under RCW 84.52.105; or

29 (iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and
30 any of the surcharges authorized in chapter 43.185C RCW.

31 (2) If less than seventy-five percent of the occupied dwelling
32 units within the rental housing or lots in the mobile home park are
33 occupied by very low-income households, the rental housing or mobile
34 home park is eligible for a partial exemption on the real property and
35 a total exemption of the housing's or park's personal property as
36 follows:

1 (a) A partial exemption shall be allowed for each dwelling unit in
2 the rental housing or for each lot in a mobile home park occupied by a
3 very low-income household.

4 (b) The amount of exemption shall be calculated by multiplying the
5 assessed value of the property reasonably necessary to provide the
6 rental housing or to operate the mobile home park by a fraction. The
7 numerator of the fraction is the number of dwelling units or lots
8 occupied by very low-income households as of December 31st of the first
9 assessment year in which the rental housing or mobile home park becomes
10 operational or on January 1st of each subsequent assessment year for
11 which the exemption is claimed. The denominator of the fraction is the
12 total number of dwelling units or lots occupied as of December 31st of
13 the first assessment year the rental housing or mobile home park
14 becomes operational and January 1st of each subsequent assessment year
15 for which exemption is claimed.

16 (3) If a currently exempt rental housing unit in a facility with
17 ten units or fewer or mobile home lot in a mobile home park with ten
18 lots or fewer was occupied by a very low-income household at the time
19 the exemption was granted and the income of the household subsequently
20 rises above fifty percent of the median income but remains at or below
21 eighty percent of the median income, the exemption will continue as
22 long as the housing continues to meet the certification requirements of
23 a very low-income housing program listed in subsection (1) of this
24 section. For purposes of this section, median income, as most recently
25 determined by the federal department of housing and urban development
26 for the county in which the rental housing or mobile home park is
27 located, shall be adjusted for family size. However, if a dwelling
28 unit or a lot becomes vacant and is subsequently rerented, the income
29 of the new household must be at or below fifty percent of the median
30 income adjusted for family size as most recently determined by the
31 federal department of housing and urban development for the county in
32 which the rental housing or mobile home park is located to remain
33 exempt from property tax.

34 (4) If at the time of initial application the property is
35 unoccupied, or subsequent to the initial application the property is
36 unoccupied because of renovations, and the property is not currently
37 being used for the exempt purpose authorized by this section but will
38 be used for the exempt purpose within two assessment years, the

1 property shall be eligible for a property tax exemption for the
2 assessment year in which the claim for exemption is submitted under the
3 following conditions:

4 (a) A commitment for financing to acquire, construct, renovate, or
5 otherwise convert the property to provide housing for very low-income
6 households has been obtained, in whole or in part, by the nonprofit
7 entity claiming the exemption from one or more of the sources listed in
8 subsection (1)(c) of this section;

9 (b) The nonprofit entity has manifested its intent in writing to
10 construct, remodel, or otherwise convert the property to housing for
11 very low-income households; and

12 (c) Only the portion of property that will be used to provide
13 housing or lots for very low-income households shall be exempt under
14 this section.

15 (5) To be exempt under this section, the property must be used
16 exclusively for the purposes for which the exemption is granted, except
17 as provided in RCW 84.36.805.

18 (6) The nonprofit entity qualifying for a property tax exemption
19 under this section may agree to make payments to the city, county, or
20 other political subdivision for improvements, services, and facilities
21 furnished by the city, county, or political subdivision for the benefit
22 of the rental housing. However, these payments shall not exceed the
23 amount last levied as the annual tax of the city, county, or political
24 subdivision upon the property prior to exemption.

25 (7) As used in this section:

26 (a) "Group home" means a single-family dwelling financed, in whole
27 or in part, by one or more of the sources listed in subsection (1)(c)
28 of this section. The residents of a group home shall not be considered
29 to jointly constitute a household, but each resident shall be
30 considered to be a separate household occupying a separate dwelling
31 unit. The individual incomes of the residents shall not be aggregated
32 for purposes of this exemption;

33 (b) "Mobile home lot" or "mobile home park" means the same as these
34 terms are defined in RCW 59.20.030;

35 (c) "Occupied dwelling unit" means a living unit that is occupied
36 by an individual or household as of December 31st of the first
37 assessment year the rental housing becomes operational or is occupied
38 by an individual or household on January 1st of each subsequent

1 assessment year in which the claim for exemption is submitted. If the
2 housing facility is comprised of three or fewer dwelling units and
3 there are any unoccupied units on January 1st, the department shall
4 base the amount of the exemption upon the number of occupied dwelling
5 units as of December 31st of the first assessment year the rental
6 housing becomes operational and on May 1st of each subsequent
7 assessment year in which the claim for exemption is submitted;

8 (d) "Rental housing" means a residential housing facility or group
9 home that is occupied but not owned by very low-income households;

10 (e) "Very low-income household" means a single person, family, or
11 unrelated persons living together whose income is at or below fifty
12 percent of the median income adjusted for family size as most recently
13 determined by the federal department of housing and urban development
14 for the county in which the rental housing is located and in effect as
15 of January 1st of the year the application for exemption is submitted;
16 and

17 (f) "Nonprofit entity" means a:

18 (i) Nonprofit as defined in RCW 84.36.800 that is exempt from
19 income tax under section 501(c) of the federal internal revenue code;

20 (ii) Limited partnership where a nonprofit as defined in RCW
21 84.36.800 that is exempt from income tax under section 501(c) of the
22 federal internal revenue code, a public corporation established under
23 RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created
24 under RCW 35.82.030 or 35.82.300, or a housing authority meeting the
25 definition in RCW 35.82.210(2)(a) is a general partner; or

26 (iii) Limited liability company where a nonprofit as defined in RCW
27 84.36.800 that is exempt from income tax under section 501(c) of the
28 federal internal revenue code, a public corporation established under
29 RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established
30 under RCW 35.82.030 or 35.82.300, or a housing authority meeting the
31 definition in RCW 35.82.210(2)(a) is a managing member.

32 **Sec. 247.** RCW 88.02.053 and 1996 c 3 s 2 are each amended to read
33 as follows:

34 (1) The maritime historic restoration and preservation account is
35 created in the custody of the state treasurer. All receipts from the
36 voluntary donations made simultaneously with the registration of

1 vessels under chapter 88.02 RCW shall be deposited into this account.
2 These deposits are not public funds and are not subject to allotment
3 procedures under chapter 43.88 RCW.

4 (2) At the end of each fiscal year, the state treasurer shall pay
5 from this account to the department of licensing an amount equal to the
6 reasonable administrative expenses of that agency for that fiscal year
7 for collecting the voluntary donations and transmitting them to the
8 state treasurer and shall pay to the state treasurer an amount equal to
9 the reasonable administrative expenses of that agency for that fiscal
10 year for maintaining the account and disbursing funds from the account.

11 (3) At the end of each fiscal year, the state treasurer shall pay
12 one-half of the balance of the funds in the account after payment of
13 the administrative costs provided in subsection (2) of this section, to
14 the Grays Harbor historical seaport or its corporate successor and the
15 remainder to the Steamer Virginia V foundation or its corporate
16 successor.

17 (4) If either the Grays Harbor historical seaport and its corporate
18 successors or the Steamer Virginia V foundation and its corporate
19 successors legally ceases to exist, the state treasurer shall, at the
20 end of each fiscal year, pay the balance of the funds in the account to
21 the remaining organization.

22 (5) If both the Grays Harbor historical seaport and its corporate
23 successors and the Steamer Virginia V foundation and its corporate
24 successors legally cease to exist, the department of licensing shall
25 discontinue the collection of the voluntary donations in conjunction
26 with the registration of vessels under RCW 88.02.052, and the balance
27 of the funds in the account escheat to the state. If funds in the
28 account escheat to the state, one-half of the fund balance shall be
29 provided to the ((office)) department of archaeology and historic
30 preservation and the remainder shall be deposited into the parks
31 renewal and stewardship account.

32 ~~((6) The secretary of state, the directors of the state historical~~
33 ~~societies, the director of the office of archaeology and historic~~
34 ~~preservation within the department of community, trade, and economic~~
35 ~~development, and two members representing the recreational boating~~
36 ~~community appointed by the secretary of state, shall review the success~~
37 ~~of the voluntary donation program for maritime historic restoration and~~
38 ~~preservation established under RCW 88.02.052 and report their findings~~

1 to the appropriate legislative committees by January 31, 1998. The
2 findings must include the progress of the program and the potential to
3 expand the voluntary funding to other historic vessels.))

4 **Sec. 248.** RCW 89.10.020 and 2007 c 352 s 3 are each amended to
5 read as follows:

6 (1) The farmland preservation task force is established with the
7 following voting members:

8 (a) Six farmer representatives, one from each of six regions
9 delineated by the state conservation commission at least one of whom is
10 a commercial livestock producer, of which at least two representatives
11 shall be under the age of forty-five, appointed by the governor from
12 persons nominated by recognized agricultural organizations;

13 (b) A representative of the state conservation commission,
14 appointed by the chair of the state conservation commission;

15 (c) A representative of the department of agriculture, appointed by
16 the director;

17 (d) A representative of counties in eastern Washington, appointed
18 by the Washington state association of counties;

19 (e) A representative of counties in western Washington, appointed
20 by the Washington state association of counties;

21 (f) Two members of the senate, one from each major political
22 caucus, appointed by the president of the senate;

23 (g) Two members of the house of representatives, one from each
24 major political caucus, appointed by the speaker of the house of
25 representatives;

26 (h) A representative of the office of the governor, appointed by
27 the governor; and

28 (i) A representative of conservation districts, appointed by the
29 state association of conservation districts.

30 (2) The following persons shall be requested to participate as
31 nonvoting members of the farmland preservation task force:

32 (a) A representative of the federal natural resources conservation
33 service with knowledge of federal agricultural land retention programs
34 and funding sources, appointed by the state conservationist; and

35 (b) A person with technical expertise from the department of
36 (~~community, trade, and economic development~~) commerce, appointed by
37 the agency's director.

1 (3) The task force shall meet at least twice a year. The task
2 force shall be staffed by the state conservation commission. The chair
3 of the task force shall be elected for a term of one year by the voting
4 members of the task force.

5 (4) Nonlegislative members of the task force are entitled to be
6 reimbursed for travel expenses in accordance with RCW 43.03.050 and
7 43.03.060 by the state conservation commission. Legislative members of
8 the task force are entitled to be reimbursed for travel expenses in
9 accordance with RCW 44.04.120.

10 (5) This section expires January 1, 2011.

11 **Sec. 249.** RCW 90.03.247 and 2003 c 39 s 48 are each amended to
12 read as follows:

13 Whenever an application for a permit to make beneficial use of
14 public waters is approved relating to a stream or other water body for
15 which minimum flows or levels have been adopted and are in effect at
16 the time of approval, the permit shall be conditioned to protect the
17 levels or flows. No agency may establish minimum flows and levels or
18 similar water flow or level restrictions for any stream or lake of the
19 state other than the department of ecology whose authority to establish
20 is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and
21 90.54.040. The provisions of other statutes, including but not limited
22 to ((RCW 77.55.100 and)) chapter 43.21C RCW, may not be interpreted in
23 a manner that is inconsistent with this section. In establishing such
24 minimum flows, levels, or similar restrictions, the department shall,
25 during all stages of development by the department of ecology of
26 minimum flow proposals, consult with, and carefully consider the
27 recommendations of, the department of fish and wildlife, the department
28 of ((community, trade, and economic development)) commerce, the
29 department of agriculture, and representatives of the affected Indian
30 tribes. Nothing herein shall preclude the department of fish and
31 wildlife, the department of ((community, trade, and economic
32 development)) commerce, or the department of agriculture from
33 presenting its views on minimum flow needs at any public hearing or to
34 any person or agency, and the department of fish and wildlife, the
35 department of ((community, trade, and economic development)) commerce,
36 and the department of agriculture are each empowered to participate in

1 proceedings of the federal energy regulatory commission and other
2 agencies to present its views on minimum flow needs.

3 **Sec. 250.** RCW 90.56.280 and 1995 c 399 s 218 are each amended to
4 read as follows:

5 It shall be the duty of any person discharging oil or hazardous
6 substances or otherwise causing, permitting, or allowing the same to
7 enter the waters of the state, unless the discharge or entry was
8 expressly authorized by the department prior thereto or authorized by
9 operation of law under RCW 90.48.200, to immediately notify the coast
10 guard and the division of emergency management. The notice to the
11 division of emergency management within the department of (~~community,~~
12 ~~trade, and economic development~~) commerce shall be made to the
13 division's twenty-four hour statewide toll-free number established for
14 reporting emergencies.

15 **Sec. 251.** RCW 90.82.048 and 2003 1st sp.s. c 5 s 9 are each
16 amended to read as follows:

17 (1) The timelines and interim milestones in a detailed
18 implementation plan required by RCW 90.82.043 must address the planned
19 future use of existing water rights for municipal water supply
20 purposes, as defined in RCW 90.03.015, that are inchoate, including how
21 these rights will be used to meet the projected future needs identified
22 in the watershed plan, and how the use of these rights will be
23 addressed when implementing instream flow strategies identified in the
24 watershed plan.

25 (2) The watershed planning unit or other authorized lead agency
26 shall ensure that holders of water rights for municipal water supply
27 purposes not currently in use are asked to participate in defining the
28 timelines and interim milestones to be included in the detailed
29 implementation plan.

30 (3) The department of health shall annually compile a list of water
31 system plans and plan updates to be reviewed by the department during
32 the coming year and shall consult with the departments of (~~community,~~
33 ~~trade, and economic development~~) commerce, ecology, and fish and
34 wildlife to: (a) Identify watersheds where further coordination is
35 needed between water system planning and local watershed planning under

1 this chapter; and (b) develop a work plan for conducting the necessary
2 coordination.

3 NEW SECTION. **Sec. 252.** RCW 35.22.660, 35.22.680, 35.63.140,
4 35.63.180, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675,
5 36.70.755, 43.330.005, 59.22.090, 59.28.120, 67.28.8001, and 77.12.710
6 are each decodified.

7 NEW SECTION. **Sec. 253.** 2009 c 565 s 34 is repealed.

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