
SUBSTITUTE HOUSE BILL 2617

State of Washington

61st Legislature

2010 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Driscoll, Chase, Hunt, Wallace, Williams, Maxwell, White, Kelley, Carlyle, Simpson, Seaquist, and Moeller; by request of Governor Gregoire)

READ FIRST TIME 01/29/10.

1 AN ACT Relating to eliminating boards and commissions; amending RCW
2 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760,
3 18.250.010, 18.250.020, 18.250.060, 70.47.040, 18.205.020, 18.205.060,
4 41.04.033, 41.04.0331, 41.04.0332, 72.78.030, 43.101.380, 43.105.052,
5 82.58.020, 46.20.100, 46.82.280, 46.82.330, 46.82.420, 18.73.030,
6 18.73.101, 41.50.088, 41.50.770, 41.50.780, 41.34.020, 41.34.040,
7 41.34.070, 41.34.130, 41.34.140, 43.33A.135, 36.70C.030, 70.112.010,
8 70.112.020, 43.43.930, 43.43.934, 43.43.938, 43.43.962, 43.43.963,
9 43.44.030, 43.44.060, 38.52.530, 49.26.120, 48.62.061, 48.62.161,
10 28B.76.280, 43.330.090, 2.56.031, 13.40.510, 43.105.041, 43.105.805,
11 43.105.820, 19.146.225, 90.56.005, 90.56.060, 43.30.820, 18.210.010,
12 18.210.050, 18.210.060, 70.118.110, 18.200.010, 18.200.050, 18.200.070,
13 77.95.100, 77.95.180, 77.95.190, 17.10.010, 17.10.040, 17.10.070,
14 17.10.074, 17.10.080, 17.10.090, 17.10.100, 17.10.130, 17.10.160,
15 17.10.201, 17.10.210, 17.10.235, 17.10.250, 17.10.260, 17.10.350,
16 17.15.020, 17.26.006, 17.26.015, 77.60.130, 79A.25.320, 79A.25.340,
17 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316, 46.16.715,
18 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901, 46.16.30903,
19 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911, 46.16.30913,
20 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920, 46.16.30922,
21 46.16.30924, 46.16.30926, 46.16.30928, 43.370.020, 43.370.030,

1 43.60A.170, 43.131.406, 43.60A.010, 70.119A.180, 90.86.030, and
2 43.15.020; reenacting and amending RCW 18.71.205, 43.21B.005,
3 43.105.020, 70.94.6534, 76.04.630, 76.04.660, and 46.16.233; adding new
4 sections to chapter 43.215 RCW; creating a new section; recodifying RCW
5 43.121.170, 43.121.175, and 43.121.180; repealing RCW 18.250.030,
6 18.205.080, 70.96A.070, 43.101.310, 43.101.315, 43.101.320, 43.101.325,
7 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055, 46.82.300,
8 18.73.040, 18.73.050, 41.50.086, 43.21L.005, 43.21L.010, 43.21L.020,
9 43.21L.030, 43.21L.040, 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080,
10 43.21L.090, 43.21L.100, 43.21L.110, 43.21L.120, 43.21L.130, 43.21L.140,
11 43.21L.900, 43.21L.901, 70.112.030, 70.112.040, 70.112.050, 43.43.932,
12 43.43.936, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100,
13 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800,
14 43.105.810, 43.360.040, 19.146.280, 90.56.120, 90.56.130, 18.210.040,
15 18.210.070, 70.118.100, 18.200.060, 42.56.140, 77.95.110, 77.95.120,
16 17.10.030, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 46.16.705,
17 43.60A.180, 46.38.010, 46.38.020, 46.38.030, 46.38.040, 46.38.050,
18 46.38.060, 46.38.070, 46.38.080, 46.38.090, 70.119A.160, 46.39.010,
19 46.39.020, 27.34.360, 27.34.365, 27.34.370, 27.34.375, 27.34.380,
20 17.15.040, 79.19.070, 76.04.145, 43.126.015, 43.126.025, 43.126.035,
21 43.126.045, 43.126.055, 43.126.065, 43.126.075, and 43.126.085; and
22 providing effective dates.

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

24 **Committee on Agency Officials' Salaries**

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

27 It is hereby declared to be the public policy of this state to base
28 the salaries of public officials on realistic standards in order that
29 such officials may be paid according to the true value of their
30 services and the best qualified citizens may be attracted to public
31 service. It is the purpose of (~~RCW 43.03.027, 43.03.028,~~) this
32 section and RCW 43.03.040(~~(, 43.03.045 and 43.03.047)~~) to effectuate
33 this policy by utilizing the expert knowledge of citizens having access
34 to pertinent facts concerning proper salaries for public officials,

1 thus removing and dispelling any thought of political consideration in
2 fixing the appropriateness of the amount of such salaries.

3 **Sec. 2.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read
4 as follows:

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

18 ~~(2) The committee))~~ The department of personnel shall study the
19 duties and salaries of the directors of the several departments and the
20 members of the several boards and commissions of state government, who
21 are subject to appointment by the governor or whose salaries are fixed
22 by the governor, and of the chief executive officers of the following
23 agencies of state government:

24 The arts commission; the human rights commission; the board of
25 accountancy; the board of pharmacy; the eastern Washington historical
26 society; the Washington state historical society; the recreation and
27 conservation office; the criminal justice training commission; the
28 department of personnel; the state library; the traffic safety
29 commission; the horse racing commission; the advisory council on
30 vocational education; the public disclosure commission; the state
31 conservation commission; the commission on Hispanic affairs; the
32 commission on Asian Pacific American affairs; the state board for
33 volunteer firefighters and reserve officers; the transportation
34 improvement board; the public employment relations commission; the
35 forest practices appeals board; and the energy facilities site
36 evaluation council.

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

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

10 **Sec. 3.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to read
11 as follows:

12 The chief administrative law judge shall be paid a salary fixed by
13 the governor after recommendation of the (~~state committee on agency~~
14 ~~officials' salaries~~) department of personnel. The salaries of
15 administrative law judges appointed under the terms of this chapter
16 shall be determined by the chief administrative law judge after
17 recommendation of the (~~state committee on agency officials' salaries~~)
18 department of personnel.

19 **Sec. 4.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read
20 as follows:

21 The commission is empowered to:
22 (1) Adopt, promulgate, amend, and rescind suitable administrative
23 rules to carry out the policies and purposes of this chapter, which
24 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
25 campaign finance, political advertising, or related forms that would
26 otherwise take effect after June 30th of a general election year shall
27 take effect no earlier than the day following the general election in
28 that year;
29 (2) Appoint and set, within the limits established by the
30 (~~committee on agency officials' salaries~~) department of personnel
31 under RCW 43.03.028, the compensation of an executive director who
32 shall perform such duties and have such powers as the commission may
33 prescribe and delegate to implement and enforce this chapter
34 efficiently and effectively. The commission shall not delegate its
35 authority to adopt, amend, or rescind rules nor shall it delegate

1 authority to determine whether an actual violation of this chapter has
2 occurred or to assess penalties for such violations;

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

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

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

13 (6) Administer oaths and affirmations, issue subpoenas, and compel
14 attendance, take evidence and require the production of any books,
15 papers, correspondence, memorandums, or other records relevant or
16 material for the purpose of any investigation authorized under this
17 chapter, or any other proceeding under this chapter;

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

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

24 (9) Adopt rules prescribing reasonable requirements for keeping
25 accounts of and reporting on a quarterly basis costs incurred by state
26 agencies, counties, cities, and other municipalities and political
27 subdivisions in preparing, publishing, and distributing legislative
28 information. The term "legislative information," for the purposes of
29 this subsection, means books, pamphlets, reports, and other materials
30 prepared, published, or distributed at substantial cost, a substantial
31 purpose of which is to influence the passage or defeat of any
32 legislation. The state auditor in his or her regular examination of
33 each agency under chapter 43.09 RCW shall review the rules, accounts,
34 and reports and make appropriate findings, comments, and
35 recommendations in his or her examination reports concerning those
36 agencies;

37 (10) After hearing, by order approved and ratified by a majority of
38 the membership of the commission, suspend or modify any of the

1 reporting requirements of this chapter in a particular case if it finds
2 that literal application of this chapter works a manifestly
3 unreasonable hardship and if it also finds that the suspension or
4 modification will not frustrate the purposes of the chapter. The
5 commission shall find that a manifestly unreasonable hardship exists if
6 reporting the name of an entity required to be reported under RCW
7 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
8 position of any entity in which the person filing the report or any
9 member of his or her immediate family holds any office, directorship,
10 general partnership interest, or an ownership interest of ten percent
11 or more. Any suspension or modification shall be only to the extent
12 necessary to substantially relieve the hardship. The commission shall
13 act to suspend or modify any reporting requirements only if it
14 determines that facts exist that are clear and convincing proof of the
15 findings required under this section. Requests for renewals of
16 reporting modifications may be heard in a brief adjudicative proceeding
17 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
18 the standards established in this section. No initial request may be
19 heard in a brief adjudicative proceeding and no request for renewal may
20 be heard in a brief adjudicative proceeding if the initial request was
21 granted more than three years previously or if the applicant is holding
22 an office or position of employment different from the office or
23 position held when the initial request was granted. The commission
24 shall adopt administrative rules governing the proceedings. Any
25 citizen has standing to bring an action in Thurston county superior
26 court to contest the propriety of any order entered under this section
27 within one year from the date of the entry of the order; and

28 (11) Revise, at least once every five years but no more often than
29 every two years, the monetary reporting thresholds and reporting code
30 values of this chapter. The revisions shall be only for the purpose of
31 recognizing economic changes as reflected by an inflationary index
32 recommended by the office of financial management. The revisions shall
33 be guided by the change in the index for the period commencing with the
34 month of December preceding the last revision and concluding with the
35 month of December preceding the month the revision is adopted. As to
36 each of the three general categories of this chapter (reports of
37 campaign finance, reports of lobbyist activity, and reports of the
38 financial affairs of elected and appointed officials), the revisions

1 shall equally affect all thresholds within each category. Revisions
2 shall be adopted as rules under chapter 34.05 RCW. The first revision
3 authorized by this subsection shall reflect economic changes from the
4 time of the last legislative enactment affecting the respective code or
5 threshold through December 1985;

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

10 **Sec. 5.** RCW 43.03.040 and 2009 c 5 s 5 are each amended to read as
11 follows:

12 The directors of the several departments and members of the several
13 boards and commissions, whose salaries are fixed by the governor and
14 the chief executive officers of the agencies named in RCW
15 43.03.028(~~(+2)~~) (1) as now or hereafter amended shall each severally
16 receive such salaries, payable in monthly installments, as shall be
17 fixed by the governor or the appropriate salary fixing authority, in an
18 amount not to exceed the recommendations of the (~~committee on agency~~
19 ~~officials' salaries~~) department of personnel. For the twelve months
20 following February 18, 2009, a salary or wage increase shall not be
21 granted to any position under this section.

22 **Airport Impact Mitigation Advisory Board**

23 **Sec. 6.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each
24 amended to read as follows:

25 (1) The airport impact mitigation account is created in the custody
26 of the state treasury. Moneys deposited in the account, including
27 moneys received from the port of Seattle for purposes of this section,
28 may be used only for airport mitigation purposes as provided in this
29 section. Only the director of (~~the department of community, trade,~~
30 ~~and economic development~~) commerce or the director's designee may
31 authorize expenditures from the account. The account is subject to
32 allotment procedures under chapter 43.88 RCW, but an appropriation is
33 not required for expenditures.

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

21 (3) (~~The director of the department of community, trade, and~~
22 ~~economic development shall establish the airport impact mitigation~~
23 ~~advisory board comprised of persons in the airport impact area to~~
24 ~~assist the director in developing criteria and ranking applications~~
25 ~~under this section. The advisory board shall include representation of~~
26 ~~local governments, the public in general, businesses, schools,~~
27 ~~community services organizations, parks and recreational activities,~~
28 ~~and others at the discretion of the director. The advisory board shall~~
29 ~~be weighted toward those communities closest to the airport that are~~
30 ~~more adversely impacted by airport activities.~~

31 (~~4~~) The airport impact area includes the incorporated areas of
32 Burien, Normandy Park, Des Moines, SeaTac, (~~Tukwilla~~) Tukwila, Kent,
33 and Federal Way, and the unincorporated portion of west King county.

34 (~~5~~) (4) The department of (~~community, trade, and economic~~
35 ~~development~~) commerce shall report on its activities related to the
36 account created in this section by January 1, 2004, and each January
37 1st thereafter.

Athletic Training Advisory Committee

NEW SECTION. **Sec. 7.** RCW 18.250.030 (Athletic training advisory committee) and 2007 c 253 s 4 are each repealed.

Sec. 8. RCW 18.250.010 and 2007 c 253 s 2 are each amended to read as follows:

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

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

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

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

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

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

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

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency

1 procedures and techniques for nonlife-threatening or life-threatening
2 athletic injuries;

3 (iv) Treatment, rehabilitation, and reconditioning of athletic
4 injuries through the application of physical agents and modalities,
5 therapeutic activities and exercise, standard reassessment techniques
6 and procedures, commercial products, and educational programs, in
7 accordance with guidelines established with a licensed health care
8 provider as provided in RCW 18.250.070; and

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

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

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

16 (ii) Orthotic or prosthetic services with the exception of
17 evaluation, measurement, fitting, and adjustment of temporary,
18 prefabricated or direct-formed orthosis as defined in chapter 18.200
19 RCW;

20 (iii) The practice of occupational therapy as defined in chapter
21 18.59 RCW;

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

23 (v) Any medical diagnosis; and

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

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

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

27 (~~(7))~~) (6) "Licensed health care provider" means a physician,
28 physician assistant, osteopathic physician, osteopathic physician
29 assistant, advanced registered nurse practitioner, naturopath, physical
30 therapist, chiropractor, dentist, massage practitioner, acupuncturist,
31 occupational therapist, or podiatric physician and surgeon.

32 (~~(8))~~) (7) "Secretary" means the secretary of health or the
33 secretary's designee.

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

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

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

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

5 (c) Establish forms and procedures necessary to administer this
6 chapter;

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

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

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

19 (g) (~~In consultation with the committee,~~) Approve examinations
20 prepared or administered by private testing agencies or organizations
21 for use by an applicant in meeting the licensing requirements under RCW
22 18.250.060;

23 (h) Determine which states have credentialing requirements
24 substantially equivalent to those of this state, and issue licenses to
25 individuals credentialed in those states that have successfully
26 fulfilled the requirements of RCW 18.250.080;

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

29 (j) Maintain the official department record of all applicants and
30 licensees; and

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

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

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

37 An applicant for an athletic trainer license must:

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

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

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

9 **Basic Health Advisory Committee**

10 **Sec. 11.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to
11 read as follows:

12 (1) The Washington basic health plan is created as a program within
13 the Washington state health care authority. The administrative head
14 and appointing authority of the plan shall be the administrator of the
15 Washington state health care authority. The administrator shall
16 appoint a medical director. The medical director and up to five other
17 employees of the plan shall be exempt from the civil service law,
18 chapter 41.06 RCW.

19 (2) The administrator shall employ such other staff as are
20 necessary to fulfill the responsibilities and duties of the
21 administrator, such staff to be subject to the civil service law,
22 chapter 41.06 RCW. In addition, the administrator may contract with
23 third parties for services necessary to carry out its activities where
24 this will promote economy, avoid duplication of effort, and make best
25 use of available expertise. Any such contractor or consultant shall be
26 prohibited from releasing, publishing, or otherwise using any
27 information made available to it under its contractual responsibility
28 without specific permission of the plan. The administrator may call
29 upon other agencies of the state to provide available information as
30 necessary to assist the administrator in meeting its responsibilities
31 under this chapter, which information shall be supplied as promptly as
32 circumstances permit.

33 (3) The administrator may appoint such technical or advisory
34 committees as he or she deems necessary. (~~The administrator shall~~
35 ~~appoint a standing technical advisory committee that is representative~~

1 of health care professionals, health care providers, and those directly
2 involved in the purchase, provision, or delivery of health care
3 services, as well as consumers and those knowledgeable of the ethical
4 issues involved with health care public policy. Individuals appointed
5 to any technical or other advisory committee shall serve without
6 compensation for their services as members, but may be reimbursed for
7 their travel expenses pursuant to RCW 43.03.050 and 43.03.060.)

8 (4) The administrator may apply for, receive, and accept grants,
9 gifts, and other payments, including property and service, from any
10 governmental or other public or private entity or person, and may make
11 arrangements as to the use of these receipts, including the undertaking
12 of special studies and other projects relating to health care costs and
13 access to health care.

14 (5) Whenever feasible, the administrator shall reduce the
15 administrative cost of operating the program by adopting joint policies
16 or procedures applicable to both the basic health plan and employee
17 health plans.

18 **Chemical Dependency Certification Advisory Committee**

19 NEW SECTION. **Sec. 12.** RCW 18.205.080 (Chemical dependency
20 certification advisory committee--Composition--Terms) and 1998 c 243 s
21 8 are each repealed.

22 **Sec. 13.** RCW 18.205.020 and 2008 c 135 s 15 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) "Certification" means a voluntary process recognizing an
27 individual who qualifies by examination and meets established
28 educational prerequisites, and which protects the title of practice.

29 (2) "Certified chemical dependency professional" means an
30 individual certified in chemical dependency counseling, under this
31 chapter.

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

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

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

7 ~~(6)~~) "Core competencies of chemical dependency counseling" means
8 competency in the nationally recognized knowledge, skills, and
9 attitudes of professional practice, including assessment and diagnosis
10 of chemical dependency, chemical dependency treatment planning and
11 referral, patient and family education in the disease of chemical
12 dependency, individual and group counseling with alcoholic and drug
13 addicted individuals, relapse prevention counseling, and case
14 management, all oriented to assist alcoholic and drug addicted patients
15 to achieve and maintain abstinence from mood-altering substances and
16 develop independent support systems.

17 ~~((7))~~ (6) "Department" means the department of health.

18 ~~((8))~~ (7) "Health profession" means a profession providing health
19 services regulated under the laws of this state.

20 ~~((9))~~ (8) "Secretary" means the secretary of health or the
21 secretary's designee.

22 **Sec. 14.** RCW 18.205.060 and 1998 c 243 s 6 are each amended to
23 read as follows:

24 In addition to any other authority provided by law, the secretary
25 has the authority to:

26 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
27 chapter(~~(, in consultation with the committee)~~);

28 (2) Establish all certification, examination, and renewal fees in
29 accordance with RCW 43.70.250;

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

32 (4) Issue certificates to applicants who have met the education,
33 training, and examination requirements for certification and to deny
34 certification to applicants who do not meet the minimum qualifications,
35 except that proceedings concerning the denial of certification based
36 upon unprofessional conduct or impairment shall be governed by the
37 uniform disciplinary act, chapter 18.130 RCW;

1 (5) Hire clerical, administrative, investigative, and other staff
2 as needed to implement this chapter, and hire individuals certified
3 under this chapter to serve as examiners for any practical
4 examinations;

5 (6) Determine minimum education requirements and evaluate and
6 designate those educational programs that will be accepted as proof of
7 eligibility to take a qualifying examination for applicants for
8 certification;

9 (7) Prepare, grade, and administer, or determine the nature of, and
10 supervise the grading and administration of, examinations for
11 applicants for certification;

12 (8) Determine whether alternative methods of training are
13 equivalent to formal education, and establish forms, procedures, and
14 criteria for evaluation of an applicant's alternative training to
15 determine the applicant's eligibility to take any qualifying
16 examination;

17 (9) Determine which states have credentialing requirements
18 equivalent to those of this state, and issue certificates to
19 individuals credentialed in those states without examinations;

20 (10) Define and approve any experience requirement for
21 certification;

22 (11) Implement and administer a program for consumer education;

23 (12) Adopt rules implementing a continuing competency program;

24 (13) Maintain the official department record of all applicants and
25 certificated individuals;

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

28 (15) Establish disclosure requirements.

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

30 NEW SECTION. **Sec. 15.** RCW 70.96A.070 (Citizens advisory council--
31 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c
32 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each
33 repealed.

1 **Combined Fund Drive Committee**

2 **Sec. 16.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
3 as follows:

4 The (~~director of the department of personnel~~) secretary of state
5 is authorized to adopt rules, after consultation with state agencies,
6 institutions of higher education, and employee organizations(~~, to~~
7 ~~create a Washington state combined fund drive committee, and~~) for the
8 operation of the Washington state combined fund drive.

9 **Sec. 17.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to
10 read as follows:

11 To operate the Washington state combined fund (~~drive's powers and~~
12 ~~duties include~~) drive program, the secretary of state or the
13 secretary's designee may but (~~are~~) is not limited to the following:

14 (1) (~~Raising~~) Raise money for charity, and reducing the
15 disruption to government caused by multiple fund drives;

16 (2) (~~Establishing~~) Establish criteria by which a public or
17 private nonprofit organization may participate in the combined fund
18 drive;

19 (3) (~~Engaging~~) Engage in or encouraging fund-raising activities
20 including the solicitation and acceptance of charitable gifts, grants,
21 and donations from state employees, retired public employees,
22 corporations, foundations, and other individuals for the benefit of the
23 beneficiaries of the Washington state combined fund drive;

24 (4) (~~Requesting~~) Request the appointment of employees from state
25 agencies and institutions of higher education to lead and manage
26 workplace charitable giving campaigns within state government;

27 (5) (~~Engaging~~) Engage in educational activities, including
28 classes, exhibits, seminars, workshops, and conferences, related to the
29 basic purpose of the combined fund drive;

30 (6) (~~Engaging~~) Engage in appropriate fund-raising and advertising
31 activities for the support of the administrative duties of the
32 Washington state combined fund drive; and

33 (7) (~~Charging~~) Charge an administrative fee to the beneficiaries
34 of the Washington state combined fund drive to fund the administrative
35 duties of the Washington state combined fund drive.

36 Activities of the Washington state combined fund drive shall not
37 result in direct commercial solicitation of state employees, or a

1 benefit or advantage that would violate one or more provisions of
2 chapter 42.52 RCW. This section does not authorize individual state
3 agencies to enter into contracts or partnerships unless otherwise
4 authorized by law.

5 **Sec. 18.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
6 read as follows:

7 The (~~Washington state combined fund drive committee~~) secretary of
8 state may enter into contracts and partnerships with private
9 institutions, persons, firms, or corporations for the benefit of the
10 beneficiaries of the Washington state combined fund drive. Activities
11 of the Washington state combined fund drive shall not result in direct
12 commercial solicitation of state employees, or a benefit or advantage
13 that would violate one or more provisions of chapter 42.52 RCW. This
14 section does not authorize individual state agencies to enter into
15 contracts or partnerships unless otherwise authorized by law.

16 **Community Transition Coordination Networks Advisory Committee**

17 **Sec. 19.** RCW 72.78.030 and 2007 c 483 s 103 are each amended to
18 read as follows:

19 (1) The department of (~~community, trade, and economic~~
20 ~~development~~) commerce shall establish a community transition
21 coordination network pilot program for the purpose of awarding grants
22 to counties or groups of counties for implementing coordinated reentry
23 efforts for offenders returning to the community. Grant awards are
24 subject to the availability of amounts appropriated for this specific
25 purpose.

26 (2) By September 1, 2007, the Washington state institute for public
27 policy shall, in consultation with the department of (~~community,~~
28 ~~trade, and economic development~~) commerce, develop criteria for the
29 counties in conducting its evaluation as directed by subsection (6)(c)
30 of this section.

31 (3) Effective February 1, 2008, any county or group of counties may
32 apply for participation in the community transition coordination
33 network pilot program by submitting a proposal for a community
34 transition coordination network.

1 (4) A proposal for a community transition coordination network
2 initiated under this section must be collaborative in nature and must
3 seek locally appropriate evidence-based or research-based solutions and
4 promising practices utilizing the participation of public and private
5 entities or programs to support successful, community-based offender
6 reentry.

7 (5) In developing a proposal for a community transition
8 coordination network, counties or groups of counties and the department
9 of corrections shall collaborate in addressing:

10 (a) Efficiencies that may be gained by sharing space or resources
11 in the provision of reentry services to offenders;

12 (b) Mechanisms for communication of information about offenders,
13 including the feasibility of shared access to databases;

14 (c) Partnerships to establish neighborhood corrections initiatives
15 as defined in RCW 72.09.280.

16 (6) A proposal for a community transition coordination network must
17 include:

18 (a) Descriptions of collaboration and coordination between local
19 community policing and supervision programs and those agencies and
20 entities identified in the inventory conducted pursuant to RCW
21 72.78.020 to address the risks and needs of offenders under a
22 participating county or city misdemeanor probation or other
23 supervision program including:

24 (i) A proposed method of assessing offenders to identify the
25 offenders' risks and needs. Counties and cities are encouraged, where
26 possible, to make use of assessment tools developed by the department
27 of corrections in this regard;

28 (ii) A proposal for developing and/or maintaining an individual
29 reentry plan for offenders;

30 (iii) Connecting offenders to services and resources that meet the
31 offender's needs as identified in his or her individual reentry plan
32 including the identification of community representatives or volunteers
33 that may assist the offender with his or her transition; and

34 (iv) The communication of assessment information, individual
35 reentry plans, and service information between parties involved with
36 (~~the~~) the offender's reentry;

37 (b) Mechanisms to provide information to former offenders regarding
38 services available to them in the community regardless of the length of

1 time since the offender's release and regardless of whether the
2 offender was released from prison or jail. Mechanisms shall, at a
3 minimum, provide for:

4 (i) Maintenance of the information gathered in RCW 72.78.020
5 regarding services currently existing within the community that are
6 available to offenders; and

7 (ii) Coordination of access to existing services with community
8 providers and provision of information to offenders regarding how to
9 access the various type of services and resources that are available in
10 the community; and

11 (c) An evaluation of the county's or group of counties' readiness
12 to implement a community transition coordination network including the
13 social service needs of offenders in general, capacity of local
14 facilities and resources to meet offenders' needs, and the cost to
15 implement and maintain a community transition coordination network for
16 the duration of the pilot project.

17 (7) The department of (~~community, trade, and economic~~
18 ~~development~~) commerce shall review county applications for funding
19 through the community transition coordination network pilot program
20 and, no later than April 1, 2008, shall select up to four counties or
21 groups of counties. In selecting pilot counties or regions, the
22 department shall consider the extent to which the proposal:

23 (a) Addresses the requirements set out in subsection (6) of this
24 section;

25 (b) Proposes effective partnerships and coordination between local
26 community policing and supervision programs, social service and
27 treatment providers, and the department of corrections' community
28 justice center, if a center is located in the county or region;

29 (c) Focuses on measurable outcomes such as increased employment and
30 income, treatment objectives, maintenance of stable housing, and
31 reduced recidivism;

32 (d) Contributes to the diversity of pilot programs, considering
33 factors such as geographic location, size of county or region, and
34 reentry services currently available. The department shall ensure that
35 a grant is awarded to at least one rural county or group of counties
36 and at least one county or group of counties where a community justice
37 center operated by the department of corrections is located; and

1 (e) Is feasible, given the evaluation of the social service needs
2 of offenders, the existing capacity of local facilities and resources
3 to meet offenders' needs, and the cost to implement a community
4 transition coordination network in the county or group of counties.

5 ~~(8) ((The department of community, trade, and economic development
6 shall convene a policy advisory committee composed of representatives
7 from the senate, the house of representatives, the governor's office of
8 financial management, the department of corrections, to include one
9 representative who is a community corrections officer, the office of
10 crime victims' advocacy, the Washington state association of counties,
11 association of Washington cities, a nonprofit provider of reentry
12 services, and an ex-offender who has discharged the terms of his or her
13 sentence. The advisory committee shall meet no less than annually to
14 receive status reports on the implementation of community transition
15 coordination networks, review annual reports and the pilot project
16 evaluations submitted pursuant to RCW 72.78.050, and identify evidence-
17 based, research-based, and promising practices for other counties
18 seeking to establish community transition coordination networks.~~

19 ~~(9))~~ Pilot networks established under this section shall extend
20 for a period of four fiscal years, beginning July 1, 2008, and ending
21 June 30, 2012.

22 ~~((+10))~~ (9) This section expires June 30, 2013.

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

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

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

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

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

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

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

35 (6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;

1 (7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997
2 c 351 s 8; and

3 (8) RCW 43.101.345 (Recommendations of boards--Review by
4 commission) and 1997 c 351 s 9.

5 **Sec. 21.** RCW 43.101.380 and 2009 c 25 s 1 are each amended to read
6 as follows:

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

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

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

29 (b) When a hearing is requested in relation to a certification
30 action of a peace officer of the Washington state patrol, the
31 commission shall appoint to the panel: (i) Either one police chief or
32 one sheriff; (ii) one administrator of the state patrol; (iii) one
33 certified Washington peace officer who is at or below the level of
34 first line supervisor, who is not a state patrol officer, and who has
35 at least ten years' experience as a peace officer; (iv) one state
36 patrol officer who is at or below the level of first line supervisor,

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

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

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

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

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

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

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

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

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

14 NEW SECTION. **Sec. 22.** RCW 43.105.055 (Advisory committees--
15 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
16 repealed.

17 **Sec. 23.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
18 read as follows:

19 The department shall:

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

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

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

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

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

- 1 (b) Mainframe computing services;
- 2 (c) Support for departmental and microcomputer evaluation,
3 installation, and use;
- 4 (d) Equipment acquisition assistance, including leasing, brokering,
5 and establishing master contracts;
- 6 (e) Facilities management services for information technology
7 equipment, equipment repair, and maintenance service;
- 8 (f) Negotiation with local cable companies and local governments to
9 provide for connection to local cable services to allow for access to
10 these public and educational channels in the state;
- 11 (g) Office automation services;
- 12 (h) System development services; and
- 13 (i) Training.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Revenue-Simplified Sales and Use Tax Administration**
2 **Advisory Group**

3 **Sec. 24.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to read
4 as follows:

5 ~~((1)) For the purposes of reviewing or amending the agreement~~
6 ~~embodying the simplification requirements in RCW 82.58.050, the state~~
7 ~~shall enter into multistate discussions. For purposes of these~~
8 ~~discussions, the state shall be represented by the department. ((The~~
9 ~~governor may appoint up to four persons to consult with the department~~
10 ~~at these discussions. The persons advising the department shall not be~~
11 ~~compensated and are not entitled to payment of travel expenses by the~~
12 ~~state.~~

13 ~~(2) The department shall regularly consult with an advisory group~~
14 ~~composed of one member from each of the two largest caucuses of the~~
15 ~~senate, appointed by the majority and minority leaders of the senate;~~
16 ~~one member from each of the two largest caucuses of the house of~~
17 ~~representatives, appointed by the speaker and minority leader of the~~
18 ~~house of representatives; representatives of retailers, including those~~
19 ~~selling via mail, telephone, and the internet; representatives of large~~
20 ~~and small businesses; and representatives of counties and cities. The~~
21 ~~department shall use its best efforts to consult with the advisory~~
22 ~~group before any multistate discussions in which it is anticipated that~~
23 ~~amendments may be proposed to the agreement embodying the~~
24 ~~simplification requirements in RCW 82.58.050.)~~

25 **Driver Instructors' Advisory Committee**

26 **Sec. 25.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
27 as follows:

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

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

1 (a) To meet the traffic safety education requirement for a driver's
2 license the applicant must satisfactorily complete a traffic safety
3 education course as defined in RCW 28A.220.020 for a course offered by
4 a school district, or as defined by the department of licensing for a
5 course offered by a driver training school licensed under chapter 46.82
6 RCW. The course offered by a school district or an approved private
7 school must meet the standards established by the office of the state
8 superintendent of public instruction. The course offered by a driver
9 training school must meet the standards established by the department
10 of licensing (~~with the advice of the driver instructors' advisory~~
11 ~~committee, pursuant to RCW 46.82.300~~). The traffic safety education
12 course may be provided by:

- 13 (i) A recognized secondary school; or
- 14 (ii) A driver training school licensed under chapter 46.82 RCW that
15 is annually approved by the department of licensing.

16 (b) To meet the traffic safety education requirement for a
17 motorcycle endorsement, the applicant must successfully complete a
18 motorcycle safety education course that meets the standards established
19 by the department of licensing.

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

- 23 (i) He or she was unable to take or complete a traffic safety
24 education course;
- 25 (ii) A need exists for the applicant to operate a motor vehicle;
26 and
- 27 (iii) He or she has the ability to operate a motor vehicle in such
28 a manner as not to jeopardize the safety of persons or property.

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

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

36 **Sec. 26.** RCW 46.82.280 and 2009 c 101 s 1 are each amended to read
37 as follows:

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

3 (~~1~~) (~~("Advisory committee" means the driving instructors' advisory~~
4 ~~committee as created in this chapter.~~

5 ~~(2)~~) "Behind-the-wheel instruction" means instruction in an
6 approved driver training school instruction vehicle according to and
7 inclusive of the minimum required curriculum. Behind-the-wheel
8 instruction is characterized by driving experience.

9 ~~((3))~~ (2) "Classroom" means a space dedicated to and used
10 exclusively by a driver training instructor for the instruction of
11 students. With prior department approval, a branch office classroom
12 may be located within alternative facilities, such as a public or
13 private library, school, community college, college or university, or
14 a business training facility.

15 ~~((4))~~ (3) "Classroom instruction" means that portion of a traffic
16 safety education course that is characterized by classroom-based
17 student instruction conducted by or under the direct supervision of a
18 licensed instructor or licensed instructors.

19 ~~((5))~~ (4) "Director" means the director of the department of
20 licensing of the state of Washington.

21 ~~((6))~~ (5) "Driver training education course" means a course of
22 instruction in traffic safety education approved and licensed by the
23 department of licensing that consists of classroom and behind-the-wheel
24 instruction as documented by the minimum approved curriculum.

25 ~~((7))~~ (6) "Driver training school" means a commercial driver
26 training school engaged in the business of giving instruction, for a
27 fee, in the operation of automobiles.

28 ~~((8))~~ (7) "Enrollment" means the collecting of a fee or the
29 signing of a contract for a driver training education course.
30 "Enrollment" does not include the collecting of names and contact
31 information for enrolling students once a driver training school is
32 licensed to instruct.

33 ~~((9))~~ (8) "Fraudulent practices" means any conduct or
34 representation on the part of a driver training school owner or
35 instructor including:

36 (a) Inducing anyone to believe, or to give the impression, that a
37 license to operate a motor vehicle or any other license granted by the

1 director may be obtained by any means other than those prescribed by
2 law, or furnishing or obtaining the same by illegal or improper means,
3 or requesting, accepting, or collecting money for such purposes;

4 (b) Operating a driver training school without a license, providing
5 instruction without an instructor's license, verifying enrollment prior
6 to being licensed, misleading or false statements on applications for
7 a commercial driver training school license or instructor's license or
8 on any required records or supporting documentation;

9 (c) Failing to fully document and maintain all required driver
10 training school records of instruction, school operation, and
11 instructor training;

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

14 ~~((+10))~~ (9) "Instructor" means any person employed by or otherwise
15 associated with a driver training school to instruct persons in the
16 operation of an automobile.

17 ~~((+11))~~ (10) "Owner" means an individual, partnership,
18 corporation, association, or other person or group that holds a
19 substantial interest in a driver training school.

20 ~~((+12))~~ (11) "Person" means any individual, firm, corporation,
21 partnership, or association.

22 ~~((+13))~~ (12) "Place of business" means a designated location at
23 which the business of a driver training school is transacted or its
24 records are kept.

25 ~~((+14))~~ (13) "Student" means any person enrolled in an approved
26 driver training course.

27 ~~((+15))~~ (14) "Substantial interest holder" means a person who has
28 actual or potential influence over the management or operation of any
29 driver training school. Evidence of substantial interest includes, but
30 is not limited to, one or more of the following:

31 (a) Directly or indirectly owning, operating, managing, or
32 controlling a driver training school or any part of a driver training
33 school;

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

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

37 (d) Owning ten percent or more of any class of stock in a privately

1 or closely held corporate driver training school, or five percent or
2 more of any class of stock in a publicly traded corporate driver
3 training school;

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

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

10 NEW SECTION. **Sec. 27.** RCW 46.82.300 (Driver instructors' advisory
11 committee) and 2009 c 101 s 2, 2006 c 219 s 3, 2002 c 195 s 5, 1984 c
12 287 s 93, & 1979 ex.s. c 51 s 3 are each repealed.

13 **Sec. 28.** RCW 46.82.330 and 2009 c 101 s 6 are each amended to read
14 as follows:

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

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

22 (a) Has been licensed to drive for five or more years and possesses
23 a current and valid Washington driver's license or is a resident of a
24 jurisdiction immediately adjacent to Washington state and possesses a
25 current and valid license issued by such jurisdiction, and does not
26 have on his or her driving record any of the violations or penalties
27 set forth in (a)(i), (ii), or (iii) of this subsection. The director
28 shall have the right to examine the driving record of the applicant
29 from the department of licensing and from other jurisdictions and from
30 these records determine if the applicant has had:

31 (i) Not more than one moving traffic violation within the preceding
32 twelve months or more than two moving traffic violations in the
33 preceding twenty-four months;

34 (ii) No drug or alcohol-related traffic violation or incident
35 within the preceding three years. If there are two or more drug or

1 alcohol-related traffic violations in the applicant's driving history,
2 the applicant is no longer eligible to be a driving instructor; and
3 (iii) No driver's license suspension, cancellation, revocation, or
4 denial within the preceding two years, or no more than two of these
5 occurrences in the preceding five years;
6 (b) Is a high school graduate or the equivalent and at least
7 twenty-one years of age;
8 (c) Has completed an acceptable application on a form prescribed by
9 the director;
10 (d) Has satisfactorily completed a course of instruction in the
11 training of drivers acceptable to the director that is no less than
12 sixty hours in length and includes instruction in classroom and behind-
13 the-wheel teaching methods and supervised practice behind-the-wheel
14 teaching of driving techniques; and
15 (e) Has paid an examination fee as set by rule of the department
16 and has successfully completed an instructor's examination (~~as~~
17 ~~approved by the advisory committee~~)).

18 **Sec. 29.** RCW 46.82.420 and 2008 c 125 s 3 are each amended to read
19 as follows:

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

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

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

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

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

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

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

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

16 **Emergency Medical Services Licensing and Certification Advisory**
17 **Committee**

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

20 (1) RCW 18.73.040 (Emergency medical services licensing and
21 certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55,
22 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, &
23 1973 1st ex.s. c 208 s 4; and

24 (2) RCW 18.73.050 (Committee--Duties--Review of rules) and 1990 c
25 269 s 7, 1987 c 214 s 3, 1979 ex.s. c 261 s 3, & 1973 1st ex.s. c 208
26 s 5.

27 **Sec. 31.** RCW 18.71.205 and 1996 c 191 s 55 and 1996 c 178 s 6 are
28 each reenacted and amended to read as follows:

29 (1) The secretary of the department of health(~~(, in conjunction~~
30 ~~with the advice and assistance of the emergency medical services~~
31 ~~licensing and certification advisory committee as prescribed in RCW~~
32 ~~18.73.050, and the commission,)) shall prescribe:~~

33 (a) Practice parameters, training standards for, and levels of,

1 physician trained emergency medical service intermediate life support
2 technicians and paramedics;

3 (b) Minimum standards and performance requirements for the
4 certification and recertification of physician's trained emergency
5 medical service intermediate life support technicians and paramedics;
6 and

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

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

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

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

17 (a) Is licensed to practice medicine and surgery pursuant to
18 chapter 18.71 RCW or osteopathic medicine and surgery pursuant to
19 chapter 18.57 RCW; and

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

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

26 (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
27 uncertified practice, the issuance and denial of certificates, and the
28 disciplining of certificate holders under this section. The secretary
29 shall be the disciplining authority under this section. Disciplinary
30 action shall be initiated against a person credentialed under this
31 chapter in a manner consistent with the responsibilities and duties of
32 the medical program director under whom such person is responsible.

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

1 **Sec. 32.** RCW 18.73.030 and 2005 c 193 s 2 are each amended to read
2 as follows:

3 ~~((Unless a different meaning is plainly required by the context,~~
4 ~~the following words and phrases as used in this chapter shall have the~~
5 ~~meanings indicated.)) The definitions in this section apply throughout
6 this chapter unless the context clearly requires otherwise.~~

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

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

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

11 ~~(4))~~ (4) "Ambulance" means a ground or air vehicle designed and used
12 to transport the ill and injured and to provide personnel, facilities,
13 and equipment to treat patients before and during transportation.

14 ~~((5))~~ (4) "Aid vehicle" means a vehicle used to carry aid
15 equipment and individuals trained in first aid or emergency medical
16 procedure.

17 ~~((6))~~ (5) "Emergency medical technician" means a person who is
18 authorized by the secretary to render emergency medical care pursuant
19 to RCW 18.73.081.

20 ~~((7))~~ (6) "Ambulance service" means an organization that operates
21 one or more ambulances.

22 ~~((8))~~ (7) "Aid service" means an organization that operates one
23 or more aid vehicles.

24 ~~((9))~~ (8) "Emergency medical service" means medical treatment and
25 care which may be rendered at the scene of any medical emergency or
26 while transporting any patient in an ambulance to an appropriate
27 medical facility, including ambulance transportation between medical
28 facilities.

29 ~~((10))~~ (9) "Communications system" means a radio and landline
30 network which provides rapid public access, coordinated central
31 dispatching of services, and coordination of personnel, equipment, and
32 facilities in an emergency medical services and trauma care system.

33 ~~((11))~~ (10) "Prehospital patient care protocols" means the
34 written procedure adopted by the emergency medical services medical
35 program director which direct the out-of-hospital emergency care of the
36 emergency patient which includes the trauma care patient. These
37 procedures shall be based upon the assessment of the patient's medical
38 needs and what treatment will be provided for emergency conditions.

1 The protocols shall meet or exceed statewide minimum standards
2 developed by the department in rule as authorized in chapter 70.168
3 RCW.

4 ~~((+12+))~~ (11) "Patient care procedures" means written operating
5 guidelines adopted by the regional emergency medical services and
6 trauma care council, in consultation with the local emergency medical
7 services and trauma care councils, emergency communication centers, and
8 the emergency medical services medical program director, in accordance
9 with statewide minimum standards. The patient care procedures shall
10 identify the level of medical care personnel to be dispatched to an
11 emergency scene, procedures for triage of patients, the level of trauma
12 care facility to first receive the patient, and the name and location
13 of other trauma care facilities to receive the patient should an
14 interfacility transfer be necessary. Procedures on interfacility
15 transfer of patients shall be consistent with the transfer procedures
16 in chapter 70.170 RCW.

17 ~~((+13+))~~ (12) "Emergency medical services medical program director"
18 means a person who is an approved medical program director as defined
19 by RCW 18.71.205(4).

20 ~~((+14+))~~ (13) "Council" means the local or regional emergency
21 medical services and trauma care council as authorized under chapter
22 70.168 RCW.

23 ~~((+15+))~~ (14) "Basic life support" means noninvasive emergency
24 medical services requiring basic medical treatment skills as defined in
25 chapter 18.73 RCW.

26 ~~((+16+))~~ (15) "Advanced life support" means invasive emergency
27 medical services requiring advanced medical treatment skills as defined
28 by chapter 18.71 RCW.

29 ~~((+17+))~~ (16) "First responder" means a person who is authorized by
30 the secretary to render emergency medical care as defined by RCW
31 18.73.081.

32 ~~((+18+))~~ (17) "Stretcher" means a cart designed to serve as a
33 litter for the transportation of a patient in a prone or supine
34 position as is commonly used in the ambulance industry, such as wheeled
35 stretchers, portable stretchers, stair chairs, solid backboards, scoop
36 stretchers, basket stretchers, or flexible stretchers. The term does
37 not include personal mobility aids that recline at an angle or remain
38 at a flat position, that are owned or leased for a period of at least

1 one week by the individual using the equipment or the individual's
2 guardian or representative, such as wheelchairs, personal gurneys, or
3 banana carts.

4 **Sec. 33.** RCW 18.73.101 and 2000 c 93 s 17 are each amended to read
5 as follows:

6 The secretary may grant a variance from a provision of this chapter
7 and RCW 18.71.200 through 18.71.220 if no detriment to health and
8 safety would result from the variance and compliance is expected to
9 cause reduction or loss of existing emergency medical services.
10 Variances may be granted for a period of no more than one year. A
11 variance may be renewed by the secretary (~~upon approval of the~~
12 ~~committee~~)).

13 **Employee Retirement Benefits Board**

14 NEW SECTION. **Sec. 34.** RCW 41.50.086 (Employee retirement
15 benefits board--Created--Membership) and 2001 c 181 s 1, 1998 c 341 s
16 506, & 1995 c 239 s 301 are each repealed.

17 **Sec. 35.** RCW 41.50.088 and 2005 c 327 s 14 are each amended to
18 read as follows:

19 (1) The (~~board~~) director shall adopt rules as necessary and
20 exercise the following powers and duties:

21 (a) The (~~board~~) director shall recommend to the state investment
22 board types of options for member self-directed investment in the
23 teachers' retirement system plan 3, the school employees' retirement
24 system plan 3, and the public employees' retirement system plan 3 as
25 deemed by the (~~board~~) director to be reflective of the members'
26 preferences;

27 (b) By July 1, 2005, subject to favorable tax determination by the
28 internal revenue service, the (~~board~~) director shall make optional
29 actuarially equivalent life annuity benefit payment schedules available
30 to members and survivors that may be purchased from the combined plan
31 2 and plan 3 funds under RCW 41.50.075; and

32 (c) Determination of the basis for administrative charges to the
33 self-directed investment fund to offset self-directed account expenses;

1 (2) The ((board)) director shall recommend to the state investment
2 board types of options for participant self-directed investment in the
3 state deferred compensation plan, as deemed by the ((board)) director
4 to be reflective of the participants' preferences.

5 **Sec. 36.** RCW 41.50.770 and 1998 c 116 s 11 are each amended to
6 read as follows:

7 (1) "Employee" as used in this section and RCW 41.50.780 includes
8 all full-time, part-time, and career seasonal employees of the state,
9 a county, a municipality, or other political subdivision of the state,
10 whether or not covered by civil service; elected and appointed
11 officials of the executive branch of the government, including full-
12 time members of boards, commissions, or committees; justices of the
13 supreme court and judges of the court of appeals and of the superior
14 and district courts; and members of the state legislature or of the
15 legislative authority of any county, city, or town.

16 (2) The state, through the department, and any county,
17 municipality, or other political subdivision of the state acting
18 through its principal supervising official or governing body is
19 authorized to contract with an employee to defer a portion of that
20 employee's income, which deferred portion shall in no event exceed the
21 amount allowable under 26 U.S.C. Sec. 457, and deposit or invest such
22 deferred portion in a credit union, savings and loan association, bank,
23 or mutual savings bank or purchase life insurance, shares of an
24 investment company, or fixed and/or variable annuity contracts from any
25 insurance company or any investment company licensed to contract
26 business in this state.

27 (3) Employees participating in the state deferred compensation plan
28 administered by the department shall self-direct the investment of the
29 deferred portion of their income through the selection of investment
30 options as set forth in subsection (4) of this section.

31 (4) The department can provide such plans as it deems are in the
32 interests of state employees. In addition to the types of investments
33 described in this section, the state investment board, with respect to
34 the state deferred compensation plan, shall invest the deferred portion
35 of an employee's income, without limitation as to amount, in accordance
36 with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to
37 investment policy established by the state investment board for the

1 state deferred compensation plans. The state investment board, after
2 consultation with the (~~employee retirement benefits board~~) director
3 regarding any recommendations made pursuant to RCW 41.50.088(2), shall
4 provide a set of options for participants to choose from for investment
5 of the deferred portion of their income. Any income deferred under
6 such a plan shall continue to be included as regular compensation, for
7 the purpose of computing the state or local retirement and pension
8 benefits earned by any employee.

9 (5) Coverage of an employee under a deferred compensation plan
10 under this section shall not render such employee ineligible for
11 simultaneous membership and participation in any pension system for
12 public employees.

13 **Sec. 37.** RCW 41.50.780 and 2008 c 229 s 12 are each amended to
14 read as follows:

15 (1) The deferred compensation principal account is hereby created
16 in the state treasury.

17 (2) The amount of compensation deferred by employees under
18 agreements entered into under the authority contained in RCW 41.50.770
19 shall be paid into the deferred compensation principal account and
20 shall be sufficient to cover costs of administration and staffing in
21 addition to such other amounts as determined by the department. The
22 deferred compensation principal account shall be used to carry out the
23 purposes of RCW 41.50.770. All eligible state employees shall be given
24 the opportunity to participate in agreements entered into by the
25 department under RCW 41.50.770. State agencies shall cooperate with
26 the department in providing employees with the opportunity to
27 participate.

28 (3) Any county, municipality, or other subdivision of the state may
29 elect to participate in any agreements entered into by the department
30 under RCW 41.50.770, including the making of payments therefrom to the
31 employees participating in a deferred compensation plan upon their
32 separation from state or other qualifying service. Accordingly, the
33 deferred compensation principal account shall be considered to be a
34 public pension or retirement fund within the meaning of Article XXIX,
35 section 1 of the state Constitution, for the purpose of determining
36 eligible investments and deposits of the moneys therein.

1 (4) All moneys in the state deferred compensation principal account
2 and the state deferred compensation administrative account, all
3 property and rights purchased therewith, and all income attributable
4 thereto, shall be held in trust by the state investment board, as set
5 forth under RCW 43.33A.030, for the exclusive benefit of the state
6 deferred compensation plan's participants and their beneficiaries.
7 Neither the participant, nor the participant's beneficiary or
8 beneficiaries, nor any other designee, has any right to commute, sell,
9 assign, transfer, or otherwise convey the right to receive any payments
10 under the plan. These payments and right thereto are nonassignable and
11 nontransferable. Unpaid accumulated deferrals are not subject to
12 attachment, garnishment, or execution and are not transferable by
13 operation of law in event of bankruptcy or insolvency, except to the
14 extent otherwise required by law.

15 (5) The state investment board has the full power to invest moneys
16 in the state deferred compensation principal account and the state
17 deferred compensation administrative account in accordance with RCW
18 43.84.150, 43.33A.140, and 41.50.770, and cumulative investment
19 directions received pursuant to RCW 41.50.770. All investment and
20 operating costs of the state investment board associated with the
21 investment of the deferred compensation plan assets shall be paid
22 pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these
23 expenses, one hundred percent of all earnings from these investments
24 shall accrue directly to the deferred compensation principal account.

25 (6)(a) No state board or commission, agency, or any officer,
26 employee, or member thereof is liable for any loss or deficiency
27 resulting from participant investments selected pursuant to RCW
28 41.50.770(3).

29 (b) Neither the ((~~employee retirement benefits board~~)) department,
30 nor the director or any employee, nor the state investment board, nor
31 any officer, employee, or member thereof is liable for any loss or
32 deficiency resulting from reasonable efforts to implement investment
33 directions pursuant to RCW 41.50.770(3).

34 (7) The deferred compensation administrative account is hereby
35 created in the state treasury. All expenses of the department
36 pertaining to the deferred compensation plan including staffing and
37 administrative expenses shall be paid out of the deferred compensation
38 administrative account. Any excess balances credited to this account

1 over administrative expenses disbursed from this account shall be
2 transferred to the deferred compensation principal account at such time
3 and in such amounts as may be determined by the department with the
4 approval of the office of financial management. Any deficiency in the
5 deferred compensation administrative account caused by an excess of
6 administrative expenses disbursed from this account shall be
7 transferred to this account from the deferred compensation principal
8 account.

9 (8)(a)(i) The department shall keep or cause to be kept full and
10 adequate accounts and records of the assets of each individual
11 participant, obligations, transactions, and affairs of any deferred
12 compensation plans created under RCW 41.50.770 and this section. The
13 department shall account for and report on the investment of state
14 deferred compensation plan assets or may enter into an agreement with
15 the state investment board for such accounting and reporting.

16 (ii) The department's duties related to individual participant
17 accounts include conducting the activities of trade instruction,
18 settlement activities, and direction of cash movement and related wire
19 transfers with the custodian bank and outside investment firms.

20 (iii) The department has sole responsibility for contracting with
21 any recordkeepers for individual participant accounts and shall manage
22 the performance of recordkeepers under those contracts.

23 (b)(i) The department's duties under (a)(ii) of this subsection do
24 not limit the authority of the state investment board to conduct its
25 responsibilities for asset management and balancing of the deferred
26 compensation funds.

27 (ii) The state investment board has sole responsibility for
28 contracting with outside investment firms to provide investment
29 management for the deferred compensation funds and shall manage the
30 performance of investment managers under those contracts.

31 (c) The state treasurer shall designate and define the terms of
32 engagement for the custodial banks.

33 (9) The department may adopt rules necessary to carry out its
34 responsibilities under RCW 41.50.770 and this section.

35 **Sec. 38.** RCW 41.34.020 and 2000 c 247 s 401 are each amended to
36 read as follows:

1 As used in this chapter, the following terms have the meanings
2 indicated:

3 (1) "Actuary" means the state actuary or the office of the state
4 actuary.

5 (2) (~~("Board" means the employee retirement benefits board~~
6 ~~authorized in chapter 41.50 RCW.~~

7 ~~(3))~~) "Department" means the department of retirement systems.

8 ~~((4))~~) (3)(a) "Compensation" for teachers for purposes of this
9 chapter is the same as "earnable compensation" for plan 3 in chapter
10 41.32 RCW except that the compensation may be reported when paid,
11 rather than when earned.

12 (b) "Compensation" for classified employees for purposes of this
13 chapter is the same as "compensation earnable" for plan 3 in RCW
14 41.35.010, except that the compensation may be reported when paid,
15 rather than when earned.

16 (c) "Compensation" for public employees for purposes of this
17 chapter is the same as "compensation earnable" for plan 3 in RCW
18 41.40.010, except that the compensation may be reported when paid,
19 rather than when earned.

20 ~~((5))~~) (4)(a) "Employer" for teachers for purposes of this chapter
21 means the same as "employer" for plan 3 in chapter 41.32 RCW.

22 (b) "Employer" for classified employees for purposes of this
23 chapter means the same as "employer" for plan 3 in RCW 41.35.010.

24 (c) "Employer" for public employees for purposes of this chapter
25 means the same as "employer" for plan 3 in RCW 41.40.010.

26 ~~((6))~~) (5) "Member" means any employee included in the membership
27 of a retirement system as provided for in chapter 41.32 RCW of plan 3,
28 chapter 41.35 RCW of plan 3, or chapter 41.40 RCW of plan 3.

29 ~~((7))~~) (6) "Member account" or "member's account" means the sum of
30 the contributions and earnings on behalf of the member.

31 ~~((8))~~) (7) "Retiree" means any member in receipt of an allowance
32 or other benefit provided by this chapter resulting from service
33 rendered to an employer by such member.

34 ~~((9))~~) (8) "Teacher" means a member of the teachers' retirement
35 system plan 3 as defined in RCW 41.32.010(29).

36 ~~((10))~~) (9) "Classified employee" means a member of the school
37 employees' retirement system plan 3 as defined in RCW 41.35.010.

1 (~~(11)~~) (10) "Public employee" means a member of the public
2 employees' retirement system plan 3 as defined in RCW 41.40.010.

3 **Sec. 39.** RCW 41.34.040 and 2003 c 156 s 1 are each amended to read
4 as follows:

5 (1) A member shall contribute from his or her compensation
6 according to one of the following rate structures in addition to the
7 mandatory minimum five percent:

	<u>Option A</u>	<u>Contribution Rate</u>
8		
9	All Ages	0.0% fixed
10	<u>Option B</u>	
11	Up to Age 35	0.0%
12	Age 35 to 44	1.0%
13	Age 45 and above	2.5%
14	<u>Option C</u>	
15	Up to Age 35	1.0%
16	Age 35 to 44	2.5%
17	Age 45 and above	3.5%
18	<u>Option D</u>	
19	All Ages	2.0%
20	<u>Option E</u>	
21	All Ages	5.0%
22	<u>Option F</u>	
23	All Ages	10.0%

24 (2) The (~~board~~) department shall have the right to offer
25 contribution rate options in addition to those listed in subsection (1)
26 of this section, provided that no significant additional administrative
27 costs are created. All options offered by the (~~board~~) department
28 shall conform to the requirements stated in subsections (3) and (5) of
29 this section.

30 (3)(a) For members of the teachers' retirement system entering plan
31 3 under RCW 41.32.835 or members of the school employees' retirement
32 system entering plan 3 under RCW 41.35.610, within ninety days of
33 becoming a member he or she has an option to choose one of the above

1 contribution rate structures. If the member does not select an option
2 within the ninety-day period, he or she shall be assigned option A.

3 (b) For members of the public employees' retirement system entering
4 plan 3 under RCW 41.40.785, within the ninety days described in RCW
5 41.40.785 an employee who irrevocably chooses plan 3 shall select one
6 of the above contribution rate structures. If the member does not
7 select an option within the ninety-day period, he or she shall be
8 assigned option A.

9 (c) For members of the teachers' retirement system transferring to
10 plan 3 under RCW 41.32.817, members of the school employees' retirement
11 system transferring to plan 3 under RCW 41.35.510, or members of the
12 public employees' retirement system transferring to plan 3 under RCW
13 41.40.795, upon election to plan 3 he or she must choose one of the
14 above contribution rate structures.

15 (d) Within ninety days of the date that an employee changes
16 employers, he or she has an option to choose one of the above
17 contribution rate structures. If the member does not select an option
18 within this ninety-day period, he or she shall be assigned option A.

19 (4) Each year, members may change their contribution rate option by
20 notifying their employer in writing during the month of January.

21 (5) Contributions shall begin the first day of the pay cycle in
22 which the rate option is made, or the first day of the pay cycle in
23 which the end of the ninety-day period occurs.

24 **Sec. 40.** RCW 41.34.070 and 2005 c 327 s 3 are each amended to read
25 as follows:

26 (1) If the member retires, becomes disabled, or otherwise
27 terminates employment, the balance in the member's account may be
28 distributed in accordance with an option selected by the member either
29 as a lump sum or pursuant to other options authorized by the ((~~board~~))
30 department.

31 (2) If the member dies while in service, the balance of the
32 member's account may be distributed in accordance with an option
33 selected by the member either as a lump sum or pursuant to other
34 options authorized by the ((~~board~~)) department. The distribution is as
35 follows:

36 (a) The distribution shall be made to such person or persons as the

1 member shall have nominated by written designation duly executed and
2 filed with the department;

3 (b) If there be no such designated person or persons still living
4 at the time of the member's death, the balance of the member's account
5 in the retirement system, less any amount identified as owing to an
6 obligee upon withdrawal of such account balance pursuant to a court
7 order filed under RCW 41.50.670, shall be paid to the member's
8 surviving spouse as if in fact such spouse had been nominated by
9 written designation;

10 (c) If there is no surviving spouse, then to such person or
11 persons, trust, or organization as the member shall have nominated by
12 written designation duly executed and filed with the department; or

13 (d) If there is no such designated person or persons still living
14 at the time of the member's death, then to the member's legal
15 representatives.

16 (3) If a member has a terminal illness and terminates from
17 employment, the member may choose to have the balance in the member's
18 account distributed as a lump sum payment based on the most recent
19 valuation in order to expedite the distribution. The department shall
20 make this payment within ten working days after receipt of notice of
21 termination of employment, documentation verifying the terminal
22 illness, and an application for payment.

23 (4) The distribution under subsections (1), (2), or (3) of this
24 section shall be less any amount identified as owing to an obligee upon
25 withdrawal pursuant to a court order filed under RCW 41.50.670.

26 **Sec. 41.** RCW 41.34.130 and 2001 c 181 s 3 are each amended to read
27 as follows:

28 (1) The state investment board has the full authority to invest all
29 self-directed investment moneys in accordance with RCW 43.84.150 and
30 43.33A.140, and cumulative investment directions received pursuant to
31 RCW 41.34.060 and this section. In carrying out this authority the
32 state investment board, after consultation with the (~~employee~~
33 ~~retirement benefits board~~) department regarding any recommendations
34 made pursuant to RCW 41.50.088(1)(b), shall provide a set of options
35 for members to choose from for self-directed investment.

36 (2) All investment and operating costs of the state investment
37 board associated with making self-directed investments shall be paid by

1 members and recovered under procedures agreed to by the ((board))
2 department and the state investment board pursuant to the principles
3 set forth in RCW 43.33A.160 and 43.84.160. All other expenses caused
4 by self-directed investment shall be paid by the member in accordance
5 with rules established by the ((board)) department under RCW 41.50.088.
6 With the exception of these expenses, all earnings from self-directed
7 investments shall accrue to the member's account.

8 (3)(a)(i) The department shall keep or cause to be kept full and
9 adequate accounts and records of each individual member's account. The
10 department shall account for and report on the investment of defined
11 contribution assets or may enter into an agreement with the state
12 investment board for such accounting and reporting under this chapter.

13 (ii) The department's duties related to individual participant
14 accounts include conducting the activities of trade instruction,
15 settlement activities, and direction of cash movement and related wire
16 transfers with the custodian bank and outside investment firms.

17 (iii) The department has sole responsibility for contracting with
18 any recordkeepers for individual participant accounts and shall manage
19 the performance of recordkeepers under those contracts.

20 (b)(i) The department's duties under (a)(ii) of this subsection do
21 not limit the authority of the state investment board to conduct its
22 responsibilities for asset management and balancing of the deferred
23 compensation funds.

24 (ii) The state investment board has sole responsibility for
25 contracting with outside investment firms to provide investment
26 management for the deferred compensation funds and shall manage the
27 performance of investment managers under those contracts.

28 (c) The state treasurer shall designate and define the terms of
29 engagement for the custodial banks.

30 **Sec. 42.** RCW 41.34.140 and 1999 c 265 s 2 are each amended to read
31 as follows:

32 (1) A state board or commission, agency, or any officer, employee,
33 or member thereof is not liable for any loss or deficiency resulting
34 from member defined contribution investments selected or required
35 pursuant to RCW 41.34.060 (1) or (3).

36 (2) Neither the ((board)) department, nor director or any employee,
37 nor the state investment board, nor any officer, employee, or member

1 thereof is liable for any loss or deficiency resulting from reasonable
2 efforts to implement investment directions pursuant to RCW 41.34.060
3 (1) or (3).

4 (3) The state investment board, or any officer, employee, or member
5 thereof is not liable with respect to any declared monthly unit
6 valuations or crediting of rates of return, or any other exercise of
7 powers or duties, including discretion, under RCW 41.34.060(2).

8 (4) The department, or any officer or employee thereof, is not
9 liable for crediting rates of return which are consistent with the
10 state investment board's declaration of monthly unit valuations
11 pursuant to RCW 41.34.060(2).

12 **Sec. 43.** RCW 43.33A.135 and 1998 c 116 s 13 are each amended to
13 read as follows:

14 The state investment board has the full power to establish
15 investment policy, develop participant investment options, and manage
16 investment funds for the state deferred compensation plan, consistent
17 with the provisions of RCW 41.50.770 and 41.50.780. The board may
18 continue to offer the investment options provided as of June 11, 1998,
19 until the board establishes a deferred compensation plan investment
20 policy and adopts new investment options after considering the
21 recommendations of the ((~~employee retirement benefits board~~))
22 department of retirement systems.

23 **Environmental and Land Use Hearings Board**

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

26 (1) RCW 43.21L.005 (Purpose) and 2003 c 393 s 1;

27 (2) RCW 43.21L.010 (Definitions) and 2003 c 393 s 2;

28 (3) RCW 43.21L.020 (Exclusive review process--Exception--Procedural
29 rules) and 2003 c 393 s 3;

30 (4) RCW 43.21L.030 (Designation as qualifying project--Request for
31 determination--Duties of office of permit assistance) and 2003 c 393 s
32 4;

33 (5) RCW 43.21L.040 (Environmental and land use hearings board) and
34 2003 c 393 s 5;

- 1 (6) RCW 43.21L.050 (Review proceedings--Commencement--Rules for
2 filing and service) and 2003 c 393 s 6;
- 3 (7) RCW 43.21L.060 (Standing) and 2003 c 393 s 7;
- 4 (8) RCW 43.21L.070 (Petition requirements) and 2003 c 393 s 8;
- 5 (9) RCW 43.21L.080 (Affidavit certifying applications for permits--
6 Initial hearing on jurisdictional and preliminary matters) and 2003 c
7 393 s 9;
- 8 (10) RCW 43.21L.090 (Expedited review of petitions) and 2003 c 393
9 s 10;
- 10 (11) RCW 43.21L.100 (Stay or suspension of board action) and 2003
11 c 393 s 11;
- 12 (12) RCW 43.21L.110 (Decision record--Certified copy to board--
13 Costs) and 2003 c 393 s 12;
- 14 (13) RCW 43.21L.120 (Board review of permit decisions--Correction
15 of errors and omissions--Pretrial discovery--Requests for records under
16 chapter 42.56 RCW) and 2005 c 274 s 295 & 2003 c 393 s 13;
- 17 (14) RCW 43.21L.130 (Standards for granting relief--Action by
18 board) and 2003 c 393 s 14;
- 19 (15) RCW 43.21L.140 (Judicial review) and 2003 c 393 s 15;
- 20 (16) RCW 43.21L.900 (Implementation--2003 c 393) and 2003 c 393 s
21 24; and
- 22 (17) RCW 43.21L.901 (Effective date--2003 c 393) and 2003 c 393 s
23 25.

24 **Sec. 45.** RCW 36.70C.030 and 2003 c 393 s 17 are each amended to
25 read as follows:

26 (1) This chapter replaces the writ of certiorari for appeal of land
27 use decisions and shall be the exclusive means of judicial review of
28 land use decisions, except that this chapter does not apply to:

29 (a) Judicial review of:

30 (i) Land use decisions made by bodies that are not part of a local
31 jurisdiction;

32 (ii) Land use decisions of a local jurisdiction that are subject to
33 review by a quasi-judicial body created by state law, such as the
34 shorelines hearings board(~~(, the environmental and land use hearings~~
35 ~~board,~~)) or the growth management hearings board;

36 (b) Judicial review of applications for a writ of mandamus or
37 prohibition; or

1 (c) Claims provided by any law for monetary damages or
2 compensation. If one or more claims for damages or compensation are
3 set forth in the same complaint with a land use petition brought under
4 this chapter, the claims are not subject to the procedures and
5 standards, including deadlines, provided in this chapter for review of
6 the petition. The judge who hears the land use petition may, if
7 appropriate, preside at a trial for damages or compensation.

8 (2) The superior court civil rules govern procedural matters under
9 this chapter to the extent that the rules are consistent with this
10 chapter.

11 **Sec. 46.** RCW 43.21B.005 and 2003 c 393 s 18 and 2003 c 39 s 22
12 are each reenacted and amended to read as follows:

13 (1) There is created an environmental hearings office of the state
14 of Washington. The environmental hearings office shall consist of the
15 pollution control hearings board created in RCW 43.21B.010, the forest
16 practices appeals board created in RCW 76.09.210, the shorelines
17 hearings board created in RCW 90.58.170, (~~the environmental and land~~
18 ~~use hearings board created in chapter 43.21B RCW,~~) and the hydraulic
19 appeals board created in RCW (~~77.55.170~~) 77.55.301. The chair of the
20 pollution control hearings board shall be the chief executive officer
21 of the environmental hearings office. Membership, powers, functions,
22 and duties of the pollution control hearings board, the forest
23 practices appeals board, the shorelines hearings board, and the
24 hydraulic appeals board shall be as provided by law.

25 (2) The chief executive officer of the environmental hearings
26 office may appoint an administrative appeals judge who shall possess
27 the powers and duties conferred by the administrative procedure act,
28 chapter 34.05 RCW, in cases before the boards comprising the office.
29 The administrative appeals judge shall have a demonstrated knowledge of
30 environmental law, and shall be admitted to the practice of law in the
31 state of Washington. Additional administrative appeals judges may also
32 be appointed by the chief executive officer on the same terms.
33 Administrative appeals judges shall not be subject to chapter 41.06
34 RCW.

35 (3) The administrative appeals judges appointed under subsection
36 (2) of this section are subject to discipline and termination, for
37 cause, by the chief executive officer. Upon written request by the

1 person so disciplined or terminated, the chief executive officer shall
2 state the reasons for such action in writing. The person affected has
3 a right of review by the superior court of Thurston county on petition
4 for reinstatement or other remedy filed within thirty days of receipt
5 of such written reasons.

6 (4) The chief executive officer may appoint, discharge, and fix the
7 compensation of such administrative or clerical staff as may be
8 necessary.

9 (5) The chief executive officer may also contract for required
10 services.

11 **Family Practice Education Advisory Board**

12 NEW SECTION. **Sec. 47.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 70.112.030 (Family practice education advisory board--
15 Chairman--Membership) and 1975 1st ex.s. c 108 s 3;

16 (2) RCW 70.112.040 (Advisory board--Terms of members--Filling
17 vacancies) and 1975 1st ex.s. c 108 s 4; and

18 (3) RCW 70.112.050 (Advisory board--Duties) and 1998 c 245 s 111 &
19 1975 1st ex.s. c 108 s 5.

20 **Sec. 48.** RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each
21 amended to read as follows:

22 (1) "School of medicine" means the University of Washington school
23 of medicine located in Seattle, Washington;

24 (2) "Residency programs" mean community based family practice
25 residency educational programs either in existence or established under
26 this chapter;

27 (3) "Affiliated" means established or developed in cooperation with
28 the school of medicine;

29 (4) "Family practice unit" means the community facility or
30 classroom used for training of ambulatory health skills within a
31 residency training program; and

32 ((5) ~~"Advisory board" means the family practice education advisory~~
33 ~~board created by this chapter.~~))

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

16 **Sec. 52.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read
17 as follows:

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

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

31 (b) ~~((Adopt minimum standards for each level of responsibility~~
32 ~~among personnel with fire suppression, prevention, inspection, and~~
33 ~~investigation responsibilities that assure continuing assessment of~~
34 ~~skills and are flexible enough to meet emerging technologies. With~~
35 ~~particular respect to training for fire investigations, the master plan~~
36 ~~shall encourage cross training in appropriate law enforcement skills.~~

1 ~~To meet special local needs, fire agencies may adopt more stringent~~
2 ~~requirements than those adopted by the state;~~

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

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

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

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

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

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

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

34 ~~(b) Monitor fire protection in the state and develop objectives and~~
35 ~~priorities to improve fire protection for the state's citizens~~
36 ~~including: (i) The comprehensiveness of state and local inspections~~
37 ~~required by law for fire and life safety; (ii) the level of skills and~~

1 ~~training of inspectors, as well as needs for additional training; and~~
2 ~~(iii) the efforts of local, regional, and state inspection agencies to~~
3 ~~improve coordination and reduce duplication among inspection efforts;~~

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

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

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

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

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

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

20 ~~((i))~~ (c) Implement any legislation enacted by the legislature to
21 meet the requirements of any acts of congress that apply to this
22 section.

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

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

1 **Sec. 53.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to
2 read as follows:

3 (1) Wherever the term state fire marshal appears in the Revised
4 Code of Washington or the Washington Administrative Code it shall mean
5 the director of fire protection.

6 (2) The chief of the Washington state patrol shall appoint an
7 officer who shall be known as the director of fire protection. (~~The
8 board, after consulting with the chief of the Washington state patrol,
9 shall prescribe qualifications for the position of director of fire
10 protection. The board shall submit to the chief of the Washington
11 state patrol a list containing the names of three persons whom the
12 board believes meet its qualifications. If requested by the chief of
13 the Washington state patrol, the board shall submit one additional list
14 of three persons whom the board believes meet its qualifications. The
15 appointment shall be from one of the lists of persons submitted by the
16 board.~~)

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

20 (4) The director of fire protection(~~(, in accordance with the
21 policies, objectives, and priorities of the fire protection policy
22 board,~~) shall prepare a biennial budget pertaining to fire protection
23 services. Such biennial budget shall be submitted as part of the
24 Washington state patrol's budget request.

25 (5) The director of fire protection, shall implement and
26 administer, within constraints established by budgeted resources, (~~the
27 policies, objectives, and priorities of the board and~~) all duties of
28 the chief of the Washington state patrol that are to be carried out
29 through the director of fire protection, and all of the duties of the
30 director of fire protection. Such administration shall include
31 negotiation of agreements with the state board for community and
32 technical colleges, the higher education coordinating board, and the
33 state colleges and universities as provided in RCW (~~43.63A.320~~)
34 43.43.934. Programs covered by such agreements shall include, but not
35 be limited to, planning curricula, developing and delivering
36 instructional programs and materials, and using existing instructional
37 personnel and facilities. Where appropriate, such contracts shall also

1 include planning and conducting instructional programs at the state
2 fire service training center.

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

6 **Sec. 54.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read
7 as follows:

8 The ~~((state fire protection policy board))~~ director of fire
9 protection shall review and make recommendations to the chief on the
10 refinement and maintenance of the Washington state fire services
11 mobilization plan, which shall include the procedures to be used during
12 fire and other emergencies for coordinating local, regional, and state
13 fire jurisdiction resources. In carrying out this duty, the director
14 of fire protection ~~((policy board))~~ shall consult with and solicit
15 recommendations from representatives of state and local fire and
16 emergency management organizations, regional fire defense boards, and
17 the department of natural resources. The Washington state fire
18 services mobilization plan shall be consistent with, and made part of,
19 the Washington state comprehensive emergency management plan. The
20 chief shall review the fire services mobilization plan as submitted by
21 the director of fire protection ~~((policy board))~~, recommend changes
22 that may be necessary, and approve the fire services mobilization plan
23 for inclusion within the state comprehensive emergency management plan.

24 It is the responsibility of the chief to mobilize jurisdictions
25 under the Washington state fire services mobilization plan. The state
26 fire marshal shall serve as the state fire resources coordinator when
27 the Washington state fire services mobilization plan is mobilized.

28 **Sec. 55.** RCW 43.43.963 and 1997 c 49 s 11 are each amended to read
29 as follows:

30 Regions within the state are initially established as follows but
31 may be adjusted as necessary by the state fire marshal:

32 (1) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and
33 Island counties;

34 (2) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille,
35 Spokane, and Lincoln counties;

36 (3) Olympic region - Clallam and Jefferson counties;

1 (4) South Puget Sound region - Kitsap, Mason, King, and Pierce
2 counties;

3 (5) Southeast region - Chelan, Douglas, Kittitas, Grant, Adams,
4 Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia,
5 Garfield, and Asotin counties;

6 (6) Central region - Grays Harbor, Thurston, Pacific, and Lewis
7 counties; and

8 (7) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania
9 counties.

10 Within each of these regions there is created a regional fire
11 defense board. The regional fire defense boards shall consist of two
12 members from each county in the region. One member from each county
13 shall be appointed by the county fire chiefs' association or, in the
14 event there is no such county association, by the county's legislative
15 authority. Each county's office of emergency management or, in the
16 event there is no such office, the county's legislative authority shall
17 select the second representative to the regional board. The department
18 of natural resources fire control chief shall appoint a representative
19 from each department of natural resources region to serve as a member
20 of the appropriate regional fire defense board. Members of each
21 regional board will select a chairperson and secretary as officers.
22 Members serving on the regional boards do so in a voluntary capacity
23 and are not eligible for reimbursement for meeting-related expenses
24 from the state.

25 Regional defense boards shall develop regional fire service plans
26 that include provisions for organized fire agencies to respond across
27 municipal, county, or regional boundaries. Each regional plan shall be
28 consistent with the incident command system, the Washington state fire
29 services mobilization plan, and regional response plans already adopted
30 and in use in the state. The regional boards shall work with the
31 relevant local government entities to facilitate development of
32 intergovernmental agreements if any such agreements are required to
33 implement a regional fire service plan. Each regional plan shall be
34 approved by the (~~fire protection policy board before implementation~~)
35 director of fire protection.

36 **Sec. 56.** RCW 43.44.030 and 1991 c 170 s 2 are each amended to read
37 as follows:

1 (~~Nonconstruction standards relative to fire prevention and safety~~
2 ~~for all schools under the jurisdiction of the superintendent of public~~
3 ~~instruction and state board of education shall be established by the~~
4 ~~state fire protection board.~~) The director of fire protection shall
5 make or cause to be made plan reviews and construction inspections for
6 all E-1 occupancies as may be necessary to insure compliance with the
7 state building code and standards for schools adopted under chapter
8 19.27 RCW. Nothing in this section prohibits the director of fire
9 protection from delegating construction inspection authority to any
10 local jurisdiction.

11 **Sec. 57.** RCW 43.44.060 and 1999 c 231 s 1 are each amended to read
12 as follows:

13 (1) The chief of each organized fire department, or the sheriff or
14 other designated county official having jurisdiction over areas not
15 within the jurisdiction of any fire department, shall report
16 statistical information and data to the chief of the Washington state
17 patrol, through the director of fire protection, on each fire occurring
18 within the official's jurisdiction and, within two business days,
19 report any death resulting from fire. Reports shall be consistent with
20 the national fire incident reporting system developed by the United
21 States fire administration and rules established by the chief of the
22 Washington state patrol, through the director of fire protection. The
23 chief of the Washington state patrol, through the director of fire
24 protection, and the department of natural resources shall jointly
25 determine the statistical information to be reported on fires on land
26 under the jurisdiction of the department of natural resources.

27 (2) The chief of the Washington state patrol, through the director
28 of fire protection, shall analyze the information and data reported,
29 compile a report, and distribute a copy annually by July 1st to each
30 chief fire official in the state. Upon request, the chief of the
31 Washington state patrol, through the director of fire protection, shall
32 also furnish a copy of the report to any other interested person at
33 cost.

34 (~~(3) In carrying out the duties relating to collecting, analyzing,~~
35 ~~and reporting statistical fire data, the fire protection policy board~~
36 ~~may purchase statistical fire data from a qualified individual or~~
37 ~~organization. The information shall meet the diverse needs of state~~

1 ~~and local fire reporting agencies and shall be (a) defined in~~
2 ~~understandable terms of common usage in the fire community; (b)~~
3 ~~adaptable to the varying levels of resources available; (c) maintained~~
4 ~~in a manner that will foster both technical support and resource~~
5 ~~sharing; and (d) designed to meet both short and long term needs.)~~

6 **Sec. 58.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
7 as follows:

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

29 **Sec. 59.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read
30 as follows:

31 (1) No person may assign any employee, contract with, or permit any
32 individual or person to remove or encapsulate asbestos in any facility
33 unless performed by a certified asbestos worker and under the direct,
34 on-site supervision of a certified asbestos supervisor. In cases in
35 which an employer conducts an asbestos abatement project in its own
36 facility and by its own employees, supervision can be performed in the

1 regular course of a certified asbestos supervisor's duties. Asbestos
2 workers must have access to certified asbestos supervisors throughout
3 the duration of the project.

4 (2) The department shall require persons undertaking asbestos
5 projects to provide written notice to the department before the
6 commencement of the project except as provided in RCW 49.26.125. The
7 notice shall include a written description containing such information
8 as the department requires by rule. The department may by rule allow
9 a person to report multiple projects at one site in one report. The
10 department shall by rule establish the procedure and criteria by which
11 a person will be considered to have attempted to meet the
12 prenotification requirement.

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

19 **Hazardous Substance Mixed Waste Advisory Board**

20 NEW SECTION. **Sec. 60.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and
23 2005 c 1 s 7; and

24 (2) RCW 70.105E.090 (Advisory board--Public involvement--Funding)
25 and 2005 c 1 s 9.

26 **Health and Welfare Advisory Board**
27 **and Property and Liability Advisory Board**

28 NEW SECTION. **Sec. 61.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 48.62.051 (Health and welfare advisory board--Creation--
31 Membership--Duties) and 1991 sp.s. c 30 s 5; and

1 (2) RCW 48.62.041 (Property and liability advisory board--
2 Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

3 **Sec. 62.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to
4 read as follows:

5 The state risk manager(~~(, in consultation with the property and~~
6 ~~liability advisory board,))~~) shall adopt rules governing the management
7 and operation of both individual and joint local government self-
8 insurance programs covering property or liability risks. The state
9 risk manager shall also adopt rules governing the management and
10 operation of both individual and joint local government self-insured
11 health and welfare benefits programs (~~(in consultation with the health~~
12 ~~and welfare benefits advisory board))~~). All rules shall be appropriate
13 for the type of program and class of risk covered. The state risk
14 manager's rules shall include:

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

18 (2) Standards for claims management procedures; and

19 (3) Standards for contracts between self-insurance programs and
20 private businesses including standards for contracts between third-
21 party administrators and programs.

22 **Sec. 63.** RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended
23 to read as follows:

24 (1) The state risk manager shall establish and charge an
25 investigation fee in an amount necessary to cover the costs for the
26 initial review and approval of a self-insurance program. The fee must
27 accompany the initial submission of the plan of operation and
28 management.

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

33 (3) (~~(After the formation of the two advisory boards, each board)~~)
34 The state risk manager may calculate, levy, and collect from each joint
35 property and liability self-insurance program and each individual and
36 joint health and welfare benefit program regulated by this chapter a

1 start-up assessment to pay initial expenses and operating costs of
2 (~~the boards and~~) the risk manager's office in administering this
3 chapter. Any program failing to remit its assessment when due is
4 subject to denial of permission to operate or to a cease and desist
5 order until the assessment is paid.

6 **Higher Education Coordinating Board Advisory Council**

7 NEW SECTION. **Sec. 64.** RCW 28B.76.100 (Advisory council) and 2007
8 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

9 **Higher Education Coordinating Board Research Advisory Group**

10 **Sec. 65.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
11 read as follows:

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

20 (2) The board shall (~~convene a research advisory group and shall~~
21 ~~collaborate with the group to~~) identify the most cost-effective manner
22 for the board to collect data or access existing data. The board shall
23 (~~work with the advisory group to~~) develop research priorities,
24 policies, and common definitions to maximize the reliability and
25 consistency of data across institutions. (~~The advisory group shall~~
26 ~~include representatives of public and independent higher education~~
27 ~~institutions and other state agencies, including the state board for~~
28 ~~community and technical colleges, the office of the superintendent of~~
29 ~~public instruction, the office of financial management, the employment~~
30 ~~security department, the workforce training and education coordinating~~
31 ~~board, and other agencies as appropriate.~~)

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

5 **Industry Cluster Advisory Committee**

6 **Sec. 66.** RCW 43.330.090 and 2009 c 151 s 1 are each amended to
7 read as follows:

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

23 (2) The department's sector-based strategies shall include, but not
24 be limited to, cluster-based strategies that focus on assisting
25 regional industry sectors and related firms and institutions that meet
26 the definition of an industry cluster in this section and based on
27 criteria identified by the working group established in this chapter.

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

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

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

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

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

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

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

23 (i) The (~~(industry cluster advisory committee)~~) department shall
24 (~~(recommend)~~) seek recommendations on criteria for evaluating
25 applications for grant funds and recommend applicants for receipt of
26 grant funds. Criteria shall include not duplicating the purpose or
27 efforts of industry skill panels.

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

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

36 (iv) Eligible activities include the formation of cluster economic
37 development partnerships, research and analysis of economic development

1 needs of the cluster, the development of a plan to meet the economic
2 development needs of the cluster, and activities to implement the plan.

3 (v) Priority shall be given to applicants that complement industry
4 skill panels and will use the grant funds to build linkages and joint
5 projects.

6 (vi) The maximum amount of a grant is one hundred thousand dollars.

7 (vii) A maximum of one hundred thousand dollars total can go to
8 King, Pierce, Kitsap, and Snohomish counties combined.

9 (viii) No more than ten percent of funds received for the grant
10 program may be used by the department for administrative costs.

11 (5) As used in this chapter, "industry cluster" means a geographic
12 concentration of interconnected companies in a single industry, related
13 businesses in other industries, including suppliers and customers, and
14 associated institutions, including government and education.

15 **Integrated Justice Information Board**

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

18 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
19 104 s 1;

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

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

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

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

28 **Juvenile Justice Advisory Committee**

29 **Sec. 68.** RCW 2.56.031 and 1993 c 415 s 2 are each amended to read
30 as follows:

31 The administrator for the courts shall develop a plan to improve
32 the collection and reporting of information on juvenile offenders by

1 all juvenile courts in the state. The information related to juvenile
2 offenders shall include, but is not limited to, social, demographic,
3 education, and economic data on juvenile offenders and where possible,
4 their families. Development and implementation of the plan shall be
5 accomplished in consultation with the human rights commission, (~~the~~
6 ~~governor's juvenile justice advisory committee,~~) superior court
7 judges, juvenile justice administrators, and interested juvenile
8 justice practitioners and researchers. The plan shall include a
9 schedule and budget for implementation and shall be provided to the
10 office of financial management by September 15, 1993.

11 **Sec. 69.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to
12 read as follows:

13 (1) In order to receive funds under RCW 13.40.500 through
14 13.40.540, local governments may, through their respective agencies
15 that administer funding for consolidated juvenile services, submit
16 proposals that establish community juvenile accountability programs
17 within their communities. These proposals must be submitted to the
18 juvenile rehabilitation administration of the department of social and
19 health services for certification.

20 (2) The proposals must:

21 (a) Demonstrate that the proposals were developed with the input of
22 (~~the community public health and safety networks established under RCW~~
23 ~~70.190.060, and~~) the local law and justice councils established under
24 RCW 72.09.300;

25 (b) Describe how local community groups or members are involved in
26 the implementation of the programs funded under RCW 13.40.500 through
27 13.40.540;

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

33 (3) A local government receiving a grant under this section shall
34 agree that any funds received must be used efficiently to encourage the
35 use of community-based programs that reduce the reliance on secure
36 confinement as the sole means of holding juvenile offenders accountable
37 for their crimes. The local government shall also agree to account for

1 the expenditure of all funds received under the grant and to submit to
2 audits for compliance with the grant criteria developed under RCW
3 13.40.520.

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

9 (a) Target diverted and adjudicated juvenile offenders;

10 (b) Include assessment methods to determine services, programs, and
11 intervention strategies most likely to change behaviors and norms of
12 juvenile offenders;

13 (c) Provide maximum structured supervision in the community.
14 Programs should use natural surveillance and community guardians such
15 as employers, relatives, teachers, clergy, and community mentors to the
16 greatest extent possible;

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

20 (e) Maximize the efficient delivery of treatment services aimed at
21 reducing risk factors associated with the commission of juvenile
22 offenses;

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

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

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

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

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

33 (k) Include an evaluation component; and

34 (l) Recognize the diversity of local needs.

35 (5) The state law and justice advisory council(~~(, with the~~
36 ~~assistance of the family policy council and the governor's juvenile~~
37 ~~justice advisory committee,7)~~) may provide support and technical

1 assistance to local governments for training and education regarding
2 community-based prevention and intervention strategies.

3 **K-20 Educational Network Board**

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

5 NEW SECTION. **Sec. 70.** The following acts or parts of acts are
6 each repealed:

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

9 (2) RCW 43.105.810 (K-20 network technical steering committee) and
10 1999 c 285 s 6.

11 **Sec. 71.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and
12 2009 c 486 s 14 are each reenacted and amended to read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly (~~required~~ ~~[requires]~~) requires otherwise.

15 (1) "Administrator" means the community technology opportunity
16 program administrator designated by the department.

17 (2) "Backbone network" means the shared high-density portions of
18 the state's telecommunications transmission facilities. It includes
19 specially conditioned high-speed communications carrier lines,
20 multiplexors, switches associated with such communications lines, and
21 any equipment and software components necessary for management and
22 control of the backbone network.

23 (3) "Board" means the information services board.

24 (4) "Broadband" means a high-speed, high capacity transmission
25 medium, using land-based, satellite, wireless, or any other mechanism,
26 that can carry either signals or transmit data, or both, over long
27 distances by using a wide range of frequencies.

28 (5) "Committee" means the state interoperability executive
29 committee.

30 (6) "Common vendor registration and bid notification system" has
31 the definition in RCW 39.29.006.

32 (7) "Community technology programs" means programs that are engaged
33 in diffusing information and communications technology in local
34 communities, particularly in unserved and underserved areas of the

1 state. These programs may include, but are not limited to, programs
2 that provide education and skill-building opportunities, hardware and
3 software, internet connectivity, digital media literacy, development of
4 locally relevant content, and delivery of vital services through
5 technology.

6 (8) "Council" means the advisory council on digital inclusion
7 created in RCW 43.105.400.

8 (9) "Department" means the department of information services.

9 (10) "Director" means the director of the department.

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

14 (12) "Equipment" means the machines, devices, and transmission
15 facilities used in information processing, such as computers, word
16 processors, terminals, telephones, wireless communications system
17 facilities, cables, and any physical facility necessary for the
18 operation of such equipment.

19 (13) "High-speed internet" means broadband.

20 (14) "Information" includes, but is not limited to, data, text,
21 voice, and video.

22 (15) "Information processing" means the electronic capture,
23 collection, storage, manipulation, transmission, retrieval, and
24 presentation of information in the form of data, text, voice, or image
25 and includes telecommunications and office automation functions.

26 (16) "Information services" means data processing,
27 telecommunications, office automation, and computerized information
28 systems.

29 (17) "Information technology portfolio" or "portfolio" means a
30 strategic management process documenting relationships between agency
31 missions and information technology and telecommunications investments.

32 (18) (~~"K-20 educational network board" or "K-20 board" means the~~
33 ~~K-20 educational network board created in RCW 43.105.800.~~

34 ~~(19))~~ "K-20 network" means the network established in RCW
35 43.105.820.

36 ~~((20) "K-20 network technical steering committee" or "committee"~~
37 ~~means the K-20 network technical steering committee created in RCW~~
38 ~~43.105.810.~~

1 ~~(+21+)~~) (19) "Local governments" includes all municipal and quasi
2 municipal corporations and political subdivisions, and all agencies of
3 such corporations and subdivisions authorized to contract separately.

4 ~~((+22+))~~ (20) "Oversight" means a process of comprehensive risk
5 analysis and management designed to ensure optimum use of information
6 technology resources and telecommunications.

7 ~~((+23+))~~ (21) "Proprietary software" means that software offered
8 for sale or license.

9 ~~((+24+))~~ (22) "Purchased services" means services provided by a
10 vendor to accomplish routine, continuing, and necessary functions.
11 This term includes, but is not limited to, services acquired for
12 equipment maintenance and repair, operation of a physical plant,
13 security, computer hardware and software installation and maintenance,
14 telecommunications installation and maintenance, data entry, keypunch
15 services, programming services, and computer time-sharing.

16 ~~((+25+))~~ (23) "Small business" has the definition in RCW 39.29.006.

17 ~~((+26+))~~ (24) "Telecommunications" means the transmission of
18 information by wire, radio, optical cable, electromagnetic, or other
19 means.

20 ~~((+27+))~~ (25) "Video telecommunications" means the electronic
21 interconnection of two or more sites for the purpose of transmitting
22 and/or receiving visual and associated audio information. Video
23 telecommunications shall not include existing public television
24 broadcast stations as currently designated by the department of
25 commerce under chapter 43.330 RCW.

26 **Sec. 72.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to
27 read as follows:

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

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

34 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
35 maintain equipment, proprietary software, and purchased services, or to
36 delegate to other agencies and institutions of state government, under
37 appropriate standards, the authority to purchase, lease, rent, or

1 otherwise acquire, dispose of, and maintain equipment, proprietary
2 software, and purchased services: PROVIDED, That, agencies and
3 institutions of state government are expressly prohibited from
4 acquiring or disposing of equipment, proprietary software, and
5 purchased services without such delegation of authority. The
6 acquisition and disposition of equipment, proprietary software, and
7 purchased services is exempt from RCW 43.19.1919 and, as provided in
8 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,
9 except that the board, the department, and state agencies, as
10 delegated, must post notices of technology procurement bids on the
11 state's common vendor registration and bid notification system. This
12 subsection (1)(b) does not apply to the legislative branch;

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

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

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

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

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

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

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

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

38 (ii) Training and education; and

1 (iii) Project management;

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

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

7 (j) To develop procurement policies and procedures, such as
8 unbundled contracting and subcontracting, that encourage and facilitate
9 the purchase of products and services by state agencies and
10 institutions from Washington small businesses to the maximum extent
11 practicable and consistent with international trade agreement
12 commitments.

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

17 (a) Establish technical standards to facilitate electronic access
18 to government information and interoperability of information systems,
19 including wireless communications systems. Local governments are
20 strongly encouraged to follow the standards established by the board;
21 and

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

24 In developing these standards, the board is encouraged to include
25 the state library, state archives, and appropriate representatives of
26 state and local government.

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

37 (b) The board has the authority to adopt rules under chapter 34.05

1 RCW to implement the provisions regarding the technical operations and
2 conditions of use of the K-20 network.

3 **Sec. 73.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
4 read as follows:

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

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

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

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

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

32 (5) To adopt and monitor the implementation of a methodology to
33 evaluate the effectiveness of the network in achieving the educational
34 goals and measurable objectives;

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

1 (7) To establish by rule acceptable use policies governing user
2 eligibility for participation in the K-20 network, acceptable uses of
3 network resources, and procedures for enforcement of such policies.
4 The ((K-20)) board shall set forth appropriate procedures for
5 enforcement of acceptable use policies, that may include suspension of
6 network connections and removal of shared equipment for violations of
7 network conditions or policies. ((However, the information services))
8 The board shall have sole responsibility for the implementation of
9 enforcement procedures relating to technical conditions of use.

10 **Sec. 74.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
11 read as follows:

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

20 (1) Phase one shall provide a telecommunication backbone connecting
21 educational service districts, the main campuses of public
22 baccalaureate institutions, the branch campuses of public research
23 institutions, and the main campuses of community colleges and technical
24 colleges.

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

34 (i) The ((K-20)) board and each independent nonprofit institution
35 of higher education to be connected agree in writing to terms and
36 conditions of connectivity. The terms and conditions shall ensure,

1 among other things, that the provision of K-20 services does not
2 violate Article VIII, section 5 of the state Constitution and that the
3 institution shall adhere to network policies; and

4 (ii) The ((K-20)) board determines that inclusion of the
5 independent nonprofit institutions of higher education will not
6 significantly affect the network's eligibility for federal universal
7 service fund discounts or subsidies.

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

11 **Washington Main Street Advisory Committee**

12 NEW SECTION. **Sec. 75.** RCW 43.360.040 (Washington main street
13 advisory committee) and 2005 c 514 s 911 are each repealed.

14 **Mortgage Brokers**

15 NEW SECTION. **Sec. 76.** RCW 19.146.280 (Mortgage broker
16 commission--Code of conduct--Complaint review) and 2009 c 518 s 1, 2006
17 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c
18 468 s 21 are each repealed.

19 **Sec. 77.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to
20 read as follows:

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

26 **Oil Spill Advisory Council**

27 NEW SECTION. **Sec. 78.** The following acts or parts of acts are
28 each repealed:

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

3 (2) RCW 90.56.130 (Council--Duties--Work plan--Reports) and 2005 c
4 304 s 3.

5 **Sec. 79.** RCW 90.56.005 and 2005 c 304 s 1 are each amended to read
6 as follows:

7 (1) The legislature declares that water borne transportation as a
8 source of supply for oil and hazardous substances poses special concern
9 for the state of Washington. Each year billions of gallons of crude
10 oil and refined petroleum products are transported as cargo and fuel by
11 vessels on the navigable waters of the state. These shipments are
12 expected to increase in the coming years. Vessels transporting oil
13 into Washington travel on some of the most unique and special marine
14 environments in the United States. These marine environments are a
15 source of natural beauty, recreation, and economic livelihood for many
16 residents of this state. As a result, the state has an obligation to
17 ensure the citizens of the state that the waters of the state will be
18 protected from oil spills.

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

28 (3) The legislature also finds that:

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

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

36 (c) Washington's navigable waters are treasured environmental and

1 economic resources that the state cannot afford to place at undue risk
2 from an oil spill;

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

6 (e) In section 5002 of the federal oil pollution act of 1990, the
7 United States congress found that many people believed that complacency
8 on the part of industry and government was one of the contributing
9 factors to the Exxon Valdez spill and, further, that one method to
10 combat this complacency is to involve local citizens in the monitoring
11 and oversight of oil spill plans. Congress also found that a mechanism
12 should be established that fosters the long-term partnership of
13 industry, government, and local communities in overseeing compliance
14 with environmental concerns in the operation of crude oil terminals.
15 Moreover, congress concluded that, in addition to Alaska, a program of
16 citizen monitoring and oversight should be established in other major
17 crude oil terminals in the United States because recent oil spills
18 indicate that the safe transportation of oil is a national problem.

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

22 (a) To establish state agency expertise in marine safety and to
23 centralize state activities in spill prevention and response
24 activities;

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

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

30 (d) To provide for state spill response and wildlife rescue
31 planning and implementation;

32 (e) To support and complement the federal oil pollution act of 1990
33 and other federal law, especially those provisions relating to the
34 national contingency plan for cleanup of oil spills and discharges,
35 including provisions relating to the responsibilities of state agencies
36 designated as natural resource trustees. The legislature intends this
37 chapter to be interpreted and implemented in a manner consistent with
38 federal law;

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

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

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

8 **Sec. 80.** RCW 90.56.060 and 2005 c 304 s 4 are each amended to read
9 as follows:

10 (1) The department shall prepare and annually update a statewide
11 master oil and hazardous substance spill prevention and contingency
12 plan. In preparing the plan, the department shall consult with an
13 advisory committee representing diverse interests concerned with oil
14 and hazardous substance spills, including the United States coast
15 guard, the federal environmental protection agency, state agencies,
16 local governments, port districts, private facilities, environmental
17 organizations, oil companies, shipping companies, containment and
18 cleanup contractors, tow companies, and hazardous substance
19 manufacturers~~((, and with the oil spill advisory council))~~.

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

22 (a) Take into consideration the elements of oil spill prevention
23 and contingency plans approved or submitted for approval pursuant to
24 this chapter and chapter 88.46 RCW and oil and hazardous substance
25 spill contingency plans prepared pursuant to other state or federal law
26 or prepared by federal agencies and regional entities;

27 (b) State the respective responsibilities as established by
28 relevant statutes and rules of each of the following in the prevention
29 of and the assessment, containment, and cleanup of a worst case spill
30 of oil or hazardous substances into the environment of the state: (i)
31 State agencies; (ii) local governments; (iii) appropriate federal
32 agencies; (iv) facility operators; (v) property owners whose land or
33 other property may be affected by the oil or hazardous substance spill;
34 and (vi) other parties identified by the department as having an
35 interest in or the resources to assist in the containment and cleanup
36 of an oil or hazardous substance spill;

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

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

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

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

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

11 (3) In preparing and updating the state master plan, the department
12 shall:

13 (a) Consult with federal, provincial, municipal, and community
14 officials, other state agencies, the state of Oregon, and with
15 representatives of affected regional organizations;

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

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

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

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

27 **Olympic Natural Resources Center Policy Advisory Board**

28 **Sec. 81.** RCW 43.30.820 and 1991 c 316 s 3 are each amended to read
29 as follows:

30 The Olympic natural resources center shall operate under the
31 authority of the board of regents of the University of Washington. It
32 shall be administered by a director appointed jointly by the deans of
33 the college of forest resources and the college of ocean and fishery
34 sciences. The director shall be a member of the faculty of one of
35 those colleges. The director shall appoint and maintain a scientific

1 or technical committee, and other committees as necessary, to advise
2 the director on the efficiency, effectiveness, and quality of the
3 center's activities.

4 ~~((A policy advisory board consisting of eleven members shall be
5 appointed by the governor to advise the deans and the director on
6 policies for the center that are consistent with the purposes of the
7 center. Membership on the policy advisory board shall broadly
8 represent the various interests concerned with the purposes of the
9 center, including state and federal government, environmental
10 organizations, local community, timber industry, and Indian tribes.~~

11 ~~Service on boards and committees of the center shall be without
12 compensation but actual travel expenses incurred in connection with
13 service to the center may be reimbursed from appropriated funds in
14 accordance with RCW 43.03.050 and 43.03.060.))~~

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

16 NEW SECTION. **Sec. 82.** The following acts or parts of acts are
17 each repealed:

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

20 **Sec. 83.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to
21 read as follows:

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

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

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

31 ~~((3))~~ (2) "Designer," "licensee," or "permit holder" means an
32 individual authorized under this chapter to perform design services for
33 on-site wastewater treatment systems.

1 ~~((4))~~ (3) "Director" means the director of the Washington state
2 department of licensing.

3 ~~((5))~~ (4) "Engineer" means a professional engineer licensed under
4 chapter 18.43 RCW.

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

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

15 ~~((8))~~ (7) "On-site wastewater design" means the development of
16 plans, details, specifications, instructions, or inspections by
17 application of specialized knowledge in analysis of soils, on-site
18 wastewater treatment systems, disposal methods, and technologies to
19 create an integrated system of collection, transport, distribution,
20 treatment, and disposal of on-site wastewater.

21 ~~((9))~~ (8) "Local health jurisdiction" or "jurisdictional health
22 department" means an administrative agency created under chapter 70.05,
23 70.08, or 70.46 RCW, that administers the regulation and codes
24 regarding on-site wastewater treatment systems.

25 ~~((10))~~ (9) "Practice permit" means an authorization to practice
26 granted to an individual who designs on-site wastewater treatment
27 systems and who has been authorized by a local health jurisdiction to
28 practice on or before July 1, 2000.

29 ~~((11))~~ (10) "License" means a license to design on-site
30 wastewater treatment systems under this chapter.

31 ~~((12))~~ (11) "Certificate of competency" means a certificate
32 issued to employees of local health jurisdictions indicating that the
33 certificate holder has passed the licensing examination required under
34 this chapter.

35 **Sec. 84.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
36 read as follows:

37 The director may:

1 as appropriate, the state guidelines and standards for alternative on-
2 site sewage disposal every three years. The first review and update
3 must be completed by January 1, 1999.

4 **Orthotic and Prosthetics Advisory Committee**

5 NEW SECTION. **Sec. 88.** RCW 18.200.060 (Advisory committee--
6 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

7 **Sec. 89.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) (~~"Advisory committee" means the orthotics and prosthetics~~
12 ~~advisory committee.~~

13 (+2)) "Department" means the department of health.

14 ((+3)) (2) "Secretary" means the secretary of health or the
15 secretary's designee.

16 ((+4)) (3) "Orthotics" means the science and practice of
17 evaluating, measuring, designing, fabricating, assembling, fitting,
18 adjusting, or servicing, as well as providing the initial training
19 necessary to accomplish the fitting of, an orthosis for the support,
20 correction, or alleviation of neuromuscular or musculoskeletal
21 dysfunction, disease, injury, or deformity. The practice of orthotics
22 encompasses evaluation, treatment, and consultation. With basic
23 observational gait and postural analysis, orthotists assess and design
24 orthoses to maximize function and provide not only the support but the
25 alignment necessary to either prevent or correct deformity or to
26 improve the safety and efficiency of mobility or locomotion, or both.
27 Orthotic practice includes providing continuing patient care in order
28 to assess its effect on the patient's tissues and to assure proper fit
29 and function of the orthotic device by periodic evaluation.

30 ((+5)) (4) "Orthotist" means a person licensed to practice
31 orthotics under this chapter.

32 ((+6)) (5) "Orthosis" means a custom-fabricated, definitive brace
33 or support that is designed for long-term use. Except for the
34 treatment of scoliosis, orthosis does not include prefabricated or

1 direct-formed orthotic devices, as defined in this section, or any of
2 the following assistive technology devices: Commercially available
3 knee orthoses used following injury or surgery; spastic muscle tone-
4 inhibiting orthoses; upper extremity adaptive equipment; finger
5 splints; hand splints; custom-made, leather wrist gauntlets; face masks
6 used following burns; wheelchair seating that is an integral part of
7 the wheelchair and not worn by the patient independent of the
8 wheelchair; fabric or elastic supports; corsets; arch supports, also
9 known as foot orthotics; low-temperature formed plastic splints;
10 trusses; elastic hose; canes; crutches; cervical collars; dental
11 appliances; and other similar devices as determined by the secretary,
12 such as those commonly carried in stock by a pharmacy, department
13 store, corset shop, or surgical supply facility. Prefabricated
14 orthoses, also known as custom-fitted, or off-the-shelf, are devices
15 that are manufactured as commercially available stock items for no
16 specific patient. Direct-formed orthoses are devices formed or shaped
17 during the molding process directly on the patient's body or body
18 segment. Custom-fabricated orthoses, also known as custom-made
19 orthoses, are devices designed and fabricated, in turn, from raw
20 materials for a specific patient and require the generation of an
21 image, form, or mold that replicates the patient's body or body segment
22 and, in turn, involves the rectification of dimensions, contours, and
23 volumes to achieve proper fit, comfort, and function for that specific
24 patient.

25 ((+7)) (6) "Prosthetics" means the science and practice of
26 evaluating, measuring, designing, fabricating, assembling, fitting,
27 aligning, adjusting, or servicing, as well as providing the initial
28 training necessary to accomplish the fitting of, a prosthesis through
29 the replacement of external parts of a human body lost due to
30 amputation or congenital deformities or absences. The practice of
31 prosthetics also includes the generation of an image, form, or mold
32 that replicates the patient's body or body segment and that requires
33 rectification of dimensions, contours, and volumes for use in the
34 design and fabrication of a socket to accept a residual anatomic limb
35 to, in turn, create an artificial appendage that is designed either to
36 support body weight or to improve or restore function or cosmesis, or
37 both. Involved in the practice of prosthetics is observational gait
38 analysis and clinical assessment of the requirements necessary to

1 refine and mechanically fix the relative position of various parts of
2 the prosthesis to maximize the function, stability, and safety of the
3 patient. The practice of prosthetics includes providing continuing
4 patient care in order to assess the prosthetic device's effect on the
5 patient's tissues and to assure proper fit and function of the
6 prosthetic device by periodic evaluation.

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

9 ~~((+9))~~ (8) "Prosthesis" means a definitive artificial limb that is
10 alignable or articulated, or, in lower extremity applications, capable
11 of weight bearing. Prosthesis means an artificial medical device that
12 is not surgically implanted and that is used to replace a missing limb,
13 appendage, or other external human body part including an artificial
14 limb, hand, or foot. The term does not include artificial eyes, ears,
15 fingers or toes, dental appliances, ostomy products, devices such as
16 artificial breasts, eyelashes, wigs, or other devices as determined by
17 the secretary that do not have a significant impact on the
18 musculoskeletal functions of the body. In the lower extremity of the
19 body, the term prosthesis does not include prostheses required for
20 amputations distal to and including the transmetatarsal level. In the
21 upper extremity of the body, the term prosthesis does not include
22 prostheses that are provided to restore function for amputations distal
23 to and including the carpal level.

24 ~~((+10))~~ (9) "Authorized health care practitioner" means licensed
25 physicians, physician's assistants, osteopathic physicians,
26 chiropractors, naturopaths, podiatric physicians and surgeons,
27 dentists, and advanced registered nurse practitioners.

28 **Sec. 90.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
29 read as follows:

30 In addition to other authority provided by law, the secretary has
31 the authority to:

32 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
33 chapter;

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

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

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

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

14 (6) Establish the standards and procedures for revocation of
15 approval of education programs;

16 (7) Utilize or contract with individuals or organizations having
17 expertise in the profession or in education to assist in the
18 evaluations;

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

21 (9) Determine whether alternative methods of training are
22 equivalent to formal education, and establish forms, procedures, and
23 criteria for evaluation of an applicant's alternative training to
24 determine the applicant's eligibility to take any qualifying
25 examination;

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

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

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

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

33 (14) Maintain the official department records of all applicants and
34 licensees;

35 (15) Establish by rule the procedures for an appeal of an
36 examination failure;

37 (16) Establish requirements and procedures for an inactive license;
38 and

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

4 **Sec. 91.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
5 read as follows:

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

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

14 (b) The applicant has the amount of formal training, including the
15 hours of classroom education and clinical practice, in areas of study
16 as the secretary deems necessary and appropriate;

17 (c) The applicant has completed a clinical internship or residency
18 in the professional area for which a license is sought in accordance
19 with the standards, guidelines, or procedures for clinical internships
20 or residencies inside or outside the state as established by the
21 secretary, or that are otherwise substantially equivalent to the
22 standards commonly accepted in the fields of orthotics and prosthetics
23 as determined by the secretary pursuant to subsections (3) and (5) of
24 this section. The secretary must set the internship as at least one
25 year.

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

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

33 (4) An applicant failing to make the required grade in the first
34 examination may take up to three subsequent examinations as the
35 applicant desires upon prepaying a fee, determined by the secretary
36 under RCW 43.70.250, for each subsequent examination. Upon failing

1 four examinations, the secretary may invalidate the original
2 application and require remedial education before the person may take
3 future examinations.

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

9 **Public Records Exemptions Accountability Committee**

10 NEW SECTION. **Sec. 92.** RCW 42.56.140 (Public records exemptions
11 accountability committee) and 2007 c 198 s 2 are each repealed.

12 **Regional Fisheries Enhancement Group Advisory Board**

13 NEW SECTION. **Sec. 93.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 77.95.110 (Regional fisheries enhancement group advisory
16 board) and 2000 c 107 s 108; and

17 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
18 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
19 1995 c 367 s 6.

20 **Sec. 94.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
21 read as follows:

22 The department may provide start-up funds to regional fisheries
23 enhancement groups for costs associated with any enhancement project.
24 The (~~regional fisheries enhancement group advisory board and the~~)
25 commission shall develop guidelines for providing funds to the regional
26 fisheries enhancement groups.

27 **Sec. 95.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to read
28 as follows:

29 To maximize available state resources, the department and the
30 department of transportation shall work in partnership (~~with the~~

1 ~~regional fisheries enhancement group advisory board~~) to identify
2 cooperative projects to eliminate fish passage barriers caused by state
3 roads and highways. (~~The advisory board may provide input to the~~
4 ~~department to aid in identifying priority barrier removal projects that~~
5 ~~can be accomplished with the assistance of regional fisheries~~
6 ~~enhancement groups.~~) The department of transportation shall provide
7 engineering and other technical services to assist regional fisheries
8 enhancement groups with fish passage barrier removal projects, provided
9 that the barrier removal projects have been identified as a priority by
10 the department of fish and wildlife and the department of
11 transportation has received an appropriation to continue the fish
12 barrier removal program.

13 **Sec. 96.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to
14 read as follows:

15 The department shall (~~coordinate with the regional fisheries~~
16 ~~enhancement group advisory board to~~) field test coho and chinook
17 salmon remote site incubators. The purpose of field testing efforts
18 shall be to gather conclusive scientific data on the effectiveness of
19 coho and chinook remote site incubators.

20 **State Noxious Weed Control Board**

21 NEW SECTION. **Sec. 97.** RCW 17.10.030 (State noxious weed control
22 board--Members--Terms--Elections--Meetings--Reimbursement for travel
23 expenses) and 1997 c 353 s 4, 1987 c 438 s 2, 1975-'76 2nd ex.s. c 34
24 s 23, & 1969 ex.s. c 113 s 3 are each repealed.

25 **Sec. 98.** RCW 17.10.010 and 1997 c 353 s 2 are each amended to read
26 as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise:

29 (1) "Noxious weed" means a plant that when established is highly
30 destructive, competitive, or difficult to control by cultural or
31 chemical practices.

32 (2) "State noxious weed list" means a list of noxious weeds adopted

1 by the (~~state noxious weed control board~~) department. The list is
2 divided into three classes:

3 (a) Class A consists of those noxious weeds not native to the state
4 that are of limited distribution or are unrecorded in the state and
5 that pose a serious threat to the state;

6 (b) Class B consists of those noxious weeds not native to the state
7 that are of limited distribution or are unrecorded in a region of the
8 state and that pose a serious threat to that region;

9 (c) Class C consists of any other noxious weeds.

10 (3) "Person" means any individual, partnership, corporation, firm,
11 the state or any department, agency, or subdivision thereof, or any
12 other entity.

13 (4) "Owner" means the person in actual control of property, or his
14 or her agent, whether the control is based on legal or equitable title
15 or on any other interest entitling the holder to possession and, for
16 purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means
17 the possessor of legal or equitable title or the possessor of an
18 easement: PROVIDED, That when the possessor of an easement has the
19 right to control or limit the growth of vegetation within the
20 boundaries of an easement, only the possessor of the easement is
21 deemed, for the purpose of this chapter, an "owner" of the property
22 within the boundaries of the easement.

23 (5) As pertains to the duty of an owner, the words "control",
24 "contain", "eradicate", and the term "prevent the spread of noxious
25 weeds" means conforming to the standards of noxious weed control or
26 prevention in this chapter or as adopted by rule in chapter 16-750 WAC
27 by the (~~state noxious weed control board~~) department and an activated
28 county noxious weed control board.

29 (6) "Agent" means any occupant or any other person acting for the
30 owner and working or in charge of the land.

31 (7) "Agricultural purposes" are those that are intended to provide
32 for the growth and harvest of food and fiber.

33 (8) "Director" means the director of the department of agriculture
34 or the director's appointed representative.

35 (9) "Weed district" means a weed district as defined in chapters
36 17.04 and 17.06 RCW.

37 (10) "Aquatic noxious weed" means an aquatic plant species that is
38 listed on the state weed list under RCW 17.10.080.

1 (11) "Screenings" means a mixture of mill or elevator run mixture
2 or a combination of varying amounts of materials obtained in the
3 process of cleaning either grain or seeds, or both, such as light or
4 broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator
5 dust, floor sweepings, sand, and dirt.

6 (12) "Department" means the department of agriculture.

7 **Sec. 99.** RCW 17.10.040 and 1997 c 353 s 5 are each amended to read
8 as follows:

9 An inactive county noxious weed control board may be activated by
10 any one of the following methods:

11 (1) Either within sixty days after a petition is filed by one
12 hundred registered voters within the county or, on its own motion, the
13 county legislative authority shall hold a hearing to determine whether
14 there is a need, due to a damaging infestation of noxious weeds, to
15 activate the county noxious weed control board. If such a need is
16 found to exist, then the county legislative authority shall, in the
17 manner provided by RCW 17.10.050, appoint five persons to the county's
18 noxious weed control board.

19 (2) If the county's noxious weed control board is not activated
20 within one year following a hearing by the county legislative authority
21 to determine the need for activation, then upon the filing with the
22 (~~(state noxious weed control board)~~) department of a petition comprised
23 either of the signatures of at least two hundred registered voters
24 within the county, or of the signatures of a majority of an adjacent
25 county's noxious weed control board, the (~~(state board)~~) director
26 shall, within six months of the date of the filing, hold a hearing in
27 the county to determine the need for activation. If a need for
28 activation is found to exist, then the (~~(state board)~~) director shall
29 order the county legislative authority to activate the county's noxious
30 weed control board and to appoint members to the board in the manner
31 provided by RCW 17.10.050.

32 (3) The director(~~(, upon request of the state noxious weed control~~
33 ~~board,)~~) shall order a county legislative authority to activate the
34 noxious weed control board immediately if an infestation of a class A
35 noxious weed or class B noxious weed designated for control on the
36 state noxious weed list is confirmed in that county. The county
37 legislative authority may, as an alternative to activating the noxious

1 weed board, combat the class A noxious weed or class B noxious weed
2 with county resources and personnel operating with the authorities and
3 responsibilities imposed by this chapter on a county noxious weed
4 control board. No county may continue without a noxious weed control
5 board for a second consecutive year if the class A noxious weed or
6 class B noxious weed has not been eradicated.

7 **Sec. 100.** RCW 17.10.070 and 1998 c 245 s 3 are each amended to
8 read as follows:

9 ~~((1) In addition to the powers conferred on the state noxious weed
10 control board under other provisions of this chapter, it has the power
11 to:~~

12 ~~(a) Employ a state noxious weed control board executive secretary,
13 and additional persons as it deems necessary, to disseminate
14 information relating to noxious weeds to county noxious weed control
15 boards and weed districts, to coordinate the educational and weed
16 control efforts of the various county and regional noxious weed control
17 boards and weed districts, and to assist the board in carrying out its
18 responsibilities;~~

19 ~~(b) Adopt, amend, or repeal rules, pursuant to the administrative
20 procedure act, chapter 34.05 RCW, as may be necessary to carry out the
21 duties and authorities assigned to the board by this chapter.~~

22 ~~(2))~~ The ~~((state noxious weed control board))~~ department shall
23 provide a written report before January 1st of each odd-numbered year
24 to the county noxious weed control boards and the weed districts
25 showing the expenditure of state funds on noxious weed control;
26 specifically how the funds were spent; the status of the state, county,
27 and district programs; and recommendations for the continued best use
28 of state funds for noxious weed control. The report shall include
29 recommendations as to the long-term needs regarding weed control.

30 **Sec. 101.** RCW 17.10.074 and 1997 c 353 s 9 are each amended to
31 read as follows:

32 (1) In addition to the powers conferred on the director under other
33 provisions of this chapter, the director~~((, with the advice of the
34 state noxious weed control board,))~~ has power to:

35 (a) Require the county legislative authority or the noxious weed

1 control board of any county or any weed district to report to it
2 concerning the presence, absence, or estimated amount of noxious weeds
3 and measures, if any, taken or planned for the control thereof;

4 (b) Employ staff as may be necessary in the administration of this
5 chapter;

6 (c) Adopt, amend, or repeal rules, pursuant to the administrative
7 procedure act, chapter 34.05 RCW, as may be necessary to carry out this
8 chapter;

9 (d) Do such things as may be necessary and incidental to the
10 administration of its functions pursuant to this chapter including but
11 not limited to surveying for and detecting noxious weed infestations;

12 (e) Upon receipt of a complaint signed by a majority of the members
13 of an adjacent county noxious weed control board or weed district, or
14 by one hundred registered voters that are land owners within the
15 county, require the county legislative authority or noxious weed
16 control board of the county or weed district that is the subject of the
17 complaint to respond to the complaint within forty-five days with a
18 plan for the control of the noxious weeds cited in the complaint;

19 (f) If the complaint in (e) of this subsection involves a class A
20 or class B noxious weed, order the county legislative authority,
21 noxious weed control board, or weed district to take immediate action
22 to eradicate or control the noxious weed infestation. If the county or
23 the weed district does not take action to control the noxious weed
24 infestation in accordance with the order, the director may control it
25 or cause it to be controlled. The county or weed district is liable
26 for payment of the expense of the control work including necessary
27 costs and expenses for attorneys' fees incurred by the director in
28 securing payment from the county or weed district. The director may
29 bring a civil action in a court of competent jurisdiction to collect
30 the expenses of the control work, costs, and attorneys' fees;

31 (g) In counties without an activated noxious weed control board,
32 enter upon any property as provided for in RCW 17.10.160, issue or
33 cause to be issued notices and citations and take the necessary action
34 to control noxious weeds as provided in RCW 17.10.170, hold hearings on
35 any charge or cost of control action taken as provided for in RCW
36 17.10.180, issue a notice of civil infraction as provided for in RCW
37 17.10.230 and 17.10.310 through (~~and~~) and 17.10.350, and place a

1 lien on any property pursuant to RCW 17.10.280, 17.10.290, and
2 17.10.300 with the same authorities and responsibilities imposed by
3 these sections on county noxious weed control boards;

4 (h) Adopt a list of noxious weed seeds and toxic weeds which shall
5 be controlled in designated articles, products, or feed stuffs as
6 provided for in RCW 17.10.235.

7 (2) The moneys appropriated for noxious weed control to the
8 department shall be used for (~~administration of the state noxious weed~~
9 ~~control board,~~) the administration of the director's powers under this
10 chapter, the purchase of materials for controlling, containing, or
11 eradicating noxious weeds, the purchase or collection of biological
12 control agents for controlling noxious weeds, and the contracting for
13 services to carry out the purposes of this chapter. In a county with
14 an activated noxious weed control board, the director shall make every
15 effort to contract with that board for the needed services.

16 (~~(3) If the director determines the need to reallocate funds~~
17 ~~previously designated for county use, the director shall convene a~~
18 ~~meeting of the state noxious weed control board to seek its advice~~
19 ~~concerning any reallocation.~~)

20 **Sec. 102.** RCW 17.10.080 and 1997 c 353 s 10 are each amended to
21 read as follows:

22 (1) The (~~state noxious weed control board~~) department shall each
23 year or more often, following a hearing, adopt a state noxious weed
24 list.

25 (2) Any person may request during a comment period established by
26 the (~~state weed board~~) director the inclusion, deletion, or
27 designation change of any plant to the state noxious weed list.

28 (3) The (~~state noxious weed control board~~) department shall send
29 a copy of the list to each activated county noxious weed control board,
30 to each weed district, and to the county legislative authority of each
31 county with an inactive noxious weed control board.

32 (4) The record of rule making must include the written findings of
33 the (~~board~~) department for the inclusion of each plant on the list.
34 The findings shall be made available upon request to any interested
35 person.

1 **Sec. 103.** RCW 17.10.090 and 1997 c 353 s 11 are each amended to
2 read as follows:

3 Each county noxious weed control board shall, within ninety days of
4 the adoption of the state noxious weed list from the (~~state noxious~~
5 ~~weed control board~~) department and following a hearing, select those
6 weeds from the class C list and those weeds from the class B list not
7 designated for control in the noxious weed control region in which the
8 county lies that it finds necessary to be controlled in the county.
9 The weeds thus selected and all class A weeds and those class B weeds
10 that have been designated for control in the noxious weed control
11 region in which the county lies shall be classified within that county
12 as noxious weeds, and those weeds comprise the county noxious weed
13 list.

14 **Sec. 104.** RCW 17.10.100 and 1997 c 353 s 12 are each amended to
15 read as follows:

16 Where any of the following occur, the (~~state noxious weed control~~
17 ~~board~~) director may, following a hearing, order any county noxious
18 weed control board or weed district to include a noxious weed from the
19 (~~state board's~~) department's list in the county's noxious weed list:

20 (1) Where the (~~state noxious weed control board~~) department
21 receives a petition from at least one hundred registered voters within
22 the county requesting that the weed be listed.

23 (2) Where the (~~state noxious weed control board~~) department
24 receives a request for inclusion from an adjacent county's noxious weed
25 control board or weed district, which the adjacent board or district
26 has included that weed in its county list, and the adjacent board or
27 weed district alleges that its noxious weed control program is being
28 hampered by the failure to include the weed on the county's noxious
29 weed list.

30 **Sec. 105.** RCW 17.10.130 and 1997 c 353 s 15 are each amended to
31 read as follows:

32 The powers and duties of a regional noxious weed control board are
33 as follows:

34 (1) The regional board shall, within ninety days of the adoption of
35 the state noxious weed list (~~from~~) by the (~~state noxious weed~~
36 ~~control board~~) department and following a hearing, select those weeds

1 from the state list that it finds necessary to be controlled on a
2 regional basis. The weeds thus selected shall also be contained in the
3 county noxious weed list of each county in the region.

4 (2) The regional board shall take action as may be necessary to
5 coordinate the noxious weed control programs of the region and adopt a
6 regional plan for the control of noxious weeds.

7 **Sec. 106.** RCW 17.10.160 and 1997 c 353 s 20 are each amended to
8 read as follows:

9 Any authorized agent or employee of the county noxious weed control
10 board (~~(or of the state noxious weed control board)~~) or of the
11 department (~~(of agriculture)~~) where not otherwise proscribed by law may
12 enter upon any property for the purpose of administering this chapter
13 and any power exercisable pursuant thereto, including the taking of
14 specimens of weeds, general inspection, and the performance of
15 eradication or control work. Prior to carrying out the purpose for
16 which the entry is made, the official making such entry or someone in
17 his or her behalf, shall make a reasonable attempt to notify the owner
18 of the property as to the purpose and need for the entry.

19 (1) When there is probable cause to believe that there is property
20 within this state not otherwise exempt from process or execution upon
21 which noxious weeds are standing or growing and the owner refuses
22 permission to inspect the property, a judge of the superior court or
23 district court in the county in which the property is located may, upon
24 the request of the county noxious weed control board or its agent,
25 issue a warrant directed to the board or agent authorizing the taking
26 of specimens of weeds or other materials, general inspection, and the
27 performance of eradication or control work.

28 (2) Application for issuance and execution and return of the
29 warrant authorized by this section shall be in accordance with the
30 applicable rules of the superior court or the district courts.

31 (3) Nothing in this section requires the application for and
32 issuance of any warrant not otherwise required by law: PROVIDED, That
33 civil liability for negligence shall lie in any case in which entry and
34 any of the activities connected therewith are not undertaken with
35 reasonable care.

36 (4) Any person who improperly prevents or threatens to prevent

1 entry upon land as authorized in this section or any person who
2 interferes with the carrying out of this chapter shall be upon
3 conviction guilty of a misdemeanor.

4 **Sec. 107.** RCW 17.10.201 and 1997 c 353 s 34 are each amended to
5 read as follows:

6 (1) The (~~state noxious weed control board~~) department shall:

7 (a) Work with the various federal and tribal land management
8 agencies to coordinate state and federal noxious weed control;

9 (b) Encourage the various federal and tribal land management
10 agencies to devote more time and resources to noxious weed control; and

11 (c) Assist the various federal and tribal land management agencies
12 by seeking adequate funding for noxious weed control.

13 (2) County noxious weed control boards and weed districts shall
14 work with the various federal and tribal land management agencies in
15 each county in order to:

16 (a) Identify new noxious weed infestations;

17 (b) Outline and plan necessary noxious weed control actions;

18 (c) Develop coordinated noxious weed control programs; and

19 (d) Notify local federal and tribal agency land managers of noxious
20 weed infestations.

21 (3) The department (~~of agriculture~~), county noxious weed control
22 boards, and weed districts are authorized to enter federal lands, with
23 the approval of the appropriate federal agency, to survey for and
24 control noxious weeds where control measures of a type and extent
25 required under this chapter have not been taken.

26 (4) The department (~~of agriculture~~), county noxious weed control
27 boards, and weed districts may bill the federal land management agency
28 that manages the land for all costs of the noxious weed control
29 performed on federal land. If not paid by the federal agency that
30 manages the land, the cost of the noxious weed control on federal land
31 may be paid from any funds available to the county noxious weed control
32 board or weed district that performed the noxious weed control.
33 Alternatively, the costs of noxious weed control on federal land may be
34 paid from any funds specifically appropriated to the department of
35 agriculture for that purpose.

36 (5) The department (~~of agriculture~~), county noxious weed control

1 boards, and weed districts are authorized to enter into any reasonable
2 agreement with the appropriate authorities for the control of noxious
3 weeds on federal or tribal lands.

4 (6) The department (~~(of agriculture)~~), county noxious weed control
5 boards, and weed districts shall consult with state agencies managing
6 federal land concerning noxious weed infestation and control programs.

7 **Sec. 108.** RCW 17.10.210 and 1997 c 353 s 25 are each amended to
8 read as follows:

9 (1) Whenever the director, the county noxious weed control board,
10 or a weed district finds that a parcel of land is so seriously infested
11 with class A or class B noxious weeds that control measures cannot be
12 undertaken thereon without quarantining the land and restricting or
13 denying access thereto or use thereof, the director, the county noxious
14 weed control board, or weed district, with the approval of the director
15 of the department (~~(of agriculture)~~), may issue an order for the
16 quarantine and restriction or denial of access or use. Upon issuance
17 of the order, the director, the county noxious weed control board, or
18 the weed district shall commence necessary control measures and may
19 institute legal action for the collection of costs for control work,
20 which may include attorneys' fees and the costs of other appropriate
21 actions.

22 (2) An order of quarantine shall be served, by any method
23 sufficient for the service of civil process, on all persons known to
24 qualify as owners of the land within the meaning of this chapter.

25 (3) The director shall(~~(, with the advice of the state noxious weed~~
26 ~~control board,)~~) determine how the expense of control work undertaken
27 pursuant to this section, and the cost of any quarantine in connection
28 therewith, is apportioned.

29 **Sec. 109.** RCW 17.10.235 and 1997 c 353 s 26 are each amended to
30 read as follows:

31 (1) The director (~~(of agriculture)~~) shall adopt(~~(, with the advice~~
32 ~~of the state noxious weed control board,)~~) rules designating noxious
33 weed seeds which shall be controlled in products, screenings, or
34 articles to prevent the spread of noxious weeds. The rules shall
35 identify the products, screenings, and articles in which the seeds must
36 be controlled and the maximum amount of the seed to be permitted in the

1 product, screenings, or article to avoid a hazard of spreading the
2 noxious weed by seed from the product, screenings, or article. The
3 director shall also adopt(~~(, with the advice of the state board,)~~)
4 rules designating toxic weeds which shall be controlled in feed stuffs
5 and screenings to prevent injury to the animal that consumes the feed.
6 The rules shall identify the feed stuffs and screenings in which the
7 toxic weeds must be controlled and the maximum amount of the toxic weed
8 to be permitted in the feed. Rules developed under this section shall
9 identify ways that products, screenings, articles, or feed stuffs
10 containing noxious weed seeds or toxic weeds can be made available for
11 beneficial uses.

12 (2) Any person who knowingly or negligently sells or otherwise
13 distributes a product, article, screenings, or feed stuff designated by
14 rule containing noxious weed seeds or toxic weeds designated for
15 control by rule and in an amount greater than the amount established by
16 the director for the seed or weed by rule is guilty of a misdemeanor.

17 (3) The department (~~(of agriculture shall)~~), upon request of the
18 buyer, inspect products, screenings, articles, or feed stuffs
19 designated by rule and charge fees, in accordance with chapter 22.09
20 RCW, to determine the presence of designated noxious weed seeds or
21 toxic weeds.

22 **Sec. 110.** RCW 17.10.250 and 1997 c 353 s 28 are each amended to
23 read as follows:

24 The legislative authority of any county with an activated noxious
25 weed control board or the board of any weed district may apply to the
26 director for noxious weed control funds when informed by the director
27 that funds are available. Any applicant must employ adequate
28 administrative personnel to supervise an effective weed control program
29 as determined by the director (~~(with advice from the state noxious weed
30 control board)~~). The director (~~(with advice from the state noxious
31 weed control board)~~) shall adopt rules on the distribution and use of
32 noxious weed control account funds.

33 **Sec. 111.** RCW 17.10.260 and 1987 c 438 s 33 are each amended to
34 read as follows:

35 The administrative powers granted under this chapter to the
36 director (~~(of the department of agriculture and to the state noxious~~

1 ~~weed control board~~) shall be exercised in conformity with the
2 provisions of the administrative procedure act, chapter 34.05 RCW, as
3 now or hereafter amended. The use of any substance to control noxious
4 weeds shall be subject to the provisions of the water pollution control
5 act, chapter 90.48 RCW, as now or hereafter amended, the Washington
6 pesticide control act, chapter 15.58 RCW, and the Washington pesticide
7 application act, chapter 17.21 RCW.

8 **Sec. 112.** RCW 17.10.350 and 2003 c 53 s 117 are each amended to
9 read as follows:

10 (1) Any person found to have committed a civil infraction under
11 this chapter shall be assessed a monetary penalty not to exceed one
12 thousand dollars. The (~~state noxious weed control board~~) director
13 shall adopt a schedule of monetary penalties for each violation of this
14 chapter classified as a civil infraction and submit the schedule to the
15 appropriate court. If a monetary penalty is imposed by the court, the
16 penalty is immediately due and payable. The court may, at its
17 discretion, grant an extension of time, not to exceed thirty days, in
18 which the penalty must be paid.

19 (2) Failure to pay any monetary penalties imposed under this
20 chapter is punishable as a misdemeanor.

21 **Sec. 113.** RCW 17.15.020 and 1997 c 357 s 3 are each amended to
22 read as follows:

23 Each of the following state agencies or institutions shall
24 implement integrated pest management practices when carrying out the
25 agency's or institution's duties related to pest control:

- 26 (1) The department of agriculture;
27 (2) (~~The state noxious weed control board;~~
28 ~~+3~~) The department of ecology;
29 (~~+4~~) (3) The department of fish and wildlife;
30 (~~+5~~) (4) The department of transportation;
31 (~~+6~~) (5) The parks and recreation commission;
32 (~~+7~~) (6) The department of natural resources;
33 (~~+8~~) (7) The department of corrections;
34 (~~+9~~) (8) The department of general administration; and
35 (~~+10~~) (9) Each state institution of higher education, for the
36 institution's own building and grounds maintenance.

1 **Sec. 114.** RCW 17.26.006 and 1995 c 255 s 2 are each amended to
2 read as follows:

3 This state is facing an environmental disaster that will affect
4 other states as well as other nations. The legislature finds that six
5 years is sufficient time for state agencies to debate solutions to the
6 spartina and purple loosestrife problems that are occurring in state
7 waters. One of the purposes of chapter 255, Laws of 1995 is to focus
8 agency action on control and future eradication of spartina and purple
9 loosestrife. It is the mandate of the legislature that one state
10 agency, the department of agriculture, be responsible for a unified
11 effort to eliminate spartina and control purple loosestrife(~~(, with the~~
12 ~~advice of the state noxious weed control board,~~) and that state agency
13 shall be directly accountable to the legislature on the progress of the
14 spartina eradication and purple loosestrife control program.

15 **Sec. 115.** RCW 17.26.015 and 1998 c 245 s 4 are each amended to
16 read as follows:

17 (1) The state department of agriculture is the lead agency for the
18 control of spartina and purple loosestrife (~~(with the advice of the~~
19 ~~state noxious weed control board)~~).

20 (2) Responsibilities of the lead agency include:

21 (a) Coordination of the control program including memorandums of
22 understanding, contracts, and agreements with local, state, federal,
23 and tribal governmental entities and private parties;

24 (b) Preparation of a statewide spartina management plan utilizing
25 integrated vegetation management strategies that encompass all of
26 Washington's tidelands. The plan shall be developed in cooperation
27 with local, state, federal, and tribal governments, private landowners,
28 and concerned citizens. The plan shall prioritize areas for control.
29 Nothing in this subsection prohibits the department from taking action
30 to control spartina in a particular area of the state in accordance
31 with a plan previously prepared by the state while preparing the
32 statewide plan;

33 (c) Directing on the ground control efforts that include, but are
34 not limited to: (i) Control work and contracts; (ii) spartina survey;
35 (iii) collection and maintenance of spartina location data; (iv)
36 purchasing equipment, goods, and services; (v) survey of threatened and

1 endangered species; and (vi) site-specific environmental information
2 and documents; and

3 (d) Evaluating the effectiveness of the control efforts.

4 (~~The lead agency shall report to the appropriate standing~~
5 ~~committees of the house of representatives and the senate no later than~~
6 ~~December 15th of each year through the year 1999 on the progress of the~~
7 ~~program, the number of acres treated by various methods of control, and~~
8 ~~on the funds spent.~~)

9 **Sec. 116.** RCW 77.60.130 and 2007 c 341 s 59 are each amended to
10 read as follows:

11 (1) The aquatic nuisance species committee is created for the
12 purpose of fostering state, federal, tribal, and private cooperation on
13 aquatic nuisance species issues. The mission of the committee is to
14 minimize the unauthorized or accidental introduction of nonnative
15 aquatic species and give special emphasis to preventing the
16 introduction and spread of aquatic nuisance species. The term "aquatic
17 nuisance species" means a nonnative aquatic plant or animal species
18 that threatens the diversity or abundance of native species, the
19 ecological stability of infested waters, or commercial, agricultural,
20 or recreational activities dependent on such waters.

21 (2) The committee consists of representatives from each of the
22 following state agencies: Department of fish and wildlife, department
23 of ecology, department of agriculture, department of health, department
24 of natural resources, Puget Sound partnership, state patrol, (~~state~~
25 ~~noxious weed control board,~~) and Washington sea grant program. The
26 committee shall encourage and solicit participation by: Federally
27 recognized tribes of Washington, federal agencies, Washington
28 conservation organizations, environmental groups, and representatives
29 from industries that may either be affected by the introduction of an
30 aquatic nuisance species or that may serve as a pathway for their
31 introduction.

32 (3) The committee has the following duties:

33 (a) Periodically revise the state of Washington aquatic nuisance
34 species management plan, originally published in June 1998;

35 (b) Make recommendations to the legislature on statutory provisions
36 for classifying and regulating aquatic nuisance species;

1 (c) Recommend to the (~~state noxious weed control board~~)
2 department of agriculture that a plant be classified under the process
3 designated by RCW 17.10.080 as an aquatic noxious weed;

4 (d) Coordinate education, research, regulatory authorities,
5 monitoring and control programs, and participate in regional and
6 national efforts regarding aquatic nuisance species;

7 (e) Consult with representatives from industries and other
8 activities that may serve as a pathway for the introduction of aquatic
9 nuisance species to develop practical strategies that will minimize the
10 risk of new introductions; and

11 (f) Prepare a biennial report to the legislature with the first
12 report due by December 1, 2001, making recommendations for better
13 accomplishing the purposes of this chapter, and listing the
14 accomplishments of this chapter to date.

15 (4) The committee shall accomplish its duties through the authority
16 and cooperation of its member agencies. Implementation of all plans
17 and programs developed by the committee shall be through the member
18 agencies and other cooperating organizations.

19 **Sec. 117.** RCW 79A.25.320 and 2006 c 152 s 3 are each amended to
20 read as follows:

21 (1) Membership in the council includes a representative from the
22 following entities:

23 (a) The department of agriculture, represented by the director or
24 the director's designee;

25 (b) The department of fish and wildlife, represented by the
26 director or the director's designee;

27 (c) The department of ecology, represented by the director or the
28 director's designee;

29 (d) The department of natural resources, represented by the
30 commissioner or the commissioner's designee;

31 (e) The department of transportation, represented by the secretary
32 or the secretary's designee;

33 (f) (~~The Washington state noxious weed control board, appointed by~~
34 ~~the board;~~

35 (~~g~~)) A county located east of the crest of the Cascade mountains,
36 appointed by the other members of the council; and

1 ((+h)) (g) A county located west of the crest of the Cascade
2 mountains, appointed by the other members of the council.

3 (2) The councilmembers may add members to the council as the
4 councilmembers deem appropriate to accomplish its goals.

5 (3) The council must invite one representative each from the United
6 States department of agriculture, the United States fish and wildlife
7 service, the United States environmental protection agency, and the
8 United States coast guard to participate on the council in a nonvoting,
9 ex officio capacity.

10 (4) A representative of the office of the governor must convene the
11 first meeting of the council and serve as chair until the council
12 selects a chair. At the first meeting of the council, the council
13 shall address issues including, but not limited to, voting methods,
14 meeting schedules, and the need for and use of advisory and technical
15 committees.

16 **Sec. 118.** RCW 79A.25.340 and 2006 c 152 s 5 are each amended to
17 read as follows:

18 (1) The council shall develop and periodically update a statewide
19 strategic plan for addressing invasive species. The strategic plan
20 should incorporate the reports and activities of the aquatic nuisance
21 species committee, the ((~~state noxious weed control board~~)) department
22 of agriculture, and other appropriate reports and activities. In
23 addition, the council must coordinate with the biodiversity council
24 created in Executive Order 04-02 to ensure that a statewide strategy
25 for the control of invasive species is integrated into the thirty-year
26 strategy for biodiversity conservation that the biodiversity council
27 must submit to the legislature in 2007.

28 (2) The strategic plan must, at a minimum, address:

29 (a) Statewide coordination and intergovernmental cooperation;

30 (b) Prevention of new biological invasions through deliberate or
31 unintentional introduction;

32 (c) Inventory and monitoring of invasive species;

33 (d) Early detection of and rapid response to new invasions;

34 (e) Control, management, and eradication of established populations
35 of invasive species;

36 (f) Projects that can be implemented during the period covered by

1 the strategic plan for the control, management, and eradication of new
2 or established populations of invasive species;

3 (g) Revegetation, reclamation, or restoration of native species
4 following control or eradication of invasive species;

5 (h) Tools that can be made available to assist state agencies that
6 are responsible for managing public land to control invasive noxious
7 weeds and recommendations as to how the agencies should be held
8 responsible for the failure to control invasive noxious weeds;

9 (i) Research and public education;

10 (j) Funding and resources available for invasive species
11 prevention, control, and management; and

12 (k) Recommendations for legislation necessary to carry out the
13 purposes of this chapter.

14 (3) The strategic plan must be updated at least once every three
15 years following its initial development. The strategic plan must be
16 submitted to the governor and appropriate committees of the legislature
17 by September 15th of each applicable year. The council shall complete
18 the initial strategic plan within two years of June 7, 2006.

19 (4) Each state department and agency named to the council shall,
20 consistent with state law, make best efforts to implement elements of
21 the completed plan that are applicable to the department or agency.

22 **State Solid Waste Advisory Committee**

23 NEW SECTION. **Sec. 119.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 70.95.040 (Solid waste advisory committee--Members--
26 Meetings--Travel expenses--"Governor's award of excellence.") and 1991
27 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

28 (2) RCW 70.95.050 (Solid waste advisory committee--Staff services
29 and facilities) and 1969 ex.s. c 134 s 5;

30 (3) RCW 70.95.070 (Review of standards prior to adoption--
31 Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s.
32 c 41 s 4 & 1969 ex.s. c 134 s 7; and

33 (4) RCW 70.105.060 (Review of rules, regulations, criteria and fee
34 schedules) and 1975-'76 2nd ex.s. c 101 s 6.

1 **Sec. 120.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to
2 read as follows:

3 As used in this chapter, unless the context indicates otherwise:

4 (1) "City" means every incorporated city and town.

5 (2) "Commission" means the utilities and transportation commission.

6 (3) (~~(("Committee" means the state solid waste advisory committee.~~

7 ~~(4))~~ (4) "Composted material" means organic solid waste that has been
8 subjected to controlled aerobic degradation at a solid waste facility
9 in compliance with the requirements of this chapter. Natural decay of
10 organic solid waste under uncontrolled conditions does not result in
11 composted material.

12 ~~((5))~~ (4) "Department" means the department of ecology.

13 ~~((6))~~ (5) "Director" means the director of the department of
14 ecology.

15 ~~((7))~~ (6) "Disposal site" means the location where any final
16 treatment, utilization, processing, or deposit of solid waste occurs.

17 ~~((8))~~ (7) "Energy recovery" means a process operating under
18 federal and state environmental laws and regulations for converting
19 solid waste into usable energy and for reducing the volume of solid
20 waste.

21 ~~((9))~~ (8) "Functional standards" means criteria for solid waste
22 handling expressed in terms of expected performance or solid waste
23 handling functions.

24 ~~((10))~~ (9) "Incineration" means a process of reducing the volume
25 of solid waste operating under federal and state environmental laws and
26 regulations by use of an enclosed device using controlled flame
27 combustion.

28 ~~((11))~~ (10) "Inert waste landfill" means a landfill that receives
29 only inert waste, as determined under RCW 70.95.065, and includes
30 facilities that use inert wastes as a component of fill.

31 ~~((12))~~ (11) "Jurisdictional health department" means city,
32 county, city-county, or district public health department.

33 ~~((13))~~ (12) "Landfill" means a disposal facility or part of a
34 facility at which solid waste is placed in or on land and which is not
35 a land treatment facility.

36 ~~((14))~~ (13) "Local government" means a city, town, or county.

37 ~~((15))~~ (14) "Modify" means to substantially change the design or

1 operational plans including, but not limited to, removal of a design
2 element previously set forth in a permit application or the addition of
3 a disposal or processing activity that is not approved in the permit.

4 ~~((+16+))~~ (15) "Multiple family residence" means any structure
5 housing two or more dwelling units.

6 ~~((+17+))~~ (16) "Person" means individual, firm, association,
7 copartnership, political subdivision, government agency, municipality,
8 industry, public or private corporation, or any other entity
9 whatsoever.

10 ~~((+18+))~~ (17) "Recyclable materials" means those solid wastes that
11 are separated for recycling or reuse, such as papers, metals, and
12 glass, that are identified as recyclable material pursuant to a local
13 comprehensive solid waste plan. Prior to the adoption of the local
14 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
15 local governments may identify recyclable materials by ordinance from
16 July 23, 1989.

17 ~~((+19+))~~ (18) "Recycling" means transforming or remanufacturing
18 waste materials into usable or marketable materials for use other than
19 landfill disposal or incineration.

20 ~~((+20+))~~ (19) "Residence" means the regular dwelling place of an
21 individual or individuals.

22 ~~((+21+))~~ (20) "Sewage sludge" means a semisolid substance
23 consisting of settled sewage solids combined with varying amounts of
24 water and dissolved materials, generated from a wastewater treatment
25 system, that does not meet the requirements of chapter 70.95J RCW.

26 ~~((+22+))~~ (21) "Soil amendment" means any substance that is intended
27 to improve the physical characteristics of the soil, except composted
28 material, commercial fertilizers, agricultural liming agents,
29 unmanipulated animal manures, unmanipulated vegetable manures, food
30 wastes, food processing wastes, and materials exempted by rule of the
31 department, such as biosolids as defined in chapter 70.95J RCW and
32 wastewater as regulated in chapter 90.48 RCW.

33 ~~((+23+))~~ (22) "Solid waste" or "wastes" means all putrescible and
34 nonputrescible solid and semisolid wastes including, but not limited
35 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
36 demolition and construction wastes, abandoned vehicles or parts
37 thereof, and recyclable materials.

1 ((+24)) (23) "Solid waste handling" means the management, storage,
2 collection, transportation, treatment, utilization, processing, and
3 final disposal of solid wastes, including the recovery and recycling of
4 materials from solid wastes, the recovery of energy resources from
5 solid wastes or the conversion of the energy in solid wastes to more
6 useful forms or combinations thereof.

7 ((+25)) (24) "Source separation" means the separation of different
8 kinds of solid waste at the place where the waste originates.

9 ((+26)) (25) "Vehicle" includes every device physically capable of
10 being moved upon a public or private highway, road, street, or
11 watercourse and in, upon, or by which any person or property is or may
12 be transported or drawn upon a public or private highway, road, street,
13 or watercourse, except devices moved by human or animal power or used
14 exclusively upon stationary rails or tracks.

15 ((+27)) (26) "Waste-derived soil amendment" means any soil
16 amendment as defined in this chapter that is derived from solid waste
17 as defined in ((RCW 70.95.030)) this section, but does not include
18 biosolids or biosolids products regulated under chapter 70.95J RCW or
19 wastewaters regulated under chapter 90.48 RCW.

20 ((+28)) (27) "Waste reduction" means reducing the amount or
21 toxicity of waste generated or reusing materials.

22 ((+29)) (28) "Yard debris" means plant material commonly created
23 in the course of maintaining yards and gardens, and through
24 horticulture, gardening, landscaping, or similar activities. Yard
25 debris includes but is not limited to grass clippings, leaves,
26 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
27 garden debris, holiday trees, and tree prunings four inches or less in
28 diameter.

29 **Sec. 121.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
30 read as follows:

31 (1) The department of ecology shall develop and implement an
32 environmental excellence awards program that recognizes products that
33 are produced, labeled, or packaged in a manner that helps ensure
34 environmental protection. The award shall be in recognition of
35 products that are made from recycled materials, easy to recycle,
36 substitute for more hazardous products, or otherwise help protect the

1 environment. Application for the award shall be voluntary. The awards
2 may be made in a variety of product categories including, but not
3 limited to:

- 4 (a) Paint products;
- 5 (b) Cleaning products;
- 6 (c) Pest control products;
- 7 (d) Automotive, marine, and related maintenance products;
- 8 (e) Hobby and recreation products; and
- 9 (f) Any other product available for retail or wholesale sale.

10 (2) ~~((The state solid waste advisory committee shall establish an
11 environmental excellence product award subcommittee to develop and
12 recommend criteria for awarding environmental excellence awards for
13 products. The subcommittee shall also review award applications and
14 make recommendations to the department. The subcommittee shall consist
15 of equal representation of: (a) Product manufacturing or other
16 business representatives; (b) environmental representatives; (c) labor
17 or consumer representatives; and (d) independent technical experts.
18 Members of the subcommittee need not necessarily be regular members of
19 the state solid waste advisory committee.~~

20 (3)) Products receiving an environmental excellence award pursuant
21 to this section shall be entitled to display a logo or other symbol
22 developed by the department to signify the award. Awards shall be
23 given each year to as many products as qualify. The award logo may be
24 displayed for a period to be determined by the department.

25 **Sec. 122.** RCW 70.105.010 and 2009 c 549 s 1027 are each amended to
26 read as follows:

27 The words and phrases defined in this section shall have the
28 meanings indicated when used in this chapter unless the context clearly
29 requires otherwise.

30 (1) "Dangerous wastes" means any discarded, useless, unwanted, or
31 abandoned substances, including but not limited to certain pesticides,
32 or any residues or containers of such substances which are disposed of
33 in such quantity or concentration as to pose a substantial present or
34 potential hazard to human health, wildlife, or the environment because
35 such wastes or constituents or combinations of such wastes:

- 36 (a) Have short-lived, toxic properties that may cause death,

1 injury, or illness or have mutagenic, teratogenic, or carcinogenic
2 properties; or

3 (b) Are corrosive, explosive, flammable, or may generate pressure
4 through decomposition or other means.

5 (2) "Department" means the department of ecology.

6 (3) "Designated zone facility" means any facility that requires an
7 interim or final status permit under rules adopted under this chapter
8 and that is not a preempted facility as defined in this section.

9 (4) "Director" means the director of the department of ecology or
10 the director's designee.

11 (5) "Disposal site" means a geographical site in or upon which
12 hazardous wastes are disposed of in accordance with the provisions of
13 this chapter.

14 (6) "Dispose or disposal" means the discarding or abandoning of
15 hazardous wastes or the treatment, decontamination, or recycling of
16 such wastes once they have been discarded or abandoned.

17 (7) "Extremely hazardous waste" means any dangerous waste
18 which(~~(+)~~):

19 (a) Will persist in a hazardous form for several years or more at
20 a disposal site and which in its persistent form

21 (i) Presents a significant environmental hazard and may be
22 concentrated by living organisms through a food chain or may affect the
23 genetic make-up of human beings or wildlife, and

24 (ii) Is highly toxic to human beings or wildlife

25 (b) If disposed of at a disposal site in such quantities as would
26 present an extreme hazard to human beings or the environment.

27 (8) "Facility" means all contiguous land and structures, other
28 appurtenances, and improvements on the land used for recycling,
29 storing, treating, incinerating, or disposing of hazardous waste.

30 (9) "Hazardous household substances" means those substances
31 identified by the department as hazardous household substances in the
32 guidelines developed under RCW 70.105.220.

33 (10) "Hazardous substances" means any liquid, solid, gas, or
34 sludge, including any material, substance, product, commodity, or
35 waste, regardless of quantity, that exhibits any of the characteristics
36 or criteria of hazardous waste as described in rules adopted under this
37 chapter.

1 (11) "Hazardous waste" means and includes all dangerous and
2 extremely hazardous waste, including substances composed of both
3 radioactive and hazardous components.

4 (12) "Local government" means a city, town, or county.

5 (13) "Moderate-risk waste" means (a) any waste that exhibits any of
6 the properties of hazardous waste but is exempt from regulation under
7 this chapter solely because the waste is generated in quantities below
8 the threshold for regulation, and (b) any household wastes which are
9 generated from the disposal of substances identified by the department
10 as hazardous household substances.

11 (14) "Person" means any person, firm, association, county, public
12 or municipal or private corporation, agency, or other entity
13 whatsoever.

14 (15) "Pesticide" shall have the meaning of the term as defined in
15 RCW 15.58.030 as now or hereafter amended.

16 (16) "Preempted facility" means any facility that includes as a
17 significant part of its activities any of the following operations:
18 (a) Landfill, (b) incineration, (c) land treatment, (d) surface
19 impoundment to be closed as a landfill, or (e) waste pile to be closed
20 as a landfill.

21 (17) "Service charge" means an assessment imposed under RCW
22 70.105.280 against those facilities that store, treat, incinerate, or
23 dispose of dangerous or extremely hazardous waste that contains both a
24 nonradioactive hazardous component and a radioactive component.
25 Service charges shall also apply to facilities undergoing closure under
26 this chapter in those instances where closure entails the physical
27 characterization of remaining wastes which contain both a
28 nonradioactive hazardous component and a radioactive component or the
29 management of such wastes through treatment or removal, except any
30 commercial low-level radioactive waste facility.

31 ~~((18) "Solid waste advisory committee" means the same advisory
32 committee as per RCW 70.95.040 through 70.95.070.))~~

33 **Sec. 123.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
34 read as follows:

35 The department shall conduct a study to determine the best
36 management practices for categories of waste for the priority waste
37 management methods established in RCW 70.105.150, with due

1 consideration in the course of the study to sound environmental
2 management and available technology. As an element of the study, the
3 department shall review methods that will help achieve the priority of
4 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed
5 rules, the department shall conduct public hearings regarding the best
6 management practices for the various waste categories studied by the
7 department. After conducting the study, the department shall prepare
8 new rules or modify existing rules as appropriate to promote
9 implementation of the priorities established in RCW 70.105.150 for
10 management practices which assure use of sound environmental management
11 techniques and available technology. The preliminary study shall be
12 completed by July 1, 1986, and the rules shall be adopted by July 1,
13 1987. (~~The solid waste advisory committee shall review the studies
14 and the new or modified rules.~~)

15 The studies shall be updated at least once every five years. The
16 funding for these studies shall be from the hazardous waste control and
17 elimination account, subject to legislative appropriation.

18 **Special License Plate Review Board**

19 NEW SECTION. **Sec. 124.** RCW 46.16.705 (Special license plate
20 review board--Created) and 2005 c 319 s 117 & 2003 c 196 s 101 are each
21 repealed.

22 **Sec. 125.** RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401
23 are each reenacted and amended to read as follows:

24 (1) Except for those license plates issued under RCW 46.16.305(1)
25 before January 1, 1987, under RCW 46.16.305(3), and to commercial
26 vehicles with a gross weight in excess of twenty-six thousand pounds,
27 effective with vehicle registrations due or to become due on January 1,
28 2001, the appearance of the background of all vehicle license plates
29 may vary in color and design but must be legible and clearly
30 identifiable as a Washington state license plate, as designated by the
31 department. Additionally, to ensure maximum legibility and
32 reflectivity, the department shall periodically provide for the
33 replacement of license plates, except for commercial vehicles with a
34 gross weight in excess of twenty-six thousand pounds. Frequency of

1 replacement shall be established in accordance with empirical studies
2 documenting the longevity of the reflective materials used to make
3 license plates.

4 (2) Special license plate series approved by the special license
5 plate review board created under RCW 46.16.705 and enacted by the
6 legislature prior to June 30, 2010, may display a symbol or artwork
7 approved by the special license plate review board. Beginning July 1,
8 2010, special license plate series approved by the department and
9 enacted into law by the legislature may display a symbol or artwork
10 approved by the department.

11 (3) By November 1, 2003, in providing for the periodic replacement
12 of license plates, the department shall offer to vehicle owners the
13 option of retaining their current license plate numbers. The
14 department shall charge a retention fee of twenty dollars if this
15 option is exercised. Revenue generated from the retention fee must be
16 deposited into the multimodal transportation account.

17 **Sec. 126.** RCW 46.16.316 and 2005 c 210 s 2 are each amended to
18 read as follows:

19 Except as provided in RCW 46.16.305:

20 (1) When a person who has been issued a special license plate or
21 plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or
22 46.16.301 as it existed before amendment by section 5, chapter 291,
23 Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by
24 the former special license plate review board (~~(under RCW 46.16.715~~
25 ~~through 46.16.775)); or (c) under RCW 46.16.601 sells, trades, or~~
26 otherwise transfers or releases ownership of the vehicle upon which the
27 special license plate or plates have been displayed, he or she shall
28 immediately report the transfer of such plate or plates to an acquired
29 vehicle or vehicle eligible for such plates pursuant to departmental
30 rule, or he or she shall surrender such plates to the department
31 immediately if such surrender is required by departmental rule. If a
32 person applies for a transfer of the plate or plates to another
33 eligible vehicle, a transfer fee of ten dollars shall be charged in
34 addition to all other applicable fees. Such transfer fees shall be
35 deposited in the motor vehicle fund. Failure to surrender the plates
36 when required is a traffic infraction.

1 (2) If the special license plate or plates issued by the department
2 become lost, defaced, damaged, or destroyed, application for a
3 replacement special license plate or plates shall be made and fees paid
4 as provided by law for the replacement of regular license plates.

5 **Sec. 127.** RCW 46.16.715 and 2005 c 319 s 118 are each amended to
6 read as follows:

7 ~~((1) The board shall meet periodically at the call of the chair,
8 but must meet at least one time each year within ninety days before an
9 upcoming regular session of the legislature. The board may adopt its
10 own rules and may establish its own procedures. It shall act
11 collectively in harmony with recorded resolutions or motions adopted by
12 a majority vote of the members, and it must have a quorum present to
13 take a vote on a special license plate application.~~

14 ~~(2) The board will be compensated from the general appropriation
15 for the department of licensing in accordance with RCW 43.03.250. Each
16 board member will be compensated in accordance with RCW 43.03.250 and
17 reimbursed for actual necessary traveling and other expenses in going
18 to, attending, and returning from meetings of the board or that are
19 incurred in the discharge of duties requested by the chair. However,
20 in no event may a board member be compensated in any year for more than
21 one hundred twenty days, except the chair may be compensated for not
22 more than one hundred fifty days. Service on the board does not
23 qualify as a service credit for the purposes of a public retirement
24 system.~~

25 ~~(3) The board shall keep proper records and is subject to audit by
26 the state auditor or other auditing entities.~~

27 ~~(4)) The department of licensing shall ((provide administrative
28 support to the board, which must include at least the following)):~~

29 ~~((a) Provide general staffing to meet the administrative needs of
30 the board;~~

31 ~~(b) Report to the board on the reimbursement status of any new
32 special license plate series for which the state had to pay the start-
33 up costs;~~

34 ~~(e)) (1) Process special license plate applications and confirm
35 that the sponsoring organization has submitted all required
36 documentation. If an incomplete application is received, the
37 department must return it to the sponsoring organization; and~~

1 ~~((d))~~ (2) Compile the annual financial reports submitted by
2 sponsoring organizations with active special license plate series ~~((and~~
3 ~~present those reports to the board for review and approval))~~.

4 **Sec. 128.** RCW 46.16.725 and 2009 c 470 s 710 are each amended to
5 read as follows:

6 ~~(1) ((The creation of the board does not in any way preclude the~~
7 ~~authority of the legislature to independently propose and enact special~~
8 ~~license plate legislation.~~

9 ~~(2))~~ The ~~((board))~~ department must review and either approve or
10 reject special license plate applications submitted by sponsoring
11 organizations.

12 ~~((3))~~ (2) Duties of the ~~((board))~~ department include but are not
13 limited to the following:

14 (a) Review and approve the annual financial reports submitted by
15 sponsoring organizations with active special license plate series and
16 present those annual financial reports to the senate and house
17 transportation committees;

18 (b) Report annually to the senate and house transportation
19 committees on the special license plate applications that were
20 considered by the ~~((board))~~ department;

21 (c) Issue approval and rejection notification letters to sponsoring
22 organizations, ~~((the department,))~~ the chairs of the senate and house
23 of representatives transportation committees, and the legislative
24 sponsors identified in each application. The letters must be issued
25 within seven days of making a determination on the status of an
26 application;

27 (d) Review annually the number of plates sold for each special
28 license plate series created after January 1, 2003. The ~~((board))~~
29 department may submit a recommendation to discontinue a special plate
30 series to the chairs of the senate and house of representatives
31 transportation committees(~~(+~~

32 ~~(e) Provide policy guidance and directions to the department~~
33 ~~concerning the adoption of rules necessary to limit the number of~~
34 ~~special license plates that an organization or a governmental entity~~
35 ~~may apply for))~~.

36 ~~((4))~~ (3) Except as provided in chapter 72, Laws of 2008, in
37 order to assess the effects and impact of the proliferation of special

1 license plates, the legislature declares a temporary moratorium on the
2 issuance of any additional plates until July 1, 2011. During this
3 period of time, (~~the special license plate review board created in RCW~~
4 ~~46.16.705 and~~) the department of licensing (~~are~~) is prohibited from
5 accepting, reviewing, processing, or approving any applications.
6 Additionally, no special license plate may be enacted by the
7 legislature during the moratorium, unless the proposed license plate
8 has been approved by the board before February 15, 2005.

9 **Sec. 129.** RCW 46.16.745 and 2005 c 210 s 8 are each amended to
10 read as follows:

11 (1) A sponsoring organization meeting the requirements of RCW
12 46.16.735, applying for the creation of a special license plate (~~to~~
13 ~~the special license plate review board~~) must, on an application
14 supplied by the department, provide the minimum application
15 requirements in subsection (2) of this section.

16 (2) The sponsoring organization shall:

17 (a) Submit prepayment of all start-up costs associated with the
18 creation and implementation of the special license plate in an amount
19 determined by the department. The department shall place this money
20 into the special license plate applicant trust account created under
21 RCW 46.16.755(~~(+4)~~) (3);

22 (b) Provide a proposed license plate design;

23 (c) Provide a marketing strategy outlining short and long-term
24 marketing plans for each special license plate and a financial analysis
25 outlining the anticipated revenue and the planned expenditures of the
26 revenues derived from the sale of the special license plate;

27 (d) Provide a signature of a legislative sponsor and proposed
28 legislation creating the special license plate;

29 (e) Provide proof of organizational qualifications as determined by
30 the department as provided for in RCW 46.16.735;

31 (f) Provide signature sheets that include signatures from
32 individuals who intend to purchase the special license plate and the
33 number of plates each individual intends to purchase. The sheets must
34 reflect a minimum of three thousand five hundred intended purchases of
35 the special license plate.

36 (3) After an application is approved by the (~~special license plate~~

1 ~~review board~~) department, the application need not be reviewed again
2 (~~by the board~~) for a period of three years.

3 **Sec. 130.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to
4 read as follows:

5 (1)(a) Revenues generated from the sale of special license plates
6 for those sponsoring organizations who used the application process in
7 RCW 46.16.745(~~(+3)~~) must be deposited into the motor vehicle account
8 until the department determines that the state's implementation costs
9 have been fully reimbursed. The department shall apply the application
10 fee required under RCW 46.16.745(~~(+3)(a)~~) towards those costs.

11 (b) When it is determined that the state has been fully reimbursed
12 the department must notify the house of representatives and senate
13 transportation committees, the sponsoring organization, and the
14 treasurer, and commence the distribution of the revenue as otherwise
15 provided by law.

16 (2) If reimbursement does not occur within two years from the date
17 the plate is first offered for sale to the public, the special license
18 plate series must be placed in probationary status for a period of one
19 year from that date. If the state is still not fully reimbursed for
20 its implementation costs after the one-year probation, the plate series
21 must be discontinued immediately. Special plates issued before
22 discontinuation are valid until replaced under RCW 46.16.233.

23 (3) The special license plate applicant trust account is created in
24 the custody of the state treasurer. All receipts from special license
25 plate applicants, except the application fee as provided in RCW
26 46.16.745(~~(+3)~~), must be deposited into the account. Only the
27 director of the department or the director's designee may authorize
28 disbursements from the account. The account is not subject to the
29 allotment procedures under chapter 43.88 RCW, nor is an appropriation
30 required for disbursements.

31 (4) The department shall provide the special license plate
32 applicant with a written receipt for the payment.

33 (5) The department shall maintain a record of each special license
34 plate applicant trust account deposit, including, but not limited to,
35 the name and address of each special license plate applicant whose
36 funds are being deposited, the amount paid, and the date of the
37 deposit.

1 (6) After the department receives written notice that the special
2 license plate applicant's application has been:

3 (a) Approved by the legislature, the director shall request that
4 the money be transferred to the motor vehicle account;

5 (b) Denied by the (~~special license plate review board~~) department
6 or the legislature, the director shall provide a refund to the
7 applicant within thirty days; or

8 (c) Withdrawn by the special license plate applicant, the director
9 shall provide a refund to the applicant within thirty days.

10 **Sec. 131.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to
11 read as follows:

12 (1) A special license plate series created by the legislature after
13 January 1, (~~2004~~) 2011, that has not been reviewed and approved by
14 the (~~special license plate review board~~) department is subject to the
15 following requirements:

16 (a) The organization sponsoring the license plate series shall,
17 within thirty days of enactment of the legislation creating the plate
18 series, submit prepayment of all start-up costs associated with the
19 creation and implementation of the special license plate in an amount
20 determined by the department. The prepayment will be credited to the
21 motor vehicle fund. The creation and implementation of the plate
22 series may not commence until payment is received by the department.

23 (b) If the sponsoring organization is not able to meet the
24 prepayment requirements in (a) of this subsection and can demonstrate
25 this fact to the satisfaction of the department, the revenues generated
26 from the sale of the special license plates must be deposited in the
27 motor vehicle account until the department determines that the state's
28 portion of the implementation costs have been fully reimbursed. When
29 it is determined that the state has been fully reimbursed the
30 department must notify the treasurer to commence distribution of the
31 revenue according to statutory provisions.

32 (c) The sponsoring organization must provide a proposed license
33 plate design to the department within thirty days of enactment of the
34 legislation creating the plate series.

35 (2) The state must be reimbursed for its portion of the
36 implementation costs within two years from the date the new plate
37 series goes on sale to the public. If the reimbursement does not occur

1 within the two-year time frame, the special license plate series must
2 be placed in probationary status for a period of one year from that
3 date. If the state is still not fully reimbursed for its
4 implementation costs after the one-year probation, the plate series
5 must be discontinued immediately. Those plates issued before
6 discontinuation are valid until replaced under RCW 46.16.233.

7 (3) If the sponsoring organization ceases to exist or the purpose
8 of the special plate series ceases to exist, revenues generated from
9 the sale of the special license plates must be deposited into the motor
10 vehicle account.

11 (4) A sponsoring organization may not seek to redesign their plate
12 series until all of the existing inventory is sold or purchased by the
13 organization itself. All cost for redesign of a plate series must be
14 paid by the sponsoring organization.

15 **Sec. 132.** RCW 46.16.30901 and 2004 c 35 s 1 are each amended to
16 read as follows:

17 The department shall issue a special license plate displaying a
18 symbol, approved by the special license plate review board before June
19 30, 2010, for professional firefighters and paramedics who are members
20 of the Washington State Council of Firefighters. Upon initial
21 application and subsequent renewals, applicants must show proof of
22 eligibility by providing a certificate of current membership from the
23 Washington State Council of Firefighters. The special license plate
24 may be used in lieu of regular or personalized license plates for
25 vehicles required to display one or two vehicle license plates,
26 excluding vehicles registered under chapter 46.87 RCW, upon the terms
27 and conditions established by the department.

28 **Sec. 133.** RCW 46.16.30903 and 2004 c 48 s 1 are each amended to
29 read as follows:

30 ~~((1) The legislature recognizes the Helping Kids Speak license~~
31 ~~plate has been reviewed by the special license plate review board under~~
32 ~~RCW 46.16.725, and found to fully comply with all provisions of RCW~~
33 ~~46.16.715 through 46.16.775.~~

34 (2)) The department shall issue a special license plate displaying
35 a symbol, as approved by the special license plate review board before
36 June 30, 2010, recognizing an organization that supports programs that

1 provide no-cost speech pathology programs to children. The special
2 license plate may be used in lieu of regular or personalized license
3 plates for vehicles required to display one or two vehicle license
4 plates, excluding vehicles registered under chapter 46.87 RCW, upon
5 terms and conditions established by the department. The special plates
6 will commemorate an organization that supports programs that provide
7 free diagnostic and therapeutic services to children who have a severe
8 delay in language or speech development.

9 **Sec. 134.** RCW 46.16.30905 and 2004 c 221 s 1 are each amended to
10 read as follows:

11 ~~((1) The legislature recognizes that the law enforcement memorial
12 license plate has been reviewed by the special license plate review
13 board as specified in chapter 196, Laws of 2003, and was found to fully
14 comply with all provisions of chapter 196, Laws of 2003.~~

15 ~~(2))~~ The department shall issue a special license plate displaying
16 a symbol, as approved by the special license plate review board before
17 June 30, 2010, honoring law enforcement officers in Washington killed
18 in the line of duty. The special license plate may be used in lieu of
19 regular or personalized license plates for vehicles required to display
20 one or two vehicle license plates, excluding vehicles registered under
21 chapter 46.87 RCW, upon the terms and conditions established by the
22 department.

23 **Sec. 135.** RCW 46.16.30907 and 2005 c 42 s 1 are each amended to
24 read as follows:

25 ~~((1) The legislature recognizes that the Washington's Wildlife
26 license plate collection, to include three distinct designs including
27 bear, deer, and elk, has been reviewed by the special license plate
28 review board under RCW 46.16.725 and was found to fully comply with all
29 provisions of RCW 46.16.715 through 46.16.775.~~

30 ~~(2))~~ The department shall issue a special license plate collection
31 displaying a symbol or artwork, as approved by the special license
32 plate review board and the legislature before June 30, 2010,
33 recognizing Washington's wildlife, that may be used in lieu of regular
34 or personalized license plates for vehicles required to display one or
35 two vehicle license plates, excluding vehicles registered under chapter
36 46.87 RCW, upon terms and conditions established by the department.

1 **Sec. 136.** RCW 46.16.30909 and 2005 c 44 s 1 are each amended to
2 read as follows:

3 ~~((1) The legislature recognizes that the Washington state parks
4 and recreation commission license plate application has been reviewed
5 by the special license plate review board under RCW 46.16.725 and was
6 found to fully comply with all provisions of RCW 46.16.715 through
7 46.16.775.~~

8 (2)) The department shall issue a special license plate displaying
9 a symbol or artwork, as approved by the special license plate review
10 board and the legislature before June 30, 2010, recognizing Washington
11 state parks as premier destinations of uncommon quality that preserve
12 significant natural, cultural, historical, and recreational resources,
13 that may be used in lieu of regular or personalized license plates for
14 vehicles required to display one and two vehicle license plates,
15 excluding vehicles registered under chapter 46.87 RCW, upon terms and
16 conditions established by the department.

17 **Sec. 137.** RCW 46.16.30911 and 2005 c 48 s 1 are each amended to
18 read as follows:

19 ~~((1) The legislature recognizes that the "Washington Lighthouses"
20 license plate has been reviewed by the special license plate review
21 board under RCW 46.16.725, and found to fully comply with RCW 46.16.715
22 through 46.16.775.~~

23 (2)) The department shall issue a special license plate displaying
24 a symbol or artwork, as approved by the special license plate review
25 board and the legislature before June 30, 2010, recognizing an
26 organization that supports selected Washington state lighthouses and
27 provides environmental education programs. The special license plate
28 may be used in lieu of regular or personalized license plates for
29 vehicles required to display one or two vehicle license plates,
30 excluding vehicles registered under chapter 46.87 RCW, upon terms and
31 conditions established by the department.

32 **Sec. 138.** RCW 46.16.30913 and 2005 c 53 s 1 are each amended to
33 read as follows:

34 ~~((1) The legislature recognizes that the "Keep Kids Safe" license
35 plate has been reviewed and approved by the special license plate~~

1 review board under RCW 46.16.725, and found to fully comply with all
2 provisions of RCW 46.16.715 through 46.16.775.

3 (2)) The department shall issue a special license plate displaying
4 artwork, as approved by the special license plate review board before
5 June 30, 2010, recognizing efforts to prevent child abuse and neglect.
6 The special license plate may be used in lieu of regular or
7 personalized license plates for vehicles required to display one or two
8 vehicle license plates, excluding vehicles registered under chapter
9 46.87 RCW, upon terms and conditions established by the department.

10 **Sec. 139.** RCW 46.16.30914 and 2005 c 71 s 1 are each amended to
11 read as follows:

12 ~~((1) The legislature recognizes that the "we love our pets"~~
13 ~~license plate has been reviewed by the special license plate review~~
14 ~~board under RCW 46.16.725, and found to fully comply with all~~
15 ~~provisions of RCW 46.16.715 through 46.16.775.~~

16 (2)) The department shall issue a special license plate displaying
17 a symbol or artwork, as approved by the special license plate review
18 board before June 30, 2010, recognizing an organization that assists
19 local member agencies of the federation of animal welfare and control
20 agencies to promote and perform spay/neuter surgery on Washington state
21 pets, in order to reduce pet overpopulation. The special license plate
22 may be used in lieu of regular or personalized license plates for
23 vehicles required to display one or two vehicle license plates,
24 excluding vehicles registered under chapter 46.87 RCW, upon terms and
25 conditions established by the department.

26 **Sec. 140.** RCW 46.16.30916 and 2005 c 85 s 1 are each amended to
27 read as follows:

28 ~~((1) The legislature recognizes that the Gonzaga University alumni~~
29 ~~association license plate has been reviewed by the special license~~
30 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
31 ~~all provisions of RCW 46.16.715 through 46.16.775.~~

32 (2)) The department shall issue a special license plate displaying
33 a symbol or artwork, as approved by the special license plate review
34 board before June 30, 2010, recognizing the Gonzaga University alumni
35 association. The special license plate may be used in lieu of regular

1 or personalized license plates for vehicles required to display one or
2 two vehicle license plates, excluding vehicles registered under chapter
3 46.87 RCW, upon terms and conditions established by the department.

4 **Sec. 141.** RCW 46.16.30918 and 2005 c 177 s 1 are each amended to
5 read as follows:

6 ~~((1) The legislature recognizes that the "Washington's National
7 Park Fund" license plate has been reviewed by the special license plate
8 review board under RCW 46.16.725, and found to fully comply with RCW
9 46.16.715 through 46.16.775.~~

10 (+2)) The department shall issue a special license plate displaying
11 a symbol or artwork, as approved by the special license plate review
12 board and the legislature before June 30, 2010, recognizing
13 Washington's National Park Fund, that may be used in lieu of regular or
14 personalized license plates for vehicles required to display one or two
15 vehicle license plates, excluding vehicles registered under chapter
16 46.87 RCW, upon terms and conditions established by the department.

17 **Sec. 142.** RCW 46.16.30920 and 2008 c 183 s 1 are each amended to
18 read as follows:

19 ~~((1) The legislature recognizes that the armed forces license
20 plate collection has been reviewed and approved by the special license
21 plate review board.~~

22 (+2)) The department shall issue a special license plate
23 collection, as approved by the special license plate review board and
24 the legislature before June 30, 2010, recognizing the contribution of
25 veterans, active duty military personnel, reservists, and members of
26 the national guard. The collection includes six separate designs, each
27 containing a symbol representing a different branch of the armed forces
28 to include army, navy, air force, marine corps, coast guard, and
29 national guard.

30 ~~((3))~~ (2) Armed forces special license plates may be used in lieu
31 of regular or personalized license plates for vehicles required to
32 display one and two vehicle license plates, excluding vehicles
33 registered under chapter 46.87 RCW, upon terms and conditions
34 established by the department.

35 ~~((4))~~ (3) Upon request, the department must make available to the
36 purchaser, at no additional cost, a decal indicating the purchaser's

1 military status. The department must work with the department of
2 veterans affairs to establish a list of the decals to be made
3 available. The list of available decals must include, but is not
4 limited to, "veteran," "disabled veteran," "reservist," "retiree," or
5 "active duty." The department may specify where the decal may be
6 placed on the license plate. Decals are required to be made available
7 only for standard six-inch by twelve-inch license plates.

8 ((+5)) (4) Armed forces license plates and decals are available
9 only to veterans as defined in RCW 41.04.007, active duty military
10 personnel, reservists, members of the national guard, and the families
11 of veterans and service members. Upon initial application, any
12 purchaser requesting an armed forces license plate and decal will be
13 required to show proof of eligibility by providing: A DD-214 or
14 discharge papers if a veteran; a military identification or retired
15 military identification card; or a declaration of fact attesting to the
16 purchaser's eligibility as required under this section. "Family" or
17 "families" means an individual's spouse, child, parent, sibling, aunt,
18 uncle, or cousin. A child includes stepchild, adopted child, foster
19 child, grandchild, and son or daughter-in-law. A parent includes
20 stepparent, grandparent, and in-laws. A sibling includes brother, half
21 brother, stepbrother, sister, half sister, stepsister, and brother or
22 sister-in-law.

23 ((+6)) (5) The department of veterans affairs must enter into an
24 agreement with the department to reimburse the department for the costs
25 associated with providing military status decals described in
26 subsection ((+4)) (3) of this section.

27 ((+7)) (6) Armed forces license plates are not available free of
28 charge to disabled veterans, former prisoners of war, or spouses of
29 deceased former prisoners of war under the privileges defined in RCW
30 73.04.110 and 73.04.115.

31 **Sec. 143.** RCW 46.16.30922 and 2005 c 220 s 1 are each amended to
32 read as follows:

33 ~~((1) The legislature recognizes that the "Ski & Ride Washington"~~
34 ~~license plate has been reviewed and approved by the special license~~
35 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
36 ~~RCW 46.16.715 through 46.16.775.~~

1 (2)) The department shall issue a special license plate displaying
2 a symbol or artwork, as approved by the special license plate review
3 board and the legislature before June 30, 2010, recognizing the
4 Washington snowsports industry, that may be used in lieu of regular or
5 personalized license plates for vehicles required to display vehicle
6 license plates, excluding vehicles registered under chapter 46.87 RCW,
7 upon terms and conditions established by the department.

8 **Sec. 144.** RCW 46.16.30924 and 2005 c 224 s 1 are each amended to
9 read as follows:

10 ~~((1) The legislature recognizes that the Wild On Washington~~
11 ~~license plate has been reviewed by the special license plate review~~
12 ~~board under RCW 46.16.725 and was found to fully comply with all~~
13 ~~provisions of RCW 46.16.715 through 46.16.775.~~

14 (2)) The department shall issue a special license plate displaying
15 a symbol or artwork, as approved by the special license plate review
16 board and the legislature before June 30, 2010, referred to as "Wild On
17 Washington license plates," that may be used in lieu of regular or
18 personalized license plates for vehicles required to display one or two
19 vehicle license plates, excluding vehicles registered under chapter
20 46.87 RCW, upon terms and conditions established by the department.

21 **Sec. 145.** RCW 46.16.30926 and 2005 c 225 s 1 are each amended to
22 read as follows:

23 ~~((1) The legislature recognizes that the Endangered Wildlife~~
24 ~~license plate has been reviewed by the special license plate review~~
25 ~~board under RCW 46.16.725 and was found to fully comply with all~~
26 ~~provisions of RCW 46.16.715 through 46.16.775.~~

27 (2)) The department shall issue a special license plate displaying
28 a symbol or artwork, as approved by the special license plate review
29 board and the legislature before June 30, 2010, referred to as
30 "Endangered Wildlife license plates," that may be used in lieu of
31 regular or personalized license plates for vehicles required to display
32 one or two vehicle license plates, excluding vehicles registered under
33 chapter 46.87 RCW, upon terms and conditions established by the
34 department.

1 **Sec. 146.** RCW 46.16.30928 and 2005 c 426 s 1 are each amended to
2 read as follows:

3 ~~((1) The legislature recognizes that the "Share the Road" license~~
4 ~~plate has been reviewed by the special license plate review board under~~
5 ~~RCW 46.16.725, and found to fully comply with RCW 46.16.715 through~~
6 ~~46.16.775.~~

7 (2)) The department shall issue a special license plate displaying
8 a symbol or artwork, as approved by the special license plate review
9 board and the legislature before June 30, 2010, recognizing an
10 organization that promotes bicycle safety and awareness education. The
11 special license plate may be used in lieu of regular or personalized
12 license plates for vehicles required to display one or two vehicle
13 license plates, excluding vehicles registered under chapter 46.87 RCW,
14 upon terms and conditions established by the department. The special
15 plates will commemorate the life of Cooper Jones.

16 **Strategic Health Planning Office**
17 **Technical Advisory Committee**

18 **Sec. 147.** RCW 43.370.020 and 2009 c 343 s 1 are each amended to
19 read as follows:

20 (1) The office shall serve as a coordinating body for public and
21 private efforts to improve quality in health care, promote cost-
22 effectiveness in health care, and plan health facility and health
23 service availability. In addition, the office shall facilitate access
24 to health care data collected by public and private organizations as
25 needed to conduct its planning responsibilities.

26 (2) The office shall:

27 (a) Conduct strategic health planning activities related to the
28 preparation of the strategy, as specified in this chapter;

29 (b) Develop a computerized system for accessing, analyzing, and
30 disseminating data relevant to strategic health planning
31 responsibilities. The office may contract with an organization to
32 create the computerized system capable of meeting the needs of the
33 office;

34 (c) Have access to the information submitted as part of the health
35 professional licensing application and renewal process, excluding

1 social security number and background check information, whether the
2 license is issued by the secretary of the department of health or a
3 board or commission. The office shall also have access to information
4 submitted to the department of health as part of the medical or health
5 facility licensing process. Access to and use of all data shall be in
6 accordance with state and federal confidentiality laws and ethical
7 guidelines, and the office shall maintain the same degree of
8 confidentiality as the department of health. For professional
9 licensing information provided to the office, the department of health
10 shall replace any social security number with an alternative identifier
11 capable of linking all licensing records of an individual; and

12 (d) Conduct research and analysis or arrange for research and
13 analysis projects to be conducted by public or private organizations to
14 further the purposes of the strategy.

15 ~~((3) The office shall establish a technical advisory committee to
16 assist in the development of the strategy. Members of the committee
17 shall include health economists, health planners, representatives of
18 government and nongovernment health care purchasers, representatives of
19 state agencies that use or regulate entities with an interest in health
20 planning, representatives of acute care facilities, representatives of
21 long-term care facilities, representatives of community-based long-term
22 care providers, representatives of health care providers, a
23 representative of one or more federally recognized Indian tribes, and
24 representatives of health care consumers. The committee shall include
25 members with experience in the provision of health services to rural
26 communities.))~~

27 **Sec. 148.** RCW 43.370.030 and 2007 c 259 s 52 are each amended to
28 read as follows:

29 (1) The office(~~(, in consultation with the technical advisory
30 committee established under RCW 43.370.020,))~~) shall develop a statewide
31 health resources strategy. The strategy shall establish statewide
32 health planning policies and goals related to the availability of
33 health care facilities and services, quality of care, and cost of care.
34 The strategy shall identify needs according to geographic regions
35 suitable for comprehensive health planning as designated by the office.

36 (2) The development of the strategy shall consider the following
37 general goals and principles:

1 (a) That excess capacity of health services and facilities place
2 considerable economic burden on the public who pay for the construction
3 and operation of these facilities as patients, health insurance
4 purchasers, carriers, and taxpayers; and

5 (b) That the development and ongoing maintenance of current and
6 accurate health care information and statistics related to cost and
7 quality of health care, as well as projections of need for health
8 facilities and services, are essential to effective strategic health
9 planning.

10 (3) The strategy, with public input by health service areas, shall
11 include:

12 (a) A health system assessment and objectives component that:

13 (i) Describes state and regional population demographics, health
14 status indicators, and trends in health status and health care needs;
15 and

16 (ii) Identifies key policy objectives for the state health system
17 related to access to care, health outcomes, quality, and cost-
18 effectiveness;

19 (b) A health care facilities and services plan that shall assess
20 the demand for health care facilities and services to inform state
21 health planning efforts and direct certificate of need determinations,
22 for those facilities and services subject to certificate of need as
23 provided in chapter 70.38 RCW. The plan shall include:

24 (i) An inventory of each geographic region's existing health care
25 facilities and services;

26 (ii) Projections of need for each category of health care facility
27 and service, including those subject to certificate of need;

28 (iii) Policies to guide the addition of new or expanded health care
29 facilities and services to promote the use of quality, evidence-based,
30 cost-effective health care delivery options, including any
31 recommendations for criteria, standards, and methods relevant to the
32 certificate of need review process; and

33 (iv) An assessment of the availability of health care providers,
34 public health resources, transportation infrastructure, and other
35 considerations necessary to support the needed health care facilities
36 and services in each region;

37 (c) A health care data resource plan that identifies data elements
38 necessary to properly conduct planning activities and to review

1 certificate of need applications, including data related to inpatient
2 and outpatient utilization and outcomes information, and financial and
3 utilization information related to charity care, quality, and cost.
4 The plan shall inventory existing data resources, both public and
5 private, that store and disclose information relevant to the health
6 planning process, including information necessary to conduct
7 certificate of need activities pursuant to chapter 70.38 RCW. The plan
8 shall identify any deficiencies in the inventory of existing data
9 resources and the data necessary to conduct comprehensive health
10 planning activities. The plan may recommend that the office be
11 authorized to access existing data sources and conduct appropriate
12 analyses of such data or that other agencies expand their data
13 collection activities as statutory authority permits. The plan may
14 identify any computing infrastructure deficiencies that impede the
15 proper storage, transmission, and analysis of health planning data.
16 The plan shall provide recommendations for increasing the availability
17 of data related to health planning to provide greater community
18 involvement in the health planning process and consistency in data used
19 for certificate of need applications and determinations;

20 (d) An assessment of emerging trends in health care delivery and
21 technology as they relate to access to health care facilities and
22 services, quality of care, and costs of care. The assessment shall
23 recommend any changes to the scope of health care facilities and
24 services covered by the certificate of need program that may be
25 warranted by these emerging trends. In addition, the assessment may
26 recommend any changes to criteria used by the department to review
27 certificate of need applications, as necessary;

28 (e) A rural health resource plan to assess the availability of
29 health resources in rural areas of the state, assess the unmet needs of
30 these communities, and evaluate how federal and state reimbursement
31 policies can be modified, if necessary, to more efficiently and
32 effectively meet the health care needs of rural communities. The plan
33 shall consider the unique health care needs of rural communities, the
34 adequacy of the rural health workforce, and transportation needs for
35 accessing appropriate care.

36 (4) The office shall submit the initial strategy to the governor
37 and the appropriate committees of the senate and house of
38 representatives by January 1, 2010. Every two years the office shall

1 submit an updated strategy. The health care facilities and services
2 plan as it pertains to a distinct geographic planning region may be
3 updated by individual categories on a rotating, biannual schedule.

4 (5) The office shall hold at least one public hearing and allow
5 opportunity to submit written comments prior to the issuance of the
6 initial strategy or an updated strategy. A public hearing shall be
7 held prior to issuing a draft of an updated health care facilities and
8 services plan, and another public hearing shall be held before final
9 adoption of an updated health care facilities and services plan. Any
10 hearing related to updating a health care facilities and services plan
11 for a specific planning region shall be held in that region with
12 sufficient notice to the public and an opportunity to comment.

13 **Veterans Innovation Program Board**

14 **Sec. 149.** RCW 43.60A.170 and 2006 c 343 s 5 are each amended to
15 read as follows:

16 (1) The competitive grant program is created to fund innovative
17 initiatives to provide crisis and emergency relief, education,
18 training, and employment assistance to veterans and their families in
19 their communities.

20 ~~((1) The veterans innovations program board is created to exercise
21 the powers granted under RCW 43.60A.160 through 43.60A.185 related to
22 the competitive grant program.~~

23 ~~(a) The board consists of seven citizens of the state, appointed by
24 the governor, with recognized experience in serving veterans and their
25 families in the community regarding transition and readjustment issues;
26 education, training, and employment needs; and other needs experienced
27 by veterans and their families stemming from service to their country.~~

28 ~~(b) The members of the board select the chair.~~

29 ~~(c) The department shall provide staff support to the board.~~

30 ~~(d) Members of the board receive no compensation but shall be
31 reimbursed for travel expenses as provided in RCW 43.03.050 and
32 43.03.060.)~~

33 (2) The ~~((board))~~ department shall:

34 (a) Establish a competitive process to solicit proposals for and

1 prioritize project applications for potential funding. The purpose of
2 the proposals shall be in three categories:

- 3 (i) Crisis and emergency relief;
- 4 (ii) Education, training, and employment assistance; and
- 5 (iii) Community outreach and resources; and

6 (b) Report on January 1, 2007, to the appropriate standing
7 committees of the legislature and to the joint committee on veterans
8 and military affairs on the implementation of chapter 343, Laws of
9 2006. The report must include, but is not limited to, information on
10 the number of applications for assistance, the grant amount awarded
11 each project, a description of each project, and performance measures
12 of the program.

13 **Sec. 150.** RCW 43.131.406 and 2006 c 343 s 11 are each amended to
14 read as follows:

15 The following acts or parts of acts, as now existing or hereafter
16 amended, are each repealed, effective June 30, 2017:

- 17 (1) 2006 c 343 § 1 (uncodified);
- 18 (2) RCW 43.60A.160 and 2006 c 343 § 3;
- 19 (3) RCW 43.60A.165 and 2006 c 343 § 4;
- 20 (4) RCW 43.60A.170 and section 149 of this act & 2006 c 343 § 5;
- 21 (5) RCW 43.60A.175 and 2006 c 343 § 6;
- 22 (6) RCW 43.60A.180 and 2006 c 343 § 7; and
- 23 (7) RCW 43.60A.185 and 2006 c 343 § 8.

24 **Sec. 151.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to
25 read as follows:

26 As used in this chapter the following words and phrases shall have
27 the following meanings unless the context clearly requires otherwise:

- 28 (1) "Department" means the department of veterans affairs.
- 29 (2) "Director" means the director of the department of veterans
30 affairs.
- 31 (3) "Committee" means the veterans affairs advisory committee.
- 32 (~~(4) "Board" means the veterans innovations program board.~~)

33 NEW SECTION. **Sec. 152.** RCW 43.60A.180 (Conflicts of interest) and
34 2006 c 343 s 7 are each repealed.

1 **Vehicle Equipment Safety Commission**

2 NEW SECTION. **Sec. 153.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;

5 (2) RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 &
6 1963 c 204 s 2;

7 (3) RCW 46.38.030 (Effective date of rules, etc. of vehicle safety
8 equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, &
9 1963 c 204 s 3;

10 (4) RCW 46.38.040 (Appointment of commissioner and alternate
11 commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;

12 (5) RCW 46.38.050 (Cooperation of state agencies with vehicle
13 equipment safety commission) and 1963 c 204 s 5;

14 (6) RCW 46.38.060 (State officers for the filing of documents and
15 receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;

16 (7) RCW 46.38.070 (Vehicle equipment safety commission to submit
17 budgets to director of financial management) and 1979 c 151 s 160 &
18 1963 c 204 s 7;

19 (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle
20 equipment safety commission) and 1963 c 204 s 8; and

21 (9) RCW 46.38.090 (Withdrawal from compact, "executive head"
22 defined) and 1963 c 204 s 9.

23 **Water Supply Advisory Committee**

24 NEW SECTION. **Sec. 154.** RCW 70.119A.160 (Water supply advisory
25 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

26 **Sec. 155.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each
27 amended to read as follows:

28 (1) It is the intent of the legislature that the department
29 establish water use efficiency requirements designed to ensure
30 efficient use of water while maintaining water system financial
31 viability, improving affordability of supplies, and enhancing system
32 reliability.

33 (2) The requirements of this section shall apply to all municipal

1 water suppliers and shall be tailored to be appropriate to system size,
2 forecasted system demand, and system supply characteristics.

3 (3) For the purposes of this section:

4 (a) Water use efficiency includes conservation planning
5 requirements, water distribution system leakage standards, and water
6 conservation performance reporting requirements; and

7 (b) "Municipal water supplier" and "municipal water supply
8 purposes" have the meanings provided by RCW 90.03.015.

9 (4) To accomplish the purposes of this section, the department
10 shall adopt rules necessary to implement this section by December 31,
11 2005. The department shall:

12 (a) Develop conservation planning requirements that ensure
13 municipal water suppliers are: (i) Implementing programs to integrate
14 conservation with water system operation and management; and (ii)
15 identifying how to appropriately fund and implement conservation
16 activities. Requirements shall apply to the conservation element of
17 water system plans and small water system management programs developed
18 pursuant to chapter 43.20 RCW. In establishing the conservation
19 planning requirements the department shall review the current
20 department conservation planning guidelines and include those elements
21 that are appropriate for rule. Conservation planning requirements
22 shall include but not be limited to:

23 (A) Selection of cost-effective measures to achieve a system's
24 water conservation objectives. Requirements shall allow the municipal
25 water supplier to select and schedule implementation of the best
26 methods for achieving its conservation objectives;

27 (B) Evaluation of the feasibility of adopting and implementing
28 water delivery rate structures that encourage water conservation;

29 (C) Evaluation of each system's water distribution system leakage
30 and, if necessary, identification of steps necessary for achieving
31 water distribution system leakage standards developed under (b) of this
32 subsection;

33 (D) Collection and reporting of water consumption and source
34 production and/or water purchase data. Data collection and reporting
35 requirements shall be sufficient to identify water use patterns among
36 utility customer classes, where applicable, and evaluate the
37 effectiveness of each system's conservation program. Requirements,

1 including reporting frequency, shall be appropriate to system size and
2 complexity. Reports shall be available to the public; and

3 (E) Establishment of minimum requirements for water demand forecast
4 methodologies such that demand forecasts prepared by municipal water
5 suppliers are sufficient for use in determining reasonably anticipated
6 future water needs;

7 (b) Develop water distribution system leakage standards to ensure
8 that municipal water suppliers are taking appropriate steps to reduce
9 water system leakage rates or are maintaining their water distribution
10 systems in a condition that results in leakage rates in compliance with
11 the standards. Limits shall be developed in terms of percentage of
12 total water produced and/or purchased and shall not be lower than ten
13 percent. The department may consider alternatives to the percentage of
14 total water supplied where alternatives provide a better evaluation of
15 the water system's leakage performance. The department shall institute
16 a graduated system of requirements based on levels of water system
17 leakage. A municipal water supplier shall select one or more control
18 methods appropriate for addressing leakage in its water system;

19 (c) Establish minimum requirements for water conservation
20 performance reporting to assure that municipal water suppliers are
21 regularly evaluating and reporting their water conservation
22 performance. The objective of setting conservation goals is to enhance
23 the efficient use of water by the water system customers. Performance
24 reporting shall include:

25 (i) Requirements that municipal water suppliers adopt and achieve
26 water conservation goals. The elected governing board or governing
27 body of the water system shall set water conservation goals for the
28 system. In setting water conservation goals the water supplier may
29 consider historic conservation performance and conservation investment,
30 customer base demographics, regional climate variations, forecasted
31 demand and system supply characteristics, system financial viability,
32 system reliability, and affordability of water rates. Conservation
33 goals shall be established by the municipal water supplier in an open
34 public forum;

35 (ii) Requirements that the municipal water supplier adopt schedules
36 for implementing conservation program elements and achieving
37 conservation goals to ensure that progress is being made toward adopted
38 conservation goals;

1 (iii) A reporting system for regular reviews of conservation
2 performance against adopted goals. Performance reports shall be
3 available to customers and the public. Requirements, including
4 reporting frequency, shall be appropriate to system size and
5 complexity;

6 (iv) Requirements that any system not meeting its water
7 conservation goals shall develop a plan for modifying its conservation
8 program to achieve its goals along with procedures for reporting
9 performance to the department;

10 (v) If a municipal water supplier determines that further
11 reductions in consumption are not reasonably achievable, it shall
12 identify how current consumption levels will be maintained;

13 (d) Adopt rules that, to the maximum extent practical, utilize
14 existing mechanisms and simplified procedures in order to minimize the
15 cost and complexity of implementation and to avoid placing unreasonable
16 financial burden on smaller municipal systems.

17 ~~(5) ((The department shall establish an advisory committee to
18 assist the department in developing rules for water use efficiency.
19 The advisory committee shall include representatives from public water
20 system customers, environmental interest groups, business interest
21 groups, a representative cross section of municipal water suppliers, a
22 water utility conservation professional, tribal governments, the
23 department of ecology, and any other members determined necessary by
24 the department. The department may use the water supply advisory
25 committee created pursuant to RCW 70.119A.160 augmented with additional
26 participants as necessary to comply with this subsection to assist the
27 department in developing rules.~~

28 ~~(6))~~ The department shall provide technical assistance upon
29 request to municipal water suppliers and local governments regarding
30 water conservation, which may include development of best management
31 practices for water conservation programs, conservation landscape
32 ordinances, conservation rate structures for public water systems, and
33 general public education programs on water conservation.

34 ~~((7))~~ (6) To ensure compliance with this section, the department
35 shall establish a compliance process that incorporates a graduated
36 approach employing the full range of compliance mechanisms available to
37 the department.

1 ((+8)) (7) Prior to completion of rule making required in
2 subsection (4) of this section, municipal water suppliers shall
3 continue to meet the existing conservation requirements of the
4 department and shall continue to implement their current water
5 conservation programs.

6 **Sec. 156.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
7 as follows:

8 (1) The joint legislative committee on water supply during drought
9 shall convene from time to time at the call of the chair when a drought
10 conditions order under RCW 43.83B.405 is in effect, or when the chair
11 determines, in consultation with the department of ecology, that it is
12 likely that such an order will be issued within the next year.

13 (2) The committee may request and review information relating to
14 water supply conditions in the state, and economic, environmental, and
15 other impacts relating to decreased water supply being experienced or
16 anticipated. The governor's executive water emergency committee, the
17 department of ecology, (~~the water supply advisory committee,~~) and
18 other state agencies with water management or related responsibilities
19 shall cooperate in responding to requests from the committee.

20 (3) During drought conditions in which an order issued under RCW
21 43.83B.405 is in effect, the department of ecology shall provide to the
22 committee no less than monthly a report describing drought response
23 activities of the department and other state and federal agencies
24 participating on the water supply availability committee. The report
25 shall include information regarding applications for, and approvals and
26 denials of emergency water withdrawals and temporary changes or
27 transfers of, water rights under RCW 43.83B.410.

28 (4) The committee from time to time shall make recommendations to
29 the senate and house of representatives on budgetary and legislative
30 actions that will improve the state's drought response programs and
31 planning.

32 **Western States School Bus Safety Commission**

33 NEW SECTION. **Sec. 157.** The following acts or parts of acts are
34 each repealed:

1 (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88
2 s 1; and
3 (2) RCW 46.39.020 (Designation of Washington state commissioners)
4 and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

5 **Women's History Consortium**

6 NEW SECTION. **Sec. 158.** The following acts or parts of acts are
7 each repealed:

- 8 (1) RCW 27.34.360 (Women's history consortium--Created--Washington
9 state historical society as managing agency) and 2005 c 391 s 2;
10 (2) RCW 27.34.365 (Women's history consortium--Board of advisors)
11 and 2005 c 391 s 3;
12 (3) RCW 27.34.370 (Women's history consortium--Responsibilities of
13 board of advisors) and 2005 c 391 s 4;
14 (4) RCW 27.34.375 (Women's history consortium--Responsibilities)
15 and 2005 c 391 s 5; and
16 (5) RCW 27.34.380 (Women's history consortium--Report to the
17 legislature) and 2005 c 391 s 6.

18 **Interagency Integrated Pest Management Coordinating Committee**

19 NEW SECTION. **Sec. 159.** RCW 17.15.040 (Interagency integrated
20 pest management coordinating committee--Creation--Composition--Duties--
21 Public notice--Progress reports) and 1997 c 357 s 5 are each repealed.

22 **Land Bank Technical Advisory Committee**

23 NEW SECTION. **Sec. 160.** RCW 79.19.070 (Land bank technical
24 advisory committee) and 1984 c 222 s 7 are each repealed.

25 **Forest Fire Advisory Board**

26 NEW SECTION. **Sec. 161.** RCW 76.04.145 (Forest fire advisory
27 board) and 1986 c 100 s 15 are each repealed.

1 **Sec. 162.** RCW 70.94.6534 and 2009 c 118 s 501 are each amended to
2 read as follows:

3 (1) The department of natural resources shall have the
4 responsibility for issuing and regulating burning permits required by
5 it relating to the following activities for the protection of life or
6 property and/or for the public health, safety, and welfare:

7 (a) Abating a forest fire hazard;

8 (b) Prevention of a fire hazard;

9 (c) Instruction of public officials in methods of forest fire
10 fighting;

11 (d) Any silvicultural operation to improve the forest lands of the
12 state; and

13 (e) Silvicultural burning used to improve or maintain fire
14 dependent ecosystems for rare plants or animals within state, federal,
15 and private natural area preserves, natural resource conservation
16 areas, parks, and other wildlife areas.

17 (2) The department of natural resources shall not retain such
18 authority, but it shall be the responsibility of the appropriate fire
19 protection agency for permitting and regulating outdoor burning on
20 lands where the department of natural resources does not have fire
21 protection responsibility.

22 (3) Permit fees shall be assessed for silvicultural burning under
23 the jurisdiction of the department of natural resources and collected
24 by the department of natural resources as provided for in this section.
25 All fees shall be deposited in the air pollution control account,
26 created in RCW 70.94.015. The legislature shall appropriate to the
27 department of natural resources funds from the air pollution control
28 account to enforce and administer the program under this section and
29 ~~RCW ((70.94.6534,))~~ 70.94.6536, 70.94.6538, and 70.94.6540. Fees shall
30 be set by rule by the department of natural resources at the level
31 necessary to cover the costs of the program after receiving
32 recommendations on such fees from the public (~~and the forest fire~~
33 ~~advisory board established by RCW 76.04.145)).~~

34 **Sec. 163.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
35 as follows:

36 There is created a landowner contingency forest fire suppression
37 account in the state treasury. Moneys in the account may be spent only

1 as provided in this section. Disbursements from the account shall be
2 on authorization of the commissioner of public lands or the
3 commissioner's designee. The account is subject to the allotment
4 procedure provided under chapter 43.88 RCW, but no appropriation is
5 required for disbursements.

6 The department may expend from this account the amounts as may be
7 available and as it considers appropriate for the payment of emergency
8 fire costs resulting from a participating landowner fire. The
9 department may, when moneys are available from the landowner
10 contingency forest fire suppression account, expend moneys for
11 summarily abating, isolating, or reducing an extreme fire hazard under
12 RCW 76.04.660. All moneys recovered as a result of the department's
13 actions, from the owner or person responsible, under RCW 76.04.660
14 shall be deposited in the landowner contingency forest fire suppression
15 account.

16 When a determination is made that the fire was started by other
17 than a landowner operation, moneys expended from this account in the
18 suppression of such fire shall be recovered from the general fund
19 appropriations as may be available for emergency fire suppression
20 costs. The department shall deposit in the landowner contingency
21 forest fire suppression account moneys paid out of the account which
22 are later recovered, less reasonable costs of recovery.

23 This account shall be established and renewed by an annual special
24 forest fire suppression account assessment paid by participating
25 landowners at a rate to be established by the department. In
26 establishing assessments, the department shall seek to establish and
27 thereafter reestablish a balance in the account of three million
28 dollars. The department may establish a flat fee assessment of no more
29 than seven dollars and fifty cents for participating landowners owning
30 parcels of fifty acres or less. For participating landowners owning
31 parcels larger than fifty acres, the department may charge the flat fee
32 assessment plus a per acre assessment for every acre over fifty acres.
33 The per acre assessment established by the department may not exceed
34 fifteen cents per acre per year. The assessments may differ to
35 equitably distribute the assessment based on emergency fire suppression
36 cost experience necessitated by landowner operations. Amounts assessed
37 for this account shall be a lien upon the forest lands with respect to
38 which the assessment is made and may be collected as directed by the

1 department in the same manner as forest protection assessments.
2 Payment of emergency costs from this account shall in no way restrict
3 the right of the department to recover costs pursuant to RCW 76.04.495
4 or other laws.

5 When the department determines that a forest fire was started in
6 the course of or as a result of a landowner operation, (~~it shall~~
7 ~~notify the forest fire advisory board of the determination.~~) the
8 determination shall be final, unless, within ninety days of the
9 notification, (~~the forest fire advisory board~~) or an interested party
10 serves a request for a hearing before the department. The hearing
11 shall constitute an adjudicative proceeding under chapter 34.05 RCW,
12 the administrative procedure act, and an appeal shall be in accordance
13 with RCW 34.05.510 through 34.05.598.

14 **Sec. 164.** RCW 76.04.660 and 2007 c 480 s 13 are each amended to
15 read as follows:

16 (1) The owner of land on which there is an additional fire hazard,
17 when the hazard is the result of a landowner operation or the land is
18 within an area covered by a forest health hazard warning issued under
19 RCW 76.06.180, shall take reasonable measures to reduce the danger of
20 fire spreading from the area and may abate the hazard by burning or
21 other satisfactory means.

22 (2) An extreme fire hazard shall exist within areas covered by a
23 forest health hazard order issued by the commissioner of public lands
24 under RCW 76.06.180 in which there is an additional fire hazard caused
25 by disturbance agents and the landowner has failed to take such action
26 as required by the forest health hazard order. The duties and
27 liability of such landowner under this chapter are as described in
28 subsections (5), (6), and (7) of this section.

29 (3) The department shall adopt rules defining areas of extreme fire
30 hazard that the owner and person responsible shall abate. The areas
31 shall include but are not limited to high risk areas such as where life
32 or buildings may be endangered, areas adjacent to public highways, and
33 areas of frequent public use.

34 (4) The department may adopt rules(~~, after consultation with the~~
35 ~~forest fire advisory board,~~) defining other conditions of extreme fire
36 hazard with a high potential for fire spreading to lands in other

1 ownerships. The department may prescribe additional measures that
2 shall be taken by the owner and person responsible to isolate or reduce
3 the extreme fire hazard.

4 (5) The owner or person responsible for the existence of the
5 extreme fire hazard is required to abate, isolate, or reduce the
6 hazard. The duty to abate, isolate, or reduce, and liability under
7 this chapter, arise upon creation of the extreme fire hazard.
8 Liability shall include but not be limited to all fire suppression
9 expenses incurred by the department, regardless of fire cause.

10 (6) If the owner or person responsible for the existence of the
11 extreme fire hazard or forest debris subject to RCW 76.04.650 refuses,
12 neglects, or unsuccessfully attempts to abate, isolate, or reduce the
13 same, the department may summarily abate, isolate, or reduce the hazard
14 as required by this chapter and recover twice the actual cost thereof
15 from the owner or person responsible. Landowner contingency forest
16 fire suppression account moneys may be used by the department, when
17 available, for this purpose. Moneys recovered by the department
18 pursuant to this section shall be returned to the landowner contingency
19 forest fire suppression account.

20 (7) Such costs shall include all salaries and expenses of people
21 and equipment incurred therein, including those of the department. All
22 such costs shall also be a lien upon the land enforceable in the same
23 manner with the same effect as a mechanic's lien.

24 (8) The summary action may be taken only after ten days' notice in
25 writing has been given to the owner or reputed owner of the land on
26 which the extreme fire hazard or forest debris subject to RCW 76.04.650
27 exists. The notice shall include a suggested method of abatement and
28 estimated cost thereof. The notice shall be by personal service or by
29 registered or certified mail addressed to the owner or reputed owner at
30 the owner's last known place of residence.

31 (9) A landowner or manager may make a written request to the
32 department to inspect their property and provide a written notice that
33 they have complied with a forest health hazard warning or forest health
34 hazard order, or otherwise adequately abated, isolated, or reduced an
35 additional or extreme fire hazard. An additional or extreme fire
36 hazard shall be considered to continue to exist unless and until the
37 department, in its sole discretion, issues such notice.

1 **State Board on Geographic Names**

2 NEW SECTION. **Sec. 165.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 43.126.015 (Purposes) and 1983 c 273 s 1;

5 (2) RCW 43.126.025 (State board on geographic names created--
6 Membership--Chair) and 2009 c 549 s 5174 & 1983 c 273 s 2;

7 (3) RCW 43.126.035 (Powers and duties) and 1983 c 273 s 3;

8 (4) RCW 43.126.045 (Policies--Criteria) and 1983 c 273 s 4;

9 (5) RCW 43.126.055 (Adoption of names--Procedure--Effect) and 1983
10 c 273 s 5;

11 (6) RCW 43.126.065 (Meetings--Rules--Publication of adopted names)
12 and 2009 c 549 s 5175 & 1983 c 273 s 6;

13 (7) RCW 43.126.075 (Compensation and travel expenses of members)
14 and 1984 c 287 s 88 & 1983 c 273 s 7; and

15 (8) RCW 43.126.085 (Naming geographic features without board
16 approval prohibited) and 1983 c 273 s 8.

17 **Lieutenant Governor Appointments and Assignments**

18 **Sec. 166.** RCW 43.15.020 and 2009 c 560 s 27 are each amended to
19 read as follows:

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

23 (1) The lieutenant governor serves on the following boards and
24 committees:

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

26 (b) Washington higher education facilities authority, RCW
27 28B.07.030;

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

30 (d) State finance committee, RCW 43.33.010;

31 (e) State capitol committee, RCW 43.34.010;

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

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

34 (h) Medal of valor committee, RCW 1.60.020; and

35 (i) Association of Washington generals, RCW 43.15.030.

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

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

18 NEW SECTION. Sec. 167. (1) All documents and papers, equipment,
19 or other tangible property in the possession of the terminated entity
20 shall be delivered to the custody of the entity assuming the
21 responsibilities of the terminated entity or if such responsibilities
22 have been eliminated, documents and papers shall be delivered to the
23 state archivist and equipment or other tangible property to the
24 department of general administration.

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

28 (3) All contractual rights and duties of an entity shall be
29 assigned or delegated to the entity assuming the responsibilities of
30 the terminated entity, or if there is none to such entity as the
31 governor shall direct.

32 (4) All rules and all pending business before any terminated entity
33 shall be continued and acted upon by the entity assuming the
34 responsibilities of the terminated entity.

35 NEW SECTION. Sec. 168. The following sections are recodified as
36 new sections in chapter 43.215 RCW:

1 RCW 43.121.170
2 RCW 43.121.175
3 RCW 43.121.180

4 NEW SECTION. **Sec. 169.** Sections 153 and 157 of this act take
5 effect June 30, 2011.

6 NEW SECTION. **Sec. 170.** Sections 1 through 152 and 158 through 167
7 of this act take effect June 30, 2010.

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