
SENATE BILL 6426

State of Washington 61st Legislature 2010 Regular Session

By Senators Prentice and Tom; by request of Governor Gregoire

Read first time 01/14/10. Referred to Committee on Ways & Means.

1 AN ACT Relating to eliminating boards and commissions; amending RCW
2 28C.18.050, 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370,
3 43.03.040, 70.94.6528, 43.63A.760, 18.250.010, 18.250.020, 18.250.060,
4 70.47.040, 39.10.210, 39.10.230, 39.10.250, 39.10.270, 39.10.280,
5 39.10.290, 39.10.320, 39.10.350, 39.10.430, 39.10.460, 43.131.408,
6 39.04.350, 18.205.020, 18.205.060, 43.121.100, 43.121.175, 43.121.180,
7 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 74.13.031, 74.13.031,
8 74.13.031, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331,
9 41.04.0332, 72.78.030, 43.101.380, 43.105.052, 82.58.020, 46.20.100,
10 46.82.280, 46.82.330, 46.82.420, 72.23.025, 70.168.030, 70.168.050,
11 70.168.060, 70.168.130, 18.76.050, 18.73.030, 18.73.101, 41.50.088,
12 41.50.770, 41.50.780, 41.34.020, 41.34.040, 41.34.070, 41.34.130,
13 41.34.140, 43.33A.135, 36.70C.030, 18.44.011, 18.44.195, 18.44.221,
14 18.44.251, 15.76.110, 15.76.150, 13.40.462, 43.70.555, 74.14A.060,
15 74.14C.050, 70.112.010, 70.112.020, 43.43.934, 43.43.962, 38.52.530,
16 49.26.120, 48.62.061, 48.62.161, 28B.76.280, 18.280.010, 18.280.030,
17 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120,
18 18.280.130, 43.330.090, 2.56.031, 13.40.510, 43.105.041, 43.105.805,
19 43.105.820, 18.225.010, 18.225.040, 16.57.353, 18.50.045, 18.50.060,
20 18.50.105, 77.12.670, 77.12.690, 77.08.045, 19.146.225, 46.20.520,
21 18.36A.020, 18.36A.080, 18.36A.110, 46.09.020, 90.56.005, 90.56.060,

1 43.30.820, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 18.200.010,
2 18.200.050, 18.200.070, 70.104.090, 15.92.070, 17.21.020, 80.24.060,
3 81.24.090, 43.20A.890, 18.140.010, 18.140.030, 18.140.160, 18.140.170,
4 77.95.100, 77.95.180, 77.95.190, 17.10.010, 17.10.040, 17.10.070,
5 17.10.074, 17.10.080, 17.10.090, 17.10.100, 17.10.130, 17.10.160,
6 17.10.201, 17.10.210, 17.10.235, 17.10.250, 17.10.260, 17.10.350,
7 17.15.020, 17.26.006, 17.26.015, 77.60.130, 79A.25.320, 79A.25.340,
8 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316, 46.16.715,
9 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901, 46.16.30903,
10 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911, 46.16.30913,
11 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920, 46.16.30922,
12 46.16.30924, 46.16.30926, 46.16.30928, 43.370.020, 43.370.030,
13 46.01.325, 46.01.140, 43.60A.170, 43.131.406, 43.60A.010, 70.119A.180,
14 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200,
15 28C.04.390, 28C.04.420, and 43.15.020; amending 2005 c 158 s 3
16 (uncodified); reenacting and amending RCW 74.15.030, 18.71.205,
17 43.21B.005, 43.105.020, and 46.16.233; adding new sections to chapter
18 43.215 RCW; creating a new section; recodifying RCW 43.121.170,
19 43.121.175, and 43.121.180; repealing RCW 28B.50.254, 18.250.030,
20 39.10.220, 39.10.240, 39.10.260, 43.34.080, 18.205.080, 43.121.010,
21 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.050, 43.121.060,
22 43.121.070, 43.121.080, 43.121.110, 43.121.120, 43.121.130, 43.121.140,
23 43.121.150, 43.121.160, 43.121.910, 43.63A.068, 70.96A.070, 43.101.310,
24 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340,
25 43.101.345, 43.105.055, 46.82.300, 70.168.020, 18.73.040, 18.73.050,
26 41.50.086, 43.21L.005, 43.21L.010, 43.21L.020, 43.21L.030, 43.21L.040,
27 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080, 43.21L.090, 43.21L.100,
28 43.21L.110, 43.21L.120, 43.21L.130, 43.21L.140, 43.21L.900, 43.21L.901,
29 18.44.500, 18.44.510, 15.76.170, 70.190.005, 70.190.010, 70.190.020,
30 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070,
31 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110,
32 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180,
33 70.190.190, 70.190.910, 70.190.920, 70.112.030, 70.112.040, 70.112.050,
34 43.43.932, 43.43.936, 79A.25.220, 70.105E.070, 70.105E.090, 48.62.051,
35 48.62.041, 28B.76.100, 18.280.040, 10.98.200, 10.98.210, 10.98.220,
36 10.98.230, 10.98.240, 43.105.800, 43.105.810, 18.225.060, 18.225.070,
37 16.57.015, 43.360.040, 18.50.140, 18.50.150, 77.12.680, 19.146.280,
38 18.36A.070, 46.09.280, 90.56.120, 90.56.130, 18.210.040, 18.210.070,

1 70.118.100, 18.200.060, 43.09.430, 43.09.435, 43.09.440, 43.09.445,
2 43.09.450, 43.09.455, 43.09.460, 17.15.040, 17.21.230, 17.21.240,
3 17.21.250, 17.21.260, 17.21.270, 70.104.070, 70.104.080, 81.88.140,
4 42.56.140, 18.140.230, 18.140.240, 18.140.250, 77.95.110, 77.95.120,
5 17.10.030, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 46.16.705,
6 46.01.320, 43.60A.180, 46.38.010, 46.38.020, 46.38.030, 46.38.040,
7 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 70.119A.160,
8 18.104.190, 46.39.010, 46.39.020, 27.34.360, 27.34.365, 27.34.370,
9 27.34.375, and 27.34.380; providing effective dates; and providing an
10 expiration date.

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

12 **Advisory Council on Adult Education**

13 NEW SECTION. **Sec. 1.** RCW 28B.50.254 (Advisory council on adult
14 education--Workforce training and education coordinating board to
15 monitor) and 1991 c 238 s 19 are each repealed.

16 **Sec. 2.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read
17 as follows:

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

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

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

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

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

8 **Sec. 3.** RCW 28C.18.090 and 1995 c 130 s 4 are each amended to read
9 as follows:

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

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

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

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

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

1 **Committee on Agency Officials' Salaries**

2 **Sec. 4.** RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to
3 read as follows:

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

14 **Sec. 5.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read
15 as follows:

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

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

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

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

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

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

20 **Sec. 6.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to read
21 as follows:

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

29 **Sec. 7.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read
30 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **Sec. 8.** RCW 43.03.040 and 2009 c 5 s 5 are each amended to read as
22 follows:

23 The directors of the several departments and members of the several
24 boards and commissions, whose salaries are fixed by the governor and
25 the chief executive officers of the agencies named in RCW
26 43.03.028(~~(+2)~~) (1) as now or hereafter amended shall each severally
27 receive such salaries, payable in monthly installments, as shall be
28 fixed by the governor or the appropriate salary fixing authority, in an
29 amount not to exceed the recommendations of the (~~committee on agency~~
30 ~~officials' salaries~~) department of personnel. For the twelve months
31 following February 18, 2009, a salary or wage increase shall not be
32 granted to any position under this section.

33 **Agricultural Burning Practices and Research Task Force**

1 **Sec. 9.** RCW 70.94.6528 and 2009 c 118 s 401 are each amended to
2 read as follows:

3 (1) Any person who proposes to set fires in the course of
4 agricultural activities shall obtain a permit from an air pollution
5 control authority, the department of ecology, or a local entity
6 delegated permitting authority under RCW 70.94.6530. General permit
7 criteria of statewide applicability shall be established by the
8 department, by rule, after consultation with the various air pollution
9 control authorities.

10 (a) Permits shall be issued under this section based on seasonal
11 operations or by individual operations, or both.

12 (b) Incidental agricultural burning consistent with provisions
13 established in RCW 70.94.6524 is allowed without applying for any
14 permit and without the payment of any fee.

15 (2) The department of ecology, local air authorities, or a local
16 entity with delegated permit authority shall:

17 (a) Condition all permits to insure that the public interest in
18 air, water, and land pollution and safety to life and property is fully
19 considered;

20 (b) Condition all burning permits to minimize air pollution insofar
21 as practical;

22 (c) Act upon, within seven days from the date an application is
23 filed under this section, an application for a permit to set fires in
24 the course of agricultural burning for controlling diseases, insects,
25 weed abatement, or development of physiological conditions conducive to
26 increased crop yield;

27 (d) Provide convenient methods for issuance and oversight of
28 agricultural burning permits; and

29 (e) Work, through agreement, with counties and cities to provide
30 convenient methods for granting permission for agricultural burning,
31 including telephone, facsimile transmission, issuance from local city
32 or county offices, or other methods.

33 (3) A local air authority administering the permit program under
34 subsection (2) of this section shall not limit the number of days of
35 allowable agricultural burning, but may consider the time of year,
36 meteorological conditions, and other criteria specified in rules
37 adopted by the department to implement subsection (2) of this section.

1 (4) In addition to following any other requirements established by
2 the department to protect air quality pursuant to other laws,
3 applicants for permits must show that the setting of fires as requested
4 is the most reasonable procedure to follow in safeguarding life or
5 property under all circumstances or is otherwise reasonably necessary
6 to successfully carry out the enterprise in which the applicant is
7 engaged, or both. Nothing in this section relieves the applicant from
8 obtaining permits, licenses, or other approvals required by any other
9 law.

10 (5) The department of ecology, the appropriate local air authority,
11 or a local entity with delegated permitting authority pursuant to RCW
12 70.94.6530 at the time the permit is issued shall assess and collect
13 permit fees for burning under this section. All fees collected shall
14 be deposited in the air pollution control account created in RCW
15 70.94.015, except for that portion of the fee necessary to cover local
16 costs of administering a permit issued under this section. Fees shall
17 be set by rule by the permitting agency at the level determined by the
18 ~~((task force created by subsection (6) of this section))~~ department,
19 but shall not exceed two dollars and fifty cents per acre to be burned.
20 After fees are established by rule, any increases in such fees shall be
21 limited to annual inflation adjustments as determined by the state
22 office of the economic and revenue forecast council.

23 ~~(6) ((An agricultural burning practices and research task force
24 shall be established under the direction of the department. The task
25 force shall be composed of a representative from the department who
26 shall serve as chair; one representative of eastern Washington local
27 air authorities; three representatives of the agricultural community
28 from different agricultural pursuits; one representative of the
29 department of agriculture; two representatives from universities or
30 colleges knowledgeable in agricultural issues; one representative of
31 the public health or medical community; and one representative of the
32 conservation districts. The task force))~~ In consultation with interest
33 groups including representatives from agriculture, horticulture, the
34 agricultural sciences university, public health agencies, local air
35 agencies and the general public, the department shall:

36 (a) Identify best management practices for reducing air contaminant
37 emissions from agricultural activities ~~((and provide such information
38 to the department and local air authorities))~~;

1 (b) Determine the level of fees to be assessed by the permitting
2 agency (~~pursuant to subsection (5) of this section,~~) based upon the
3 level necessary to cover the costs of administering and enforcing the
4 permit programs, to provide funds for research into alternative methods
5 to reduce emissions from such burning, and to the extent possible be
6 consistent with fees charged for such burning permits in neighboring
7 states. The fee level shall provide, to the extent possible, for
8 lesser fees for permittees who use best management practices to
9 minimize air contaminant emissions;

10 (c) Identify research needs related to minimizing emissions from
11 agricultural burning and alternatives to such burning; and

12 (~~Make recommendations to the department on~~) Establish
13 priorities for spending funds provided through this chapter for
14 research into alternative methods to reduce emissions from agricultural
15 burning.

16 (7) Conservation districts and the Washington State University
17 agricultural extension program in conjunction with the department shall
18 develop public education material for the agricultural community
19 identifying the health and environmental effects of agricultural
20 outdoor burning and providing technical assistance in alternatives to
21 agricultural outdoor burning.

22 (8)(a) Outdoor burning that is normal, necessary, and customary to
23 ongoing agricultural activities, that is consistent with agricultural
24 burning authorized under this section and RCW 70.94.6532, is allowed
25 within the urban growth area as described in RCW 70.94.6514 if the
26 burning is not conducted during air quality episodes, or where a
27 determination of impaired air quality has been made as provided in RCW
28 70.94.473, and the agricultural activities preceded the designation as
29 an urban growth area.

30 (b) Outdoor burning of cultivated orchard trees, whether or not
31 agricultural crops will be replanted on the land, shall be allowed as
32 an ongoing agricultural activity under this section if a local
33 horticultural pest and disease board formed under chapter 15.09 RCW, an
34 extension office agent with Washington State University that has
35 horticultural experience, or an entomologist employed by the department
36 of agriculture, has determined in writing that burning is an
37 appropriate method to prevent or control the spread of horticultural
38 pests or diseases.

Airport Impact Mitigation Advisory Board

Sec. 10. RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each amended to read as follows:

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

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

(3) (~~The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools,~~

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

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

8 ((+5)) (4) The department of ((community, trade, and economic
9 development)) commerce shall report on its activities related to the
10 account created in this section by January 1, 2004, and each January
11 1st thereafter.

12 **Athletic Training Advisory Committee**

13 NEW SECTION. **Sec. 11.** RCW 18.250.030 (Athletic training advisory
14 committee) and 2007 c 253 s 4 are each repealed.

15 **Sec. 12.** RCW 18.250.010 and 2007 c 253 s 2 are each amended to
16 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (iii) The practice of occupational therapy as defined in chapter
35 18.59 RCW;

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

37 (v) Any medical diagnosis; and

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

1 (5) (~~"Committee" means the athletic training advisory committee.~~
2 ~~(6)~~) "Department" means the department of health.

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

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

10 **Sec. 13.** RCW 18.250.020 and 2007 c 253 s 3 are each amended to
11 read as follows:

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

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

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

18 (c) Establish forms and procedures necessary to administer this
19 chapter;

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

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

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

32 (g) (~~In consultation with the committee,~~) Approve examinations
33 prepared or administered by private testing agencies or organizations
34 for use by an applicant in meeting the licensing requirements under RCW
35 18.250.060;

36 (h) Determine which states have credentialing requirements

1 substantially equivalent to those of this state, and issue licenses to
2 individuals credentialed in those states that have successfully
3 fulfilled the requirements of RCW 18.250.080;

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

6 (j) Maintain the official department record of all applicants and
7 licensees; and

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

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

12 **Sec. 14.** RCW 18.250.060 and 2007 c 253 s 7 are each amended to
13 read as follows:

14 An applicant for an athletic trainer license must:

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

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

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

23 **Basic Health Advisory Committee**

24 **Sec. 15.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to
25 read as follows:

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

33 (2) The administrator shall employ such other staff as are
34 necessary to fulfill the responsibilities and duties of the

1 administrator, such staff to be subject to the civil service law,
2 chapter 41.06 RCW. In addition, the administrator may contract with
3 third parties for services necessary to carry out its activities where
4 this will promote economy, avoid duplication of effort, and make best
5 use of available expertise. Any such contractor or consultant shall be
6 prohibited from releasing, publishing, or otherwise using any
7 information made available to it under its contractual responsibility
8 without specific permission of the plan. The administrator may call
9 upon other agencies of the state to provide available information as
10 necessary to assist the administrator in meeting its responsibilities
11 under this chapter, which information shall be supplied as promptly as
12 circumstances permit.

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

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

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

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

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

- 1 (1) RCW 39.10.220 (Board--Membership--Vacancies) and 2007 c 494 s
2 102 & 2005 c 377 s 1;
3 (2) RCW 39.10.240 (Project review committee--Creation--Members) and
4 2007 c 494 s 104; and
5 (3) RCW 39.10.260 (Project review committee--Meetings--Open and
6 public) and 2007 c 494 s 106.

7 **Sec. 17.** RCW 39.10.210 and 2007 c 494 s 101 are each amended to
8 read as follows:

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

11 (1) "Alternative public works contracting procedure" means the
12 design-build, general contractor/construction manager, and job order
13 contracting procedures authorized in RCW 39.10.300, 39.10.340, and
14 39.10.420, respectively.

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

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

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

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

22 ~~((5))~~ (4) "Total contract cost" means the fixed amount for the
23 detailed specified general conditions work, the negotiated maximum
24 allowable construction cost, and the percent fee on the negotiated
25 maximum allowable construction cost.

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

31 ~~((7))~~ (6) "Job order contract" means a contract in which the
32 contractor agrees to a fixed period, indefinite quantity delivery order
33 contract which provides for the use of negotiated, definitive work
34 orders for public works as defined in RCW 39.04.010.

35 ~~((8))~~ (7) "Job order contractor" means a registered or licensed
36 contractor awarded a job order contract.

1 ((+9)) (8) "Maximum allowable construction cost" means the maximum
2 cost of the work to construct the project including a percentage for
3 risk contingency, negotiated support services, and approved change
4 orders.

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

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

13 ((+12)) (11) "Public body" means any general or special purpose
14 government, including but not limited to state agencies, institutions
15 of higher education, counties, cities, towns, ports, school districts,
16 and special purpose districts.

17 ((+13)) (12) "Certified public body" means a public body certified
18 to use design-build or general contractor/construction manager
19 contracting procedures, or both, under RCW 39.10.270.

20 ((+14)) (13) "Public works project" means any work for a public
21 body within the definition of "public work" in RCW 39.04.010.

22 ((+15)) (14) "Total project cost" means the cost of the project
23 less financing and land acquisition costs.

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

31 ((+17)) (16) "Work order" means an order issued for a definite
32 scope of work to be performed pursuant to a job order contract.

33 **Sec. 18.** RCW 39.10.230 and 2009 c 75 s 1 are each amended to read
34 as follows:

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

36 (1) Develop and recommend to the legislature policies to further
37 enhance the quality, efficiency, and accountability of capital

1 construction projects through the use of traditional and alternative
2 delivery methods in Washington, and make recommendations regarding
3 expansion, continuation, elimination, or modification of the
4 alternative public works contracting methods;

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

8 (3) Develop guidelines to be used (~~by the committee~~) for the
9 review and approval of design-build demonstration projects that procure
10 operations and maintenance services; and

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

15 **Sec. 19.** RCW 39.10.250 and 2009 c 75 s 2 are each amended to read
16 as follows:

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

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

22 (2) Review and approve the use of the design-build or general
23 contractor/construction manager contracting procedures on a project by
24 project basis for public bodies that are not certified under RCW
25 39.10.270;

26 (3) Review and approve the use of the general
27 contractor/construction manager contracting procedure by certified
28 public bodies for projects with a total project cost under ten million
29 dollars;

30 (4) Review and approve not more than ten projects using the design-
31 build contracting procedure by certified and noncertified public bodies
32 for projects that have a total project cost between two million and ten
33 million dollars. Projects must meet the criteria in RCW 39.10.300(1).
34 Where possible, the committee shall approve projects among multiple
35 public bodies. In June 2010, the committee shall report to the board
36 regarding the committee's review procedure of these projects and its
37 recommendations for further use; and

1 (5) Review and approve not more than two design-build demonstration
2 projects that include procurement of operations and maintenance
3 services for a period longer than three years.

4 **Sec. 20.** RCW 39.10.270 and 2009 c 75 s 3 are each amended to read
5 as follows:

6 (1) A public body may apply for certification to use the design-
7 build or general contractor/construction manager contracting procedure,
8 or both. Once certified, a public body may use the contracting
9 procedure for which it is certified on individual projects with a total
10 project cost over ten million dollars without seeking ((committee))
11 department approval. The certification period is three years. A
12 public body seeking certification must submit to the ((committee))
13 department an application in a format and manner as prescribed by the
14 ((committee)) department. The application must include a description
15 of the public body's qualifications, its capital plan during the
16 certification period, and its intended use of alternative contracting
17 procedures.

18 (2) A public body seeking certification for the design-build
19 procedure must demonstrate successful management of at least one
20 design-build project within the previous five years. A public body
21 seeking certification for the general contractor/construction manager
22 procedure must demonstrate successful management of at least one
23 general contractor/construction manager project within the previous
24 five years.

25 (3) To certify a public body, the ((committee)) department shall
26 determine that the public body:

27 (a) Has the necessary experience and qualifications to determine
28 which projects are appropriate for using alternative contracting
29 procedures;

30 (b) Has the necessary experience and qualifications to carry out
31 the alternative contracting procedure including, but not limited to:
32 (i) Project delivery knowledge and experience; (ii) personnel with
33 appropriate construction experience; (iii) a management plan and
34 rationale for its alternative public works projects; (iv) demonstrated
35 success in managing public works projects; (v) the ability to properly
36 manage its capital facilities plan including, but not limited to,

1 appropriate project planning and budgeting experience; and (vi) the
2 ability to meet requirements of this chapter; and

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

5 (4) ~~((The committee shall, if practicable, make its determination
6 at the public meeting during which an application for certification is
7 reviewed.))~~ Public comments must be considered before a determination
8 is made. Within ten business days of the public meeting, the
9 ~~((committee))~~ department shall provide a written determination to the
10 public body, and make its determination available to the public on the
11 ~~((committee's))~~ department's web site.

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

16 (6) The ~~((committee))~~ department may renew the certification of a
17 public body for one additional three-year period. The public body must
18 submit an application for recertification at least three months before
19 the initial certification expires. The application shall include
20 updated information on the public body's capital plan for the next
21 three years, its intended use of the procedures, and any other
22 information requested by the ~~((committee))~~ department. The
23 ~~((committee))~~ department must review the application for
24 recertification ~~((at a meeting held))~~ before expiration of the
25 applicant's initial certification period. A public body must reapply
26 for certification under the process described in subsection (1) of this
27 section once the period of recertification expires.

28 (7) Certified public bodies must submit project data information as
29 required in RCW 39.10.320 and 39.10.350.

30 **Sec. 21.** RCW 39.10.280 and 2007 c 494 s 108 are each amended to
31 read as follows:

32 (1) A public body not certified under RCW 39.10.270 must apply for
33 approval from the ~~((committee))~~ department to use the design-build or
34 general contractor/construction manager contracting procedure on a
35 project. A public body seeking approval must submit to the
36 ~~((committee))~~ department an application in a format and manner as
37 prescribed by the ~~((committee))~~ department. The application must

1 include a description of the public body's qualifications, a
2 description of the project, and its intended use of alternative
3 contracting procedures.

4 (2) To approve a proposed project, the ~~((committee))~~ department
5 shall determine that:

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

10 (b) The proposed project meets the requirements for using the
11 alternative contracting procedure as described in RCW 39.10.300 or
12 39.10.340;

13 (c) The public body has the necessary experience or qualified team
14 to carry out the alternative contracting procedure including, but not
15 limited to: (i) Project delivery knowledge and experience; (ii)
16 sufficient personnel with construction experience to administer the
17 contract; (iii) a written management plan that shows clear and logical
18 lines of authority; (iv) the necessary and appropriate funding and time
19 to properly manage the job and complete the project; (v) continuity of
20 project management team, including personnel with experience managing
21 projects of similar scope and size to the project being proposed; and
22 (vi) necessary and appropriate construction budget;

23 (d) For design-build projects, construction personnel independent
24 of the design-build team are knowledgeable in the design-build process
25 and are able to oversee and administer the contract; and

26 (e) The public body has resolved any audit findings related to
27 previous public works projects in a manner satisfactory to the
28 ~~((committee))~~ department.

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

32 ~~((Within ten business days after the public meeting, the
33 committee))~~ The department shall provide a written determination to the
34 public body, and make its determination available to the public on the
35 ~~((committee's))~~ department's web site. ~~((If the committee fails to
36 make a written determination within ten business days of the public
37 meeting, the request of the public body to use the alternative~~

1 ~~contracting procedure on the requested project shall be deemed~~
2 ~~approved.))~~

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

7 (6) Failure of the ~~((committee))~~ department to meet within sixty
8 calendar days of a public body's application to use an alternative
9 contracting procedure on a project shall be deemed an approval of the
10 application.

11 **Sec. 22.** RCW 39.10.290 and 2007 c 494 s 109 are each amended to
12 read as follows:

13 Final determinations by the ~~((committee))~~ department may be
14 appealed ~~((to the board))~~ within seven days by the public body or by an
15 interested party. A written notice of an appeal must be provided to
16 the ~~((committee))~~ department and, as applicable, to the public body.
17 ~~((The board shall resolve an appeal))~~ Appeals are under the
18 administrative procedures act and must be resolved within forty-five
19 days of receipt of the appeal and ~~((shall send))~~ a written
20 determination of its decision must be sent to the party making the
21 appeal and to the appropriate public body, as applicable. ~~((The public~~
22 ~~body shall comply with the determination of the board.))~~

23 **Sec. 23.** RCW 39.10.320 and 2007 c 494 s 203 are each amended to
24 read as follows:

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

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

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

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

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

35 (e) Contract documents that require the contractor, subcontractors,

1 and designers to submit project information required by the ((~~board~~))
2 department.

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

7 **Sec. 24.** RCW 39.10.350 and 2007 c 494 s 302 are each amended to
8 read as follows:

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

11 (a) The preparation of appropriate, complete, and coordinated
12 design documents;

13 (b) Confirmation that a constructability analysis of the design
14 documents has been performed prior to solicitation of a subcontract bid
15 package;

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

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

20 (e) Employment of staff or consultants with expertise and prior
21 experience in the management of comparable projects, critical path
22 method schedule review and analysis, and the administration, pricing,
23 and negotiation of change orders;

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

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

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

35 (i) Contract documents that require the contractor, subcontractors,
36 and designers to submit project information required by the ((~~board~~))
37 department.

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

8 (3) If the construction is completed for less than the maximum
9 allowable construction cost, any savings not otherwise negotiated as
10 part of an incentive clause shall accrue to the public body. If the
11 construction is completed for more than the maximum allowable
12 construction cost, the additional cost is the responsibility of the
13 general contractor/construction manager.

14 (4) If the public body and the general contractor/construction
15 manager agree, in writing, on a price for additional work, the public
16 body must issue a change order within thirty days of the written
17 agreement. If the public body does not issue a change order within the
18 thirty days, interest shall accrue on the dollar amount of the
19 additional work satisfactorily completed until a change order is
20 issued. The public body shall pay this interest at a rate of one
21 percent per month.

22 **Sec. 25.** RCW 39.10.430 and 2007 c 494 s 402 are each amended to
23 read as follows:

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

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

29 (3) The public body shall publish, at least once in a statewide
30 publication and legal newspaper of general circulation published in
31 every county in which the public works project is anticipated, a
32 request for proposals for job order contracts and the availability and
33 location of the request for proposal documents. The public body shall
34 ensure that the request for proposal documents at a minimum includes:

35 (a) A detailed description of the scope of the job order contract
36 including performance, technical requirements and specifications,

1 functional and operational elements, minimum and maximum work order
2 amounts, duration of the contract, and options to extend the job order
3 contract;

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

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

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

7 (e) The minimum contracted amount committed to the selected job
8 order contractor;

9 (f) A description of the process the public body will use to
10 evaluate qualifications and proposals, including evaluation factors and
11 the relative weight of factors. The public body shall ensure that
12 evaluation factors include, but are not limited to, proposal price and
13 the ability of the proposer to perform the job order contract. In
14 evaluating the ability of the proposer to perform the job order
15 contract, the public body may consider: The ability of the
16 professional personnel who will work on the job order contract; past
17 performance on similar contracts; ability to meet time and budget
18 requirements; ability to provide a performance and payment bond for the
19 job order contract; recent, current, and projected workloads of the
20 proposer; location; and the concept of the proposal;

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

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

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

25 (j) Other information relevant to the project.

26 (4) A public body shall establish a committee to evaluate the
27 proposals. After the committee has selected the most qualified
28 finalists, the finalists shall submit final proposals, including sealed
29 bids based upon the identified unit price book. Such bids may be in
30 the form of coefficient markups from listed price book costs. The
31 public body shall award the contract to the firm submitting the highest
32 scored final proposal using the evaluation factors and the relative
33 weight of factors published in the public request for proposals and
34 will notify the (~~board~~) department of the award of the contract.

35 (5) The public body shall provide a protest period of at least ten
36 business days following the day of the announcement of the apparent
37 successful proposal to allow a protester to file a detailed statement
38 of the grounds of the protest. The public body shall promptly make a

1 determination on the merits of the protest and provide to all proposers
2 a written decision of denial or acceptance of the protest. The public
3 body shall not execute the contract until two business days following
4 the public body's decision on the protest.

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

7 **Sec. 26.** RCW 39.10.460 and 2007 c 494 s 405 are each amended to
8 read as follows:

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

- 12 (1) A list of work orders issued;
- 13 (2) The cost of each work order;
- 14 (3) A list of subcontractors hired under each work order;
- 15 (4) If requested by the ((~~board~~)) department, a copy of the intent
16 to pay prevailing wage and the affidavit of wages paid for each work
17 order subcontract; and
- 18 (5) Any other information requested by the ((~~board~~)) department.

19 **Sec. 27.** RCW 43.131.408 and 2007 c 494 s 507 are each amended to
20 read as follows:

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

- 23 (1) RCW 39.10.200 and 2007 c 494 § 1 & 1994 c 132 § 1;
- 24 (2) RCW 39.10.210 and section 17 of this act, 2007 c 494 § 101, &
25 2005 c 469 § 3;
- 26 (~~(3) ((RCW 39.10.220 and 2007 c 494 § 102 & 2005 c 377 § 1;~~
- 27 ~~(4))~~) RCW 39.10.230 and section 18 of this act, 2007 c 494 § 103,
28 & 2005 c 377 § 2;
- 29 (~~((5) RCW 39.10.240 and 2007 c 494 § 104;~~
- 30 ~~(6))~~) (4) RCW 39.10.250 and section 19 of this act & 2007 c 494 §
31 105;
- 32 (~~((7) RCW 39.10.260 and 2007 c 494 § 106;~~
- 33 ~~(8))~~) (5) RCW 39.10.270 and section 20 of this act & 2007 c 494 §
34 107;
- 35 (~~((9))~~) (6) RCW 39.10.280 and section 21 of this act & 2007 c 494
36 § 108;

1 (~~(10)~~) (7) RCW 39.10.290 and section 22 of this act & 2007 c 494
2 § 109;

3 (~~(11)~~) (8) RCW 39.10.300 and 2007 c 494 § 201, 2003 c 352 § 2,
4 2003 c 300 § 4, 2002 c 46 § 1, & 2001 c 328 § 2;

5 (~~(12) RCW 39.10.310 and 2007 c 494 § 202 & 1994 c 132 § 8;~~
6 ~~(13)~~) (9) RCW 39.10.320 and section 23 of this act, 2007 c 494 §
7 203, & 1994 c 132 § 7;

8 (~~(14)~~) (10) RCW 39.10.330 and 2007 c 494 § 204;

9 (~~(15)~~) (11) RCW 39.10.340 and 2007 c 494 § 301, 2003 c 352 § 3,
10 2003 c 300 § 5, 2002 c 46 § 2, & 2001 c 328 § 3;

11 (~~(16)~~) (12) RCW 39.10.350 and section 24 of this act & 2007 c 494
12 § 302;

13 (~~(17)~~) (13) RCW 39.10.360 and 2007 c 494 § 303;

14 (~~(18)~~) (14) RCW 39.10.370 and 2007 c 494 § 304;

15 (~~(19)~~) (15) RCW 39.10.380 and 2007 c 494 § 305;

16 (~~(20)~~) (16) RCW 39.10.390 and 2007 c 494 § 306;

17 (~~(21)~~) (17) RCW 39.10.400 and 2007 c 494 § 307;

18 (~~(22)~~) (18) RCW 39.10.410 and 2007 c 494 § 308;

19 (~~(23)~~) (19) RCW 39.10.420 and 2007 c 494 § 401 & 2003 c 301 § 1;

20 (~~(24)~~) (20) RCW 39.10.430 and section 25 of this act & 2007 c 494
21 § 402;

22 (~~(25)~~) (21) RCW 39.10.440 and 2007 c 494 § 403;

23 (~~(26)~~) (22) RCW 39.10.450 and 2007 c 494 § 404;

24 (~~(27)~~) (23) RCW 39.10.460 and section 26 of this act & 2007 c 494
25 § 405;

26 (~~(28)~~) (24) RCW 39.10.470 and 2005 c 274 § 275 & 1994 c 132 § 10;

27 (~~(29)~~) (25) RCW 39.10.480 and 1994 c 132 § 9;

28 (~~(30)~~) (26) RCW 39.10.490 and 2007 c 494 § 501 & 2001 c 328 § 5;

29 (~~(31)~~) (27) RCW 39.10.500 and 2007 c 494 § 502;

30 (~~(32)~~) (28) RCW 39.10.510 and 2007 c 494 § 503;

31 (~~(33)~~) (29) RCW 39.10.900 and 1994 c 132 § 13;

32 (~~(34)~~) (30) RCW 39.10.901 and 1994 c 132 § 14; and

33 (~~(35)~~) (31) RCW 39.10.903 and 2007 c 494 § 510.

34 **Sec. 28.** RCW 39.04.350 and 2009 c 197 s 2 are each amended to read
35 as follows:

36 (1) Before award of a public works contract, a bidder must meet the

1 following responsibility criteria to be considered a responsible bidder
2 and qualified to be awarded a public works project. The bidder must:

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

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

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

10 (d) Not be disqualified from bidding on any public works contract
11 under RCW 39.06.010 or 39.12.065(3); and

12 (e) If bidding on a public works project subject to the
13 apprenticeship utilization requirements in RCW 39.04.320, not have been
14 found out of compliance by the Washington state apprenticeship and
15 training council for working apprentices out of ratio, without
16 appropriate supervision, or outside their approved work processes as
17 outlined in their standards of apprenticeship under chapter 49.04 RCW
18 for the one-year period immediately preceding the date of the bid
19 solicitation.

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

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

28 (b) In a timely manner before the bid submittal deadline, a
29 potential bidder may request that the state or municipality modify the
30 supplemental criteria. The state or municipality must evaluate the
31 information submitted by the potential bidder and respond before the
32 bid submittal deadline. If the evaluation results in a change of the
33 criteria, the state or municipality must issue an addendum to the
34 bidding documents identifying the new criteria.

35 (c) If the bidder fails to supply information requested concerning
36 responsibility within the time and manner specified in the bid
37 documents, the state or municipality may base its determination of

1 responsibility upon any available information related to the
2 supplemental criteria or may find the bidder not responsible.

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

13 (3) The (~~capital projects advisory review board created in RCW~~
14 ~~39.10.220~~) department of general administration shall develop
15 suggested guidelines to assist the state and municipalities in
16 developing supplemental bidder responsibility criteria. The guidelines
17 must be posted on the board's web site.

18 **Capitol Campus Design Advisory Committee**

19 NEW SECTION. **Sec. 29.** RCW 43.34.080 (Capitol campus design
20 advisory committee--Generally) and 1990 c 93 s 1 are each repealed.

21 **Chemical Dependency Certification Advisory Committee**

22 NEW SECTION. **Sec. 30.** RCW 18.205.080 (Chemical dependency
23 certification advisory committee--Composition--Terms) and 1998 c 243 s
24 8 are each repealed.

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

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

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

1 (2) "Certified chemical dependency professional" means an
2 individual certified in chemical dependency counseling, under this
3 chapter.

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

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

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

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

23 ~~(7)~~) (6) "Department" means the department of health.

24 ~~(8)~~) (7) "Health profession" means a profession providing health
25 services regulated under the laws of this state.

26 ~~(9)~~) (8) "Secretary" means the secretary of health or the
27 secretary's designee.

28 **Sec. 32.** RCW 18.205.060 and 1998 c 243 s 6 are each amended to
29 read as follows:

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

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

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

36 (3) Establish forms and procedures necessary to administer this
37 chapter;

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

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

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

15 (7) Prepare, grade, and administer, or determine the nature of, and
16 supervise the grading and administration of, examinations for
17 applicants for certification;

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

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

26 (10) Define and approve any experience requirement for
27 certification;

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

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

30 (13) Maintain the official department record of all applicants and
31 certificated individuals;

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

34 (15) Establish disclosure requirements.

35 **Council for Children and Families**

1 NEW SECTION. **Sec. 33.** The following acts or parts of acts are
2 each repealed:

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

5 (2) RCW 43.121.015 (Definitions) and 2008 c 152 s 8, 1988 c 278 s
6 4, & 1987 c 351 s 2;

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

11 (4) RCW 43.121.030 (Compensation and travel expenses of members)
12 and 1984 c 287 s 87 & 1982 c 4 s 3;

13 (5) RCW 43.121.040 (Executive director, salary--Staff) and 1982 c
14 4 s 4;

15 (6) RCW 43.121.050 (Council powers and duties--Generally--Rules)
16 and 1988 c 278 s 5, 1987 c 351 s 4, & 1982 c 4 s 5;

17 (7) RCW 43.121.060 (Contracts for services--Scope of programs--
18 Funding) and 1982 c 4 s 6;

19 (8) RCW 43.121.070 (Contracts for services--Factors in awarding)
20 and 1982 c 4 s 7;

21 (9) RCW 43.121.080 (Contracts for services--Partial funding by
22 administering organization, what constitutes) and 1982 c 4 s 8;

23 (10) RCW 43.121.110 (Parenting skills--Legislative findings) and
24 1988 c 278 s 1;

25 (11) RCW 43.121.120 (Community-based early parenting skills
26 programs--Funding) and 1988 c 278 s 2;

27 (12) RCW 43.121.130 (Decreased state funding of parenting skills
28 programs--Evaluation) and 1998 c 245 s 48 & 1988 c 278 s 3;

29 (13) RCW 43.121.140 (Shaken baby syndrome--Outreach campaign) and
30 1993 c 107 s 2;

31 (14) RCW 43.121.150 (Juvenile crime--Legislative findings) and 1997
32 c 338 s 56;

33 (15) RCW 43.121.160 (Postpartum depression--Public information and
34 communication outreach campaign) and 2005 c 347 s 2; and

35 (16) RCW 43.121.910 (Severability--1982 c 4) and 1982 c 4 s 15.

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

1 (~~The council may accept~~) Contributions, grants, or gifts in cash
2 or otherwise, including funds generated by the sale of "heirloom" birth
3 certificates under chapter 70.58 RCW from persons, associations, or
4 corporations and funds generated through the issuance of the "Keep Kids
5 Safe" license plate under chapter 46.16 RCW(~~(. All moneys received by~~
6 ~~the council or any employee thereof from contributions, grants, or~~
7 ~~gifts)) and not funds through appropriation by the legislature shall be
8 deposited in a depository approved by the state treasurer to be known
9 as the children's trust fund. Disbursements of such funds shall be on
10 the authorization of the (~~council or a duly authorized representative~~
11 ~~thereof and only for the purposes stated in RCW 43.121.050)) secretary
12 of the department of social and health services or the secretary's
13 designee. In order to maintain an effective expenditure and revenue
14 control, such funds shall be subject in all respects to chapter 43.88
15 RCW, but no appropriation shall be required to permit expenditure of
16 such funds.~~~~

17 **Sec. 35.** RCW 43.121.175 and 2007 c 466 s 2 are each amended to
18 read as follows:

19 The definitions in this section apply throughout RCW 43.121.170
20 (~~through~~), 43.121.180, and 43.121.185 unless the context clearly
21 requires otherwise.

22 (1) "Evidence-based" means a program or practice that has had
23 multiple site random controlled trials across heterogeneous populations
24 demonstrating that the program or practice is effective for the
25 population.

26 (2) "Home visitation" means providing services in the permanent or
27 temporary residence, or in other familiar surroundings, of the family
28 receiving such services.

29 (3) "Research-based" means a program or practice that has some
30 research demonstrating effectiveness, but that does not yet meet the
31 standard of evidence-based practices.

32 **Sec. 36.** RCW 43.121.180 and 2008 c 152 s 6 are each amended to
33 read as follows:

34 (1) Within available funds, the (~~council for children and~~
35 ~~families~~) department shall fund evidence-based and research-based home
36 visitation programs for improving parenting skills and outcomes for

1 children. Home visitation programs must be voluntary and must address
2 the needs of families to alleviate the effect on child development of
3 factors such as poverty, single parenthood, parental unemployment or
4 underemployment, parental disability, or parental lack of high school
5 diploma, which research shows are risk factors for child abuse and
6 neglect and poor educational outcomes.

7 (2) The (~~council for children and families shall develop a plan~~)
8 department of early learning shall work with the department of social
9 and health services(~~(,)~~) and the department of health(~~(, the department~~
10 ~~of early learning, and the family policy council)~~) to develop a plan to
11 coordinate or consolidate home visitation services for children and
12 families (~~(and report to the appropriate committees of the legislature~~
13 ~~by December 1, 2007, with their recommendations for implementation of~~
14 ~~the plan)~~) to the extent practicable.

15 **Children of Incarcerated Parents Advisory Committee**

16 NEW SECTION. **Sec. 37.** RCW 43.63A.068 (Advisory committee on
17 policies and programs for children and families with incarcerated
18 parents--Funding for programs and services) and 2009 c 518 s 18 & 2007
19 c 384 s 6 are each repealed.

20 **Sec. 38.** RCW 28A.300.520 and 2009 c 578 s 9 are each amended to
21 read as follows:

22 (1) The superintendent of public instruction shall review current
23 policies and assess the adequacy and availability of programs targeted
24 at children who have a parent who is incarcerated in a department of
25 corrections facility. The superintendent of public instruction shall
26 adopt policies that support the children of incarcerated parents and
27 meet their needs with the goal of facilitating normal child
28 development, including maintaining adequate academic progress, while
29 reducing intergenerational incarceration.

30 (2) To the extent funds are available, (~~the superintendent shall~~
31 ~~conduct the following activities)~~) to assist in implementing the
32 requirements of subsection (1) of this section(~~(+~~

33 ~~(a))~~), the superintendent shall gather information and data on the

1 students who are the children of inmates incarcerated in department of
2 corrections facilities(~~(+and~~

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

6 **Sec. 39.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
7 read as follows:

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

15 (b) The director shall adopt policies that support the children of
16 incarcerated parents and meet their needs with the goal of facilitating
17 normal child development, while reducing intergenerational
18 incarceration.

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

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

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

28 **Sec. 40.** RCW 72.09.495 and 2007 c 384 s 2 are each amended to read
29 as follows:

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

32 (a) The impact of existing policies on the ability of offenders to
33 maintain familial contact and engagement between inmates and children;
34 and

35 (b) The adequacy and availability of programs targeted at inmates
36 with children.

1 (2) The secretary shall adopt policies that encourage familial
2 contact and engagement between inmates and their children with the goal
3 of reducing recidivism and intergenerational incarceration. Programs
4 and policies should take into consideration the children's need to
5 maintain contact with his or her parent and the inmate's ability to
6 develop plans to financially support their children, assist in
7 reunification when appropriate, and encourage the improvement of
8 parenting skills where needed.

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

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

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

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

18 **Sec. 41.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to read
19 as follows:

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

27 (b) The secretary shall adopt policies that encourage familial
28 contact and engagement between inmates of the department of corrections
29 facilities and their children with the goal of facilitating normal
30 child development, while reducing recidivism and intergenerational
31 incarceration. Programs and policies should take into consideration
32 the children's need to maintain contact with his or her parent, the
33 inmate's ability to develop plans to financially support their
34 children, assist in reunification when appropriate, and encourage the
35 improvement of parenting skills where needed. The programs and
36 policies should also meet the needs of the child while the parent is
37 incarcerated.

1 (2) (~~The secretary shall conduct the following activities~~) To
2 assist in implementing the requirements of subsection (1) of this
3 section(~~(+~~
4 ~~(a))~~), the secretary shall gather information and data on the
5 recipients of public assistance, or children in the care of the state
6 under chapter 13.34 RCW, who are the children and families of inmates
7 incarcerated in department of corrections facilities(~~(+and~~
8 ~~(b) Participate in the children of incarcerated parents advisory~~
9 ~~committee and report information obtained under this section to the~~
10 ~~advisory committee)~~).

11 **Children's Services Advisory Committee**

12 **Sec. 42.** RCW 74.13.031 and 2009 c 235 s 4 are each amended to read
13 as follows:

14 The department shall have the duty to provide child welfare
15 services and shall:

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

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

30 (3) Investigate complaints of any recent act or failure to act on
31 the part of a parent or caretaker that results in death, serious
32 physical or emotional harm, or sexual abuse or exploitation, or that
33 presents an imminent risk of serious harm, and on the basis of the
34 findings of such investigation, offer child welfare services in
35 relation to the problem to such parents, legal custodians, or persons

1 serving in loco parentis, and/or bring the situation to the attention
2 of an appropriate court, or another community agency. An investigation
3 is not required of nonaccidental injuries which are clearly not the
4 result of a lack of care or supervision by the child's parents, legal
5 custodians, or persons serving in loco parentis. If the investigation
6 reveals that a crime against a child may have been committed, the
7 department shall notify the appropriate law enforcement agency.

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

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

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

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

30 (6) Have authority to accept custody of children from parents and
31 to accept custody of children from juvenile courts, where authorized to
32 do so under law, to provide child welfare services including placement
33 for adoption, to provide for the routine and necessary medical, dental,
34 and mental health care, or necessary emergency care of the children,
35 and to provide for the physical care of such children and make payment
36 of maintenance costs if needed. Except where required by Public Law
37 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives

1 children for adoption from the department shall discriminate on the
2 basis of race, creed, or color when considering applications in their
3 placement for adoption.

4 (7) Have authority to provide temporary shelter to children who
5 have run away from home and who are admitted to crisis residential
6 centers.

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

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

19 ~~(+10+))~~ Have authority to provide continued foster care or group
20 care as needed to participate in or complete a high school or
21 vocational school program.

22 ~~((+11+))~~ (10) Within amounts appropriated for this specific
23 purpose, have authority to provide continued foster care or group care
24 and necessary support and transition services to youth ages eighteen to
25 twenty-one years who are enrolled and participating in a posthigh
26 school academic or vocational program. A youth who remains eligible
27 for such placement and services pursuant to department rules may
28 continue in foster care or group care until the youth reaches his or
29 her twenty-first birthday.

30 ~~((+12+))~~ (11) Refer cases to the division of child support whenever
31 state or federal funds are expended for the care and maintenance of a
32 child, including a child with a developmental disability who is placed
33 as a result of an action under chapter 13.34 RCW, unless the department
34 finds that there is good cause not to pursue collection of child
35 support against the parent or parents of the child. Cases involving
36 individuals age eighteen through twenty shall not be referred to the
37 division of child support unless required by federal law.

1 ~~((13))~~ (12) Have authority within funds appropriated for foster
2 care services to purchase care for Indian children who are in the
3 custody of a federally recognized Indian tribe or tribally licensed
4 child-placing agency pursuant to parental consent, tribal court order,
5 or state juvenile court order; and the purchase of such care shall be
6 subject to the same eligibility standards and rates of support
7 applicable to other children for whom the department purchases care.

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

15 ~~((14))~~ (13) Within amounts appropriated for this specific
16 purpose, provide preventive services to families with children that
17 prevent or shorten the duration of an out-of-home placement.

18 ~~((15))~~ (14) Have authority to provide independent living services
19 to youths, including individuals who have attained eighteen years of
20 age, and have not attained twenty-one years of age who are or have been
21 in foster care.

22 ~~((16))~~ (15) Consult at least quarterly with foster parents,
23 including members of the foster parent association of Washington state,
24 for the purpose of receiving information and comment regarding how the
25 department is performing the duties and meeting the obligations
26 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
27 recruitment of foster homes, reducing foster parent turnover rates,
28 providing effective training for foster parents, and administering a
29 coordinated and comprehensive plan that strengthens services for the
30 protection of children. Consultation shall occur at the regional and
31 statewide levels.

32 **Sec. 43.** RCW 74.13.031 and 2009 c 235 s 2 are each amended to read
33 as follows:

34 The department shall have the duty to provide child welfare
35 services and shall:

36 (1) Develop, administer, supervise, and monitor a coordinated and

1 comprehensive plan that establishes, aids, and strengthens services for
2 the protection and care of runaway, dependent, or neglected children.

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

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

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

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

36 (a) The department shall conduct the monthly visits with children
37 and caregivers required under this section unless the child's placement
38 is being supervised under a contract between the department and a

1 private agency accredited by a national child welfare accrediting
2 entity, in which case the private agency shall, within existing
3 resources, conduct the monthly visits with the child and with the
4 child's caregiver according to the standards described in this
5 subsection and shall provide the department with a written report of
6 the visits within fifteen days of completing the visits.

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

11 (6) Have authority to accept custody of children from parents and
12 to accept custody of children from juvenile courts, where authorized to
13 do so under law, to provide child welfare services including placement
14 for adoption, to provide for the routine and necessary medical, dental,
15 and mental health care, or necessary emergency care of the children,
16 and to provide for the physical care of such children and make payment
17 of maintenance costs if needed. Except where required by Public Law
18 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
19 children for adoption from the department shall discriminate on the
20 basis of race, creed, or color when considering applications in their
21 placement for adoption.

22 (7) Have authority to provide temporary shelter to children who
23 have run away from home and who are admitted to crisis residential
24 centers.

25 (8) Have authority to purchase care for children; and shall follow
26 in general the policy of using properly approved private agency
27 services for the actual care and supervision of such children insofar
28 as they are available, paying for care of such children as are accepted
29 by the department as eligible for support at reasonable rates
30 established by the department.

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

37 ~~(10))~~) Have authority to provide continued foster care or group

1 care as needed to participate in or complete a high school or
2 vocational school program.

3 ~~((+11))~~ (10)(a) Within amounts appropriated for this specific
4 purpose, have authority to provide continued foster care or group care
5 to youth ages eighteen to twenty-one years who are:

6 (i) Enrolled and participating in a postsecondary or vocational
7 educational program;

8 (ii) Participating in a program or activity designed to promote or
9 remove barriers to employment;

10 (iii) Engaged in employment for eighty hours or more per month; or

11 (iv) Incapable of engaging on any of the activities described in
12 (a)(i) through (iii) of this subsection due to a medical condition that
13 is supported by regularly updated information.

14 (b) A youth who remains eligible for placement services or benefits
15 pursuant to department rules may continue to receive placement services
16 and benefits until the youth reaches his or her twenty-first birthday.

17 ~~((+12))~~ (11) Within amounts appropriated for this specific
18 purpose, have authority to provide adoption support benefits, or
19 subsidized relative guardianship benefits on behalf of youth ages
20 eighteen to twenty-one years who achieved permanency through adoption
21 or a subsidized relative guardianship at age sixteen or older and who
22 are engaged in one of the activities described in subsection ~~((+11))~~
23 (10) of this section.

24 ~~((+13))~~ (12) Refer cases to the division of child support whenever
25 state or federal funds are expended for the care and maintenance of a
26 child, including a child with a developmental disability who is placed
27 as a result of an action under chapter 13.34 RCW, unless the department
28 finds that there is good cause not to pursue collection of child
29 support against the parent or parents of the child. Cases involving
30 individuals age eighteen through twenty shall not be referred to the
31 division of child support unless required by federal law.

32 ~~((+14))~~ (13) Have authority within funds appropriated for foster
33 care services to purchase care for Indian children who are in the
34 custody of a federally recognized Indian tribe or tribally licensed
35 child-placing agency pursuant to parental consent, tribal court order,
36 or state juvenile court order; and the purchase of such care shall be
37 subject to the same eligibility standards and rates of support
38 applicable to other children for whom the department purchases care.

1 Notwithstanding any other provision of RCW 13.32A.170 through
2 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
3 services to be provided by the department of social and health services
4 under subsections (4), (6), and (7) of this section, subject to the
5 limitations of these subsections, may be provided by any program
6 offering such services funded pursuant to Titles II and III of the
7 federal juvenile justice and delinquency prevention act of 1974.

8 ~~((+15+))~~ (14) Within amounts appropriated for this specific
9 purpose, provide preventive services to families with children that
10 prevent or shorten the duration of an out-of-home placement.

11 ~~((+16+))~~ (15) Have authority to provide independent living services
12 to youths, including individuals who have attained eighteen years of
13 age, and have not attained twenty-one years of age who are or have been
14 in foster care.

15 ~~((+17+))~~ (16) Consult at least quarterly with foster parents,
16 including members of the foster parent association of Washington state,
17 for the purpose of receiving information and comment regarding how the
18 department is performing the duties and meeting the obligations
19 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
20 recruitment of foster homes, reducing foster parent turnover rates,
21 providing effective training for foster parents, and administering a
22 coordinated and comprehensive plan that strengthens services for the
23 protection of children. Consultation shall occur at the regional and
24 statewide levels.

25 **Sec. 44.** RCW 74.13.031 and 2009 c 491 s 7 are each amended to read
26 as follows:

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

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

32 (2) Within available resources, recruit an adequate number of
33 prospective adoptive and foster homes, both regular and specialized,
34 i.e. homes for children of ethnic minority, including Indian homes for
35 Indian children, sibling groups, handicapped and emotionally disturbed,
36 teens, pregnant and parenting teens, and annually report to the
37 governor and the legislature concerning the department's success in:

1 (a) Meeting the need for adoptive and foster home placements; (b)
2 reducing the foster parent turnover rate; (c) completing home studies
3 for legally free children; and (d) implementing and operating the
4 passport program required by RCW 74.13.285. The report shall include
5 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

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

37 (b) In cases where the monthly visits required under this

1 subsection are being conducted by a private agency, the department
2 shall conduct a face-to-face health and safety visit with the child at
3 least once every ninety days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (~~(16)~~) (15)(a) Within current funding levels, place on the public
12 web site maintained by the department a document listing the duties and
13 responsibilities the department has to a child subject to a dependency
14 petition including, but not limited to, the following:

15 (i) Reasonable efforts, including the provision of services, toward
16 reunification of the child with his or her family;

17 (ii) Sibling visits subject to the restrictions in RCW
18 13.34.136(2)(b)(ii);

19 (iii) Parent-child visits;

20 (iv) Statutory preference for placement with a relative or other
21 suitable person, if appropriate; and

22 (v) Statutory preference for an out-of-home placement that allows
23 the child to remain in the same school or school district, if practical
24 and in the child's best interests.

25 (b) The document must be prepared in conjunction with a community-
26 based organization and must be updated as needed.

27 **Sec. 45.** RCW 74.13.031 and 2009 c 520 s 51 are each amended to
28 read as follows:

29 (1) The department and supervising agencies shall develop,
30 administer, supervise, and monitor a coordinated and comprehensive plan
31 that establishes, aids, and strengthens services for the protection and
32 care of runaway, dependent, or neglected children.

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

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

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

23 (4) The department or supervising agencies shall offer, on a
24 voluntary basis, family reconciliation services to families who are in
25 conflict.

26 (5) The department or supervising agencies shall monitor placements
27 of children in out-of-home care and in-home dependencies to assure the
28 safety, well-being, and quality of care being provided is within the
29 scope of the intent of the legislature as defined in RCW 74.13.010 and
30 74.15.010. Under this section children in out-of-home care and in-home
31 dependencies and their caregivers shall receive a private and
32 individual face-to-face visit each month.

33 The department or supervising agencies shall conduct the monthly
34 visits with children and caregivers to whom it is providing child
35 welfare services.

36 (6) The department and supervising agencies shall have authority to
37 accept custody of children from parents and to accept custody of
38 children from juvenile courts, where authorized to do so under law, to

1 provide child welfare services including placement for adoption, to
2 provide for the routine and necessary medical, dental, and mental
3 health care, or necessary emergency care of the children, and to
4 provide for the physical care of such children and make payment of
5 maintenance costs if needed. Except where required by Public Law 95-
6 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
7 children for adoption from the department shall discriminate on the
8 basis of race, creed, or color when considering applications in their
9 placement for adoption.

10 (7) The department and supervising agency shall have authority to
11 provide temporary shelter to children who have run away from home and
12 who are admitted to crisis residential centers.

13 (8) The department and supervising agency shall have authority to
14 purchase care for children.

15 ~~(9) ((The department shall establish a children's services advisory
16 committee with sufficient members representing supervising agencies
17 which shall assist the secretary in the development of a partnership
18 plan for utilizing resources of the public and private sectors, and
19 advise on all matters pertaining to child welfare, licensing of child
20 care agencies, adoption, and services related thereto. At least one
21 member shall represent the adoption community.~~

22 ~~(10))~~(a) The department and supervising agencies shall have
23 authority to provide continued foster care or group care as needed to
24 participate in or complete a high school or vocational school program.

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

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

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

1 (~~(11)~~) (10) The department shall refer cases to the division of
2 child support whenever state or federal funds are expended for the care
3 and maintenance of a child, including a child with a developmental
4 disability who is placed as a result of an action under chapter 13.34
5 RCW, unless the department finds that there is good cause not to pursue
6 collection of child support against the parent or parents of the child.
7 Cases involving individuals age eighteen through twenty shall not be
8 referred to the division of child support unless required by federal
9 law.

10 (~~(12)~~) (11) The department and supervising agencies shall have
11 authority within funds appropriated for foster care services to
12 purchase care for Indian children who are in the custody of a federally
13 recognized Indian tribe or tribally licensed child-placing agency
14 pursuant to parental consent, tribal court order, or state juvenile
15 court order; and the purchase of such care shall be subject to the same
16 eligibility standards and rates of support applicable to other children
17 for whom the department purchases care.

18 Notwithstanding any other provision of RCW 13.32A.170 through
19 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
20 services to be provided by the department under subsections (4), (6),
21 and (7) of this section, subject to the limitations of these
22 subsections, may be provided by any program offering such services
23 funded pursuant to Titles II and III of the federal juvenile justice
24 and delinquency prevention act of 1974.

25 (~~(13)~~) (12) Within amounts appropriated for this specific
26 purpose, the supervising agency or department shall provide preventive
27 services to families with children that prevent or shorten the duration
28 of an out-of-home placement.

29 (~~(14)~~) (13) The department and supervising agencies shall have
30 authority to provide independent living services to youths, including
31 individuals who have attained eighteen years of age, and have not
32 attained twenty-one years of age who are or have been in foster care.

33 (~~(15)~~) (14) The department and supervising agencies shall consult
34 at least quarterly with foster parents, including members of the foster
35 parent association of Washington state, for the purpose of receiving
36 information and comment regarding how the department (~~(is)~~) and
37 supervising agencies are performing the duties and meeting the
38 obligations specified in this section and RCW 74.13.250 and 74.13.320

1 regarding the recruitment of foster homes, reducing foster parent
2 turnover rates, providing effective training for foster parents, and
3 administering a coordinated and comprehensive plan that strengthens
4 services for the protection of children. Consultation shall occur at
5 the regional and statewide levels.

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

8 The secretary shall have the power and it shall be the secretary's
9 duty:

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

19 (2) (~~In consultation with the children's services advisory~~
20 ~~committee, and~~) With the advice and assistance of persons
21 representative of the various type agencies to be licensed, to adopt
22 and publish minimum requirements for licensing applicable to each of
23 the various categories of agencies to be licensed.

24 The minimum requirements shall be limited to:

25 (a) The size and suitability of a facility and the plan of
26 operation for carrying out the purpose for which an applicant seeks a
27 license;

28 (b) Obtaining background information and any out-of-state
29 equivalent, to determine whether the applicant or service provider is
30 disqualified and to determine the character, competence, and
31 suitability of an agency, the agency's employees, volunteers, and other
32 persons associated with an agency;

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

36 (d) Obtaining child protective services information or records
37 maintained in the department case management information system. No

1 unfounded allegation of child abuse or neglect as defined in RCW
2 26.44.020 may be disclosed to a child-placing agency, private adoption
3 agency, or any other provider licensed under this chapter;

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

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

9 (ii) Foster care and adoption placements; and

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

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

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

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

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

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

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

30 (l) The financial ability of an agency to comply with minimum
31 requirements established pursuant to chapter 74.15 RCW and RCW
32 74.13.031; and

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

35 (3) To investigate any person, including relatives by blood or
36 marriage except for parents, for character, suitability, and competence
37 in the care and treatment of children, expectant mothers, and
38 developmentally disabled persons prior to authorizing that person to

1 care for children, expectant mothers, and developmentally disabled
2 persons. However, if a child is placed with a relative under RCW
3 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
4 and competent to provide care and treatment the criminal history
5 background check required by this section need not be completed before
6 placement, but shall be completed as soon as possible after placement;

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

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

16 (6) To prescribe the procedures and the form and contents of
17 reports necessary for the administration of chapter 74.15 RCW and RCW
18 74.13.031 and to require regular reports from each licensee;

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

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

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

29 **Sec. 47.** RCW 74.15.050 and 2009 c 520 s 15 are each amended to
30 read as follows:

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

33 (1) (~~In consultation with the children's services advisory~~
34 ~~committee and~~)) With the advice and assistance of persons
35 representative of the various type agencies to be licensed, to adopt
36 recognized minimum standard requirements pertaining to each category of

1 agency established pursuant to chapter 74.15 RCW and RCW 74.13.031,
2 except foster-family homes and child-placing agencies, necessary to
3 protect all persons residing therein from fire hazards;

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

7 (3) To make a periodic review of requirements under RCW
8 74.15.030(7) and to adopt necessary changes after consultation as
9 required in subsection (1) of this section;

10 (4) To issue to applicants for licenses hereunder, other than
11 foster-family homes or child-placing agencies, who comply with the
12 requirements, a certificate of compliance, a copy of which shall be
13 presented to the department before a license shall be issued, except
14 that an initial license may be issued as provided in RCW 74.15.120.

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

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

19 (~~In consultation with the children's services advisory committee~~
20 ~~and~~) With the advice and assistance of persons representative of the
21 various type agencies to be licensed, to develop minimum requirements
22 pertaining to each category of agency established pursuant to chapter
23 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
24 persons residing therein.

25 The secretary of health or the city, county, or district health
26 department designated by the secretary shall have the power and the
27 duty:

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

30 (2) To issue to applicants for licenses hereunder who comply with
31 the requirements adopted hereunder, a certificate of compliance, a copy
32 of which shall be presented to the department of social and health
33 services before a license shall be issued, except that (~~a~~
34 ~~provisional~~) an initial license may be issued as provided in RCW
35 74.15.120.

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

2 NEW SECTION. **Sec. 49.** RCW 70.96A.070 (Citizens advisory
3 council--Qualifications--Duties--Rules and policies) and 1994 c 231 s
4 2, 1989 c 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are
5 each repealed.

6 **Combined Fund Drive Committee**

7 **Sec. 50.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
8 as follows:

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

14 **Sec. 51.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to
15 read as follows:

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

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

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

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

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

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

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

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

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

13 **Sec. 52.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
14 read as follows:

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

24 **Community Transition Coordination Networks Advisory Committee**

25 **Sec. 53.** RCW 72.78.030 and 2007 c 483 s 103 are each amended to
26 read as follows:

27 (1) The department of ((community, trade, and economic
28 development)) commerce shall establish a community transition
29 coordination network pilot program for the purpose of awarding grants
30 to counties or groups of counties for implementing coordinated reentry
31 efforts for offenders returning to the community. Grant awards are
32 subject to the availability of amounts appropriated for this specific
33 purpose.

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

6 (3) Effective February 1, 2008, any county or group of counties may
7 apply for participation in the community transition coordination
8 network pilot program by submitting a proposal for a community
9 transition coordination network.

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

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

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

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

23 (c) Partnerships to establish neighborhood corrections initiatives
24 as defined in RCW 72.09.280.

25 (6) A proposal for a community transition coordination network must
26 include:

27 (a) Descriptions of collaboration and coordination between local
28 community policing and supervision programs and those agencies and
29 entities identified in the inventory conducted pursuant to RCW
30 72.78.020 to address the risks and needs of offenders under a
31 participating county or city misdemeanor probation or other
32 supervision program including:

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

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

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

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

8 (b) Mechanisms to provide information to former offenders regarding
9 services available to them in the community regardless of the length of
10 time since the offender's release and regardless of whether the
11 offender was released from prison or jail. Mechanisms shall, at a
12 minimum, provide for:

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

16 (ii) Coordination of access to existing services with community
17 providers and provision of information to offenders regarding how to
18 access the various type of services and resources that are available in
19 the community; and

20 (c) An evaluation of the county's or group of counties' readiness
21 to implement a community transition coordination network including the
22 social service needs of offenders in general, capacity of local
23 facilities and resources to meet offenders' needs, and the cost to
24 implement and maintain a community transition coordination network for
25 the duration of the pilot project.

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

32 (a) Addresses the requirements set out in subsection (6) of this
33 section;

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

1 (c) Focuses on measurable outcomes such as increased employment and
2 income, treatment objectives, maintenance of stable housing, and
3 reduced recidivism;

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

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

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

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

31 ~~((10))~~ (9) This section expires June 30, 2013.

32 **Board of Law Enforcement Training Standards**
33 **and Board on Correctional Training Standards**

34 NEW SECTION. **Sec. 54.** The following acts or parts of acts are
35 each repealed:

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

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

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

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

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

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

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

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

14 **Sec. 55.** RCW 43.101.380 and 2009 c 25 s 1 are each amended to read
15 as follows:

16 (1) The procedures governing adjudicative proceedings before
17 agencies under chapter 34.05 RCW, the administrative procedure act,
18 govern hearings before the commission and govern all other actions
19 before the commission unless otherwise provided in this chapter. The
20 standard of proof in actions before the commission is clear, cogent,
21 and convincing evidence.

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

29 (a) When a hearing is requested in relation to a certification
30 action of a Washington peace officer who is not a peace officer of the
31 Washington state patrol, the commission shall appoint to the panel:

32 (i) One police chief; (ii) one sheriff; (iii) two certified Washington
33 peace officers who are at or below the level of first line supervisor,
34 one of whom is from a city or county law enforcement agency, and who
35 have at least ten years' experience as peace officers; and (iv) one
36 person who is not currently a peace officer and who represents a
37 community college or four-year college or university.

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

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

22 (d) Persons appointed to hearings panels by the commission shall,
23 in relation to any certification action on which they sit, have the
24 powers, duties, and immunities, and are entitled to the emoluments,
25 including travel expenses in accordance with RCW 43.03.050 and
26 43.03.060, of regular commission members.

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

1 discharge occurred and was based on such disqualifying misconduct. The
2 hearings panel shall, upon written request by the subject peace
3 officer, allow the peace officer to present additional evidence of
4 extenuating circumstances.

5 Where the charge upon which revocation or denial of certification
6 is based is that a peace officer "has been convicted at any time of a
7 felony offense" within the meaning of RCW 43.101.105(1)(c), the
8 hearings panel shall revoke or deny certification if it determines that
9 the peace officer was convicted of a felony. The hearings panel need
10 not redetermine the underlying facts but may make this determination
11 based solely on review of the records and decision relating to the
12 criminal proceeding. However, the hearings panel shall, upon the
13 panel's determination of relevancy, consider additional evidence to
14 determine whether the peace officer was convicted of a felony.

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

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

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

22 NEW SECTION. **Sec. 56.** RCW 43.105.055 (Advisory committees--
23 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
24 repealed.

25 **Sec. 57.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
26 read as follows:

27 The department shall:

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

30 (a) The review of agency information technology portfolios and
31 related requests; and

32 (b) Implementation of statewide and interagency policies,
33 standards, and guidelines;

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

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

10 (b) Mainframe computing services;

11 (c) Support for departmental and microcomputer evaluation,
12 installation, and use;

13 (d) Equipment acquisition assistance, including leasing, brokering,
14 and establishing master contracts;

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

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

20 (g) Office automation services;

21 (h) System development services; and

22 (i) Training.

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

28 (3) Establish rates and fees for services provided by the
29 department to assure that the services component of the department is
30 self-supporting. A billing rate plan shall be developed for a two-year
31 period to coincide with the budgeting process. The rate plan shall be
32 subject to review at least annually by the (~~customer advisory board~~)
33 office of financial management. The rate plan shall show the proposed
34 rates by each cost center and will show the components of the rate
35 structure as mutually determined by the department and the (~~customer
36 advisory board~~) office of financial management. The same rate
37 structure will apply to all user agencies of each cost center. The

1 rate plan and any adjustments to rates shall be approved by the office
2 of financial management. The services component shall not subsidize
3 the operations of the strategic planning and policy component;

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

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

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

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

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

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

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

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

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

33 (b) Promulgation of policies, standards, and guidelines adopted by
34 the board;

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

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

37 (12) Be the lead agency in coordinating video telecommunications
38 services for all state agencies and develop, pursuant to board

1 policies, standards and common specifications for leased and purchased
2 telecommunications equipment. The department shall not evaluate the
3 merits of school curriculum, higher education course offerings, or
4 other education and training programs proposed for transmission and/or
5 reception using video telecommunications resources. Nothing in this
6 section shall abrogate or abridge the legal responsibilities of
7 licensees of telecommunications facilities as licensed by the federal
8 communication commission on March 27, 1990; and

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

11 **Revenue-Simplified Sales and Use Tax Administration**
12 **Advisory Group**

13 **Sec. 58.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to read
14 as follows:

15 ~~((1))~~ For the purposes of reviewing or amending the agreement
16 embodying the simplification requirements in RCW 82.58.050, the state
17 shall enter into multistate discussions. For purposes of these
18 discussions, the state shall be represented by the department. ~~((The~~
19 ~~governor may appoint up to four persons to consult with the department~~
20 ~~at these discussions. The persons advising the department shall not be~~
21 ~~compensated and are not entitled to payment of travel expenses by the~~
22 ~~state.~~

23 ~~(2) The department shall regularly consult with an advisory group~~
24 ~~composed of one member from each of the two largest caucuses of the~~
25 ~~senate, appointed by the majority and minority leaders of the senate;~~
26 ~~one member from each of the two largest caucuses of the house of~~
27 ~~representatives, appointed by the speaker and minority leader of the~~
28 ~~house of representatives; representatives of retailers, including those~~
29 ~~selling via mail, telephone, and the internet; representatives of large~~
30 ~~and small businesses; and representatives of counties and cities. The~~
31 ~~department shall use its best efforts to consult with the advisory~~
32 ~~group before any multistate discussions in which it is anticipated that~~
33 ~~amendments may be proposed to the agreement embodying the~~
34 ~~simplification requirements in RCW 82.58.050.)~~

1 **Driver Instructors' Advisory Committee**

2 **Sec. 59.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
3 as follows:

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

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

12 (a) To meet the traffic safety education requirement for a driver's
13 license the applicant must satisfactorily complete a traffic safety
14 education course as defined in RCW 28A.220.020 for a course offered by
15 a school district, or as defined by the department of licensing for a
16 course offered by a driver training school licensed under chapter 46.82
17 RCW. The course offered by a school district or an approved private
18 school must meet the standards established by the office of the state
19 superintendent of public instruction. The course offered by a driver
20 training school must meet the standards established by the department
21 of licensing (~~with the advice of the driver instructors' advisory~~
22 ~~committee, pursuant to RCW 46.82.300)). The traffic safety education~~
23 course may be provided by:

24 (i) A recognized secondary school; or

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

27 (b) To meet the traffic safety education requirement for a
28 motorcycle endorsement, the applicant must successfully complete a
29 motorcycle safety education course that meets the standards established
30 by the department of licensing.

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

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

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

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

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

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

10 **Sec. 60.** RCW 46.82.280 and 2009 c 101 s 1 are each amended to read
11 as follows:

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

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

16 (2)) "Behind-the-wheel instruction" means instruction in an
17 approved driver training school instruction vehicle according to and
18 inclusive of the minimum required curriculum. Behind-the-wheel
19 instruction is characterized by driving experience.

20 ((3)) (2) "Classroom" means a space dedicated to and used
21 exclusively by a driver training instructor for the instruction of
22 students. With prior department approval, a branch office classroom
23 may be located within alternative facilities, such as a public or
24 private library, school, community college, college or university, or
25 a business training facility.

26 ((4)) (3) "Classroom instruction" means that portion of a traffic
27 safety education course that is characterized by classroom-based
28 student instruction conducted by or under the direct supervision of a
29 licensed instructor or licensed instructors.

30 ((5)) (4) "Director" means the director of the department of
31 licensing of the state of Washington.

32 ((6)) (5) "Driver training education course" means a course of
33 instruction in traffic safety education approved and licensed by the
34 department of licensing that consists of classroom and behind-the-wheel
35 instruction as documented by the minimum approved curriculum.

36 ((7)) (6) "Driver training school" means a commercial driver

1 training school engaged in the business of giving instruction, for a
2 fee, in the operation of automobiles.

3 ~~((+8+))~~ (7) "Enrollment" means the collecting of a fee or the
4 signing of a contract for a driver training education course.
5 "Enrollment" does not include the collecting of names and contact
6 information for enrolling students once a driver training school is
7 licensed to instruct.

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

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

16 (b) Operating a driver training school without a license, providing
17 instruction without an instructor's license, verifying enrollment prior
18 to being licensed, misleading or false statements on applications for
19 a commercial driver training school license or instructor's license or
20 on any required records or supporting documentation;

21 (c) Failing to fully document and maintain all required driver
22 training school records of instruction, school operation, and
23 instructor training;

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

26 ~~((+10+))~~ (9) "Instructor" means any person employed by or otherwise
27 associated with a driver training school to instruct persons in the
28 operation of an automobile.

29 ~~((+11+))~~ (10) "Owner" means an individual, partnership,
30 corporation, association, or other person or group that holds a
31 substantial interest in a driver training school.

32 ~~((+12+))~~ (11) "Person" means any individual, firm, corporation,
33 partnership, or association.

34 ~~((+13+))~~ (12) "Place of business" means a designated location at
35 which the business of a driver training school is transacted or its
36 records are kept.

37 ~~((+14+))~~ (13) "Student" means any person enrolled in an approved
38 driver training course.

1 (~~(15)~~) (14) "Substantial interest holder" means a person who has
2 actual or potential influence over the management or operation of any
3 driver training school. Evidence of substantial interest includes, but
4 is not limited to, one or more of the following:

5 (a) Directly or indirectly owning, operating, managing, or
6 controlling a driver training school or any part of a driver training
7 school;

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

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

11 (d) Owning ten percent or more of any class of stock in a privately
12 or closely held corporate driver training school, or five percent or
13 more of any class of stock in a publicly traded corporate driver
14 training school;

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

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

21 NEW SECTION. **Sec. 61.** RCW 46.82.300 (Driver instructors' advisory
22 committee) and 2009 c 101 s 2, 2006 c 219 s 3, 2002 c 195 s 5, 1984 c
23 287 s 93, & 1979 ex.s. c 51 s 3 are each repealed.

24 **Sec. 62.** RCW 46.82.330 and 2009 c 101 s 6 are each amended to read
25 as follows:

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

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

33 (a) Has been licensed to drive for five or more years and possesses
34 a current and valid Washington driver's license or is a resident of a
35 jurisdiction immediately adjacent to Washington state and possesses a
36 current and valid license issued by such jurisdiction, and does not

1 have on his or her driving record any of the violations or penalties
2 set forth in (a)(i), (ii), or (iii) of this subsection. The director
3 shall have the right to examine the driving record of the applicant
4 from the department of licensing and from other jurisdictions and from
5 these records determine if the applicant has had:

6 (i) Not more than one moving traffic violation within the preceding
7 twelve months or more than two moving traffic violations in the
8 preceding twenty-four months;

9 (ii) No drug or alcohol-related traffic violation or incident
10 within the preceding three years. If there are two or more drug or
11 alcohol-related traffic violations in the applicant's driving history,
12 the applicant is no longer eligible to be a driving instructor; and

13 (iii) No driver's license suspension, cancellation, revocation, or
14 denial within the preceding two years, or no more than two of these
15 occurrences in the preceding five years;

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

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

20 (d) Has satisfactorily completed a course of instruction in the
21 training of drivers acceptable to the director that is no less than
22 sixty hours in length and includes instruction in classroom and behind-
23 the-wheel teaching methods and supervised practice behind-the-wheel
24 teaching of driving techniques; and

25 (e) Has paid an examination fee as set by rule of the department
26 and has successfully completed an instructor's examination (~~as~~
27 ~~approved by the advisory committee~~)).

28 **Sec. 63.** RCW 46.82.420 and 2008 c 125 s 3 are each amended to read
29 as follows:

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

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

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

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

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

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

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

17 (3) Should the director be presented with acceptable proof that any
18 licensed instructor or driver training school is not showing proper
19 diligence in teaching such basic minimum curriculum as required, the
20 instructor or school shall be required to appear before the (~~advisory~~
21 ~~committee~~) director and show cause why the license of the instructor
22 or school should not be revoked for such negligence. If the
23 (~~committee~~) director does not accept such reasons as may be offered,
24 the director may revoke the license of the instructor or school, or
25 both.

26 **Eastern State Hospital Board and Western State Hospital Board**

27 **Sec. 64.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to
28 read as follows:

29 (1) It is the intent of the legislature to improve the quality of
30 service at state hospitals, eliminate overcrowding, and more
31 specifically define the role of the state hospitals. The legislature
32 intends that eastern and western state hospitals shall become clinical
33 centers for handling the most complicated long-term care needs of
34 patients with a primary diagnosis of mental disorder. To this end, the
35 legislature intends that funds appropriated for mental health programs,

1 including funds for regional support networks and the state hospitals
2 be used for persons with primary diagnosis of mental disorder. The
3 legislature finds that establishment of (~~the eastern state hospital
4 board, the western state hospital board, and~~) institutes for the study
5 and treatment of mental disorders at both eastern state hospital and
6 western state hospital will be instrumental in implementing the
7 legislative intent.

8 ~~(2)((a) The eastern state hospital board and the western state
9 hospital board are each established. Members of the boards shall be
10 appointed by the governor with the consent of the senate. Each board
11 shall include:~~

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~(c) Members shall serve four-year terms. Members of the board
29 shall be reimbursed for travel expenses as provided in RCW 43.03.050
30 and 43.03.060 and shall receive compensation as provided in RCW
31 43.03.240.~~

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

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

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

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

37 ~~(d) Monitor and review the activities of the hospital in~~

1 ~~implementing the intent of the legislature set forth in this section;~~
2 ~~and~~

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

5 (4)) (a) There is established at eastern state hospital and western
6 state hospital, institutes for the study and treatment of mental
7 disorders. The institutes shall be operated by joint operating
8 agreements between state colleges and universities and the department
9 of social and health services. The institutes are intended to conduct
10 training, research, and clinical program development activities that
11 will directly benefit (~~mentally ill~~) persons with mental illness who
12 are receiving treatment in Washington state by performing the following
13 activities:

14 (i) Promote recruitment and retention of highly qualified
15 professionals at the state hospitals and community mental health
16 programs;

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

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

22 (iv) Promote bilateral understanding of treatment orientation,
23 possibilities, and challenges between state hospital professionals and
24 community mental health professionals.

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

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

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

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

37 (iv) Establish a student loan forgiveness and conditional

1 scholarship program to retain qualified professionals at the state
2 hospitals and community mental health providers when the secretary has
3 determined a shortage of such professionals exists.

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

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

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

12 NEW SECTION. **Sec. 65.** RCW 70.168.020 (Steering committee--
13 Composition--Appointment) and 2000 c 93 s 20, 1990 c 269 s 5, & 1988 c
14 183 s 2 are each repealed.

15 **Sec. 66.** RCW 70.168.030 and 1998 c 245 s 117 are each amended to
16 read as follows:

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

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

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

23 (b) An assessment of the current trauma care program compared with
24 the functional statewide model identified in subsection (a) of this
25 section, including an analysis of deficiencies and reasons for the
26 deficiencies.

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

31 (a) Responsibility for implementation;

32 (b) Administrative authority at the state, regional, and local
33 levels;

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

- 1 (d) Triage and care criteria;
- 2 (e) Data collection and use;
- 3 (f) Cost containment strategies;
- 4 (g) System evaluation; and
- 5 (h) Projected costs.

6 **Sec. 67.** RCW 70.168.050 and 1990 c 269 s 3 are each amended to
7 read as follows:

8 (1) The department(~~(, in consultation with, and having solicited~~
9 ~~the advice of, the emergency medical services and trauma care steering~~
10 ~~committee,)~~) shall establish the Washington state emergency medical
11 services and trauma care system.

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

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

33 **Sec. 68.** RCW 70.168.060 and 1990 c 269 s 8 are each amended to
34 read as follows:

35 The department(~~(, in consultation with and having solicited the~~

1 ~~advice of the emergency medical services and trauma care steering~~
2 ~~committee,~~) shall:

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

4 (a) (~~By September 1990,~~) Minimum standards for facility,
5 equipment, and personnel for level I, II, III, IV, and V trauma care
6 services;

7 (b) (~~By September 1990,~~) Minimum standards for facility,
8 equipment, and personnel for level I, I-pediatric, II, and III trauma-
9 related rehabilitative services;

10 (c) (~~By September 1990,~~) Minimum standards for facility,
11 equipment, and personnel for level I, II, and III pediatric trauma care
12 services;

13 (d) (~~By September 1990,~~) Minimum standards required for verified
14 prehospital trauma care services, including equipment and personnel;

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

18 (f) Statewide emergency medical services and trauma care system
19 objectives and priorities;

20 (g) Minimum standards for the development of facility patient care
21 protocols and prehospital patient care protocols and patient care
22 procedures;

23 (h) (~~By July 1991,~~) Minimum standards for an effective emergency
24 medical communication system;

25 (i) Minimum standards for an effective emergency medical services
26 transportation system; and

27 (j) (~~By July 1991,~~) Establish a program for emergency medical
28 services and trauma care research and development;

29 (2) Establish statewide standards, personnel training requirements
30 and programs, system objectives and priorities, protocols and
31 guidelines as required in subsection (1) of this section, by utilizing
32 those standards adopted in the report of the Washington trauma advisory
33 committee as authorized by chapter 183, Laws of 1988. In establishing
34 standards for level IV or V trauma care services the department may
35 adopt similar standards adopted for services provided in rural health
36 care facilities authorized in chapter 70.175 RCW. The department may
37 modify standards, personnel training requirements and programs, system
38 objectives and priorities, and guidelines in rule if the department

1 determines that such modifications are necessary to meet federal and
2 other state requirements or are essential to allow the department and
3 others to establish the system or should it determine that public
4 health considerations or efficiencies in the delivery of emergency
5 medical services and trauma care warrant such modifications;

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

8 (4) (~~By July 1, 1992,~~) Establish the minimum and maximum number
9 of hospitals and health care facilities in the state and within each
10 emergency medical services and trauma care planning and service region
11 that may provide designated trauma care services based upon approved
12 regional emergency medical services and trauma care plans;

13 (5) (~~By July 1, 1991,~~) Establish the minimum and maximum number
14 of prehospital providers in the state and within each emergency medical
15 services and trauma care planning and service region that may provide
16 verified trauma care services based upon approved regional emergency
17 medical services and trauma care plans;

18 (6) (~~By July 1993,~~) Begin the designation of hospitals and health
19 care facilities to provide designated trauma care services in
20 accordance with needs identified in the statewide emergency medical
21 services and trauma care plan;

22 (7) (~~By July 1990,~~) Adopt a format for submission of the regional
23 plans to the department;

24 (8) (~~By July 1991,~~) Begin the review and approval of regional
25 emergency medical services and trauma care plans;

26 (9) (~~By July 1992,~~) Prepare regional plans for those regions that
27 do not submit a regional plan to the department that meets the
28 requirements of this chapter;

29 (10) (~~By October 1992,~~) Prepare and implement the statewide
30 emergency medical services and trauma care system plan incorporating
31 the regional plans;

32 (11) Coordinate the statewide emergency medical services and trauma
33 care system to assure integration and smooth operation between the
34 regions;

35 (~~Facilitate coordination between the emergency medical
36 services and trauma care steering committee and the emergency medical
37 services licensing and certification advisory committee;~~)

1 ~~(13)~~) Monitor the statewide emergency medical services and trauma
2 care system;

3 ~~((14))~~ (13) Conduct a study of all costs, charges, expenses, and
4 levels of reimbursement associated with providers of trauma care
5 services, and provide its findings and any recommendations regarding
6 adequate and equitable reimbursement to trauma care providers to the
7 legislature by July 1, 1991;

8 ~~((15))~~ (14) Monitor the level of public and private payments made
9 on behalf of trauma care patients to determine whether health care
10 providers have been adequately reimbursed for the costs of care
11 rendered such persons;

12 ~~((16) By July 1991,)~~ (15) Design and establish the statewide
13 trauma care registry as authorized in RCW 70.168.090 to (a) assess the
14 effectiveness of emergency medical services and trauma care delivery,
15 and (b) modify standards and other system requirements to improve the
16 provision of emergency medical services and trauma care;

17 ~~((17) By July 1991,)~~ (16) Develop patient outcome measures to
18 assess the effectiveness of emergency medical services and trauma care
19 in the system;

20 ~~((18) By July 1993,)~~ (17) Develop standards for regional
21 emergency medical services and trauma care quality assurance programs
22 required in RCW 70.168.090;

23 ~~((19))~~ (18) Administer funding allocated to the department for
24 the purpose of creating, maintaining, or enhancing the statewide
25 emergency medical services and trauma care system; and

26 ~~((20) By October 1990,)~~ (19) Begin coordination and development
27 of trauma prevention and education programs.

28 **Sec. 69.** RCW 70.168.130 and 1990 c 269 s 16 are each amended to
29 read as follows:

30 (1) The department(~~(, with the assistance of the emergency medical~~
31 ~~services and trauma care steering committee,)~~) shall adopt a program
32 for the disbursement of funds for the development, implementation, and
33 enhancement of the emergency medical services and trauma care system.
34 Under the program, the department shall disburse funds to each
35 emergency medical services and trauma care regional council, or their
36 chosen fiscal agent or agents, which shall be city or county
37 governments, stipulating the purpose for which the funds shall be

1 expended. The regional emergency medical services and trauma care
2 council shall use such funds to make available matching grants in an
3 amount not to exceed fifty percent of the cost of the proposal for
4 which the grant is made; provided, the department may waive or modify
5 the matching requirement if it determines insufficient local funding
6 exists and the public health and safety would be jeopardized if the
7 proposal were not funded. Grants shall be made to any public or
8 private nonprofit agency which, in the judgment of the regional
9 emergency medical services and trauma care council, will best fulfill
10 the purpose of the grant.

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

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

14 (b) Expansion and improvement of an emergency medical services and
15 trauma care system;

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

18 (d) Training and continuing education of emergency medical and
19 trauma care personnel; and

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

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

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

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

28 (c) Be consistent with applicable provisions of the regional
29 emergency medical services and trauma care plan and the statewide
30 emergency medical services and trauma care system plan.

31 **Sec. 70.** RCW 18.76.050 and 1990 c 269 s 21 are each amended to
32 read as follows:

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

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

1 (2) Standards and procedures for certification, recertification and
2 decertification of poison center medical directors and poison
3 information specialists; and

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

6 **Emergency Medical Services Licensing and Certification Advisory**
7 **Committee**

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

10 (1) RCW 18.73.040 (Emergency medical services licensing and
11 certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55,
12 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, &
13 1973 1st ex.s. c 208 s 4; and

14 (2) RCW 18.73.050 (Committee--Duties--Review of rules) and 1990 c
15 269 s 7, 1987 c 214 s 3, 1979 ex.s. c 261 s 3, & 1973 1st ex.s. c 208
16 s 5.

17 **Sec. 72.** RCW 18.71.205 and 1996 c 191 s 55 and 1996 c 178 s 6 are
18 each reenacted and amended to read as follows:

19 (1) The secretary of the department of health(~~(, in conjunction~~
20 ~~with the advice and assistance of the emergency medical services~~
21 ~~licensing and certification advisory committee as prescribed in RCW~~
22 ~~18.73.050, and the commission,)) shall prescribe:~~

23 (a) Practice parameters, training standards for, and levels of,
24 physician trained emergency medical service intermediate life support
25 technicians and paramedics;

26 (b) Minimum standards and performance requirements for the
27 certification and recertification of physician's trained emergency
28 medical service intermediate life support technicians and paramedics;
29 and

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

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

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

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

6 (a) Is licensed to practice medicine and surgery pursuant to
7 chapter 18.71 RCW or osteopathic medicine and surgery pursuant to
8 chapter 18.57 RCW; and

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

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

15 (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
16 uncertified practice, the issuance and denial of certificates, and the
17 disciplining of certificate holders under this section. The secretary
18 shall be the disciplining authority under this section. Disciplinary
19 action shall be initiated against a person credentialed under this
20 chapter in a manner consistent with the responsibilities and duties of
21 the medical program director under whom such person is responsible.

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

28 **Sec. 73.** RCW 18.73.030 and 2005 c 193 s 2 are each amended to read
29 as follows:

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

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

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

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

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

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

7 ~~((6))~~ (5) "Emergency medical technician" means a person who is
8 authorized by the secretary to render emergency medical care pursuant
9 to RCW 18.73.081.

10 ~~((7))~~ (6) "Ambulance service" means an organization that operates
11 one or more ambulances.

12 ~~((8))~~ (7) "Aid service" means an organization that operates one
13 or more aid vehicles.

14 ~~((9))~~ (8) "Emergency medical service" means medical treatment and
15 care which may be rendered at the scene of any medical emergency or
16 while transporting any patient in an ambulance to an appropriate
17 medical facility, including ambulance transportation between medical
18 facilities.

19 ~~((10))~~ (9) "Communications system" means a radio and landline
20 network which provides rapid public access, coordinated central
21 dispatching of services, and coordination of personnel, equipment, and
22 facilities in an emergency medical services and trauma care system.

23 ~~((11))~~ (10) "Prehospital patient care protocols" means the
24 written procedure adopted by the emergency medical services medical
25 program director which direct the out-of-hospital emergency care of the
26 emergency patient which includes the trauma care patient. These
27 procedures shall be based upon the assessment of the patient's medical
28 needs and what treatment will be provided for emergency conditions.
29 The protocols shall meet or exceed statewide minimum standards
30 developed by the department in rule as authorized in chapter 70.168
31 RCW.

32 ~~((12))~~ (11) "Patient care procedures" means written operating
33 guidelines adopted by the regional emergency medical services and
34 trauma care council, in consultation with the local emergency medical
35 services and trauma care councils, emergency communication centers, and
36 the emergency medical services medical program director, in accordance
37 with statewide minimum standards. The patient care procedures shall
38 identify the level of medical care personnel to be dispatched to an

1 emergency scene, procedures for triage of patients, the level of trauma
2 care facility to first receive the patient, and the name and location
3 of other trauma care facilities to receive the patient should an
4 interfacility transfer be necessary. Procedures on interfacility
5 transfer of patients shall be consistent with the transfer procedures
6 in chapter 70.170 RCW.

7 ~~((+13))~~ (12) "Emergency medical services medical program director"
8 means a person who is an approved medical program director as defined
9 by RCW 18.71.205(4).

10 ~~((+14))~~ (13) "Council" means the local or regional emergency
11 medical services and trauma care council as authorized under chapter
12 70.168 RCW.

13 ~~((+15))~~ (14) "Basic life support" means noninvasive emergency
14 medical services requiring basic medical treatment skills as defined in
15 chapter 18.73 RCW.

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

19 ~~((+17))~~ (16) "First responder" means a person who is authorized by
20 the secretary to render emergency medical care as defined by RCW
21 18.73.081.

22 ~~((+18))~~ (17) "Stretcher" means a cart designed to serve as a
23 litter for the transportation of a patient in a prone or supine
24 position as is commonly used in the ambulance industry, such as wheeled
25 stretchers, portable stretchers, stair chairs, solid backboards, scoop
26 stretchers, basket stretchers, or flexible stretchers. The term does
27 not include personal mobility aids that recline at an angle or remain
28 at a flat position, that are owned or leased for a period of at least
29 one week by the individual using the equipment or the individual's
30 guardian or representative, such as wheelchairs, personal gurneys, or
31 banana carts.

32 **Sec. 74.** RCW 18.73.101 and 2000 c 93 s 17 are each amended to read
33 as follows:

34 The secretary may grant a variance from a provision of this chapter
35 and RCW 18.71.200 through 18.71.220 if no detriment to health and
36 safety would result from the variance and compliance is expected to
37 cause reduction or loss of existing emergency medical services.

1 Variances may be granted for a period of no more than one year. A
2 variance may be renewed by the secretary (~~upon approval of the~~
3 ~~committee~~)).

4 **Employee Retirement Benefits Board**

5 NEW SECTION. **Sec. 75.** RCW 41.50.086 (Employee retirement
6 benefits board--Created--Membership) and 2001 c 181 s 1, 1998 c 341 s
7 506, & 1995 c 239 s 301 are each repealed.

8 **Sec. 76.** RCW 41.50.088 and 2005 c 327 s 14 are each amended to
9 read as follows:

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

12 (a) The (~~board~~) director shall recommend to the state investment
13 board types of options for member self-directed investment in the
14 teachers' retirement system plan 3, the school employees' retirement
15 system plan 3, and the public employees' retirement system plan 3 as
16 deemed by the (~~board~~) director to be reflective of the members'
17 preferences;

18 (b) By July 1, 2005, subject to favorable tax determination by the
19 internal revenue service, the (~~board~~) director shall make optional
20 actuarially equivalent life annuity benefit payment schedules available
21 to members and survivors that may be purchased from the combined plan
22 2 and plan 3 funds under RCW 41.50.075; and

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

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

29 **Sec. 77.** RCW 41.50.770 and 1998 c 116 s 11 are each amended to
30 read as follows:

31 (1) "Employee" as used in this section and RCW 41.50.780 includes
32 all full-time, part-time, and career seasonal employees of the state,
33 a county, a municipality, or other political subdivision of the state,

1 whether or not covered by civil service; elected and appointed
2 officials of the executive branch of the government, including full-
3 time members of boards, commissions, or committees; justices of the
4 supreme court and judges of the court of appeals and of the superior
5 and district courts; and members of the state legislature or of the
6 legislative authority of any county, city, or town.

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

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

22 (4) The department can provide such plans as it deems are in the
23 interests of state employees. In addition to the types of investments
24 described in this section, the state investment board, with respect to
25 the state deferred compensation plan, shall invest the deferred portion
26 of an employee's income, without limitation as to amount, in accordance
27 with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to
28 investment policy established by the state investment board for the
29 state deferred compensation plans. The state investment board, after
30 consultation with the (~~employee retirement benefits board~~) director
31 regarding any recommendations made pursuant to RCW 41.50.088(2), shall
32 provide a set of options for participants to choose from for investment
33 of the deferred portion of their income. Any income deferred under
34 such a plan shall continue to be included as regular compensation, for
35 the purpose of computing the state or local retirement and pension
36 benefits earned by any employee.

37 (5) Coverage of an employee under a deferred compensation plan

1 under this section shall not render such employee ineligible for
2 simultaneous membership and participation in any pension system for
3 public employees.

4 **Sec. 78.** RCW 41.50.780 and 2008 c 229 s 12 are each amended to
5 read as follows:

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

8 (2) The amount of compensation deferred by employees under
9 agreements entered into under the authority contained in RCW 41.50.770
10 shall be paid into the deferred compensation principal account and
11 shall be sufficient to cover costs of administration and staffing in
12 addition to such other amounts as determined by the department. The
13 deferred compensation principal account shall be used to carry out the
14 purposes of RCW 41.50.770. All eligible state employees shall be given
15 the opportunity to participate in agreements entered into by the
16 department under RCW 41.50.770. State agencies shall cooperate with
17 the department in providing employees with the opportunity to
18 participate.

19 (3) Any county, municipality, or other subdivision of the state may
20 elect to participate in any agreements entered into by the department
21 under RCW 41.50.770, including the making of payments therefrom to the
22 employees participating in a deferred compensation plan upon their
23 separation from state or other qualifying service. Accordingly, the
24 deferred compensation principal account shall be considered to be a
25 public pension or retirement fund within the meaning of Article XXIX,
26 section 1 of the state Constitution, for the purpose of determining
27 eligible investments and deposits of the moneys therein.

28 (4) All moneys in the state deferred compensation principal account
29 and the state deferred compensation administrative account, all
30 property and rights purchased therewith, and all income attributable
31 thereto, shall be held in trust by the state investment board, as set
32 forth under RCW 43.33A.030, for the exclusive benefit of the state
33 deferred compensation plan's participants and their beneficiaries.
34 Neither the participant, nor the participant's beneficiary or
35 beneficiaries, nor any other designee, has any right to commute, sell,
36 assign, transfer, or otherwise convey the right to receive any payments
37 under the plan. These payments and right thereto are nonassignable and

1 nontransferable. Unpaid accumulated deferrals are not subject to
2 attachment, garnishment, or execution and are not transferable by
3 operation of law in event of bankruptcy or insolvency, except to the
4 extent otherwise required by law.

5 (5) The state investment board has the full power to invest moneys
6 in the state deferred compensation principal account and the state
7 deferred compensation administrative account in accordance with RCW
8 43.84.150, 43.33A.140, and 41.50.770, and cumulative investment
9 directions received pursuant to RCW 41.50.770. All investment and
10 operating costs of the state investment board associated with the
11 investment of the deferred compensation plan assets shall be paid
12 pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these
13 expenses, one hundred percent of all earnings from these investments
14 shall accrue directly to the deferred compensation principal account.

15 (6)(a) No state board or commission, agency, or any officer,
16 employee, or member thereof is liable for any loss or deficiency
17 resulting from participant investments selected pursuant to RCW
18 41.50.770(3).

19 (b) Neither the (~~employee retirement benefits board~~) department,
20 nor the director or any employee, nor the state investment board, nor
21 any officer, employee, or member thereof is liable for any loss or
22 deficiency resulting from reasonable efforts to implement investment
23 directions pursuant to RCW 41.50.770(3).

24 (7) The deferred compensation administrative account is hereby
25 created in the state treasury. All expenses of the department
26 pertaining to the deferred compensation plan including staffing and
27 administrative expenses shall be paid out of the deferred compensation
28 administrative account. Any excess balances credited to this account
29 over administrative expenses disbursed from this account shall be
30 transferred to the deferred compensation principal account at such time
31 and in such amounts as may be determined by the department with the
32 approval of the office of financial management. Any deficiency in the
33 deferred compensation administrative account caused by an excess of
34 administrative expenses disbursed from this account shall be
35 transferred to this account from the deferred compensation principal
36 account.

37 (8)(a)(i) The department shall keep or cause to be kept full and
38 adequate accounts and records of the assets of each individual

1 participant, obligations, transactions, and affairs of any deferred
2 compensation plans created under RCW 41.50.770 and this section. The
3 department shall account for and report on the investment of state
4 deferred compensation plan assets or may enter into an agreement with
5 the state investment board for such accounting and reporting.

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

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

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

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

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

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

25 **Sec. 79.** RCW 41.34.020 and 2000 c 247 s 401 are each amended to
26 read as follows:

27 As used in this chapter, the following terms have the meanings
28 indicated:

29 (1) "Actuary" means the state actuary or the office of the state
30 actuary.

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

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

34 ~~((4))~~ (3)(a) "Compensation" for teachers for purposes of this
35 chapter is the same as "earnable compensation" for plan 3 in chapter
36 41.32 RCW except that the compensation may be reported when paid,
37 rather than when earned.

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

5 (c) "Compensation" for public employees for purposes of this
6 chapter is the same as "compensation earnable" for plan 3 in RCW
7 41.40.010, except that the compensation may be reported when paid,
8 rather than when earned.

9 ~~((+5))~~ (4)(a) "Employer" for teachers for purposes of this chapter
10 means the same as "employer" for plan 3 in chapter 41.32 RCW.

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

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

15 ~~((+6))~~ (5) "Member" means any employee included in the membership
16 of a retirement system as provided for in chapter 41.32 RCW of plan 3,
17 chapter 41.35 RCW of plan 3, or chapter 41.40 RCW of plan 3.

18 ~~((+7))~~ (6) "Member account" or "member's account" means the sum of
19 the contributions and earnings on behalf of the member.

20 ~~((+8))~~ (7) "Retiree" means any member in receipt of an allowance
21 or other benefit provided by this chapter resulting from service
22 rendered to an employer by such member.

23 ~~((+9))~~ (8) "Teacher" means a member of the teachers' retirement
24 system plan 3 as defined in RCW 41.32.010(29).

25 ~~((+10))~~ (9) "Classified employee" means a member of the school
26 employees' retirement system plan 3 as defined in RCW 41.35.010.

27 ~~((+11))~~ (10) "Public employee" means a member of the public
28 employees' retirement system plan 3 as defined in RCW 41.40.010.

29 **Sec. 80.** RCW 41.34.040 and 2003 c 156 s 1 are each amended to read
30 as follows:

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

<u>Option A</u>	<u>Contribution Rate</u>
All Ages	0.0% fixed

1	<u>Option B</u>	
2	Up to Age 35	0.0%
3	Age 35 to 44	1.0%
4	Age 45 and above	2.5%
5	<u>Option C</u>	
6	Up to Age 35	1.0%
7	Age 35 to 44	2.5%
8	Age 45 and above	3.5%
9	<u>Option D</u>	
10	All Ages	2.0%
11	<u>Option E</u>	
12	All Ages	5.0%
13	<u>Option F</u>	
14	All Ages	10.0%

15 (2) The ((board)) department shall have the right to offer
16 contribution rate options in addition to those listed in subsection (1)
17 of this section, provided that no significant additional administrative
18 costs are created. All options offered by the ((board)) department
19 shall conform to the requirements stated in subsections (3) and (5) of
20 this section.

21 (3)(a) For members of the teachers' retirement system entering plan
22 3 under RCW 41.32.835 or members of the school employees' retirement
23 system entering plan 3 under RCW 41.35.610, within ninety days of
24 becoming a member he or she has an option to choose one of the above
25 contribution rate structures. If the member does not select an option
26 within the ninety-day period, he or she shall be assigned option A.

27 (b) For members of the public employees' retirement system entering
28 plan 3 under RCW 41.40.785, within the ninety days described in RCW
29 41.40.785 an employee who irrevocably chooses plan 3 shall select one
30 of the above contribution rate structures. If the member does not
31 select an option within the ninety-day period, he or she shall be
32 assigned option A.

33 (c) For members of the teachers' retirement system transferring to
34 plan 3 under RCW 41.32.817, members of the school employees' retirement
35 system transferring to plan 3 under RCW 41.35.510, or members of the
36 public employees' retirement system transferring to plan 3 under RCW

1 41.40.795, upon election to plan 3 he or she must choose one of the
2 above contribution rate structures.

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

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

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

12 **Sec. 81.** RCW 41.34.070 and 2005 c 327 s 3 are each amended to read
13 as follows:

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

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

24 (a) The distribution shall be made to such person or persons as the
25 member shall have nominated by written designation duly executed and
26 filed with the department;

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

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

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

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

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

14 **Sec. 82.** RCW 41.34.130 and 2001 c 181 s 3 are each amended to read
15 as follows:

16 (1) The state investment board has the full authority to invest all
17 self-directed investment moneys in accordance with RCW 43.84.150 and
18 43.33A.140, and cumulative investment directions received pursuant to
19 RCW 41.34.060 and this section. In carrying out this authority the
20 state investment board, after consultation with the (~~employee~~
21 ~~retirement benefits board~~) department regarding any recommendations
22 made pursuant to RCW 41.50.088(1)(b), shall provide a set of options
23 for members to choose from for self-directed investment.

24 (2) All investment and operating costs of the state investment
25 board associated with making self-directed investments shall be paid by
26 members and recovered under procedures agreed to by the (~~board~~)
27 department and the state investment board pursuant to the principles
28 set forth in RCW 43.33A.160 and 43.84.160. All other expenses caused
29 by self-directed investment shall be paid by the member in accordance
30 with rules established by the (~~board~~) department under RCW 41.50.088.
31 With the exception of these expenses, all earnings from self-directed
32 investments shall accrue to the member's account.

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

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

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

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

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

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

18 **Sec. 83.** RCW 41.34.140 and 1999 c 265 s 2 are each amended to read
19 as follows:

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

24 (2) Neither the (~~board~~) department, nor director or any employee,
25 nor the state investment board, nor any officer, employee, or member
26 thereof is liable for any loss or deficiency resulting from reasonable
27 efforts to implement investment directions pursuant to RCW 41.34.060
28 (1) or (3).

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

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

1 **Sec. 84.** RCW 43.33A.135 and 1998 c 116 s 13 are each amended to
2 read as follows:

3 The state investment board has the full power to establish
4 investment policy, develop participant investment options, and manage
5 investment funds for the state deferred compensation plan, consistent
6 with the provisions of RCW 41.50.770 and 41.50.780. The board may
7 continue to offer the investment options provided as of June 11, 1998,
8 until the board establishes a deferred compensation plan investment
9 policy and adopts new investment options after considering the
10 recommendations of the (~~employee retirement benefits board~~)
11 department of retirement systems.

12 **Environmental and Land Use Hearings Board**

13 NEW SECTION. **Sec. 85.** The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 43.21L.005 (Purpose) and 2003 c 393 s 1;
- 16 (2) RCW 43.21L.010 (Definitions) and 2003 c 393 s 2;
- 17 (3) RCW 43.21L.020 (Exclusive review process--Exception--Procedural
18 rules) and 2003 c 393 s 3;
- 19 (4) RCW 43.21L.030 (Designation as qualifying project--Request for
20 determination--Duties of office of permit assistance) and 2003 c 393 s
21 4;
- 22 (5) RCW 43.21L.040 (Environmental and land use hearings board) and
23 2003 c 393 s 5;
- 24 (6) RCW 43.21L.050 (Review proceedings--Commencement--Rules for
25 filing and service) and 2003 c 393 s 6;
- 26 (7) RCW 43.21L.060 (Standing) and 2003 c 393 s 7;
- 27 (8) RCW 43.21L.070 (Petition requirements) and 2003 c 393 s 8;
- 28 (9) RCW 43.21L.080 (Affidavit certifying applications for permits--
29 Initial hearing on jurisdictional and preliminary matters) and 2003 c
30 393 s 9;
- 31 (10) RCW 43.21L.090 (Expedited review of petitions) and 2003 c 393
32 s 10;
- 33 (11) RCW 43.21L.100 (Stay or suspension of board action) and 2003
34 c 393 s 11;

- 1 (12) RCW 43.21L.110 (Decision record--Certified copy to board--
- 2 Costs) and 2003 c 393 s 12;
- 3 (13) RCW 43.21L.120 (Board review of permit decisions--Correction
- 4 of errors and omissions--Pretrial discovery--Requests for records under
- 5 chapter 42.56 RCW) and 2005 c 274 s 295 & 2003 c 393 s 13;
- 6 (14) RCW 43.21L.130 (Standards for granting relief--Action by
- 7 board) and 2003 c 393 s 14;
- 8 (15) RCW 43.21L.140 (Judicial review) and 2003 c 393 s 15;
- 9 (16) RCW 43.21L.900 (Implementation--2003 c 393) and 2003 c 393 s
- 10 24; and
- 11 (17) RCW 43.21L.901 (Effective date--2003 c 393) and 2003 c 393 s
- 12 25.

13 **Sec. 86.** RCW 36.70C.030 and 2003 c 393 s 17 are each amended to
14 read as follows:

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

18 (a) Judicial review of:

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

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

25 (b) Judicial review of applications for a writ of mandamus or
26 prohibition; or

27 (c) Claims provided by any law for monetary damages or
28 compensation. If one or more claims for damages or compensation are
29 set forth in the same complaint with a land use petition brought under
30 this chapter, the claims are not subject to the procedures and
31 standards, including deadlines, provided in this chapter for review of
32 the petition. The judge who hears the land use petition may, if
33 appropriate, preside at a trial for damages or compensation.

34 (2) The superior court civil rules govern procedural matters under
35 this chapter to the extent that the rules are consistent with this
36 chapter.

1 **Sec. 87.** RCW 43.21B.005 and 2003 c 393 s 18 and 2003 c 39 s 22
2 are each reenacted and amended to read as follows:

3 (1) There is created an environmental hearings office of the state
4 of Washington. The environmental hearings office shall consist of the
5 pollution control hearings board created in RCW 43.21B.010, the forest
6 practices appeals board created in RCW 76.09.210, the shorelines
7 hearings board created in RCW 90.58.170, (~~the environmental and land~~
8 ~~use hearings board created in chapter 43.21B RCW,~~) and the hydraulic
9 appeals board created in RCW (~~77.55.170~~) 77.55.301. The chair of the
10 pollution control hearings board shall be the chief executive officer
11 of the environmental hearings office. Membership, powers, functions,
12 and duties of the pollution control hearings board, the forest
13 practices appeals board, the shorelines hearings board, and the
14 hydraulic appeals board shall be as provided by law.

15 (2) The chief executive officer of the environmental hearings
16 office may appoint an administrative appeals judge who shall possess
17 the powers and duties conferred by the administrative procedure act,
18 chapter 34.05 RCW, in cases before the boards comprising the office.
19 The administrative appeals judge shall have a demonstrated knowledge of
20 environmental law, and shall be admitted to the practice of law in the
21 state of Washington. Additional administrative appeals judges may also
22 be appointed by the chief executive officer on the same terms.
23 Administrative appeals judges shall not be subject to chapter 41.06
24 RCW.

25 (3) The administrative appeals judges appointed under subsection
26 (2) of this section are subject to discipline and termination, for
27 cause, by the chief executive officer. Upon written request by the
28 person so disciplined or terminated, the chief executive officer shall
29 state the reasons for such action in writing. The person affected has
30 a right of review by the superior court of Thurston county on petition
31 for reinstatement or other remedy filed within thirty days of receipt
32 of such written reasons.

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

36 (5) The chief executive officer may also contract for required
37 services.

1 **Escrow Commission**

2 **Sec. 88.** RCW 18.44.011 and 1999 c 30 s 1 are each amended to read
3 as follows:

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

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

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

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

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

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

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

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

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

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

37 (10) "Designated escrow officer" means any licensed escrow officer
38 designated by a licensed escrow agent and approved by the director as

1 the licensed escrow officer responsible for supervising that agent's
2 handling of escrow transactions, management of the agent's trust
3 account, and supervision of all other licensed escrow officers employed
4 by the agent.

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

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

12 **Sec. 89.** RCW 18.44.195 and 1999 c 30 s 4 are each amended to read
13 as follows:

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

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

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

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

24 (c) An understanding of the obligations between principal and
25 agent;

26 (d) An understanding of the meaning and nature of encumbrances upon
27 real property;

28 (e) An understanding of the principles and practice of trust
29 accounting; and

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

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

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

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

9 THEREFORE, in consideration of the above, I,
10, respectfully request that the director of financial
11 institutions grant this request for a waiver of the
12 requirement that I purchase and maintain an errors and
13 omissions policy covering my activities as an escrow agent
14 licensed by the state of Washington for the period from
15, 19 . . ., to, 19 . . .

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

17

18 (signature)

19 State of Washington, }

20 ss.

21 County of

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

26 Dated

27 Signature of

28 Notary Public

29 (Seal or stamp)

Title

30 My appointment expires

31 NEW SECTION. **Sec. 92.** The following acts or parts of acts are
32 each repealed:

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

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

3 **Fairs Commission**

4 NEW SECTION. **Sec. 93.** RCW 15.76.170 (Fairs commission--Creation,
5 terms, compensation, powers and duties) and 1984 c 287 s 18, 1975-'76
6 2nd ex.s. c 34 s 21, 1975 1st ex.s. c 7 s 11, & 1961 c 61 s 8 are each
7 repealed.

8 **Sec. 94.** RCW 15.76.110 and 1961 c 61 s 2 are each amended to read
9 as follows:

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

12 (1) "Director" (~~shall~~) means the director of agriculture.
13 (~~"Commission" shall mean the fairs commission created by this~~
14 ~~chapter.~~)

15 (2) "State allocations" (~~shall~~) means allocations from the state
16 fair fund.

17 **Sec. 95.** RCW 15.76.150 and 2002 c 313 s 113 are each amended to
18 read as follows:

19 The director shall have the authority to make allocations from the
20 state fair fund, including interest income under RCW 43.79A.040,
21 exclusively as follows: Eighty-five percent to participating
22 agricultural fairs, distributed according to the merit of such fairs
23 measured by a merit rating to be set up by the director. This merit
24 rating shall take into account such factors as area and population
25 served, open and/or youth participation, attendance, gate receipts,
26 number and type of exhibits, premiums and prizes paid, community
27 support, evidence of successful achievement of the aims and purposes of
28 the fair, extent of improvements made to grounds and facilities from
29 year to year, and overall condition and appearance of grounds and
30 facilities. The remaining fifteen percent of money in the state fair
31 fund may be used for special assistance to any participating fair or
32 fairs and for administrative expenses incurred in the administration of

1 this chapter only(~~(, including expenses incurred by the fair commission~~
2 ~~as may be approved by the director)~~): PROVIDED, That not more than
3 five percent of the state fair fund may be used for such expenses.

4 The division and payment of funds authorized in this section shall
5 occur at such times as the director may prescribe.

6 **Family Policy Council**

7 **Sec. 96.** RCW 13.40.462 and 2006 c 304 s 2 are each amended to read
8 as follows:

9 (1) The department of social and health services juvenile
10 rehabilitation administration shall establish a reinvesting in youth
11 program that awards grants to counties for implementing research-based
12 early intervention services that target juvenile justice-involved youth
13 and reduce crime, subject to the availability of amounts appropriated
14 for this specific purpose.

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

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

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

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

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

4 (c) Counties must participate fully in the state quality assurance
5 program established in RCW 13.40.468 to ensure fidelity of program
6 implementation. If no state quality assurance program is in effect for
7 a particular selected research-based service, the county must submit a
8 quality assurance plan for state approval with its grant application.
9 Failure to demonstrate continuing compliance with quality assurance
10 plans shall be grounds for termination of state funding; and

11 (d) Counties that submit joint applications must submit for
12 approval by the department of social and health services juvenile
13 rehabilitation administration multicounty plans for efficient program
14 delivery.

15 ~~((5) The department of social and health services juvenile
16 rehabilitation administration shall convene a technical advisory
17 committee comprised of representatives from the house of
18 representatives, the senate, the governor's office of financial
19 management, the department of social and health services juvenile
20 rehabilitation administration, the family policy council, the juvenile
21 court administrator's association, and the Washington association of
22 counties to assist in the implementation of chapter 304, Laws of
23 2006.))~~

24 **Sec. 97.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to
25 read as follows:

26 The department(~~(, in consultation with the family policy council
27 created in chapter 70.190 RCW,))~~) shall establish, by rule, standards
28 for local health departments and networks to use in assessment,
29 performance measurement, policy development, and assurance regarding
30 social development to prevent health problems caused by risk factors
31 empirically linked to: Violent criminal acts by juveniles, teen
32 substance abuse, teen pregnancy and male parentage, teen suicide
33 attempts, dropping out of school, child abuse or neglect, and domestic
34 violence. The standards shall be based on the standards set forth in
35 the public health services improvement plan as required by RCW
36 43.70.550.

1 NEW SECTION. **Sec. 98.** The following acts or parts of acts are
2 each repealed:

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

5 (2) RCW 70.190.010 (Definitions) and 2009 c 565 s 52, 2009 c 479 s
6 58, 1996 c 132 s 2, 1995 c 399 s 200, & 1992 c 198 s 3;

7 (3) RCW 70.190.020 (Consolidate efforts of existing entities) and
8 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;

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

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

13 (6) RCW 70.190.050 (Community networks--Outcome evaluation) and
14 1998 c 245 s 122 & 1994 sp.s. c 7 s 207;

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

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

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

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

23 (11) RCW 70.190.080 (Community networks--Programs and plans) and
24 1996 c 132 s 6 & 1994 sp.s. c 7 s 305;

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

27 (13) RCW 70.190.090 (Community networks--Planning grants and
28 contracts--Distribution of funds--Reports) and 1999 c 309 s 918, 1996
29 c 132 s 7, & 1994 sp.s. c 7 s 306;

30 (14) RCW 70.190.100 (Duties of council) and 2009 c 479 s 59, 1998
31 c 245 s 123, & 1994 sp.s. c 7 s 307;

32 (15) RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994
33 sp.s. c 7 s 308;

34 (16) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s
35 309;

36 (17) RCW 70.190.130 (Comprehensive plan--Approval process--Network
37 expenditures--Penalty for noncompliance with chapter) and 1998 c 314 s
38 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;

- 1 (18) RCW 70.190.150 (Federal restrictions on funds transfers,
2 waivers) and 1994 sp.s. c 7 s 312;
- 3 (19) RCW 70.190.160 (Community networks--Implementation in federal
4 and state plans) and 1994 sp.s. c 7 s 314;
- 5 (20) RCW 70.190.170 (Transfer of funds and programs to state
6 agency) and 1994 sp.s. c 7 s 320;
- 7 (21) RCW 70.190.180 (Community network--Grants for use of school
8 facilities) and 1994 sp.s. c 7 s 604;
- 9 (22) RCW 70.190.190 (Network members immune from civil liability--
10 Network assets not subject to attachment or execution) and 1996 c 132
11 s 9;
- 12 (23) RCW 70.190.910 (Severability--1992 c 198) and 1992 c 198 s 20;
13 and
- 14 (24) RCW 70.190.920 (Effective date--1992 c 198) and 1992 c 198 s
15 21.

16 **Sec. 99.** RCW 74.14A.060 and 2000 c 219 s 2 are each amended to
17 read as follows:

18 The secretary of the department of social and health services shall
19 charge appropriated funds to support blended funding projects for youth
20 subject to any current or future waiver the department receives to the
21 requirements of IV-E funding. To be eligible for blended funding a
22 child must be eligible for services designed to address a behavioral,
23 mental, emotional, or substance abuse issue from the department of
24 social and health services and require services from more than one
25 categorical service delivery system. ~~((Before any blended funding
26 project is established by the secretary, any entity or person proposing
27 the project shall seek input from the public health and safety network
28 or networks established in the catchment area of the project. The
29 network or networks shall submit recommendations on the blended funding
30 project to the family policy council. The family policy council shall
31 advise the secretary whether to approve the proposed blended funding
32 project. The network shall review the proposed blended funding project
33 pursuant to its authority to examine the decategorization of program
34 funds under RCW 70.190.110, within the current appropriation level.))~~
35 The department shall document the number of children who participate in
36 blended funding projects, the total blended funding amounts per child,
37 the amount charged to each appropriation by program, and services

1 provided to each child through each blended funding project and report
2 this information to the appropriate committees of the legislature by
3 December 1st of each year, beginning in December 1, 2000.

4 **Sec. 100.** RCW 74.14C.050 and 1995 c 311 s 9 are each amended to
5 read as follows:

6 By December 1, 1995, the department, with the assistance of ((the
7 ~~family policy council,~~) two urban and two rural public health and
8 safety networks to be chosen by the ((~~family policy council,~~)
9 secretary and two private, nonprofit agencies with expertise and
10 experience in preservation services, shall submit to the legislature an
11 implementation and evaluation plan that identifies:

12 (1) A valid and reliable process that can be used by caseworkers
13 for accurately identifying clients who are eligible for intensive
14 family preservation services and family preservation services. The
15 plan shall recognize the due process rights of families that receive
16 preservation services and recognize that family preservation services
17 are not intended to be investigative for purposes of chapter 13.34 RCW;

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

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

21 (4) A cost estimate for statewide implementation and expansion of
22 preservation services on a phased-in basis beginning no later than July
23 1, 1996;

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

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

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

34 (8) A process to assess outcome measures identified in RCW
35 74.14C.030 for contractors providing preservation services.

1 **Family Practice Education Advisory Board**

2 NEW SECTION. **Sec. 101.** The following acts or parts of acts are
3 each repealed:

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

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

8 (3) RCW 70.112.050 (Advisory board--Duties) and 1998 c 245 s 111 &
9 1975 1st ex.s. c 108 s 5.

10 **Sec. 102.** RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each
11 amended to read as follows:

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

14 (2) "Residency programs" mean community based family practice
15 residency educational programs either in existence or established under
16 this chapter;

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

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

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

24 **Sec. 103.** RCW 70.112.020 and 1975 1st ex.s. c 108 s 2 are each
25 amended to read as follows:

26 There is established a statewide medical education system for the
27 purpose of training resident physicians in family practice. The dean
28 of the school of medicine shall be responsible for implementing the
29 development and expansion of residency programs in cooperation with the
30 medical profession, hospitals, and clinics located throughout the
31 state. The chairman of the department of family medicine in the school
32 of medicine(~~(, with the consent of the advisory board,)~~) shall
33 determine where affiliated residency programs shall exist; giving
34 consideration to communities in the state where the population,
35 hospital facilities, number of physicians, and interest in medical
36 education indicate the potential success of the residency program. The

1 medical education system shall provide financial support for residents
2 in training for those programs which are affiliated with the school of
3 medicine and shall establish positions for appropriate faculty to staff
4 these programs. The number of programs shall be determined by the
5 board and be in keeping with the needs of the state.

6 **Fire Protection Policy Board**

7 NEW SECTION. **Sec. 104.** The following acts or parts of acts are
8 each repealed:

- 9 (1) RCW 43.43.932 (State fire protection policy board--Created--
10 Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and
11 (2) RCW 43.43.936 (State fire protection policy board--Advisory
12 duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

13 **Sec. 105.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to
14 read as follows:

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

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

28 (b) ~~((Adopt minimum standards for each level of responsibility
29 among personnel with fire suppression, prevention, inspection, and
30 investigation responsibilities that assure continuing assessment of
31 skills and are flexible enough to meet emerging technologies. With
32 particular respect to training for fire investigations, the master plan
33 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 all
22 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. 106.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to
2 read as follows:

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

19 It is the responsibility of the chief to mobilize jurisdictions
20 under the Washington state fire services mobilization plan. The state
21 fire marshal shall serve as the state fire resources coordinator when
22 the Washington state fire services mobilization plan is mobilized.

23 **Sec. 107.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to
24 read as follows:

25 The enhanced 911 advisory committee is created to advise and assist
26 the state enhanced 911 coordinator in coordinating and facilitating the
27 implementation and operation of enhanced 911 throughout the state. The
28 director shall appoint members of the committee who represent diverse
29 geographical areas of the state and include state residents who are
30 members of the national emergency number association, the associated
31 public communications officers Washington chapter, the Washington state
32 fire chiefs association, the Washington association of sheriffs and
33 police chiefs, the Washington state council of firefighters, the
34 Washington state council of police officers, the Washington ambulance
35 association, (~~the state fire protection policy board,~~) the Washington
36 state firefighters association, the Washington state association of
37 fire marshals, the Washington fire commissioners association, the

1 Washington state patrol, the association of Washington cities, the
2 Washington state association of counties, the utilities and
3 transportation commission or commission staff, a representative of a
4 voice over internet protocol company, and an equal number of
5 representatives of large and small local exchange telephone companies
6 and large and small radio communications service companies offering
7 commercial mobile radio service in the state. This section expires
8 December 31, 2011.

9 **Sec. 108.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to
10 read as follows:

11 (1) No person may assign any employee, contract with, or permit any
12 individual or person to remove or encapsulate asbestos in any facility
13 unless performed by a certified asbestos worker and under the direct,
14 on-site supervision of a certified asbestos supervisor. In cases in
15 which an employer conducts an asbestos abatement project in its own
16 facility and by its own employees, supervision can be performed in the
17 regular course of a certified asbestos supervisor's duties. Asbestos
18 workers must have access to certified asbestos supervisors throughout
19 the duration of the project.

20 (2) The department shall require persons undertaking asbestos
21 projects to provide written notice to the department before the
22 commencement of the project except as provided in RCW 49.26.125. The
23 notice shall include a written description containing such information
24 as the department requires by rule. The department may by rule allow
25 a person to report multiple projects at one site in one report. The
26 department shall by rule establish the procedure and criteria by which
27 a person will be considered to have attempted to meet the
28 prenotification requirement.

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

1 **Firearms Range Advisory Committee**

2 NEW SECTION. **Sec. 109.** RCW 79A.25.220 (Firearms range advisory
3 committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3
4 are each repealed.

5 **Hazardous Substance Mixed Waste Advisory Board**

6 NEW SECTION. **Sec. 110.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and
9 2005 c 1 s 7; and

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

12 **Health and Welfare Advisory Board**
13 **and Property and Liability Advisory Board**

14 NEW SECTION. **Sec. 111.** The following acts or parts of acts are
15 each repealed:

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

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

20 **Sec. 112.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended
21 to read as follows:

22 The state risk manager(~~(, in consultation with the property and~~
23 ~~liability advisory board,~~)) shall adopt rules governing the management
24 and operation of both individual and joint local government self-
25 insurance programs covering property or liability risks. The state
26 risk manager shall also adopt rules governing the management and
27 operation of both individual and joint local government self-insured
28 health and welfare benefits programs (~~(in consultation with the health~~
29 ~~and welfare benefits advisory board)~~). All rules shall be appropriate
30 for the type of program and class of risk covered. The state risk
31 manager's rules shall include:

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

4 (2) Standards for claims management procedures; and

5 (3) Standards for contracts between self-insurance programs and
6 private businesses including standards for contracts between third-
7 party administrators and programs.

8 **Sec. 113.** RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended
9 to read as follows:

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

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

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

28 **Higher Education Coordinating Board Advisory Council**

29 NEW SECTION. **Sec. 114.** RCW 28B.76.100 (Advisory council) and
30 2007 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

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

1 **Sec. 115.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
2 read as follows:

3 (1) In consultation with the institutions of higher education and
4 state education agencies, the board shall identify the data needed to
5 carry out its responsibilities for policy analysis, accountability,
6 program improvements, and public information. The primary goals of the
7 board's data collection and research are to describe how students and
8 other beneficiaries of higher education are being served; to support
9 higher education accountability; and to assist state policymakers and
10 institutions in making policy decisions.

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

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

27 **Home Inspector Advisory Licensing Board**

28 NEW SECTION. **Sec. 116.** RCW 18.280.040 (Home inspector advisory
29 licensing board) and 2008 c 119 s 4 are each repealed.

30 **Sec. 117.** RCW 18.280.010 and 2008 c 119 s 1 are each amended to
31 read as follows:

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

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

1 ~~(2)~~) "Department" means the department of licensing.

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

4 ~~((4))~~ (3) "Entity" or "entities" means educational groups or
5 organizations, national organizations or associations, or a national
6 test organization.

7 ~~((5))~~ (4) "Home inspection" means a professional examination of
8 the current condition of a house.

9 ~~((6))~~ (5) "Home inspector" means a person who carries out a
10 noninvasive examination of the condition of a home, often in connection
11 with the sale of that home, using special training and education to
12 carry out the inspection.

13 ~~((7))~~ (6) "Report" means a written report prepared and issued
14 after a home inspection.

15 ~~((8))~~ (7) "Wood destroying organism" means insects or fungi that
16 consume, excavate, develop in, or otherwise modify the integrity of
17 wood or wood products. "Wood destroying organism" includes but is not
18 limited to carpenter ants, moisture ants, subterranean termites,
19 dampwood termites, beetles in the family Anobiidae, and wood decay
20 fungi, known as wood rot.

21 **Sec. 118.** RCW 18.280.030 and 2008 c 119 s 3 are each amended to
22 read as follows:

23 A person licensed under this chapter is responsible for performing
24 a visual and noninvasive inspection of the following readily accessible
25 systems and components of a home and reporting on the general condition
26 of those systems and components at the time of the inspection in his or
27 her written report: The roof, foundation, exterior, heating system,
28 air-conditioning system, structure, plumbing and electrical systems,
29 and other aspects of the home as may be identified by the ~~((board))~~
30 director. The inspection must include looking for certain fire and
31 safety hazards as defined by the ~~((board))~~ director. The standards of
32 practice to be developed by the ~~((board))~~ director will be used as the
33 minimum standards for an inspection. The duties of the home inspector
34 with regard to wood destroying organisms are provided in RCW
35 18.280.190.

1 **Sec. 119.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to
2 read as follows:

3 The director has the following authority in administering this
4 chapter:

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

7 (2) To administer licensing examinations (~~((approved by the board))~~)
8 and to adopt or recognize examinations prepared by other entities (~~((as~~
9 ~~approved by the board))~~);

10 (3) To adopt standards of professional conduct, practice, and
11 ethics (~~((as approved by the board))~~); and

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

13 **Sec. 120.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to
14 read as follows:

15 The (~~((board))~~) director has the following authority in administering
16 this chapter:

17 (1) (~~((To establish rules, including board organization and~~
18 ~~assignment of terms, and meeting frequency and timing, for adoption by~~
19 ~~the director;~~

20 ~~((2))~~) To establish the minimum qualifications for licensing
21 applicants as provided in this chapter;

22 ~~((3))~~) (2) To approve the method of administration of examinations
23 required by this chapter (~~((or by rule as established by the director))~~);

24 ~~((4))~~) (3) To approve the content of or recognition of
25 examinations prepared by other entities (~~((for adoption by the~~
26 ~~director))~~);

27 ~~((5))~~) (4) To set the time and place of examinations (~~((with the~~
28 ~~approval of the director))~~); and

29 ~~((6))~~) (5) To establish and review standards of professional
30 conduct, practice, and ethics (~~((for adoption by the director. These))~~),
31 which standards must address what constitutes certain fire and safety
32 hazards as used in RCW 18.280.030.

33 **Sec. 121.** RCW 18.280.070 and 2008 c 119 s 7 are each amended to
34 read as follows:

35 In order to become licensed as a home inspector, an applicant must
36 submit the following to the department:

- 1 (1) An application on a form developed by the department;
- 2 (2) Proof of a minimum of one hundred twenty hours of classroom
3 instruction approved by the ((~~board~~)) director;
- 4 (3) Proof of up to forty hours of field training supervised by a
5 licensed home inspector;
- 6 (4) Evidence of successful passage of the written exam as required
7 in RCW 18.280.080; and
- 8 (5) The fee in the amount set by the department.

9 **Sec. 122.** RCW 18.280.080 and 2008 c 119 s 8 are each amended to
10 read as follows:

11 Applicants for licensure must pass an exam that is psychometrically
12 valid, reliable, and legally defensible by the state. The exam is to
13 be developed, maintained, and administered by the department. The
14 ((~~board shall recommend to the~~)) director shall determine whether to
15 use an exam that is prepared by a national entity. If an exam prepared
16 by a national entity is used, a section specific to Washington shall be
17 developed by the director and included as part of the entire exam.

18 **Sec. 123.** RCW 18.280.110 and 2008 c 119 s 11 are each amended to
19 read as follows:

20 (1) As a condition of renewing a license under this chapter, a
21 licensed home inspector shall present satisfactory evidence to the
22 ((~~board~~)) director of having completed the continuing education
23 requirements provided for in this section.

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

27 **Sec. 124.** RCW 18.280.120 and 2008 c 119 s 12 are each amended to
28 read as follows:

29 (1) A licensed home inspector shall provide a written report of the
30 home inspection to each person for whom the inspector performs a home
31 inspection within a time period set by the ((~~board~~)) director in rule.
32 The issues to be addressed in the report shall be set by the ((~~board~~))
33 director in rule.

34 (2) A licensed home inspector, or other licensed home inspectors or
35 employees who work for the same company or for any company in which the

1 home inspector has a financial interest, shall not, from the time of
2 the inspection until one year from the date of the report, perform any
3 work other than home inspection-related consultation on the home upon
4 which he or she has performed a home inspection.

5 **Sec. 125.** RCW 18.280.130 and 2008 c 119 s 13 are each amended to
6 read as follows:

7 (1) The director shall immediately suspend the license of a person
8 who has been certified pursuant to RCW 74.20A.320 by the department of
9 social and health services as a person who is not in compliance with a
10 child support order. If the person has continued to meet all other
11 requirements for a license under this chapter during the suspension,
12 reissuance of the license is automatic upon the (~~board's~~) director's
13 receipt of a release issued by the department of social and health
14 services stating that the licensee is in compliance with the child
15 support order. The procedure in RCW 74.20A.320 is the exclusive
16 administrative remedy for contesting the establishment of noncompliance
17 with a child support order, and suspension of a license under this
18 subsection, and satisfies the requirements of RCW 34.05.422.

19 (2) The director(~~(, with the assistance of the board,)~~) shall
20 establish by rule under what circumstances a home inspector license may
21 be suspended or revoked. These circumstances shall be based upon
22 accepted industry standards (~~(and the board's cumulative experience)~~).

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

27 **Industry Cluster Advisory Committee**

28 **Sec. 126.** RCW 43.330.090 and 2009 c 151 s 1 are each amended to
29 read as follows:

30 (1) The department shall work with private sector organizations,
31 industry and sector associations, federal agencies, state agencies that
32 use a sector-based approach to service delivery, local governments,
33 local associate development organizations, and higher education and

1 training institutions in the development of industry sector-based
2 strategies to diversify the economy, facilitate technology transfer and
3 diffusion, and increase value-added production. The industry sectors
4 targeted by the department may include, but are not limited to,
5 aerospace, agriculture, food processing, forest products, marine
6 services, health and biomedical, software, digital and interactive
7 media, transportation and distribution, and microelectronics. The
8 department shall, on a continuing basis, evaluate the potential return
9 to the state from devoting additional resources to an industry sector-
10 based approach to economic development and identifying and assisting
11 additional sectors.

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

17 (3)(a) The department shall promote, market, and encourage growth
18 in the production of films and videos, as well as television
19 commercials within the state; to this end the department is directed to
20 assist in the location of a film and video production studio within the
21 state.

22 (b) The department may, in carrying out its efforts to encourage
23 film and video production in the state, solicit and receive gifts,
24 grants, funds, fees, and endowments, in trust or otherwise, from
25 tribal, local, or other governmental entities, as well as private
26 sources, and may expend the same or any income therefrom for the
27 encouragement of film and video production. All revenue received for
28 such purposes shall be deposited into the film and video promotion
29 account created in RCW 43.330.092.

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

33 (a) Facilitating regional focus group discussions and conducting
34 studies to identify industry clusters, appraise the current information
35 linkages within a cluster, and identify issues of common concern within
36 a cluster;

37 (b) Supporting industry and cluster associations, publications of

1 association and cluster directories, and related efforts to create or
2 expand the activities of industry and cluster associations;

3 (c) Administering a competitive grant program to fund economic
4 development activities designed to further regional cluster growth. In
5 administering the program, the department shall work with (~~(an industry~~
6 ~~cluster advisory committee with equal representation from~~)) the
7 economic development commission, the workforce training and education
8 coordinating board, the state board for community and technical
9 colleges, the employment security department, business, and labor.

10 (i) The (~~(industry cluster advisory committee)~~) department shall
11 (~~(recommend)~~) seek recommendations on criteria for evaluating
12 applications for grant funds and recommend applicants for receipt of
13 grant funds. Criteria shall include not duplicating the purpose or
14 efforts of industry skill panels.

15 (ii) Applicants must include organizations from at least two
16 counties and participants from the local business community. Eligible
17 organizations include, but are not limited to, local governments,
18 economic development councils, chambers of commerce, federally
19 recognized Indian tribes, workforce development councils, and
20 educational institutions.

21 (iii) Applications must evidence financial participation of the
22 partner organizations.

23 (iv) Eligible activities include the formation of cluster economic
24 development partnerships, research and analysis of economic development
25 needs of the cluster, the development of a plan to meet the economic
26 development needs of the cluster, and activities to implement the plan.

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

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

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

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

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

1 **Integrated Justice Information Board**

2 NEW SECTION. **Sec. 127.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
5 104 s 1;

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

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

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

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

14 **Juvenile Justice Advisory Committee**

15 **Sec. 128.** RCW 2.56.031 and 1993 c 415 s 2 are each amended to read
16 as follows:

17 The administrator for the courts shall develop a plan to improve
18 the collection and reporting of information on juvenile offenders by
19 all juvenile courts in the state. The information related to juvenile
20 offenders shall include, but is not limited to, social, demographic,
21 education, and economic data on juvenile offenders and where possible,
22 their families. Development and implementation of the plan shall be
23 accomplished in consultation with the human rights commission, (~~the~~
24 ~~governor's juvenile justice advisory committee,~~) superior court
25 judges, juvenile justice administrators, and interested juvenile
26 justice practitioners and researchers. The plan shall include a
27 schedule and budget for implementation and shall be provided to the
28 office of financial management by September 15, 1993.

29 **Sec. 129.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to
30 read as follows:

31 (1) In order to receive funds under RCW 13.40.500 through
32 13.40.540, local governments may, through their respective agencies
33 that administer funding for consolidated juvenile services, submit
34 proposals that establish community juvenile accountability programs

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

4 (2) The proposals must:

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

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

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

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

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

30 (a) Target diverted and adjudicated juvenile offenders;

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

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

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

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

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

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

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

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

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

17 (k) Include an evaluation component; and

18 (l) Recognize the diversity of local needs.

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

24 **K-20 Educational Network Board**

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

26 NEW SECTION. **Sec. 130.** The following acts or parts of acts are
27 each repealed:

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

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

32 **Sec. 131.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and
33 2009 c 486 s 14 are each reenacted and amended to read as follows:

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

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

5 (2) "Backbone network" means the shared high-density portions of
6 the state's telecommunications transmission facilities. It includes
7 specially conditioned high-speed communications carrier lines,
8 multiplexors, switches associated with such communications lines, and
9 any equipment and software components necessary for management and
10 control of the backbone network.

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

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

16 (5) "Committee" means the state interoperability executive
17 committee.

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

20 (7) "Community technology programs" means programs that are engaged
21 in diffusing information and communications technology in local
22 communities, particularly in unserved and underserved areas of the
23 state. These programs may include, but are not limited to, programs
24 that provide education and skill-building opportunities, hardware and
25 software, internet connectivity, digital media literacy, development of
26 locally relevant content, and delivery of vital services through
27 technology.

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

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

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

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

36 (12) "Equipment" means the machines, devices, and transmission
37 facilities used in information processing, such as computers, word

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

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

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

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

11 (16) "Information services" means data processing,
12 telecommunications, office automation, and computerized information
13 systems.

14 (17) "Information technology portfolio" or "portfolio" means a
15 strategic management process documenting relationships between agency
16 missions and information technology and telecommunications investments.

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

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

21 ~~((+20) "K-20 network technical steering committee" or "committee"
22 means the K-20 network technical steering committee created in RCW
23 43.105.810.~~

24 ~~(+21))~~ (19) "Local governments" includes all municipal and quasi
25 municipal corporations and political subdivisions, and all agencies of
26 such corporations and subdivisions authorized to contract separately.

27 ~~((+22))~~ (20) "Oversight" means a process of comprehensive risk
28 analysis and management designed to ensure optimum use of information
29 technology resources and telecommunications.

30 ~~((+23))~~ (21) "Proprietary software" means that software offered
31 for sale or license.

32 ~~((+24))~~ (22) "Purchased services" means services provided by a
33 vendor to accomplish routine, continuing, and necessary functions.
34 This term includes, but is not limited to, services acquired for
35 equipment maintenance and repair, operation of a physical plant,
36 security, computer hardware and software installation and maintenance,
37 telecommunications installation and maintenance, data entry, keypunch
38 services, programming services, and computer time-sharing.

1 (d) To review and approve standards and common specifications for
2 new or expanded telecommunications networks proposed by agencies,
3 public postsecondary education institutions, educational service
4 districts, or statewide or regional providers of K-12 information
5 technology services, and to assure the cost-effective development and
6 incremental implementation of a statewide video telecommunications
7 system to serve: Public schools; educational service districts;
8 vocational-technical institutes; community colleges; colleges and
9 universities; state and local government; and the general public
10 through public affairs programming;

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

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

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

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

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

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

24 (ii) Training and education; and

25 (iii) Project management;

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

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

31 (j) To develop procurement policies and procedures, such as
32 unbundled contracting and subcontracting, that encourage and facilitate
33 the purchase of products and services by state agencies and
34 institutions from Washington small businesses to the maximum extent
35 practicable and consistent with international trade agreement
36 commitments.

37 (2) Statewide technical standards to promote and facilitate

1 electronic information sharing and access are an essential component of
2 acceptable and reliable public access service and complement content-
3 related standards designed to meet those goals. The board shall:

4 (a) Establish technical standards to facilitate electronic access
5 to government information and interoperability of information systems,
6 including wireless communications systems. Local governments are
7 strongly encouraged to follow the standards established by the board;
8 and

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

11 In developing these standards, the board is encouraged to include
12 the state library, state archives, and appropriate representatives of
13 state and local government.

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

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

27 **Sec. 133.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
28 read as follows:

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

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

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

36 (3) To adopt, modify, and implement policies to facilitate network
37 development, operation, and expansion. Such policies may include but

1 need not be limited to the following issues: Quality of educational
2 services; access to the network by recognized organizations and
3 accredited institutions that deliver educational programming, including
4 public libraries; prioritization of programming within limited
5 resources; prioritization of access to the system and the sharing of
6 technological advances; network security; identification and evaluation
7 of emerging technologies for delivery of educational programs; future
8 expansion or redirection of the system; network fee structures; and
9 costs for the development and operation of the network;

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

19 (5) To adopt and monitor the implementation of a methodology to
20 evaluate the effectiveness of the network in achieving the educational
21 goals and measurable objectives;

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

24 (7) To establish by rule acceptable use policies governing user
25 eligibility for participation in the K-20 network, acceptable uses of
26 network resources, and procedures for enforcement of such policies.
27 The ((K-20)) board shall set forth appropriate procedures for
28 enforcement of acceptable use policies, that may include suspension of
29 network connections and removal of shared equipment for violations of
30 network conditions or policies. ((However, the information services))
31 The board shall have sole responsibility for the implementation of
32 enforcement procedures relating to technical conditions of use.

33 **Sec. 134.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
34 read as follows:

35 The information services board shall prepare a technical plan for
36 the design and construction of the K-20 telecommunication system. The
37 board shall ensure that the technical plan adheres to the goals and

1 objectives established under RCW 43.105.041. The board shall provide
2 formal project approval and oversight during the development and
3 implementation of the K-20 telecommunications network. In approving
4 the plan, the board shall conduct a request for proposal process. The
5 technical plan shall be developed in phases as follows:

6 (1) Phase one shall provide a telecommunication backbone connecting
7 educational service districts, the main campuses of public
8 baccalaureate institutions, the branch campuses of public research
9 institutions, and the main campuses of community colleges and technical
10 colleges.

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

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

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

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

33 **Mental Health Counselors, Marriage and Family**
34 **Therapists, and Social Workers Advisory Committee**

1 NEW SECTION. **Sec. 135.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 18.225.060 (Washington state mental health counselors,
4 marriage and family therapists, and social workers advisory committee--
5 Established--Composition) and 2001 c 251 s 6; and

6 (2) RCW 18.225.070 (Department of health--Advice/assistance of
7 advisory committee) and 2001 c 251 s 7.

8 **Sec. 136.** RCW 18.225.010 and 2008 c 135 s 11 are each amended to
9 read as follows:

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

12 (1) "Advanced social work" means the application of social work
13 theory and methods including emotional and biopsychosocial assessment,
14 psychotherapy under the supervision of a licensed independent clinical
15 social worker, case management, consultation, advocacy, counseling, and
16 community organization.

17 (2) "Applicant" means a person who completes the required
18 application, pays the required fee, is at least eighteen years of age,
19 and meets any background check requirements and uniform disciplinary
20 act requirements.

21 (3) "Associate" means a prelicensure candidate who has a graduate
22 degree in a mental health field under RCW 18.225.090 and is gaining the
23 supervision and supervised experience necessary to become a licensed
24 independent clinical social worker, a licensed advanced social worker,
25 a licensed mental health counselor, or a licensed marriage and family
26 therapist.

27 (4) (~~"Committee" means the Washington state mental health~~
28 ~~counselors, marriage and family therapists, and social workers advisory~~
29 ~~committee.~~

30 ~~(5))~~ "Department" means the department of health.

31 ~~((6))~~ (5) "Disciplining authority" means the department.

32 ~~((7))~~ (6) "Independent clinical social work" means the diagnosis
33 and treatment of emotional and mental disorders based on knowledge of
34 human development, the causation and treatment of psychopathology,
35 psychotherapeutic treatment practices, and social work practice as
36 defined in advanced social work. Treatment modalities include but are

1 not limited to diagnosis and treatment of individuals, couples,
2 families, groups, or organizations.

3 ((+8)) (7) "Marriage and family therapy" means the diagnosis and
4 treatment of mental and emotional disorders, whether cognitive,
5 affective, or behavioral, within the context of relationships,
6 including marriage and family systems. Marriage and family therapy
7 involves the professional application of psychotherapeutic and family
8 systems theories and techniques in the delivery of services to
9 individuals, couples, and families for the purpose of treating such
10 diagnosed nervous and mental disorders. The practice of marriage and
11 family therapy means the rendering of professional marriage and family
12 therapy services to individuals, couples, and families, singly or in
13 groups, whether such services are offered directly to the general
14 public or through organizations, either public or private, for a fee,
15 monetary or otherwise.

16 ((+9)) (8) "Mental health counseling" means the application of
17 principles of human development, learning theory, psychotherapy, group
18 dynamics, and etiology of mental illness and dysfunctional behavior to
19 individuals, couples, families, groups, and organizations, for the
20 purpose of treatment of mental disorders and promoting optimal mental
21 health and functionality. Mental health counseling also includes, but
22 is not limited to, the assessment, diagnosis, and treatment of mental
23 and emotional disorders, as well as the application of a wellness model
24 of mental health.

25 ((+10)) (9) "Secretary" means the secretary of health or the
26 secretary's designee.

27 **Sec. 137.** RCW 18.225.040 and 2009 c 492 s 7 are each amended to
28 read as follows:

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

31 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
32 chapter(~~(. Any rules adopted shall be in consultation with the~~
33 ~~committee));~~

34 (2) Establish all licensing, examination, and renewal fees in
35 accordance with RCW 43.70.250;

36 (3) Establish forms and procedures necessary to administer this
37 chapter;

1 (4) Issue licenses to applicants who have met the education,
2 training, and examination requirements for licensure and to deny a
3 license to applicants who do not meet the requirements;

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

8 (6) Administer and supervise the grading and taking of examinations
9 for applicants for licensure;

10 (7) Determine which states have credentialing requirements
11 substantially equivalent to those of this state, and issue licenses to
12 individuals credentialed in those states without examinations;

13 (8) Implement and administer a program for consumer education (~~in~~
14 ~~consultation with the committee~~));

15 (9) Adopt rules implementing a continuing education program (~~in~~
16 ~~consultation with the committee~~));

17 (10) Maintain the official record of all applicants and licenses;
18 and

19 (11) Establish by rule the procedures for an appeal of an
20 examination failure.

21 The office of crime victims advocacy shall supply the (~~committee~~)
22 department with information on methods of recognizing victims of human
23 trafficking, what services are available for these victims, and where
24 to report potential trafficking situations. The information supplied
25 must be culturally sensitive and must include information relating to
26 minor victims. The (~~committee~~) department shall disseminate this
27 information to licensees (~~by~~): By providing the information on the
28 (~~committee's~~) department's web site; by including the information in
29 newsletters; by holding trainings at meetings attended by organization
30 members; or through another distribution method determined by the
31 (~~committee~~) department. The (~~committee~~) department shall report to
32 the office of crime victims advocacy on the method or methods it uses
33 to distribute information under this subsection(~~+~~

34 ~~(11) Maintain the official record of all applicants and licensees;~~
35 ~~and~~

36 ~~(12) Establish by rule the procedures for an appeal of an~~
37 ~~examination failure)).~~

1 **Livestock Identification Advisory Board**

2 NEW SECTION. **Sec. 138.** RCW 16.57.015 (Livestock identification
3 advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c
4 354 s 10 are each repealed.

5 **Sec. 139.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to
6 read as follows:

7 (1) The director may adopt rules:

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

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

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

21 **Washington Main Street Advisory Committee**

22 NEW SECTION. **Sec. 140.** RCW 43.360.040 (Washington main street
23 advisory committee) and 2005 c 514 s 911 are each repealed.

24 **Midwifery Advisory Committee**

25 NEW SECTION. **Sec. 141.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 18.50.140 (Midwifery advisory committee--Generally) and
28 1994 sp.s. c 9 s 706, 1991 c 3 s 114, 1987 c 467 s 5, & 1981 c 53 s 3;
29 and

30 (2) RCW 18.50.150 (Midwifery advisory committee--Advice and
31 recommendations) and 1998 c 245 s 6, 1991 c 3 s 115, & 1981 c 53 s 4.

1 **Sec. 142.** RCW 18.50.045 and 1991 c 3 s 107 are each amended to
2 read as follows:

3 The secretary shall (~~(promulgate)~~) adopt standards by rule under
4 chapter 34.05 RCW for accrediting midwifery educational programs. The
5 standards shall cover the provision of adequate clinical and didactic
6 instruction in all subjects and noncurriculum matters under this
7 section including, but not limited to, staffing and teacher
8 qualifications. (~~(In developing the standards, the secretary shall be
9 advised by and receive the recommendations of the midwifery advisory
10 committee.)~~)

11 **Sec. 143.** RCW 18.50.060 and 1991 c 3 s 109 are each amended to
12 read as follows:

13 (1) The secretary is hereby authorized and empowered to execute the
14 provisions of this chapter and shall offer examinations in midwifery at
15 least twice a year at such times and places as the secretary may
16 select. The examinations shall be written and shall be in the English
17 language.

18 (2) The secretary(~~(, with the assistance of the midwifery advisory
19 committee,)~~) shall develop or approve a licensure examination in the
20 subjects that the secretary determines are within the scope of and
21 commensurate with the work performed by a licensed midwife. The
22 examination shall be sufficient to test the scientific and practical
23 fitness of candidates to practice midwifery. All application papers
24 shall be deposited with the secretary and there retained for at least
25 one year, when they may be destroyed.

26 (3) If the examination is satisfactorily completed, the secretary
27 shall issue to such candidate a license entitling the candidate to
28 practice midwifery in the state of Washington.

29 **Sec. 144.** RCW 18.50.105 and 1991 c 3 s 111 are each amended to
30 read as follows:

31 The secretary(~~(, with the advice of the midwifery advisory
32 committee,)~~) shall develop a form to be used by a midwife to inform the
33 patient of the qualifications of a licensed midwife.

1 **Migratory Waterfowl Art Committee**

2 NEW SECTION. **Sec. 145.** RCW 77.12.680 (Migratory waterfowl art
3 committee--Membership--Terms--Vacancies--Chairman--Review of
4 expenditures--Compensation) and 1987 c 506 s 54 & 1985 c 243 s 5 are
5 each repealed.

6 **Sec. 146.** RCW 77.12.670 and 2002 c 283 s 2 are each amended to
7 read as follows:

8 (1) ~~((The))~~ Beginning July 1, 2010, the department, after
9 soliciting recommendations from the public, shall select the design for
10 the migratory bird stamp ~~((to be produced by the department shall use~~
11 ~~the design as provided by the migratory waterfowl art committee))~~.

12 (2) All revenue derived from the sale of migratory bird license
13 validations or stamps by the department to any person hunting waterfowl
14 or to any stamp collector shall be deposited in the state wildlife
15 ~~((fund))~~ account and shall be used only for that portion of the cost of
16 printing and production of the stamps for migratory waterfowl hunters
17 as determined by subsection (4) of this section, and for those
18 migratory waterfowl projects specified by the director of the
19 department for the acquisition and development of migratory waterfowl
20 habitat in the state and for the enhancement, protection, and
21 propagation of migratory waterfowl in the state. Migratory bird
22 license validation and stamp funds may not be used on lands controlled
23 by private hunting clubs or on private lands that charge a fee for
24 public access. Migratory bird license validation and stamp funds may
25 be used for migratory waterfowl projects on private land where public
26 hunting is provided by written permission or on areas established by
27 the department as waterfowl hunting closures.

28 (3) All revenue derived from the sale of the license validation and
29 stamp by the department to persons hunting solely nonwaterfowl
30 migratory birds shall be deposited in the state wildlife ~~((fund))~~
31 account and shall be used only for that portion of the cost of printing
32 and production of the stamps for nonwaterfowl migratory bird hunters as
33 determined by subsection (4) of this section, and for those
34 nonwaterfowl migratory bird projects specified by the director for the
35 acquisition and development of nonwaterfowl migratory bird habitat in
36 the state and for the enhancement, protection, and propagation of
37 nonwaterfowl migratory birds in the state.

1 (4) With regard to the revenue from license validation and stamp
2 sales that is not the result of sales to stamp collectors, the
3 department shall determine the proportion of migratory waterfowl
4 hunters and solely nonwaterfowl migratory bird hunters by using the
5 yearly migratory bird hunter harvest information program survey results
6 or, in the event that these results are not available, other similar
7 survey results. A two-year average of the most recent survey results
8 shall be used to determine the proportion of the revenue attributed to
9 migratory waterfowl hunters and the proportion attributed to solely
10 nonwaterfowl migratory bird hunters for each fiscal year. For fiscal
11 year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the
12 stamp revenue shall be attributed to migratory waterfowl hunters and
13 four percent of the stamp revenue shall be attributed to solely
14 nonwaterfowl migratory game hunters.

15 (5) Acquisition shall include but not be limited to the acceptance
16 of gifts of real estate or any interest therein or the rental, lease,
17 or purchase of real estate or any interest therein. If the department
18 acquires any fee interest, leasehold, or rental interest in real
19 property under this section, it shall allow the general public
20 reasonable access to that property and shall, if appropriate, ensure
21 that the deed or other instrument creating the interest allows such
22 access to the general public. If the department obtains a covenant in
23 real property in its favor or an easement or any other interest in real
24 property under this section, it shall exercise its best efforts to
25 ensure that the deed or other instrument creating the interest grants
26 to the general public in the form of a covenant running with the land
27 reasonable access to the property. The private landowner from whom the
28 department obtains such a covenant or easement shall retain the right
29 of granting access to the lands by written permission, but may not
30 charge a fee for access.

31 (6) The department may produce migratory bird stamps in any given
32 year in excess of those necessary for sale in that year. The excess
33 stamps may be sold to the (~~migratory waterfowl art committee for sale~~
34 ~~to the~~) public.

35 **Sec. 147.** RCW 77.12.690 and 2009 c 333 s 38 are each amended to
36 read as follows:

37 (1) The (~~migratory waterfowl art committee~~) director is

1 responsible for the selection of the annual migratory bird stamp design
2 (~~and shall provide the design to the department. If the committee~~
3 ~~does not perform this duty within the time frame necessary to achieve~~
4 ~~proper and timely distribution of the stamps to license dealers, the~~
5 ~~director shall initiate the art work selection for that year)). The~~
6 ~~((committee))~~ department shall create collector art prints and related
7 artwork, utilizing the same design (~~as provided to the department~~).
8 The administration, sale, distribution, and other matters relating to
9 the prints and sales of stamps with prints and related artwork shall be
10 the responsibility of the (~~migratory waterfowl art committee~~)
11 department.

12 (2) The total amount brought in from the sale of prints and related
13 artwork shall be deposited in the state wildlife account created in RCW
14 77.12.170. The costs of producing and marketing of prints and related
15 artwork(~~, including administrative expenses mutually agreed upon by~~
16 ~~the committee and the director,~~) shall be paid out of the total amount
17 brought in from sales of those same items. Net funds derived from the
18 sale of prints and related artwork shall be used by the director to
19 contract with one or more appropriate individuals or nonprofit
20 organizations for the development of waterfowl propagation projects
21 within Washington which specifically provide waterfowl for the Pacific
22 flyway. The department shall not contract with any individual or
23 organization that obtains compensation for allowing waterfowl hunting
24 except if the individual or organization does not permit hunting for
25 compensation on the subject property.

26 (~~The migratory waterfowl art committee shall have an annual audit~~
27 ~~of its finances conducted by the state auditor and shall furnish a copy~~
28 ~~of the audit to the commission.))~~

29 **Sec. 148.** RCW 77.08.045 and 1998 c 191 s 31 are each amended to
30 read as follows:

- 31 As used in this title or rules adopted pursuant to this title:
- 32 (1) "Migratory waterfowl" means members of the family Anatidae,
33 including brants, ducks, geese, and swans;
 - 34 (2) "Migratory bird" means migratory waterfowl and coots, snipe,
35 doves, and band-tailed pigeon;
 - 36 (3) "Migratory bird stamp" means the stamp that is required by RCW

1 77.32.350 to be in the possession of all persons to hunt migratory
2 birds; and

3 (4) "Prints and artwork" means replicas of the original stamp
4 design that are sold to the general public. Prints and artwork are not
5 to be construed to be the migratory bird stamp that is required by RCW
6 77.32.350. Artwork may be any facsimile of the original stamp design,
7 including color renditions, metal duplications, or any other kind of
8 design(~~(~~and~~~~

9 ~~(5) "Migratory waterfowl art committee" means the committee created~~
10 ~~by RCW 77.12.680. The committee's primary function is to select the~~
11 ~~annual migratory bird stamp design)).~~

12

Mortgage Brokers

13 NEW SECTION. **Sec. 149.** RCW 19.146.280 (Mortgage broker
14 commission--Code of conduct--Complaint review) and 2009 c 518 s 1, 2006
15 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c
16 468 s 21 are each repealed.

17 **Sec. 150.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to
18 read as follows:

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

24

Motorcycle Safety Education Advisory Board

25 **Sec. 151.** RCW 46.20.520 and 1998 c 245 s 89 are each amended to
26 read as follows:

27 (1) The director of licensing shall use moneys designated for the
28 motorcycle safety education account of the highway safety fund to
29 implement by July 1, 1983, a voluntary motorcycle operator training and
30 education program. The director may contract with public and private
31 entities to implement this program.

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Department" means the department of health.

4 (2) "Secretary" means the secretary of health or the secretary's
5 designee.

6 (3) "Naturopath" means an individual licensed under this chapter.

7 (4) (~~"Committee" means the Washington state naturopathic practice~~
8 ~~advisory committee.~~

9 (+5)) "Educational program" means an accredited program preparing
10 persons for the practice of naturopathic medicine.

11 ((+6)) (5) "Nutrition and food science" means the prevention and
12 treatment of disease or other human conditions through the use of
13 foods, water, herbs, roots, bark, or natural food elements.

14 ((+7)) (6) "Manual manipulation" or "mechanotherapy" means
15 manipulation of a part or the whole of the body by hand or by
16 mechanical means.

17 ((+8)) (7) "Physical modalities" means use of physical, chemical,
18 electrical, and other noninvasive modalities, including but not limited
19 to heat, cold, air, light, water in any of its forms, sound, massage,
20 and therapeutic exercise.

21 ((+9)) (8) "Homeopathy" means a system of medicine based on the
22 use of infinitesimal doses of medicines capable of producing symptoms
23 similar to those of the disease treated, as listed in the homeopathic
24 pharmacopeia of the United States.

25 ((+10)) (9) "Naturopathic medicines" means vitamins; minerals;
26 botanical medicines; homeopathic medicines; hormones; and those legend
27 drugs and controlled substances consistent with naturopathic medical
28 practice in accordance with rules established by the secretary.
29 Controlled substances are limited to codeine and testosterone products
30 that are contained in Schedules III, IV, and V in chapter 69.50 RCW.

31 ((+11)) (10) "Hygiene and immunization" means the use of such
32 preventative techniques as personal hygiene, asepsis, public health,
33 and immunizations, to the extent allowed by rule.

34 ((+12)) (11) "Minor office procedures" means care and procedures
35 incident thereto of superficial lacerations, lesions, and abrasions,
36 and the removal of foreign bodies located in superficial structures,
37 not to include the eye; and the use of antiseptics and topical or local
38 anesthetics in connection therewith. "Minor office procedures" also

1 includes intramuscular, intravenous, subcutaneous, and intradermal
2 injections of substances consistent with the practice of naturopathic
3 medicine and in accordance with rules established by the secretary.

4 ~~((+13+))~~ (12) "Common diagnostic procedures" means the use of
5 venipuncture consistent with the practice of naturopathic medicine,
6 commonly used diagnostic modalities consistent with naturopathic
7 practice, health history taking, physical examination, radiography,
8 examination of body orifices excluding endoscopy, laboratory medicine,
9 and obtaining samples of human tissues, but excluding incision or
10 excision beyond that which is authorized as a minor office procedure.

11 ~~((+14+))~~ (13) "Suggestion" means techniques including but not
12 limited to counseling, biofeedback, and hypnosis.

13 ~~((+15+))~~ (14) "Radiography" means the ordering, but not the
14 interpretation, of radiographic diagnostic and other imaging studies
15 and the taking and interpretation of standard radiographs.

16 **Sec. 154.** RCW 18.36A.080 and 1991 c 3 s 93 are each amended to
17 read as follows:

18 The secretary(~~(, members of the committee,)~~) or individuals acting
19 on ~~((their))~~ the secretary's behalf, are immune from suit in any civil
20 action based on any act performed in the course of their duties.

21 **Sec. 155.** 2005 c 158 s 3 (uncodified) is amended to read as
22 follows:

23 The secretary (~~{of health}~~) of health, in consultation with the
24 ~~((naturopathic advisory committee and the))~~ Washington state board of
25 pharmacy, shall develop education and training requirements for the use
26 of controlled substances authorized under this act. The requirements
27 must be met by the naturopath prior to being authorized to prescribe
28 controlled substances under this act.

29 **Sec. 156.** RCW 18.36A.110 and 1991 c 3 s 96 are each amended to
30 read as follows:

31 (1) The date and location of the examination shall be established
32 by the secretary. Applicants who have been found to meet the education
33 and experience requirements for licensure shall be scheduled for the
34 next examination following the filing of the application. The
35 secretary shall establish by rule the examination application deadline.

1 (2) The examination shall contain subjects appropriate to the
2 standards of competency and scope of practice.

3 (3) The secretary shall establish by rule the requirements for a
4 reexamination if the applicant has failed the examination.

5 ~~((4) The committee may recommend to the secretary an examination
6 prepared or administered, or both, by a private testing agency or
7 association of licensing boards.))~~

8 **Nonhighway and Off-Road Vehicle Activities**
9 **Advisory Committee**

10 NEW SECTION. **Sec. 157.** RCW 46.09.280 (Nonhighway and off-road
11 vehicle activities advisory committee) and 2007 c 241 s 19, 2004 c 105
12 s 8, 2003 c 185 s 1, & 1986 c 206 s 13 are each repealed.

13 **Sec. 158.** RCW 46.09.020 and 2007 c 241 s 13 are each amended to
14 read as follows:

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

17 (1) ~~(("Advisory committee" means the nonhighway and off-road
18 vehicle activities advisory committee established in RCW 46.09.280.~~

19 ~~(2))~~ "Board" means the recreation and conservation funding board
20 established in RCW 79A.25.110.

21 ~~((3))~~ (2) "Dealer" means a person, partnership, association, or
22 corporation engaged in the business of selling off-road vehicles at
23 wholesale or retail in this state.

24 ~~((4))~~ (3) "Department" means the department of licensing.

25 ~~((5))~~ (4) "Highway," for the purpose of this chapter only, means
26 the entire width between the boundary lines of every roadway publicly
27 maintained by the state department of transportation or any county or
28 city with funding from the motor vehicle fund. A highway is generally
29 capable of travel by a conventional two-wheel drive passenger
30 automobile during most of the year and in use by such vehicles.

31 ~~((6))~~ (5) "Motorized vehicle" means a vehicle that derives motive
32 power from an internal combustion engine.

33 ~~((7))~~ (6) "Nonhighway road" means any road owned or managed by a
34 public agency or any private road for which the owner has granted an

1 easement for public use for which appropriations from the motor vehicle
2 fund were not used for (a) original construction or reconstruction in
3 the last twenty-five years; or (b) maintenance in the last four years.

4 ~~((+8+))~~ (7) "Nonhighway road recreation facilities" means
5 recreational facilities that are adjacent to, or accessed by, a
6 nonhighway road and intended primarily for nonhighway road recreational
7 users.

8 ~~((+9+))~~ (8) "Nonhighway road recreational user" means a person
9 whose purpose for consuming fuel on a nonhighway road or off-road is
10 primarily for nonhighway road recreational purposes, including, but not
11 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
12 picnicking, driving for pleasure, kayaking/canoeing, and gathering
13 berries, firewood, mushrooms, and other natural products.

14 ~~((+10+))~~ (9) "Nonhighway vehicle" means any motorized vehicle
15 including an ORV when used for recreational purposes on nonhighway
16 roads, trails, or a variety of other natural terrain.

17 Nonhighway vehicle does not include:

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

20 (b) Snowmobiles or any military vehicles; or

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

25 ~~((+11+))~~ (10) "Nonmotorized recreational facilities" means
26 recreational trails and facilities that are adjacent to, or accessed
27 by, a nonhighway road and intended primarily for nonmotorized
28 recreational users.

29 ~~((+12+))~~ (11) "Nonmotorized recreational user" means a person whose
30 purpose for consuming fuel on a nonhighway road or off-road is
31 primarily for nonmotorized recreational purposes including, but not
32 limited to, walking, hiking, backpacking, climbing, cross-country
33 skiing, snowshoeing, mountain biking, horseback riding, and pack animal
34 activities.

35 ~~((+13+))~~ (12) "Off-road vehicle" or "ORV" means any nonstreet
36 licensed vehicle when used for recreational purposes on nonhighway
37 roads, trails, or a variety of other natural terrain. Such vehicles

1 include, but are not limited to, all-terrain vehicles, motorcycles,
2 four-wheel drive vehicles, and dune buggies.

3 ~~((+14))~~ (13) "Operator" means each person who operates, or is in
4 physical control of, any nonhighway vehicle.

5 ~~((+15))~~ (14) "Organized competitive event" means any competition,
6 advertised in advance through written notice to organized clubs or
7 published in local newspapers, sponsored by recognized clubs, and
8 conducted at a predetermined time and place.

9 ~~((+16))~~ (15) "ORV recreation facilities" include, but are not
10 limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and
11 ORV use areas, designated for ORV use by the managing authority that
12 are intended primarily for ORV recreational users.

13 ~~((+17))~~ (16) "ORV recreational user" means a person whose purpose
14 for consuming fuel on nonhighway roads or off-road is primarily for ORV
15 recreational purposes, including but not limited to riding an all-
16 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
17 dune buggy.

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

23 ~~((+19))~~ (18) "ORV trail" means a multiple-use corridor designated
24 by the managing authority and maintained for recreational use by
25 motorized vehicles.

26 ~~((+20))~~ (19) "ORV use permit" means a permit issued for operation
27 of an off-road vehicle under this chapter.

28 ~~((+21))~~ (20) "Owner" means the person other than the lienholder,
29 having an interest in or title to a nonhighway vehicle, and entitled to
30 the use or possession thereof.

31 ~~((+22))~~ (21) "Person" means any individual, firm, partnership,
32 association, or corporation.

33 NEW SECTION. **Sec. 159.** The following acts or parts of acts are
34 each repealed:

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

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

3 **Sec. 160.** RCW 90.56.005 and 2005 c 304 s 1 are each amended to
4 read as follows:

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

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

26 (3) The legislature also finds that:

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

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

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

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

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

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

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

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

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

28 (d) To provide for state spill response and wildlife rescue
29 planning and implementation;

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

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

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

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

6 **Sec. 161.** RCW 90.56.060 and 2005 c 304 s 4 are each amended to
7 read as follows:

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

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

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

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

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

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

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

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

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

9 (3) In preparing and updating the state master plan, the department
10 shall:

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

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

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

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

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

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

26 **Sec. 162.** RCW 43.30.820 and 1991 c 316 s 3 are each amended to
27 read as follows:

28 The Olympic natural resources center shall operate under the
29 authority of the board of regents of the University of Washington. It
30 shall be administered by a director appointed jointly by the deans of
31 the college of forest resources and the college of ocean and fishery
32 sciences. The director shall be a member of the faculty of one of
33 those colleges. The director shall appoint and maintain a scientific
34 or technical committee, and other committees as necessary, to advise

1 the director on the efficiency, effectiveness, and quality of the
2 center's activities.

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

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

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

15 NEW SECTION. **Sec. 163.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and

18 (2) RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

19 **Sec. 164.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to
20 read as follows:

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

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

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

30 ~~((3))~~ (2) "Designer," "licensee," or "permit holder" means an
31 individual authorized under this chapter to perform design services for
32 on-site wastewater treatment systems.

33 ~~((4))~~ (3) "Director" means the director of the Washington state
34 department of licensing.

1 ((+5)) (4) "Engineer" means a professional engineer licensed under
2 chapter 18.43 RCW.

3 ((+6)) (5) "Practice of engineering" has the meaning set forth in
4 RCW 18.43.020(5).

5 ((+7)) (6) "On-site wastewater treatment system" means an
6 integrated system of components that: Convey, store, treat, and/or
7 provide subsurface soil treatment and disposal of wastewater effluent
8 on the property where it originates or on adjacent or other property
9 and includes piping, treatment devices, other accessories, and soil
10 underlying the disposal component of the initial and reserve areas, for
11 on-site wastewater treatment under three thousand five hundred gallons
12 per day when not connected to a public sewer system.

13 ((+8)) (7) "On-site wastewater design" means the development of
14 plans, details, specifications, instructions, or inspections by
15 application of specialized knowledge in analysis of soils, on-site
16 wastewater treatment systems, disposal methods, and technologies to
17 create an integrated system of collection, transport, distribution,
18 treatment, and disposal of on-site wastewater.

19 ((+9)) (8) "Local health jurisdiction" or "jurisdictional health
20 department" means an administrative agency created under chapter 70.05,
21 70.08, or 70.46 RCW, that administers the regulation and codes
22 regarding on-site wastewater treatment systems.

23 ((+10)) (9) "Practice permit" means an authorization to practice
24 granted to an individual who designs on-site wastewater treatment
25 systems and who has been authorized by a local health jurisdiction to
26 practice on or before July 1, 2000.

27 ((+11)) (10) "License" means a license to design on-site
28 wastewater treatment systems under this chapter.

29 ((+12)) (11) "Certificate of competency" means a certificate
30 issued to employees of local health jurisdictions indicating that the
31 certificate holder has passed the licensing examination required under
32 this chapter.

33 **Sec. 165.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
34 read as follows:

35 The director may:
36 (1) ~~((Appoint and reappoint members to the advisory committee,~~

1 ~~including temporary additional members, and remove committee members~~
2 ~~for just cause;~~

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

5 ~~((3))~~ (2) Establish fees for applications, examinations, and
6 renewals in accordance with chapter 43.24 RCW;

7 ~~((4))~~ (3) Issue practice permits and licenses to applicants who
8 meet the requirements of this chapter; and

9 ~~((5))~~ (4) Exercise rule-making authority to implement this
10 section.

11 **Sec. 166.** RCW 18.210.060 and 2002 c 86 s 258 are each amended to
12 read as follows:

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

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

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

18 ~~((c))~~ (3) Review and approve or deny initial and renewal license
19 applications.

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

22 **On-site Sewage Disposal Systems Alternative Systems**
23 **Technical Review Committee**

24 NEW SECTION. **Sec. 167.** RCW 70.118.100 (Alternative systems--
25 Technical review committee) and 1997 c 447 s 3 are each repealed.

26 **Sec. 168.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to
27 read as follows:

28 In order to assure that technical guidelines and standards keep
29 pace with advancing technologies, the department of health in
30 collaboration with ~~((the technical review committee,))~~ local health
31 departments~~((,))~~ and other interested parties, must review and update
32 as appropriate, the state guidelines and standards for alternative on-

1 site sewage disposal every three years. The first review and update
2 must be completed by January 1, 1999.

3 **Orthotic and Prosthetics Advisory Committee**

4 NEW SECTION. **Sec. 169.** RCW 18.200.060 (Advisory committee--
5 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

6 **Sec. 170.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
7 read as follows:

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

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

12 ~~(2))~~ "Department" means the department of health.

13 ~~((3))~~ (2) "Secretary" means the secretary of health or the
14 secretary's designee.

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

29 ~~((5))~~ (4) "Orthotist" means a person licensed to practice
30 orthotics under this chapter.

31 ~~((6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace
32 or support that is designed for long-term use. Except for the
33 treatment of scoliosis, orthosis does not include prefabricated or
34 direct-formed orthotic devices, as defined in this section, or any of

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

24 ((+7)) (6) "Prosthetics" means the science and practice of
25 evaluating, measuring, designing, fabricating, assembling, fitting,
26 aligning, adjusting, or servicing, as well as providing the initial
27 training necessary to accomplish the fitting of, a prosthesis through
28 the replacement of external parts of a human body lost due to
29 amputation or congenital deformities or absences. The practice of
30 prosthetics also includes the generation of an image, form, or mold
31 that replicates the patient's body or body segment and that requires
32 rectification of dimensions, contours, and volumes for use in the
33 design and fabrication of a socket to accept a residual anatomic limb
34 to, in turn, create an artificial appendage that is designed either to
35 support body weight or to improve or restore function or cosmesis, or
36 both. Involved in the practice of prosthetics is observational gait
37 analysis and clinical assessment of the requirements necessary to
38 refine and mechanically fix the relative position of various parts of

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

6 ~~((+8))~~ (7) "Prosthetist" means a person who is licensed to
7 practice prosthetics under this chapter.

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

23 ~~((+10))~~ (9) "Authorized health care practitioner" means licensed
24 physicians, physician's assistants, osteopathic physicians,
25 chiropractors, naturopaths, podiatric physicians and surgeons,
26 dentists, and advanced registered nurse practitioners.

27 **Sec. 171.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
28 read as follows:

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

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

33 (2) Establish administrative procedures, administrative
34 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
35 All fees collected under this section must be credited to the health
36 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. 172.** 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 **Performance Audit Citizen Advisory Board**

10 NEW SECTION. **Sec. 173.** The following acts or parts of acts are
11 each repealed:

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

14 (2) RCW 43.09.435 (Performance audits--Citizen advisory board) and
15 2005 c 385 s 3;

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

19 (4) RCW 43.09.445 (Performance audits--Local jurisdictions) and
20 2005 c 385 s 6;

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

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

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

27 **Pesticide Committees**

28 **Interagency Integrated Pest Management Coordinating Committee**

29 **Pesticide Advisory Board**

30 **Pesticide Incident Reporting and Tracking Review Panel**

31 NEW SECTION. **Sec. 174.** The following acts or parts of acts are
32 each repealed:

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

4 (2) RCW 17.21.230 (Pesticide advisory board) and 1994 c 283 s 26,
5 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c 20 s 1, 1971 ex.s. c 191
6 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;

7 (3) RCW 17.21.240 (Pesticide advisory board--Vacancies) and 1994 c
8 283 s 27, 1989 c 380 s 55, & 1961 c 249 s 24;

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

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

13 (6) RCW 17.21.270 (Pesticide advisory board--Travel expenses) and
14 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s 24, & 1961 c 249 s 27;

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

17 (8) RCW 70.104.080 (Pesticide panel--Generally) and 1994 c 264 s
18 41, 1991 c 3 s 363, & 1989 c 380 s 68.

19 **Sec. 175.** RCW 70.104.090 and 1991 c 3 s 364 are each amended to
20 read as follows:

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

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

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

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

33 ~~(4) At the request of the chair or any panel member, reviewing
34 pesticide incidents of unusual complexity or those that cannot be
35 resolved;~~

36 ~~(5) Identifying inadequacies in state and/or federal law that
37 result in insufficient protection of public health and safety, with~~

1 ~~specific attention to advising the appropriate agencies on the adequacy~~
2 ~~of pesticide reentry intervals established by the federal environmental~~
3 ~~protection agency and registered pesticide labels to protect the health~~
4 ~~and safety of farmworkers. The panel shall establish a priority list~~
5 ~~for reviewing reentry intervals, which considers the following~~
6 ~~criteria:~~

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

9 ~~(b) Whether another state has established a reentry interval for~~
10 ~~the pesticide that is longer than the existing federal reentry~~
11 ~~interval;~~

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

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

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

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

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

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

27 ~~((c))~~ (3) A separate descriptive listing of each case in which
28 adverse health or environmental effects due to pesticides were found to
29 occur;

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

31 ~~((e))~~ (5) An assessment of the effects of pesticide exposure in
32 the workplace;

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

34 ~~((g))~~ (7) Any recommendations for improved pesticide use
35 practices.

36 **Sec. 176.** RCW 15.92.070 and 1991 c 341 s 8 are each amended to
37 read as follows:

1 The laboratory is advised by a board appointed by the dean of the
2 Washington State University college of agriculture and home economics.
3 The dean shall cooperate with appropriate officials in Washington,
4 Idaho, and Oregon in selecting board members.

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

21 (2) The board (~~is in liaison with the pesticide advisory board and~~
22 ~~the pesticide incident reporting and tracking panel and~~) shall review
23 the chemicals investigated by the laboratory according to the following
24 criteria:

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

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

30 (c) Chemicals that have lost or may lose their registration and
31 that no reasonably viable alternatives for Washington crops are known;
32 and

33 (d) Other chemicals vital to Washington agriculture.

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

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

1 **Sec. 177.** RCW 17.21.020 and 2004 c 100 s 1 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

11 (2) "Agricultural land" means land on which an agricultural
12 commodity is produced or land that is in a government-recognized
13 conservation reserve program. This definition does not apply to
14 private gardens where agricultural commodities are produced for
15 personal consumption.

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

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

30 (5) "Arthropod" means any invertebrate animal that belongs to the
31 phylum arthropoda, which in addition to insects, includes allied
32 classes whose members are wingless and usually have more than six legs;
33 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

34 (6) "Certified applicator" means any individual who is licensed as
35 a commercial pesticide applicator, commercial pesticide operator,
36 public operator, private-commercial applicator, demonstration and
37 research applicator, private applicator, limited private applicator,

1 rancher private applicator, or any other individual who is certified by
2 the director to use or supervise the use of any pesticide which is
3 classified by the EPA or the director as a restricted use pesticide.

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

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

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

13 (10) "Department" means the Washington state department of
14 agriculture.

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

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

21 (13) "Direct supervision" by certified private applicators shall
22 mean that the designated restricted use pesticide shall be applied for
23 purposes of producing any agricultural commodity on land owned or
24 rented by the applicator or the applicator's employer, by a competent
25 person acting under the instructions and control of a certified private
26 applicator who is available if and when needed, even though such
27 certified private applicator is not physically present at the time and
28 place the pesticide is applied. The certified private applicator shall
29 have direct management responsibility and familiarity of the pesticide,
30 manner of application, pest, and land to which the pesticide is being
31 applied. Direct supervision by all other certified applicators means
32 direct on-the-job supervision and shall require that the certified
33 applicator be physically present at the application site and that the
34 person making the application be in voice and visual contact with the
35 certified applicator at all times during the application. However,
36 direct supervision for forest application does not require constant
37 voice and visual contact when general use pesticides are applied using
38 nonapparatus type equipment, the certified applicator is physically

1 present and readily available in the immediate application area, and
2 the certified applicator directly observes pesticide mixing and
3 batching. Direct supervision of an aerial apparatus means the pilot of
4 the aircraft must be appropriately certified.

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

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

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

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

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

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

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

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

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

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

31 (24) "Immediate service call" means a landscape application to
32 satisfy an emergency customer request for service, or a treatment to
33 control a pest to landscape plants.

34 (25) "Insect" means any small invertebrate animal, in any life
35 stage, whose adult form is segmented and which generally belongs to the
36 class insecta, comprised of six-legged, usually winged forms, as, for
37 example, beetles, bugs, bees, and flies. The term insect shall also

1 apply to other allied classes of arthropods whose members are wingless
2 and usually have more than six legs, for example, spiders, mites,
3 ticks, centipedes, and isopod crustaceans.

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

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

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

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

36 (30) "Limited production agricultural land" means land used to grow
37 hay and grain crops that are consumed by the livestock on the farm
38 where produced. No more than ten percent of the hay and grain crops

1 grown on limited production agricultural land may be sold each crop
2 year. Limited production agricultural land does not include aquatic
3 sites.

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

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

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

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

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

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

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

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

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

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

29 ~~(+38+))~~ "Plant regulator" means any substance or mixture of
30 substances intended through physiological action, to accelerate or
31 retard the rate of growth or maturation, or to otherwise alter the
32 behavior of ornamental or crop plants or their produce, but shall not
33 include substances insofar as they are intended to be used as plant
34 nutrients, trace elements, nutritional chemicals, plant inoculants, or
35 soil amendments.

36 ~~((+39+))~~ (38) "Private applicator" means a certified applicator who
37 uses or is in direct supervision of the use of any pesticide classified
38 by the EPA or the director as a restricted use pesticide, for the

1 purposes of producing any agricultural commodity and for any associated
2 noncrop application on land owned or rented by the applicator or the
3 applicator's employer or if applied without compensation other than
4 trading of personal services between producers of agricultural
5 commodities on the land of another person.

6 ~~((40))~~ (39) "Private-commercial applicator" means a certified
7 applicator who uses or supervises the use of any pesticide classified
8 by the EPA or the director as a restricted use pesticide for purposes
9 other than the production of any agricultural commodity on lands owned
10 or rented by the applicator or the applicator's employer.

11 ~~((41))~~ (40) "Rancher private applicator" means a certified
12 applicator who uses or is in direct supervision, as defined for private
13 applicators in this section, of the use of any herbicide or any
14 rodenticide classified by the EPA or the director as a restricted use
15 pesticide for the purpose of controlling weeds and pest animals on
16 nonproduction agricultural land and limited production agricultural
17 land owned or rented by the applicator or the applicator's employer.
18 Rancher private applicators may also use restricted use pesticides on
19 timber areas, excluding aquatic sites, to control weeds designated for
20 mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state
21 and local regulations adopted under chapters 17.04, 17.06, and 17.10
22 RCW. A rancher private applicator may apply restricted use herbicides
23 and rodenticides to the types of land described in this subsection of
24 another person if applied without compensation other than trading of
25 personal services between the applicator and the other person. This
26 license is only valid when making applications in counties of
27 Washington located east of the crest of the Cascade mountains.

28 ~~((42))~~ (41) "Residential property" includes property less than
29 one acre in size zoned as residential by a city, town, or county, but
30 does not include property zoned as agricultural or agricultural
31 homesites.

32 ~~((43))~~ (42) "Restricted use pesticide" means any pesticide or
33 device which, when used as directed or in accordance with a widespread
34 and commonly recognized practice, the director determines, subsequent
35 to a hearing, requires additional restrictions for that use to prevent
36 unreasonable adverse effects on the environment including people,
37 lands, beneficial insects, animals, crops, and wildlife, other than
38 pests.

1 (~~(44)~~) (43) "Rodenticide" means any substance or mixture of
2 substances intended to prevent, destroy, repel, or mitigate rodents, or
3 any other vertebrate animal which the director may declare by rule to
4 be a pest.

5 (~~(45)~~) (44) "School facility" means any facility used for
6 licensed day care center purposes or for the purposes of a public
7 kindergarten or public elementary or secondary school. School facility
8 includes the buildings or structures, playgrounds, landscape areas,
9 athletic fields, school vehicles, or any other area of school property.

10 (~~(46)~~) (45) "Snails or slugs" include all harmful mollusks.

11 (~~(47)~~) (46) "Unreasonable adverse effects on the environment"
12 means any unreasonable risk to people or the environment taking into
13 account the economic, social, and environmental costs and benefits of
14 the use of any pesticide, or as otherwise determined by the director.

15 (~~(48)~~) (47) "Weed" means any plant which grows where it is not
16 wanted.

17 **Citizens Committee on Pipeline Safety**

18 NEW SECTION. **Sec. 178.** RCW 81.88.140 (Citizens committee on
19 pipeline safety--Duties--Membership) and 2001 c 238 s 11 & 2000 c 191
20 s 14 are each repealed.

21 **Sec. 179.** RCW 80.24.060 and 2009 c 91 s 1 are each amended to read
22 as follows:

23 (1)(a) Every gas company and every interstate gas pipeline company
24 subject to inspection or enforcement by the commission shall pay an
25 annual pipeline safety fee to the commission. The pipeline safety fees
26 received by the commission shall be deposited in the pipeline safety
27 account created in RCW 81.88.050.

28 (b) The aggregate amount of fees set shall be sufficient to recover
29 the reasonable costs of administering the pipeline safety program,
30 taking into account federal funds used to offset the costs. The fees
31 established under this section shall be designed to generate revenue
32 not exceeding appropriated levels of funding for the current fiscal
33 year. At a minimum, the fees established under this section shall be
34 sufficient to adequately fund pipeline inspection personnel, the timely

1 review of pipeline safety and integrity plans, the timely development
2 of spill response plans, the timely development of accurate maps of
3 pipeline locations, and participation in federal pipeline safety
4 efforts to the extent allowed by law(~~(, and the staffing of the~~
5 ~~citizens committee on pipeline safety)~~)).

6 (c) Increases in the aggregate amount of fees over the immediately
7 preceding fiscal year are subject to the requirements of RCW
8 43.135.055.

9 (2) The commission shall by rule establish the methodology it will
10 use to set the appropriate fee for each entity subject to this section.
11 The methodology shall provide for an equitable distribution of program
12 costs among all entities subject to the fee. The fee methodology shall
13 provide for:

14 (a) Direct assignment of average costs associated with annual
15 standard inspections, including the average number of inspection days
16 per year. In establishing these directly assignable costs, the
17 commission shall consider the requirements and guidelines of the
18 federal government, state safety standards, and good engineering
19 practices; and

20 (b) A uniform and equitable means of estimating and allocating
21 costs of other duties relating to inspecting pipelines for safety that
22 are not directly assignable, including but not limited to design review
23 and construction inspections, specialized inspections, incident
24 investigations, geographic mapping system design and maintenance, and
25 administrative support.

26 (3) The commission shall require reports from those entities
27 subject to this section in the form and at such time as necessary to
28 set the fees. After considering the reports supplied by the entities,
29 the commission shall set the amount of the fee payable by each entity
30 by general order entered before a date established by rule.

31 (4) For companies subject to RCW 80.24.010, the commission shall
32 collect the pipeline safety fee as part of the fee specified in RCW
33 80.24.010. The commission shall allocate the moneys collected under
34 RCW 80.24.010 between the pipeline safety program and for other
35 regulatory purposes. The commission shall adopt rules that assure that
36 fee moneys related to the pipeline safety program are maintained
37 separately from other moneys collected by the commission under this
38 chapter.

1 (5) Any payment of the fee imposed by this section made after its
2 due date must include a late fee of two percent of the amount due.
3 Delinquent fees accrue interest at the rate of one percent per month.

4 (6) The commission shall keep accurate records of the costs
5 incurred in administering its gas pipeline safety program, and the
6 records are open to inspection by interested parties. The records and
7 data upon which the commission's determination is made shall be prima
8 facie correct in any proceeding to challenge the reasonableness or
9 correctness of any order of the commission fixing fees and distributing
10 regulatory expenses.

11 (7) If any entity seeks to contest the imposition of a fee imposed
12 under this section, that entity shall pay the fee and request a refund
13 within six months of the due date for the payment by filing a petition
14 for a refund with the commission. The commission shall establish by
15 rule procedures for handling refund petitions and may delegate the
16 decisions on refund petitions to the secretary of the commission.

17 (8) After establishing the fee methodology by rule as required in
18 subsection (2) of this section, the commission shall create a
19 regulatory incentive program for pipeline safety programs (~~in~~
20 ~~collaboration with the citizens committee on pipeline safety~~). The
21 regulatory incentive program created by the commission shall not shift
22 costs among companies paying pipeline safety fees and shall not
23 decrease revenue to pipeline safety programs.

24 **Sec. 180.** RCW 81.24.090 and 2009 c 91 s 2 are each amended to read
25 as follows:

26 (1)(a) Every hazardous liquid pipeline company as defined in RCW
27 81.88.010 shall pay an annual pipeline safety fee to the commission.
28 The pipeline safety fees received by the commission shall be deposited
29 in the pipeline safety account created in RCW 81.88.050.

30 (b) The aggregate amount of fees set shall be sufficient to recover
31 the reasonable costs of administering the pipeline safety program,
32 taking into account federal funds used to offset the costs. The fees
33 established under this section shall be designed to generate revenue
34 not exceeding appropriated levels of funding for the current fiscal
35 year. At a minimum, the fees established under this section shall be
36 sufficient to adequately fund pipeline inspection personnel, the timely
37 review of pipeline safety and integrity plans, the timely development

1 of spill response plans, the timely development of accurate maps of
2 pipeline locations, and participation in federal pipeline safety
3 efforts to the extent allowed by law(~~(, and the staffing of the~~
4 ~~citizens committee on pipeline safety)~~)).

5 (c) Increases in the aggregate amount of fees over the immediately
6 preceding fiscal year are subject to the requirements of RCW
7 43.135.055.

8 (2) The commission shall by rule establish the methodology it will
9 use to set the appropriate fee for each entity subject to this section.
10 The methodology shall provide for an equitable distribution of program
11 costs among all entities subject to the fee. The fee methodology shall
12 provide for:

13 (a) Direct assignment of average costs associated with annual
14 standard inspections, including the average number of inspection days
15 per year. In establishing these directly assignable costs, the
16 commission shall consider the requirements and guidelines of the
17 federal government, state safety standards, and good engineering
18 practices; and

19 (b) A uniform and equitable means of estimating and allocating
20 costs of other duties relating to inspecting pipelines for safety that
21 are not directly assignable, including but not limited to design review
22 and construction inspections, specialized inspections, incident
23 investigations, geographic mapping system design and maintenance, and
24 administrative support.

25 (3) The commission shall require reports from those entities
26 subject to this section in the form and at such time as necessary to
27 set the fees. After considering the reports supplied by the entities,
28 the commission shall set the amount of the fee payable by each entity
29 by general order entered before a date established by rule.

30 (4) For companies subject to RCW 81.24.010, the commission shall
31 collect the pipeline safety fee as part of the fee specified in RCW
32 81.24.010. The commission shall allocate the moneys collected under
33 RCW 81.24.010 between the pipeline safety program and for other
34 regulatory purposes. The commission shall adopt rules that assure that
35 fee moneys related to the pipeline safety program are maintained
36 separately from other moneys collected by the commission under this
37 chapter.

1 (5) Any payment of the fee imposed by this section made after its
2 due date must include a late fee of two percent of the amount due.
3 Delinquent fees accrue interest at the rate of one percent per month.

4 (6) The commission shall keep accurate records of the costs
5 incurred in administering its hazardous liquid pipeline safety program,
6 and the records are open to inspection by interested parties. The
7 records and data upon which the commission's determination is made
8 shall be prima facie correct in any proceeding to challenge the
9 reasonableness or correctness of any order of the commission fixing
10 fees and distributing regulatory expenses.

11 (7) If any entity seeks to contest the imposition of a fee imposed
12 under this section, that entity shall pay the fee and request a refund
13 within six months of the due date for the payment by filing a petition
14 for a refund with the commission. The commission shall establish by
15 rule procedures for handling refund petitions and may delegate the
16 decisions on refund petitions to the secretary of the commission.

17 (8) After establishing the fee methodology by rule as required in
18 subsection (2) of this section, the commission shall create a
19 regulatory incentive program for pipeline safety programs (~~in~~
20 ~~collaboration with the citizens committee on pipeline safety~~). The
21 regulatory incentive program created by the commission shall not shift
22 costs among companies paying pipeline safety fees and shall not
23 decrease revenue to pipeline safety programs.

24 **Problem Gambling Advisory Committee**

25 **Sec. 181.** RCW 43.20A.890 and 2005 c 369 s 2 are each amended to
26 read as follows:

27 (1) A program for (a) the prevention and treatment of problem and
28 pathological gambling; and (b) the training of professionals in the
29 identification and treatment of problem and pathological gambling is
30 established within the department of social and health services, to be
31 administered by a qualified person who has training and experience in
32 problem gambling or the organization and administration of treatment
33 services for persons suffering from problem gambling. The department
34 may contract for any services provided under the program. The
35 department shall track program participation and client outcomes.

1 (2) To receive treatment under subsection (1) of this section, a
2 person must:

3 (a) Need treatment for problem or pathological gambling, or because
4 of the problem or pathological gambling of a family member, but be
5 unable to afford treatment; and

6 (b) Be targeted by the department of social and health services as
7 being most amenable to treatment.

8 (3) Treatment under this section is available only to the extent of
9 the funds appropriated or otherwise made available to the department of
10 social and health services for this purpose. The department may
11 solicit and accept for use any gift of money or property made by will
12 or otherwise, and any grant of money, services, or property from the
13 federal government, any tribal government, the state, or any political
14 subdivision thereof or any private source, and do all things necessary
15 to cooperate with the federal government or any of its agencies or any
16 tribal government in making an application for any grant.

17 ~~(4) ((The department of social and health services shall establish
18 an advisory committee to assist it in designing, managing, and
19 evaluating the effectiveness of the program established in this
20 section. The advisory committee shall give due consideration in the
21 design and management of the program that persons who hold licenses or
22 contracts issued by the gambling commission, horse racing commission,
23 and lottery commission are not excluded from, or discouraged from,
24 applying to participate in the program. The committee shall include,
25 at a minimum, persons knowledgeable in the field of problem and
26 pathological gambling and persons representing tribal gambling,
27 privately owned nontribal gambling, and the state lottery.~~

28 ~~(5))~~ For purposes of this section, "pathological gambling" is a
29 mental disorder characterized by loss of control over gambling,
30 progression in preoccupation with gambling and in obtaining money to
31 gamble, and continuation of gambling despite adverse consequences.
32 "Problem gambling" is an earlier stage of pathological gambling which
33 compromises, disrupts, or damages family or personal relationships or
34 vocational pursuits.

35 **Public Records Exemptions Accountability Committee**

1 (6) (~~"Commission" means the real estate appraiser commission of~~
2 ~~the state of Washington.~~

3 ~~(7))~~ "Comparative market analysis" means a brokers price opinion.

4 ~~((8))~~ (7) "Department" means the department of licensing.

5 ~~((9))~~ (8) "Director" means the director of the department of
6 licensing.

7 ~~((10))~~ (9) "Expert review appraiser" means a state-certified or
8 state-licensed real estate appraiser chosen by the director for the
9 purpose of providing appraisal review assistance to the director.

10 ~~((11))~~ (10) "Federal department" means an executive department of
11 the United States of America specifically concerned with housing
12 finance issues, such as the department of housing and urban
13 development, the department of veterans affairs, or their legal federal
14 successors.

15 ~~((12))~~ (11) "Federal financial institutions regulatory agency"
16 means the board of governors of the federal reserve system, the federal
17 deposit insurance corporation, the office of the comptroller of the
18 currency, the office of thrift supervision, the national credit union
19 administration, their successors and/or such other agencies as may be
20 named in future amendments to 12 U.S.C. Sec. 3350(6).

21 ~~((13))~~ (12) "Federal secondary mortgage marketing agency" means
22 the federal national mortgage association, the government national
23 mortgage association, the federal home loan mortgage corporation, their
24 successors and/or such other similarly functioning housing finance
25 agencies as may be federally chartered in the future.

26 ~~((14))~~ (13) "Federally related transaction" means any real
27 estate-related financial transaction that the federal financial
28 institutions regulatory agency or the resolution trust corporation
29 engages in, contracts for, or regulates; and that requires the services
30 of an appraiser.

31 ~~((15))~~ (14) "Financial institution" means any person doing
32 business under the laws of this state or the United States relating to
33 banks, bank holding companies, savings banks, trust companies, savings
34 and loan associations, credit unions, consumer loan companies, and the
35 affiliates, subsidiaries, and service corporations thereof.

36 ~~((16))~~ (15) "Mortgage broker" for the purpose of this chapter
37 means a mortgage broker licensed under chapter 19.146 RCW, any mortgage
38 broker approved and subject to audit by the federal national mortgage

1 association, the government national mortgage association, or the
2 federal home loan mortgage corporation as provided in RCW 19.146.020,
3 any mortgage broker approved by the United States secretary of housing
4 and urban development for participation in any mortgage insurance under
5 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,
6 subsidiaries, and service corporations thereof.

7 ~~((+17))~~ (16) "Real estate" means an identified parcel or tract of
8 land, including improvements, if any.

9 ~~((+18))~~ (17) "Real estate-related financial transaction" means any
10 transaction involving:

11 (a) The sale, lease, purchase, investment in, or exchange of real
12 property, including interests in property, or the financing thereof;

13 (b) The refinancing of real property or interests in real property;
14 and

15 (c) The use of real property or interests in property as security
16 for a loan or investment, including mortgage-backed securities.

17 ~~((+19))~~ (18) "Real property" means one or more defined interests,
18 benefits, or rights inherent in the ownership of real estate.

19 ~~((+20))~~ (19) "Review" means the act or process of critically
20 studying an appraisal report prepared by another.

21 ~~((+21))~~ (20) "Specialized appraisal services" means all appraisal
22 services that do not fall within the definition of appraisal
23 assignment. The term "specialized appraisal service" may apply to
24 valuation work and to analysis work. Regardless of the intention of
25 the client or employer, if the appraiser would be perceived by third
26 parties or the public as acting as a disinterested third party in
27 rendering an unbiased analysis, opinion, or conclusion, the work is
28 classified as an appraisal assignment and not a specialized appraisal
29 service.

30 ~~((+22))~~ (21) "State-certified general real estate appraiser" means
31 a person certified by the director to develop and communicate real
32 estate appraisals of all types of property. A state-certified general
33 real estate appraiser may designate or identify an appraisal rendered
34 by him or her as a "certified appraisal."

35 ~~((+23))~~ (22) "State-certified residential real estate appraiser"
36 means a person certified by the director to develop and communicate
37 real estate appraisals of all types of residential property of one to
38 four units without regard to transaction value or complexity and

1 nonresidential property having a transaction value as specified in
2 rules adopted by the director. A state certified residential real
3 estate appraiser may designate or identify an appraisal rendered by him
4 or her as a "certified appraisal."

5 ~~((+24))~~ (23) "State-licensed real estate appraiser" means a person
6 licensed by the director to develop and communicate real estate
7 appraisals of noncomplex one to four residential units and complex one
8 to four residential units and nonresidential property having
9 transaction values as specified in rules adopted by the director.

10 ~~((+25))~~ (24) "State-registered appraiser trainee," "trainee," or
11 "trainee real estate appraiser" means a person registered by the
12 director under RCW 18.140.280 to develop and communicate real estate
13 appraisals under the immediate and personal direction of a state-
14 certified real estate appraiser. Appraisals are limited to those types
15 of properties that the supervisory appraiser is permitted by their
16 current credential, and that the supervisory appraiser is competent and
17 qualified to appraise. By signing the appraisal report, or being
18 identified in the certification or addenda as having lent significant
19 professional assistance, the state-registered appraiser trainee accepts
20 total and complete individual responsibility for all content, analyses,
21 and conclusions in the report.

22 ~~((+26))~~ (25) "Supervisory appraiser" means a person holding a
23 currently valid certificate issued by the director as a state-certified
24 real estate appraiser providing direct supervision to another state-
25 certified, state-licensed, or state-registered appraiser trainee. The
26 supervisory appraiser must be in good standing in each jurisdiction
27 that he or she is credentialed. The supervisory appraiser must sign
28 all appraisal reports. By signing the appraisal report, the
29 supervisory appraiser accepts full responsibility for all content,
30 analyses, and conclusions in the report.

31 **Sec. 185.** RCW 18.140.030 and 2005 c 339 s 4 are each amended to
32 read as follows:

33 The director shall have the following powers and duties:

34 (1) To adopt rules in accordance with chapter 34.05 RCW necessary
35 to implement this chapter and chapter 18.235 RCW ~~(, with the advice and
36 approval of the commission));~~

1 (2) To receive and approve or deny applications for certification
2 or licensure as a state-certified or state-licensed real estate
3 appraiser and for registration as a state-registered appraiser trainee
4 under this chapter; to establish appropriate administrative procedures
5 for the processing of such applications; to issue certificates,
6 licenses, or registrations to qualified applicants pursuant to the
7 provisions of this chapter; and to maintain a roster of the names and
8 addresses of individuals who are currently certified, licensed, or
9 registered under this chapter;

10 ~~(3) ((To provide administrative assistance to the members of and to
11 keep records for the real estate appraiser commission;~~

12 ~~(4))~~) To solicit bids and enter into contracts with educational
13 testing services or organizations for the preparation of questions and
14 answers for certification or licensure examinations;

15 ~~((+5))~~) (4) To administer or contract for administration of
16 certification or licensure examinations at locations and times as may
17 be required to carry out the responsibilities under this chapter;

18 ~~((+6))~~) (5) To enter into contracts for professional services
19 determined to be necessary for adequate enforcement of this chapter;

20 ~~((+7) To consider recommendations by the real estate appraiser
21 commission relating to the experience, education, and examination
22 requirements for each classification of state-certified appraiser and
23 for licensure;~~

24 ~~(8) To consider recommendations by the real estate appraiser
25 commission relating to the educational requirements for the state-
26 registered appraiser trainee classification;~~

27 ~~(9) To consider recommendations by the real estate appraiser
28 commission relating to the maximum number of state-registered appraiser
29 trainees that each supervisory appraiser will be permitted to
30 supervise;~~

31 ~~(10) To consider recommendations by the real estate appraiser
32 commission relating to continuing education requirements as a
33 prerequisite to renewal of certification or licensure;~~

34 ~~(11) To consider recommendations by the real estate appraiser
35 commission relating to standards of professional appraisal conduct or
36 practice in the enforcement of this chapter;~~

37 ~~(12))~~) (6) To employ such professional, clerical, and technical

1 assistance as may be necessary to properly administer the work of the
2 director;

3 ~~((+13+))~~ (7) To establish forms necessary to administer this
4 chapter;

5 ~~((+14+))~~ (8) To establish an expert review appraiser roster
6 comprised of state-certified or licensed real estate appraisers whose
7 purpose is to assist the director by applying their individual
8 expertise by reviewing real estate appraisals for compliance with this
9 chapter. Qualifications to act as an expert review appraiser shall be
10 established by the director ~~((with the advice of the commission))~~. An
11 application to serve as an expert review appraiser shall be submitted
12 to the real estate appraiser program, and the roster of accepted expert
13 review appraisers shall be maintained by the department. An expert
14 review appraiser may be added to or deleted from that roster by the
15 director. The expert review appraiser shall be reimbursed for expenses
16 ~~((in the same manner as))~~ by the department ~~((reimburses the~~
17 ~~commission))~~; and

18 ~~((+15+))~~ (9) To do all other things necessary to carry out the
19 provisions of this chapter and minimally meet the requirements of
20 federal guidelines regarding state certification or licensure of
21 appraisers and registration of state-registered appraiser trainees that
22 the director determines are appropriate for state-certified and state-
23 licensed appraisers and state-registered appraiser trainees in this
24 state.

25 **Sec. 186.** RCW 18.140.160 and 2007 c 256 s 1 are each amended to
26 read as follows:

27 In addition to the unprofessional conduct described in RCW
28 18.235.130, the director may take disciplinary action for the following
29 conduct, acts, or conditions:

30 (1) Failing to meet the minimum qualifications for state
31 certification, licensure, or registration established by or pursuant to
32 this chapter;

33 (2) Paying money other than the fees provided for by this chapter
34 to any employee of the director ~~((or the commission))~~ to procure state
35 certification, licensure, or registration under this chapter;

36 (3) Continuing to act as a state-certified real estate appraiser,

1 state-licensed real estate appraiser, or state-registered appraiser
2 trainee when his or her certificate, license, or registration is on an
3 expired status;

4 (4) Violating any provision of this chapter or any lawful rule made
5 by the director pursuant thereto;

6 (5) Issuing an appraisal report on any real property in which the
7 appraiser has an interest unless his or her interest is clearly stated
8 in the appraisal report;

9 (6) Being affiliated as an employer, independent contractor, or
10 supervisory appraiser of a state-certified real estate appraiser,
11 state-licensed real estate appraiser, or state-registered appraiser
12 trainee whose certification, license, or registration is currently in
13 a suspended or revoked status;

14 (7) Failure or refusal without good cause to exercise reasonable
15 diligence in performing an appraisal practice under this chapter,
16 including preparing an oral or written report to communicate
17 information concerning an appraisal practice; and

18 (8) Negligence or incompetence in performing an appraisal practice
19 under this chapter, including preparing an oral or written report to
20 communicate information concerning an appraisal practice.

21 **Sec. 187.** RCW 18.140.170 and 2005 c 339 s 15 are each amended to
22 read as follows:

23 The director may investigate the actions of a state-certified or
24 state-licensed real estate appraiser or a state-registered appraiser
25 trainee or an applicant for certification, licensure, or registration
26 or recertification, relicensure, or reregistration. Upon receipt of
27 information indicating that a state-certified or state-licensed real
28 estate appraiser or state-registered appraiser trainee under this
29 chapter may have violated this chapter, the director may cause one or
30 more of the staff investigators to make an investigation of the facts
31 to determine whether or not there is admissible evidence of any such
32 violation. (~~(If technical assistance is required, a staff investigator~~
33 ~~may consult with one or more of the members of the commission.))~~)

34 **Regional Fisheries Enhancement Group Advisory Board**

1 NEW SECTION. **Sec. 188.** The following acts or parts of acts are
2 each repealed:

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

5 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
6 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
7 1995 c 367 s 6.

8 **Sec. 189.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
9 read as follows:

10 The department may provide start-up funds to regional fisheries
11 enhancement groups for costs associated with any enhancement project.
12 The ((~~regional fisheries enhancement group advisory board and the~~))
13 commission shall develop guidelines for providing funds to the regional
14 fisheries enhancement groups.

15 **Sec. 190.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to
16 read as follows:

17 To maximize available state resources, the department and the
18 department of transportation shall work in partnership ((~~with the~~
19 ~~regional fisheries enhancement group advisory board~~)) to identify
20 cooperative projects to eliminate fish passage barriers caused by state
21 roads and highways. ((~~The advisory board may provide input to the~~
22 ~~department to aid in identifying priority barrier removal projects that~~
23 ~~can be accomplished with the assistance of regional fisheries~~
24 ~~enhancement groups.~~)) The department of transportation shall provide
25 engineering and other technical services to assist regional fisheries
26 enhancement groups with fish passage barrier removal projects, provided
27 that the barrier removal projects have been identified as a priority by
28 the department of fish and wildlife and the department of
29 transportation has received an appropriation to continue the fish
30 barrier removal program.

31 **Sec. 191.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to
32 read as follows:

33 The department shall ((~~coordinate with the regional fisheries~~
34 ~~enhancement group advisory board to~~)) field test coho and chinook

1 salmon remote site incubators. The purpose of field testing efforts
2 shall be to gather conclusive scientific data on the effectiveness of
3 coho and chinook remote site incubators.

4 **State Noxious Weed Control Board**

5 NEW SECTION. **Sec. 192.** RCW 17.10.030 (State noxious weed control
6 board--Members--Terms--Elections--Meetings--Reimbursement for travel
7 expenses) and 1997 c 353 s 4, 1987 c 438 s 2, 1975-'76 2nd ex.s. c 34
8 s 23, & 1969 ex.s. c 113 s 3 are each repealed.

9 **Sec. 193.** RCW 17.10.010 and 1997 c 353 s 2 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise:

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

16 (2) "State noxious weed list" means a list of noxious weeds adopted
17 by the (~~state noxious weed control board~~) department. The list is
18 divided into three classes:

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

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

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

26 (3) "Person" means any individual, partnership, corporation, firm,
27 the state or any department, agency, or subdivision thereof, or any
28 other entity.

29 (4) "Owner" means the person in actual control of property, or his
30 or her agent, whether the control is based on legal or equitable title
31 or on any other interest entitling the holder to possession and, for
32 purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means
33 the possessor of legal or equitable title or the possessor of an
34 easement: PROVIDED, That when the possessor of an easement has the

1 right to control or limit the growth of vegetation within the
2 boundaries of an easement, only the possessor of the easement is
3 deemed, for the purpose of this chapter, an "owner" of the property
4 within the boundaries of the easement.

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

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

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

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

17 (9) "Weed district" means a weed district as defined in chapters
18 17.04 and 17.06 RCW.

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

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

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

27 **Sec. 194.** RCW 17.10.040 and 1997 c 353 s 5 are each amended to
28 read as follows:

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

31 (1) Either within sixty days after a petition is filed by one
32 hundred registered voters within the county or, on its own motion, the
33 county legislative authority shall hold a hearing to determine whether
34 there is a need, due to a damaging infestation of noxious weeds, to
35 activate the county noxious weed control board. If such a need is
36 found to exist, then the county legislative authority shall, in the

1 manner provided by RCW 17.10.050, appoint five persons to the county's
2 noxious weed control board.

3 (2) If the county's noxious weed control board is not activated
4 within one year following a hearing by the county legislative authority
5 to determine the need for activation, then upon the filing with the
6 (~~state noxious weed control board~~) department of a petition comprised
7 either of the signatures of at least two hundred registered voters
8 within the county, or of the signatures of a majority of an adjacent
9 county's noxious weed control board, the (~~state board~~) director
10 shall, within six months of the date of the filing, hold a hearing in
11 the county to determine the need for activation. If a need for
12 activation is found to exist, then the (~~state board~~) director shall
13 order the county legislative authority to activate the county's noxious
14 weed control board and to appoint members to the board in the manner
15 provided by RCW 17.10.050.

16 (3) The director(~~, upon request of the state noxious weed control~~
17 ~~board,~~) shall order a county legislative authority to activate the
18 noxious weed control board immediately if an infestation of a class A
19 noxious weed or class B noxious weed designated for control on the
20 state noxious weed list is confirmed in that county. The county
21 legislative authority may, as an alternative to activating the noxious
22 weed board, combat the class A noxious weed or class B noxious weed
23 with county resources and personnel operating with the authorities and
24 responsibilities imposed by this chapter on a county noxious weed
25 control board. No county may continue without a noxious weed control
26 board for a second consecutive year if the class A noxious weed or
27 class B noxious weed has not been eradicated.

28 **Sec. 195.** RCW 17.10.070 and 1998 c 245 s 3 are each amended to
29 read as follows:

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

33 ~~(a) Employ a state noxious weed control board executive secretary,~~
34 ~~and additional persons as it deems necessary, to disseminate~~
35 ~~information relating to noxious weeds to county noxious weed control~~
36 ~~boards and weed districts, to coordinate the educational and weed~~

1 ~~control efforts of the various county and regional noxious weed control~~
2 ~~boards and weed districts, and to assist the board in carrying out its~~
3 ~~responsibilities;~~

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

7 ~~(2))~~) The ~~((state noxious weed control board))~~ department shall
8 provide a written report before January 1st of each odd-numbered year
9 to the county noxious weed control boards and the weed districts
10 showing the expenditure of state funds on noxious weed control;
11 specifically how the funds were spent; the status of the state, county,
12 and district programs; and recommendations for the continued best use
13 of state funds for noxious weed control. The report shall include
14 recommendations as to the long-term needs regarding weed control.

15 **Sec. 196.** RCW 17.10.074 and 1997 c 353 s 9 are each amended to
16 read as follows:

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

20 (a) Require the county legislative authority or the noxious weed
21 control board of any county or any weed district to report to it
22 concerning the presence, absence, or estimated amount of noxious weeds
23 and measures, if any, taken or planned for the control thereof;

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

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

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

32 (e) Upon receipt of a complaint signed by a majority of the members
33 of an adjacent county noxious weed control board or weed district, or
34 by one hundred registered voters that are land owners within the
35 county, require the county legislative authority or noxious weed
36 control board of the county or weed district that is the subject of the

1 complaint to respond to the complaint within forty-five days with a
2 plan for the control of the noxious weeds cited in the complaint;

3 (f) If the complaint in (e) of this subsection involves a class A
4 or class B noxious weed, order the county legislative authority,
5 noxious weed control board, or weed district to take immediate action
6 to eradicate or control the noxious weed infestation. If the county or
7 the weed district does not take action to control the noxious weed
8 infestation in accordance with the order, the director may control it
9 or cause it to be controlled. The county or weed district is liable
10 for payment of the expense of the control work including necessary
11 costs and expenses for attorneys' fees incurred by the director in
12 securing payment from the county or weed district. The director may
13 bring a civil action in a court of competent jurisdiction to collect
14 the expenses of the control work, costs, and attorneys' fees;

15 (g) In counties without an activated noxious weed control board,
16 enter upon any property as provided for in RCW 17.10.160, issue or
17 cause to be issued notices and citations and take the necessary action
18 to control noxious weeds as provided in RCW 17.10.170, hold hearings on
19 any charge or cost of control action taken as provided for in RCW
20 17.10.180, issue a notice of civil infraction as provided for in RCW
21 17.10.230 and 17.10.310 through ~~((and))~~ and 17.10.350, and place a
22 lien on any property pursuant to RCW 17.10.280, 17.10.290, and
23 17.10.300 with the same authorities and responsibilities imposed by
24 these sections on county noxious weed control boards;

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

28 (2) The moneys appropriated for noxious weed control to the
29 department shall be used for ~~((administration of the state noxious weed
30 control board,))~~ the administration of the director's powers under this
31 chapter, the purchase of materials for controlling, containing, or
32 eradicating noxious weeds, the purchase or collection of biological
33 control agents for controlling noxious weeds, and the contracting for
34 services to carry out the purposes of this chapter. In a county with
35 an activated noxious weed control board, the director shall make every
36 effort to contract with that board for the needed services.

37 ~~((3) If the director determines the need to reallocate funds~~

1 ~~previously designated for county use, the director shall convene a~~
2 ~~meeting of the state noxious weed control board to seek its advice~~
3 ~~concerning any reallocation.))~~

4 **Sec. 197.** RCW 17.10.080 and 1997 c 353 s 10 are each amended to
5 read as follows:

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

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

12 (3) The (~~state noxious weed control board~~) department shall send
13 a copy of the list to each activated county noxious weed control board,
14 to each weed district, and to the county legislative authority of each
15 county with an inactive noxious weed control board.

16 (4) The record of rule making must include the written findings of
17 the (~~board~~) department for the inclusion of each plant on the list.
18 The findings shall be made available upon request to any interested
19 person.

20 **Sec. 198.** RCW 17.10.090 and 1997 c 353 s 11 are each amended to
21 read as follows:

22 Each county noxious weed control board shall, within ninety days of
23 the adoption of the state noxious weed list from the (~~state noxious~~
24 ~~weed control board~~) department and following a hearing, select those
25 weeds from the class C list and those weeds from the class B list not
26 designated for control in the noxious weed control region in which the
27 county lies that it finds necessary to be controlled in the county.
28 The weeds thus selected and all class A weeds and those class B weeds
29 that have been designated for control in the noxious weed control
30 region in which the county lies shall be classified within that county
31 as noxious weeds, and those weeds comprise the county noxious weed
32 list.

33 **Sec. 199.** RCW 17.10.100 and 1997 c 353 s 12 are each amended to
34 read as follows:

35 Where any of the following occur, the (~~state noxious weed control~~

1 ~~board~~) director may, following a hearing, order any county noxious
2 weed control board or weed district to include a noxious weed from the
3 (~~state board's~~) department's list in the county's noxious weed list:

4 (1) Where the (~~state noxious weed control board~~) department
5 receives a petition from at least one hundred registered voters within
6 the county requesting that the weed be listed.

7 (2) Where the (~~state noxious weed control board~~) department
8 receives a request for inclusion from an adjacent county's noxious weed
9 control board or weed district, which the adjacent board or district
10 has included that weed in its county list, and the adjacent board or
11 weed district alleges that its noxious weed control program is being
12 hampered by the failure to include the weed on the county's noxious
13 weed list.

14 **Sec. 200.** RCW 17.10.130 and 1997 c 353 s 15 are each amended to
15 read as follows:

16 The powers and duties of a regional noxious weed control board are
17 as follows:

18 (1) The regional board shall, within ninety days of the adoption of
19 the state noxious weed list (~~from~~) by the (~~state noxious weed~~
20 ~~control board~~) department and following a hearing, select those weeds
21 from the state list that it finds necessary to be controlled on a
22 regional basis. The weeds thus selected shall also be contained in the
23 county noxious weed list of each county in the region.

24 (2) The regional board shall take action as may be necessary to
25 coordinate the noxious weed control programs of the region and adopt a
26 regional plan for the control of noxious weeds.

27 **Sec. 201.** RCW 17.10.160 and 1997 c 353 s 20 are each amended to
28 read as follows:

29 Any authorized agent or employee of the county noxious weed control
30 board (~~or of the state noxious weed control board~~) or of the
31 department (~~of agriculture~~) where not otherwise proscribed by law may
32 enter upon any property for the purpose of administering this chapter
33 and any power exercisable pursuant thereto, including the taking of
34 specimens of weeds, general inspection, and the performance of
35 eradication or control work. Prior to carrying out the purpose for

1 which the entry is made, the official making such entry or someone in
2 his or her behalf, shall make a reasonable attempt to notify the owner
3 of the property as to the purpose and need for the entry.

4 (1) When there is probable cause to believe that there is property
5 within this state not otherwise exempt from process or execution upon
6 which noxious weeds are standing or growing and the owner refuses
7 permission to inspect the property, a judge of the superior court or
8 district court in the county in which the property is located may, upon
9 the request of the county noxious weed control board or its agent,
10 issue a warrant directed to the board or agent authorizing the taking
11 of specimens of weeds or other materials, general inspection, and the
12 performance of eradication or control work.

13 (2) Application for issuance and execution and return of the
14 warrant authorized by this section shall be in accordance with the
15 applicable rules of the superior court or the district courts.

16 (3) Nothing in this section requires the application for and
17 issuance of any warrant not otherwise required by law: PROVIDED, That
18 civil liability for negligence shall lie in any case in which entry and
19 any of the activities connected therewith are not undertaken with
20 reasonable care.

21 (4) Any person who improperly prevents or threatens to prevent
22 entry upon land as authorized in this section or any person who
23 interferes with the carrying out of this chapter shall be upon
24 conviction guilty of a misdemeanor.

25 **Sec. 202.** RCW 17.10.201 and 1997 c 353 s 34 are each amended to
26 read as follows:

27 (1) The (~~state noxious weed control board~~) department shall:

28 (a) Work with the various federal and tribal land management
29 agencies to coordinate state and federal noxious weed control;

30 (b) Encourage the various federal and tribal land management
31 agencies to devote more time and resources to noxious weed control; and

32 (c) Assist the various federal and tribal land management agencies
33 by seeking adequate funding for noxious weed control.

34 (2) County noxious weed control boards and weed districts shall
35 work with the various federal and tribal land management agencies in
36 each county in order to:

37 (a) Identify new noxious weed infestations;

- 1 (b) Outline and plan necessary noxious weed control actions;
2 (c) Develop coordinated noxious weed control programs; and
3 (d) Notify local federal and tribal agency land managers of noxious
4 weed infestations.

5 (3) The department ((~~of agriculture~~)), county noxious weed control
6 boards, and weed districts are authorized to enter federal lands, with
7 the approval of the appropriate federal agency, to survey for and
8 control noxious weeds where control measures of a type and extent
9 required under this chapter have not been taken.

10 (4) The department ((~~of agriculture~~)), county noxious weed control
11 boards, and weed districts may bill the federal land management agency
12 that manages the land for all costs of the noxious weed control
13 performed on federal land. If not paid by the federal agency that
14 manages the land, the cost of the noxious weed control on federal land
15 may be paid from any funds available to the county noxious weed control
16 board or weed district that performed the noxious weed control.
17 Alternatively, the costs of noxious weed control on federal land may be
18 paid from any funds specifically appropriated to the department of
19 agriculture for that purpose.

20 (5) The department ((~~of agriculture~~)), county noxious weed control
21 boards, and weed districts are authorized to enter into any reasonable
22 agreement with the appropriate authorities for the control of noxious
23 weeds on federal or tribal lands.

24 (6) The department ((~~of agriculture~~)), county noxious weed control
25 boards, and weed districts shall consult with state agencies managing
26 federal land concerning noxious weed infestation and control programs.

27 **Sec. 203.** RCW 17.10.210 and 1997 c 353 s 25 are each amended to
28 read as follows:

29 (1) Whenever the director, the county noxious weed control board,
30 or a weed district finds that a parcel of land is so seriously infested
31 with class A or class B noxious weeds that control measures cannot be
32 undertaken thereon without quarantining the land and restricting or
33 denying access thereto or use thereof, the director, the county noxious
34 weed control board, or weed district, with the approval of the director
35 of the department ((~~of agriculture~~)), may issue an order for the
36 quarantine and restriction or denial of access or use. Upon issuance
37 of the order, the director, the county noxious weed control board, or

1 the weed district shall commence necessary control measures and may
2 institute legal action for the collection of costs for control work,
3 which may include attorneys' fees and the costs of other appropriate
4 actions.

5 (2) An order of quarantine shall be served, by any method
6 sufficient for the service of civil process, on all persons known to
7 qualify as owners of the land within the meaning of this chapter.

8 (3) The director shall(~~(, with the advice of the state noxious weed~~
9 ~~control board,)~~) determine how the expense of control work undertaken
10 pursuant to this section, and the cost of any quarantine in connection
11 therewith, is apportioned.

12 **Sec. 204.** RCW 17.10.235 and 1997 c 353 s 26 are each amended to
13 read as follows:

14 (1) The director (~~(of agriculture)~~) shall adopt(~~(, with the advice~~
15 ~~of the state noxious weed control board,)~~) rules designating noxious
16 weed seeds which shall be controlled in products, screenings, or
17 articles to prevent the spread of noxious weeds. The rules shall
18 identify the products, screenings, and articles in which the seeds must
19 be controlled and the maximum amount of the seed to be permitted in the
20 product, screenings, or article to avoid a hazard of spreading the
21 noxious weed by seed from the product, screenings, or article. The
22 director shall also adopt(~~(, with the advice of the state board,)~~)
23 rules designating toxic weeds which shall be controlled in feed stuffs
24 and screenings to prevent injury to the animal that consumes the feed.
25 The rules shall identify the feed stuffs and screenings in which the
26 toxic weeds must be controlled and the maximum amount of the toxic weed
27 to be permitted in the feed. Rules developed under this section shall
28 identify ways that products, screenings, articles, or feed stuffs
29 containing noxious weed seeds or toxic weeds can be made available for
30 beneficial uses.

31 (2) Any person who knowingly or negligently sells or otherwise
32 distributes a product, article, screenings, or feed stuff designated by
33 rule containing noxious weed seeds or toxic weeds designated for
34 control by rule and in an amount greater than the amount established by
35 the director for the seed or weed by rule is guilty of a misdemeanor.

36 (3) The department (~~(of agriculture shall)~~), upon request of the
37 buyer, inspect products, screenings, articles, or feed stuffs

1 designated by rule and charge fees, in accordance with chapter 22.09
2 RCW, to determine the presence of designated noxious weed seeds or
3 toxic weeds.

4 **Sec. 205.** RCW 17.10.250 and 1997 c 353 s 28 are each amended to
5 read as follows:

6 The legislative authority of any county with an activated noxious
7 weed control board or the board of any weed district may apply to the
8 director for noxious weed control funds when informed by the director
9 that funds are available. Any applicant must employ adequate
10 administrative personnel to supervise an effective weed control program
11 as determined by the director (~~((with advice from the state noxious weed
12 control board))~~). The director (~~((with advice from the state noxious
13 weed control board))~~) shall adopt rules on the distribution and use of
14 noxious weed control account funds.

15 **Sec. 206.** RCW 17.10.260 and 1987 c 438 s 33 are each amended to
16 read as follows:

17 The administrative powers granted under this chapter to the
18 director (~~((of the department of agriculture and to the state noxious
19 weed control board))~~) shall be exercised in conformity with the
20 provisions of the administrative procedure act, chapter 34.05 RCW, as
21 now or hereafter amended. The use of any substance to control noxious
22 weeds shall be subject to the provisions of the water pollution control
23 act, chapter 90.48 RCW, as now or hereafter amended, the Washington
24 pesticide control act, chapter 15.58 RCW, and the Washington pesticide
25 application act, chapter 17.21 RCW.

26 **Sec. 207.** RCW 17.10.350 and 2003 c 53 s 117 are each amended to
27 read as follows:

28 (1) Any person found to have committed a civil infraction under
29 this chapter shall be assessed a monetary penalty not to exceed one
30 thousand dollars. The (~~((state noxious weed control board))~~) director
31 shall adopt a schedule of monetary penalties for each violation of this
32 chapter classified as a civil infraction and submit the schedule to the
33 appropriate court. If a monetary penalty is imposed by the court, the
34 penalty is immediately due and payable. The court may, at its

1 discretion, grant an extension of time, not to exceed thirty days, in
2 which the penalty must be paid.

3 (2) Failure to pay any monetary penalties imposed under this
4 chapter is punishable as a misdemeanor.

5 **Sec. 208.** RCW 17.15.020 and 1997 c 357 s 3 are each amended to
6 read as follows:

7 Each of the following state agencies or institutions shall
8 implement integrated pest management practices when carrying out the
9 agency's or institution's duties related to pest control:

- 10 (1) The department of agriculture;
11 (2) ~~((The state noxious weed control board;~~
12 ~~+3))~~ The department of ecology;
13 ~~((+4))~~ (3) The department of fish and wildlife;
14 ~~((+5))~~ (4) The department of transportation;
15 ~~((+6))~~ (5) The parks and recreation commission;
16 ~~((+7))~~ (6) The department of natural resources;
17 ~~((+8))~~ (7) The department of corrections;
18 ~~((+9))~~ (8) The department of general administration; and
19 ~~((+10))~~ (9) Each state institution of higher education, for the
20 institution's own building and grounds maintenance.

21 **Sec. 209.** RCW 17.26.006 and 1995 c 255 s 2 are each amended to
22 read as follows:

23 This state is facing an environmental disaster that will affect
24 other states as well as other nations. The legislature finds that six
25 years is sufficient time for state agencies to debate solutions to the
26 spartina and purple loosestrife problems that are occurring in state
27 waters. One of the purposes of chapter 255, Laws of 1995 is to focus
28 agency action on control and future eradication of spartina and purple
29 loosestrife. It is the mandate of the legislature that one state
30 agency, the department of agriculture, be responsible for a unified
31 effort to eliminate spartina and control purple loosestrife(~~(, with the~~
32 ~~advice of the state noxious weed control board,~~) and that state agency
33 shall be directly accountable to the legislature on the progress of the
34 spartina eradication and purple loosestrife control program.

1 **Sec. 210.** RCW 17.26.015 and 1998 c 245 s 4 are each amended to
2 read as follows:

3 (1) The state department of agriculture is the lead agency for the
4 control of spartina and purple loosestrife (~~((with the advice of the~~
5 ~~state noxious weed control board))~~).

6 (2) Responsibilities of the lead agency include:

7 (a) Coordination of the control program including memorandums of
8 understanding, contracts, and agreements with local, state, federal,
9 and tribal governmental entities and private parties;

10 (b) Preparation of a statewide spartina management plan utilizing
11 integrated vegetation management strategies that encompass all of
12 Washington's tidelands. The plan shall be developed in cooperation
13 with local, state, federal, and tribal governments, private landowners,
14 and concerned citizens. The plan shall prioritize areas for control.
15 Nothing in this subsection prohibits the department from taking action
16 to control spartina in a particular area of the state in accordance
17 with a plan previously prepared by the state while preparing the
18 statewide plan;

19 (c) Directing on the ground control efforts that include, but are
20 not limited to: (i) Control work and contracts; (ii) spartina survey;
21 (iii) collection and maintenance of spartina location data; (iv)
22 purchasing equipment, goods, and services; (v) survey of threatened and
23 endangered species; and (vi) site-specific environmental information
24 and documents; and

25 (d) Evaluating the effectiveness of the control efforts.

26 (~~The lead agency shall report to the appropriate standing~~
27 ~~committees of the house of representatives and the senate no later than~~
28 ~~December 15th of each year through the year 1999 on the progress of the~~
29 ~~program, the number of acres treated by various methods of control, and~~
30 ~~on the funds spent.))~~

31 **Sec. 211.** RCW 77.60.130 and 2007 c 341 s 59 are each amended to
32 read as follows:

33 (1) The aquatic nuisance species committee is created for the
34 purpose of fostering state, federal, tribal, and private cooperation on
35 aquatic nuisance species issues. The mission of the committee is to
36 minimize the unauthorized or accidental introduction of nonnative
37 aquatic species and give special emphasis to preventing the

1 introduction and spread of aquatic nuisance species. The term "aquatic
2 nuisance species" means a nonnative aquatic plant or animal species
3 that threatens the diversity or abundance of native species, the
4 ecological stability of infested waters, or commercial, agricultural,
5 or recreational activities dependent on such waters.

6 (2) The committee consists of representatives from each of the
7 following state agencies: Department of fish and wildlife, department
8 of ecology, department of agriculture, department of health, department
9 of natural resources, Puget Sound partnership, state patrol, (~~state~~
10 ~~noxious weed control board,~~) and Washington sea grant program. The
11 committee shall encourage and solicit participation by: Federally
12 recognized tribes of Washington, federal agencies, Washington
13 conservation organizations, environmental groups, and representatives
14 from industries that may either be affected by the introduction of an
15 aquatic nuisance species or that may serve as a pathway for their
16 introduction.

17 (3) The committee has the following duties:

18 (a) Periodically revise the state of Washington aquatic nuisance
19 species management plan, originally published in June 1998;

20 (b) Make recommendations to the legislature on statutory provisions
21 for classifying and regulating aquatic nuisance species;

22 (c) Recommend to the (~~state noxious weed control board~~)
23 department of agriculture that a plant be classified under the process
24 designated by RCW 17.10.080 as an aquatic noxious weed;

25 (d) Coordinate education, research, regulatory authorities,
26 monitoring and control programs, and participate in regional and
27 national efforts regarding aquatic nuisance species;

28 (e) Consult with representatives from industries and other
29 activities that may serve as a pathway for the introduction of aquatic
30 nuisance species to develop practical strategies that will minimize the
31 risk of new introductions; and

32 (f) Prepare a biennial report to the legislature with the first
33 report due by December 1, 2001, making recommendations for better
34 accomplishing the purposes of this chapter, and listing the
35 accomplishments of this chapter to date.

36 (4) The committee shall accomplish its duties through the authority
37 and cooperation of its member agencies. Implementation of all plans

1 and programs developed by the committee shall be through the member
2 agencies and other cooperating organizations.

3 **Sec. 212.** RCW 79A.25.320 and 2006 c 152 s 3 are each amended to
4 read as follows:

5 (1) Membership in the council includes a representative from the
6 following entities:

7 (a) The department of agriculture, represented by the director or
8 the director's designee;

9 (b) The department of fish and wildlife, represented by the
10 director or the director's designee;

11 (c) The department of ecology, represented by the director or the
12 director's designee;

13 (d) The department of natural resources, represented by the
14 commissioner or the commissioner's designee;

15 (e) The department of transportation, represented by the secretary
16 or the secretary's designee;

17 (f) ~~((The Washington state noxious weed control board, appointed by
18 the board;~~

19 ~~(g))~~) A county located east of the crest of the Cascade mountains,
20 appointed by the other members of the council; and

21 ~~((h))~~) (g) A county located west of the crest of the Cascade
22 mountains, appointed by the other members of the council.

23 (2) The councilmembers may add members to the council as the
24 councilmembers deem appropriate to accomplish its goals.

25 (3) The council must invite one representative each from the United
26 States department of agriculture, the United States fish and wildlife
27 service, the United States environmental protection agency, and the
28 United States coast guard to participate on the council in a nonvoting,
29 ex officio capacity.

30 (4) A representative of the office of the governor must convene the
31 first meeting of the council and serve as chair until the council
32 selects a chair. At the first meeting of the council, the council
33 shall address issues including, but not limited to, voting methods,
34 meeting schedules, and the need for and use of advisory and technical
35 committees.

1 **Sec. 213.** RCW 79A.25.340 and 2006 c 152 s 5 are each amended to
2 read as follows:

3 (1) The council shall develop and periodically update a statewide
4 strategic plan for addressing invasive species. The strategic plan
5 should incorporate the reports and activities of the aquatic nuisance
6 species committee, the (~~state noxious weed control board~~) department
7 of agriculture, and other appropriate reports and activities. In
8 addition, the council must coordinate with the biodiversity council
9 created in Executive Order 04-02 to ensure that a statewide strategy
10 for the control of invasive species is integrated into the thirty-year
11 strategy for biodiversity conservation that the biodiversity council
12 must submit to the legislature in 2007.

13 (2) The strategic plan must, at a minimum, address:

14 (a) Statewide coordination and intergovernmental cooperation;

15 (b) Prevention of new biological invasions through deliberate or
16 unintentional introduction;

17 (c) Inventory and monitoring of invasive species;

18 (d) Early detection of and rapid response to new invasions;

19 (e) Control, management, and eradication of established populations
20 of invasive species;

21 (f) Projects that can be implemented during the period covered by
22 the strategic plan for the control, management, and eradication of new
23 or established populations of invasive species;

24 (g) Revegetation, reclamation, or restoration of native species
25 following control or eradication of invasive species;

26 (h) Tools that can be made available to assist state agencies that
27 are responsible for managing public land to control invasive noxious
28 weeds and recommendations as to how the agencies should be held
29 responsible for the failure to control invasive noxious weeds;

30 (i) Research and public education;

31 (j) Funding and resources available for invasive species
32 prevention, control, and management; and

33 (k) Recommendations for legislation necessary to carry out the
34 purposes of this chapter.

35 (3) The strategic plan must be updated at least once every three
36 years following its initial development. The strategic plan must be
37 submitted to the governor and appropriate committees of the legislature

1 by September 15th of each applicable year. The council shall complete
2 the initial strategic plan within two years of June 7, 2006.

3 (4) Each state department and agency named to the council shall,
4 consistent with state law, make best efforts to implement elements of
5 the completed plan that are applicable to the department or agency.

6 **State Solid Waste Advisory Committee**

7 NEW SECTION. **Sec. 214.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 70.95.040 (Solid waste advisory committee--Members--
10 Meetings--Travel expenses--"Governor's award of excellence.") and 1991
11 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

12 (2) RCW 70.95.050 (Solid waste advisory committee--Staff services
13 and facilities) and 1969 ex.s. c 134 s 5;

14 (3) RCW 70.95.070 (Review of standards prior to adoption--
15 Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s.
16 c 41 s 4 & 1969 ex.s. c 134 s 7; and

17 (4) RCW 70.105.060 (Review of rules, regulations, criteria and fee
18 schedules) and 1975-'76 2nd ex.s. c 101 s 6.

19 **Sec. 215.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to
20 read as follows:

21 As used in this chapter, unless the context indicates otherwise:

22 (1) "City" means every incorporated city and town.

23 (2) "Commission" means the utilities and transportation commission.

24 (3) (~~("Committee" means the state solid waste advisory committee.~~

25 ~~(4))~~) "Composted material" means organic solid waste that has been
26 subjected to controlled aerobic degradation at a solid waste facility
27 in compliance with the requirements of this chapter. Natural decay of
28 organic solid waste under uncontrolled conditions does not result in
29 composted material.

30 ((~~+5~~)) (4) "Department" means the department of ecology.

31 ((~~+6~~)) (5) "Director" means the director of the department of
32 ecology.

33 ((~~+7~~)) (6) "Disposal site" means the location where any final
34 treatment, utilization, processing, or deposit of solid waste occurs.

1 ~~((+8))~~ (7) "Energy recovery" means a process operating under
2 federal and state environmental laws and regulations for converting
3 solid waste into usable energy and for reducing the volume of solid
4 waste.

5 ~~((+9))~~ (8) "Functional standards" means criteria for solid waste
6 handling expressed in terms of expected performance or solid waste
7 handling functions.

8 ~~((+10))~~ (9) "Incineration" means a process of reducing the volume
9 of solid waste operating under federal and state environmental laws and
10 regulations by use of an enclosed device using controlled flame
11 combustion.

12 ~~((+11))~~ (10) "Inert waste landfill" means a landfill that receives
13 only inert waste, as determined under RCW 70.95.065, and includes
14 facilities that use inert wastes as a component of fill.

15 ~~((+12))~~ (11) "Jurisdictional health department" means city,
16 county, city-county, or district public health department.

17 ~~((+13))~~ (12) "Landfill" means a disposal facility or part of a
18 facility at which solid waste is placed in or on land and which is not
19 a land treatment facility.

20 ~~((+14))~~ (13) "Local government" means a city, town, or county.

21 ~~((+15))~~ (14) "Modify" means to substantially change the design or
22 operational plans including, but not limited to, removal of a design
23 element previously set forth in a permit application or the addition of
24 a disposal or processing activity that is not approved in the permit.

25 ~~((+16))~~ (15) "Multiple family residence" means any structure
26 housing two or more dwelling units.

27 ~~((+17))~~ (16) "Person" means individual, firm, association,
28 copartnership, political subdivision, government agency, municipality,
29 industry, public or private corporation, or any other entity
30 whatsoever.

31 ~~((+18))~~ (17) "Recyclable materials" means those solid wastes that
32 are separated for recycling or reuse, such as papers, metals, and
33 glass, that are identified as recyclable material pursuant to a local
34 comprehensive solid waste plan. Prior to the adoption of the local
35 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
36 local governments may identify recyclable materials by ordinance from
37 July 23, 1989.

1 ~~((+19+))~~ (18) "Recycling" means transforming or remanufacturing
2 waste materials into usable or marketable materials for use other than
3 landfill disposal or incineration.

4 ~~((+20+))~~ (19) "Residence" means the regular dwelling place of an
5 individual or individuals.

6 ~~((+21+))~~ (20) "Sewage sludge" means a semisolid substance
7 consisting of settled sewage solids combined with varying amounts of
8 water and dissolved materials, generated from a wastewater treatment
9 system, that does not meet the requirements of chapter 70.95J RCW.

10 ~~((+22+))~~ (21) "Soil amendment" means any substance that is intended
11 to improve the physical characteristics of the soil, except composted
12 material, commercial fertilizers, agricultural liming agents,
13 unmanipulated animal manures, unmanipulated vegetable manures, food
14 wastes, food processing wastes, and materials exempted by rule of the
15 department, such as biosolids as defined in chapter 70.95J RCW and
16 wastewater as regulated in chapter 90.48 RCW.

17 ~~((+23+))~~ (22) "Solid waste" or "wastes" means all putrescible and
18 nonputrescible solid and semisolid wastes including, but not limited
19 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
20 demolition and construction wastes, abandoned vehicles or parts
21 thereof, and recyclable materials.

22 ~~((+24+))~~ (23) "Solid waste handling" means the management, storage,
23 collection, transportation, treatment, utilization, processing, and
24 final disposal of solid wastes, including the recovery and recycling of
25 materials from solid wastes, the recovery of energy resources from
26 solid wastes or the conversion of the energy in solid wastes to more
27 useful forms or combinations thereof.

28 ~~((+25+))~~ (24) "Source separation" means the separation of different
29 kinds of solid waste at the place where the waste originates.

30 ~~((+26+))~~ (25) "Vehicle" includes every device physically capable of
31 being moved upon a public or private highway, road, street, or
32 watercourse and in, upon, or by which any person or property is or may
33 be transported or drawn upon a public or private highway, road, street,
34 or watercourse, except devices moved by human or animal power or used
35 exclusively upon stationary rails or tracks.

36 ~~((+27+))~~ (26) "Waste-derived soil amendment" means any soil
37 amendment as defined in this chapter that is derived from solid waste

1 as defined in (~~RCW 70.95.030~~) this section, but does not include
2 biosolids or biosolids products regulated under chapter 70.95J RCW or
3 wastewaters regulated under chapter 90.48 RCW.

4 (~~(+28)~~) (27) "Waste reduction" means reducing the amount or
5 toxicity of waste generated or reusing materials.

6 (~~(+29)~~) (28) "Yard debris" means plant material commonly created
7 in the course of maintaining yards and gardens, and through
8 horticulture, gardening, landscaping, or similar activities. Yard
9 debris includes but is not limited to grass clippings, leaves,
10 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
11 garden debris, holiday trees, and tree prunings four inches or less in
12 diameter.

13 **Sec. 216.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
14 read as follows:

15 (1) The department of ecology shall develop and implement an
16 environmental excellence awards program that recognizes products that
17 are produced, labeled, or packaged in a manner that helps ensure
18 environmental protection. The award shall be in recognition of
19 products that are made from recycled materials, easy to recycle,
20 substitute for more hazardous products, or otherwise help protect the
21 environment. Application for the award shall be voluntary. The awards
22 may be made in a variety of product categories including, but not
23 limited to:

- 24 (a) Paint products;
- 25 (b) Cleaning products;
- 26 (c) Pest control products;
- 27 (d) Automotive, marine, and related maintenance products;
- 28 (e) Hobby and recreation products; and
- 29 (f) Any other product available for retail or wholesale sale.

30 (2) (~~The state solid waste advisory committee shall establish an
31 environmental excellence product award subcommittee to develop and
32 recommend criteria for awarding environmental excellence awards for
33 products. The subcommittee shall also review award applications and
34 make recommendations to the department. The subcommittee shall consist
35 of equal representation of: (a) Product manufacturing or other
36 business representatives; (b) environmental representatives; (c) labor~~

1 ~~or consumer representatives; and (d) independent technical experts.~~
2 ~~Members of the subcommittee need not necessarily be regular members of~~
3 ~~the state solid waste advisory committee.~~

4 (3)) Products receiving an environmental excellence award pursuant
5 to this section shall be entitled to display a logo or other symbol
6 developed by the department to signify the award. Awards shall be
7 given each year to as many products as qualify. The award logo may be
8 displayed for a period to be determined by the department.

9 **Sec. 217.** RCW 70.105.010 and 2009 c 549 s 1027 are each amended to
10 read as follows:

11 The words and phrases defined in this section shall have the
12 meanings indicated when used in this chapter unless the context clearly
13 requires otherwise.

14 (1) "Dangerous wastes" means any discarded, useless, unwanted, or
15 abandoned substances, including but not limited to certain pesticides,
16 or any residues or containers of such substances which are disposed of
17 in such quantity or concentration as to pose a substantial present or
18 potential hazard to human health, wildlife, or the environment because
19 such wastes or constituents or combinations of such wastes:

20 (a) Have short-lived, toxic properties that may cause death,
21 injury, or illness or have mutagenic, teratogenic, or carcinogenic
22 properties; or

23 (b) Are corrosive, explosive, flammable, or may generate pressure
24 through decomposition or other means.

25 (2) "Department" means the department of ecology.

26 (3) "Designated zone facility" means any facility that requires an
27 interim or final status permit under rules adopted under this chapter
28 and that is not a preempted facility as defined in this section.

29 (4) "Director" means the director of the department of ecology or
30 the director's designee.

31 (5) "Disposal site" means a geographical site in or upon which
32 hazardous wastes are disposed of in accordance with the provisions of
33 this chapter.

34 (6) "Dispose or disposal" means the discarding or abandoning of
35 hazardous wastes or the treatment, decontamination, or recycling of
36 such wastes once they have been discarded or abandoned.

1 (7) "Extremely hazardous waste" means any dangerous waste
2 which(~~(+)~~):

3 (a) Will persist in a hazardous form for several years or more at
4 a disposal site and which in its persistent form

5 (i) Presents a significant environmental hazard and may be
6 concentrated by living organisms through a food chain or may affect the
7 genetic make-up of human beings or wildlife, and

8 (ii) Is highly toxic to human beings or wildlife

9 (b) If disposed of at a disposal site in such quantities as would
10 present an extreme hazard to human beings or the environment.

11 (8) "Facility" means all contiguous land and structures, other
12 appurtenances, and improvements on the land used for recycling,
13 storing, treating, incinerating, or disposing of hazardous waste.

14 (9) "Hazardous household substances" means those substances
15 identified by the department as hazardous household substances in the
16 guidelines developed under RCW 70.105.220.

17 (10) "Hazardous substances" means any liquid, solid, gas, or
18 sludge, including any material, substance, product, commodity, or
19 waste, regardless of quantity, that exhibits any of the characteristics
20 or criteria of hazardous waste as described in rules adopted under this
21 chapter.

22 (11) "Hazardous waste" means and includes all dangerous and
23 extremely hazardous waste, including substances composed of both
24 radioactive and hazardous components.

25 (12) "Local government" means a city, town, or county.

26 (13) "Moderate-risk waste" means (a) any waste that exhibits any of
27 the properties of hazardous waste but is exempt from regulation under
28 this chapter solely because the waste is generated in quantities below
29 the threshold for regulation, and (b) any household wastes which are
30 generated from the disposal of substances identified by the department
31 as hazardous household substances.

32 (14) "Person" means any person, firm, association, county, public
33 or municipal or private corporation, agency, or other entity
34 whatsoever.

35 (15) "Pesticide" shall have the meaning of the term as defined in
36 RCW 15.58.030 as now or hereafter amended.

37 (16) "Preempted facility" means any facility that includes as a
38 significant part of its activities any of the following operations:

1 (a) Landfill, (b) incineration, (c) land treatment, (d) surface
2 impoundment to be closed as a landfill, or (e) waste pile to be closed
3 as a landfill.

4 (17) "Service charge" means an assessment imposed under RCW
5 70.105.280 against those facilities that store, treat, incinerate, or
6 dispose of dangerous or extremely hazardous waste that contains both a
7 nonradioactive hazardous component and a radioactive component.
8 Service charges shall also apply to facilities undergoing closure under
9 this chapter in those instances where closure entails the physical
10 characterization of remaining wastes which contain both a
11 nonradioactive hazardous component and a radioactive component or the
12 management of such wastes through treatment or removal, except any
13 commercial low-level radioactive waste facility.

14 ~~((18) "Solid waste advisory committee" means the same advisory
15 committee as per RCW 70.95.040 through 70.95.070.))~~

16 **Sec. 218.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
17 read as follows:

18 The department shall conduct a study to determine the best
19 management practices for categories of waste for the priority waste
20 management methods established in RCW 70.105.150, with due
21 consideration in the course of the study to sound environmental
22 management and available technology. As an element of the study, the
23 department shall review methods that will help achieve the priority of
24 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed
25 rules, the department shall conduct public hearings regarding the best
26 management practices for the various waste categories studied by the
27 department. After conducting the study, the department shall prepare
28 new rules or modify existing rules as appropriate to promote
29 implementation of the priorities established in RCW 70.105.150 for
30 management practices which assure use of sound environmental management
31 techniques and available technology. The preliminary study shall be
32 completed by July 1, 1986, and the rules shall be adopted by July 1,
33 1987. ~~((The solid waste advisory committee shall review the studies
34 and the new or modified rules.))~~

35 The studies shall be updated at least once every five years. The
36 funding for these studies shall be from the hazardous waste control and
37 elimination account, subject to legislative appropriation.

1 (1) When a person who has been issued a special license plate or
2 plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or
3 46.16.301 as it existed before amendment by section 5, chapter 291,
4 Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by
5 the (~~special license plate review board under RCW 46.16.715 through~~
6 ~~46.16.775~~); or (c) under RCW 46.16.601 sells, trades, or otherwise
7 transfers or releases ownership of the vehicle upon which the special
8 license plate or plates have been displayed, he or she shall
9 immediately report the transfer of such plate or plates to an acquired
10 vehicle or vehicle eligible for such plates pursuant to departmental
11 rule, or he or she shall surrender such plates to the department
12 immediately if such surrender is required by departmental rule. If a
13 person applies for a transfer of the plate or plates to another
14 eligible vehicle, a transfer fee of ten dollars shall be charged in
15 addition to all other applicable fees. Such transfer fees shall be
16 deposited in the motor vehicle fund. Failure to surrender the plates
17 when required is a traffic infraction.

18 (2) If the special license plate or plates issued by the department
19 become lost, defaced, damaged, or destroyed, application for a
20 replacement special license plate or plates shall be made and fees paid
21 as provided by law for the replacement of regular license plates.

22 **Sec. 222.** RCW 46.16.715 and 2005 c 319 s 118 are each amended to
23 read as follows:

24 (~~(1) The board shall meet periodically at the call of the chair,~~
25 ~~but must meet at least one time each year within ninety days before an~~
26 ~~upcoming regular session of the legislature. The board may adopt its~~
27 ~~own rules and may establish its own procedures. It shall act~~
28 ~~collectively in harmony with recorded resolutions or motions adopted by~~
29 ~~a majority vote of the members, and it must have a quorum present to~~
30 ~~take a vote on a special license plate application.~~

31 (~~2) The board will be compensated from the general appropriation~~
32 ~~for the department of licensing in accordance with RCW 43.03.250. Each~~
33 ~~board member will be compensated in accordance with RCW 43.03.250 and~~
34 ~~reimbursed for actual necessary traveling and other expenses in going~~
35 ~~to, attending, and returning from meetings of the board or that are~~
36 ~~incurred in the discharge of duties requested by the chair. However,~~
37 ~~in no event may a board member be compensated in any year for more than~~

1 ~~one hundred twenty days, except the chair may be compensated for not~~
2 ~~more than one hundred fifty days. Service on the board does not~~
3 ~~qualify as a service credit for the purposes of a public retirement~~
4 ~~system.~~

5 ~~(3) The board shall keep proper records and is subject to audit by~~
6 ~~the state auditor or other auditing entities.~~

7 ~~(4)) The department of licensing shall ((provide administrative~~
8 ~~support to the board, which must include at least the following)):~~

9 ~~((a) Provide general staffing to meet the administrative needs of~~
10 ~~the board;~~

11 ~~(b)) (1) Report to the ((board)) department on the reimbursement~~
12 ~~status of any new special license plate series for which the state had~~
13 ~~to pay the start-up costs;~~

14 ~~((c)) (2) Process special license plate applications and confirm~~
15 ~~that the sponsoring organization has submitted all required~~
16 ~~documentation. If an incomplete application is received, the~~
17 ~~department must return it to the sponsoring organization; and~~

18 ~~((d)) (3) Compile the annual financial reports submitted by~~
19 ~~sponsoring organizations with active special license plate series and~~
20 ~~present those reports to the ((board for review and approval))~~
21 ~~department.~~

22 **Sec. 223.** RCW 46.16.725 and 2009 c 470 s 710 are each amended to
23 read as follows:

24 (1) ~~((The creation of the board does not in any way preclude the~~
25 ~~authority of the legislature to independently propose and enact special~~
26 ~~license plate legislation.~~

27 ~~(2)) The ((board)) department must review and either approve or~~
28 ~~reject special license plate applications submitted by sponsoring~~
29 ~~organizations.~~

30 ~~((3)) (2) Duties of the ((board)) department include but are not~~
31 ~~limited to the following:~~

32 (a) Review and approve the annual financial reports submitted by
33 sponsoring organizations with active special license plate series and
34 present those annual financial reports to the senate and house
35 transportation committees;

36 (b) Report annually to the senate and house transportation

1 committees on the special license plate applications that were
2 considered by the (~~board~~) department;

3 (c) Issue approval and rejection notification letters to sponsoring
4 organizations, (~~the department,~~) the chairs of the senate and house
5 of representatives transportation committees, and the legislative
6 sponsors identified in each application. The letters must be issued
7 within seven days of making a determination on the status of an
8 application;

9 (d) Review annually the number of plates sold for each special
10 license plate series created after January 1, 2003. The (~~board~~)
11 department may submit a recommendation to discontinue a special plate
12 series to the chairs of the senate and house of representatives
13 transportation committees(~~(+~~

14 ~~(e) Provide policy guidance and directions to the department
15 concerning the adoption of rules necessary to limit the number of
16 special license plates that an organization or a governmental entity
17 may apply for~~)).

18 (~~(+4)~~) (3) Except as provided in chapter 72, Laws of 2008, in
19 order to assess the effects and impact of the proliferation of special
20 license plates, the legislature declares a temporary moratorium on the
21 issuance of any additional plates until July 1, 2011. During this
22 period of time, (~~the special license plate review board created in RCW
23 46.16.705 and~~) the department of licensing (~~are~~) is prohibited from
24 accepting, reviewing, processing, or approving any applications.
25 Additionally, no special license plate may be enacted by the
26 legislature during the moratorium, unless the proposed license plate
27 has been approved by the board before February 15, 2005.

28 **Sec. 224.** RCW 46.16.745 and 2005 c 210 s 8 are each amended to
29 read as follows:

30 (1) A sponsoring organization meeting the requirements of RCW
31 46.16.735, applying for the creation of a special license plate (~~to
32 the special license plate review board~~) must, on an application
33 supplied by the department, provide the minimum application
34 requirements in subsection (2) of this section.

35 (2) The sponsoring organization shall:

36 (a) Submit prepayment of all start-up costs associated with the
37 creation and implementation of the special license plate in an amount

1 determined by the department. The department shall place this money
2 into the special license plate applicant trust account created under
3 RCW 46.16.755(~~(+4)~~) (3);

4 (b) Provide a proposed license plate design;

5 (c) Provide a marketing strategy outlining short and long-term
6 marketing plans for each special license plate and a financial analysis
7 outlining the anticipated revenue and the planned expenditures of the
8 revenues derived from the sale of the special license plate;

9 (d) Provide a signature of a legislative sponsor and proposed
10 legislation creating the special license plate;

11 (e) Provide proof of organizational qualifications as determined by
12 the department as provided for in RCW 46.16.735;

13 (f) Provide signature sheets that include signatures from
14 individuals who intend to purchase the special license plate and the
15 number of plates each individual intends to purchase. The sheets must
16 reflect a minimum of three thousand five hundred intended purchases of
17 the special license plate.

18 (3) After an application is approved by the (~~special license plate~~
19 ~~review board~~) department, the application need not be reviewed again
20 (~~by the board~~) for a period of three years.

21 **Sec. 225.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to
22 read as follows:

23 (1)(a) Revenues generated from the sale of special license plates
24 for those sponsoring organizations who used the application process in
25 RCW 46.16.745(~~(+3)~~) must be deposited into the motor vehicle account
26 until the department determines that the state's implementation costs
27 have been fully reimbursed. The department shall apply the application
28 fee required under RCW 46.16.745(~~(+3)(a)~~) towards those costs.

29 (b) When it is determined that the state has been fully reimbursed
30 the department must notify the house of representatives and senate
31 transportation committees, the sponsoring organization, and the
32 treasurer, and commence the distribution of the revenue as otherwise
33 provided by law.

34 (2) If reimbursement does not occur within two years from the date
35 the plate is first offered for sale to the public, the special license
36 plate series must be placed in probationary status for a period of one
37 year from that date. If the state is still not fully reimbursed for

1 its implementation costs after the one-year probation, the plate series
2 must be discontinued immediately. Special plates issued before
3 discontinuation are valid until replaced under RCW 46.16.233.

4 (3) The special license plate applicant trust account is created in
5 the custody of the state treasurer. All receipts from special license
6 plate applicants, except the application fee as provided in RCW
7 46.16.745(~~(+3)~~), must be deposited into the account. Only the
8 director of the department or the director's designee may authorize
9 disbursements from the account. The account is not subject to the
10 allotment procedures under chapter 43.88 RCW, nor is an appropriation
11 required for disbursements.

12 (4) The department shall provide the special license plate
13 applicant with a written receipt for the payment.

14 (5) The department shall maintain a record of each special license
15 plate applicant trust account deposit, including, but not limited to,
16 the name and address of each special license plate applicant whose
17 funds are being deposited, the amount paid, and the date of the
18 deposit.

19 (6) After the department receives written notice that the special
20 license plate applicant's application has been:

21 (a) Approved by the legislature, the director shall request that
22 the money be transferred to the motor vehicle account;

23 (b) Denied by the (~~(special license plate review board)~~) department
24 or the legislature, the director shall provide a refund to the
25 applicant within thirty days; or

26 (c) Withdrawn by the special license plate applicant, the director
27 shall provide a refund to the applicant within thirty days.

28 **Sec. 226.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to
29 read as follows:

30 (1) A special license plate series created by the legislature after
31 January 1, (~~(2004)~~) 2011, that has not been reviewed and approved by
32 the (~~(special license plate review board)~~) department is subject to the
33 following requirements:

34 (a) The organization sponsoring the license plate series shall,
35 within thirty days of enactment of the legislation creating the plate
36 series, submit prepayment of all start-up costs associated with the
37 creation and implementation of the special license plate in an amount

1 determined by the department. The prepayment will be credited to the
2 motor vehicle fund. The creation and implementation of the plate
3 series may not commence until payment is received by the department.

4 (b) If the sponsoring organization is not able to meet the
5 prepayment requirements in (a) of this subsection and can demonstrate
6 this fact to the satisfaction of the department, the revenues generated
7 from the sale of the special license plates must be deposited in the
8 motor vehicle account until the department determines that the state's
9 portion of the implementation costs have been fully reimbursed. When
10 it is determined that the state has been fully reimbursed the
11 department must notify the treasurer to commence distribution of the
12 revenue according to statutory provisions.

13 (c) The sponsoring organization must provide a proposed license
14 plate design to the department within thirty days of enactment of the
15 legislation creating the plate series.

16 (2) The state must be reimbursed for its portion of the
17 implementation costs within two years from the date the new plate
18 series goes on sale to the public. If the reimbursement does not occur
19 within the two-year time frame, the special license plate series must
20 be placed in probationary status for a period of one year from that
21 date. If the state is still not fully reimbursed for its
22 implementation costs after the one-year probation, the plate series
23 must be discontinued immediately. Those plates issued before
24 discontinuation are valid until replaced under RCW 46.16.233.

25 (3) If the sponsoring organization ceases to exist or the purpose
26 of the special plate series ceases to exist, revenues generated from
27 the sale of the special license plates must be deposited into the motor
28 vehicle account.

29 (4) A sponsoring organization may not seek to redesign their plate
30 series until all of the existing inventory is sold or purchased by the
31 organization itself. All cost for redesign of a plate series must be
32 paid by the sponsoring organization.

33 **Sec. 227.** RCW 46.16.30901 and 2004 c 35 s 1 are each amended to
34 read as follows:

35 The department shall issue a special license plate displaying a
36 symbol, approved by the special license plate review board before June
37 30, 2010, for professional firefighters and paramedics who are members

1 of the Washington State Council of Firefighters. Upon initial
2 application and subsequent renewals, applicants must show proof of
3 eligibility by providing a certificate of current membership from the
4 Washington State Council of Firefighters. The special license plate
5 may be used in lieu of regular or personalized license plates for
6 vehicles required to display one or two vehicle license plates,
7 excluding vehicles registered under chapter 46.87 RCW, upon the terms
8 and conditions established by the department.

9 **Sec. 228.** RCW 46.16.30903 and 2004 c 48 s 1 are each amended to
10 read as follows:

11 ~~((1) The legislature recognizes the Helping Kids Speak license
12 plate has been reviewed by the special license plate review board under
13 RCW 46.16.725, and found to fully comply with all provisions of RCW
14 46.16.715 through 46.16.775.~~

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, recognizing an organization that supports programs that
18 provide no-cost speech pathology programs to children. The special
19 license plate may be used in lieu of regular or personalized license
20 plates for vehicles required to display one or two vehicle license
21 plates, excluding vehicles registered under chapter 46.87 RCW, upon
22 terms and conditions established by the department. The special plates
23 will commemorate an organization that supports programs that provide
24 free diagnostic and therapeutic services to children who have a severe
25 delay in language or speech development.

26 **Sec. 229.** RCW 46.16.30905 and 2004 c 221 s 1 are each amended to
27 read as follows:

28 ~~((1) The legislature recognizes that the law enforcement memorial
29 license plate has been reviewed by the special license plate review
30 board as specified in chapter 196, Laws of 2003, and was found to fully
31 comply with all provisions of chapter 196, Laws of 2003.~~

32 (2)) The department shall issue a special license plate displaying
33 a symbol, as approved by the special license plate review board before
34 June 30, 2010, honoring law enforcement officers in Washington killed
35 in the line of duty. The special license plate may be used in lieu of
36 regular or personalized license plates for vehicles required to display

1 one or two vehicle license plates, excluding vehicles registered under
2 chapter 46.87 RCW, upon the terms and conditions established by the
3 department.

4 **Sec. 230.** RCW 46.16.30907 and 2005 c 42 s 1 are each amended to
5 read as follows:

6 ~~((1) The legislature recognizes that the Washington's Wildlife
7 license plate collection, to include three distinct designs including
8 bear, deer, and elk, has been reviewed by the special license plate
9 review board under RCW 46.16.725 and was found to fully comply with all
10 provisions of RCW 46.16.715 through 46.16.775.~~

11 ~~(2))~~) The department shall issue a special license plate collection
12 displaying a symbol or artwork, as approved by the special license
13 plate review board and the legislature before June 30, 2010,
14 recognizing Washington's wildlife, that may be used in lieu of regular
15 or personalized license plates for vehicles required to display one or
16 two vehicle license plates, excluding vehicles registered under chapter
17 46.87 RCW, upon terms and conditions established by the department.

18 **Sec. 231.** RCW 46.16.30909 and 2005 c 44 s 1 are each amended to
19 read as follows:

20 ~~((1) The legislature recognizes that the Washington state parks
21 and recreation commission license plate application has been reviewed
22 by the special license plate review board under RCW 46.16.725 and was
23 found to fully comply with all provisions of RCW 46.16.715 through
24 46.16.775.~~

25 ~~(2))~~) The department shall issue a special license plate displaying
26 a symbol or artwork, as approved by the special license plate review
27 board and the legislature before June 30, 2010, recognizing Washington
28 state parks as premier destinations of uncommon quality that preserve
29 significant natural, cultural, historical, and recreational resources,
30 that may be used in lieu of regular or personalized license plates for
31 vehicles required to display one and two vehicle license plates,
32 excluding vehicles registered under chapter 46.87 RCW, upon terms and
33 conditions established by the department.

34 **Sec. 232.** RCW 46.16.30911 and 2005 c 48 s 1 are each amended to
35 read as follows:

1 ~~((1) The legislature recognizes that the "Washington Lighthouses"~~
2 ~~license plate has been reviewed by the special license plate review~~
3 ~~board under RCW 46.16.725, and found to fully comply with RCW 46.16.715~~
4 ~~through 46.16.775.~~

5 (2)) The department shall issue a special license plate displaying
6 a symbol or artwork, as approved by the special license plate review
7 board and the legislature before June 30, 2010, recognizing an
8 organization that supports selected Washington state lighthouses and
9 provides environmental education programs. The special license plate
10 may be used in lieu of regular or personalized license plates for
11 vehicles required to display one or two vehicle license plates,
12 excluding vehicles registered under chapter 46.87 RCW, upon terms and
13 conditions established by the department.

14 **Sec. 233.** RCW 46.16.30913 and 2005 c 53 s 1 are each amended to
15 read as follows:

16 ~~((1) The legislature recognizes that the "Keep Kids Safe" license~~
17 ~~plate has been reviewed and approved by the special license plate~~
18 ~~review board under RCW 46.16.725, and found to fully comply with all~~
19 ~~provisions of RCW 46.16.715 through 46.16.775.~~

20 (2)) The department shall issue a special license plate displaying
21 artwork, as approved by the special license plate review board before
22 June 30, 2010, recognizing efforts to prevent child abuse and neglect.
23 The special license plate may be used in lieu of regular or
24 personalized license plates for vehicles required to display one or two
25 vehicle license plates, excluding vehicles registered under chapter
26 46.87 RCW, upon terms and conditions established by the department.

27 **Sec. 234.** RCW 46.16.30914 and 2005 c 71 s 1 are each amended to
28 read as follows:

29 ~~((1) The legislature recognizes that the "we love our pets"~~
30 ~~license plate has been reviewed by the special license plate review~~
31 ~~board under RCW 46.16.725, and found to fully comply with all~~
32 ~~provisions of RCW 46.16.715 through 46.16.775.~~

33 (2)) The department shall issue a special license plate displaying
34 a symbol or artwork, as approved by the special license plate review
35 board before June 30, 2010, recognizing an organization that assists
36 local member agencies of the federation of animal welfare and control

1 agencies to promote and perform spay/neuter surgery on Washington state
2 pets, in order to reduce pet overpopulation. The special license plate
3 may be used in lieu of regular or personalized license plates for
4 vehicles required to display one or two vehicle license plates,
5 excluding vehicles registered under chapter 46.87 RCW, upon terms and
6 conditions established by the department.

7 **Sec. 235.** RCW 46.16.30916 and 2005 c 85 s 1 are each amended to
8 read as follows:

9 ~~((1) The legislature recognizes that the Gonzaga University alumni
10 association license plate has been reviewed by the special license
11 plate review board under RCW 46.16.725, and found to fully comply with
12 all provisions of RCW 46.16.715 through 46.16.775.~~

13 ~~(2))~~ The department shall issue a special license plate displaying
14 a symbol or artwork, as approved by the special license plate review
15 board before June 30, 2010, recognizing the Gonzaga University alumni
16 association. The special license plate may be used in lieu of regular
17 or personalized license plates for vehicles required to display one or
18 two vehicle license plates, excluding vehicles registered under chapter
19 46.87 RCW, upon terms and conditions established by the department.

20 **Sec. 236.** RCW 46.16.30918 and 2005 c 177 s 1 are each amended to
21 read as follows:

22 ~~((1) The legislature recognizes that the "Washington's National
23 Park Fund" license plate has been reviewed by the special license plate
24 review board under RCW 46.16.725, and found to fully comply with RCW
25 46.16.715 through 46.16.775.~~

26 ~~(2))~~ The department shall issue a special license plate displaying
27 a symbol or artwork, as approved by the special license plate review
28 board and the legislature before June 30, 2010, recognizing
29 Washington's National Park Fund, that may be used in lieu of regular or
30 personalized license plates for vehicles required to display one or two
31 vehicle license plates, excluding vehicles registered under chapter
32 46.87 RCW, upon terms and conditions established by the department.

33 **Sec. 237.** RCW 46.16.30920 and 2008 c 183 s 1 are each amended to
34 read as follows:

1 ~~((1) The legislature recognizes that the armed forces license~~
2 ~~plate collection has been reviewed and approved by the special license~~
3 ~~plate review board.~~

4 (2)) The department shall issue a special license plate
5 collection, as approved by the special license plate review board and
6 the legislature before June 30, 2010, recognizing the contribution of
7 veterans, active duty military personnel, reservists, and members of
8 the national guard. The collection includes six separate designs, each
9 containing a symbol representing a different branch of the armed forces
10 to include army, navy, air force, marine corps, coast guard, and
11 national guard.

12 ((3)) (2) Armed forces special license plates may be used in lieu
13 of regular or personalized license plates for vehicles required to
14 display one and two vehicle license plates, excluding vehicles
15 registered under chapter 46.87 RCW, upon terms and conditions
16 established by the department.

17 ((4)) (3) Upon request, the department must make available to the
18 purchaser, at no additional cost, a decal indicating the purchaser's
19 military status. The department must work with the department of
20 veterans affairs to establish a list of the decals to be made
21 available. The list of available decals must include, but is not
22 limited to, "veteran," "disabled veteran," "reservist," "retiree," or
23 "active duty." The department may specify where the decal may be
24 placed on the license plate. Decals are required to be made available
25 only for standard six-inch by twelve-inch license plates.

26 ((5)) (4) Armed forces license plates and decals are available
27 only to veterans as defined in RCW 41.04.007, active duty military
28 personnel, reservists, members of the national guard, and the families
29 of veterans and service members. Upon initial application, any
30 purchaser requesting an armed forces license plate and decal will be
31 required to show proof of eligibility by providing: A DD-214 or
32 discharge papers if a veteran; a military identification or retired
33 military identification card; or a declaration of fact attesting to the
34 purchaser's eligibility as required under this section. "Family" or
35 "families" means an individual's spouse, child, parent, sibling, aunt,
36 uncle, or cousin. A child includes stepchild, adopted child, foster
37 child, grandchild, and son or daughter-in-law. A parent includes

1 stepparent, grandparent, and in-laws. A sibling includes brother, half
2 brother, stepbrother, sister, half sister, stepsister, and brother or
3 sister-in-law.

4 ((+6)) (5) The department of veterans affairs must enter into an
5 agreement with the department to reimburse the department for the costs
6 associated with providing military status decals described in
7 subsection ((+4)) (3) of this section.

8 ((+7)) (6) Armed forces license plates are not available free of
9 charge to disabled veterans, former prisoners of war, or spouses of
10 deceased former prisoners of war under the privileges defined in RCW
11 73.04.110 and 73.04.115.

12 **Sec. 238.** RCW 46.16.30922 and 2005 c 220 s 1 are each amended to
13 read as follows:

14 ~~((1) The legislature recognizes that the "Ski & Ride Washington"~~
15 ~~license plate has been reviewed and approved by the special license~~
16 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
17 ~~RCW 46.16.715 through 46.16.775.~~

18 (+2)) The department shall issue a special license plate displaying
19 a symbol or artwork, as approved by the special license plate review
20 board and the legislature before June 30, 2010, recognizing the
21 Washington snowsports industry, that may be used in lieu of regular or
22 personalized license plates for vehicles required to display vehicle
23 license plates, excluding vehicles registered under chapter 46.87 RCW,
24 upon terms and conditions established by the department.

25 **Sec. 239.** RCW 46.16.30924 and 2005 c 224 s 1 are each amended to
26 read as follows:

27 ~~((1) The legislature recognizes that the Wild On Washington~~
28 ~~license plate has been reviewed by the special license plate review~~
29 ~~board under RCW 46.16.725 and was found to fully comply with all~~
30 ~~provisions of RCW 46.16.715 through 46.16.775.~~

31 (+2)) The department shall issue a special license plate displaying
32 a symbol or artwork, as approved by the special license plate review
33 board and the legislature before June 30, 2010, referred to as "Wild On
34 Washington license plates," that may be used in lieu of regular or
35 personalized license plates for vehicles required to display one or two

1 vehicle license plates, excluding vehicles registered under chapter
2 46.87 RCW, upon terms and conditions established by the department.

3 **Sec. 240.** RCW 46.16.30926 and 2005 c 225 s 1 are each amended to
4 read as follows:

5 ~~((1) The legislature recognizes that the Endangered Wildlife
6 license plate has been reviewed by the special license plate review
7 board under RCW 46.16.725 and was found to fully comply with all
8 provisions of RCW 46.16.715 through 46.16.775.~~

9 (2)) The department shall issue a special license plate displaying
10 a symbol or artwork, as approved by the special license plate review
11 board and the legislature before June 30, 2010, referred to as
12 "Endangered Wildlife license plates," that may be used in lieu of
13 regular or personalized license plates for vehicles required to display
14 one or two vehicle license plates, excluding vehicles registered under
15 chapter 46.87 RCW, upon terms and conditions established by the
16 department.

17 **Sec. 241.** RCW 46.16.30928 and 2005 c 426 s 1 are each amended to
18 read as follows:

19 ~~((1) The legislature recognizes that the "Share the Road" license
20 plate has been reviewed by the special license plate review board under
21 RCW 46.16.725, and found to fully comply with RCW 46.16.715 through
22 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 promotes bicycle safety and awareness education. The
27 special license plate may be used in lieu of regular or personalized
28 license plates for vehicles required to display one or two vehicle
29 license plates, excluding vehicles registered under chapter 46.87 RCW,
30 upon terms and conditions established by the department. The special
31 plates will commemorate the life of Cooper Jones.

32 **Strategic Health Planning Office**
33 **Technical Advisory Committee**

1 **Sec. 242.** RCW 43.370.020 and 2009 c 343 s 1 are each amended to
2 read as follows:

3 (1) The office shall serve as a coordinating body for public and
4 private efforts to improve quality in health care, promote cost-
5 effectiveness in health care, and plan health facility and health
6 service availability. In addition, the office shall facilitate access
7 to health care data collected by public and private organizations as
8 needed to conduct its planning responsibilities.

9 (2) The office shall:

10 (a) Conduct strategic health planning activities related to the
11 preparation of the strategy, as specified in this chapter;

12 (b) Develop a computerized system for accessing, analyzing, and
13 disseminating data relevant to strategic health planning
14 responsibilities. The office may contract with an organization to
15 create the computerized system capable of meeting the needs of the
16 office;

17 (c) Have access to the information submitted as part of the health
18 professional licensing application and renewal process, excluding
19 social security number and background check information, whether the
20 license is issued by the secretary of the department of health or a
21 board or commission. The office shall also have access to information
22 submitted to the department of health as part of the medical or health
23 facility licensing process. Access to and use of all data shall be in
24 accordance with state and federal confidentiality laws and ethical
25 guidelines, and the office shall maintain the same degree of
26 confidentiality as the department of health. For professional
27 licensing information provided to the office, the department of health
28 shall replace any social security number with an alternative identifier
29 capable of linking all licensing records of an individual; and

30 (d) Conduct research and analysis or arrange for research and
31 analysis projects to be conducted by public or private organizations to
32 further the purposes of the strategy.

33 ~~((3) The office shall establish a technical advisory committee to~~
34 ~~assist in the development of the strategy. Members of the committee~~
35 ~~shall include health economists, health planners, representatives of~~
36 ~~government and nongovernment health care purchasers, representatives of~~
37 ~~state agencies that use or regulate entities with an interest in health~~
38 ~~planning, representatives of acute care facilities, representatives of~~

1 ~~long-term care facilities, representatives of community-based long-term~~
2 ~~care providers, representatives of health care providers, a~~
3 ~~representative of one or more federally recognized Indian tribes, and~~
4 ~~representatives of health care consumers. The committee shall include~~
5 ~~members with experience in the provision of health services to rural~~
6 ~~communities.))~~

7 **Sec. 243.** RCW 43.370.030 and 2007 c 259 s 52 are each amended to
8 read as follows:

9 (1) The office(~~(, in consultation with the technical advisory~~
10 ~~committee established under RCW 43.370.020,)) shall develop a statewide~~
11 health resources strategy. The strategy shall establish statewide
12 health planning policies and goals related to the availability of
13 health care facilities and services, quality of care, and cost of care.
14 The strategy shall identify needs according to geographic regions
15 suitable for comprehensive health planning as designated by the office.

16 (2) The development of the strategy shall consider the following
17 general goals and principles:

18 (a) That excess capacity of health services and facilities place
19 considerable economic burden on the public who pay for the construction
20 and operation of these facilities as patients, health insurance
21 purchasers, carriers, and taxpayers; and

22 (b) That the development and ongoing maintenance of current and
23 accurate health care information and statistics related to cost and
24 quality of health care, as well as projections of need for health
25 facilities and services, are essential to effective strategic health
26 planning.

27 (3) The strategy, with public input by health service areas, shall
28 include:

29 (a) A health system assessment and objectives component that:

30 (i) Describes state and regional population demographics, health
31 status indicators, and trends in health status and health care needs;
32 and

33 (ii) Identifies key policy objectives for the state health system
34 related to access to care, health outcomes, quality, and cost-
35 effectiveness;

36 (b) A health care facilities and services plan that shall assess
37 the demand for health care facilities and services to inform state

1 health planning efforts and direct certificate of need determinations,
2 for those facilities and services subject to certificate of need as
3 provided in chapter 70.38 RCW. The plan shall include:

4 (i) An inventory of each geographic region's existing health care
5 facilities and services;

6 (ii) Projections of need for each category of health care facility
7 and service, including those subject to certificate of need;

8 (iii) Policies to guide the addition of new or expanded health care
9 facilities and services to promote the use of quality, evidence-based,
10 cost-effective health care delivery options, including any
11 recommendations for criteria, standards, and methods relevant to the
12 certificate of need review process; and

13 (iv) An assessment of the availability of health care providers,
14 public health resources, transportation infrastructure, and other
15 considerations necessary to support the needed health care facilities
16 and services in each region;

17 (c) A health care data resource plan that identifies data elements
18 necessary to properly conduct planning activities and to review
19 certificate of need applications, including data related to inpatient
20 and outpatient utilization and outcomes information, and financial and
21 utilization information related to charity care, quality, and cost.
22 The plan shall inventory existing data resources, both public and
23 private, that store and disclose information relevant to the health
24 planning process, including information necessary to conduct
25 certificate of need activities pursuant to chapter 70.38 RCW. The plan
26 shall identify any deficiencies in the inventory of existing data
27 resources and the data necessary to conduct comprehensive health
28 planning activities. The plan may recommend that the office be
29 authorized to access existing data sources and conduct appropriate
30 analyses of such data or that other agencies expand their data
31 collection activities as statutory authority permits. The plan may
32 identify any computing infrastructure deficiencies that impede the
33 proper storage, transmission, and analysis of health planning data.
34 The plan shall provide recommendations for increasing the availability
35 of data related to health planning to provide greater community
36 involvement in the health planning process and consistency in data used
37 for certificate of need applications and determinations;

1 (d) An assessment of emerging trends in health care delivery and
2 technology as they relate to access to health care facilities and
3 services, quality of care, and costs of care. The assessment shall
4 recommend any changes to the scope of health care facilities and
5 services covered by the certificate of need program that may be
6 warranted by these emerging trends. In addition, the assessment may
7 recommend any changes to criteria used by the department to review
8 certificate of need applications, as necessary;

9 (e) A rural health resource plan to assess the availability of
10 health resources in rural areas of the state, assess the unmet needs of
11 these communities, and evaluate how federal and state reimbursement
12 policies can be modified, if necessary, to more efficiently and
13 effectively meet the health care needs of rural communities. The plan
14 shall consider the unique health care needs of rural communities, the
15 adequacy of the rural health workforce, and transportation needs for
16 accessing appropriate care.

17 (4) The office shall submit the initial strategy to the governor
18 and the appropriate committees of the senate and house of
19 representatives by January 1, 2010. Every two years the office shall
20 submit an updated strategy. The health care facilities and services
21 plan as it pertains to a distinct geographic planning region may be
22 updated by individual categories on a rotating, biannual schedule.

23 (5) The office shall hold at least one public hearing and allow
24 opportunity to submit written comments prior to the issuance of the
25 initial strategy or an updated strategy. A public hearing shall be
26 held prior to issuing a draft of an updated health care facilities and
27 services plan, and another public hearing shall be held before final
28 adoption of an updated health care facilities and services plan. Any
29 hearing related to updating a health care facilities and services plan
30 for a specific planning region shall be held in that region with
31 sufficient notice to the public and an opportunity to comment.

32 **Title and Registration Advisory Committee**

33 NEW SECTION. **Sec. 244.** RCW 46.01.320 (Title and registration
34 advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216
35 s 3 are each repealed.

1 **Sec. 245.** RCW 46.01.325 and 2005 c 319 s 116 are each amended to
2 read as follows:

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

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

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

16 (b) Current funding for ongoing operating and maintenance
17 automation project costs affecting revenue collection and service
18 delivery;

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

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

23 (e) Appropriate indices projecting state and national growth in
24 business and economic conditions prepared by the United States
25 department of commerce, the department of revenue, and the revenue
26 forecast council for the state of Washington.

27 **Sec. 246.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to
28 read as follows:

29 (1) The county auditor, if appointed by the director of licensing
30 shall carry out the provisions of this title relating to the licensing
31 of vehicles and the issuance of vehicle license number plates under the
32 direction and supervision of the director and may with the approval of
33 the director appoint assistants as special deputies and recommend
34 subagents to accept applications and collect fees for vehicle licenses
35 and transfers and to deliver vehicle license number plates.

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

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

5 (b) A subagent may recommend a successor who is either the
6 subagent's sibling, spouse, or child, or a subagency employee, as long
7 as the recommended successor participates in the open, competitive
8 process used to select an applicant. In making successor
9 recommendation and appointment determinations, the following provisions
10 apply:

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

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

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

22 (c) The auditor shall submit all proposals to the director, and
23 shall recommend the appointment of one or more subagents who have
24 applied through the open competitive process. The auditor shall
25 include in his or her recommendation to the director, not only the name
26 of the successor who is a relative or employee, if applicable and if
27 otherwise qualified, but also the name of one other applicant who is
28 qualified and was chosen through the open competitive process. The
29 director has final appointment authority.

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

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

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

3 (i) Describe the responsibilities, and where applicable, the
4 liability, of each party relating to the service expectations and
5 levels, equipment to be supplied by the department, and equipment
6 maintenance;

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

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

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

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

16 (d) The department shall develop procedures that will standardize
17 and prescribe allowable costs that may be assigned to vehicle licensing
18 and vessel registration and title activities performed by county
19 auditors.

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

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

26 (4)(a) At any time any application is made to the director, the
27 county auditor, or other agent pursuant to any law dealing with
28 licenses, registration, or the right to operate any vehicle or vessel
29 upon the public highways or waters of this state, excluding applicants
30 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant
31 shall pay to the director, county auditor, or other agent a fee of
32 three dollars for each application in addition to any other fees
33 required by law.

34 (b) Counties that do not cover the expenses of vehicle licensing
35 and vessel registration and title activities may submit to the
36 department a request for cost-coverage moneys. The request must be
37 submitted on a form developed by the department. The department shall

1 develop procedures to verify whether a request is reasonable. Payment
2 shall be made on requests found to be allowable from the licensing
3 services account.

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

8 (d) The fees under (a) and (c) of this subsection, if paid to the
9 county auditor as agent of the director, or if paid to a subagent of
10 the county auditor, shall be paid to the county treasurer in the same
11 manner as other fees collected by the county auditor and credited to
12 the county current expense fund. If the fee is paid to another agent
13 of the director, the fee shall be used by the agent to defray his or
14 her expenses in handling the application.

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

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

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

26 (5) A subagent shall collect a service fee of (a) ten dollars for
27 changes in a certificate of ownership, with or without registration
28 renewal, or verification of record and preparation of an affidavit of
29 lost title other than at the time of the title application or transfer
30 and (b) four dollars for registration renewal only, issuing a transit
31 permit, or any other service under this section.

32 (6) If the fee is collected by the state patrol as agent for the
33 director, the fee so collected shall be certified to the state
34 treasurer and deposited to the credit of the state patrol highway
35 account. If the fee is collected by the department of transportation
36 as agent for the director, the fee shall be certified to the state
37 treasurer and deposited to the credit of the motor vehicle fund. All

1 such fees collected by the director or branches of his office shall be
2 certified to the state treasurer and deposited to the credit of the
3 highway safety fund.

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

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

11 **Veterans Innovation Program Board**

12 **Sec. 247.** RCW 43.60A.170 and 2006 c 343 s 5 are each amended to
13 read as follows:

14 (1) The competitive grant program is created to fund innovative
15 initiatives to provide crisis and emergency relief, education,
16 training, and employment assistance to veterans and their families in
17 their communities.

18 ~~((1) The veterans innovations program board is created to exercise
19 the powers granted under RCW 43.60A.160 through 43.60A.185 related to
20 the competitive grant program.~~

21 ~~(a) The board consists of seven citizens of the state, appointed by
22 the governor, with recognized experience in serving veterans and their
23 families in the community regarding transition and readjustment issues;
24 education, training, and employment needs; and other needs experienced
25 by veterans and their families stemming from service to their country.~~

26 ~~(b) The members of the board select the chair.~~

27 ~~(c) The department shall provide staff support to the board.~~

28 ~~(d) Members of the board receive no compensation but shall be
29 reimbursed for travel expenses as provided in RCW 43.03.050 and
30 43.03.060.)~~

31 (2) The ~~(board)~~ department shall:

32 (a) Establish a competitive process to solicit proposals for and
33 prioritize project applications for potential funding. The purpose of
34 the proposals shall be in three categories:

35 (i) Crisis and emergency relief;

1 (ii) Education, training, and employment assistance; and
2 (iii) Community outreach and resources; and
3 (b) Report on January 1, 2007, to the appropriate standing
4 committees of the legislature and to the joint committee on veterans
5 and military affairs on the implementation of chapter 343, Laws of
6 2006. The report must include, but is not limited to, information on
7 the number of applications for assistance, the grant amount awarded
8 each project, a description of each project, and performance measures
9 of the program.

10 **Sec. 248.** RCW 43.131.406 and 2006 c 343 s 11 are each amended to
11 read as follows:

12 The following acts or parts of acts, as now existing or hereafter
13 amended, are each repealed, effective June 30, 2017:

- 14 (1) 2006 c 343 § 1 (uncodified);
15 (2) RCW 43.60A.160 and 2006 c 343 § 3;
16 (3) RCW 43.60A.165 and 2006 c 343 § 4;
17 (4) RCW 43.60A.170 and section 247 of this act & 2006 c 343 § 5;
18 (5) RCW 43.60A.175 and 2006 c 343 § 6;
19 (6) RCW 43.60A.180 and 2006 c 343 § 7; and
20 (7) RCW 43.60A.185 and 2006 c 343 § 8.

21 **Sec. 249.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to
22 read as follows:

23 As used in this chapter the following words and phrases shall have
24 the following meanings unless the context clearly requires otherwise:

- 25 (1) "Department" means the department of veterans affairs.
26 (2) "Director" means the director of the department of veterans
27 affairs.
28 (3) "Committee" means the veterans affairs advisory committee.
29 (~~(4) "Board" means the veterans innovations program board.~~)

30 NEW SECTION. **Sec. 250.** RCW 43.60A.180 (Conflicts of interest) and
31 2006 c 343 s 7 are each repealed.

32 **Vehicle Equipment Safety Commission**

1 (3) For the purposes of this section:

2 (a) Water use efficiency includes conservation planning
3 requirements, water distribution system leakage standards, and water
4 conservation performance reporting requirements; and

5 (b) "Municipal water supplier" and "municipal water supply
6 purposes" have the meanings provided by RCW 90.03.015.

7 (4) To accomplish the purposes of this section, the department
8 shall adopt rules necessary to implement this section by December 31,
9 2005. The department shall:

10 (a) Develop conservation planning requirements that ensure
11 municipal water suppliers are: (i) Implementing programs to integrate
12 conservation with water system operation and management; and (ii)
13 identifying how to appropriately fund and implement conservation
14 activities. Requirements shall apply to the conservation element of
15 water system plans and small water system management programs developed
16 pursuant to chapter 43.20 RCW. In establishing the conservation
17 planning requirements the department shall review the current
18 department conservation planning guidelines and include those elements
19 that are appropriate for rule. Conservation planning requirements
20 shall include but not be limited to:

21 (A) Selection of cost-effective measures to achieve a system's
22 water conservation objectives. Requirements shall allow the municipal
23 water supplier to select and schedule implementation of the best
24 methods for achieving its conservation objectives;

25 (B) Evaluation of the feasibility of adopting and implementing
26 water delivery rate structures that encourage water conservation;

27 (C) Evaluation of each system's water distribution system leakage
28 and, if necessary, identification of steps necessary for achieving
29 water distribution system leakage standards developed under (b) of this
30 subsection;

31 (D) Collection and reporting of water consumption and source
32 production and/or water purchase data. Data collection and reporting
33 requirements shall be sufficient to identify water use patterns among
34 utility customer classes, where applicable, and evaluate the
35 effectiveness of each system's conservation program. Requirements,
36 including reporting frequency, shall be appropriate to system size and
37 complexity. Reports shall be available to the public; and

1 (E) Establishment of minimum requirements for water demand forecast
2 methodologies such that demand forecasts prepared by municipal water
3 suppliers are sufficient for use in determining reasonably anticipated
4 future water needs;

5 (b) Develop water distribution system leakage standards to ensure
6 that municipal water suppliers are taking appropriate steps to reduce
7 water system leakage rates or are maintaining their water distribution
8 systems in a condition that results in leakage rates in compliance with
9 the standards. Limits shall be developed in terms of percentage of
10 total water produced and/or purchased and shall not be lower than ten
11 percent. The department may consider alternatives to the percentage of
12 total water supplied where alternatives provide a better evaluation of
13 the water system's leakage performance. The department shall institute
14 a graduated system of requirements based on levels of water system
15 leakage. A municipal water supplier shall select one or more control
16 methods appropriate for addressing leakage in its water system;

17 (c) Establish minimum requirements for water conservation
18 performance reporting to assure that municipal water suppliers are
19 regularly evaluating and reporting their water conservation
20 performance. The objective of setting conservation goals is to enhance
21 the efficient use of water by the water system customers. Performance
22 reporting shall include:

23 (i) Requirements that municipal water suppliers adopt and achieve
24 water conservation goals. The elected governing board or governing
25 body of the water system shall set water conservation goals for the
26 system. In setting water conservation goals the water supplier may
27 consider historic conservation performance and conservation investment,
28 customer base demographics, regional climate variations, forecasted
29 demand and system supply characteristics, system financial viability,
30 system reliability, and affordability of water rates. Conservation
31 goals shall be established by the municipal water supplier in an open
32 public forum;

33 (ii) Requirements that the municipal water supplier adopt schedules
34 for implementing conservation program elements and achieving
35 conservation goals to ensure that progress is being made toward adopted
36 conservation goals;

37 (iii) A reporting system for regular reviews of conservation
38 performance against adopted goals. Performance reports shall be

1 available to customers and the public. Requirements, including
2 reporting frequency, shall be appropriate to system size and
3 complexity;

4 (iv) Requirements that any system not meeting its water
5 conservation goals shall develop a plan for modifying its conservation
6 program to achieve its goals along with procedures for reporting
7 performance to the department;

8 (v) If a municipal water supplier determines that further
9 reductions in consumption are not reasonably achievable, it shall
10 identify how current consumption levels will be maintained;

11 (d) Adopt rules that, to the maximum extent practical, utilize
12 existing mechanisms and simplified procedures in order to minimize the
13 cost and complexity of implementation and to avoid placing unreasonable
14 financial burden on smaller municipal systems.

15 ~~(5) ((The department shall establish an advisory committee to
16 assist the department in developing rules for water use efficiency.
17 The advisory committee shall include representatives from public water
18 system customers, environmental interest groups, business interest
19 groups, a representative cross section of municipal water suppliers, a
20 water utility conservation professional, tribal governments, the
21 department of ecology, and any other members determined necessary by
22 the department. The department may use the water supply advisory
23 committee created pursuant to RCW 70.119A.160 augmented with additional
24 participants as necessary to comply with this subsection to assist the
25 department in developing rules.~~

26 ~~(+6))~~ The department shall provide technical assistance upon
27 request to municipal water suppliers and local governments regarding
28 water conservation, which may include development of best management
29 practices for water conservation programs, conservation landscape
30 ordinances, conservation rate structures for public water systems, and
31 general public education programs on water conservation.

32 ~~((+7))~~ (6) To ensure compliance with this section, the department
33 shall establish a compliance process that incorporates a graduated
34 approach employing the full range of compliance mechanisms available to
35 the department.

36 ~~((+8))~~ (7) Prior to completion of rule making required in
37 subsection (4) of this section, municipal water suppliers shall

1 continue to meet the existing conservation requirements of the
2 department and shall continue to implement their current water
3 conservation programs.

4 **Sec. 254.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
5 as follows:

6 (1) The joint legislative committee on water supply during drought
7 shall convene from time to time at the call of the chair when a drought
8 conditions order under RCW 43.83B.405 is in effect, or when the chair
9 determines, in consultation with the department of ecology, that it is
10 likely that such an order will be issued within the next year.

11 (2) The committee may request and review information relating to
12 water supply conditions in the state, and economic, environmental, and
13 other impacts relating to decreased water supply being experienced or
14 anticipated. The governor's executive water emergency committee, the
15 department of ecology, (~~the water supply advisory committee,~~) and
16 other state agencies with water management or related responsibilities
17 shall cooperate in responding to requests from the committee.

18 (3) During drought conditions in which an order issued under RCW
19 43.83B.405 is in effect, the department of ecology shall provide to the
20 committee no less than monthly a report describing drought response
21 activities of the department and other state and federal agencies
22 participating on the water supply availability committee. The report
23 shall include information regarding applications for, and approvals and
24 denials of emergency water withdrawals and temporary changes or
25 transfers of, water rights under RCW 43.83B.410.

26 (4) The committee from time to time shall make recommendations to
27 the senate and house of representatives on budgetary and legislative
28 actions that will improve the state's drought response programs and
29 planning.

30 **Well Drilling Technical Advisory Group**

31 NEW SECTION. **Sec. 255.** RCW 18.104.190 (Technical advisory group)
32 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

1 **Sec. 256.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to
2 read as follows:

3 The department shall have the power:

4 (1) To issue, deny, suspend or revoke licenses pursuant to the
5 provisions of this chapter;

6 (2) At all reasonable times, to enter upon lands for the purpose of
7 inspecting, taking measurements from, or tagging any well, constructed
8 or being constructed;

9 (3) To call upon or receive professional or technical advice from
10 the department of health(~~(, the technical advisory group created in RCW~~
11 ~~18.104.190,)) or any other public agency or person;~~

12 (4) To adopt rules, in consultation with the department of health
13 (~~(and the technical advisory group created in RCW 18.104.190, governing~~
14 ~~licensing and well construction)), as may be appropriate to carry out
15 the purposes of this chapter. The rules adopted by the department may
16 include, but are not limited to:~~

17 (a) Standards for the construction and maintenance of wells and
18 their casings;

19 (b) Methods of capping, sealing, and decommissioning wells to
20 prevent contamination of groundwater resources and to protect public
21 health and safety;

22 (c) Methods of artificial recharge of groundwater bodies and of
23 construction of wells which insure separation of individual water
24 bearing formations;

25 (d) The manner of conducting and the content of examinations
26 required to be taken by applicants for license hereunder;

27 (e) Requirements for the filing of notices of intent, well reports,
28 and the payment of fees;

29 (f) Reporting requirements of well contractors;

30 (g) Limitations on well construction in areas identified by the
31 department as requiring intensive control of withdrawals in the
32 interests of sound management of the groundwater resource;

33 (5) To require the operator in the construction of a well and the
34 property owner in the maintenance of a well to guard against waste and
35 contamination of the groundwater resources;

36 (6) To require the operator to place a well identification tag on
37 a new well and on an existing well on which work is performed after the

1 effective date of rules requiring well identification tags and to place
2 or require the owner to place a well identification tag on an existing
3 well;

4 (7) To require the well owner to repair or decommission any well:

5 (a) That is abandoned, unusable, or not intended for future use; or

6 (b) That is an environmental, safety, or public health hazard.

7 **Sec. 257.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to
8 read as follows:

9 (1) If requested in writing by the governing body of a local health
10 district or county, the department by memorandum of agreement may
11 delegate to the governing body the authority to administer and enforce
12 the well tagging, sealing, and decommissioning portions of the water
13 well construction program.

14 (2) The department shall determine whether a local health district
15 or county that seeks delegation under this section has the resources,
16 capability, and expertise, including qualified field inspectors, to
17 administer the delegated program. If the department determines the
18 local government has these resources, it shall notify well contractors
19 and operators of the proposal. The department shall accept written
20 comments on the proposal for sixty days after the notice is mailed.

21 (3) If the department determines that a delegation of authority to
22 a local health district or county to administer and enforce the well
23 sealing and decommissioning portions of the water well construction
24 program will enhance the public health and safety and the environment,
25 the department and the local governing body may enter into a memorandum
26 of agreement setting forth the specific authorities delegated by the
27 department to the local governing body. The memorandum of agreement
28 must be, at a minimum, reviewed annually. The department(~~(, in~~
29 ~~consultation with the technical advisory group, created under RCW~~
30 ~~18.104.190,)) shall adopt rules outlining the annual review and
31 reporting process. A detailed summary of the review must be made
32 available to well contractors and operators upon request and be
33 published on the department's web site.~~

34 (4) With regard to the portions of the water well construction
35 program delegated under this section, the local governing agency shall
36 exercise only the authority delegated to it under this section. If,
37 after a public hearing, the department determines that a local

1 governing body is not administering the program in accordance with this
2 chapter, it shall notify the local governing body of the deficiencies.
3 If corrective action is not taken within a reasonable time, not to
4 exceed sixty days, the department by order shall withdraw the
5 delegation of authority.

6 (5) The department shall promptly furnish the local governing body
7 with a copy of each water well report and notification of start cards
8 received in the area covered by a delegated program.

9 (6) The department and the local governing body shall coordinate to
10 reduce duplication of effort and shall share all appropriate
11 information including technical reports, violations, and well reports.

12 (7) Any person aggrieved by a decision of a local health district
13 or county under a delegated program may appeal the decision to the
14 department. The department's decision is subject to review by the
15 pollution control hearings board as provided in RCW 43.21B.110.

16 (8) The department shall not delegate the authority to license well
17 contractors, renew licenses, receive notices of intent to commence
18 constructing a well, receive well reports, or collect state fees
19 provided for in this chapter.

20 **Sec. 258.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to
21 read as follows:

22 The department by rule shall adopt procedures to permit a well
23 operator to modify construction standards to meet unforeseen
24 circumstances encountered during the construction of a well. ((The
25 procedures shall be developed in consultation with the technical
26 advisory group established in RCW 18.104.190.))

27 **Sec. 259.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to
28 read as follows:

29 (1) Licenses issued pursuant to this chapter shall be renewed every
30 two years. A license shall be renewed upon payment of a renewal fee
31 and completion of continuing education requirements and receipt of a
32 completed license renewal application. If a licensee fails to submit
33 an application for renewal, the renewal fee, and proof of completion of
34 the required continuing education, the license shall be suspended at
35 the end of its effective term. The licensee is not allowed to perform
36 work authorized by their license during the time that it is suspended.

1 The licensee is allowed thirty days to submit an application for
2 renewal, the renewal fee, and proof of completion of the required
3 continuing education for the renewal period. Continuing education
4 obtained during the thirty-day suspension period may be applied only to
5 the next renewal period. If a licensee fails to submit an application
6 for renewal, the renewal fee, and proof of completion of the required
7 continuing education by the end of the thirty-day suspension period,
8 the license expires. The department shall adopt rules(~~(, in~~
9 ~~consultation with the technical advisory group created under RCW~~
10 ~~18.104.190,)~~) that allow for an extension of the thirty-day suspension
11 period for certain situations that are beyond the control of the
12 licensee. The rules must also allow for a retirement or inactive
13 license.

14 (2) A person whose license has expired must apply for a new license
15 as provided in this chapter. The department may waive the requirement
16 for a written examination and on-site testing for a person whose
17 license has expired.

18 (3) The department may refuse to renew a license if the licensee
19 has not complied with an order issued by the department or has not paid
20 a penalty imposed in accordance with this chapter, unless the order or
21 penalty is under appeal.

22 (4) The department may issue a conditional license to enable a
23 former licensee to comply with an order to correct problems with a
24 well.

25 **Sec. 260.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to
26 read as follows:

27 (1) A person seeking a new license or to renew an existing license
28 under this chapter must demonstrate a willingness to maintain a high
29 level of professional competency by completing continuing education
30 programs as required by the department by rule. The department shall
31 not approve any continuing education program unless: (a) It is offered
32 by an approved provider; (b) it is open to all persons licensed or
33 pursuing a license under this chapter; and (c) the fees charged are
34 reasonable for all persons desiring to attend the program.

35 (2) The department(~~(, in consultation with the technical advisory~~
36 ~~group created in RCW 18.104.190,)~~) shall adopt rules governing
37 continuing education programs. At a minimum, the rules must establish:

1 A method of approving providers of continuing education; a criteria to
2 evaluate the offerings, workshops, courses, classes, or programs; a
3 criteria for assigning credits; and a criteria for reporting and
4 verifying completion.

5 (3) The department shall support approved providers by providing,
6 upon request and at the department's discretion, technical assistance
7 and presenters for continuing education offerings.

8 (4) The department shall maintain a current list of all continuing
9 education offerings by approved providers and ensure that the list is
10 available to all licensees by request. The list must also be posted on
11 the department's web site.

12 **Western States School Bus Safety Commission**

13 NEW SECTION. **Sec. 261.** The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88
16 s 1; and
17 (2) RCW 46.39.020 (Designation of Washington state commissioners)
18 and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

19 **Women's History Consortium**

20 NEW SECTION. **Sec. 262.** The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 27.34.360 (Women's history consortium--Created--Washington
23 state historical society as managing agency) and 2005 c 391 s 2;
24 (2) RCW 27.34.365 (Women's history consortium--Board of advisors)
25 and 2005 c 391 s 3;
26 (3) RCW 27.34.370 (Women's history consortium--Responsibilities of
27 board of advisors) and 2005 c 391 s 4;
28 (4) RCW 27.34.375 (Women's history consortium--Responsibilities)
29 and 2005 c 391 s 5; and
30 (5) RCW 27.34.380 (Women's history consortium--Report to the
31 legislature) and 2005 c 391 s 6.

1 **Workforce Training Customer Advisory Committee**

2 **Sec. 263.** RCW 28C.04.390 and 1999 c 121 s 1 are each amended to
3 read as follows:

4 (1) The college board worker retraining program funds shall be
5 used for training programs and related support services, including
6 financial aid, counseling, referral to training resources, job
7 referral, and job development that:

8 (a) Are consistent with the unified plan for workforce development;

9 (b) Provide increased enrollments for dislocated workers;

10 (c) Provide customized training opportunities for dislocated
11 workers; and

12 (d) Provide increased enrollments and support services, including
13 financial aid for those students not receiving unemployment insurance
14 benefits, that do not replace or supplant any existing enrollments,
15 programs, support services, or funding sources.

16 (2) The college board shall develop a plan for use of the worker
17 retraining program funds (~~(in conjunction with the workforce training~~
18 ~~customer advisory committee established in subsection (3) of this~~
19 ~~section)). In developing the plan the college board shall:~~

20 (a) Provide that applicants for worker retraining program funds
21 shall solicit financial support for training programs and give priority
22 in receipt of funds to those applicants which are most successful in
23 matching public dollars with financial support;

24 (b) Provide that applicants for worker retraining program funds
25 shall develop training programs in partnership with local businesses,
26 industry associations, labor, and other partners as appropriate and
27 give priority in receipt of funds to those applicants who develop
28 customized training programs in partnership with local businesses,
29 industry associations, and labor organizations;

30 (c) Give priority in receipt of funds to those applicants serving
31 rural areas;

32 (d) Ensure that applicants receiving worker retraining program
33 funds gather information from local workforce development councils on
34 employer workforce needs, including the needs of businesses with less
35 than twenty-five employees; and

36 (e) Provide for specialized vocational training at a private career
37 school or college at the request of a recipient eligible under

1 subsection (1)(b) of this section. Available tuition for the training
2 is limited to the amount that would otherwise be payable per enrolled
3 quarter to a public institution.

4 ~~((3) The executive director of the college board shall appoint a
5 workforce training customer advisory committee by July 1, 1999, to:~~

6 ~~(a) Assist in the development of the plan for the use of the
7 college board worker retraining program funds and recommend guidelines
8 to the college board for the operation of worker retraining programs;~~

9 ~~(b) Recommend selection criteria for worker retraining programs and
10 grant applicants for receipt of worker retraining program grants;~~

11 ~~(c) Provide advice to the college board on other workforce
12 development activities of the community and technical colleges;~~

13 ~~(d) Recommend selection criteria for job skills grants, consistent
14 with criteria established in this chapter and chapter 121, Laws of
15 1999. Such criteria shall include a prioritization of job skills
16 applicants in rural areas;~~

17 ~~(e) Recommend guidelines to the college board for the operation of
18 the job skills program; and~~

19 ~~(f) Recommend grant applicants for receipt of job skills program
20 grants.~~

21 ~~(4) Members of the workforce training customer advisory committee
22 shall consist of three college system representatives selected by the
23 executive director of the college board, three representatives of
24 business selected from nominations provided by statewide business
25 organizations, and three representatives of labor selected from
26 nominations provided by a statewide labor organization representing a
27 cross section of workers in the state.))~~

28 **Sec. 264.** RCW 28C.04.420 and 2009 c 554 s 2 are each amended to
29 read as follows:

30 The college board may, subject to appropriation from the
31 legislature or from funds made available from any other public or
32 private source and pursuant to rules adopted by the college board
33 ~~((with the advice of the workforce training customer advisory committee
34 established in RCW 28C.04.390)),~~ provide job skills grants to
35 educational institutions. The job skills grants shall be used
36 exclusively for programs which are consistent with the job skills

1 program. The college board shall work (~~in collaboration with the~~
2 ~~workforce training customer advisory committee established in RCW~~
3 ~~28C.04.390~~) to assure that:

4 (1) The program is within the scope of the job skills program under
5 this chapter and may reasonably be expected to succeed and thereby
6 increase employment within the state;

7 (2) Provision has been made to use any available alternative
8 funding from local, state, and federal sources;

9 (3) The job skills grant will only be used to cover the costs
10 associated with the program;

11 (4) The program will not unnecessarily duplicate existing programs
12 and could not be provided by another educational institution more
13 effectively or efficiently;

14 (5) The program involves an area of skills training and education
15 for which there is a demonstrable need;

16 (6) The applicant has made provisions for the use of existing
17 federal and state resources for student financial assistance;

18 (7) The job skills grant is essential to the success of the program
19 as the resources of the applicant are inadequate to attract the
20 technical assistance and financial support necessary for the program
21 from business and industry;

22 (8) The program represents a collaborative partnership between
23 business, industry, labor, educational institutions, and other
24 partners, as appropriate;

25 (9) The commitment of financial support from business and industry
26 shall be equal to or greater than the amount of the requested job
27 skills grant;

28 (10) The job skills program gives priority to applications:

29 (a) Proposing training that leads to transferable skills that are
30 interchangeable among different jobs, employers, or workplaces;

31 (b) From firms in strategic industry clusters as identified by the
32 state or local areas;

33 (c) Proposing coordination with other cluster-based programs or
34 initiatives including, but not limited to, industry skill panels,
35 centers of excellence, innovation partnership zones, state-supported
36 cluster growth grants, and local cluster-based economic development
37 initiatives;

38 (d) Proposing industry-based credentialing; and

1 (e) Proposing increased capacity for educational institutions that
2 can be made available to industry and students beyond the grant
3 recipients;

4 (11) Binding commitments have been made to the college board by the
5 applicant for adequate reporting of information and data regarding the
6 program to the college board, particularly information concerning the
7 recruitment and employment of trainees and students, and including a
8 requirement for an annual or other periodic audit of the books of the
9 applicant directly related to the program, and for such control on the
10 part of the college board as it considers prudent over the management
11 of the program, so as to protect the use of public funds, including, in
12 the discretion of the commission and without limitation, right of
13 access to financial and other records of the applicant directly related
14 to the programs; and

15 (12) A provision has been made by the applicant to work, in
16 cooperation with the employment security department, to identify and
17 screen potential trainees, and that provision has been made by the
18 applicant for the participation as trainees of low-income persons
19 including temporary assistance for needy families recipients,
20 dislocated workers, and persons from minority and economically
21 disadvantaged groups to participate in the program.

22 Beginning October 1, 1999, and every two years thereafter, the
23 college board shall provide the legislature and the governor with a
24 report describing the activities and outcomes of the state job skills
25 program.

26 **Lieutenant Governor Appointments and Assignments**

27 **Sec. 265.** RCW 43.15.020 and 2009 c 560 s 27 are each amended to
28 read as follows:

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

32 (1) The lieutenant governor serves on the following boards and
33 committees:

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

1 (b) Washington higher education facilities authority, RCW
2 28B.07.030;

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

5 (d) State finance committee, RCW 43.33.010;

6 (e) State capitol committee, RCW 43.34.010;

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

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

9 (h) Medal of valor committee, RCW 1.60.020; and

10 (i) Association of Washington generals, RCW 43.15.030.

11 (2) The lieutenant governor, and when serving as president of the
12 senate, appoints members to the following boards and committees:

13 (a) Civil legal aid oversight committee, RCW 2.53.010;

14 (b) Office of public defense advisory committee, RCW 2.70.030;

15 (c) Washington state gambling commission, RCW 9.46.040;

16 (d) Sentencing guidelines commission, RCW 9.94A.860;

17 (e) State building code council, RCW 19.27.070;

18 (~~((g))~~) ~~Women's history consortium board of advisors, RCW 27.34.365;~~
19 ~~((g))~~ Financial (~~(literacy)~~) education public-private partnership,
20 RCW 28A.300.450;

21 (~~((h))~~) (g) Joint administrative rules review committee, RCW
22 34.05.610;

23 (~~((i))~~) ~~Capital projects advisory review board, RCW 39.10.220;~~
24 ~~((j))~~ (h) Select committee on pension policy, RCW 41.04.276;

25 (~~((k))~~) (i) Legislative ethics board, RCW 42.52.310;

26 (~~((l))~~) (j) Washington citizens' commission on salaries, RCW
27 43.03.305;

28 (~~((m))~~) (k) Legislative oral history committee, RCW 44.04.325;

29 (~~((n))~~) (l) State council on aging, RCW 43.20A.685;

30 (~~((o))~~) (m) State investment board, RCW 43.33A.020;

31 (~~((p))~~) ~~Capitol campus design advisory committee, RCW 43.34.080;~~
32 ~~((q))~~ (n) Washington state arts commission, RCW 43.46.015;

33 (~~((r))~~) (o) Information services board, RCW 43.105.032;

34 (~~((s))~~) ~~K-20 educational network board, RCW 43.105.800;~~
35 ~~((t))~~ (p) Municipal research council, RCW 43.110.010;

36 (~~((u))~~) ~~Council for children and families, RCW 43.121.020;~~
37 ~~((v))~~ (q) PNWER-Net working subgroup under chapter 43.147 RCW;

1 (~~(w)~~) (r) Community economic revitalization board, RCW
2 43.160.030;
3 (~~(x)~~) (s) Washington economic development finance authority, RCW
4 43.163.020;
5 (~~(y)~~) (t) Life sciences discovery fund authority, RCW 43.350.020;
6 (~~(z)~~) (u) Legislative children's oversight committee, RCW
7 44.04.220;
8 (~~(aa)~~) (v) Joint legislative audit and review committee, RCW
9 44.28.010;
10 (~~(bb)~~) (w) Joint committee on energy supply and energy
11 conservation, RCW 44.39.015;
12 (~~(cc)~~) (x) Legislative evaluation and accountability program
13 committee, RCW 44.48.010;
14 (~~(dd)~~) (y) Agency council on coordinated transportation, RCW
15 47.06B.020;
16 (~~(ee)~~) (z) Manufactured housing task force, RCW 59.22.090;
17 (~~(ff)~~) (aa) Washington horse racing commission, RCW 67.16.014;
18 (~~(gg)~~) (bb) Correctional industries board of directors, RCW
19 72.09.080;
20 (~~(hh)~~) (cc) Joint committee on veterans' and military affairs,
21 RCW 73.04.150;
22 (~~(ii)~~) (dd) Joint legislative committee on water supply during
23 drought, RCW 90.86.020;
24 (~~(jj)~~) (ee) Statute law committee, RCW 1.08.001; and
25 (~~(kk)~~) (ff) Joint legislative oversight committee on trade
26 policy, RCW 44.55.020.

27 NEW SECTION. **Sec. 266.** (1) All documents and papers, equipment,
28 or other tangible property in the possession of the terminated entity
29 shall be delivered to the custody of the entity assuming the
30 responsibilities of the terminated entity or if such responsibilities
31 have been eliminated, documents and papers shall be delivered to the
32 state archivist and equipment or other tangible property to the
33 department of general administration.

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

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

5 (4) All rules and all pending business before any terminated entity
6 shall be continued and acted upon by the entity assuming the
7 responsibilities of the terminated entity.

8 NEW SECTION. **Sec. 267.** The following sections are recodified as
9 new sections in chapter 43.215 RCW:

- 10 RCW 43.121.170
- 11 RCW 43.121.175
- 12 RCW 43.121.180

13 NEW SECTION. **Sec. 268.** Section 42 of this act expires October 1,
14 2010.

15 NEW SECTION. **Sec. 269.** Section 43 of this act takes effect
16 October 1, 2010.

17 NEW SECTION. **Sec. 270.** Sections 116 through 125 of this act take
18 effect June 30, 2013.

19 NEW SECTION. **Sec. 271.** Sections 251 and 261 of this act take
20 effect June 30, 2011.

21 NEW SECTION. **Sec. 272.** Sections 1 through 41, 44 through 115, 126
22 through 250, 252 through 260, and 261 through 266 of this act take
23 effect June 30, 2010.

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