
HOUSE BILL 1163

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Taylor, Shea, Overstreet, Short, Manweller, Holy, Haler, and Hargrove

Read first time 01/17/13. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to administrative procedures to promote
2 accountability and economic relief; amending RCW 34.05.310, 34.05.313,
3 34.05.320, 34.05.570, 28A.300.040, 41.50.050, 43.06A.030, 43.19.011,
4 43.21A.064, 43.24.016, 43.27A.090, 43.30.215, 43.31C.060, 43.33.040,
5 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085,
6 43.115.040, 43.117.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040,
7 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071,
8 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, 80.01.040,
9 70.94.181, 76.09.060, 77.55.021, 78.44.081, 86.16.025, 70.95.205,
10 15.54.820, 43.21C.033, 77.115.040, 16.65.030, 70.119A.110, 90.03.350,
11 90.03.370, 90.58.140, 70.118B.030, and 36.70B.030; reenacting and
12 amending RCW 34.05.328; adding new sections to chapter 34.05 RCW;
13 adding a new section to chapter 43.17 RCW; adding a new section to
14 chapter 77.12 RCW; adding a new section to chapter 79.02 RCW; adding a
15 new section to chapter 79A.05 RCW; adding a new section to chapter
16 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new
17 section to chapter 36.01 RCW; adding a new section to chapter 70.94
18 RCW; adding a new section to chapter 90.48 RCW; adding a new section to
19 chapter 90.76 RCW; adding a new section to chapter 18.104 RCW; adding
20 a new section to chapter 69.30 RCW; adding a new section to chapter
21 90.64 RCW; adding a new section to chapter 15.58 RCW; adding a new

1 section to chapter 17.21 RCW; adding a new section to chapter 70.95J
2 RCW; adding a new section to chapter 90.66 RCW; adding new sections to
3 chapter 36.70A RCW; adding a new section to chapter 43.21H RCW; adding
4 a new chapter to Title 1 RCW; adding a new chapter to Title 36 RCW;
5 adding a new chapter to Title 34 RCW; creating new sections;
6 prescribing penalties; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 34.05 RCW
9 to read as follows:

10 This act may be known and cited as the regulatory freedom and
11 accountability act.

12 **PART I**

13 NEW SECTION. **Sec. 101.** A new section is added to chapter 34.05
14 RCW to read as follows:

15 The legislature finds that Washington families, workers, and
16 employers continue to struggle to make ends meet. As families and
17 employers have streamlined their budgets and services, so should state
18 government. Government continues to increase the burden on citizens
19 and employers through perpetual alteration and expansion of rules.
20 During 2012, an estimated 1,129 new sections to the Washington
21 Administrative Code were permanently adopted, 2,211 sections were
22 permanently amended, 393 emergency rule filings were made, and 961
23 sections were permanently repealed. A total of 5,511 pages of
24 permanent rule changes were made and 2,398 pages of emergency rules
25 were adopted. The constant changing of rules provides uncertainty to
26 citizens and employers and adds additional costs to taxpayers as
27 agencies hold public meetings and telephone conferences, and employees
28 spend untold hours working on drafts for rules. Furthermore, continual
29 proposal of new rules distracts employers from being productive in
30 their respective enterprises due to a need to comment against these
31 proposed rules. Most agencies do not track the number of hours
32 employees spend on rule making nor do they track the cost to the agency
33 to do this task. One way to reduce millions of dollars in employee and
34 administrative costs is to impose a moratorium on formal and informal

1 rule making by state agencies except in certain specified instances.
2 This moratorium is to last for three years or until the state is no
3 longer facing financial deficits.

4 NEW SECTION. **Sec. 102.** A new section is added to chapter 34.05
5 RCW to read as follows:

6 (1) Agency rule making is suspended until the later of July 1,
7 2016, or such time as the economic and revenue forecast council reports
8 for three consecutive quarters that state revenue collections have
9 increased above the official forecast adopted pursuant to RCW 82.33.010
10 on or before February 20th in an even-numbered year or March 20th in an
11 odd-numbered year, except in the following cases:

12 (a) A rule is needed to implement a federal law and the rule is not
13 more stringent than federal law;

14 (b) A rule is needed to implement the terms of a governor-declared
15 state of emergency;

16 (c) A rule is needed by the department of health to respond to a
17 public health emergency;

18 (d) A rule is needed to set the times for the taking of wildlife,
19 fish, or shellfish pursuant to RCW 77.12.047(1) or 77.04.055(2); or

20 (e) Legislation enacted after January 1, 2013, specifically directs
21 that rule making be undertaken. Rules adopted under this subsection
22 (1)(e) must be approved by the legislature in the ensuing legislative
23 session before the rule may take effect.

24 (2) This section does not prohibit an agency from repealing rules.

25 **Sec. 103.** RCW 34.05.310 and 2011 c 298 s 20 are each amended to
26 read as follows:

27 (1) The provisions of this section are subject to section 102 of
28 this act.

29 (2)(a) To meet the intent of providing greater public access to
30 administrative rule making and to promote consensus among interested
31 parties, agencies must solicit comments from the public on a subject of
32 possible rule making before filing with the code reviser a notice of
33 proposed rule making under RCW 34.05.320. The agency must prepare a
34 statement of inquiry that:

35 (i) Identifies the specific statute or statutes authorizing the
36 agency to adopt rules on this subject;

1 (ii) Discusses why rules on this subject may be needed and what
2 they might accomplish;

3 (iii) Identifies other federal and state agencies that regulate
4 this subject, and describes the process whereby the agency would
5 coordinate the contemplated rule with these agencies;

6 (iv) Discusses the process by which the rule might be developed,
7 including, but not limited to, negotiated rule making, pilot rule
8 making, or agency study;

9 (v) Specifies the process by which interested parties can
10 effectively participate in the decision to adopt a new rule and
11 formulation of a proposed rule before its publication.

12 (b) The statement of inquiry must be filed with the code reviser
13 for publication in the state register at least thirty days before the
14 date the agency files notice of proposed rule making under RCW
15 34.05.320 and the statement, or a summary of the information contained
16 in that statement, must be sent to any party that has requested receipt
17 of the agency's statements of inquiry.

18 ((+2)) (3) Agencies are encouraged to develop and use new
19 procedures for reaching agreement among interested parties before
20 publication of notice and the adoption hearing on a proposed rule.
21 Examples of new procedures include, but are not limited to:

22 (a) Negotiated rule making by which representatives of an agency
23 and of the interests that are affected by a subject of rule making,
24 including, where appropriate, county and city representatives, seek to
25 reach consensus on the terms of the proposed rule and on the process by
26 which it is negotiated; and

27 (b) Pilot rule making which includes testing the feasibility of
28 complying with or administering draft new rules or draft amendments to
29 existing rules through the use of volunteer pilot groups in various
30 areas and circumstances, as provided in RCW 34.05.313 or as otherwise
31 provided by the agency.

32 ((+3)) (4)(a) An agency must make a determination whether
33 negotiated rule making, pilot rule making, or another process for
34 generating participation from interested parties prior to development
35 of the rule is appropriate.

36 (b) An agency must include a written justification in the rule-
37 making file if an opportunity for interested parties to participate in

1 the rule-making process prior to publication of the proposed rule has
2 not been provided.

3 ((+4)) (5) This section does not apply to:

4 (a) Emergency rules adopted under RCW 34.05.350;

5 (b) Rules relating only to internal governmental operations that
6 are not subject to violation by a nongovernment party;

7 (c) Rules adopting or incorporating by reference without material
8 change federal statutes or regulations, Washington state statutes,
9 rules of other Washington state agencies, shoreline master programs
10 other than those programs governing shorelines of statewide
11 significance, or, as referenced by Washington state law, national
12 consensus codes that generally establish industry standards, if the
13 material adopted or incorporated regulates the same subject matter and
14 conduct as the adopting or incorporating rule;

15 (d) Rules that only correct typographical errors, make address or
16 name changes, or clarify language of a rule without changing its
17 effect;

18 (e) Rules the content of which is explicitly and specifically
19 dictated by statute;

20 (f) Rules that set or adjust fees under the authority of RCW
21 19.02.075 or that set or adjust fees or rates pursuant to legislative
22 standards, including fees set or adjusted under the authority of RCW
23 19.80.045; or

24 (g) Rules that adopt, amend, or repeal:

25 (i) A procedure, practice, or requirement relating to agency
26 hearings; or

27 (ii) A filing or related process requirement for applying to an
28 agency for a license or permit.

29 **Sec. 104.** RCW 34.05.313 and 1995 c 403 s 303 are each amended to
30 read as follows:

31 (1) The provisions of this section are subject to section 102 of
32 this act.

33 (2) During the development of a rule or after its adoption, an
34 agency may develop methods for measuring or testing the feasibility of
35 complying with or administering the rule and for identifying simple,
36 efficient, and economical alternatives for achieving the goal of the
37 rule. A pilot project shall include public notice, participation by

1 volunteers who are or will be subject to the rule, a high level of
2 involvement from agency management, reasonable completion dates, and a
3 process by which one or more parties may withdraw from the process or
4 the process may be terminated. Volunteers who agree to test a rule and
5 attempt to meet the requirements of the draft rule, to report
6 periodically to the proposing agency on the extent of their ability to
7 meet the requirements of the draft rule, and to make recommendations
8 for improving the draft rule shall not be obligated to comply fully
9 with the rule being tested nor be subject to any enforcement action or
10 other sanction for failing to comply with the requirements of the draft
11 rule.

12 ~~((+2))~~ (3) An agency conducting a pilot rule project authorized
13 under subsection ~~((+1))~~ (2) of this section may waive one or more
14 provisions of agency rules otherwise applicable to participants in such
15 a pilot project if the agency first determines that such a waiver is in
16 the public interest and necessary to conduct the project. Such a
17 waiver may be only for a stated period of time, not to exceed the
18 duration of the project.

19 ~~((+3))~~ (4) The findings of the pilot project should be widely
20 shared and, where appropriate, adopted as amendments to the rule.

21 ~~((+4))~~ (5) If an agency conducts a pilot rule project in lieu of
22 meeting the requirements of the regulatory fairness act, chapter 19.85
23 RCW, the agency shall ensure the following conditions are met:

24 (a) If over ten small businesses are affected, there shall be at
25 least ten small businesses in the test group and at least one-half of
26 the volunteers participating in the pilot test group shall be small
27 businesses.

28 (b)(i) If there are at least one hundred businesses affected, the
29 participation by small businesses in the test group shall be as
30 follows:

31 (A) Not less than twenty percent of the small businesses must
32 employ twenty-six to fifty employees;

33 (B) Not less than twenty percent of the small businesses must
34 employ eleven to twenty-six employees; and

35 (C) Not less than twenty percent of the small businesses must
36 employ zero to ten employees.

37 (ii) If there do not exist a sufficient number of small businesses
38 in each size category set forth in (b)(i) of this subsection willing to

1 participate in the pilot project to meet the minimum requirements of
2 that subsection, then the agency must comply with this section to the
3 maximum extent practicable.

4 (c) The agency may not terminate the pilot project before
5 completion.

6 (d) Before filing the notice of proposed rule making pursuant to
7 RCW 34.05.320, the agency must prepare a report of the pilot rule
8 project that includes:

9 (i) A description of the difficulties small businesses had in
10 complying with the pilot rule;

11 (ii) A list of the recommended revisions to the rule to make
12 compliance with the rule easier or to reduce the cost of compliance
13 with the rule by the small businesses participating in the pilot rule
14 project;

15 (iii) A written statement explaining the options it considered to
16 resolve each of the difficulties described and a statement explaining
17 its reasons for not including a recommendation by the pilot test group
18 to revise the rule; and

19 (iv) If the agency was unable to meet the requirements set forth in
20 (b)(i) of this subsection, a written explanation of why it was unable
21 to do so and the steps the agency took to include small businesses in
22 the pilot project.

23 **Sec. 105.** RCW 34.05.320 and 2012 c 210 s 2 are each amended to
24 read as follows:

25 (1) The provisions of this section are subject to section 102 of
26 this act.

27 (2) At least twenty days before the rule-making hearing at which
28 the agency receives public comment regarding adoption of a rule, the
29 agency shall cause notice of the hearing to be published in the state
30 register. The publication constitutes the proposal of a rule. The
31 notice shall include all of the following:

32 (a) A title, a description of the rule's purpose, and any other
33 information which may be of assistance in identifying the rule or its
34 purpose;

35 (b) Citations of the statutory authority for adopting the rule and
36 the specific statute the rule is intended to implement;

1 (c) A short explanation of the rule, its purpose, and anticipated
2 effects, including in the case of a proposal that would modify existing
3 rules, a short description of the changes the proposal would make, and
4 a statement of the reasons supporting the proposed action;

5 (d) The agency personnel, with their office location and telephone
6 number, who are responsible for the drafting, implementation, and
7 enforcement of the rule;

8 (e) The name of the person or organization, whether private,
9 public, or governmental, proposing the rule;

10 (f) Agency comments or recommendations, if any, regarding statutory
11 language, implementation, enforcement, and fiscal matters pertaining to
12 the rule;

13 (g) Whether the rule is necessary as the result of federal law or
14 federal or state court action, and if so, a citation to such law or
15 court decision;

16 (h) When, where, and how persons may present their views on the
17 proposed rule;

18 (i) The date on which the agency intends to adopt the rule;

19 (j) A copy of the small business economic impact statement prepared
20 under chapter 19.85 RCW, or a copy of the school district fiscal impact
21 statement under RCW 28A.305.135 in the case of the state board of
22 education, or an explanation for why the agency did not prepare the
23 statement;

24 (k) A statement indicating whether RCW 34.05.328 applies to the
25 rule adoption; and

26 (l) If RCW 34.05.328 does apply, a statement indicating that a copy
27 of the preliminary cost-benefit analysis described in RCW
28 34.05.328(~~(+1)~~) (2)(c) is available.

29 (~~(+2)~~) (3)(a) Upon filing notice of the proposed rule with the
30 code reviser, the adopting agency shall have copies of the notice on
31 file and available for public inspection. Except as provided in (b) of
32 this subsection, the agency shall forward three copies of the notice to
33 the rules review committee.

34 (b) A pilot of at least ten agencies, including the departments of
35 labor and industries, fish and wildlife, revenue, ecology, retirement
36 systems, and health, shall file the copies required under this
37 subsection, as well as under RCW 34.05.350 and 34.05.353, with the
38 rules review committee electronically for a period of four years from

1 June 10, 2004. The office of regulatory assistance shall negotiate the
2 details of the pilot among the agencies, the legislature, and the code
3 reviser.

4 ~~((+3))~~ (4) No later than three days after its publication in the
5 state register, the agency shall cause either a copy of the notice of
6 proposed rule adoption, or a summary of the information contained on
7 the notice, to be mailed to each person, city, and county that has made
8 a request to the agency for a mailed copy of such notices. An agency
9 may charge for the actual cost of providing a requesting party mailed
10 copies of these notices.

11 ~~((+4))~~ (5) In addition to the notice required by subsections
12 ~~((+1))~~ (2) and ~~((+2))~~ (3) of this section, an institution of higher
13 education shall cause the notice to be published in the campus or
14 standard newspaper of the institution at least seven days before the
15 rule-making hearing.

16 **Sec. 106.** RCW 34.05.328 and 2011 c 298 s 21 and 2011 c 149 s 1 are
17 each reenacted and amended to read as follows:

18 (1) The provisions of this section are subject to section 102 of
19 this act.

20 (2) Before adopting a rule described in subsection ~~((+5))~~ (7) of
21 this section, an agency must:

22 (a) Clearly state in detail the general goals and specific
23 objectives of the statute that the rule implements;

24 (b) Determine that the rule is needed to achieve the general goals
25 and specific objectives stated under (a) of this subsection, and
26 analyze alternatives to rule making and the consequences of not
27 adopting the rule;

28 (c) Provide notification in the notice of proposed rule making
29 under RCW 34.05.320 that a preliminary cost-benefit analysis is
30 available. The preliminary cost-benefit analysis must fulfill the
31 requirements of the cost-benefit analysis under (d) of this subsection.
32 If the agency files a supplemental notice under RCW 34.05.340, the
33 supplemental notice must include notification that a revised
34 preliminary cost-benefit analysis is available. A final cost-benefit
35 analysis must be available when the rule is adopted under RCW
36 34.05.360;

1 (d) Determine that the probable benefits of the rule are greater
2 than its probable costs, taking into account both the qualitative and
3 quantitative benefits and costs and the specific directives of the
4 statute being implemented;

5 (e) Determine, after considering alternative versions of the rule
6 and the analysis required under (b), (c), and (d) of this subsection,
7 that the rule being adopted is the least burdensome alternative for
8 those required to comply with it that will achieve the general goals
9 and specific objectives stated under (a) of this subsection;

10 (f) Determine that the rule does not require those to whom it
11 applies to take an action that violates requirements of another federal
12 or state law;

13 (g) Determine that the rule does not impose more stringent
14 performance requirements on private entities than on public entities
15 unless required to do so by federal or state law;

16 (h) Determine if the rule differs from any federal regulation or
17 statute applicable to the same activity or subject matter and, if so,
18 determine that the difference is justified by the following:

19 (i) A state statute that explicitly allows the agency to differ
20 from federal standards; or

21 (ii) Substantial evidence that the difference is necessary to
22 achieve the general goals and specific objectives stated under (a) of
23 this subsection; ~~((and))~~

24 (i) Coordinate the rule, to the maximum extent practicable, with
25 other federal, state, and local laws applicable to the same activity or
26 subject matter; and

27 (j) Receive the governor's signature on the final rule.

28 ~~((+2))~~ (3) In making its determinations pursuant to subsection
29 ~~((+1))~~ (2)(b) through (h) of this section, the agency must place in
30 the rule-making file documentation of sufficient quantity and quality
31 so as to persuade a reasonable person that the determinations are
32 justified.

33 ~~((+3))~~ (4) Before adopting rules described in subsection ~~((+5))~~
34 (7) of this section, an agency must place in the rule-making file a
35 rule implementation plan for rules filed under each adopting order.
36 The plan must describe how the agency intends to:

37 (a) Implement and enforce the rule, including a description of the
38 resources the agency intends to use;

1 (b) Inform and educate affected persons about the rule;
2 (c) Promote and assist voluntary compliance; and
3 (d) Evaluate whether the rule achieves the purpose for which it was
4 adopted, including, to the maximum extent practicable, the use of
5 interim milestones to assess progress and the use of objectively
6 measurable outcomes.

7 ~~((+4))~~ (6) The adoption of rules described in subsection (7) of
8 this section must be made before December 1st of any year, and the
9 rules may not take effect before the end of the regular legislative
10 session in the next year.

11 (7) After adopting a rule described in subsection ~~((+5))~~ (7) of
12 this section regulating the same activity or subject matter as another
13 provision of federal or state law, an agency must do all of the
14 following:

15 (a) Coordinate implementation and enforcement of the rule with the
16 other federal and state entities regulating the same activity or
17 subject matter by making every effort to do one or more of the
18 following:

19 (i) Deferring to the other entity;
20 (ii) Designating a lead agency; or
21 (iii) Entering into an agreement with the other entities specifying
22 how the agency and entities will coordinate implementation and
23 enforcement.

24 If the agency is unable to comply with this subsection ~~((+4))~~
25 (6)(a), the agency must report to the legislature pursuant to (b) of
26 this subsection;

27 (b) Report to the joint administrative rules review committee:

28 (i) The existence of any overlap or duplication of other federal or
29 state laws, any differences from federal law, and any known overlap,
30 duplication, or conflict with local laws; and

31 (ii) Make recommendations for any legislation that may be necessary
32 to eliminate or mitigate any adverse effects of such overlap,
33 duplication, or difference.

34 ~~((+5))~~ (7)(a) Except as provided in (b) of this subsection, this
35 section applies to:

36 (i) Significant legislative rules of the departments of ecology,
37 labor and industries, health, revenue, social and health services, and
38 natural resources, the employment security department, the forest

1 practices board, the office of the insurance commissioner, and to the
2 legislative rules of the department of fish and wildlife implementing
3 chapter 77.55 RCW; and

4 (ii) Any rule of any agency, if this section is voluntarily made
5 applicable to the rule by the agency, or is made applicable to the rule
6 by a majority vote of the joint administrative rules review committee
7 within forty-five days of receiving the notice of proposed rule making
8 under RCW 34.05.320.

9 (b) This section does not apply to:

10 (i) Emergency rules adopted under RCW 34.05.350;

11 (ii) Rules relating only to internal governmental operations that
12 are not subject to violation by a nongovernment party;

13 (iii) Rules adopting or incorporating by reference without material
14 change federal statutes or regulations, Washington state statutes,
15 rules of other Washington state agencies, shoreline master programs
16 other than those programs governing shorelines of statewide
17 significance, or, as referenced by Washington state law, national
18 consensus codes that generally establish industry standards, if the
19 material adopted or incorporated regulates the same subject matter and
20 conduct as the adopting or incorporating rule;

21 (iv) Rules that only correct typographical errors, make address or
22 name changes, or clarify language of a rule without changing its
23 effect;

24 (v) Rules the content of which is explicitly and specifically
25 dictated by statute;

26 (vi) Rules that set or adjust fees under the authority of RCW
27 19.02.075 or that set or adjust fees or rates pursuant to legislative
28 standards, including fees set or adjusted under the authority of RCW
29 19.80.045;

30 (vii) Rules of the department of social and health services
31 relating only to client medical or financial eligibility and rules
32 concerning liability for care of dependents; or

33 (viii) Rules of the department of revenue that adopt a uniform
34 expiration date for reseller permits as authorized in RCW 82.32.780 and
35 82.32.783.

36 (c) For purposes of this subsection:

37 (i) A "procedural rule" is a rule that adopts, amends, or repeals

38 (A) any procedure, practice, or requirement relating to any agency

1 hearings; (B) any filing or related process requirement for making
2 application to an agency for a license or permit; or (C) any policy
3 statement pertaining to the consistent internal operations of an
4 agency.

5 (ii) An "interpretive rule" is a rule, the violation of which does
6 not subject a person to a penalty or sanction, that sets forth the
7 agency's interpretation of statutory provisions it administers.

8 (iii) A "significant legislative rule" is a rule other than a
9 procedural or interpretive rule that (A) adopts substantive provisions
10 of law pursuant to delegated legislative authority, the violation of
11 which subjects a violator of such rule to a penalty or sanction; (B)
12 establishes, alters, or revokes any qualification or standard for the
13 issuance, suspension, or revocation of a license or permit; or (C)
14 adopts a new, or makes significant amendments to, a policy or
15 regulatory program.

16 (d) In the notice of proposed rule making under RCW 34.05.320, an
17 agency must state whether this section applies to the proposed rule
18 pursuant to (a)(i) of this subsection, or if the agency will apply this
19 section voluntarily.

20 ((+6+)) (8) By January 31, 1996, and by January 31st of each even-
21 numbered year thereafter, the office of regulatory assistance, after
22 consulting with state agencies, counties, and cities, and business,
23 labor, and environmental organizations, must report to the governor and
24 the legislature regarding the effects of this section on the regulatory
25 system in this state. The report must document:

26 (a) The rules proposed to which this section applied and to the
27 extent possible, how compliance with this section affected the
28 substance of the rule, if any, that the agency ultimately adopted;

29 (b) The costs incurred by state agencies in complying with this
30 section;

31 (c) Any legal action maintained based upon the alleged failure of
32 any agency to comply with this section, the costs to the state of such
33 action, and the result;

34 (d) The extent to which this section has adversely affected the
35 capacity of agencies to fulfill their legislatively prescribed mission;

36 (e) The extent to which this section has improved the acceptability
37 of state rules to those regulated; and

1 (f) Any other information considered by the office of financial
2 management to be useful in evaluating the effect of this section.

3 **PART II**

4 NEW SECTION. **Sec. 201.** The legislature finds that many citizens,
5 employers, and local governments are struggling with nonemergency
6 regulatory burdens resulting in the loss of time, resources, employees,
7 and the ability to create job growth. At a time when state agencies
8 should be looking for ways to reduce the negative impacts of
9 nonemergency rules, they continue to produce a flow of new and
10 unnecessary changes to the Washington Administrative Code that are
11 stunting economic recovery in Washington state.

12 The citizens of Washington state elect state lawmakers to represent
13 them and, in turn, hold them accountable for their actions and the
14 outcomes of state government. If state agencies are placing costly
15 nonemergency regulatory burdens on citizens, it is the duty of state
16 lawmakers to address these problems directly within the legislative
17 process.

18 State agencies currently must provide economic impact statements in
19 a select few instances under the regulatory fairness act. In 2012, an
20 estimated forty-one statements were filed with the code reviser's
21 office despite the fact that there were thousands of changes to rules.
22 The system is set up so that even if there are economic and time
23 burdens placed on citizens, employers, or local governments, state
24 agencies may still go forward and enact the rules. This is detrimental
25 to the economic growth of Washington state.

26 The legislature intends to prevent regulatory bodies from having
27 the authority to place costly burdens on citizens, employers, and local
28 governments that will further damage Washington state's economy.

29 NEW SECTION. **Sec. 202.** A new section is added to chapter 34.05
30 RCW to read as follows:

31 (1) Before adoption of a rule, an agency must determine whether
32 compliance with the rule will result in a specified economic impact.
33 If the agency determines that a rule will result in a specified
34 economic impact, the agency must provide notification and may not
35 enforce the rule until the rule is enacted into law by the legislature.

1 (2) Not later than one hundred eighty days after the effective date
2 of this section, and annually thereafter, each agency shall determine
3 whether any of its rules has resulted in a specified economic impact in
4 the preceding year. If such a determination is made, the agency must
5 provide notification, and may no longer enforce the rule until the rule
6 is enacted into law by the legislature.

7 (3)(a) For purposes of this section, "provide notification" means
8 transmit the proposed or existing rule determined to result in a
9 specified economic impact and the findings supporting such a
10 determination, including relevant public comments in the case of a
11 proposed rule, to the code reviser for publication in the state
12 register and to the appropriate committees of the senate and the house
13 of representatives.

14 (b) For purposes of this section, "specified economic impact" means
15 any of the following:

16 (i) Costs to any individual of one thousand dollars or more in a
17 year; or

18 (ii) Costs to any business, partnership, corporation, association,
19 or public or private organization, but not including state government,
20 of five thousand dollars or more in a year.

21 (4) Any person may commence an action in the superior court either
22 for an injunction or writ of mandamus for compliance of this section.

23 PART III

24 NEW SECTION. **Sec. 301.** The legislature finds that there have been
25 instances where regulatory agencies discovered actions by a regulated
26 entity that are in error after reports have been accepted and approved
27 or inspections have been conducted and approved. Retroactively
28 applying fines after governmental approval creates an unfriendly
29 business environment and can place unexpected financial burdens on
30 businesses. Businesses should be able to rely on government approval
31 and acceptance of reports and inspections and not risk penalties when
32 mistakes are made by government personnel or contractors. It is the
33 intent of the legislature that regulated parties who have received
34 acceptance and approval by the regulating government authority should
35 not be subsequently fined or penalized, but should be encouraged to
36 correct action that is deemed in error or violates reporting or

1 inspection requirements during the next reporting period. The
2 regulating authority should notify the regulated party of the violation
3 to prevent future violations.

4 NEW SECTION. **Sec. 302.** A new section is added to chapter 34.05
5 RCW to read as follows:

6 (1) An agency may not issue a fine or impose a penalty on a person
7 if:

8 (a) An inspection is approved by an official of the agency
9 requiring the inspection and a subsequent reevaluation of the approved
10 inspection by the regulating agency identifies a violation by the
11 regulated party; or

12 (b) Documentation required under an agency's reporting requirements
13 is submitted to the agency by a regulated party and is accepted and
14 approved by the regulating agency and a subsequent reevaluation of the
15 approved documentation identifies a violation based on failure to
16 provide required documentation or information.

17 (2) A rule adopted under this chapter may not authorize the
18 imposition of a civil fine on a person based on the following
19 circumstances if:

20 (a) An inspection is approved by an official of the agency
21 requiring the inspection and a subsequent reevaluation of the approved
22 inspection by the regulating agency identifies a violation by the
23 regulated party; or

24 (b) Documentation required under an agency's reporting requirements
25 is submitted to the agency by a regulated party and is accepted and
26 approved by the regulating agency and a subsequent reevaluation of the
27 approved documentation identifies a violation based on failure to
28 provide required documentation or information.

29 (3) Violations identified after an inspection or documentation has
30 been approved may be remedied through technical assistance provided to
31 the regulated party allowing correction of the circumstances of the
32 violation for future reporting periods or inspections.

33 **PART IV**

34 **Sec. 401.** RCW 34.05.570 and 2004 c 30 s 1 are each amended to read
35 as follows:

1 (1) Generally. Except to the extent that this chapter or another
2 statute provides otherwise:

3 (a) The burden of demonstrating the invalidity of agency action is
4 on the party asserting invalidity;

5 (b) The validity of agency action shall be determined in accordance
6 with the standards of review provided in this section, as applied to
7 the agency action at the time it was taken;

8 (c) The court shall make a separate and distinct ruling on each
9 material issue on which the court's decision is based; and

10 (d) The court shall grant relief only if it determines that a
11 person seeking judicial relief has been substantially prejudiced by the
12 action complained of.

13 (2) Review of rules. (a) A rule may be reviewed by petition for
14 declaratory judgment filed pursuant to this subsection or in the
15 context of any other review proceeding under this section. In an
16 action challenging the validity of a rule, the agency shall be made a
17 party to the proceeding.

18 (b)((+i)) The validity of any rule may be determined upon petition
19 for a declaratory judgment addressed to the superior court of Thurston
20 county, when it appears that the rule, or its threatened application,
21 interferes with or impairs or immediately threatens to interfere with
22 or impair the legal rights or privileges of the petitioner. The
23 declaratory judgment order may be entered whether or not the petitioner
24 has first requested the agency to pass upon the validity of the rule in
25 question.

26 ~~((+ii) From June 10, 2004, until July 1, 2008:~~

27 ~~(+A))~~ (i) If the petitioner's residence or principal place of
28 business is within the geographical boundaries of the third division of
29 the court of appeals as defined by RCW 2.06.020(3), the petition may be
30 filed in the superior court of Spokane, Yakima, or Thurston county; and

31 ~~((+B))~~ (ii) If the petitioner's residence or principal place of
32 business is within the geographical boundaries of district three of the
33 first division of the court of appeals as defined by RCW 2.06.020(1),
34 the petition may be filed in the superior court of Whatcom or Thurston
35 county.

36 (c) In a proceeding involving review of a rule, the court shall
37 declare the rule invalid only if it finds that: The rule violates
38 constitutional provisions; the rule exceeds the statutory authority of

1 the agency; the rule was adopted without compliance with statutory
2 rule-making procedures; or the rule is arbitrary and capricious. For
3 purposes of this subsection, in determining whether a rule exceeds the
4 agency's statutory authority, the court must also consider whether the
5 rule exceeds the limited delegation under section 437 of this act.

6 (3) Review of agency orders in adjudicative proceedings. The court
7 shall grant relief from an agency order in an adjudicative proceeding
8 only if it determines that:

9 (a) The order, or the statute or rule on which the order is based,
10 is in violation of constitutional provisions on its face or as applied;

11 (b) The order is outside the statutory authority or jurisdiction of
12 the agency conferred by any provision of law;

13 (c) The agency has engaged in unlawful procedure or decision-making
14 process, or has failed to follow a prescribed procedure;

15 (d) The agency has erroneously interpreted or applied the law;

16 (e) The order is not supported by evidence that is substantial when
17 viewed in light of the whole record before the court, which includes
18 the agency record for judicial review, supplemented by any additional
19 evidence received by the court under this chapter;

20 (f) The agency has not decided all issues requiring resolution by
21 the agency;

22 (g) A motion for disqualification under RCW 34.05.425 or 34.12.050
23 was made and was improperly denied or, if no motion was made, facts are
24 shown to support the grant of such a motion that were not known and
25 were not reasonably discoverable by the challenging party at the
26 appropriate time for making such a motion;

27 (h) The order is inconsistent with a rule of the agency unless the
28 agency explains the inconsistency by stating facts and reasons to
29 demonstrate a rational basis for inconsistency; or

30 (i) The order is arbitrary or capricious.

31 (4) Review of other agency action.

32 (a) All agency action not reviewable under subsection (2) or (3) of
33 this section shall be reviewed under this subsection.

34 (b) A person whose rights are violated by an agency's failure to
35 perform a duty that is required by law to be performed may file a
36 petition for review pursuant to RCW 34.05.514, seeking an order
37 pursuant to this subsection requiring performance. Within twenty days
38 after service of the petition for review, the agency shall file and

1 serve an answer to the petition, made in the same manner as an answer
2 to a complaint in a civil action. The court may hear evidence,
3 pursuant to RCW 34.05.562, on material issues of fact raised by the
4 petition and answer.

5 (c) Relief for persons aggrieved by the performance of an agency
6 action, including the exercise of discretion, or an action under (b) of
7 this subsection can be granted only if the court determines that the
8 action is:

- 9 (i) Unconstitutional;
- 10 (ii) Outside the statutory authority of the agency or the authority
11 conferred by a provision of law;
- 12 (iii) Arbitrary or capricious; or
- 13 (iv) Taken by persons who were not properly constituted as agency
14 officials lawfully entitled to take such action.

15 **Sec. 402.** RCW 28A.300.040 and 2011 1st sp.s. c 43 s 302 are each
16 amended to read as follows:

17 (1) In addition to any other powers and duties as provided by law,
18 the powers and duties of the superintendent of public instruction shall
19 be:

20 ~~((+1))~~ (a) To have supervision over all matters pertaining to the
21 public schools of the state;

22 ~~((+2))~~ (b) To report to the governor and the legislature such
23 information and data as may be required for the management and
24 improvement of the schools;

25 ~~((+3))~~ (c) To prepare and have printed such forms, registers,
26 courses of study, rules for the government of the common schools, and
27 such other material and books as may be necessary for the discharge of
28 the duties of teachers and officials charged with the administration of
29 the laws relating to the common schools, and to distribute the same to
30 educational service district superintendents;

31 ~~((+4))~~ (d) To travel, without neglecting his or her other official
32 duties as superintendent of public instruction, for the purpose of
33 attending educational meetings or conventions, of visiting schools, and
34 of consulting educational service district superintendents or other
35 school officials;

36 ~~((+5))~~ (e) To prepare and from time to time to revise a manual of
37 the Washington state common school code, copies of which shall be made

1 available online and which shall be sold at approximate actual cost of
2 publication and distribution per volume to public and nonpublic
3 agencies or individuals, said manual to contain Titles 28A and 28C RCW,
4 rules related to the common schools, and such other matter as the state
5 superintendent or the state board of education shall determine;

6 ~~((+6+))~~ (f) To file all papers, reports and public documents
7 transmitted to the superintendent by the school officials of the
8 several counties or districts of the state, each year separately.
9 Copies of all papers filed in the superintendent's office, and the
10 superintendent's official acts, may, or upon request, shall be
11 certified by the superintendent and attested by the superintendent's
12 official seal, and when so certified shall be evidence of the papers or
13 acts so certified to;

14 ~~((+7+))~~ (g) To require annually, on or before the 15th day of
15 August, of the president, manager, or principal of every educational
16 institution in this state, a report as required by the superintendent
17 of public instruction; and it is the duty of every president, manager,
18 or principal, to complete and return such forms within such time as the
19 superintendent of public instruction shall direct;

20 ~~((+8+))~~ (h) To keep in the superintendent's office a record of all
21 teachers receiving certificates to teach in the common schools of this
22 state;

23 ~~((+9+))~~ (i) To issue certificates as provided by law;

24 ~~((+10+))~~ (j) To keep in the superintendent's office at the capital
25 of the state, all books and papers pertaining to the business of the
26 superintendent's office, and to keep and preserve in the
27 superintendent's office a complete record of statistics, as well as a
28 record of the meetings of the state board of education;

29 ~~((+11+))~~ (k) With the assistance of the office of the attorney
30 general, to decide all points of law which may be submitted to the
31 superintendent in writing by any educational service district
32 superintendent, or that may be submitted to the superintendent by any
33 other person, upon appeal from the decision of any educational service
34 district superintendent; and the superintendent shall publish his or
35 her rulings and decisions from time to time for the information of
36 school officials and teachers; and the superintendent's decision shall
37 be final unless set aside by a court of competent jurisdiction;

1 ~~((12))~~ (l) To administer oaths and affirmations in the discharge
2 of the superintendent's official duties;

3 ~~((13))~~ (m) To deliver to his or her successor, at the expiration
4 of the superintendent's term of office, all records, books, maps,
5 documents and papers of whatever kind belonging to the superintendent's
6 office or which may have been received by the superintendent's for the
7 use of the superintendent's office;

8 ~~((14))~~ (n) To administer family services and programs to promote
9 the state's policy as provided in RCW 74.14A.025;

10 ~~((15))~~ (o) To promote the adoption of school-based curricula and
11 policies that provide quality, daily physical education for all
12 students, and to encourage policies that provide all students with
13 opportunities for physical activity outside of formal physical
14 education classes;

15 ~~((16))~~ (p) To perform such other duties as may be required by
16 law.

17 (2) For rules adopted under the provisions of this chapter after
18 August 1, 2013, the superintendent of public instruction may adopt only
19 rules derived from a specific grant of legislative authority. The
20 rules must include the specific statutory section or sections from
21 which the grant of authority is derived, and may not rely solely on a
22 section of law stating a statute's intent or purpose or the general
23 enabling provisions establishing the office of the superintendent of
24 public instruction.

25 **Sec. 403.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to
26 read as follows:

27 The director shall:

28 (1) Have the authority to organize the department into not more
29 than four divisions, each headed by an assistant director;

30 (2) Have free access to all files and records of various funds
31 assigned to the department and inspect and audit the files and records
32 as deemed necessary;

33 (3) Employ personnel to carry out the general administration of the
34 department;

35 (4) Submit an annual written report of the activities of the
36 department to the governor and the chairs of the appropriate

1 legislative committees with one copy to the staff of each of the
2 committees, including recommendations for statutory changes the
3 director believes to be desirable;

4 (5) Adopt (~~such~~) rules (~~and regulations~~) as are necessary to
5 carry out the powers, duties, and functions of the department pursuant
6 to the provisions of chapter 34.05 RCW. For rules adopted under the
7 provisions of this chapter after August 1, 2013, the director may adopt
8 only rules derived from a specific grant of legislative authority. The
9 rules must include the specific statutory section or sections from
10 which the grant of authority is derived, and may not rely solely on a
11 section of law stating a statute's intent or purpose or the general
12 enabling provisions establishing the department.

13 **Sec. 404.** RCW 43.06A.030 and 1996 c 131 s 4 are each amended to
14 read as follows:

15 The ombudsman shall perform the following duties:

16 (1) Provide information as appropriate on the rights and
17 responsibilities of individuals receiving family and children's
18 services, and on the procedures for providing these services;

19 (2) Investigate, upon his or her own initiative or upon receipt of
20 a complaint, an administrative act alleged to be contrary to law, rule,
21 or policy, imposed without an adequate statement of reason, or based on
22 irrelevant, immaterial, or erroneous grounds; however, the ombudsman
23 may decline to investigate any complaint as provided by rules adopted
24 under this chapter;

25 (3) Monitor the procedures as established, implemented, and
26 practiced by the department to carry out its responsibilities in
27 delivering family and children's services with a view toward
28 appropriate preservation of families and ensuring children's health and
29 safety;

30 (4) Review periodically the facilities and procedures of state
31 institutions serving children, and state-licensed facilities or
32 residences;

33 (5) Recommend changes in the procedures for addressing the needs of
34 families and children;

35 (6) Submit annually to the committee and to the governor by
36 November 1st a report analyzing the work of the office including
37 recommendations;

1 (7) Grant the committee access to all relevant records in the
2 possession of the ombudsman unless prohibited by law; and

3 (8) Adopt rules necessary to implement this chapter. For rules
4 adopted under the provisions of this chapter after August 1, 2013, the
5 ombudsman may adopt only rules derived from a specific grant of
6 legislative authority. The rules must include the specific statutory
7 section or sections from which the grant of authority is derived, and
8 may not rely solely on a section of law stating a statute's intent or
9 purpose or the general enabling provisions establishing the department
10 or the ombudsman's office.

11 NEW SECTION. Sec. 405. A new section is added to chapter 43.17
12 RCW to read as follows:

13 For rules adopted under the provisions of this chapter after August
14 1, 2013, the director of each department may adopt only rules derived
15 from a specific grant of legislative authority. The rules must include
16 the specific statutory section or sections from which the grant of
17 authority is derived, and may not rely solely on a section of law
18 stating a statute's intent or purpose or the general enabling
19 provisions establishing each department.

20 **Sec. 406.** RCW 43.19.011 and 2011 1st sp.s. c 43 s 201 are each
21 amended to read as follows:

22 (1) The director of enterprise services shall supervise and
23 administer the activities of the department of enterprise services and
24 shall advise the governor and the legislature with respect to matters
25 under the jurisdiction of the department.

26 (2) In addition to other powers and duties granted to the director,
27 the director shall have the following powers and duties:

28 (a) Enter into contracts on behalf of the state to carry out the
29 purposes of this chapter;

30 (b) Accept and expend gifts and grants that are related to the
31 purposes of this chapter, whether such grants be of federal or other
32 funds;

33 (c) Appoint deputy and assistant directors and such other special
34 assistants as may be needed to administer the department. These
35 employees are exempt from the provisions of chapter 41.06 RCW;

1 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
2 all other functions necessary and proper to carry out the purposes of
3 this chapter. For rules adopted under the provisions of this chapter
4 after August 1, 2013, the director may adopt only rules derived from a
5 specific grant of legislative authority. The rules must include the
6 specific statutory section or sections from which the grant of
7 authority is derived, and may not rely solely on a section of law
8 stating a statute's intent or purpose or the general enabling
9 provisions establishing the department;

10 (e) Delegate powers, duties, and functions as the director deems
11 necessary for efficient administration, but the director shall be
12 responsible for the official acts of the officers and employees of the
13 department;

14 (f) Apply for grants from public and private entities, and receive
15 and administer any grant funding received for the purpose and intent of
16 this chapter; and

17 (g) Perform other duties as are necessary and consistent with law.

18 (3) The director may establish additional advisory groups as may be
19 necessary to carry out the purposes of this chapter.

20 **Sec. 407.** RCW 43.21A.064 and 1997 c 443 s 2 are each amended to
21 read as follows:

22 Subject to RCW 43.21A.068, the director of the department of
23 ecology shall have the following powers and duties:

24 (1) The supervision of public waters within the state and their
25 appropriation, diversion, and use, and of the various officers
26 connected therewith;

27 (2) Insofar as may be necessary to (~~assure~~) ensure safety to life
28 or property, the director shall inspect the construction of all dams,
29 canals, ditches, irrigation systems, hydraulic power plants, and all
30 other works, systems, and plants pertaining to the use of water, and
31 may require such necessary changes in the construction or maintenance
32 of said works, to be made from time to time, as will reasonably secure
33 safety to life and property;

34 (3) The director shall regulate and control the diversion of water
35 in accordance with the rights thereto;

36 (4) The director shall determine the discharge of streams and

1 springs and other sources of water supply, and the capacities of lakes
2 and of reservoirs whose waters are being or may be utilized for
3 beneficial purposes;

4 (5) The director shall, if requested, provide assistance to an
5 applicant for a water right in obtaining or developing an adequate and
6 appropriate supply of water consistent with the land use permitted for
7 the area in which the water is to be used and the population forecast
8 for the area under RCW 43.62.035. If the applicant is a public water
9 supply system, the supply being sought must be used in a manner
10 consistent with applicable land use, watershed and water system plans,
11 and the population forecast for that area provided under RCW 43.62.035;

12 (6) The director shall keep such records as may be necessary for
13 the recording of the financial transactions and statistical data
14 thereof, and shall procure all necessary documents, forms, and blanks.
15 The director shall keep a seal of the office, and all certificates
16 covering any of the director's acts or the acts of the director's
17 office, or the records and files of that office, under such seal, shall
18 be taken as evidence thereof in all courts;

19 (7) The director shall render when required by the governor, a full
20 written report of the office's work with such recommendations for
21 legislation as the director deems advisable for the better control and
22 development of the water resources of the state;

23 (8) The director and duly authorized deputies may administer oaths;

24 (9) The director shall establish and (~~promulgate~~) adopt rules
25 governing the administration of chapter 90.03 RCW. For rules adopted
26 under the provisions of this chapter after August 1, 2013, the director
27 may adopt only rules derived from a specific grant of legislative
28 authority. The rules must include the specific statutory section or
29 sections from which the grant of authority is derived, and may not rely
30 solely on a section of law stating a statute's intent or purpose or the
31 general enabling provisions establishing the department;

32 (10) The director shall perform such other duties as may be
33 prescribed by law.

34 **Sec. 408.** RCW 43.24.016 and 1999 c 240 s 4 are each amended to
35 read as follows:

36 (1) The director of licensing shall supervise and administer the

1 activities of the department of licensing and shall advise the governor
2 and the legislature with respect to matters under the jurisdiction of
3 the department.

4 (2) In addition to other powers and duties granted to the director,
5 the director has the following powers and duties:

6 (a) Enter into contracts on behalf of the state to carry out the
7 responsibilities of the department;

8 (b) Accept and expend gifts and grants, whether such grants be of
9 federal or other funds;

10 (c) Appoint a deputy director and such assistant directors, special
11 assistants, and administrators as may be needed to administer the
12 department. These employees are exempt from the provisions of chapter
13 41.06 RCW;

14 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
15 all other functions necessary to carry out the responsibilities of the
16 department. For rules adopted under the provisions of this chapter
17 after August 1, 2013, the director may adopt only rules derived from a
18 specific grant of legislative authority. The rules must include the
19 specific statutory section or sections from which the grant of
20 authority is derived, and may not rely solely on a section of law
21 stating a statute's intent or purpose or the general enabling
22 provisions establishing the department;

23 (e) Delegate powers, duties, and functions as the director deems
24 necessary for efficient administration, but the director is responsible
25 for the official acts of the officers and employees of the department;
26 and

27 (f) Perform other duties as are necessary and consistent with law.

28 (3) The director may establish advisory groups as may be necessary
29 to carry out the responsibilities of the department.

30 (4) The internal affairs of the department shall be under the
31 control of the director in order that the director may manage the
32 department in a flexible and intelligent manner as dictated by changing
33 contemporary circumstances. Unless specifically limited by law, the
34 director shall have complete charge and supervisory powers over the
35 department. The director may create such administrative structures as
36 the director deems appropriate, except as otherwise specified by law,
37 and the director may employ such personnel as may be necessary in
38 accordance with chapter 41.06 RCW, except as otherwise provided by law.

1 **Sec. 409.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to
2 read as follows:

3 The department shall be empowered as follows:

4 (1) To represent the state at, and fully participate in, the
5 activities of any basin or regional commission, interagency committee,
6 or any other joint interstate or federal-state agency, committee or
7 commission, or publicly financed entity engaged in the planning,
8 development, administration, management, conservation or preservation
9 of the water resources of the state.

10 (2) To prepare the views and recommendations of the state of
11 Washington on any project, plan or program relating to the planning,
12 development, administration, management, conservation and preservation
13 of any waters located in or affecting the state of Washington,
14 including any federal permit or license proposal, and appear on behalf
15 of, and present views and recommendations of the state at any
16 proceeding, negotiation or hearing conducted by the federal government,
17 interstate agency, state or other agency.

18 (3) To cooperate with, assist, advise and coordinate plans with the
19 federal government and its officers and agencies, and serve as a state
20 liaison agency with the federal government in matters relating to the
21 use, conservation, preservation, quality, disposal or control of water
22 and activities related thereto.

23 (4) To cooperate with appropriate agencies of the federal
24 government and/or agencies of other states, to enter into contracts,
25 and to make appropriate contributions to federal or interstate projects
26 and programs and governmental bodies to carry out the provisions of
27 this chapter.

28 (5) To apply for, accept, administer and expend grants, gifts and
29 loans from the federal government or any other entity to carry out the
30 purposes of this chapter and make contracts and do such other acts as
31 are necessary insofar as they are not inconsistent with other
32 provisions hereof.

33 (6) To develop and maintain a coordinated and comprehensive state
34 water and water resources related development plan, and adopt, with
35 regard to such plan, such policies as are necessary to (~~insure~~)
36 ensure that the waters of the state are used, conserved and preserved
37 for the best interest of the state. There shall be included in the
38 state plan a description of developmental objectives and a statement of

1 the recommended means of accomplishing these objectives. To the extent
2 the director deems desirable, the plan shall integrate into the state
3 plan, the plans, programs, reports, research and studies of other state
4 agencies.

5 (7) To assemble and correlate information relating to water supply,
6 power development, irrigation, watersheds, water use, future
7 possibilities of water use and prospective demands for all purposes
8 served through or affected by water resources development.

9 (8) To assemble and correlate state, local and federal laws,
10 regulations, plans, programs and policies affecting the beneficial use,
11 disposal, pollution, control or conservation of water, river basin
12 development, flood prevention, parks, reservations, forests, wildlife
13 refuges, drainage and sanitary systems, waste disposal, water works,
14 watershed protection and development, soil conservation, power
15 facilities and area and municipal water supply needs, and recommend
16 suitable legislation or other action to the legislature, the congress
17 of the United States, or any city, municipality, or to responsible
18 state, local or federal executive departments or agencies.

19 (9) To cooperate with federal, state, regional, interstate and
20 local public and private agencies in the making of plans for drainage,
21 flood control, use, conservation, allocation and distribution of
22 existing water supplies and the development of new water resource
23 projects.

24 (10) To encourage, assist and advise regional, and city and
25 municipal agencies, officials or bodies responsible for planning in
26 relation to water aspects of their programs, and coordinate local water
27 resources activities, programs, and plans.

28 (11) To (~~promulgate such~~) adopt rules (~~and regulations~~) as are
29 necessary to carry out the purposes of this chapter. For rules adopted
30 under the provisions of this chapter after August 1, 2013, the
31 department may adopt only rules derived from a specific grant of
32 legislative authority. The rules must include the specific statutory
33 section or sections from which the grant of authority is derived, and
34 may not rely solely on a section of law stating a statute's intent or
35 purpose or the general enabling provisions establishing the department.

36 (12) To hold public hearings, and make such investigations, studies
37 and surveys as are necessary to carry out the purposes of the chapter.

1 (13) To subpoena witnesses, compel their attendance, administer
2 oaths, take the testimony of any person under oath and require the
3 production of any books or papers when the department deems such
4 measures necessary in the exercise of its rule-making power or in
5 determining whether or not any license, certificate, or permit shall be
6 granted or extended.

7 **Sec. 410.** RCW 43.30.215 and 2011 c 355 s 1 are each amended to
8 read as follows:

9 The board shall:

10 (1) Perform duties relating to appraisal, appeal, approval, and
11 hearing functions as provided by law;

12 (2) Establish policies to ensure that the acquisition, management,
13 and disposition of all lands and resources within the department's
14 jurisdiction are based on sound principles designed to achieve the
15 maximum effective development and use of such lands and resources
16 consistent with laws applicable thereto;

17 (3) Constitute the board of appraisers provided for in Article 16,
18 section 2 of the state Constitution;

19 (4) Constitute the commission on harbor lines provided for in
20 Article 15, section 1 of the state Constitution as amended;

21 (5) Constitute the board on geographic names as provided for in RCW
22 43.30.291 through 43.30.295; and

23 (6) Adopt and enforce rules as may be deemed necessary and proper
24 for carrying out the powers, duties, and functions imposed upon it by
25 this chapter. For rules adopted under the provisions of this chapter
26 after August 1, 2013, the board may adopt only rules derived from a
27 specific grant of legislative authority. The rules must include the
28 specific statutory section or sections from which the grant of
29 authority is derived, and may not rely solely on a section of law
30 stating a statute's intent or purpose or the general enabling
31 provisions establishing the board or the department.

32 **Sec. 411.** RCW 43.31C.060 and 2000 c 212 s 7 are each amended to
33 read as follows:

34 The department must administer this chapter and has the following
35 powers and duties:

1 (1) To monitor the implementation of chapter 212, Laws of 2000 and
2 submit reports evaluating the effectiveness of the program and any
3 suggestions for legislative changes to the governor and legislature by
4 December 1, 2000;

5 (2) To develop evaluation and performance measures for local
6 governments to measure the effectiveness of the program at the local
7 level on meeting the objectives of this chapter;

8 (3) To provide information and appropriate assistance to persons
9 desiring to locate and operate a business in a community empowerment
10 zone;

11 (4) To work with appropriate state agencies to coordinate the
12 delivery of programs, including but not limited to housing, community
13 and economic development, small business assistance, social service,
14 and employment and training programs which are carried on in a
15 community empowerment zone; and

16 (5) To develop rules necessary for the administration of this
17 chapter. For rules adopted under the provisions of this chapter after
18 August 1, 2013, the department may adopt only rules derived from a
19 specific grant of legislative authority. The rules must include the
20 specific statutory section or sections from which the grant of
21 authority is derived, and may not rely solely on a section of law
22 stating a statute's intent or purpose or the general enabling
23 provisions establishing the department.

24 **Sec. 412.** RCW 43.33.040 and 2009 c 549 s 5112 are each amended to
25 read as follows:

26 The state finance committee may ~~((make))~~ adopt appropriate rules
27 ~~((and regulations))~~ for the performance of its duties. The state
28 treasurer shall act as chair of the committee. For rules adopted under
29 the provisions of this chapter after August 1, 2013, the state finance
30 committee may adopt only rules derived from a specific grant of
31 legislative authority. The rules must include the specific statutory
32 section or sections from which the grant of authority is derived, and
33 may not rely solely on a section of law stating a statute's intent or
34 purpose or the general enabling provisions establishing the state
35 finance committee.

1 **Sec. 413.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to
2 read as follows:

3 The state investment board may (~~make~~) adopt appropriate rules
4 (~~and regulations~~) for the performance of its duties. The board shall
5 establish investment policies and procedures designed exclusively to
6 maximize return at a prudent level of risk. However, in the case of
7 the department of labor and industries' accident, medical aid, and
8 reserve funds, the board shall establish investment policies and
9 procedures designed to attempt to limit fluctuations in industrial
10 insurance premiums and, subject to this purpose, to maximize return at
11 a prudent level of risk. The board shall adopt rules to ensure that
12 its members perform their functions in compliance with chapter 42.52
13 RCW. Rules adopted by the board shall be adopted pursuant to chapter
14 34.05 RCW.

15 For rules adopted under the provisions of this chapter after August
16 1, 2013, the state investment board may adopt only rules derived from
17 a specific grant of legislative authority. The rules must include the
18 specific statutory section or sections from which the grant of
19 authority is derived, and may not rely solely on a section of law
20 stating a statute's intent or purpose or the general enabling
21 provisions establishing the state investment board.

22 **Sec. 414.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended
23 to read as follows:

24 The director shall be secretary of the commission and shall be
25 responsible for carrying into effect the commission's orders and rules
26 (~~and regulations promulgated~~) adopted by the commission. The
27 director shall also be authorized to employ such staff as is necessary
28 pursuant to the provisions of chapter 41.06 RCW. The commission shall
29 adopt (~~such~~) rules (~~and regulations~~) as shall be necessary to carry
30 into effect the purposes of this chapter.

31 For rules adopted under the provisions of this chapter after August
32 1, 2013, the Washington state traffic safety commission may adopt only
33 rules derived from a specific grant of legislative authority. The
34 rules must include the specific statutory section or sections from
35 which the grant of authority is derived, and may not rely solely on a
36 section of law stating a statute's intent or purpose or the general
37 enabling provisions establishing the commission.

1 **Sec. 415.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to
2 read as follows:

3 The director of veterans affairs shall (~~make such~~) adopt rules
4 (~~and regulations~~) as may be necessary to carry out the purposes of
5 this chapter. For rules adopted under the provisions of this chapter
6 after August 1, 2013, the director of veterans affairs may adopt only
7 rules derived from a specific grant of legislative authority. The
8 rules must include the specific statutory section or sections from
9 which the grant of authority is derived, and may not rely solely on a
10 section of law stating a statute's intent or purpose or the general
11 enabling provisions establishing the department of veterans affairs.
12 The department shall furnish information, advice, and assistance to
13 veterans and coordinate all programs and services in the field of
14 veterans' claims service, education, health, vocational guidance and
15 placement, and services not provided by some other agency of the state
16 or by the federal government. The director shall submit a report of
17 the departments' activities hereunder each year to the governor.

18 **Sec. 416.** RCW 43.63A.475 and 1993 c 124 s 2 are each amended to
19 read as follows:

20 The department shall adopt all rules under chapter 34.05 RCW
21 necessary to implement chapter 124, Laws of 1993, giving due
22 consideration to standards and regulations adopted by the secretary of
23 housing and urban development under the National Manufactured Housing
24 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
25 Secs. 5401-5426) for manufactured housing construction and safety
26 standards. For rules adopted under the provisions of this chapter
27 after August 1, 2013, the department of commerce may adopt only rules
28 derived from a specific grant of legislative authority. The rules must
29 include the specific statutory section or sections from which the grant
30 of authority is derived, and may not rely solely on a section of law
31 stating a statute's intent or purpose or the general enabling
32 provisions establishing the department of commerce.

33 **Sec. 417.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read
34 as follows:

35 The primary responsibility of the public health system, is to take

1 those actions necessary to protect, promote, and improve the health of
2 the population. In order to accomplish this, the department shall:

3 (1) Identify, as part of the public health improvement plan, the
4 key health outcomes sought for the population and the capacity needed
5 by the public health system to fulfill its responsibilities in
6 improving health outcomes.

7 (2)(a) Distribute state funds that, in conjunction with local
8 revenues, are intended to improve the capacity of the public health
9 system. The distribution methodology shall encourage system-wide
10 effectiveness and efficiency and provide local health jurisdictions
11 with the flexibility both to determine governance structures and
12 address their unique needs.

13 (b) Enter into with each local health jurisdiction performance-
14 based contracts that establish clear measures of the degree to which
15 the local health jurisdiction is attaining the capacity necessary to
16 improve health outcomes. The contracts negotiated between the local
17 health jurisdictions and the department of health must identify the
18 specific measurable progress that local health jurisdictions will make
19 toward achieving health outcomes. A community assessment conducted by
20 the local health jurisdiction according to the public health
21 improvement plan, which shall include the results of the comprehensive
22 plan prepared according to RCW 70.190.130, will be used as the basis
23 for identifying the health outcomes. The contracts shall include
24 provisions to encourage collaboration among local health jurisdictions.
25 State funds shall be used solely to expand and complement, but not to
26 supplant city and county government support for public health programs.

27 (3) Develop criteria to assess the degree to which capacity is
28 being achieved and ensure compliance by public health jurisdictions.

29 (4) Adopt rules necessary to carry out the purposes of chapter 43,
30 Laws of 1995. For rules adopted under the provisions of this chapter
31 after August 1, 2013, the department may adopt only rules derived from
32 a specific grant of legislative authority. The rules must include the
33 specific statutory section or sections from which the grant of
34 authority is derived, and may not rely solely on a section of law
35 stating a statute's intent or purpose or the general enabling
36 provisions establishing the department.

37 (5) Biennially, within the public health improvement plan, evaluate
38 the effectiveness of the public health system, assess the degree to

1 which the public health system is attaining the capacity to improve the
2 status of the public's health, and report progress made by each local
3 health jurisdiction toward improving health outcomes.

4 **Sec. 418.** RCW 43.101.085 and 2006 c 22 s 1 are each amended to
5 read as follows:

6 In addition to its other powers granted under this chapter, the
7 commission has authority and power to:

8 (1) Adopt, amend, or repeal rules as necessary to carry out this
9 chapter. For rules adopted under the provisions of this chapter after
10 August 1, 2013, the commission may adopt only rules derived from a
11 specific grant of legislative authority. The rules must include the
12 specific statutory section or sections from which the grant of
13 authority is derived, and may not rely solely on a section of law
14 stating a statute's intent or purpose or the general enabling
15 provisions establishing the commission;

16 (2) Issue subpoenas and administer oaths in connection with
17 investigations, hearings, or other proceedings held under this chapter;

18 (3) Take or cause to be taken depositions and other discovery
19 procedures as needed in investigations, hearings, and other proceedings
20 held under this chapter;

21 (4) Appoint members of a hearings board as provided under RCW
22 43.101.380;

23 (5) Enter into contracts for professional services determined by
24 the commission to be necessary for adequate enforcement of this
25 chapter;

26 (6) Grant, deny, or revoke certification of peace officers under
27 the provisions of this chapter;

28 (7) Designate individuals authorized to sign subpoenas and
29 statements of charges under the provisions of this chapter;

30 (8) Employ such investigative, administrative, and clerical staff
31 as necessary for the enforcement of this chapter; and

32 (9) ~~((Tø))~~ Grant, deny, or revoke certification of tribal police
33 officers whose tribal governments have agreed to participate in the
34 tribal police officer certification process.

35 **Sec. 419.** RCW 43.115.040 and 2009 c 549 s 5170 are each amended to
36 read as follows:

1 The commission shall have the following powers and duties:

2 (1) Elect one of its members to serve as chair;

3 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
4 For rules adopted under the provisions of this chapter after August 1,
5 2013, the commission may adopt only rules derived from a specific grant
6 of legislative authority. The rules must include the specific
7 statutory section or sections from which the grant of authority is
8 derived, and may not rely solely on a section of law stating a
9 statute's intent or purpose or the general enabling provisions
10 establishing the commission;

11 (3) Examine and define issues pertaining to the rights and needs of
12 Hispanics, and make recommendations to the governor and state agencies
13 for changes in programs and laws;

14 (4) Advise the governor and state agencies on the development and
15 implementation of policies, plans, and programs that relate to the
16 special needs of Hispanics;

17 (5) Advise the legislature on issues of concern to the Hispanic
18 community;

19 (6) Establish relationships with state agencies, local governments,
20 and private sector organizations that promote equal opportunity and
21 benefits for Hispanics; and

22 (7) Receive gifts, grants, and endowments from public or private
23 sources that are made for the use or benefit of the commission and
24 expend, without appropriation, the same or any income from the gifts,
25 grants, or endowments according to their terms.

26 **Sec. 420.** RCW 43.117.050 and 2009 c 549 s 5172 are each amended to
27 read as follows:

28 The commission shall:

29 (1) Elect one of its members to serve as chair; and also such other
30 officers as necessary to form an executive committee;

31 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
32 For rules adopted under the provisions of this chapter after August 1,
33 2013, the commission may adopt only rules derived from a specific grant
34 of legislative authority. The rules must include the specific
35 statutory section or sections from which the grant of authority is
36 derived, and may not rely solely on a section of law stating a

1 statute's intent or purpose or the general enabling provisions
2 establishing the commission;

3 (3) Meet at the call of the chair or the call of a majority of its
4 members, but in no case less often than once during any three month
5 period;

6 (4) Be authorized to appoint such citizen task force as it deems
7 appropriate.

8 **Sec. 421.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to
9 read as follows:

10 The board may:

11 (1) Accept from any state or federal agency, loans or grants for
12 the planning or financing of any public works project and enter into
13 agreements with any such agency concerning the loans or grants;

14 (2) Provide technical assistance to local governments;

15 (3) Accept any gifts, grants, or loans of funds, property, or
16 financial or other aid in any form from any other source on any terms
17 and conditions which are not in conflict with this chapter;

18 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out
19 the purposes of this chapter. For rules adopted under the provisions
20 of this chapter after August 1, 2013, the board may adopt only rules
21 derived from a specific grant of legislative authority. The rules must
22 include the specific statutory section or sections from which the grant
23 of authority is derived, and may not rely solely on a section of law
24 stating a statute's intent or purpose or the general enabling
25 provisions establishing the board;

26 (5) Do all acts and things necessary or convenient to carry out the
27 powers expressly granted or implied under this chapter.

28 **Sec. 422.** RCW 43.160.050 and 2008 c 327 s 4 are each amended to
29 read as follows:

30 The board may:

31 (1) Adopt bylaws for the regulation of its affairs and the conduct
32 of its business.

33 (2) Adopt an official seal and alter the seal at its pleasure.

34 (3) Utilize the services of other governmental agencies.

35 (4) Accept from any federal agency loans or grants for the planning

1 or financing of any project and enter into an agreement with the agency
2 respecting the loans or grants.

3 (5) Conduct examinations and investigations and take testimony at
4 public hearings of any matter material for its information that will
5 assist in determinations related to the exercise of the board's lawful
6 powers.

7 (6) Accept any gifts, grants, or loans of funds, property, or
8 financial or other aid in any form from any other source on any terms
9 and conditions which are not in conflict with this chapter.

10 (7) Enter into agreements or other transactions with and accept
11 grants and the cooperation of any governmental agency in furtherance of
12 this chapter.

13 (8) Adopt rules under chapter 34.05 RCW as necessary to carry out
14 the purposes of this chapter. For rules adopted under the provisions
15 of this chapter after August 1, 2013, the board may adopt only rules
16 derived from a specific grant of legislative authority. The rules must
17 include the specific statutory section or sections from which the grant
18 of authority is derived, and may not rely solely on a section of law
19 stating a statute's intent or purpose or the general enabling
20 provisions establishing the board.

21 (9) Do all acts and things necessary or convenient to carry out the
22 powers expressly granted or implied under this chapter.

23 **Sec. 423.** RCW 43.163.100 and 1990 c 53 s 6 are each amended to
24 read as follows:

25 In addition to accomplishing the economic development finance
26 programs specifically authorized in this chapter, the authority may:

- 27 (1) Maintain an office or offices;
- 28 (2) Sue and be sued in its own name, and plead and be impleaded;
- 29 (3) Engage consultants, agents, attorneys, and advisers, contract
30 with federal, state, and local governmental entities for services, and
31 hire such employees, agents and other personnel as the authority deems
32 necessary, useful, or convenient to accomplish its purposes;
- 33 (4) Make and execute all manner of contracts, agreements and
34 instruments and financing documents with public and private parties as
35 the authority deems necessary, useful, or convenient to accomplish its
36 purposes;

1 (5) Acquire and hold real or personal property, or any interest
2 therein, in the name of the authority, and to sell, assign, lease,
3 encumber, mortgage, or otherwise dispose of the same in such manner as
4 the authority deems necessary, useful, or convenient to accomplish its
5 purposes;

6 (6) Open and maintain accounts in qualified public depositaries and
7 otherwise provide for the investment of any funds not required for
8 immediate disbursement, and provide for the selection of investments;

9 (7) Appear in its own behalf before boards, commissions,
10 departments, or agencies of federal, state, or local government;

11 (8) Procure such insurance in such amounts and from such insurers
12 as the authority deems desirable, including, but not limited to,
13 insurance against any loss or damage to its property or other assets,
14 public liability insurance for injuries to persons or property, and
15 directors and officers liability insurance;

16 (9) Apply for and accept subventions, grants, loans, advances, and
17 contributions from any source of money, property, labor, or other
18 things of value, to be held, used and applied as the authority deems
19 necessary, useful, or convenient to accomplish its purposes;

20 (10) Establish guidelines for the participation by eligible banking
21 organizations in programs conducted by the authority under this
22 chapter;

23 (11) Act as an agent, by agreement, for federal, state, or local
24 governmental entities to carry out the programs authorized in this
25 chapter;

26 (12) Establish, revise, and collect such fees and charges as the
27 authority deems necessary, useful, or convenient to accomplish its
28 purposes;

29 (13) Make such expenditures as are appropriate for paying the
30 administrative costs and expenses of the authority in carrying out the
31 provisions of this chapter: PROVIDED, That expenditures with respect
32 to the economic development financing programs of the authority shall
33 not be made from funds of the state;

34 (14) Establish such reserves and special funds, and controls on
35 deposits to and disbursements from them, as the authority deems
36 necessary, useful, or convenient to accomplish its purposes;

37 (15) Give assistance to public bodies by providing information,

1 guidelines, forms, and procedures for implementing their financing
2 programs;

3 (16) Prepare, publish and distribute, with or without charge, such
4 studies, reports, bulletins, and other material as the authority deems
5 necessary, useful, or convenient to accomplish its purposes;

6 (17) Delegate any of its powers and duties if consistent with the
7 purposes of this chapter;

8 (18) Adopt rules concerning its exercise of the powers authorized
9 by this chapter. For rules adopted under the provisions of this
10 chapter after August 1, 2013, the authority may adopt only rules
11 derived from a specific grant of legislative authority. The rules must
12 include the specific statutory section or sections from which the grant
13 of authority is derived, and may not rely solely on a section of law
14 stating a statute's intent or purpose or the general enabling
15 provisions establishing the authority; and

16 (19) Exercise any other power the authority deems necessary,
17 useful, or convenient to accomplish its purposes and exercise the
18 powers expressly granted in this chapter.

19 **Sec. 424.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
20 read as follows:

21 (1) There is (~~hereby~~) established a public body corporate and
22 politic, with perpetual corporate succession, to be known as the
23 Washington state housing finance commission. The commission is an
24 instrumentality of the state exercising essential government functions
25 and, for purposes of the code, acts as a constituted authority on
26 behalf of the state when it issues bonds pursuant to this chapter. The
27 commission is a "public body" within the meaning of RCW 39.53.010.

28 (2) The commission shall consist of the following voting members:

29 (a) The state treasurer, ex officio;

30 (b) The director of (~~community, trade, and economic development~~)
31 commerce, ex officio;

32 (c) An elected local government official, ex officio, with
33 experience in local housing programs, who shall be appointed by the
34 governor with the consent of the senate;

35 (d) A representative of housing consumer interests, appointed by
36 the governor with the consent of the senate;

1 (e) A representative of labor interests, appointed by the governor,
2 with the consent of the senate, after consultation with representatives
3 of organized labor;

4 (f) A representative of low-income persons, appointed by the
5 governor with the consent of the senate;

6 (g) Five members of the public appointed by the governor, with the
7 consent of the senate, on the basis of geographic distribution and
8 their expertise in housing, real estate, finance, energy efficiency, or
9 construction, one of whom shall be appointed by the governor as chair
10 of the commission and who shall serve on the commission and as chair of
11 the commission at the pleasure of the governor.

12 The term of the persons appointed by the governor, other than the
13 chair, shall be four years from the date of their appointment, except
14 that the terms of three of the initial appointees shall be for two
15 years from the date of their appointment. The governor shall designate
16 the appointees who will serve the two-year terms. An appointee may be
17 removed by the governor for cause pursuant to RCW 43.06.070 and
18 43.06.080. The governor shall fill any vacancy in an appointed
19 position by appointment for the remainder of the unexpired term. If
20 the department of (~~community development~~) commerce is abolished, the
21 resulting vacancy shall be filled by a state official who shall be
22 appointed to the commission by the governor. If this official occupies
23 an office or position for which senate confirmation is not required,
24 then his or her appointment to the commission shall be subject to the
25 consent of the senate. The members of the commission shall be
26 compensated in accordance with RCW 43.03.240 and may be reimbursed,
27 solely from the funds of the commission, for expenses incurred in the
28 discharge of their duties under this chapter, subject to the provisions
29 of RCW 43.03.050 and 43.03.060. A majority of the commission
30 constitutes a quorum. Designees shall be appointed in such manner and
31 shall exercise such powers as are specified by the rules of the
32 commission.

33 (3) The commission may adopt an official seal and may select from
34 its membership a vice chair, a secretary, and a treasurer. The
35 commission shall establish rules concerning its exercise of the powers
36 authorized by this chapter. The rules shall be adopted in conformance
37 with chapter 34.05 RCW. For rules adopted under the provisions of this
38 chapter after August 1, 2013, the commission may adopt only rules

1 derived from a specific grant of legislative authority. The rules must
2 include the specific statutory section or sections from which the grant
3 of authority is derived, and may not rely solely on a section of law
4 stating a statute's intent or purpose or the general enabling
5 provisions establishing the commission.

6 **Sec. 425.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to
7 read as follows:

8 The department of ecology shall adopt such rules as are necessary
9 to carry out responsibilities under this chapter. The department of
10 ecology is authorized to adopt such rules as are necessary to carry out
11 its responsibilities under chapter 43.145 RCW. For rules adopted under
12 the provisions of this chapter after August 1, 2013, the department of
13 ecology may adopt only rules derived from a specific grant of
14 legislative authority. The rules must include the specific statutory
15 section or sections from which the grant of authority is derived, and
16 may not rely solely on a section of law stating a statute's intent or
17 purpose or the general enabling provisions establishing the department
18 of ecology.

19 **Sec. 426.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
20 read as follows:

21 The department of (~~community, trade, and economic development or~~
22 ~~its statutory successor~~) commerce shall adopt rules under chapter
23 34.05 RCW as necessary to carry out the purposes of this chapter. For
24 rules adopted under the provisions of this chapter after August 1,
25 2013, the department of commerce may adopt only rules derived from a
26 specific grant of legislative authority. The rules must include the
27 specific statutory section or sections from which the grant of
28 authority is derived, and may not rely solely on a section of law
29 stating a statute's intent or purpose or the general enabling
30 provisions establishing the department of commerce.

31 **Sec. 427.** RCW 43.250.090 and 1986 c 294 s 9 are each amended to
32 read as follows:

33 The state finance committee shall administer this chapter and adopt
34 appropriate rules. For rules adopted under the provisions of this
35 chapter after August 1, 2013, the state finance committee may adopt

1 only rules derived from a specific grant of legislative authority. The
2 rules must include the specific statutory section or sections from
3 which the grant of authority is derived, and may not rely solely on a
4 section of law stating a statute's intent or purpose or the general
5 enabling provisions establishing the state finance committee.

6 **Sec. 428.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to
7 read as follows:

8 The director of financial institutions may adopt any rules, under
9 chapter 34.05 RCW, necessary to implement the powers and duties of the
10 director under this chapter. For rules adopted under the provisions of
11 this chapter after August 1, 2013, the director of financial
12 institutions may adopt only rules derived from a specific grant of
13 legislative authority. The rules must include the specific statutory
14 section or sections from which the grant of authority is derived, and
15 may not rely solely on a section of law stating a statute's intent or
16 purpose or the general enabling provisions establishing the department
17 of financial institutions.

18 **Sec. 429.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to
19 read as follows:

20 (1) The director shall supervise and administer the activities of
21 the department and shall advise the governor and the legislature with
22 respect to community and economic development matters affecting the
23 state.

24 (2) In addition to other powers and duties granted to the director,
25 the director shall have the following powers and duties:

26 (a) Enter into contracts on behalf of the state to carry out the
27 purposes of this chapter;

28 (b) Act for the state in the initiation of or participation in any
29 multigovernmental program relative to the purpose of this chapter;

30 (c) Accept and expend gifts and grants, whether such grants be of
31 federal or other funds;

32 (d) Appoint such deputy directors, assistant directors, and up to
33 seven special assistants as may be needed to administer the department.
34 These employees are exempt from the provisions of chapter 41.06 RCW;

35 (e) Prepare and submit budgets for the department for executive and
36 legislative action;

1 (f) Submit recommendations for legislative actions as are deemed
2 necessary to further the purposes of this chapter;

3 (g) Adopt rules in accordance with chapter 34.05 RCW and perform
4 all other functions necessary and proper to carry out the purposes of
5 this chapter. For rules adopted under the provisions of this chapter
6 after August 1, 2013, the director may adopt only rules derived from a
7 specific grant of legislative authority. The rules must include the
8 specific statutory section or sections from which the grant of
9 authority is derived, and may not rely solely on a section of law
10 stating a statute's intent or purpose or the general enabling
11 provisions establishing the department;

12 (h) Delegate powers, duties, and functions as the director deems
13 necessary for efficient administration, but the director shall be
14 responsible for the official acts of the officers and employees of the
15 department; and

16 (i) Perform other duties as are necessary and consistent with law.

17 (3) When federal or other funds are received by the department,
18 they shall be promptly transferred to the state treasurer and
19 thereafter expended only upon the approval of the director.

20 (4) The director may request information and assistance from all
21 other agencies, departments, and officials of the state, and may
22 reimburse such agencies, departments, or officials if such a request
23 imposes any additional expenses upon any such agency, department, or
24 official.

25 (5) The director shall, in carrying out the responsibilities of
26 office, consult with governmental officials, private groups, and
27 individuals and with officials of other states. All state agencies and
28 their officials and the officials of any political subdivision of the
29 state shall cooperate with and give such assistance to the department,
30 including the submission of requested information, to allow the
31 department to carry out its purposes under this chapter.

32 (6) The director may establish additional advisory or coordinating
33 groups with the legislature, within state government, with state and
34 other governmental units, with the private sector and nonprofit
35 entities or in specialized subject areas as may be necessary to carry
36 out the purposes of this chapter.

37 (7) The internal affairs of the department shall be under the
38 control of the director in order that the director may manage the

1 department in a flexible and intelligent manner as dictated by changing
2 contemporary circumstances. Unless specifically limited by law, the
3 director shall have complete charge and supervisory powers over the
4 department. The director may create such administrative structures as
5 the director deems appropriate, except as otherwise specified by law,
6 and the director may employ such personnel as may be necessary in
7 accordance with chapter 41.06 RCW, except as otherwise provided by law.

8 **Sec. 430.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to
9 read as follows:

10 The transportation commission shall have the following functions,
11 powers, and duties:

12 (1) To propose policies to be adopted by the governor and the
13 legislature designed to assure the development and maintenance of a
14 comprehensive and balanced statewide transportation system which will
15 meet the needs of the people of this state for safe and efficient
16 transportation services. Wherever appropriate, the policies shall
17 provide for the use of integrated, intermodal transportation systems.
18 The policies must be aligned with the goals established in RCW
19 47.04.280. To this end the commission shall:

20 (a) Develop transportation policies which are based on the
21 policies, goals, and objectives expressed and inherent in existing
22 state laws;

23 (b) Inventory the adopted policies, goals, and objectives of the
24 local and area-wide governmental bodies of the state and define the
25 role of the state, regional, and local governments in determining
26 transportation policies, in transportation planning, and in
27 implementing the state transportation plan;

28 (c) Establish a procedure for review and revision of the state
29 transportation policy and for submission of proposed changes to the
30 governor and the legislature; and

31 (d) Integrate the statewide transportation plan with the needs of
32 the elderly and persons with disabilities, and coordinate federal and
33 state programs directed at assisting local governments to answer such
34 needs;

35 (2) To provide for the effective coordination of state
36 transportation planning with national transportation policy, state and

1 local land use policies, and local and regional transportation plans
2 and programs;

3 (3) In conjunction with the provisions under RCW 47.01.075, to
4 provide for public involvement in transportation designed to elicit the
5 public's views both with respect to adequate transportation services
6 and appropriate means of minimizing adverse social, economic,
7 environmental, and energy impact of transportation programs;

8 (4) By December 2010, to prepare a comprehensive and balanced
9 statewide transportation plan consistent with the state's growth
10 management goals and based on the transportation policy goals provided
11 under RCW 47.04.280 and applicable state and federal laws. The plan
12 must reflect the priorities of government developed by the office of
13 financial management and address regional needs, including multimodal
14 transportation planning. The plan must, at a minimum: (a) Establish
15 a vision for the development of the statewide transportation system;
16 (b) identify significant statewide transportation policy issues; and
17 (c) recommend statewide transportation policies and strategies to the
18 legislature to fulfill the requirements of subsection (1) of this
19 section. The plan must be the product of an ongoing process that
20 involves representatives of significant transportation interests and
21 the general public from across the state. Every four years, the plan
22 shall be reviewed and revised, and submitted to the governor and the
23 house of representatives and senate standing committees on
24 transportation.

25 The plan shall take into account federal law and regulations
26 relating to the planning, construction, and operation of transportation
27 facilities;

28 (5) By December 2007, the office of financial management shall
29 submit a baseline report on the progress toward attaining the policy
30 goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October
31 1, 2008, beginning with the development of the 2009-2011 biennial
32 transportation budget, and by October 1st biennially thereafter, the
33 office of financial management shall submit to the legislature and the
34 governor a report on the progress toward the attainment by state
35 transportation agencies of the state transportation policy goals and
36 objectives prescribed by statute, appropriation, and governor
37 directive. The report must, at a minimum, include the degree to which
38 state transportation programs have progressed toward the attainment of

1 the policy goals established under RCW 47.04.280, as measured by the
2 objectives and performance measures established by the office of
3 financial management under RCW 47.04.280;

4 (6) To propose to the governor and the legislature prior to the
5 convening of each regular session held in an odd-numbered year a
6 recommended budget for the operations of the commission as required by
7 RCW 47.01.061;

8 (7) To adopt (~~such~~) rules as may be necessary to carry out
9 reasonably and properly those functions expressly vested in the
10 commission by statute. For rules adopted under the provisions of this
11 chapter after August 1, 2013, the commission may adopt only rules
12 derived from a specific grant of legislative authority. The rules must
13 include the specific statutory section or sections from which the grant
14 of authority is derived, and may not rely solely on a section of law
15 stating a statute's intent or purpose or the general enabling
16 provisions establishing the department;

17 (8) To contract with the office of financial management or other
18 appropriate state agencies for administrative support, accounting
19 services, computer services, and other support services necessary to
20 carry out its other statutory duties;

21 (9) To conduct transportation-related studies and policy analysis
22 to the extent directed by the legislature or governor in the biennial
23 transportation budget act, or as otherwise provided in law, and subject
24 to the availability of amounts appropriated for this specific purpose;
25 and

26 (10) To exercise such other specific powers and duties as may be
27 vested in the transportation commission by this or any other provision
28 of law.

29 **Sec. 431.** RCW 48.02.060 and 2010 c 27 s 1 are each amended to read
30 as follows:

31 (1) The commissioner has the authority expressly conferred upon him
32 or her by or reasonably implied from the provisions of this code.

33 (2) The commissioner must execute his or her duties and must
34 enforce the provisions of this code.

35 (3) The commissioner may:

36 (a) (~~Make~~) Adopt reasonable rules for effectuating any provision
37 of this code, except those relating to his or her election,

1 qualifications, or compensation. Rules are not effective prior to
2 their being filed for public inspection in the commissioner's office.
3 For rules adopted under the provisions of this chapter after August 1,
4 2013, the commissioner may adopt only rules derived from a specific
5 grant of legislative authority. The rules must include the specific
6 statutory section or sections from which the grant of authority is
7 derived, and may not rely solely on a section of law stating a
8 statute's intent or purpose or the general enabling provisions
9 establishing the office of the insurance commissioner.

10 (b) Conduct investigations to determine whether any person has
11 violated any provision of this code.

12 (c) Conduct examinations, investigations, hearings, in addition to
13 those specifically provided for, useful and proper for the efficient
14 administration of any provision of this code.

15 (4) When the governor proclaims a state of emergency under RCW
16 43.06.010(12), the commissioner may issue an order that addresses any
17 or all of the following matters related to insurance policies issued in
18 this state:

19 (a) Reporting requirements for claims;

20 (b) Grace periods for payment of insurance premiums and performance
21 of other duties by insureds;

22 (c) Temporary postponement of cancellations and nonrenewals; and

23 (d) Medical coverage to ensure access to care.

24 (5) An order by the commissioner under subsection (4) of this
25 section may remain effective for not more than sixty days unless the
26 commissioner extends the termination date for the order for an
27 additional period of not more than thirty days. The commissioner may
28 extend the order if, in the commissioner's judgment, the circumstances
29 warrant an extension. An order of the commissioner under subsection
30 (4) of this section is not effective after the related state of
31 emergency is terminated by proclamation of the governor under RCW
32 43.06.210. The order must specify, by line of insurance:

33 (a) The geographic areas in which the order applies, which must be
34 within but may be less extensive than the geographic area specified in
35 the governor's proclamation of a state of emergency and must be
36 specific according to an appropriate means of delineation, such as the
37 United States postal service zip codes or other appropriate means; and

1 (b) The date on which the order becomes effective and the date on
2 which the order terminates.

3 (6) The commissioner may adopt rules that establish general
4 criteria for orders issued under subsection (4) of this section and may
5 adopt emergency rules applicable to a specific proclamation of a state
6 of emergency by the governor.

7 (7) The rule-making authority set forth in subsection (6) of this
8 section does not limit or affect the rule-making authority otherwise
9 granted to the commissioner by law.

10 **Sec. 432.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to
11 read as follows:

12 The insurance commissioner shall ~~((make))~~ adopt reasonable
13 ~~((regulations))~~ rules in aid of the administration of this chapter
14 which may include, but shall not be limited to ~~((regulations))~~ rules
15 concerning the maintenance of adequate insurance, bonds, or cash
16 deposits, information required of registrants, and methods of
17 expediting speedy and fair payments to claimants. For rules adopted
18 under the provisions of this chapter after August 1, 2013, the
19 insurance commissioner may adopt only rules derived from a specific
20 grant of legislative authority. The rules must include the specific
21 statutory section or sections from which the grant of authority is
22 derived, and may not rely solely on a section of law stating a
23 statute's intent or purpose or the general enabling provisions
24 establishing the office of the insurance commissioner.

25 **Sec. 433.** RCW 48.46.200 and 2009 c 549 s 7153 are each amended to
26 read as follows:

27 The commissioner may, in accordance with the provisions of the
28 administrative procedure act, chapter 34.05 RCW, ~~((promulgate))~~ adopt
29 rules ~~((and regulations))~~ as necessary or proper to carry out the
30 provisions of this chapter. For rules adopted under the provisions of
31 this chapter after August 1, 2013, the commissioner may adopt only
32 rules derived from a specific grant of legislative authority. The
33 rules must include the specific statutory section or sections from
34 which the grant of authority is derived, and may not rely solely on a
35 section of law stating a statute's intent or purpose or the general
36 enabling provisions establishing the office of the insurance

1 commissioner. Nothing in this chapter shall be construed to prohibit
2 the commissioner from requiring changes in procedures previously
3 approved by him or her.

4 **Sec. 434.** RCW 66.08.0501 and 1997 c 321 s 56 are each amended to
5 read as follows:

6 The liquor control board may adopt appropriate rules pursuant to
7 chapter 34.05 RCW for the purpose of carrying out the provisions of
8 chapter 321, Laws of 1997. For rules adopted under the provisions of
9 this chapter after August 1, 2013, the liquor control board may adopt
10 only rules derived from a specific grant of legislative authority. The
11 rules must include the specific statutory section or sections from
12 which the grant of authority is derived, and may not rely solely on a
13 section of law stating a statute's intent or purpose or the general
14 enabling provisions establishing the liquor control board.

15 **Sec. 435.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
16 read as follows:

17 (1) In establishing policies to preserve, protect, and perpetuate
18 wildlife, fish, and wildlife and fish habitat, the commission shall
19 meet annually with the governor to:

20 (a) Review and prescribe basic goals and objectives related to
21 those policies; and

22 (b) Review the performance of the department in implementing fish
23 and wildlife policies.

24 The commission shall maximize fishing, hunting, and outdoor
25 recreational opportunities compatible with healthy and diverse fish and
26 wildlife populations.

27 (2) The commission shall establish hunting, trapping, and fishing
28 seasons and prescribe the time, place, manner, and methods that may be
29 used to harvest or enjoy game fish and wildlife.

30 (3) The commission shall establish provisions regulating food fish
31 and shellfish as provided in RCW 77.12.047.

32 (4) The commission shall have final approval authority for tribal,
33 interstate, international, and any other department agreements relating
34 to fish and wildlife.

35 (5) The commission shall adopt rules to implement the state's fish
36 and wildlife laws. For rules adopted under the provisions of this

1 chapter after August 1, 2013, the commission may adopt only rules
2 derived from a specific grant of legislative authority. The rules must
3 include the specific statutory section or sections from which the grant
4 of authority is derived, and may not rely solely on a section of law
5 stating a statute's intent or purpose or the general enabling
6 provisions establishing the commission or the department.

7 (6) The commission shall have final approval authority for the
8 department's budget proposals.

9 (7) The commission shall select its own staff and shall appoint the
10 director of the department. The director and commission staff shall
11 serve at the pleasure of the commission.

12 **Sec. 436.** RCW 80.01.040 and 2007 c 234 s 1 are each amended to
13 read as follows:

14 The utilities and transportation commission shall:

15 (1) Exercise all the powers and perform all the duties prescribed
16 by this title and by Title 81 RCW, or by any other law.

17 (2) Regulate in the public interest, as provided by the public
18 service laws, all persons engaging in the transportation of persons or
19 property within this state for compensation.

20 (3) Regulate in the public interest, as provided by the public
21 service laws, the rates, services, facilities, and practices of all
22 persons engaging within this state in the business of supplying any
23 utility service or commodity to the public for compensation.

24 (4) (~~Make~~) Adopt rules (~~and regulations~~) necessary to carry out
25 its other powers and duties. For rules adopted under the provisions of
26 this chapter after August 1, 2013, the commission may adopt only rules
27 derived from a specific grant of legislative authority. The rules must
28 include the specific statutory section or sections from which the grant
29 of authority is derived, and may not rely solely on a section of law
30 stating a statute's intent or purpose or the general enabling
31 provisions establishing the commission.

32 NEW SECTION. **Sec. 437.** A new section is added to chapter 34.05
33 RCW to read as follows:

34 When delegating authority to an agency through legislation, the
35 legislature, unless it specifically states otherwise, limits its
36 delegation of authority to:

1 (1) The minimum delegation necessary to administer the
2 legislation's clear and unambiguous directives; and

3 (2) The administration of circumstances and behaviors foreseeable
4 at the time of the legislation's enactment.

5 **PART V**

6 NEW SECTION. **Sec. 501.** The legislature finds that this nation and
7 this state were founded as constitutional republican forms of
8 government with democratically elected representatives enacting and
9 implementing laws consistent with those constitutions to promote the
10 general welfare of all the people. All elected officials take an oath
11 to uphold the constitutions. The role of government was intended to
12 remain as limited as possible in order to expand the liberties of the
13 people as far as possible. Over the past few decades, legislative and
14 executive branches have gone far beyond their original purposes and
15 powers, and have grown to the extent that the economic and regulatory
16 burdens placed upon the people is becoming unbearable and is infringing
17 on the rights of law-abiding citizens to enjoy their property, their
18 freedoms, and the fruits of their labors. The legislature further
19 finds that the United States congress has frequently ignored its own
20 House rule XIII 3(d) which requires "Each report of a committee on a
21 public bill or public joint resolution shall contain the following:
22 (1) A statement citing the specific powers granted to congress in the
23 Constitution to enact the law proposed by the bill or resolution." The
24 legislature intends by this chapter to ensure that all laws and rules
25 adopted by the federal and state governments are firmly grounded in
26 their respective constitutions so that those governments might return
27 to their proper realms and focus on the essential services that best
28 strike the balance between the need for government and the need for
29 people to be free.

30 NEW SECTION. **Sec. 502.** (1) Every bill, act, ordinance,
31 resolution, or rule adopted or enacted by a legislative or executive
32 body, or the people, shall include the citation of the express language
33 from the federal or state Constitution that provides the specific
34 authority for the provisions included in the bill, act, ordinance,
35 resolution, or rule.

1 (2) Every bill, act, ordinance, resolution, or rule adopted or
2 enacted by a legislative or executive body, or the people, shall limit
3 the provisions of the bill, act, ordinance, resolution, or rule to the
4 express language included in the citation from the federal or state
5 Constitution that provides the specific authority such provisions.

6 (3) Every bill, act, ordinance, resolution, or rule adopted or
7 enacted by a legislative or executive body, or the people, shall
8 include a brief rationale as how the provisions of the bill, act,
9 ordinance, resolution, or rule are provided specific authority in the
10 express language of the federal or state Constitution cited, including
11 the language of the text itself, a reasonable construction and
12 extension of the text, the intent as best can be ascertained of those
13 who adopted the text, and the historical understanding and context in
14 which the text was adopted.

15 **PART VI**

16 NEW SECTION. **Sec. 601.** The legislature finds that:

17 (1) The public interest will be best served if lands throughout the
18 state and their resources are subject to the coordinated management
19 efforts of the state and local governments;

20 (2) The federal government requires its agencies to coordinate and
21 provide meaningful involvement of state and local government officials
22 in the development and revisions of federal land use plans, guidelines,
23 and regulations as explained in 43 U.S.C. Sec. 1712 (c)(9);

24 (3) Many local governments have extensive plans for the lands
25 within their jurisdiction as required by various state laws, including
26 but not limited to Titles 35, 35A, and 36 RCW; and

27 (4) The citizens of Washington directly benefit when state agencies
28 coordinate their activities with local government officials regarding
29 land use administration, management, and planning.

30 NEW SECTION. **Sec. 602.** A new section is added to chapter 77.12
31 RCW to read as follows:

32 (1)(a) The department shall coordinate with all applicable affected
33 local government officials during the development, revision, and
34 implementation of any public land use plan under the control or
35 authority of the department.

1 (b) Implementation of this section requires the department to, at
2 a minimum:

3 (i) Keep itself apprised of all relevant local and tribal land use
4 plans and ordinances;

5 (ii) Ensure that consideration is given to local and tribal plans
6 that are germane in the development of land use activities for the
7 department and strive to make corresponding state policies, plans, or
8 actions consistent with local policies, plans, or actions;

9 (iii) Assist in resolving inconsistencies between department land
10 management and local and tribal plans and ordinances;

11 (iv) Provide for meaningful public involvement of other local
12 government officials, both elected and appointed, in the development of
13 land use programs, land use policies, land use rules, and land use
14 decisions for department lands; and

15 (v) Provide local government officials early notification of all
16 land use actions or plans of the department that will affect the unit
17 of local government directly or indirectly.

18 (2) If, after consulting with an affected local government, the
19 department finds that the statutory limitations of the department make
20 compliance with a particular locally adopted land use plan or ordinance
21 unlawful, the department shall report this finding to the appropriate
22 committees of the legislature along with specific information relating
23 to the statute or statutes limiting the department from complying with
24 local plans or ordinances.

25 (3) The director must make available a formal channel through which
26 local government officials may provide direct feedback and other
27 communications regarding proposed actions by the department relating to
28 the purchase and sale of land, the development or revision of land use
29 plans, land use guidelines, land use policies, and land use rules for
30 department lands within the local jurisdiction and with respect to
31 other land use matters as deemed relevant to a local official.

32 NEW SECTION. **Sec. 603.** A new section is added to chapter 79.02
33 RCW to read as follows:

34 (1)(a) The department shall coordinate with all applicable affected
35 local government officials during the development, revision, and
36 implementation of any public land use plan under the control or
37 authority of the department.

1 (b) Implementation of this section requires the department to, at
2 a minimum:

3 (i) Keep itself apprised of all relevant local and tribal land use
4 plans and ordinances;

5 (ii) Ensure that consideration is given to local and tribal plans
6 that are germane in the development of land use activities for the
7 department and strive to make corresponding state policies, plans, or
8 actions consistent with local policies, plans, or actions;

9 (iii) Assist in resolving inconsistencies between department land
10 management and local and tribal plans and ordinances;

11 (iv) Provide for meaningful public involvement of other local
12 government officials, both elected and appointed, in the development of
13 land use programs, land use policies, land use rules, and land use
14 decisions for public lands; and

15 (v) Provide local government officials early notification of all
16 land use actions or plans of the department that will affect the unit
17 of local government directly or indirectly.

18 (2) If, after consulting with an affected local government, the
19 department finds that the statutory limitations of the department make
20 compliance with a particular locally adopted land use plan or ordinance
21 unlawful, the department shall report this finding to the appropriate
22 committees of the legislature along with specific information relating
23 to the statute or statutes limiting the department from complying with
24 local plans or ordinances.

25 (3) The commissioner of public lands must make available a formal
26 channel through which local government officials may provide direct
27 feedback and other communications regarding proposed actions by the
28 department relating to the purchase and sale of land, the development
29 or revision of land use plans, land use guidelines, land use policies,
30 and land use rules for public lands within the local jurisdiction and
31 with respect to other land use matters as deemed relevant to a local
32 official.

33 NEW SECTION. **Sec. 604.** A new section is added to chapter 79A.05
34 RCW to read as follows:

35 (1)(a) The commission shall coordinate with all applicable affected
36 local government officials during the development, revision, and

1 implementation of any public land use plan under the control or
2 authority of the commission.

3 (b) Implementation of this section requires the commission to, at
4 a minimum:

5 (i) Keep itself apprised of all relevant local and tribal land use
6 plans and ordinances;

7 (ii) Ensure that consideration is given to local and tribal plans
8 that are germane in the development of land use activities for the
9 commission and strive to make corresponding commission policies, plans,
10 or actions consistent with local policies, plans, or actions;

11 (iii) Assist in resolving inconsistencies between commission land
12 management and local and tribal plans and ordinances;

13 (iv) Provide for meaningful public involvement of other local
14 government officials, both elected and appointed, in the development of
15 land use programs, land use policies, land use rules, and land use
16 decisions for commission lands; and

17 (v) Provide local government officials early notification of all
18 land use actions or plans of the commission that will affect the unit
19 of local government directly or indirectly.

20 (2) If, after consulting with an affected local government, the
21 commission finds that the statutory limitations of the commission make
22 compliance with a particular locally adopted land use plan or ordinance
23 unlawful, the commission shall report this finding to the appropriate
24 committees of the legislature along with specific information relating
25 to the statute or statutes limiting the commission from complying with
26 local plans or ordinances.

27 (3) The director must make available a formal channel through which
28 local government officials may provide direct feedback and other
29 communications regarding proposed actions by the commission relating to
30 the purchase and sale of land, the development or revision of land use
31 plans, land use guidelines, land use policies, and land use rules for
32 commission lands within the local jurisdiction and with respect to
33 other land use matters as deemed relevant to a local official.

34 NEW SECTION. **Sec. 605.** A new section is added to chapter 35.21
35 RCW to read as follows:

36 (1) If the ordinances, regulations, plans, or policies of a city
37 are less restrictive than applicable federal or state laws or

1 requirements, the city must demand, by any lawful means, that the
2 federal or state government coordinate with the city before the federal
3 or state government implements, enforces, expands, or extends the
4 federal or state law or requirement within the jurisdictional boundary
5 of the city. The coordination demand required by this subsection may
6 be waived through a resolution adopted by a majority of the city
7 legislative body.

8 (2) If the federal or state government fails to coordinate in good
9 faith with the city, the legislative body of the city must hold two or
10 more public hearings, consider the evidence, and vote on whether to
11 authorize litigation to enforce the coordination rights of the city.

12 (3) If a person who resides or conducts business in the state
13 serves each member of the legislative body of the city with a written
14 demand that the city comply with this section, and if within sixty days
15 after service of the demand, the legislative body fails to comply with
16 this section in a manner that causes injury to the person, the person
17 may submit a written demand for a response. Written response demands
18 under this subsection must specify the city ordinance, regulation,
19 plan, or policy with which the federal or state government failed to
20 coordinate. Within thirty days after receiving the written demand for
21 a response under this subsection, the legislative body of the city must
22 hold a public hearing to present information on the decision to not
23 demand coordination.

24 (4) The definitions in this subsection apply throughout this
25 section unless the context requires otherwise.

26 (a) "City" means an incorporated city or town.

27 (b) "Coordinate" means the action necessary to achieve
28 coordination.

29 (c) "Coordination" means the process by which the federal or state
30 government seeks in good faith to reach consistency between a federal
31 or state law or requirement and a city ordinance, regulation, plan, or
32 policy.

33 (d) "Less restrictive" means a city ordinance, regulation, plan, or
34 policy imposes, or would impose, less of a burden on the exercise of
35 rights, privileges, or immunities enjoyed by individuals,
36 organizations, and businesses within the jurisdictional boundaries of
37 the city.

1 NEW SECTION. **Sec. 606.** A new section is added to chapter 35A.21
2 RCW to read as follows:

3 (1) If the ordinances, regulations, plans, or policies of a city
4 are less restrictive than applicable federal or state laws or
5 requirements, the city must demand, by any lawful means, that the
6 federal or state government coordinate with the city before the federal
7 or state government implements, enforces, expands, or extends the
8 federal or state law or requirement within the jurisdictional boundary
9 of the city. The coordination demand required by this subsection may
10 be waived through a resolution adopted by a majority of the city
11 legislative body.

12 (2) If the federal or state government fails to coordinate in good
13 faith with the city, the legislative body of the city must hold two or
14 more public hearings, consider the evidence, and vote on whether to
15 authorize litigation to enforce the coordination rights of the city.

16 (3) If a person who resides or conducts business in the state
17 serves each member of the legislative body of the city with a written
18 demand that the city comply with this section, and if within sixty days
19 after service of the demand, the legislative body fails to comply with
20 this section in a manner that causes injury to the person, the person
21 may submit a written demand for a response. Written response demands
22 under this subsection must specify the city ordinance, regulation,
23 plan, or policy with which the federal or state government failed to
24 coordinate. Within thirty days after receiving the written demand for
25 a response under this subsection, the legislative body of the city must
26 hold a public hearing to present information on the decision to not
27 demand coordination.

28 (4) The definitions in this subsection apply throughout this
29 section unless the context requires otherwise.

30 (a) "City" means any noncharter code city or charter code city.

31 (b) "Coordinate" means the action necessary to achieve
32 coordination.

33 (c) "Coordination" means the process by which the federal or state
34 government seeks in good faith to reach consistency between a federal
35 or state law or requirement and a city ordinance, regulation, plan, or
36 policy.

37 (d) "Less restrictive" means a city ordinance, regulation, plan, or
38 policy imposes, or would impose, less of a burden on the exercise of

1 rights, privileges, or immunities enjoyed by individuals,
2 organizations, and businesses within the jurisdictional boundaries of
3 the city.

4 NEW SECTION. **Sec. 607.** A new section is added to chapter 36.01
5 RCW to read as follows:

6 (1) If the ordinances, regulations, plans, or policies of a county
7 are less restrictive than applicable federal or state laws or
8 requirements, the county must demand, by any lawful means, that the
9 federal or state government coordinate with the county before the
10 federal or state government implements, enforces, expands, or extends
11 the federal or state law or requirement within the jurisdictional
12 boundary of the county. The coordination demand required by this
13 subsection may be waived through a resolution adopted by a majority of
14 the county legislative body.

15 (2) If the federal or state government fails to coordinate in good
16 faith with the county, the legislative body of the county must hold two
17 or more public hearings, consider the evidence, and vote on whether to
18 authorize litigation to enforce the coordination rights of the county.

19 (3) If a person who resides or conducts business in the state
20 serves each member of the legislative body of the county with a written
21 demand that the county comply with this section, and if within sixty
22 days after service of the demand, the legislative body fails to comply
23 with this section in a manner that causes injury to the person, the
24 person may submit a written demand for a response. Written response
25 demands under this subsection must specify the county ordinance,
26 regulation, plan, or policy with which the federal or state government
27 failed to coordinate. Within thirty days after receiving the written
28 demand for a response under this subsection, the legislative body of
29 the county must hold a public hearing to present information on the
30 decision to not demand coordination.

31 (4) The definitions in this subsection apply throughout this
32 section unless the context requires otherwise.

33 (a) "Coordinate" means the action necessary to achieve
34 coordination.

35 (b) "Coordination" means the process by which the federal or state
36 government seeks in good faith to reach consistency between a federal

1 or state law or requirement and a county ordinance, regulation, plan,
2 or policy.

3 (c) "Less restrictive" means a county ordinance, regulation, plan,
4 or policy imposes, or would impose, less of a burden on the exercise of
5 rights, privileges, or immunities enjoyed by individuals,
6 organizations, and businesses within the jurisdictional boundaries of
7 the county.

8 NEW SECTION. **Sec. 608.** This chapter applies to any special
9 purpose district. For the purposes of this chapter, "special purpose
10 district" means any statutorily created unit of local government that
11 is not a county or city.

12 NEW SECTION. **Sec. 609.** (1) If the ordinances, regulations, plans,
13 or policies of a special purpose district are less restrictive than
14 applicable federal or state laws or requirements, the special purpose
15 district must demand, by any lawful means, that the federal or state
16 government coordinate with the special purpose district before the
17 federal or state government implements, enforces, expands, or extends
18 the federal or state law or requirement within the jurisdictional
19 boundary of the special purpose district. The coordination demand
20 required by this subsection may be waived through a resolution adopted
21 by a majority of the special purpose district legislative body.

22 (2) If the federal or state government fails to coordinate in good
23 faith with the special purpose district, the legislative body of the
24 special purpose district must hold two or more public hearings,
25 consider the evidence, and vote on whether to authorize litigation to
26 enforce the coordination rights of the special purpose district.

27 (3) If a person who resides or conducts business in the state
28 serves each member of the legislative body of the special purpose
29 district with a written demand that the special purpose district comply
30 with this section, and if within sixty days after service of the
31 demand, the legislative body fails to comply with this section in a
32 manner that causes injury to the person, the person may submit a
33 written demand for a response. Written response demands under this
34 subsection must specify the special purpose district ordinance,
35 regulation, plan, or policy with which the federal or state government
36 failed to coordinate. Within thirty days after receiving the written

1 demand for a response under this subsection, the legislative body of
2 the special purpose district must hold a public hearing to present
3 information on the decision to not demand coordination.

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

6 (a) "Coordinate" means the action necessary to achieve
7 coordination.

8 (b) "Coordination" means the process by which the federal or state
9 government seeks in good faith to reach consistency between a federal
10 or state law or requirement and a special purpose district ordinance,
11 regulation, plan, or policy.

12 (d) "Less restrictive" means a special purpose district ordinance,
13 regulation, plan, or policy imposes, or would impose, less of a burden
14 on the exercise of rights, privileges, or immunities enjoyed by
15 individuals, organizations, and businesses within the jurisdictional
16 boundaries of the special purpose district.

17 **PART VII**

18 NEW SECTION. **Sec. 701.** A new section is added to chapter 70.94
19 RCW to read as follows:

20 (1) All decisions on applications under this chapter must be
21 completed and the decision returned to the applicant within ninety days
22 of submitting the application. If the ninety-day deadline is not
23 satisfied, the applicant may file a motion in the appropriate superior
24 court requesting court approval of the application.

25 (2) If the application is denied either within or after the ninety-
26 day decision period, the applicant may file a motion in the appropriate
27 superior court requesting the court to overturn the decision. This
28 subsection applies notwithstanding, and as an alternative to, any other
29 provision of law establishing appeal procedures. Applicants choosing
30 to utilize this appeal authority are deemed to have satisfied all
31 administrative remedies.

32 **Sec. 702.** RCW 70.94.181 and 1991 c 199 s 306 are each amended to
33 read as follows:

34 (1) Any person who owns or is in control of any plant, building,
35 structure, establishment, process or equipment may apply to the

1 department (~~(of ecology)~~) or appropriate local authority board for a
2 variance from rules or regulations governing the quality, nature,
3 duration or extent of discharges of air contaminants. The application
4 shall be accompanied by such information and data as the department
5 (~~(of ecology)~~) or board may require. The department (~~(of ecology)~~) or
6 board may grant such variance, provided that variances to state rules
7 shall require the department's approval prior to being issued by a
8 local authority board. The total time period for a variance and
9 renewal of such variance shall not exceed one year. Variances may be
10 issued by either the department or a local board but only after public
11 hearing or due notice, if the department or board finds that:

12 (a) The emissions occurring or proposed to occur do not endanger
13 public health or safety or the environment; and

14 (b) Compliance with the rules or regulations from which variance is
15 sought would produce serious hardship without equal or greater benefits
16 to the public.

17 (2) No variance shall be granted pursuant to this section until the
18 department (~~(of ecology)~~) or board has considered the relative
19 interests of the applicant, other owners of property likely to be
20 affected by the discharges, and the general public.

21 (3) Any variance or renewal thereof shall be granted within the
22 requirements of subsection (1) of this section and under conditions
23 consistent with the reasons therefor, and within the following
24 limitations:

25 (a) If the variance is granted on the ground that there is no
26 practicable means known or available for the adequate prevention,
27 abatement, or control of the pollution involved, it shall be only until
28 the necessary means for prevention, abatement, or control become known
29 and available, and subject to the taking of any substitute or alternate
30 measures that the department (~~(of ecology)~~) or board may prescribe.

31 (b) If the variance is granted on the ground that compliance with
32 the particular requirement or requirements from which variance is
33 sought will require the taking of measures which, because of their
34 extent or cost, must be spread over a considerable period of time, it
35 shall be for a period not to exceed such reasonable time as, in the
36 view of the department (~~(of ecology)~~) or board is requisite for the
37 taking of the necessary measures. A variance granted on the ground

1 specified herein shall contain a timetable for the taking of action in
2 an expeditious manner and shall be conditioned on adherence to such
3 timetable.

4 (c) If the variance is granted on the ground that it is justified
5 to relieve or prevent hardship of a kind other than that provided for
6 in (a) and (b) of this subsection, it shall be for not more than one
7 year.

8 (4) Any variance granted pursuant to this section may be renewed on
9 terms and conditions and for periods which would be appropriate on
10 initial granting of a variance. If complaint is made to the department
11 (~~(of ecology)~~) or board on account of the variance, no renewal thereof
12 shall be granted unless following a public hearing on the complaint on
13 due notice the department or board finds that renewal is justified. No
14 renewal shall be granted except on application therefor. Any such
15 application shall be made at least sixty days prior to the expiration
16 of the variance. Immediately upon receipt of an application for
17 renewal, the department (~~(of ecology)~~) or board shall give public
18 notice of such application in accordance with rules of the department
19 (~~(of ecology)~~) or board.

20 (5) A variance or renewal shall not be a right of the applicant or
21 holder thereof but shall be granted at the discretion of the department
22 (~~(of ecology)~~) or board. However, any applicant adversely affected by
23 the denial or the terms and conditions of the granting of an
24 application for a variance or renewal of a variance by the department
25 (~~(of ecology)~~) or board may obtain judicial review thereof under the
26 provisions of chapter 34.05 RCW as now or hereafter amended.

27 (6) Nothing in this section and no variance or renewal granted
28 pursuant hereto shall be construed to prevent or limit the application
29 of the emergency provisions and procedures of RCW 70.94.710 through
30 70.94.730 to any person or his or her property.

31 (7) An application for a variance, or for the renewal thereof,
32 submitted to the department (~~(of ecology)~~) or board pursuant to this
33 section shall be approved or disapproved by the department or board
34 within sixty-five days of receipt unless the applicant and the
35 department (~~(of ecology)~~) or board agree to a continuance.

36 (8) Variances approved under this section shall not be included in
37 orders or permits provided for in RCW 70.94.161 or 70.94.152 until such

1 time as the variance has been accepted by the United States
2 environmental protection agency as part of an approved state
3 implementation plan.

4 (9)(a) All decisions on variances under this section must be
5 completed and the decision returned to the applicant within ninety days
6 of submitting the application. If the ninety-day deadline is not
7 satisfied, the applicant may file a motion in the appropriate superior
8 court requesting court approval of the application.

9 (b) If the application is denied either within or after the ninety-
10 day decision period, the applicant may file a motion in the appropriate
11 superior court requesting the court to overturn the decision. This
12 subsection applies notwithstanding, and as an alternative to, any other
13 provision of law establishing appeal procedures. Applicants choosing
14 to utilize this appeal authority are deemed to have satisfied all
15 administrative remedies.

16 **Sec. 703.** RCW 76.09.060 and 2012 1st sp.s. c 1 s 206 are each
17 amended to read as follows:

18 (1) The department shall prescribe the form and contents of the
19 notification and application. The forest practices rules shall specify
20 by whom and under what conditions the notification and application
21 shall be signed or otherwise certified as acceptable. Activities
22 conducted by the department or a contractor under the direction of the
23 department under the provisions of RCW 76.04.660, shall be exempt from
24 the landowner signature requirement on any forest practices application
25 required to be filed. The application or notification shall be
26 delivered in person to the department, sent by first-class mail to the
27 department or electronically filed in a form defined by the department.
28 The form for electronic filing shall be readily convertible to a paper
29 copy, which shall be available to the public pursuant to chapter 42.56
30 RCW. The information required may include, but is not limited to:

31 (a) Name and address of the forest landowner, timber owner, and
32 operator;

33 (b) Description of the proposed forest practice or practices to be
34 conducted;

35 (c) Legal description and tax parcel identification numbers of the
36 land on which the forest practices are to be conducted;

1 (d) Planimetric and topographic maps showing location and size of
2 all lakes and streams and other public waters in and immediately
3 adjacent to the operating area and showing all existing and proposed
4 roads and major tractor roads;

5 (e) Description of the silvicultural, harvesting, or other forest
6 practice methods to be used, including the type of equipment to be used
7 and materials to be applied;

8 (f) For an application or notification submitted on or after July
9 10, 2012, that includes a forest practices hydraulic project, plans and
10 specifications for the forest practices hydraulic project to ensure the
11 proper protection of fish life;

12 (g) Proposed plan for reforestation and for any revegetation
13 necessary to reduce erosion potential from roadsides and yarding roads,
14 as required by the forest practices rules;

15 (h) Soil, geological, and hydrological data with respect to forest
16 practices;

17 (i) The expected dates of commencement and completion of all forest
18 practices specified in the application;

19 (j) Provisions for continuing maintenance of roads and other
20 construction or other measures necessary to afford protection to public
21 resources;

22 (k) An affirmation that the statements contained in the
23 notification or application are true; and

24 (1) All necessary application or notification fees.

25 (2) Long range plans may be submitted to the department for review
26 and consultation.

27 (3) The application for a forest practice or the notification of a
28 forest practice is subject to the reforestation requirement of RCW
29 76.09.070.

30 (a) If the application states that any land will be or is intended
31 to be converted:

32 (i) The reforestation requirements of this chapter and of the
33 forest practices rules shall not apply if the land is in fact converted
34 unless applicable alternatives or limitations are provided in forest
35 practices rules issued under RCW 76.09.070;

36 (ii) Completion of such forest practice operations shall be deemed
37 conversion of the lands to another use for purposes of chapters 84.33

1 and 84.34 RCW unless the conversion is to a use permitted under a
2 current use tax agreement permitted under chapter 84.34 RCW;

3 (iii) The forest practices described in the application are subject
4 to applicable county, city, town, and regional governmental authority
5 permitted under RCW 76.09.240 as well as the forest practices rules.

6 (b) Except as provided elsewhere in this section, if the landowner
7 harvests without an approved application or notification or the
8 landowner does not state that any land covered by the application or
9 notification will be or is intended to be converted, and the department
10 or the county, city, town, or regional governmental entity becomes
11 aware of conversion activities to a use other than commercial timber
12 operations, as that term is defined in RCW 76.09.020, then the
13 department shall send to the department of ecology and the appropriate
14 county, city, town, and regional governmental entities the following
15 documents:

16 (i) A notice of a conversion to nonforestry use;

17 (ii) A copy of the applicable forest practices application or
18 notification, if any; and

19 (iii) Copies of any applicable outstanding final orders or
20 decisions issued by the department related to the forest practices
21 application or notification.

22 (c) Failure to comply with the reforestation requirements contained
23 in any final order or decision shall constitute a removal of
24 designation under the provisions of RCW 84.33.140, and a change of use
25 under the provisions of RCW 84.34.080, and, if applicable, shall
26 subject such lands to the payments and/or penalties resulting from such
27 removals or changes.

28 (d) Conversion to a use other than commercial forest product
29 operations within six years after approval of the forest practices
30 application or notification without the consent of the county, city, or
31 town shall constitute a violation of each of the county, municipal
32 city, town, and regional authorities to which the forest practice
33 operations would have been subject if the application had stated an
34 intent to convert.

35 (e) Land that is the subject of a notice of conversion to a
36 nonforestry use produced by the department and sent to the department
37 of ecology and a local government under this subsection is subject to
38 the development prohibition and conditions provided in RCW 76.09.460.

1 (f) Landowners who have not stated an intent to convert the land
2 covered by an application or notification and who decide to convert the
3 land to a nonforestry use within six years of receiving an approved
4 application or notification must do so in a manner consistent with RCW
5 76.09.470.

6 (g) The application or notification must include a statement
7 requiring an acknowledgment by the forest landowner of his or her
8 intent with respect to conversion and acknowledging that he or she is
9 familiar with the effects of this subsection.

10 (4) Whenever an approved application authorizes a forest practice
11 which, because of soil condition, proximity to a water course or other
12 unusual factor, has a potential for causing material damage to a public
13 resource, as determined by the department, the applicant shall, when
14 requested on the approved application, notify the department two days
15 before the commencement of actual operations.

16 (5) Before the operator commences any forest practice in a manner
17 or to an extent significantly different from that described in a
18 previously approved application or notification, there shall be
19 submitted to the department a new application or notification form in
20 the manner set forth in this section.

21 (6)(a) Except as provided in RCW 76.09.350(4), the notification to
22 or the approval given by the department to an application to conduct a
23 forest practice shall be effective for a term of three years from the
24 date of approval or notification.

25 (b) A notification or application may be renewed for an additional
26 three-year term by the filing and approval of a notification or
27 application, as applicable, prior to the expiration of the original
28 application or notification. A renewal application or notification is
29 subject to the forest practices rules in effect at the time the renewal
30 application or notification is filed. Nothing in this section
31 precludes the applicant from applying for a new application or
32 notification after the renewal period has lapsed.

33 (c) At the option of the applicant, an application or notification
34 may be submitted to cover a single forest practice or a number of
35 forest practices within reasonable geographic or political boundaries
36 as specified by the department. An application or notification that
37 covers more than one forest practice may have an effective term of more
38 than three years.

1 (d) The board shall adopt rules that establish standards and
2 procedures for approving an application or notification that has an
3 effective term of more than three years. Such rules shall include
4 extended time periods for application or notification approval or
5 disapproval. The department may require the applicant to provide
6 advance notice before commencing operations on an approved application
7 or notification.

8 (7) Notwithstanding any other provision of this section, no prior
9 application or notification shall be required for any emergency forest
10 practice necessitated by fire, flood, windstorm, earthquake, or other
11 emergency as defined by the board, but the operator shall submit an
12 application or notification, whichever is applicable, to the department
13 within forty-eight hours after commencement of such practice or as
14 required by local regulations.

15 (8) Forest practices applications or notifications are not required
16 for forest practices conducted to control exotic forest insect or
17 disease outbreaks, when conducted by or under the direction of the
18 department of agriculture in carrying out an order of the governor or
19 director of the department of agriculture to implement pest control
20 measures as authorized under chapter 17.24 RCW, and are not required
21 when conducted by or under the direction of the department in carrying
22 out emergency measures under a forest health emergency declaration by
23 the commissioner of public lands as provided in RCW 76.06.130.

24 (a) For the purposes of this subsection, exotic forest insect or
25 disease has the same meaning as defined in RCW 76.06.020.

26 (b) In order to minimize adverse impacts to public resources,
27 control measures must be based on integrated pest management, as
28 defined in RCW 17.15.010, and must follow forest practices rules
29 relating to road construction and maintenance, timber harvest, and
30 forest chemicals, to the extent possible without compromising control
31 objectives.

32 (c) Agencies conducting or directing control efforts must provide
33 advance notice to the appropriate regulatory staff of the department of
34 the operations that would be subject to exemption from forest practices
35 application or notification requirements.

36 (d) When the appropriate regulatory staff of the department are
37 notified under (c) of this subsection, they must consult with the
38 landowner, interested agencies, and affected tribes, and assist the

1 notifying agencies in the development of integrated pest management
2 plans that comply with forest practices rules as required under (b) of
3 this subsection.

4 (e) Nothing under this subsection relieves agencies conducting or
5 directing control efforts from requirements of the federal clean water
6 act as administered by the department of ecology under RCW 90.48.260.

7 (f) Forest lands where trees have been cut as part of an exotic
8 forest insect or disease control effort under this subsection are
9 subject to reforestation requirements under RCW 76.09.070.

10 (g) The exemption from obtaining approved forest practices
11 applications or notifications does not apply to forest practices
12 conducted after the governor, the director of the department of
13 agriculture, or the commissioner of public lands have declared that an
14 emergency no longer exists because control objectives have been met,
15 that there is no longer an imminent threat, or that there is no longer
16 a good likelihood of control.

17 (9)(a) All decisions on applications or notifications under this
18 section must be completed and the decision returned to the applicant
19 within ninety days of submitting the application. If the ninety-day
20 deadline is not satisfied, the applicant may file a motion in the
21 appropriate superior court requesting court approval of the
22 application.

23 (b) If the application is denied either within or after the ninety-
24 day decision period, the applicant may file a motion in the appropriate
25 superior court requesting the court to overturn the decision. This
26 subsection applies notwithstanding, and as an alternative to, any other
27 provision of law establishing appeal procedures. Applicants choosing
28 to utilize this appeal authority are deemed to have satisfied all
29 administrative remedies.

30 NEW SECTION. Sec. 704. A new section is added to chapter 90.48
31 RCW to read as follows:

32 (1) All decisions on applications under this chapter must be
33 completed and the decision returned to the applicant within ninety days
34 of submitting the application. If the ninety-day deadline is not
35 satisfied, the applicant may file a motion in the appropriate superior
36 court requesting court approval of the application.

1 (2) If the application is denied either within or after the ninety-
2 day decision period, the applicant may file a motion in the appropriate
3 superior court requesting the court to overturn the decision. This
4 subsection applies notwithstanding, and as an alternative to, any other
5 provision of law establishing appeal procedures. Applicants choosing
6 to utilize this appeal authority are deemed to have satisfied all
7 administrative remedies.

8 **Sec. 705.** RCW 77.55.021 and 2012 1st sp.s. c 1 s 102 are each
9 amended to read as follows:

10 (1) Except as provided in RCW 77.55.031, 77.55.051, 77.55.041, and
11 77.55.361, in the event that any person or government agency desires to
12 undertake a hydraulic project, the person or government agency shall,
13 before commencing work thereon, secure the approval of the department
14 in the form of a permit as to the adequacy of the means proposed for
15 the protection of fish life.

16 (2) A complete written application for a permit may be submitted in
17 person or by registered mail and must contain the following:

18 (a) General plans for the overall project;

19 (b) Complete plans and specifications of the proposed construction
20 or work within the mean higher high water line in saltwater or within
21 the ordinary high water line in freshwater;

22 (c) Complete plans and specifications for the proper protection of
23 fish life;

24 (d) Notice of compliance with any applicable requirements of the
25 state environmental policy act, unless otherwise provided for in this
26 chapter; and

27 (e) Payment of all applicable application fees charged by the
28 department under RCW 77.55.321.

29 (3) The department may establish direct billing accounts or other
30 funds transfer methods with permit applicants to satisfy the fee
31 payment requirements of RCW 77.55.321.

32 (4) The department may accept complete, written applications as
33 provided in this section for multiple site permits and may issue these
34 permits. For multiple site permits, each specific location must be
35 identified.

36 (5) With the exception of emergency permits as provided in
37 subsection (~~((+12+))~~) (13) of this section, applications for permits must

1 be submitted to the department's headquarters office in Olympia.
2 Requests for emergency permits as provided in subsection ~~((+12+))~~ (13)
3 of this section may be made to the permitting biologist assigned to the
4 location in which the emergency occurs, to the department's regional
5 office in which the emergency occurs, or to the department's
6 headquarters office.

7 (6) Except as provided for emergency permits in subsection ~~((+12+))~~
8 (13) of this section, the department may not proceed with permit review
9 until all fees are paid in full as required in RCW 77.55.321.

10 (7)(a) Protection of fish life is the only ground upon which
11 approval of a permit may be denied or conditioned. Approval of a
12 permit may not be unreasonably withheld or unreasonably conditioned.

13 (b) Except as provided in this subsection and subsections ~~((+12+)~~
14 ~~through (14) and (16+))~~ (13), (15), and (16) of this section, the
15 department has forty-five calendar days upon receipt of a complete
16 application to grant or deny approval of a permit. The forty-five day
17 requirement is suspended if:

18 (i) After ten working days of receipt of the application, the
19 applicant remains unavailable or unable to arrange for a timely field
20 evaluation of the proposed project;

21 (ii) The site is physically inaccessible for inspection;

22 (iii) The applicant requests a delay; or

23 (iv) The department is issuing a permit for a storm water discharge
24 and is complying with the requirements of RCW 77.55.161(3)(b).

25 (c) Immediately upon determination that the forty-five day period
26 is suspended under (b) of this subsection, the department shall notify
27 the applicant in writing of the reasons for the delay.

28 (d) The period of forty-five calendar days may be extended if the
29 permit is part of a multiagency permit streamlining effort and all
30 participating permitting agencies and the permit applicant agree to an
31 extended timeline longer than forty-five calendar days.

32 (8) If the department denies approval of a permit, the department
33 shall provide the applicant a written statement of the specific reasons
34 why and how the proposed project would adversely affect fish life.

35 (a) Except as provided in (b) of this subsection, issuance, denial,
36 conditioning, or modification of a permit shall be appealable to the
37 board within thirty days from the date of receipt of the decision as
38 provided in RCW 43.21B.230.

1 (b) Issuance, denial, conditioning, or modification of a permit may
2 be informally appealed to the department within thirty days from the
3 date of receipt of the decision. Requests for informal appeals must be
4 filed in the form and manner prescribed by the department by rule. A
5 permit decision that has been informally appealed to the department is
6 appealable to the board within thirty days from the date of receipt of
7 the department's decision on the informal appeal.

8 (9)(a) Notwithstanding the forty-five day decision timeline
9 required in this section, all decisions on applications under this
10 section must be completed and the decision returned to the applicant no
11 longer than ninety days of submitting the application. If the ninety-
12 day deadline is not satisfied, the applicant may file a motion in the
13 appropriate superior court requesting court approval of the
14 application.

15 (b) If the application is denied either within or after the ninety-
16 day decision period, the applicant may file a motion in the appropriate
17 superior court requesting the court to overturn the decision. This
18 subsection applies notwithstanding, and as an alternative to, any other
19 provision of law establishing appeal procedures. Applicants choosing
20 to utilize this appeal authority are deemed to have satisfied all
21 administrative remedies.

22 (10)(a) The permittee must demonstrate substantial progress on
23 construction of that portion of the project relating to the permit
24 within two years of the date of issuance.

25 (b) Approval of a permit is valid for up to five years from the
26 date of issuance, except as provided in (c) of this subsection and in
27 RCW 77.55.151.

28 (c) A permit remains in effect without need for periodic renewal
29 for hydraulic projects that divert water for agricultural irrigation or
30 stock watering purposes and that involve seasonal construction or other
31 work. A permit for streambank stabilization projects to protect farm
32 and agricultural land as defined in RCW 84.34.020 remains in effect
33 without need for periodic renewal if the problem causing the need for
34 the streambank stabilization occurs on an annual or more frequent
35 basis. The permittee must notify the appropriate agency before
36 commencing the construction or other work within the area covered by
37 the permit.

1 (~~(10)~~) (11) The department may, after consultation with the
2 permittee, modify a permit due to changed conditions. A modification
3 under this subsection is not subject to the fees provided under RCW
4 77.55.321. The modification is appealable as provided in subsection
5 (8) of this section. For a hydraulic project that diverts water for
6 agricultural irrigation or stock watering purposes, when the hydraulic
7 project or other work is associated with streambank stabilization to
8 protect farm and agricultural land as defined in RCW 84.34.020, the
9 burden is on the department to show that changed conditions warrant the
10 modification in order to protect fish life.

11 (~~(11)~~) (12) A permittee may request modification of a permit due
12 to changed conditions. The request must be processed within forty-five
13 calendar days of receipt of the written request and payment of
14 applicable fees under RCW 77.55.321. A decision by the department is
15 appealable as provided in subsection (8) of this section. For a
16 hydraulic project that diverts water for agricultural irrigation or
17 stock watering purposes, when the hydraulic project or other work is
18 associated with streambank stabilization to protect farm and
19 agricultural land as defined in RCW 84.34.020, the burden is on the
20 permittee to show that changed conditions warrant the requested
21 modification and that such a modification will not impair fish life.

22 (~~(12)~~) (13)(a) The department, the county legislative authority,
23 or the governor may declare and continue an emergency. If the county
24 legislative authority declares an emergency under this subsection, it
25 shall immediately notify the department. A declared state of emergency
26 by the governor under RCW 43.06.010 shall constitute a declaration
27 under this subsection.

28 (b) The department, through its authorized representatives, shall
29 issue immediately, upon request, verbal approval for a stream crossing,
30 or work to remove any obstructions, repair existing structures, restore
31 streambanks, protect fish life, or protect property threatened by the
32 stream or a change in the stream flow without the necessity of
33 obtaining a written permit prior to commencing work. Conditions of the
34 emergency verbal permit must be reduced to writing within thirty days
35 and complied with as provided for in this chapter.

36 (c) The department may not require the provisions of the state
37 environmental policy act, chapter 43.21C RCW, to be met as a condition
38 of issuing a permit under this subsection.

1 (d) The department may not charge a person requesting an emergency
2 permit any of the fees authorized by RCW 77.55.321 until after the
3 emergency permit is issued and reduced to writing.

4 (~~(13)~~) (14) All state and local agencies with authority under
5 this chapter to issue permits or other authorizations in connection
6 with emergency water withdrawals and facilities authorized under RCW
7 43.83B.410 shall expedite the processing of such permits or
8 authorizations in keeping with the emergency nature of such requests
9 and shall provide a decision to the applicant within fifteen calendar
10 days of the date of application.

11 (~~(14)~~) (15) The department or the county legislative authority
12 may determine an imminent danger exists. The county legislative
13 authority shall notify the department, in writing, if it determines
14 that an imminent danger exists. In cases of imminent danger, the
15 department shall issue an expedited written permit, upon request, for
16 work to remove any obstructions, repair existing structures, restore
17 banks, protect fish resources, or protect property. Expedited permit
18 requests require a complete written application as provided in
19 subsection (2) of this section and must be issued within fifteen
20 calendar days of the receipt of a complete written application.
21 Approval of an expedited permit is valid for up to sixty days from the
22 date of issuance. The department may not require the provisions of the
23 state environmental policy act, chapter 43.21C RCW, to be met as a
24 condition of issuing a permit under this subsection.

25 (~~(15)~~) (16)(a) For any property, except for property located on
26 a marine shoreline, that has experienced at least two consecutive years
27 of flooding or erosion that has damaged or has threatened to damage a
28 major structure, water supply system, septic system, or access to any
29 road or highway, the county legislative authority may determine that a
30 chronic danger exists. The county legislative authority shall notify
31 the department, in writing, when it determines that a chronic danger
32 exists. In cases of chronic danger, the department shall issue a
33 permit, upon request, for work necessary to abate the chronic danger by
34 removing any obstructions, repairing existing structures, restoring
35 banks, restoring road or highway access, protecting fish resources, or
36 protecting property. Permit requests must be made and processed in
37 accordance with subsections (2) and (7) of this section.

1 (b) Any projects proposed to address a chronic danger identified
2 under (a) of this subsection that satisfies the project description
3 identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions
4 of the state environmental policy act, chapter 43.21C RCW. However,
5 the project is subject to the review process established in RCW
6 77.55.181(3) as if it were a fish habitat improvement project.

7 ~~((16))~~ (17) The department may issue an expedited written permit
8 in those instances where normal permit processing would result in
9 significant hardship for the applicant or unacceptable damage to the
10 environment. Expedited permit requests require a complete written
11 application as provided in subsection (2) of this section and must be
12 issued within fifteen calendar days of the receipt of a complete
13 written application. Approval of an expedited permit is valid for up
14 to sixty days from the date of issuance. The department may not
15 require the provisions of the state environmental policy act, chapter
16 43.21C RCW, to be met as a condition of issuing a permit under this
17 subsection.

18 NEW SECTION. **Sec. 706.** A new section is added to chapter 90.76
19 RCW to read as follows:

20 (1) All decisions on license applications under this chapter must
21 be completed and the decision returned to the applicant within ninety
22 days of submitting the application. If the ninety-day deadline is not
23 satisfied, the applicant may file a motion in the appropriate superior
24 court requesting court approval of the application.

25 (2) If the license application is denied either within or after the
26 ninety-day decision period, the applicant may file a motion in the
27 appropriate superior court requesting the court to overturn the
28 decision. This subsection applies notwithstanding, and as an
29 alternative to, any other provision of law establishing appeal
30 procedures. Applicants choosing to utilize this appeal authority are
31 deemed to have satisfied all administrative remedies.

32 **Sec. 707.** RCW 78.44.081 and 1997 c 192 s 1 are each amended to
33 read as follows:

34 (1) After July 1, 1993, no miner or permit holder may engage in
35 surface mining without having first obtained a reclamation permit from
36 the department. Operating permits issued by the department between

1 January 1, 1971, and June 30, 1993, shall be considered reclamation
2 permits. A separate permit shall be required for each noncontiguous
3 surface mine. The reclamation permit shall consist of the permit forms
4 and any exhibits attached thereto. The permit holder shall comply with
5 the provisions of the reclamation permit unless waived and explained in
6 writing by the department.

7 (2) Prior to receiving a reclamation permit, an applicant must
8 submit an application on forms provided by the department that shall
9 contain the following information and shall be considered part of the
10 reclamation permit:

11 ((+1)) (a) Name and address of the legal landowner, or purchaser
12 of the land under a real estate contract;

13 ((+2)) (b) The name of the applicant and, if the applicants are
14 corporations or other business entities, the names and addresses of
15 their principal officers and resident agent for service of process;

16 ((+3)) (c) A reasonably accurate description of the minerals to be
17 surface mined;

18 ((+4)) (d) Type of surface mining to be performed;

19 ((+5)) (e) Estimated starting date, date of completion, and date
20 of completed reclamation of surface mining;

21 ((+6)) (f) Size and legal description of the permit area and
22 maximum lateral and vertical extent of the disturbed area;

23 ((+7)) (g) Expected area to be disturbed by surface mining during
24 ((+a)) (i) the next twelve months, and ((+b)) (ii) the following
25 twenty-four months;

26 ((+8)) (h) Any applicable SEPA documents; and

27 ((+9)) (i) Other pertinent data as required by the department.

28 (3) The reclamation permit shall be granted for the period required
29 to deplete essentially all minerals identified in the reclamation
30 permit on the land covered by the reclamation plan. The reclamation
31 permit shall be valid until the reclamation is complete unless the
32 permit is canceled by the department.

33 (4)(a) All decisions on applications under this chapter must be
34 completed and the decision returned to the applicant within ninety days
35 of submitting the application. If the ninety-day deadline is not
36 satisfied, the applicant may file a motion in the appropriate superior
37 court requesting court approval of the application.

1 (b) If the application is denied either within or after the ninety-
2 day decision period, the applicant may file a motion in the appropriate
3 superior court requesting the court to overturn the decision. This
4 subsection applies notwithstanding, and as an alternative to, any other
5 provision of law establishing appeal procedures. Applicants choosing
6 to utilize this appeal authority are deemed to have satisfied all
7 administrative remedies.

8 NEW SECTION. Sec. 708. A new section is added to chapter 18.104
9 RCW to read as follows:

10 (1) All decisions on applications under this chapter must be
11 completed and the decision returned to the applicant within ninety days
12 of submitting the application. If the ninety-day deadline is not
13 satisfied, the applicant may file a motion in the appropriate superior
14 court requesting court approval of the application.

15 (2) If the application is denied either within or after the ninety-
16 day decision period, the applicant may file a motion in the appropriate
17 superior court requesting the court to overturn the decision. This
18 subsection applies notwithstanding, and as an alternative to, any other
19 provision of law establishing appeal procedures. Applicants choosing
20 to utilize this appeal authority are deemed to have satisfied all
21 administrative remedies.

22 **Sec. 709.** RCW 86.16.025 and 1995 c 8 s 4 are each amended to read
23 as follows:

24 (1) Subject to RCW 43.21A.068, with respect to such features as may
25 affect flood conditions, the department shall have authority to
26 examine, approve, or reject designs and plans for any structure or
27 works, public or private, to be erected or built or to be reconstructed
28 or modified upon the banks or in or over the channel or over and across
29 the floodway of any stream or body of water in this state.

30 (2)(a) All decisions on applications under this chapter must be
31 completed and the decision returned to the applicant within ninety days
32 of submitting the application. If the ninety-day deadline is not
33 satisfied, the applicant may file a motion in the appropriate superior
34 court requesting court approval of the application.

35 (b) If the application is denied either within or after the ninety-
36 day decision period, the applicant may file a motion in the appropriate

1 superior court requesting the court to overturn the decision. This
2 subsection applies notwithstanding, and as an alternative to, any other
3 provision of law establishing appeal procedures. Applicants choosing
4 to utilize this appeal authority are deemed to have satisfied all
5 administrative remedies.

6 **Sec. 710.** RCW 70.95.205 and 1998 c 36 s 18 are each amended to
7 read as follows:

8 (1) Waste-derived soil amendments that meet the standards and
9 criteria in this section may apply for exemption from solid waste
10 permitting as required under RCW 70.95.170. The application shall be
11 submitted to the department in a format determined by the department or
12 an equivalent format. The application shall include:

13 (a) Analytical data showing that the waste-derived soil amendments
14 meet standards established under RCW 15.54.800; and

15 (b) Other information deemed appropriate by the department to
16 protect human health and the environment.

17 (2) After receipt of an application, the department shall review it
18 to determine whether the application is complete, and forward a copy of
19 the complete application to all interested jurisdictional health
20 departments for review and comment. Within forty-five days, the
21 jurisdictional health departments shall forward their comments and any
22 other information they deem relevant to the department, which shall
23 then give final approval or disapproval of the application. Every
24 complete application shall be approved or disapproved by the department
25 within ninety days after receipt. If the ninety-day deadline is not
26 satisfied, the applicant may file a motion in the appropriate superior
27 court requesting court approval of the application. If the application
28 is denied either within or after the ninety-day decision period, the
29 applicant may file a motion in the appropriate superior court
30 requesting the court to overturn the decision. This subsection applies
31 notwithstanding, and as an alternative to, any other provision of law
32 establishing appeal procedures. Applicants choosing to utilize this
33 appeal authority are deemed to have satisfied all administrative
34 remedies.

35 (3) The department, after providing opportunity for comments from
36 the jurisdictional health departments, may at any time revoke an
37 exemption granted under this section if the quality or use of the

1 waste-derived soil amendment changes or the management, storage, or end
2 use of the waste-derived soil amendment constitutes a threat to human
3 health or the environment.

4 (4) Any aggrieved party may appeal the determination by the
5 department in subsection (2) or (3) of this section to the pollution
6 control hearings board.

7 **Sec. 711.** RCW 15.54.820 and 1998 c 36 s 16 are each amended to
8 read as follows:

9 (1) After receipt from the department of the completed application
10 required by RCW 15.54.325, the department of ecology shall evaluate
11 whether the use of the proposed waste-derived fertilizer or the
12 micronutrient fertilizer as defined in RCW 15.54.270 is consistent with
13 the following:

- 14 (a) Chapter 70.95 RCW, the solid waste management act;
- 15 (b) Chapter 70.105 RCW, the hazardous waste management act; and
- 16 (c) 42 U.S.C. Sec. 6901 et seq., the resource conservation and
17 recovery act.

18 (2) The department of ecology shall apply the standards adopted in
19 RCW 15.54.800. If more stringent standards apply under chapter 173-303
20 WAC for the same constituents, the department of ecology must use the
21 more stringent standards.

22 (3) Within sixty days of receiving the completed application, the
23 department of ecology shall advise the department as to whether the
24 application complies with the requirements of subsections (1) and (2)
25 of this section. In making a determination, the department of ecology
26 shall consult with the department of health and the department of labor
27 and industries.

28 (4) A party aggrieved by a decision of the department of ecology to
29 issue a written approval under this section or to deny the issuance of
30 such an approval may appeal the decision to the pollution control
31 hearings board within thirty days of the decision. Review of such a
32 decision shall be conducted in accordance with either subsection (5) of
33 this section or with chapter 43.21B RCW(~~(-)~~), with any subsequent
34 appeal of a decision of the hearings board (~~(shall be)~~) obtained in
35 accordance with RCW 43.21B.180.

36 (5)(a) All decisions on applications under this chapter must be
37 completed and the decision returned to the applicant within ninety days

1 of submitting the application. If the ninety-day deadline is not
2 satisfied, the applicant may file a motion in the appropriate superior
3 court requesting court approval of the application.

4 (b) If the application is denied either within or after the ninety-
5 day decision period, the applicant may file a motion in the appropriate
6 superior court requesting the court to overturn the decision. This
7 subsection applies notwithstanding, and as an alternative to, any other
8 provision of law establishing appeal procedures. Applicants choosing
9 to utilize this appeal authority are deemed to have satisfied all
10 administrative remedies.

11 **Sec. 712.** RCW 43.21C.033 and 1995 c 347 s 422 are each amended to
12 read as follows:

13 (1)(a) Except as provided in subsection (2) of this section, the
14 responsible official shall make a threshold determination on a
15 completed application within ninety days after the application and
16 supporting documentation are complete. The applicant may request an
17 additional thirty days for the threshold determination. The
18 governmental entity responsible for making the threshold determination
19 shall by rule, resolution, or ordinance adopt standards, consistent
20 with rules adopted by the department to implement this chapter, for
21 determining when an application and supporting documentation are
22 complete.

23 (b) If the ninety-day deadline is not satisfied, the applicant may
24 file a motion in the appropriate superior court requesting court
25 approval of the application. If the application is denied either
26 within or after the ninety-day decision period, the applicant may file
27 a motion in the appropriate superior court requesting the court to
28 overturn the decision. This subsection applies notwithstanding, and as
29 an alternative to, any other provision of law establishing appeal
30 procedures. Applicants choosing to utilize this appeal authority are
31 deemed to have satisfied all administrative remedies.

32 (2) Subsection (1)(a) of this section shall not apply to a city,
33 town, or county that:

34 (a) By ordinance adopted prior to April 1, 1992, has adopted
35 procedures to integrate permit and land use decisions with the
36 requirements of this chapter; or

1 (b) Is planning under RCW 36.70A.040 (~~and is subject to the~~
2 ~~requirements of RCW 36.70B.090~~)).

3 **Sec. 713.** RCW 77.115.040 and 2011 c 339 s 37 are each amended to
4 read as follows:

5 (1) All aquatic farmers, as defined in RCW 15.85.020, shall
6 register with the department. The application fee is one hundred five
7 dollars. The director shall assign each aquatic farm a unique
8 registration number and develop and maintain in an electronic database
9 a registration list of all aquaculture farms. The department shall
10 establish procedures to annually update the aquatic farmer information
11 contained in the registration list. The department shall coordinate
12 with the department of health using shellfish growing area
13 certification data when updating the registration list.

14 (2)(a) All decisions on registrations under this chapter must be
15 completed and the decision returned to the applicant within ninety days
16 of submitting the registrations. If the ninety-day deadline is not
17 satisfied, the applicant may file a motion in the appropriate superior
18 court requesting court approval of the application.

19 (b) If the application is denied either within or after the ninety-
20 day decision period, the applicant may file a motion in the appropriate
21 superior court requesting the court to overturn the decision. This
22 subsection applies notwithstanding, and as an alternative to, any other
23 provision of law establishing appeal procedures. Applicants choosing
24 to utilize this appeal authority are deemed to have satisfied all
25 administrative remedies.

26 (3) Registered aquaculture farms shall provide the department with
27 the following information:

28 (a) The name of the aquatic farmer;

29 (b) The address of the aquatic farmer;

30 (c) Contact information such as telephone, fax, web site, and e-
31 mail address, if available;

32 (d) The number and location of acres under cultivation, including
33 a map displaying the location of the cultivated acres;

34 (e) The name of the landowner of the property being cultivated or
35 otherwise used in the aquatic farming operation;

36 (f) The private sector cultured aquatic product being propagated,
37 farmed, or cultivated; and

1 (g) Statistical production data.

2 ((+3)) (4) The state veterinarian shall be provided with
3 registration and statistical data by the department.

4 NEW SECTION. **Sec. 714.** A new section is added to chapter 69.30
5 RCW to read as follows:

6 (1) All decisions on applications under this chapter must be
7 completed and the decision returned to the applicant within ninety days
8 of submitting the application. If the ninety-day deadline is not
9 satisfied, the applicant may file a motion in the appropriate superior
10 court requesting court approval of the application.

11 (2) If the application is denied either within or after the ninety-
12 day decision period, the applicant may file a motion in the appropriate
13 superior court requesting the court to overturn the decision. This
14 subsection applies notwithstanding, and as an alternative to, any other
15 provision of law establishing appeal procedures. Applicants choosing
16 to utilize this appeal authority are deemed to have satisfied all
17 administrative remedies.

18 NEW SECTION. **Sec. 715.** A new section is added to chapter 90.64
19 RCW to read as follows:

20 (1) All decisions on applications under this chapter must be
21 completed and the decision returned to the applicant within ninety days
22 of submitting the application. If the ninety-day deadline is not
23 satisfied, the applicant may file a motion in the appropriate superior
24 court requesting court approval of the application.

25 (2) If the application is denied either within or after the ninety-
26 day decision period, the applicant may file a motion in the appropriate
27 superior court requesting the court to overturn the decision. This
28 subsection applies notwithstanding, and as an alternative to, any other
29 provision of law establishing appeal procedures. Applicants choosing
30 to utilize this appeal authority are deemed to have satisfied all
31 administrative remedies.

32 NEW SECTION. **Sec. 716.** A new section is added to chapter 15.58
33 RCW to read as follows:

34 (1) All decisions on applications under this chapter must be
35 completed and the decision returned to the applicant within ninety days

1 of submitting the application. If the ninety-day deadline is not
2 satisfied, the applicant may file a motion in the appropriate superior
3 court requesting court approval of the application.

4 (2) If the application is denied either within or after the ninety-
5 day decision period, the applicant may file a motion in the appropriate
6 superior court requesting the court to overturn the decision. This
7 subsection applies notwithstanding, and as an alternative to, any other
8 provision of law establishing appeal procedures. Applicants choosing
9 to utilize this appeal authority are deemed to have satisfied all
10 administrative remedies.

11 NEW SECTION. **Sec. 717.** A new section is added to chapter 17.21
12 RCW to read as follows:

13 (1) All decisions on applications under this chapter must be
14 completed and the decision returned to the applicant within ninety days
15 of submitting the application. If the ninety-day deadline is not
16 satisfied, the applicant may file a motion in the appropriate superior
17 court requesting court approval of the application.

18 (2) If the application is denied either within or after the ninety-
19 day decision period, the applicant may file a motion in the appropriate
20 superior court requesting the court to overturn the decision. This
21 subsection applies notwithstanding, and as an alternative to, any other
22 provision of law establishing appeal procedures. Applicants choosing
23 to utilize this appeal authority are deemed to have satisfied all
24 administrative remedies.

25 **Sec. 718.** RCW 16.65.030 and 2003 c 326 s 65 are each amended to
26 read as follows:

27 (1) No person shall operate a public livestock market without first
28 having obtained a license from the director. Application for a license
29 shall be in writing on forms prescribed by the director, and shall
30 include the following:

31 (a) A nonrefundable original license application fee of two
32 thousand dollars.

33 (b) A legal description of the property upon which the public
34 livestock market shall be located.

35 (c) A complete description and blueprints or plans of the public

1 livestock market physical plant, yards, pens, and all facilities the
2 applicant proposes to use in the operation of such public livestock
3 market.

4 (d) A financial statement, audited by a certified or licensed
5 public accountant, to determine whether or not the applicant meets the
6 minimum net worth requirements, established by the director by rule, to
7 construct and/or operate a public livestock market. If the applicant
8 is a subsidiary of a larger company, corporation, society, or
9 cooperative association, both the parent company and the subsidiary
10 company must submit a financial statement to determine whether or not
11 the applicant meets the minimum net worth requirements. All financial
12 statement information required by this subsection is confidential
13 information and not subject to public disclosure.

14 (e) The schedule of rates and charges the applicant proposes to
15 impose on the owners of livestock for services rendered in the
16 operation of such livestock market.

17 (f) The weekly or monthly sales day or days on which the applicant
18 proposes to operate his or her public livestock market sales and the
19 class of livestock that may be sold on these days.

20 (g) Projected source and quantity of livestock anticipated to be
21 handled.

22 (h) Projected gross dollar volume of business to be carried on, at,
23 or through the public livestock market during the first year's
24 operation.

25 (i) Facts upon which is based the conclusion that the trade area
26 and the livestock industry will benefit because of the proposed market.

27 (j) Other information as the director may require by rule.

28 (2) If the director determines that the applicant meets all the
29 requirements of subsection (1) of this section, the director shall
30 conduct a public hearing as provided by chapter 34.05 RCW, and shall
31 grant or deny an application for original license for a public
32 livestock market after considering evidence and testimony relating to
33 the requirements of this section and giving reasonable consideration
34 to:

35 (a) Benefits to the livestock industry to be derived from the
36 establishment and operation of the public livestock market proposed in
37 the application;

38 (b) The geographical area that will be affected;

1 (c) The conflict, if any, with sales days already allocated in the
2 area;

3 (d) The amount and class of livestock available for marketing in
4 the area;

5 (e) Buyers available to the proposed market; and

6 (f) Any other conditions affecting the orderly marketing of
7 livestock.

8 (3) Before a license is issued to operate a public livestock
9 market, the applicant must:

10 (a) Execute and deliver to the director a surety bond as required
11 under RCW 16.65.200;

12 (b) Provide evidence of a custodial account, as required under RCW
13 16.65.140, for the consignor's proceeds;

14 (c) Pay the appropriate license fee; and

15 (d) Provide other information required under this chapter and rules
16 adopted under this chapter.

17 (4)(a) All decisions under this section must be completed and the
18 decision returned to the applicant within ninety days of submitting the
19 registrations. If the ninety-day deadline is not satisfied, the
20 applicant may file a motion in the appropriate superior court
21 requesting court approval of the application.

22 (b) If the application is denied either within or after the ninety-
23 day decision period, the applicant may file a motion in the appropriate
24 superior court requesting the court to overturn the decision. This
25 subsection applies notwithstanding, and as an alternative to, any other
26 provision of law establishing appeal procedures. Applicants choosing
27 to utilize this appeal authority are deemed to have satisfied all
28 administrative remedies.

29 NEW SECTION. Sec. 719. A new section is added to chapter 70.95J
30 RCW to read as follows:

31 (1) All decisions on applications under this chapter must be
32 completed and the decision returned to the applicant within ninety days
33 of submitting the application. If the ninety-day deadline is not
34 satisfied, the applicant may file a motion in the appropriate superior
35 court requesting court approval of the application.

36 (2) If the application is denied either within or after the ninety-
37 day decision period, the applicant may file a motion in the appropriate

1 superior court requesting the court to overturn the decision. This
2 subsection applies notwithstanding, and as an alternative to, any other
3 provision of law establishing appeal procedures. Applicants choosing
4 to utilize this appeal authority are deemed to have satisfied all
5 administrative remedies.

6 **Sec. 720.** RCW 70.119A.110 and 2011 c 102 s 1 are each amended to
7 read as follows:

8 (1) No person may operate a group A public water system unless the
9 person first submits an application to the department and receives an
10 operating permit as provided in this section. A new application must
11 be submitted upon any change in ownership of the system.

12 (2) The department may require that each application include the
13 information that is reasonable and necessary to determine that the
14 system complies with applicable standards and requirements of the
15 federal safe drinking water act, state law, and rules adopted by the
16 department or by the state board of health.

17 (3)(a) Following its review of the application, its supporting
18 material, and any information received by the department in its
19 investigation of the application, the department shall issue or deny
20 the operating permit. The department shall act on initial permit
21 applications as expeditiously as possible, and shall in all cases
22 either grant or deny the application within (~~one hundred twenty~~)
23 ninety days of receipt of the application or of any supplemental
24 information required to complete the application.

25 (b) The applicant for a permit shall be entitled to two different
26 appeals pathways:

27 (i) The applicant may file an appeal in accordance with chapter
28 34.05 RCW if the department denies the initial or subsequent
29 applications or imposes conditions or requirements upon the operator.
30 Any operator of a public water system that requests a hearing may
31 continue to operate the system until a decision is issued after the
32 hearing.

33 (ii) In the alternative, if the ninety-day deadline is not
34 satisfied, the applicant may file a motion in the appropriate superior
35 court requesting court approval of the application. If the application
36 is denied either within or after the ninety-day decision period, the
37 applicant may file a motion in the appropriate superior court

1 requesting the court to overturn the decision. This subsection applies
2 notwithstanding, and as an alternative to, any other provision of law
3 establishing appeal procedures. Applicants choosing to utilize this
4 appeal authority are deemed to have satisfied all administrative
5 remedies.

6 (4) At the time of initial permit application or at the time of
7 permit renewal the department may impose such permit conditions,
8 requirements for system improvements, and compliance schedules as it
9 determines are reasonable and necessary to ensure that the system will
10 provide a safe and reliable water supply to its users.

11 (5) Operating permits shall be issued for a term of one year, and
12 shall be renewed annually, unless the operator fails to apply for a new
13 permit or the department finds good cause to deny the application for
14 renewal.

15 (6) Each application shall be accompanied by an annual fee.

16 (7) The department shall adopt rules, in accordance with chapter
17 34.05 RCW, necessary to implement this section.

18 (8) The department shall establish by rule categories of annual
19 operating permit fees based on system size, complexity, and number of
20 service connections. Fees charged must be sufficient to cover, but may
21 not exceed, the costs to the department of administering a program for
22 safe and reliable drinking water. The department shall use operating
23 permit fees to monitor and enforce compliance by group A public water
24 systems with state and federal laws that govern planning, water use
25 efficiency, design, construction, operation, maintenance, financing,
26 management, and emergency response.

27 (9) The annual per-connection fee may not exceed one dollar and
28 fifty cents. The department shall phase-in implementation of any
29 annual fee increase greater than ten percent, and shall establish the
30 schedule for implementation by rule. Rules established by the
31 department prior to 2020 must limit the annual operating permit fee for
32 any public water system to no greater than one hundred thousand
33 dollars.

34 (10) The department shall notify existing public water systems of
35 the requirements of RCW 70.119A.030, 70.119A.060, and this section at
36 least one hundred twenty days prior to the date that an application for
37 a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and this
38 section.

1 (11) The department shall issue one operating permit to any
2 approved satellite system management agency. Operating permit fees for
3 approved satellite system management agencies must be established by
4 the department by rule. Rules established by the department must set
5 a single fee based on the total number of connections for all group A
6 public water systems owned by a satellite management agency.

7 (12) For purposes of this section, "group A public water system"
8 and "system" mean those water systems with fifteen or more service
9 connections, regardless of the number of people; or a system serving an
10 average of twenty-five or more people per day for sixty or more days
11 within a calendar year, regardless of the number of service
12 connections.

13 **Sec. 721.** RCW 90.03.350 and 1995 c 8 s 6 are each amended to read
14 as follows:

15 (1) Except as provided in RCW 43.21A.068, any person, corporation
16 or association intending to construct or modify any dam or controlling
17 works for the storage of ten acre feet or more of water, shall before
18 beginning said construction or modification, submit plans and
19 specifications of the same to the department for examination and
20 approval as to its safety. Such plans and specifications shall be
21 submitted in duplicate, one copy of which shall be retained as a public
22 record, by the department, and the other returned with its approval or
23 rejection endorsed thereon. No such dam or controlling works shall be
24 constructed or modified until the same or any modification thereof
25 shall have been approved as to its safety by the department. Any such
26 dam or controlling works constructed or modified in any manner other
27 than in accordance with plans and specifications approved by the
28 department or which shall not be maintained in accordance with the
29 order of the department shall be presumed to be a public nuisance and
30 may be abated in the manner provided by law, and it shall be the duty
31 of the attorney general or prosecuting attorney of the county wherein
32 such dam or controlling works, or the major portion thereof, is
33 situated to institute abatement proceedings against the owner or owners
34 of such dam or controlling works, whenever he or she is requested to do
35 so by the department.

36 (2) A metals mining and milling operation regulated under chapter
37 232, Laws of 1994 is subject to additional dam safety inspection

1 requirements due to the special hazards associated with failure of a
2 tailings pond impoundment. The department shall inspect these
3 impoundments at least quarterly during the project's operation and at
4 least annually thereafter for the postclosure monitoring period in
5 order to ensure the safety of the dam or controlling works. The
6 department shall conduct additional inspections as needed during the
7 construction phase of the mining operation in order to ensure the safe
8 construction of the tailings impoundment.

9 (3)(a) All decisions on plan applications under this section must
10 be completed and the decision returned to the applicant within ninety
11 days of submitting the application. If the ninety-day deadline is not
12 satisfied, the applicant may file a motion in the appropriate superior
13 court requesting court approval of the application.

14 (b) If the application is denied either within or after the ninety-
15 day decision period, the applicant may file a motion in the appropriate
16 superior court requesting the court to overturn the decision. This
17 subsection applies notwithstanding, and as an alternative to, any other
18 provision of law establishing appeal procedures. Applicants choosing
19 to utilize this appeal authority are deemed to have satisfied all
20 administrative remedies.

21 **Sec. 722.** RCW 90.03.370 and 2003 c 329 s 1 are each amended to
22 read as follows:

23 (1)(a) All applications for reservoir permits are subject to the
24 provisions of RCW 90.03.250 through 90.03.320. But the party or
25 parties proposing to apply to a beneficial use the water stored in any
26 such reservoir shall also file an application for a permit, to be known
27 as the secondary permit, which shall be in compliance with the
28 provisions of RCW 90.03.250 through 90.03.320. Such secondary
29 application shall refer to such reservoir as its source of water supply
30 and shall show documentary evidence that an agreement has been entered
31 into with the owners of the reservoir for a permanent and sufficient
32 interest in said reservoir to impound enough water for the purposes set
33 forth in said application. When the beneficial use has been completed
34 and perfected under the secondary permit, the department shall take the
35 proof of the water users under such permit and the final certificate of
36 appropriation shall refer to both the ditch and works described in the
37 secondary permit and the reservoir described in the primary permit.

1 The department may accept for processing a single application form
2 covering both a proposed reservoir and a proposed secondary permit or
3 permits for use of water from that reservoir.

4 (b) The department shall expedite processing applications for the
5 following types of storage proposals:

6 (i) Development of storage facilities that will not require a new
7 water right for diversion or withdrawal of the water to be stored;

8 (ii) Adding or changing one or more purposes of use of stored
9 water;

10 (iii) Adding to the storage capacity of an existing storage
11 facility; and

12 (iv) Applications for secondary permits to secure use from existing
13 storage facilities.

14 (c) A secondary permit for the beneficial use of water shall not be
15 required for use of water stored in a reservoir where the water right
16 for the source of the stored water authorizes the beneficial use.

17 (2)(a) All decisions on applications under this section must be
18 completed and the decision returned to the applicant within ninety days
19 of submitting the application. If the ninety-day deadline is not
20 satisfied, the applicant may file a motion in the appropriate superior
21 court requesting court approval of the application.

22 (b) If the application is denied either within or after the ninety-
23 day decision period, the applicant may file a motion in the appropriate
24 superior court requesting the court to overturn the decision. This
25 subsection applies notwithstanding, and as an alternative to, any other
26 provision of law establishing appeal procedures. Applicants choosing
27 to utilize this appeal authority are deemed to have satisfied all
28 administrative remedies.

29 (3)(a) For the purposes of this section, "reservoir" includes, in
30 addition to any surface reservoir, any naturally occurring underground
31 geological formation where water is collected and stored for subsequent
32 use as part of an underground artificial storage and recovery project.
33 To qualify for issuance of a reservoir permit an underground geological
34 formation must meet standards for review and mitigation of adverse
35 impacts identified, for the following issues:

36 (i) Aquifer vulnerability and hydraulic continuity;

37 (ii) Potential impairment of existing water rights;

- 1 (iii) Geotechnical impacts and aquifer boundaries and
2 characteristics;
3 (iv) Chemical compatibility of surface waters and groundwater;
4 (v) Recharge and recovery treatment requirements;
5 (vi) System operation;
6 (vii) Water rights and ownership of water stored for recovery; and
7 (viii) Environmental impacts.

8 (b) Standards for review and standards for mitigation of adverse
9 impacts for an underground artificial storage and recovery project
10 shall be established by the department by rule. Notwithstanding the
11 provisions of RCW 90.03.250 through 90.03.320, analysis of each
12 underground artificial storage and recovery project and each
13 underground geological formation for which an applicant seeks the
14 status of a reservoir shall be through applicant-initiated studies
15 reviewed by the department.

16 ~~((+3))~~ (4) For the purposes of this section, "underground
17 artificial storage and recovery project" means any project in which it
18 is intended to artificially store water in the ground through
19 injection, surface spreading and infiltration, or other department-
20 approved method, and to make subsequent use of the stored water.
21 However, (a) this subsection does not apply to irrigation return flow,
22 or to operational and seepage losses that occur during the irrigation
23 of land, or to water that is artificially stored due to the
24 construction, operation, or maintenance of an irrigation district
25 project, or to projects involving water reclaimed in accordance with
26 chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of
27 claimed artificial recharge occurring due to the construction,
28 operation, or maintenance of an irrigation district project or
29 operational and seepage losses that occur during the irrigation of
30 land, as well as other forms of claimed artificial recharge already
31 existing at the time a groundwater subarea is established.

32 ~~((+4))~~ (5) Nothing in chapter 98, Laws of 2000 changes the
33 requirements of existing law governing issuance of permits to
34 appropriate or withdraw the waters of the state.

35 ~~((+5))~~ (6) The department shall report to the legislature by
36 December 31, 2001, on the standards for review and standards for
37 mitigation developed under subsection ~~((+3))~~ (4) of this section and

1 on the status of any applications that have been filed with the
2 department for underground artificial storage and recovery projects by
3 that date.

4 ~~((+6))~~ (7) Where needed to ensure that existing storage capacity
5 is effectively and efficiently used to meet multiple purposes, the
6 department may authorize reservoirs to be filled more than once per
7 year or more than once per season of use.

8 ~~((+7))~~ (8) This section does not apply to facilities to recapture
9 and reuse return flow from irrigation operations serving a single farm
10 under an existing water right as long as the acreage irrigated is not
11 increased beyond the acreage allowed to be irrigated under the water
12 right.

13 ~~((+8))~~ (9) In addition to the facilities exempted under subsection
14 ~~((+7))~~ (8) of this section, this section does not apply to small
15 irrigation impoundments. For purposes of this section, "small
16 irrigation impoundments" means lined surface storage ponds less than
17 ten acre feet in volume used to impound irrigation water under an
18 existing water right where use of the impoundment: (a)(i) Facilitates
19 efficient use of water; or (ii) promotes compliance with an approved
20 recovery plan for endangered or threatened species; and (b) does not
21 expand the number of acres irrigated or the annual consumptive quantity
22 of water used. Such ponds must be lined unless a licensed engineer
23 determines that a liner is not needed to retain water in the pond and
24 to prevent groundwater contamination. Although it may also be composed
25 of other materials, a properly maintained liner may be composed of
26 bentonite. Water remaining in a small irrigation impoundment at the
27 end of an irrigation season may be carried over for use in the next
28 season. However, the limitations of this subsection ~~((+8))~~ (9) apply.
29 Development and use of a small irrigation impoundment does not
30 constitute a change or amendment for purposes of RCW 90.03.380 or
31 90.44.055.

32 **Sec. 723.** RCW 90.58.140 and 2012 c 84 s 2 are each amended to read
33 as follows:

34 (1) A development shall not be undertaken on the shorelines of the
35 state unless it is consistent with the policy of this chapter and,
36 after adoption or approval, as appropriate, the applicable guidelines,
37 rules, or master program.

1 (2) A substantial development shall not be undertaken on shorelines
2 of the state without first obtaining a permit from the government
3 entity having administrative jurisdiction under this chapter.

4 A permit shall be granted:

5 (a) From June 1, 1971, until such time as an applicable master
6 program has become effective, only when the development proposed is
7 consistent with: (i) The policy of RCW 90.58.020; and (ii) after their
8 adoption, the guidelines and rules of the department; and (iii) so far
9 as can be ascertained, the master program being developed for the area;

10 (b) After adoption or approval, as appropriate, by the department
11 of an applicable master program, only when the development proposed is
12 consistent with the applicable master program and this chapter.

13 (3) The local government shall establish a program, consistent with
14 rules adopted by the department, for the administration and enforcement
15 of the permit system provided in this section. The administration of
16 the system so established shall be performed exclusively by the local
17 government.

18 (4) Except as otherwise specifically provided in subsection (11) of
19 this section, the local government shall require notification of the
20 public of all applications for permits governed by any permit system
21 established pursuant to subsection (3) of this section by ensuring that
22 notice of the application is given by at least one of the following
23 methods:

24 (a) Mailing of the notice to the latest recorded real property
25 owners as shown by the records of the county assessor within at least
26 three hundred feet of the boundary of the property upon which the
27 substantial development is proposed;

28 (b) Posting of the notice in a conspicuous manner on the property
29 upon which the project is to be constructed; or

30 (c) Any other manner deemed appropriate by local authorities to
31 accomplish the objectives of reasonable notice to adjacent landowners
32 and the public.

33 The notices shall include a statement that any person desiring to
34 submit written comments concerning an application, or desiring to
35 receive notification of the final decision concerning an application as
36 expeditiously as possible after the issuance of the decision, may
37 submit the comments or requests for decisions to the local government
38 within thirty days of the last date the notice is to be published

1 pursuant to this subsection. The local government shall forward, in a
2 timely manner following the issuance of a decision, a copy of the
3 decision to each person who submits a request for the decision.

4 If a hearing is to be held on an application, notices of such a
5 hearing shall include a statement that any person may submit oral or
6 written comments on an application at the hearing.

7 (5) The system shall include provisions to assure that construction
8 pursuant to a permit will not begin or be authorized until twenty-one
9 days from the date the permit decision was filed as provided in
10 subsection (6) of this section; or until all review proceedings are
11 terminated if the proceedings were initiated within twenty-one days
12 from the date of filing as defined in subsection (6) of this section
13 except as follows:

14 (a) In the case of any permit issued to the state of Washington,
15 department of transportation, for the construction and modification of
16 SR 90 (I-90) on or adjacent to Lake Washington, the construction may
17 begin after thirty days from the date of filing, and the permits are
18 valid until December 31, 1995;

19 (b)(i) In the case of any permit or decision to issue any permit to
20 the state of Washington, department of transportation, for the
21 replacement of the floating bridge and landings of the state route
22 number 520 Evergreen Point bridge on or adjacent to Lake Washington,
23 the construction may begin twenty-one days from the date of filing.
24 Any substantial development permit granted for the floating bridge and
25 landings is deemed to have been granted on the date that the local
26 government's decision to grant the permit is issued. This
27 authorization to construct is limited to only those elements of the
28 floating bridge and landings that do not preclude the department of
29 transportation's selection of a four-lane alternative for state route
30 number 520 between Interstate 5 and Medina. Additionally, the
31 Washington state department of transportation shall not engage in or
32 contract for any construction on any portion of state route number 520
33 between Interstate 5 and the western landing of the floating bridge
34 until the legislature has authorized the imposition of tolls on the
35 Interstate 90 floating bridge and/or other funding sufficient to
36 complete construction of the state route number 520 bridge replacement
37 and HOV program. For the purposes of this subsection (5)(b), the
38 "western landing of the floating bridge" means the least amount of new

1 construction necessary to connect the new floating bridge to the
2 existing state route number 520 and anchor the west end of the new
3 floating bridge;

4 (ii) Nothing in this subsection (5)(b) precludes the shorelines
5 hearings board from concluding that the project or any element of the
6 project is inconsistent with the goals and policies of the shoreline
7 management act or the local shoreline master program;

8 (iii) This subsection (5)(b) applies retroactively to any appeals
9 filed after January 1, 2012, and to any appeals filed on or after March
10 23, 2012, and expires June 30, 2014.

11 (c) Except as authorized in (b) of this subsection, construction
12 may be commenced no sooner than thirty days after the date of the
13 appeal of the board's decision is filed if a permit is granted by the
14 local government and (i) the granting of the permit is appealed to the
15 shorelines hearings board within twenty-one days of the date of filing,
16 (ii) the hearings board approves the granting of the permit by the
17 local government or approves a portion of the substantial development
18 for which the local government issued the permit, and (iii) an appeal
19 for judicial review of the hearings board decision is filed pursuant to
20 chapter 34.05 RCW. The appellant may request, within ten days of the
21 filing of the appeal with the court, a hearing before the court to
22 determine whether construction pursuant to the permit approved by the
23 hearings board or to a revised permit issued pursuant to the order of
24 the hearings board should not commence. If, at the conclusion of the
25 hearing, the court finds that construction pursuant to such a permit
26 would involve a significant, irreversible damaging of the environment,
27 the court shall prohibit the permittee from commencing the construction
28 pursuant to the approved or revised permit until all review proceedings
29 are final. Construction pursuant to a permit revised at the direction
30 of the hearings board may begin only on that portion of the substantial
31 development for which the local government had originally issued the
32 permit, and construction pursuant to such a revised permit on other
33 portions of the substantial development may not begin until after all
34 review proceedings are terminated. In such a hearing before the court,
35 the burden of proving whether the construction may involve significant
36 irreversible damage to the environment and demonstrating whether such
37 construction would or would not be appropriate is on the appellant;

1 (d) Except as authorized in (b) of this subsection, if the permit
2 is for a substantial development meeting the requirements of subsection
3 (11) of this section, construction pursuant to that permit may not
4 begin or be authorized until twenty-one days from the date the permit
5 decision was filed as provided in subsection (6) of this section.

6 If a permittee begins construction pursuant to (a), (b), (c), or
7 (d) of this subsection, the construction is begun at the permittee's
8 own risk. If, as a result of judicial review, the courts order the
9 removal of any portion of the construction or the restoration of any
10 portion of the environment involved or require the alteration of any
11 portion of a substantial development constructed pursuant to a permit,
12 the permittee is barred from recovering damages or costs involved in
13 adhering to such requirements from the local government that granted
14 the permit, the hearings board, or any appellant or intervener.

15 (6) Any decision on an application for a permit under the authority
16 of this section, whether it is an approval or a denial, shall,
17 concurrently with the transmittal of the ruling to the applicant, be
18 filed with the department and the attorney general. This shall be
19 accomplished by return receipt requested mail. A petition for review
20 of such a decision must be commenced within twenty-one days from the
21 date of filing of the decision.

22 (a) With regard to a permit other than a permit governed by
23 subsection (10) of this section, "date of filing" as used in this
24 section refers to the date of actual receipt by the department of the
25 local government's decision.

26 (b) With regard to a permit for a variance or a conditional use
27 governed by subsection (10) of this section, "date of filing" means the
28 date the decision of the department is transmitted by the department to
29 the local government.

30 (c) When a local government simultaneously transmits to the
31 department its decision on a shoreline substantial development with its
32 approval of either a shoreline conditional use permit or variance, or
33 both, "date of filing" has the same meaning as defined in (b) of this
34 subsection.

35 (d) The department shall notify in writing the local government and
36 the applicant of the date of filing by telephone or electronic means,
37 followed by written communication as necessary, to ensure that the
38 applicant has received the full written decision.

1 (7) Applicants for permits under this section have the burden of
2 proving that a proposed substantial development is consistent with the
3 criteria that must be met before a permit is granted. In any review of
4 the granting or denial of an application for a permit as provided in
5 RCW 90.58.180 (1) and (2), the person requesting the review has the
6 burden of proof.

7 (8) Any permit may, after a hearing with adequate notice to the
8 permittee and the public, be rescinded by the issuing authority upon
9 the finding that a permittee has not complied with conditions of a
10 permit. If the department is of the opinion that noncompliance exists,
11 the department shall provide written notice to the local government and
12 the permittee. If the department is of the opinion that the
13 noncompliance continues to exist thirty days after the date of the
14 notice, and the local government has taken no action to rescind the
15 permit, the department may petition the hearings board for a rescission
16 of the permit upon written notice of the petition to the local
17 government and the permittee if the request by the department is made
18 to the hearings board within fifteen days of the termination of the
19 thirty-day notice to the local government.

20 (9) The holder of a certification from the governor pursuant to
21 chapter 80.50 RCW shall not be required to obtain a permit under this
22 section.

23 (10) Any permit for a variance or a conditional use issued with
24 approval by a local government under their approved master program must
25 be submitted to the department for its approval or disapproval.

26 (11)(a) An application for a substantial development permit for a
27 limited utility extension or for the construction of a bulkhead or
28 other measures to protect a single-family residence and its appurtenant
29 structures from shoreline erosion shall be subject to the following
30 procedures:

31 (i) The public comment period under subsection (4) of this section
32 shall be twenty days. The notice provided under subsection (4) of this
33 section shall state the manner in which the public may obtain a copy of
34 the local government decision on the application no later than two days
35 following its issuance;

36 (ii) The local government shall issue its decision to grant or deny
37 the permit within twenty-one days of the last day of the comment period
38 specified in (a)(i) of this subsection; and

1 (iii) If there is an appeal of the decision to grant or deny the
2 permit to the local government legislative authority, the appeal shall
3 be finally determined by the legislative authority within thirty days.

4 (b) For purposes of this section, a limited utility extension means
5 the extension of a utility service that:

6 (i) Is categorically exempt under chapter 43.21C RCW for one or
7 more of the following: Natural gas, electricity, telephone, water, or
8 sewer;

9 (ii) Will serve an existing use in compliance with this chapter;
10 and

11 (iii) Will not extend more than twenty-five hundred linear feet
12 within the shorelines of the state.

13 (12)(a) All decisions on permits under this section must be
14 completed and the decision returned to the applicant within ninety days
15 of submitting the application. If the ninety-day deadline is not
16 satisfied, the applicant may file a motion in the appropriate superior
17 court requesting court approval of the permit.

18 (b) If the permit is denied either within or after the ninety-day
19 decision period, the applicant may file a motion in the appropriate
20 superior court requesting the court to overturn the decision. This
21 subsection applies notwithstanding, and as an alternative to, any other
22 provision of law establishing appeal procedures. Applicants choosing
23 to utilize this appeal authority are deemed to have satisfied all
24 administrative remedies.

25 **Sec. 724.** RCW 70.118B.030 and 2007 c 343 s 4 are each amended to
26 read as follows:

27 (1) A person may not install or operate a large on-site sewage
28 system without an operating permit as provided in this chapter after
29 July 1, 2009. The owner of the system is responsible for obtaining a
30 permit.

31 (2) The department shall issue operating permits in accordance with
32 the rules adopted under RCW 70.118B.040.

33 (3) The department shall ensure the system meets all applicable
34 siting, design, construction, and installation requirements prior to
35 issuing an initial operating permit. Prior to renewing an operating
36 permit, the department may review the performance of the system to
37 determine compliance with rules and any permit conditions.

1 (4) At the time of initial permit application or at the time of
2 permit renewal the department shall impose those permit conditions,
3 requirements for system improvements, and compliance schedules as it
4 determines are reasonable and necessary to ensure that the system will
5 be operated and maintained properly. Each application must be
6 accompanied by a fee as established in rules adopted by the department.

7 (5) Operating permits shall be issued for a term of one year, and
8 shall be renewed annually, unless the operator fails to apply for a new
9 permit or the department finds good cause to deny the application for
10 renewal.

11 (6) Each permit may be issued only for the site and owner named in
12 the application. Permits are not transferable or assignable except
13 with the written approval of the department.

14 (7) The department may deny an application for a permit or modify,
15 suspend, or revoke a permit in any case in which it finds that the
16 permit was obtained by fraud or there is or has been a failure,
17 refusal, or inability to comply with the requirements of this chapter
18 or the standards or rules adopted under this chapter. RCW 43.70.115
19 governs notice of denial, revocation, suspension, or modification and
20 provides the right to an adjudicative proceeding to the permit
21 applicant or permittee.

22 (8) For systems with design flows of more than fourteen thousand
23 five hundred gallons per day, the department shall adopt rules to
24 ensure adequate public notice and opportunity for review and comment on
25 initial large on-site sewage system permit applications and subsequent
26 permit applications to increase the volume of waste disposal or change
27 effluent characteristics. The rules must include provisions for notice
28 of final decisions. Methods for providing notice may include
29 electronic mail, posting on the department's internet site, publication
30 in a local newspaper, press releases, mailings, or other means of
31 notification the department determines appropriate.

32 (9) A person aggrieved by the issuance of an initial permit, or by
33 the issuance of a subsequent permit to increase the volume of waste
34 disposal or to change effluent characteristics, for systems with design
35 flows of more than fourteen thousand five hundred gallons per day, has
36 the right to an adjudicative proceeding. The application for an
37 adjudicative proceeding must be in writing, state the basis for
38 contesting the action, include a copy of the decision, be served on and

1 received by the department within twenty-eight days of receipt of
2 notice of the final decision, and be served in a manner that shows
3 proof of receipt. An adjudicative proceeding conducted under this
4 subsection is governed by chapter 34.05 RCW.

5 (10) Any permit issued by the department of ecology for a large
6 on-site sewage system under chapter 90.48 RCW is valid until it first
7 expires after July 22, 2007. The system owner shall apply for an
8 operating permit at least one hundred twenty days prior to expiration
9 of the department of ecology permit.

10 (11) Systems required to meet operator certification requirements
11 under chapter 70.95B RCW must continue to meet those requirements as a
12 condition of the department operating permit.

13 (12)(a) All decisions on permits under this section must be
14 completed and the decision returned to the applicant within ninety days
15 of submitting the application. If the ninety-day deadline is not
16 satisfied, the applicant may file a motion in the appropriate superior
17 court requesting court approval of the permit.

18 (b) If the permit is denied either within or after the ninety-day
19 decision period, the applicant may file a motion in the appropriate
20 superior court requesting the court to overturn the decision. This
21 subsection applies notwithstanding, and as an alternative to, any other
22 provision of law establishing appeal procedures. Applicants choosing
23 to utilize this appeal authority are deemed to have satisfied all
24 administrative remedies.

25 NEW SECTION. Sec. 725. A new section is added to chapter 90.66
26 RCW to read as follows:

27 (1) All decisions on permits or transfers under this section must
28 be completed and the decision returned to the applicant within ninety
29 days of submitting the application. If the ninety-day deadline is not
30 satisfied, the applicant may file a motion in the appropriate superior
31 court requesting court approval of the permit.

32 (2) If the permit is denied either within or after the ninety-day
33 decision period, the applicant may file a motion in the appropriate
34 superior court requesting the court to overturn the decision. This
35 subsection applies notwithstanding, and as an alternative to, any other
36 provision of law establishing appeal procedures. Applicants choosing

1 to utilize this appeal authority are deemed to have satisfied all
2 administrative remedies.

3 **PART VIII**

4 NEW SECTION. **Sec. 801.** A new section is added to chapter 34.05
5 RCW to read as follows:

6 (1) Agencies must provide to any business licensed to do business
7 in the state of Washington a period of at least five business days to
8 correct any violation of state law or agency rule before the agency may
9 impose any fines, civil penalties, or administrative sanctions. If no
10 correction is possible, this subsection does not apply.

11 (2) Exceptions to requirements of subsection (1) of this section
12 may be made for any of the following reasons:

13 (a) The agency head determines that the effect of the violation or
14 waiver presents a direct danger to the public health, poses a
15 potentially significant threat to human health or safety, or causes
16 serious harm to the public interest;

17 (b) The order is one to cease and desist an activity that violates
18 a statute or rule protecting public health or safety, the environment,
19 or would cause serious harm to the public interest;

20 (c) The violation involves a knowing or willful violation;

21 (d) The violation is of a requirement concerning the assessment,
22 collection, or administration of any tax, tax program, debt, revenue,
23 receipt, a regulated entity's financial filings, or insurance rate or
24 form filing;

25 (e) The requirements in this section are in conflict with federal
26 law or program requirements, federal requirements that are a prescribed
27 condition to the allocation of federal funds to the state, or the
28 requirements for eligibility of employers in this state for federal
29 unemployment tax credits, as determined by the agency head;

30 (f) The business committing the violation previously violated the
31 exact or substantially similar requirement; or

32 (g) The owner or operator of the business committing the violation
33 owns or operates, or owned or operated a different business that
34 previously violated a substantially similar requirement.

35 (3) This section does not prohibit an agency from waiving fines,

1 civil penalties, or administrative sanctions incurred by a business for
2 a violation.

3 (4) This section may be construed to diminish the responsibility
4 for any citizen or business to apply for and obtain a permit, license,
5 or authorizing document that is required to engage in a regulated
6 activity, or otherwise comply with state or federal law.

7 (5) This section may not be construed to apply to businesses
8 required to provide accurate and complete information and documentation
9 in relation to any claim for payment of state or federal funds or who
10 are licensed or certified to provide care and services to vulnerable
11 adults or children.

12 (6) This section does not affect the attorney general's authority
13 to impose fines, civil penalties, or administrative sanctions as
14 otherwise authorized by law; nor does this section affect the attorney
15 general's authority to enforce the consumer protection act, chapter
16 19.86 RCW.

17 **PART IX**

18 NEW SECTION. **Sec. 901.** The legislature finds that property owners
19 are finding increasing restrictions placed on their property in the
20 name of the public good without just compensation. Many government
21 agencies expect the property owner to pay for and accept the burdens
22 placed on them by government statutes, ordinances, regulations,
23 policies, and permitting requirements that provide a benefit to someone
24 other than the property owner at the property owner's expense.

25 NEW SECTION. **Sec. 902.** A new section is added to chapter 36.70A
26 RCW to read as follows:

27 (1) Government authorities must provide just compensation to
28 property owners whenever land use ordinances, regulations, or policies
29 adopted pursuant to requirements in this chapter or as part of a land
30 use permitting decision require the property owner to:

31 (a) Place any form of signage on their property related to
32 provisions in this chapter or ordinances adopted to comply with this
33 chapter or associated regulations;

34 (b) Pay for and place fencing around critical areas, open space,
35 habitat areas, riparian areas, or other property features;

1 (c) Record restrictive covenants, land use designations, or change
2 any legal lot description on the property;

3 (d) Restore vegetation in a location where no vegetation existed
4 during the time the property owner owned the property or vegetation
5 degraded through natural causes;

6 (e) Make expenditures in furtherance of protecting the function and
7 values of wetlands;

8 (f) Make any expenditure in furtherance of protecting the function
9 and values of riparian areas; or

10 (g) Grant or set aside easements for public access on the property.

11 (2) Unless under the authority of a specific statutory requirement,
12 a state agency may not adopt a rule or policy that results in any
13 governmental authority being required to provide just compensation
14 under this section.

15 **Sec. 903.** RCW 36.70B.030 and 1995 c 347 s 404 are each amended to
16 read as follows:

17 (1) Fundamental land use planning choices made in adopted
18 comprehensive plans and development regulations shall serve as the
19 foundation for project review. The review of a proposed project's
20 consistency with applicable development regulations, or in the absence
21 of applicable regulations the adopted comprehensive plan, under RCW
22 36.70B.040 shall incorporate the determinations under this section.

23 (2) During project review, a local government or any subsequent
24 reviewing body shall determine whether the items listed in this
25 subsection are defined in the development regulations applicable to the
26 proposed project or, in the absence of applicable regulations the
27 adopted comprehensive plan. At a minimum, such applicable regulations
28 or plans shall be determinative of the:

29 (a) Type of land use permitted at the site, including uses that may
30 be allowed under certain circumstances, such as planned unit
31 developments and conditional and special uses, if the criteria for
32 their approval have been satisfied;

33 (b) Density of residential development in urban growth areas; and

34 (c) Availability and adequacy of public facilities identified in
35 the comprehensive plan, if the plan or development regulations provide
36 for funding of these facilities as required by chapter 36.70A RCW.

1 (3) During project review, the local government or any subsequent
2 reviewing body shall not reexamine alternatives to or hear appeals on
3 the items identified in subsection (2) of this section, except for
4 issues of code interpretation. As part of its project review process,
5 a local government shall provide a procedure for obtaining a code
6 interpretation as provided in RCW 36.70B.110.

7 (4)(a) Pursuant to RCW 43.21C.240, a local government may determine
8 that the requirements for environmental analysis and mitigation
9 measures in development regulations and other applicable laws provide
10 adequate mitigation for some or all of the project's specific adverse
11 environmental impacts to which the requirements apply.

12 (b) Local governments may not require without just compensation
13 that property owners: (i) Place any form of signage on their property;
14 (ii) pay for and place fencing around critical areas, open space,
15 habitat areas, or other government designated property attributes;
16 (iii) record restrictive covenants, land use designations, or change
17 any legal lot description on the property; (iv) restore vegetation in
18 locations where no vegetation existed during the time the property
19 owner owned the land or the vegetation degraded due to natural causes;
20 (v) make any expenditure in furtherance of protective measures for the
21 function and values of wetlands or riparian areas; or (vi) grant or set
22 aside easements for public access on the property.

23 (5) Except under subsection (4)(b) of this section, nothing in this
24 section limits the authority of a permitting agency to approve,
25 condition, or deny a project as provided in its development regulations
26 adopted under chapter 36.70A RCW and in its policies adopted under RCW
27 43.21C.060. Project review shall be used to identify specific project
28 design and conditions relating to the character of development, such as
29 the details of site plans, curb cuts, drainage swales, transportation
30 demand management, the payment of impact fees, or other measures to
31 mitigate a proposal's probable adverse environmental impacts, if
32 applicable.

33 (6) Subsections (1) through (4) of this section apply only to local
34 governments planning under RCW 36.70A.040.

35 **PART X**

1 NEW SECTION. **Sec. 1001.** PURPOSE--INTENT. The purpose of this
2 chapter is to establish as state law the basis and process for
3 determining how proposed changes to resource management and land use
4 policy, rules, regulation, and/or management affect customs, culture,
5 economic stability, and private property rights in Washington state.
6 Additionally, the purpose of this chapter is to establish how state and
7 federal agencies are to coordinate and consult with local governmental
8 agencies in actions affecting land and natural resource use.

9 This chapter is written to implement RCW 36.70A.103 of the growth
10 management act, which requires state agencies to comply with local
11 development regulations. In addition, this chapter implements chapter
12 43.21H RCW, state economic policy.

13 This chapter is intended to address federal and state agency
14 regulation of land and natural resource use directly and is intended to
15 be used as a positive guide for federal and state agencies in their
16 development and implementation of regulations affecting land and
17 natural resources use in Washington state.

18 NEW SECTION. **Sec. 1002.** DEFINITIONS. Unless the context clearly
19 requires otherwise, the definitions in this section apply throughout
20 this chapter.

21 (1) "Agency" means all state agencies and all local agencies.
22 "State agency" includes every state office, department, division,
23 bureau, board, commission, or other state agency. "Local agency"
24 includes every county, city, town, municipal corporation, quasi-
25 municipal corporation, or special purpose district, or any office,
26 department, division, bureau, board, commission, or agency thereof, or
27 other local public agency.

28 (2) "Just compensation" means compensation equal to the full extent
29 of a property owner's loss, including the fair market value of the
30 private property taken and business losses arising from government
31 action, whether the taking is by physical occupation or through
32 regulation, exaction, or other means and includes compounded interest
33 calculated from the date of the taking until the date payment is
34 tendered.

35 (3) "Owner" means the owner or possessor of property or rights in
36 property at the time the taking occurs, including when the statute,

1 regulation, rule, order, guideline, policy, or action is passed or
2 promulgated or the permit, license, authorization, or governmental
3 permission is denied or suspended.

4 (4) "Private property" or "property" means all property protected
5 under the fifth amendment to the United States Constitution and the
6 third and sixteenth sections of the Declaration of Rights of the
7 Washington state Constitution (Article I, sections 3 and 16 of the
8 state Constitution), any applicable state law, or this chapter, and
9 including but not limited to any of the following:

10 (a) Real property, whether vested or unvested, including estates in
11 fee, life estates, estates for years, or otherwise; inchoate interests
12 in real property such as remainders and future interests; personality
13 that is affixed to or appurtenant to real property; easements;
14 leaseholds; recorded liens; and contracts or other security interests
15 in, or related to, real property;

16 (b) The right to use water or the right to receive water, including
17 any recorded lines on such water right;

18 (c) Rents, issues, and profits of land, including minerals, timber,
19 fodder, crops, oil and gas, coal, or geothermal energy;

20 (d) Property rights provided by, or memorialized in, a contract;

21 (e) Any interest defined as property under state law; and

22 (f) Any interest understood to be property based on custom, usage,
23 common law, or mutually reinforcing understandings sufficiently well-
24 grounded in law to back a claim of interest.

25 (5) "Taking of private property" or "taking" or "take" means any
26 action whereby private property is directly taken by government action
27 as to require compensation under the fifth amendment to the United
28 States Constitution and the third and sixteenth sections of the
29 Declaration of Rights of the Washington state Constitution (Article I,
30 sections 3 and 16 of the state Constitution) or under this chapter,
31 including by physical invasion, regulation, exaction, condition, or
32 other means and does not include a condemnation action filed by
33 government in an applicable court or an action filed by government
34 relating to criminal forfeiture.

35 NEW SECTION. **Sec. 1003.** PRIVATE PROPERTY TAKING IMPACT ANALYSIS.

36 (1) To the fullest extent possible, the policies, regulations, and
37 public laws of the United States and the state of Washington shall be

1 interpreted and administered by agencies in accordance with the
2 policies under this chapter. All state agencies shall complete a
3 private property taking impact analysis before issuing or promulgating
4 any rule, policy, regulation, or related agency action which is likely
5 to result in a taking of private property. The provisions of this
6 subsection shall not apply to an action in which the power of eminent
7 domain is formally exercised or a law enforcement action, including
8 seizure of property for forfeiture or as evidence, for a violation of
9 law.

10 (2) A private property taking impact analysis is a written
11 statement that includes:

12 (a) The specific purpose of the rule, ordinance, policy,
13 regulation, proposal, recommendation, or related agency action;

14 (b) An assessment of the likelihood that a taking of private
15 property will occur under the rule, ordinance, policy, regulation,
16 proposal, recommendation, or related agency action;

17 (c) An evaluation of whether the rule, ordinance, policy,
18 regulation, proposal, recommendation, or related agency action is
19 likely to require compensation to private property owners;

20 (d) Alternatives to the rule, policy, regulation, proposal,
21 recommendation, or related agency action that would achieve the
22 intended purposes of the agency action and lessen the likelihood that
23 a taking of private property will occur;

24 (e) An estimate of the potential liability of the agency, if the
25 agency is required to compensate a private property owner; and

26 (f) For state agencies, if the rule, policy, regulation, proposal,
27 recommendation, or related agency action is in response to a federal
28 mandate, the name of the federal agency responsible for the policy,
29 regulation, proposal, recommendation, or related action.

30 (3) Each agency shall provide an analysis as part of any proposed
31 rule, ordinance, policy, regulation, proposal, recommendation, or
32 related agency action and submit the analysis to the board of county
33 commissioners, in affected jurisdictions, in conjunction with a
34 proposed rule, policy, regulation, proposal, recommendation, or related
35 action prior to adoption.

36 (4) No final rule may be promulgated if enforcement of the rule
37 could reasonably be construed to require an uncompensated taking of
38 private property as defined by this chapter.

1 NEW SECTION. **Sec. 1004.** ECONOMIC IMPACT ANALYSIS. (1) All state
2 agencies shall complete an economic impact analysis before issuing or
3 promulgating any policy, regulation, proposed legislation, or related
4 department action which may economically impact the citizens of
5 Washington state.

6 (2) An economic impact analysis is a written statement that
7 includes:

8 (a) The specific purpose of the rule, policy, regulation,
9 legislative bill, proposal, recommendation, or related agency action;

10 (b) An assessment of the economic impacts likely to occur as a
11 result of the rule, policy, regulation, proposal, legislative bill,
12 recommendation, or related agency action. The economic assessment
13 shall consider impacts to individual property owners, impacts to the
14 affected jurisdictions economy and impacts to the state's general fund;

15 (c) Alternatives to the rule, policy, regulation, proposal,
16 recommendation, or related agency action that would achieve the
17 intended purpose and lessen the economic impacts that are likely to
18 occur;

19 (d) For state agencies, if the rule, policy, regulation, proposal,
20 recommendation, or related agency action is in response to a federal
21 mandate, the name of the federal agency responsible for the policy,
22 regulation, proposal, recommendation.

23 (3) State agencies shall provide an analysis as part of any
24 proposed rule, policy, regulation, proposal, recommendation, or related
25 agency action and submit the analysis to the board of county
26 commissioners, in affected jurisdictions, in conjunction with a
27 proposed rule, policy, regulation, proposal, recommendation, or related
28 action prior to adoption.

29 NEW SECTION. **Sec. 1005.** PUBLIC AVAILABILITY OF ANALYSIS. An
30 agency shall make each private property taking impact analysis,
31 economic impact analysis, or both, available to the public.

32 NEW SECTION. **Sec. 1006.** ENFORCEMENT. (1)(a) In addition to other
33 remedies provided by law, any person likely to be aggrieved or
34 adversely effected by the failure of an agency to perform a private
35 property taking impact analysis or economic impact analysis under this
36 section may apply to the superior court of the county where the agency

1 is located or to the superior court of Thurston county if the defendant
2 is a state agency. The superior court shall have jurisdiction to hold
3 a prompt hearing where petitioners may show cause that the agency
4 failed to adequately provide a private property taking impact analysis
5 or economic impact analysis and is authorized to grant a temporary or
6 permanent injunction restraining any person, agency, or all agencies
7 from implementing or enforcing rules where the agency analysis was not
8 done or was insufficient.

9 (b) A person is aggrieved or adversely affected within the meaning
10 of this section if:

11 (i) The agency action has prejudiced or is likely to prejudice that
12 person; and

13 (ii) That person's asserted interests are among those that the
14 agency was required to consider when it engaged in the agency action
15 challenged.

16 (c) An analysis is insufficient for purposes of this section if:

17 (i) The analysis is not supported by substantial evidence or
18 evidence pertinent to Washington state; or

19 (ii) The facts presented by the petitioning party with regard to
20 his or her property clearly indicate a mistake of law or fact was made
21 and implementation or enforcement of the regulation would cause
22 substantial injustice.

23 (2) An order restraining any person, agency, or all agencies may
24 contain provision for the payment of pertinent court costs and
25 reasonable attorneys' fees and administration expenses as is equitable
26 and the court deems appropriate in the circumstances.

27 (3) If the court issues an order restraining the implementation or
28 enforcement of a state agency regulation as it applies to individuals
29 not parties to the litigation, the court must send the order to the
30 code reviser's office to be published in the Washington State Register.

31 (4) The petitioner does not have to exhaust administrative remedies
32 prior to seeking a court order under this section.

33 (5) Nothing in this section may be construed to limit any remedy
34 that any person may have under the laws of the state of Washington or
35 of the United States.

36 (6) Every agency, who under color of any law, statute, rule,
37 ordinance, or regulation, subjects or causes to be subjected, any

1 person within Washington state to the deprivation of any property
2 rights secured by this chapter is liable to the person injured in an
3 action at law, suit in equity or other legal proceeding for redress.

4 (7) Any agency employee, under the color of law, statute, rule,
5 ordinance, regulation, policy, custom or omission, subjects any person
6 in Washington state to the deprivation of any property rights secured
7 or protected by this chapter, whether willfully or from negligence, is
8 in violation of this chapter and may be fined up to one thousand
9 dollars per occurrence of a violation.

10 NEW SECTION. **Sec. 1007.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 The provisions of chapter 34.--- RCW (the new chapter created in
13 section 1103 of this act) apply to this chapter.

14 NEW SECTION. **Sec. 1008.** A new section is added to chapter 43.21H
15 RCW to read as follows:

16 The provisions of chapter 34.--- RCW (the new chapter created in
17 section 1103 of this act) apply to this chapter.

18 **PART XI**

19 NEW SECTION. **Sec. 1101.** Sections 501 and 502 of this act
20 constitute a new chapter in Title 1 RCW.

21 NEW SECTION. **Sec. 1102.** Sections 608 and 609 of this act
22 constitute a new chapter in Title 36 RCW.

23 NEW SECTION. **Sec. 1103.** Sections 1001 through 1006 of this act
24 constitute a new chapter in Title 34 RCW.

25 NEW SECTION. **Sec. 1104.** If any part of this act is found to be in
26 conflict with federal requirements that are a prescribed condition to
27 the allocation of federal funds to the state, the conflicting part of
28 this act is inoperative solely to the extent of the conflict and with
29 respect to the agencies directly affected, and this finding does not
30 affect the operation of the remainder of this act in its application to

1 the agencies concerned. Rules adopted under this act must meet federal
2 requirements that are a necessary condition to the receipt of federal
3 funds by the state.

4 NEW SECTION. **Sec. 1105.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 1106.** Sections 101 through 106 of this act are
9 necessary for the immediate preservation of the public peace, health,
10 or safety, or support of the state government and its existing public
11 institutions, and take effect immediately.

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