
HOUSE BILL 1241

State of Washington**65th Legislature****2017 Regular Session****By** Representatives Koster, Shea, Taylor, Hayes, Rodne, Manweller, Short, and Pike

Read first time 01/13/17. Referred to Committee on State Government.

1 AN ACT Relating to increasing legislative oversight of agency
2 rule making; amending RCW 34.05.310, 34.05.313, 34.05.320, 34.05.322,
3 34.05.335, 34.05.360, 43.17.060, 43.21C.110, 18.04.055, 34.12.030,
4 28B.95.030, 15.49.310, 15.24.070, 27.34.220, 27.53.140, 43.117.050,
5 16.67.090, 72.40.022, 72.40.0191, 34.05.385, 41.16.040, 43.97.015,
6 43.330.040, 43.160.050, 43.21F.045, 43.155.040, 43.12.045, 89.08.040,
7 43.105.057, 72.01.090, 36.78.050, 43.101.080, 43.215.070, 43.21A.080,
8 70.95N.230, 43.21I.030, 39.110.045, 50.12.040, 50.12.010, 80.50.040,
9 43.19.011, 43.21B.090, 90.58.175, 42.52.360, 43.06A.030, 43.320.040,
10 31.04.165, 31.45.200, 21.20.450, 77.04.055, 43.103.090, 76.09.040,
11 47.06A.020, 15.28.100, 9.46.070, 41.05.160, 70.37.050, 43.70.040,
12 43.115.040, 84.26.120, 27.34.070, 43.180.040, 49.60.120, 9.95.150,
13 51.52.020, 48.02.060, 43.33A.110, 49.17.040, 51.04.020, 68.05.100,
14 67.08.017, 43.350.040, 66.08.0501, 67.70.040, 38.52.050, 43.30.215,
15 43.200.070, 78.52.050, 79A.05.030, 79A.05.070, 88.16.035, 70.148.040,
16 41.60.020, 28A.410.210, 42.17A.110, 41.05.055, 41.58.050, 41.56.090,
17 28A.150.290, 90.71.230, 77.85.120, 41.50.050, 82.32.300, 82.01.060,
18 84.08.070, 29A.04.611, 74.18.060, 74.08.090, 71A.12.030, 39.58.040,
19 43.340.030, 43.59.070, 47.01.071, 47.26.160, 47.01.101, 80.01.040,
20 43.60A.070, 41.24.290, and 28C.10.040; reenacting and amending RCW
21 34.05.328, 36.70A.270, 39.94.040, and 41.06.133; adding new sections
22 to chapter 34.05 RCW; and declaring an emergency.

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

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

4 (1) Agency rule making is suspended until July 1, 2018, except in
5 the following cases:

6 (a) A rule is needed to implement a federal law;

7 (b) A rule is needed to implement the terms of a state of
8 emergency declared by the governor;

9 (c) A rule is needed by the department of health to respond to a
10 public health emergency; or

11 (d) Legislation enacted after January 1, 2017, specifically
12 directs that rule making with explicit, unambiguous parameters be
13 undertaken.

14 (2) Agency rules must be derived from a clear grant of
15 unambiguous authority directing an agency to adopt rules for a
16 specific purpose. Beginning July 1, 2018, the final adoption of a
17 rule may not occur until the rule has been approved by the
18 legislature as provided in section 3 of this act.

19 (3) This section does not prohibit an agency from repealing
20 rules.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.05
22 RCW to read as follows:

23 (1) Each agency must immediately perform a review of existing
24 agency rules. The review must identify: (a) Agency rules adopted
25 under clear authority delegated by the legislature for a specific
26 purpose, (b) agency rules adopted under general agency rule-making
27 authority, and (c) the citation of statutory authority under which
28 each rule was adopted.

29 (2) Agencies must report the result of their rules review to the
30 office of financial management by November 1, 2017, for compilation
31 into a report to the legislature. The compiled rules review report
32 must include: (a) The citations of statutory authority identified by
33 each agency for the adoption of each rule, (b) recommendations for
34 rules to be enacted into law or extended beyond July 1, 2018, and (c)
35 an identification of rules to be repealed or allowed to expire. The
36 office of financial management must submit the compiled rules review

1 report to the legislature in accordance with RCW 43.01.036 by
2 December 1, 2017.

3 (3) Agencies must set for expiration any rule not reported to the
4 legislature for an extension or enactment into law as described in
5 this section. All such rules must expire no later than July 1, 2018.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05
7 RCW to read as follows:

8 (1) The legislature may approve or disapprove a proposed or
9 adopted agency rule. The appropriate standing committees of the
10 legislature must consider, in a public hearing, whether or not the
11 rule is within the intent of the legislature as expressed in the
12 statute which the rule implements, and whether an agency adopted a
13 rule in accordance with all applicable provisions of law. If the
14 legislature does not disapprove of a rule through the passage of a
15 bill by the adjournment of the regular session in which the rule was
16 considered, the rule is considered adopted and becomes effective.

17 (2) The speaker of the house of representatives and the president
18 of the senate must notify the office of the code reviser and the
19 rules review committee of the final dispensation of each rule
20 considered under this section. If a rule is disapproved by the
21 legislature through the passage of a bill, the rule immediately
22 expires.

23 **Sec. 4.** RCW 34.05.310 and 2011 c 298 s 20 are each amended to
24 read as follows:

25 (1) The provisions of this section are subject to sections 1, 2,
26 and 3 of this act.

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

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

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

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

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

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

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

16 ((+2)) (3) Agencies are encouraged to develop and use new
17 procedures for reaching agreement among interested parties before
18 publication of notice and the adoption hearing on a proposed rule.
19 Examples of new procedures include, but are not limited to:

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

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

30 ((+3)) (4)(a) An agency must make a determination whether
31 negotiated rule making, pilot rule making, or another process for
32 generating participation from interested parties prior to development
33 of the rule is appropriate.

34 (b) An agency must include a written justification in the rule-
35 making file if an opportunity for interested parties to participate
36 in the rule-making process prior to publication of the proposed rule
37 has not been provided.

38 ((+4)) (5) This section does not apply to:

39 (a) Emergency rules adopted under RCW 34.05.350;

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

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

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

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

16 (f) Rules that set or adjust fees under the authority of RCW
17 19.02.075 or that set or adjust fees or rates pursuant to legislative
18 standards, including fees set or adjusted under the authority of RCW
19 19.80.045; or

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

21 (i) A procedure, practice, or requirement relating to agency
22 hearings; or

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

25 **Sec. 5.** RCW 34.05.313 and 1995 c 403 s 303 are each amended to
26 read as follows:

27 (1) The provisions of this section are subject to sections 1, 2,
28 and 3 of this act.

29 (2) During the development of a rule or after its adoption, an
30 agency may develop methods for measuring or testing the feasibility
31 of complying with or administering the rule and for identifying
32 simple, efficient, and economical alternatives for achieving the goal
33 of the rule. A pilot project shall include public notice,
34 participation by volunteers who are or will be subject to the rule, a
35 high level of involvement from agency management, reasonable
36 completion dates, and a process by which one or more parties may
37 withdraw from the process or the process may be terminated.
38 Volunteers who agree to test a rule and attempt to meet the
39 requirements of the draft rule, to report periodically to the

1 proposing agency on the extent of their ability to meet the
2 requirements of the draft rule, and to make recommendations for
3 improving the draft rule shall not be obligated to comply fully with
4 the rule being tested nor be subject to any enforcement action or
5 other sanction for failing to comply with the requirements of the
6 draft rule.

7 ~~((2))~~ (3) An agency conducting a pilot rule project authorized
8 under subsection ~~((1))~~ (2) of this section may waive one or more
9 provisions of agency rules otherwise applicable to participants in
10 such a pilot project if the agency first determines that such a
11 waiver is in the public interest and necessary to conduct the
12 project. Such a waiver may be only for a stated period of time, not
13 to exceed the duration of the project.

14 ~~((3))~~ (4) The findings of the pilot project should be widely
15 shared and, where appropriate, adopted as amendments to the rule.

16 ~~((4))~~ (5) If an agency conducts a pilot rule project in lieu of
17 meeting the requirements of the regulatory fairness act, chapter
18 19.85 RCW, the agency shall ensure the following conditions are met:

19 (a) If over ten small businesses are affected, there shall be at
20 least ten small businesses in the test group and at least one-half of
21 the volunteers participating in the pilot test group shall be small
22 businesses.

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

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

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

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

32 (ii) If there do not exist a sufficient number of small
33 businesses in each size category set forth in (b)(i) of this
34 subsection willing to participate in the pilot project to meet the
35 minimum requirements of that subsection, then the agency must comply
36 with this section to the maximum extent practicable.

37 (c) The agency may not terminate the pilot project before
38 completion.

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

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

6 (ii) A list of the recommended revisions to the rule to make
7 compliance with the rule easier or to reduce the cost of compliance
8 with the rule by the small businesses participating in the pilot rule
9 project;

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

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

18 **Sec. 6.** RCW 34.05.320 and 2012 c 210 s 2 are each amended to
19 read as follows:

20 (1) The provisions of this section are subject to sections 1, 2,
21 and 3 of this act.

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

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

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

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

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

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

3 (f) Agency comments or recommendations, if any, regarding
4 statutory language, implementation, enforcement, and fiscal matters
5 pertaining to the rule;

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

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

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

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

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

19 (l) If RCW 34.05.328 does apply, a statement indicating that a
20 copy of the preliminary cost-benefit analysis described in RCW
21 34.05.328~~((1))~~ (2)(c) is available.

22 ~~((2)(a))~~ (3) Upon filing notice of the proposed rule with the
23 code reviser, the adopting agency ~~((shall))~~ must have copies of the
24 notice on file and available for public inspection. ~~((Except as
25 provided in (b) of this subsection,))~~ The agency ((shall)) must
26 forward three copies of the notice to the rules review committee and
27 to the appropriate standing committees of the legislature.

28 ~~((b) A pilot of at least ten agencies, including the departments
29 of labor and industries, fish and wildlife, revenue, ecology,
30 retirement systems, and health, shall file the copies required under
31 this subsection, as well as under RCW 34.05.350 and 34.05.353, with
32 the rules review committee electronically for a period of four years
33 from June 10, 2004. The office of regulatory assistance shall
34 negotiate the details of the pilot among the agencies, the
35 legislature, and the code reviser.~~

36 ~~(3))~~ (4) No later than three days after its publication in the
37 state register, the agency shall cause either a copy of the notice of
38 proposed rule adoption, or a summary of the information contained on
39 the notice, to be mailed to each person, city, and county that has
40 made a request to the agency for a mailed copy of such notices. An

1 agency may charge for the actual cost of providing a requesting party
2 mailed copies of these notices.

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

8 **Sec. 7.** RCW 34.05.322 and 1995 c 403 s 118 are each amended to
9 read as follows:

10 ~~((For rules implementing statutes enacted after July 23, 1995,))~~
11 (1) An agency may not rely solely on the section of law stating a
12 statute's intent or purpose, or on the enabling provisions of the
13 statute establishing the agency, or on any combination of such
14 provisions, for its statutory authority to adopt the rule. An agency
15 may use the statement of intent or purpose or the agency enabling
16 provisions to interpret ambiguities in a statute's other provisions.

17 (2) When delegating rule-making authority to an agency through
18 legislation, the legislature, unless it specifically states
19 otherwise, limits its delegation of authority to the minimum
20 delegation necessary to administer the legislation's clear and
21 specific directives.

22 **Sec. 8.** RCW 34.05.328 and 2011 c 298 s 21 and 2011 c 149 s 1 are
23 each reenacted and amended to read as follows:

24 (1) The provisions of this section are subject to sections 1, 2,
25 and 3 of this act.

26 (2) Before adopting a rule described in subsection ~~((5))~~ (6) of
27 this section, an agency must:

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

30 (b) Determine that the rule is needed to achieve the general
31 goals and specific objectives stated under (a) of this subsection,
32 and analyze alternatives to rule making and the consequences of not
33 adopting the rule;

34 (c) Provide notification in the notice of proposed rule making
35 under RCW 34.05.320 that a preliminary cost-benefit analysis is
36 available. The preliminary cost-benefit analysis must fulfill the
37 requirements of the cost-benefit analysis under (d) of this
38 subsection. If the agency files a supplemental notice under RCW

1 34.05.340, the supplemental notice must include notification that a
2 revised preliminary cost-benefit analysis is available. A final cost-
3 benefit analysis must be available when the rule is adopted under RCW
4 34.05.360;

5 (d) Determine that the probable benefits of the rule are greater
6 than its probable costs, taking into account both the qualitative and
7 quantitative benefits and costs and the specific directives of the
8 statute being implemented;

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

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

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

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

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

25 (ii) Substantial evidence that the difference is necessary to
26 achieve the general goals and specific objectives stated under (a) of
27 this subsection; and

28 (i) Coordinate the rule, to the maximum extent practicable, with
29 other federal, state, and local laws applicable to the same activity
30 or subject matter.

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

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

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

3 (b) Inform and educate affected persons about the rule;

4 (c) Promote and assist voluntary compliance; and

5 (d) Evaluate whether the rule achieves the purpose for which it
6 was adopted, including, to the maximum extent practicable, the use of
7 interim milestones to assess progress and the use of objectively
8 measurable outcomes.

9 ~~((4))~~ (5) After adopting a rule described in subsection ~~((5))~~
10 (6) of this section regulating the same activity or subject matter as
11 another provision of federal or state law, an agency must do all of
12 the following:

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

17 (i) Deferring to the other entity;

18 (ii) Designating a lead agency; or

19 (iii) Entering into an agreement with the other entities
20 specifying how the agency and entities will coordinate implementation
21 and enforcement.

22 If the agency is unable to comply with this subsection ~~((4))~~
23 (5)(a), the agency must report to the legislature pursuant to (b) of
24 this subsection;

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

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

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

32 ~~((5))~~ (6)(a) Except as provided in (b) of this subsection, this
33 section applies to:

34 (i) Significant legislative rules of the departments of ecology,
35 labor and industries, health, revenue, social and health services,
36 and natural resources, the employment security department, the forest
37 practices board, the office of the insurance commissioner, and to the
38 legislative rules of the department of fish and wildlife implementing
39 chapter 77.55 RCW; and

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

6 (b) This section does not apply to:

7 (i) Emergency rules adopted under RCW 34.05.350;

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

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

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

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

23 (vi) Rules that set or adjust fees under the authority of RCW
24 19.02.075 or that set or adjust fees or rates pursuant to legislative
25 standards, including fees set or adjusted under the authority of RCW
26 19.80.045;

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

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

33 (c) For purposes of this subsection:

34 (i) A "procedural rule" is a rule that adopts, amends, or repeals
35 (A) any procedure, practice, or requirement relating to any agency
36 hearings; (B) any filing or related process requirement for making
37 application to an agency for a license or permit; or (C) any policy
38 statement pertaining to the consistent internal operations of an
39 agency.

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

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

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

16 ~~((+6))~~ (7) By ~~((January 31, 1996, and by))~~ January 31st of each
17 even-numbered year ~~((thereafter))~~, the office of regulatory
18 assistance, after consulting with state agencies, counties, and
19 cities, and business, labor, and environmental organizations, must
20 report to the governor and the legislature regarding the effects of
21 this section on the regulatory system in this state. The report must
22 document:

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

26 (b) The costs incurred by state agencies in complying with this
27 section;

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

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

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

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

38 **Sec. 9.** RCW 34.05.335 and 1989 c 175 s 8 are each amended to
39 read as follows:

1 (1) A proposed rule may be withdrawn by the proposing agency at
2 any time before adoption. A withdrawn rule may not be adopted unless
3 it is again proposed in accordance with RCW 34.05.320.

4 (2) Before adopting a rule, an agency shall consider the written
5 and oral submissions, or any memorandum summarizing oral submissions.

6 (3) Rules not adopted and filed with the code reviser within
7 (~~one hundred eighty~~) two hundred seventy days after publication of
8 the text as last proposed in the register shall be regarded as
9 withdrawn. An agency may not thereafter adopt the proposed rule
10 without refileing it in accordance with RCW 34.05.320. The code
11 reviser shall give notice of the withdrawal in the register.

12 (4) An agency may not adopt a rule before the time established in
13 the published notice, or such later time established on the record or
14 by publication in the state register.

15 **Sec. 10.** RCW 34.05.360 and 1988 c 288 s 311 are each amended to
16 read as follows:

17 The order of adoption by which each rule is adopted by an agency
18 shall contain all of the following:

19 (1) The date the agency adopted the rule;

20 (2) A concise statement of the purpose of the rule;

21 (3) A reference to all rules repealed, amended, or suspended by
22 the rule;

23 (4) A reference to the specific statutory or other authority
24 authorizing adoption of the rule;

25 (5) Any findings required by any provision of law as a
26 precondition to adoption or effectiveness of the rule; (~~and~~)

27 (6) The date the legislature took action to approve the rule; and

28 (7) The effective date of the rule if other than that specified
29 in RCW 34.05.380(2).

30 **Sec. 11.** RCW 43.17.060 and 2009 c 549 s 5061 are each amended to
31 read as follows:

32 (1) The director of each department may prescribe rules and
33 regulations, not inconsistent with law, for the government of his or
34 her department, the conduct of its subordinate officers and
35 employees, the disposition and performance of its business, and the
36 custody, use, and preservation of the records, papers, books,
37 documents, and property pertaining thereto.

1 (2) Beginning July 1, 2018, rules adopted under this chapter must
2 be derived from a specific grant of legislative authority. The rules
3 must include the specific statutory section or sections from which
4 the grant of authority is derived, and may not rely solely on a
5 section of law stating a statute's intent, purpose, or general
6 enabling provisions.

7 **Sec. 12.** RCW 43.21C.110 and 2012 1st sp.s. c 1 s 311 are each
8 amended to read as follows:

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

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

24 (a) Categories of governmental actions which are not to be
25 considered as potential major actions significantly affecting the
26 quality of the environment, including categories pertaining to
27 applications for water right permits pursuant to chapters 90.03 and
28 90.44 RCW. The types of actions included as categorical exemptions in
29 the rules shall be limited to those types which are not major actions
30 significantly affecting the quality of the environment. The rules
31 shall provide for certain circumstances where actions which
32 potentially are categorically exempt require environmental review. An
33 action that is categorically exempt under the rules adopted by the
34 department may not be conditioned or denied under this chapter.

35 (b) Rules for criteria and procedures applicable to the
36 determination of when an act of a branch of government is a major
37 action significantly affecting the quality of the environment for
38 which a detailed statement is required to be prepared pursuant to RCW
39 43.21C.030.

1 (c) Rules and procedures applicable to the preparation of
2 detailed statements and other environmental documents, including but
3 not limited to rules for timing of environmental review, obtaining
4 comments, data and other information, and providing for and
5 determining areas of public participation which shall include the
6 scope and review of draft environmental impact statements.

7 (d) Scope of coverage and contents of detailed statements
8 assuring that such statements are simple, uniform, and as short as
9 practicable; statements are required to analyze only reasonable
10 alternatives and probable adverse environmental impacts which are
11 significant, and may analyze beneficial impacts.

12 (e) Rules and procedures for public notification of actions taken
13 and documents prepared.

14 (f) Definition of terms relevant to the implementation of this
15 chapter including the establishment of a list of elements of the
16 environment. Analysis of environmental considerations under RCW
17 43.21C.030(2) may be required only for those subjects listed as
18 elements of the environment (or portions thereof). The list of
19 elements of the environment shall consist of the "natural" and
20 "built" environment. The elements of the built environment shall
21 consist of public services and utilities (such as water, sewer,
22 schools, fire and police protection), transportation, environmental
23 health (such as explosive materials and toxic waste), and land and
24 shoreline use (including housing, and a description of the
25 relationships with land use and shoreline plans and designations,
26 including population).

27 (g) Rules for determining the obligations and powers under this
28 chapter of two or more branches of government involved in the same
29 project significantly affecting the quality of the environment.

30 (h) Methods to assure adequate public awareness of the
31 preparation and issuance of detailed statements required by RCW
32 43.21C.030(2)(c).

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

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

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

3 (l) Rules relating to the use of environmental documents in
4 planning and decision making and the implementation of the
5 substantive policies and requirements of this chapter, including
6 procedures for appeals under this chapter.

7 (m) Rules and procedures that provide for the integration of
8 environmental review with project review as provided in RCW
9 43.21C.240. The rules and procedures shall be jointly developed with
10 the department of commerce and shall be applicable to the preparation
11 of environmental documents for actions in counties, cities, and towns
12 planning under RCW 36.70A.040. The rules and procedures shall also
13 include procedures and criteria to analyze planned actions under RCW
14 43.21C.440 and revisions to the rules adopted under this section to
15 ensure that they are compatible with the requirements and
16 authorizations of chapter 347, Laws of 1995, as amended by chapter
17 429, Laws of 1997. Ordinances or procedures adopted by a county,
18 city, or town to implement the provisions of chapter 347, Laws of
19 1995 prior to the effective date of rules adopted under this
20 subsection (1)(m) shall continue to be effective until the adoption
21 of any new or revised ordinances or procedures that may be required.
22 If any revisions are required as a result of rules adopted under this
23 subsection (1)(m), those revisions shall be made within the time
24 limits specified in RCW 43.21C.120.

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

27 (a) Consult with the state agencies and with representatives of
28 science, industry, agriculture, labor, conservation organizations,
29 state and local governments, and other groups, as it deems advisable;
30 and

31 (b) Utilize, to the fullest extent possible, the services,
32 facilities, and information (including statistical information) of
33 public and private agencies, organizations, and individuals, in order
34 to avoid duplication of effort and expense, overlap, or conflict with
35 similar activities authorized by law and performed by established
36 agencies.

37 (3) Rules adopted pursuant to this section shall be subject to
38 the review procedures of chapter 34.05 RCW. Beginning July 1, 2018,
39 rules adopted under this chapter must be derived from a specific
40 grant of legislative authority. The rules must include the specific

1 statutory section or sections from which the grant of authority is
2 derived, and may not rely solely on a section of law stating a
3 statute's intent, purpose, or general enabling provisions.

4 **Sec. 13.** RCW 18.04.055 and 2016 c 127 s 2 are each amended to
5 read as follows:

6 (1) The board may adopt and amend rules under chapter 34.05 RCW
7 for the orderly conduct of its affairs. The board ~~((shall))~~ may
8 prescribe the following rules consistent with this chapter ~~((as~~
9 ~~necessary to implement this chapter. Included may be))~~:

10 ~~((1))~~ (a) Rules of procedure to govern the conduct of matters
11 before the board;

12 ~~((2))~~ (b) Rules of professional conduct for all licensees,
13 certificate holders, and nonlicensee owners of licensed firms, in
14 order to establish and maintain high standards of competence and
15 ethics including rules dealing with independence, integrity,
16 objectivity, and freedom from conflicts of interest;

17 ~~((3))~~ (c) Rules specifying actions and circumstances deemed to
18 constitute holding oneself out as a licensee in connection with the
19 practice of public accountancy;

20 ~~((4))~~ (d) Rules specifying the manner and circumstances of the
21 use of the titles "certified public accountant" and "CPA," by holders
22 of certificates who do not also hold licenses under this chapter;

23 ~~((5))~~ (e) Rules specifying the educational requirements to take
24 the certified public accountant examination;

25 ~~((6))~~ (f) Rules designed to ensure that licensees' "reports"
26 meet the definitional requirements for that term as specified in RCW
27 18.04.025;

28 ~~((7))~~ (g) Requirements for CPE to maintain or improve the
29 professional competence of licensees as a condition to maintaining
30 their license and certificate holders as a condition to maintaining
31 their certificate under RCW 18.04.215;

32 ~~((8))~~ (h) Rules governing firms issuing or offering to issue
33 reports using the title "certified public accountant" or "CPA"
34 including, but not limited to, rules concerning their style, name,
35 title, and affiliation with any other organization, and establishing
36 reasonable practice and ethical standards to protect the public
37 interest;

38 ~~((9))~~ (i) The board may by rule implement a quality assurance
39 review program as a means to monitor licensees' quality of practice

1 and compliance with professional standards. The board may exempt from
2 such program, licensees who undergo periodic peer reviews in programs
3 of the American Institute of Certified Public Accountants, NASBA, or
4 other programs recognized and approved by the board;

5 ~~((10))~~ (j) The board may by rule require licensed firms to
6 obtain professional liability insurance if in the board's discretion
7 such insurance provides additional and necessary protection for the
8 public;

9 ~~((11))~~ (k) Rules specifying the experience requirements in
10 order to qualify for a license;

11 ~~((12))~~ (l) Rules specifying the requirements for certificate
12 holders to qualify for a license under this chapter which must
13 include provisions for meeting CPE and experience requirements prior
14 to application for licensure;

15 ~~((13))~~ (m) Rules specifying the registration requirements,
16 including ethics examination and fee requirements, for resident
17 nonlicensee partners, shareholders, and managers of licensed firms;

18 ~~((14))~~ (n) Rules specifying the ethics CPE requirements for
19 certificate holders and owners of licensed firms, including the
20 process for reporting compliance with those requirements;

21 ~~((15))~~ (o) Rules specifying the experience and CPE requirements
22 for licensees offering or issuing reports(~~(; and~~

23 ~~(16) Any other rule which the board finds necessary or~~
24 ~~appropriate to implement this chapter)).~~

25 (2) Beginning July 1, 2018, rules adopted under this chapter must
26 be derived from a specific grant of legislative authority. The rules
27 must include the specific statutory section or sections from which
28 the grant of authority is derived, and may not rely solely on a
29 section of law stating a statute's intent, purpose, or general
30 enabling provisions.

31 **Sec. 14.** RCW 34.12.030 and 1981 c 67 s 3 are each amended to
32 read as follows:

33 (1) The chief administrative law judge shall appoint
34 administrative law judges to fulfill the duties prescribed in this
35 chapter. All administrative law judges shall have a demonstrated
36 knowledge of administrative law and procedures. The chief
37 administrative law judge may establish different levels of
38 administrative law judge positions.

1 (2) The chief administrative law judge may also contract with
2 qualified individuals to serve as administrative law judges for
3 specified hearings. Such individuals shall be compensated for their
4 services on a contractual basis for each hearing, in accordance with
5 chapter 43.88 RCW. The chief administrative law judge may not
6 contract with any individual who is at that time an employee of the
7 state.

8 (3) The chief administrative law judge may appoint such clerical
9 and other specialized or technical personnel as may be necessary to
10 carry on the work of this chapter.

11 (4) The administrative law judges appointed under subsection (1)
12 of this section are subject to discipline and termination, for cause,
13 by the chief administrative law judge. Upon written request by the
14 person so disciplined or terminated, the chief administrative law
15 judge shall forthwith put the reasons for such action in writing. The
16 person affected has a right of review by the superior court of
17 Thurston county on petition for reinstatement or other remedy filed
18 within thirty days of receipt of such written reasons.

19 (5) All employees of the office except the chief administrative
20 law judge and the administrative law judges are subject to chapter
21 41.06 RCW.

22 (6) The office may adopt rules for its own operation and in
23 furtherance of this chapter in accordance with chapter 34.05 RCW.
24 Beginning July 1, 2018, rules adopted under this chapter must be
25 derived from a specific grant of legislative authority. The rules
26 must include the specific statutory section or sections from which
27 the grant of authority is derived, and may not rely solely on a
28 section of law stating a statute's intent, purpose, or general
29 enabling provisions.

30 **Sec. 15.** RCW 28B.95.030 and 2016 c 69 s 4 are each amended to
31 read as follows:

32 (1) The Washington advanced college tuition payment program shall
33 be administered by the committee on advanced tuition payment which
34 shall be chaired by the director of the office. The committee shall
35 be supported by staff of the office.

36 (2)(a) The Washington advanced college tuition payment program
37 shall consist of the sale of tuition units, which may be redeemed by
38 the beneficiary at a future date for an equal number of tuition units
39 regardless of any increase in the price of tuition, that may have

1 occurred in the interval, except as provided in subsection (7) of
2 this section.

3 (b) Each purchase shall be worth a specific number of or fraction
4 of tuition units at each state institution of higher education as
5 determined by the governing body, except as provided in subsection
6 (7) of this section.

7 (c) The number of tuition units necessary to pay for a full
8 year's, full-time undergraduate tuition and fee charges at a state
9 institution of higher education shall be set by the governing body at
10 the time a purchaser enters into a tuition unit contract, except as
11 provided in subsection (7) of this section.

12 (d) The governing body may limit the number of tuition units
13 purchased by any one purchaser or on behalf of any one beneficiary,
14 however, no limit may be imposed that is less than that necessary to
15 achieve four years of full-time, undergraduate tuition charges at a
16 state institution of higher education. The governing body also may,
17 at its discretion, limit the number of participants, if needed, to
18 ensure the actuarial soundness and integrity of the program.

19 (e) While the Washington advanced college tuition payment program
20 is designed to help all citizens of the state of Washington, the
21 governing body may determine residency requirements for eligible
22 purchasers and eligible beneficiaries to ensure the actuarial
23 soundness and integrity of the program.

24 (3)(a) No tuition unit may be redeemed until two years after the
25 purchase of the unit.

26 (b) Units may be redeemed for enrollment at any institution of
27 higher education that is recognized by the internal revenue service
28 under chapter 529 of the internal revenue code. Units may also be
29 redeemed to pay for dual credit fees.

30 (c) Units redeemed at a nonstate institution of higher education
31 or for graduate enrollment shall be redeemed at the rate for state
32 public institutions in effect at the time of redemption.

33 (4) The governing body shall determine the conditions under which
34 the tuition benefit may be transferred to another family member. In
35 permitting such transfers, the governing body may not allow the
36 tuition benefit to be bought, sold, bartered, or otherwise exchanged
37 for goods and services by either the beneficiary or the purchaser.

38 (5) The governing body shall administer the Washington advanced
39 college tuition payment program in a manner reasonably designed to be
40 actuarially sound, such that the assets of the trust will be

1 sufficient to defray the obligations of the trust including the costs
2 of administration. The governing body may, at its discretion,
3 discount the minimum purchase price for certain kinds of purchases
4 such as those from families with young children, as long as the
5 actuarial soundness of the account is not jeopardized.

6 (6) The governing body shall annually determine current value of
7 a tuition unit.

8 (7) For the 2015-16 and 2016-17 academic years only, the
9 governing body shall set the payout value for units redeemed during
10 that academic year only at one hundred seventeen dollars and eighty-
11 two cents per unit. For academic years after the 2016-17 academic
12 year, the governing body shall make program adjustments it deems
13 necessary and appropriate to ensure that the total payout value of
14 each account on October 9, 2015, is not decreased or diluted as a
15 result of the initial application of any changes in tuition under
16 section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the
17 committee or governing body provides additional units under chapter
18 36, Laws of 2015 3rd sp. sess., the committee and governing body
19 shall also increase the maximum number of units that can be redeemed
20 in any year to mitigate the reduction in available account value
21 during any year as a result of chapter 36, Laws of 2015 3rd sp. sess.
22 The governing body must notify holders of tuition units after the
23 adjustment in this subsection is made and must include a statement
24 concerning the adjustment.

25 (8) The governing body shall promote, advertise, and publicize
26 the Washington advanced college tuition payment program. Materials
27 and online publications advertising the Washington advanced college
28 tuition payment program shall include a disclaimer that the
29 Washington advanced college tuition payment program's guarantee is
30 that one hundred tuition units will equal one year of full-time,
31 resident, undergraduate tuition at the most expensive state
32 institution of higher education, and that if resident, undergraduate
33 tuition is reduced, a tuition unit may lose monetary value.

34 (9) In addition to any other powers conferred by this chapter,
35 the governing body may:

36 (a) Impose reasonable limits on the number of tuition units or
37 units that may be used in any one year;

38 (b) Determine and set any time limits, if necessary, for the use
39 of benefits under this chapter;

1 (c) Impose and collect administrative fees and charges in
2 connection with any transaction under this chapter;

3 (d) Appoint and use advisory committees and the state actuary as
4 needed to provide program direction and guidance;

5 (e) Formulate and adopt all other policies (~~and rules~~)
6 necessary for the efficient administration of the program;

7 (f) Consider the addition of an advanced payment program for room
8 and board contracts and also consider a college savings program;

9 (g) Purchase insurance from insurers licensed to do business in
10 the state, to provide for coverage against any loss in connection
11 with the account's property, assets, or activities or to further
12 insure the value of the tuition units;

13 (h) Make, execute, and deliver contracts, conveyances, and other
14 instruments necessary to the exercise and discharge of its powers and
15 duties under this chapter;

16 (i) Contract for the provision for all or part of the services
17 necessary for the management and operation of the program with other
18 state or nonstate entities authorized to do business in the state;

19 (j) Contract for other services or for goods needed by the
20 governing body in the conduct of its business under this chapter;

21 (k) Contract with financial consultants, actuaries, auditors, and
22 other consultants as necessary to carry out its responsibilities
23 under this chapter;

24 (l) Solicit and accept cash donations and grants from any person,
25 governmental agency, private business, or organization; and

26 (m) Perform all acts necessary and proper to carry out the duties
27 and responsibilities of this program under this chapter.

28 (10) The governing body may adopt rules derived from a specific
29 grant of legislative authority. Beginning July 1, 2018, the rules
30 must include the specific statutory section or sections from which
31 the grant of authority is derived, and may not rely solely on a
32 section of law stating a statute's intent, purpose, or general
33 enabling provisions.

34 **Sec. 16.** RCW 15.49.310 and 1981 c 297 s 9 are each amended to
35 read as follows:

36 The department shall administer, enforce, and carry out the
37 provisions of this chapter and may adopt regulations necessary to
38 carry out its purpose. The adoption of regulations shall be subject
39 to a public hearing and all other applicable provisions of chapter

1 34.05 RCW (Administrative Procedure Act), as enacted and hereafter
2 amended. Beginning July 1, 2018, rules adopted under this chapter
3 must be derived from a specific grant of legislative authority. The
4 rules must include the specific statutory section or sections from
5 which the grant of authority is derived, and may not rely solely on a
6 section of law stating a statute's intent, purpose, or general
7 enabling provisions.

8 The department when adopting regulations in respect to the seed
9 industry shall consult with affected parties, such as growers,
10 conditioners, and distributors of seed. Any final regulation adopted
11 shall be based upon the requirements and conditions of the industry
12 and shall be for the purpose of promoting the well-being of the
13 purchasers and users of seed as well as the members of the seed
14 industry.

15 When seed labeling, terms, methods of sampling and analysis, and
16 tolerances are not specifically stated in this chapter or otherwise
17 designated by the department, the department shall, in order to
18 promote uniformity, be guided by officially recognized associations,
19 or regulations under The Federal Seed Act.

20 **Sec. 17.** RCW 15.24.070 and 2004 c 178 s 9 are each amended to
21 read as follows:

22 The Washington apple commission is hereby declared and created an
23 agency of the Washington state government. The powers and duties of
24 the commission shall include the following:

25 (1) To elect a chair and such other officers as it deems
26 advisable; and to adopt, rescind, and amend rules and orders for the
27 exercise of its powers under this chapter, which shall have the force
28 and effect of the law when not inconsistent with existing laws;

29 (2) To administer and enforce the provisions of this chapter, and
30 do all things reasonably necessary to effectuate the purposes of this
31 chapter;

32 (3) To employ and at its pleasure discharge a manager, secretary,
33 agents, attorneys, and employees as it deems necessary, and to
34 prescribe their duties and powers and fix their compensation;

35 (4) To establish offices and incur expense and enter into
36 contracts and to create such liabilities as may be reasonable for the
37 proper administration and enforcement of this chapter. Expenses may
38 include reasonable, prudent use of promotional hosting to benefit the
39 purposes of this chapter;

- 1 (5) To investigate and prosecute violations of this chapter;
- 2 (6) To conduct scientific research to develop and discover the
3 health, food, therapeutic, and dietetic value of apples and apple
4 products;
- 5 (7) To keep accurate record of all of its dealings, which shall
6 be open to inspection and audit by the state auditor;
- 7 (8) To sue and be sued and have all of the powers of an agency;
- 8 (9) To expend funds for commodity-related education, training,
9 and leadership programs as the commission deems expedient;
- 10 (10) To borrow money and incur indebtedness;
- 11 (11) To accept gifts, grants, conveyances, bequests, and devises,
12 of real or personal property, or both, in trust or otherwise, and
13 sell, lease, exchange, invest, or expend these donations or the
14 proceeds, rents, profits, and income from the donations on any
15 appropriate activity of the commission except as limited by the
16 donor's terms. The commission shall adopt rules to govern and protect
17 the receipt and expenditure of the proceeds, rents, profits, and
18 income of all such gifts, grants, conveyances, bequests, and devises.
19 The authority to make expenditures granted by this subsection
20 includes the authority to make expenditures to provide scholarships
21 or financial assistance to persons as defined in RCW 1.16.080 or
22 entities associated with the apple industry, but is not limited to
23 the authority to make expenditures for such a purpose;
- 24 (12) To engage in appropriate fund-raising activities for the
25 purpose of supporting the activities of the commission authorized by
26 this chapter;
- 27 (13) To retain, discharge, or contract with, at its pleasure,
28 accountants, marketing agencies, and other professional consultants
29 as necessary, under procedures for hiring, discharging, and review as
30 adopted by the commission;
- 31 (14) To maintain, protect, acquire, or own intellectual property
32 rights, including without limitation, licenses, trademarks,
33 copyrights, artwork, or patents and to sell or license any or all of
34 such rights and collect royalties therefrom and from commission-
35 funded research related to apples;
- 36 (15) To apply for and administer federal market access programs
37 and/or similar programs or projects and provide matching funds as may
38 be necessary;

1 (16) With oversight by the director, provide funding and support
2 to organizations providing general support and leadership to and
3 representation of the apple industry;

4 (17) With oversight by the director, to speak on behalf of the
5 Washington state government on a nonexclusive basis with regard to
6 apples and apple-related issues, including but not limited to trade
7 negotiations, market access negotiations, and the like, and to fund
8 industry organizations engaging in such activities;

9 (18) To fund, conduct, or otherwise participate in scientific
10 research relating to apples, including without limitation research
11 regarding pests, pesticides, food safety, irrigation, transportation,
12 and environmental stewardship;

13 (19) To provide services relating to the production, promotion,
14 sale and/or distribution of Washington apples on a fee-for-services
15 basis. However, (a) the product of such services shall belong to the
16 funding party, and (b) the fees for such services shall include a
17 reasonable charge for the commission's overhead expenses as
18 determined by the commission; ((and))

19 (20) To gather, maintain, and distribute data relating to the
20 production, processing, shipment, and sales of apples, in connection
21 with its ordinary operations and collection of assessments and
22 particularly in connection with services provided on a fee-for-
23 service basis; and

24 (2) To adopt rules derived from a specific grant of legislative
25 authority. The rules must include the specific statutory section or
26 sections from which the grant of authority is derived, and may not
27 rely solely on a section of law stating a statute's intent or purpose
28 or the general enabling provisions establishing the office.

29 **Sec. 18.** RCW 27.34.220 and 1997 c 145 s 1 are each amended to
30 read as follows:

31 The director or the director's designee is authorized:

32 (1) To promulgate and maintain the Washington heritage register
33 of districts, sites, buildings, structures, and objects significant
34 in American or Washington state history, architecture, archaeology,
35 and culture, and to prepare comprehensive statewide historic surveys
36 and plans and research and evaluation of surveyed resources for the
37 preparation of nominations to the Washington heritage register and
38 the national register of historic places, in accordance with criteria
39 approved by the advisory council established under RCW 27.34.250.

1 Nominations to the national register of historic places shall comply
2 with any standards and regulations promulgated by the United States
3 secretary of the interior for the preservation, acquisition, and
4 development of such properties. Nominations to the Washington
5 heritage register shall comply with rules adopted under this chapter.

6 (2) To establish a program of matching grants-in-aid to public
7 agencies, public or private organizations, or individuals for
8 projects having as their purpose the preservation for public benefit
9 of properties that are significant in American or Washington state
10 history, architecture, archaeology, and culture.

11 (3) To promote historic preservation efforts throughout the
12 state, including private efforts and those of city, county, and state
13 agencies.

14 (4) To enhance the effectiveness of the state preservation
15 program through the initiation of legislation, the use of varied
16 funding sources, the creation of special purpose programs, and
17 contact with state, county, and city officials, civic groups, and
18 professionals.

19 (5) To spend funds, subject to legislative appropriation and the
20 availability of funds, where necessary to assist the Indian tribes of
21 Washington state in removing prehistoric human remains for scientific
22 examination and reburial, if the human remains have been unearthed
23 inadvertently or through vandalism and if no other public agency is
24 legally responsible for their preservation.

25 (6) To consult with the governor and the legislature on issues
26 relating to the conservation of the man-made environment and their
27 impact on the well-being of the state and its citizens.

28 (7) To charge fees for professional and clerical services
29 provided by the (~~office~~) department.

30 (8) To adopt such rules, in accordance with chapter 34.05 RCW, as
31 are necessary to carry out RCW 27.34.200 through 27.34.280. Beginning
32 July 1, 2018, rules adopted under this chapter must be derived from a
33 specific grant of legislative authority. The rules must include the
34 specific statutory section or sections from which the grant of
35 authority is derived, and may not rely solely on a section of law
36 stating a statute's intent, purpose, or general enabling provisions.

37 **Sec. 19.** RCW 27.53.140 and 1995 c 399 s 18 are each amended to
38 read as follows:

1 (~~The department shall have such rule-making authority as is~~
2 ~~necessary to carry out the provisions of this chapter.~~) The
3 department may adopt rules derived from a specific grant of
4 legislative authority. The rules must include the specific statutory
5 section or sections from which the grant of authority is derived, and
6 may not rely solely on a section of law stating a statute's intent or
7 purpose or the general enabling provisions establishing the
8 department.

9 **Sec. 20.** RCW 43.117.050 and 2009 c 549 s 5172 are each amended
10 to read as follows:

11 (1) The commission shall:

12 (~~(1)~~) (a) Elect one of its members to serve as chair; and also
13 such other officers as necessary to form an executive committee;

14 (~~(2) Adopt rules and regulations pursuant to chapter 34.05 RCW;~~

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

18 (~~(4)~~) (c) Be authorized to appoint such citizen task force as
19 it deems appropriate.

20 (2) The commission may adopt rules derived from a specific grant
21 of legislative authority. The rules must include the specific
22 statutory section or sections from which the grant of authority is
23 derived, and may not rely solely on a section of law stating a
24 statute's intent or purpose or the general enabling provisions
25 establishing the commission.

26 **Sec. 21.** RCW 16.67.090 and 2011 c 336 s 436 are each amended to
27 read as follows:

28 The powers and duties of the commission shall include the
29 following:

30 (1) To administer and enforce the provisions of this chapter, and
31 do all things reasonably necessary to effectuate the purposes of this
32 chapter;

33 (2) To elect a chair and such other officers as it deems
34 advisable;

35 (3) To employ and discharge at its discretion a manager,
36 secretary, and such other personnel, including attorneys engaged in
37 the private practice of law subject to the review of the attorney
38 general, as the commission determines are necessary and proper to

1 carry out the purposes of this chapter, and to prescribe their duties
2 and powers and fix their compensation;

3 (4) To adopt, rescind, and amend rules, regulations, and orders
4 for the exercise of its powers hereunder subject to the provisions of
5 chapter 34.05 RCW, except that rule-making proceedings conducted
6 under this chapter are exempt from compliance with RCW 34.05.310, the
7 provisions of chapter 19.85 RCW, the regulatory fairness act, and the
8 provisions of RCW 43.135.055 when adoption of the rule is determined
9 by a referendum vote of the affected parties. Beginning July 1, 2018,
10 rules adopted under this chapter must be derived from a specific
11 grant of legislative authority. The rules must include the specific
12 statutory section or sections from which the grant of authority is
13 derived, and may not rely solely on a section of law stating a
14 statute's intent, purpose, or general enabling provisions;

15 (5) To establish by resolution, a headquarters which shall
16 continue as such unless and until so changed by the commission. All
17 records, books, and minutes of the commission shall be kept at such
18 headquarters;

19 (6) To require a bond of all commission members and employees of
20 the commission in a position of trust in the amount the commission
21 shall deem necessary. The premium for such bond or bonds shall be
22 paid by the commission from assessments collected. Such bond shall
23 not be necessary if any such commission member or employee is covered
24 by any blanket bond covering officials or employees of the state of
25 Washington;

26 (7) To establish a beef commission revolving fund, such fund to
27 be deposited in a bank or banks or financial institution or
28 institutions, approved for the deposit of state funds, in which all
29 money received by the commission, except an amount of petty cash for
30 each day's needs not to exceed one hundred dollars, shall be
31 deposited each day or as often during the day as advisable; none of
32 the provisions of RCW 43.01.050 as now or hereafter amended shall
33 apply to money collected under this chapter;

34 (8) To prepare a budget or budgets covering anticipated income
35 and expenses to be incurred in carrying out the provisions of this
36 chapter during each fiscal year;

37 (9) To incur expense and enter into contracts and to create such
38 liabilities as may be reasonable for the proper administration and
39 enforcement of this chapter;

1 (10) To borrow money, not in excess of its estimate of its
2 revenue from the current year's contributions;

3 (11) To keep or cause to be kept in accordance with accepted
4 standards of good accounting practice, accurate records of all
5 assessments, expenditures, moneys, and other financial transactions
6 made and done pursuant to this chapter. Such records, books, and
7 accounts shall be audited at least every five years subject to
8 procedures and methods lawfully prescribed by the state auditor. Such
9 books and accounts shall be closed as of the last day of each fiscal
10 year. A copy of such audit shall be delivered within thirty days
11 after completion thereof to the director, the state auditor, and the
12 commission. On such years and in such event the state auditor is
13 unable to audit the records, books, and accounts within six months
14 following the close of the audit period it shall be mandatory that
15 the commission employ a private auditor to make such audit;

16 (12) To sue and be sued as a commission, without individual
17 liability for acts of the commission within the scope of the powers
18 conferred upon it by this chapter;

19 (13) To cooperate with any other local, state, or national
20 commission, organization, or agency, whether voluntary or established
21 by state or federal law, including recognized livestock groups,
22 engaged in work or activities similar to the work and activities of
23 the commission created by this chapter and make contracts and
24 agreements with such organizations or agencies for carrying on joint
25 programs beneficial to the beef industry;

26 (14) To accept grants, donations, contributions, or gifts from
27 any governmental agency or private source for expenditures for any
28 purpose consistent with the provisions of this chapter; and

29 (15) To operate jointly with beef commissions or similar agencies
30 established by state laws in adjoining states.

31 **Sec. 22.** RCW 72.40.022 and 2002 c 209 s 2 are each amended to
32 read as follows:

33 In addition to any other powers and duties prescribed by law, the
34 superintendent of the state school for the blind:

35 (1) Shall have full control of the school and the property of
36 various kinds.

37 (2) May establish criteria, in addition to state certification,
38 for teachers at the school.

1 (3) Shall employ members of the faculty, administrative officers,
2 and other employees, who shall all be subject to chapter 41.06 RCW,
3 the state civil service law, unless specifically exempted by other
4 provisions of law.

5 (4) Shall establish the course of study including vocational
6 training, with the assistance of the faculty and the advice of the
7 board of trustees.

8 (5) May establish new facilities as needs demand.

9 (6) May adopt rules, under chapter 34.05 RCW, as deemed necessary
10 for the government, management, and operation of the housing
11 facilities.

12 (7) Shall control the use of the facilities and authorize the use
13 of the facilities for night school, summer school, public meetings,
14 or other purposes consistent with the purposes of the school.

15 (8) May adopt rules for pedestrian and vehicular traffic on
16 property owned, operated, and maintained by the school.

17 (9) Shall purchase all supplies and lease or purchase equipment
18 and other personal property needed for the operation or maintenance
19 of the school.

20 (10) Except as otherwise provided by law, may enter into
21 contracts as the superintendent deems essential to the purpose of the
22 school.

23 (11) May receive gifts, grants, conveyances, devises, and
24 bequests of real or personal property from whatever source, as may be
25 made from time to time, in trust or otherwise, whenever the terms and
26 conditions will aid in carrying out the programs of the school; sell,
27 lease or exchange, invest, or expend the same or the proceeds, rents,
28 profits, and income thereof except as limited by the terms and
29 conditions thereof; and adopt rules to govern the receipt and
30 expenditure of the proceeds, rents, profits, and income thereof.

31 (12) May, except as otherwise provided by law, enter into
32 contracts the superintendent deems essential for the operation of the
33 school.

34 (13) May adopt rules providing for the transferability of
35 employees between the ((~~school for the deaf~~)) Washington state center
36 for childhood deafness and hearing loss and the school for the blind
37 consistent with collective bargaining agreements in effect.

38 (14) Shall prepare and administer the school's budget consistent
39 with RCW 43.88.160 and the budget and accounting act, chapter 43.88
40 RCW generally, as applicable.

1 (15) May adopt rules under chapter 34.05 RCW and perform all
2 other acts not forbidden by law as the superintendent deems necessary
3 or appropriate to the administration of the school. Beginning July 1,
4 2018, rules adopted under this chapter must be 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, purpose, or general enabling provisions.

9 **Sec. 23.** RCW 72.40.0191 and 2009 c 381 s 5 are each amended to
10 read as follows:

11 In addition to any other powers and duties prescribed by law, the
12 director of the Washington state center for childhood deafness and
13 hearing loss:

14 (1) Shall be responsible for the supervision and management of
15 the center, including the state school for the deaf, and the property
16 of various kinds. The director may designate an individual to oversee
17 the day-to-day operation and supervision of students at the school;

18 (2) Shall employ members of the faculty, administrative officers,
19 and other employees, who shall all be subject to chapter 41.06 RCW,
20 the state civil service law, unless specifically exempted by other
21 provisions of law;

22 (3) Shall provide technical assistance and support as appropriate
23 to local and regional efforts to build critical mass and
24 communication-rich networking opportunities for children who are deaf
25 or hard of hearing and their families;

26 (4) Shall establish the course of study including vocational
27 training, with the assistance of the faculty and the approval of the
28 board of trustees;

29 (5) Shall, as approved by the board of trustees, control and
30 authorize the use of the facilities for night school, summer school,
31 public meetings, applied research and training for the instruction of
32 students who are deaf or hard of hearing, outreach and support to
33 families of children who are deaf or hard of hearing, or other
34 purposes consistent with the purposes of the center;

35 (6) Shall purchase all supplies and lease or purchase equipment
36 and other personal property needed for the operation or maintenance
37 of the center;

38 (7) Shall prepare, submit to the board of trustees for approval,
39 and administer the budget consistent with RCW 43.88.160 and the

1 budget and accounting act, chapter 43.88 RCW generally, as
2 applicable;

3 (8) Shall provide technical assistance and support to educational
4 service districts for the regional delivery of a full range of
5 educational services to students who are deaf or hard of hearing,
6 including but not limited to services relying on American Sign
7 Language, auditory oral education, total communication, and signed
8 exact English;

9 (9) As requested by educational service districts, shall recruit,
10 employ, and deploy itinerant teachers to provide in-district services
11 to children who are deaf or hard of hearing;

12 (10) May establish criteria, in addition to state certification,
13 for the teachers at the school and employees of the center;

14 (11) May establish, with the approval of the board of trustees,
15 new facilities as needs demand;

16 (12) May adopt rules, under chapter 34.05 RCW, as approved by the
17 board of trustees and as deemed necessary for the governance,
18 management, and operation of the center;

19 (13) May adopt rules, as approved by the board of trustees, for
20 pedestrian and vehicular traffic on property owned, operated, and
21 maintained by the center;

22 (14) Except as otherwise provided by law, may enter into
23 contracts as the director deems essential to the purpose of the
24 center;

25 (15) May receive gifts, grants, conveyances, devises, and
26 bequests of real or personal property from whatever source, as may be
27 made from time to time, in trust or otherwise, whenever the terms and
28 conditions will aid in carrying out the programs of the center; sell,
29 lease, or exchange, invest, or expend the same or the proceeds,
30 rents, profits, and income thereof except as limited by the terms and
31 conditions thereof; and adopt rules to govern the receipt and
32 expenditure of the proceeds, rents, profits, and income thereof;

33 (16) May adopt rules, as approved by the board of trustees,
34 providing for the transferability of employees between the center and
35 the school for the blind consistent with collective bargaining
36 agreements in effect; and

37 (17) May adopt rules under chapter 34.05 RCW, as approved by the
38 board of trustees, and perform all other acts not forbidden by law as
39 the director deems necessary or appropriate to the administration of
40 the center. Beginning July 1, 2018, rules adopted under this chapter

1 must be 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, purpose, or general
5 enabling provisions.

6 **Sec. 24.** RCW 34.05.385 and 1988 c 288 s 316 are each amended to
7 read as follows:

8 (1) The code reviser may adopt rules for carrying out the
9 provisions of this chapter relating to the filing and publication of
10 rules and notices of intention to adopt rules, including the form and
11 style to be employed by the various agencies in the drafting of such
12 rules and notices.

13 (2) Beginning July 1, 2018, rules adopted under this chapter must
14 be derived from a specific grant of legislative authority. The rules
15 must include the specific statutory section or sections from which
16 the grant of authority is derived, and may not rely solely on a
17 section of law stating a statute's intent, purpose, or general
18 enabling provisions.

19 **Sec. 25.** RCW 41.16.040 and 2015 1st sp.s. c 4 s 30 are each
20 amended to read as follows:

21 The board shall have such general powers as are vested in it by
22 the provisions of this chapter, and in addition thereto, the power
23 to:

24 (1) Generally supervise and control the administration of this
25 chapter and the firefighters' pension fund created hereby.

26 (2) Pass upon and allow or disallow all applications for pensions
27 or other benefits provided by this chapter.

28 (3) Provide for payment from said fund of necessary expenses of
29 maintenance and administration of said pension system and fund.

30 (4) Invest the moneys of the fund in a manner consistent with the
31 investment policies outlined in RCW 35.39.060. Authorized investments
32 shall include investment grade securities issued by the United
33 States, state, municipal corporations, other public bodies, corporate
34 bonds, and other investments authorized by RCW 35.39.030, 35.58.510,
35 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130,
36 39.60.010, 39.60.020, 68.52.060, and 68.52.065.

1 (5) Employ such agents, employees and other personnel as the
2 board may deem necessary for the proper administration of this
3 chapter.

4 (6) Compel witnesses to appear and testify before it, in the same
5 manner as is or may be provided by law for the taking of depositions
6 in the superior court. Any member of the board may administer oaths
7 to witnesses who testify before the board of a nature and in a
8 similar manner to oaths administered by superior courts of the state
9 of Washington.

10 (7) Issue vouchers approved by the chairperson and secretary and
11 to cause warrants therefor to be issued and paid from said fund for
12 the payment of claims allowed by it.

13 (8) Keep a record of all its proceedings, which record shall be
14 public; and prepare and file with the city treasurer and city clerk
15 or comptroller prior to the date when any payments are to be made
16 from the fund, a list of all persons entitled to payment from the
17 fund, stating the amount and purpose of such payment, said list to be
18 certified to and signed by the chairperson and secretary of the board
19 and attested under oath.

20 (9) Make rules and regulations not inconsistent with this chapter
21 for the purpose of carrying out and effecting the same. Beginning
22 July 1, 2018, rules adopted under this chapter must be derived from a
23 specific grant of legislative authority. The rules must include the
24 specific statutory section or sections from which the grant of
25 authority is derived, and may not rely solely on a section of law
26 stating a statute's intent, purpose, or general enabling provisions.

27 (10) Appoint one or more duly licensed and practicing physicians
28 who shall examine and report to the board upon all applications for
29 relief and pension under this chapter. Such physicians shall visit
30 and examine all sick firefighters and firefighters who are disabled
31 when, in their judgment, the best interests of the relief and pension
32 fund require it or when ordered by the board. They shall perform all
33 operations on such sick and injured firefighters and render all
34 medical aid and care necessary for the recovery of such firefighters
35 on account of sickness or disability received while in the
36 performance of duty as defined in this chapter. Such physicians shall
37 be paid from said fund, the amount of said fees or salary to be set
38 and agreed upon by the board and the physicians. No physician not
39 regularly appointed or specially appointed and employed, as
40 hereinafter provided, shall receive or be entitled to any fees or

1 compensation from said fund as attending physician to a sick or
2 injured firefighter. If any sick or injured firefighter refuses the
3 services of the appointed physicians, or the specially appointed and
4 employed physician, he or she shall be personally liable for the fees
5 of any other physician employed by him or her. No person shall have a
6 right of action against the board or the municipality for negligence
7 of any physician employed by it. The board shall have the power and
8 authority to select and employ, besides the regularly appointed
9 physician, such other physician, surgeon or specialist for
10 consultation with, or assistance to the regularly appointed
11 physician, or for the purpose of performing operations or rendering
12 services and treatment in particular cases, as it shall deem
13 advisable, and to pay fees for such services from said fund. Said
14 board shall hear and decide all applications for such relief or
15 pensions under this chapter, and its decisions on such applications
16 shall be final and conclusive and not subject to revision or reversal
17 except by the board.

18 **Sec. 26.** RCW 43.97.015 and 1987 c 499 s 1 are each amended to
19 read as follows:

20 The legislature of the State of Washington hereby ratifies the
21 Columbia River Gorge Compact set forth below, and the provisions of
22 such compact hereby are declared to be the law of this state upon
23 such compact becoming effective as provided in Article III.

24 A compact is entered into by and between the states of Washington
25 and Oregon, signatories hereto, with the consent of the Congress of
26 the United States of America, granted by an Act entitled, "The
27 Columbia River Gorge National Scenic Area Act," P.L. 99-663.

28 ARTICLE I
29 COLUMBIA GORGE COMMISSION ESTABLISHED

30 a. The States of Oregon and Washington establish by way of this
31 interstate compact a regional agency known as the Columbia River
32 Gorge Commission. The commission established in accordance with this
33 compact shall have the power and authority to perform all functions
34 and responsibilities in accordance with the provisions of this
35 compact and of the Columbia River Gorge National Scenic Area Act (the
36 federal Act), which is incorporated by this specific reference in
37 this agreement. The commission's powers shall include, but not be
38 limited to:

1 1. The power to sue and be sued.

2 2. The power to disapprove a land use ordinance enacted by a
3 county if the ordinance is inconsistent with the management plan, as
4 provided in P.L. 96-663, Sec. 7(b)(3)(B).

5 3. The power to enact a land use ordinance setting standards for
6 the use of nonfederal land in a county within the scenic area if the
7 county fails to enact land use ordinances consistent with the
8 management plan, as provided in P.L. 99-663, Sec. 7(c).

9 4. According to the provisions of P.L. 99-663, Sec. 10(c), the
10 power to review all proposals for major development action and new
11 residential development in each county in the scenic area, except
12 urban areas, and the power to disapprove such development if the
13 commission finds the development is inconsistent with the purposes of
14 P.L. 99-663.

15 b. The commission shall appoint and remove or discharge such
16 personnel as may be necessary for the performance of the commission's
17 functions, irrespective of the civil service, personnel or other
18 merit system laws of any of the party states.

19 c. The commission may establish and maintain, independently or in
20 conjunction with any one or more of the party states, a suitable
21 retirement system for its full-time employees. Employees of the
22 commission shall be eligible for social security coverage in respect
23 of old age and survivors insurance provided that the commission takes
24 such steps as may be necessary pursuant to federal law to participate
25 in such program of insurance as a governmental agency or unit. The
26 commission may establish and maintain or participate in such
27 additional programs of employee benefits as may be appropriate.

28 d. The commission shall obtain the services of such professional,
29 technical, clerical and other personnel as may be deemed necessary to
30 enable it to carry out its functions under this compact. The
31 commission may borrow, accept, or contract for the services of
32 personnel from any state of the United States or any subdivision or
33 agency thereof, from any interstate agency, or from any institution,
34 person, firm or corporation.

35 e. Funds necessary to fulfill the powers and duties imposed upon
36 and entrusted to the commission shall be provided as appropriated by
37 the legislatures of the states in accordance with Article IV. The
38 commission may also receive gifts, grants, endowments and other funds
39 from public or private sources as may be made from time to time, in
40 trust or otherwise, for the use and benefit of the purposes of the

1 commission and expend the same or any income therefrom according to
2 the terms of the gifts, grants, endowments or other funds.

3 f. The commission may establish and maintain such facilities as
4 may be necessary for the transacting of its business. The commission
5 may acquire, hold and convey real and personal property and any
6 interest therein.

7 g. The commission shall adopt bylaws, rules, and regulations for
8 the conduct of its business, and shall have the power to amend and
9 rescind these bylaws, rules and regulations. The commission shall
10 publish its bylaws, rules and regulations in convenient form and
11 shall file a copy thereof and of any amendment thereto, with the
12 appropriate agency or officer in each of the party states. Beginning
13 July 1, 2018, rules adopted under this chapter must be derived from a
14 specific grant of legislative authority. The rules must include the
15 specific statutory section or sections from which the grant of
16 authority is derived, and may not rely solely on a section of law
17 stating a statute's intent, purpose, or general enabling provisions.

18 ARTICLE II

19 THE COMMISSION MEMBERSHIP

20 a. The commission shall be made up of twelve voting members
21 appointed by the states, as set forth herein, and one non-voting
22 member appointed by the U.S. Secretary of Agriculture.

23 b. Each state governor shall appoint the members of the
24 commission as provided in the federal Act (three members who reside
25 in the State of Oregon, including one resident of the scenic area, to
26 be appointed by the Governor of Oregon, and three members who reside
27 in the State of Washington, including one resident of the scenic
28 area, appointed by the Governor of Washington).

29 c. One additional member shall be appointed by the governing body
30 of each of the respective counties of Clark, Klickitat, and Skamania
31 in Washington, and Hood River, Multnomah, and Wasco in Oregon,
32 provided that in the event the governing body of a county fails to
33 make such an appointment, the Governor of the state in which the
34 county is located shall appoint such a member.

35 d. The terms of the members and procedure for filling vacancies
36 shall all be as set forth in the federal Act.

37 ARTICLE III

38 EFFECTIVE DATE OF COMPACT AND COMMISSION

1 This compact shall take effect, and the commission may exercise
2 its authorities pursuant to the compact and pursuant to the Columbia
3 River Gorge National Scenic Area Act when it has been ratified by
4 both states and upon the appointment of four initial members from
5 each state. The date of this compact shall be the date of the
6 establishment of the commission.

7 ARTICLE IV

8 FUNDING

9 a. The States of Washington and Oregon hereby agree to provide by
10 separate agreement or statute of each state for funding necessary to
11 effectuate the commission, including the establishment of
12 compensation or expenses of commission members from each state which
13 shall be paid by the state of origin.

14 b. The commission shall submit to the Governor or designated
15 officer or officers of each party state a budget of its estimated
16 expenditures for such period as may be required by the laws of that
17 jurisdiction for presentation to the legislature thereof.

18 c. Subject to appropriation by their respective legislatures, the
19 commission shall be provided with such funds by each of the party
20 states as are necessary to provide the means of establishing and
21 maintaining facilities, a staff of personnel, and such activities as
22 may be necessary to fulfill the powers and duties imposed upon and
23 entrusted to the commission.

24 d. The commission's proposed budget and expenditures shall be
25 apportioned equally between the states.

26 e. The commission shall keep accurate accounts of all receipts
27 and disbursements. The receipts and disbursements of the commission
28 shall be subject to the audit and accounting procedures established
29 under its bylaws. However, all receipts and disbursements of funds
30 handled by the commission shall be audited yearly by the appropriate
31 state auditing official and the report of the audit shall be included
32 in and become a part of the annual report of the commission.

33 f. The accounts of the commission shall be open at any reasonable
34 time for inspection by the public.

35 ARTICLE V

36 SEVERABILITY

37 If any provision of this compact, or its application to any
38 person or circumstance, is held to be invalid, all other provisions

1 of this compact, and the application of all of its provisions to all
2 other persons and circumstances, shall remain valid, and to this end
3 the provisions of this compact are severable.

4 **Sec. 27.** RCW 43.330.040 and 2016 sp.s. c 12 s 1 are each amended
5 to read as follows:

6 (1) The director shall supervise and administer the activities of
7 the department and shall advise the governor and the legislature with
8 respect to community and economic development matters affecting the
9 state.

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

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

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

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

19 (d) Appoint such deputy directors, assistant directors, and up to
20 seven special assistants as may be needed to administer the
21 department. These employees are exempt from the provisions of chapter
22 41.06 RCW;

23 (e) Prepare and submit budgets for the department for executive
24 and legislative action;

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

27 (g) Adopt rules in accordance with chapter 34.05 RCW and perform
28 all other functions necessary and proper to carry out the purposes of
29 this chapter. Beginning July 1, 2018, rules adopted under this
30 chapter must be derived from a specific grant of legislative
31 authority. The rules must include the specific statutory section or
32 sections from which the grant of authority is derived, and may not
33 rely solely on a section of law stating a statute's intent, purpose,
34 or general enabling provisions;

35 (h) Delegate powers, duties, and functions as the director deems
36 necessary for efficient administration, but the director shall be
37 responsible for the official acts of the officers and employees of
38 the department; and

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

3 (3) When federal or other funds are received by the department,
4 they shall be promptly transferred to the state treasurer and
5 thereafter expended only upon the approval of the director. The
6 department must track the amount of federal economic development
7 funding received and disbursed along with any required state, local,
8 or other matching requirements and annually provide the information
9 to the economic development committees of the house of
10 representatives and the senate.

11 (4) The director may request information and assistance from all
12 other agencies, departments, and officials of the state, and may
13 reimburse such agencies, departments, or officials if such a request
14 imposes any additional expenses upon any such agency, department, or
15 official.

16 (5) The director shall, in carrying out the responsibilities of
17 office, consult with governmental officials, private groups, and
18 individuals and with officials of other states. All state agencies
19 and their officials and the officials of any political subdivision of
20 the state shall cooperate with and give such assistance to the
21 department, including the submission of requested information, to
22 allow the department to carry out its purposes under this chapter.

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

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

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

1 The board may:

2 (1) Adopt bylaws for the regulation of its affairs and the
3 conduct of its business.

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

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

6 (4) Accept from any federal agency loans or grants for the
7 planning or financing of any project and enter into an agreement with
8 the agency respecting the loans or grants.

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

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

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

19 (8) Adopt rules under chapter 34.05 RCW (~~as necessary to carry~~
20 ~~out the purposes of this chapter~~). Beginning July 1, 2018, rules
21 adopted under this chapter must be derived from a specific grant of
22 legislative authority. The rules must include the specific statutory
23 section or sections from which the grant of authority is derived, and
24 may not rely solely on a section of law stating a statute's intent,
25 purpose, or general enabling provisions.

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

28 **Sec. 29.** RCW 43.21F.045 and 2015 c 225 s 73 are each amended to
29 read as follows:

30 (1) The department shall supervise and administer energy-related
31 activities as specified in RCW 43.330.904 and shall advise the
32 governor and the legislature with respect to energy matters affecting
33 the state.

34 (2) In addition to other powers and duties granted to the
35 department, the department shall have the following powers and
36 duties:

37 (a) Prepare and update contingency plans for implementation in
38 the event of energy shortages or emergencies. The plans shall conform
39 to chapter 43.21G RCW and shall include procedures for determining

1 when these shortages or emergencies exist, the state officers and
2 agencies to participate in the determination, and actions to be taken
3 by various agencies and officers of state government in order to
4 reduce hardship and maintain the general welfare during these
5 emergencies. The department shall coordinate the activities
6 undertaken pursuant to this subsection with other persons. The
7 components of plans that require legislation for their implementation
8 shall be presented to the legislature in the form of proposed
9 legislation at the earliest practicable date. The department shall
10 report to the governor and the legislature on probable, imminent, and
11 existing energy shortages, and shall administer energy allocation and
12 curtailment programs in accordance with chapter 43.21G RCW.

13 (b) Establish and maintain a central repository in state
14 government for collection of existing data on energy resources,
15 including:

16 (i) Supply, demand, costs, utilization technology, projections,
17 and forecasts;

18 (ii) Comparative costs of alternative energy sources, uses, and
19 applications; and

20 (iii) Inventory data on energy research projects in the state
21 conducted under public and/or private auspices, and the results
22 thereof.

23 (c) Coordinate federal energy programs appropriate for state-
24 level implementation, carry out such energy programs as are assigned
25 to it by the governor or the legislature, and monitor federally
26 funded local energy programs as required by federal or state
27 regulations.

28 (d) Develop energy policy recommendations for consideration by
29 the governor and the legislature.

30 (e) Provide assistance, space, and other support as may be
31 necessary for the activities of the state's two representatives to
32 the Pacific northwest electric power and conservation planning
33 council. To the extent consistent with federal law, the director
34 shall request that Washington's councilmembers request the
35 administrator of the Bonneville power administration to reimburse the
36 state for the expenses associated with the support as provided in the
37 Pacific Northwest Electric Power Planning and Conservation Act (P.L.
38 96-501).

1 (f) Cooperate with state agencies, other governmental units, and
2 private interests in the prioritization and implementation of the
3 state energy strategy elements and on other energy matters.

4 (g) Serve as the official state agency responsible for
5 coordinating implementation of the state energy strategy.

6 (h) No later than December 1, 1982, and by December 1st of each
7 even-numbered year thereafter, prepare and transmit to the governor
8 and the appropriate committees of the legislature a report on the
9 implementation of the state energy strategy and other important
10 energy issues, as appropriate.

11 (i) Provide support for increasing cost-effective energy
12 conservation, including assisting in the removal of impediments to
13 timely implementation.

14 (j) Provide support for the development of cost-effective energy
15 resources including assisting in the removal of impediments to timely
16 construction.

17 (k) Adopt rules(~~(τ)~~) under chapter 34.05 RCW(~~(τ , necessary to~~
18 ~~carry out the powers and duties enumerated in this chapter)~~).
19 Beginning July 1, 2018, rules adopted under this chapter must be
20 derived from a specific grant of legislative authority. The rules
21 must include the specific statutory section or sections from which
22 the grant of authority is derived, and may not rely solely on a
23 section of law stating a statute's intent, purpose, or general
24 enabling provisions.

25 (l) Provide administrative assistance, space, and other support
26 as may be necessary for the activities of the energy facility site
27 evaluation council, as provided for in RCW 80.50.030.

28 (m) Appoint staff as may be needed to administer energy policy
29 functions and manage energy facility site evaluation council
30 activities. These employees are exempt from the provisions of chapter
31 41.06 RCW.

32 (3) To the extent the powers and duties set out under this
33 section relate to energy education, applied research, and technology
34 transfer programs they are transferred to Washington State
35 University.

36 (4) To the extent the powers and duties set out under this
37 section relate to energy efficiency in public buildings they are
38 transferred to the department of enterprise services.

1 **Sec. 30.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to
2 read as follows:

3 The board may:

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

7 (2) Provide technical assistance to local governments;

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

11 (4) Adopt rules under chapter 34.05 RCW (~~as necessary to carry~~
12 ~~out the purposes of this chapter;~~). Beginning July 1, 2018, rules
13 adopted under this chapter must be 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,
17 purpose, or general enabling provisions; and

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

20 **Sec. 31.** RCW 43.12.045 and 1995 c 403 s 101 are each amended to
21 read as follows:

22 (~~For rules adopted after July 23, 1995, the commissioner of~~
23 ~~public lands may not rely solely on a section of law stating a~~
24 ~~statute's intent or purpose, on the enabling provisions of the~~
25 ~~statute establishing the agency, or on any combination of such~~
26 ~~provisions, for statutory authority to adopt any rule.))~~

27 For rules adopted under the provisions of this chapter, beginning
28 July 1, 2018, the commissioner may only adopt rules derived from a
29 specific grant of legislative authority. The rules must include the
30 specific statutory section or sections from which the grant of
31 authority is derived, and may not rely solely on a section of law
32 stating a statute's intent, purpose, or general enabling provisions.

33 **Sec. 32.** RCW 89.08.040 and 2009 c 55 s 1 are each amended to
34 read as follows:

35 (1) Members shall be compensated in accordance with RCW 43.03.250
36 and shall be entitled to travel expenses in accordance with RCW
37 43.03.050 and 43.03.060 incurred in the discharge of their duties.

1 (2) The commission shall keep a record of its official actions,
2 shall adopt a seal, which shall be judicially noticed, and may
3 perform such acts, hold such public hearings, and adopt (~~such~~)
4 rules (~~as may be necessary for the execution of its functions under~~
5 ~~chapter 184, Laws of 1973 1st ex. sess~~). The state department of
6 ecology is empowered to pay the travel expenses of the elected and
7 appointed members of the state conservation commission, and the
8 salaries, wages and other expenses of such administrative officers or
9 other employees as may be required under the provisions of this
10 chapter.

11 (3) Beginning July 1, 2018, rules adopted under this chapter must
12 be derived from a specific grant of legislative authority. The rules
13 must include the specific statutory section or sections from which
14 the grant of authority is derived, and may not rely solely on a
15 section of law stating a statute's intent, purpose, or general
16 enabling provisions.

17 **Sec. 33.** RCW 43.105.057 and 2011 1st sp.s. c 43 s 807 are each
18 amended to read as follows:

19 The agency (~~shall~~) may adopt rules (~~as necessary~~) under
20 chapter 34.05 RCW to implement the provisions of this chapter.
21 Beginning July 1, 2018, rules adopted under this chapter must be
22 derived from a specific grant of legislative authority. The rules
23 must include the specific statutory section or sections from which
24 the grant of authority is derived, and may not rely solely on a
25 section of law stating a statute's intent, purpose, or general
26 enabling provisions.

27 **Sec. 34.** RCW 72.01.090 and 1959 c 28 s 72.01.090 are each
28 amended to read as follows:

29 (1) The department is authorized to (~~make its own~~) adopt rules
30 for the proper execution of its powers(~~. It shall also have the~~
31 ~~power~~) and to adopt rules and regulations for the government of the
32 public institutions placed under its control, and shall therein
33 prescribe, in a manner consistent with the provisions of this title,
34 the duties of the persons connected with the management of such
35 public institutions.

36 (2) Beginning July 1, 2018, rules adopted under this chapter must
37 be derived from a specific grant of legislative authority. The rules
38 must include the specific statutory section or sections from which

1 the grant of authority is derived, and may not rely solely on a
2 section of law stating a statute's intent, purpose, or general
3 enabling provisions.

4 **Sec. 35.** RCW 36.78.050 and 1993 c 65 s 2 are each amended to
5 read as follows:

6 (1) The board shall meet at least once quarterly and ((shall))
7 may from time to time adopt rules and regulations for its own
8 government ((and as may be necessary for it to discharge its duties
9 and exercise its powers under this chapter)). The board shall elect a
10 chair from its own membership who shall hold office for one year.
11 Election as chair does not affect the member's right to vote on all
12 matters before the board.

13 (2) Beginning July 1, 2018, rules adopted under this chapter must
14 be derived from a specific grant of legislative authority. The rules
15 must include the specific statutory section or sections from which
16 the grant of authority is derived, and may not rely solely on a
17 section of law stating a statute's intent, purpose, or general
18 enabling provisions.

19 **Sec. 36.** RCW 43.101.080 and 2015 c 225 s 90 are each amended to
20 read as follows:

21 The commission shall have all of the following powers:

22 (1) To meet at such times and places as it may deem proper;

23 (2) To adopt ((any)) rules and regulations ((as it may deem
24 necessary)) when delegated specific authority to do so by the
25 legislature;

26 (3) To contract for services as it deems necessary in order to
27 carry out its duties and responsibilities;

28 (4) To cooperate with and secure the cooperation of any
29 department, agency, or instrumentality in state, county, and city
30 government, and other commissions affected by or concerned with the
31 business of the commission;

32 (5) To do any and all things necessary or convenient to enable it
33 fully and adequately to perform its duties and to exercise the power
34 granted to it;

35 (6) To select and employ an executive director, and to empower
36 him or her to perform such duties and responsibilities as it may deem
37 necessary;

- 1 (7) To assume legal, fiscal, and program responsibility for all
2 training conducted by the commission;
- 3 (8) To establish, by rule and regulation, standards for the
4 training of criminal justice personnel where such standards are not
5 prescribed by statute;
- 6 (9) To own, establish, and operate, or to contract with other
7 qualified institutions or organizations for the operation of,
8 training and education programs for criminal justice personnel and to
9 purchase, lease, or otherwise acquire, subject to the approval of the
10 department of enterprise services, a training facility or facilities
11 necessary to the conducting of such programs;
- 12 (10) To establish, by rule and regulation, minimum curriculum
13 standards for all training programs conducted for employed criminal
14 justice personnel;
- 15 (11) To review and approve or reject standards for instructors of
16 training programs for criminal justice personnel, and to employ
17 personnel on a temporary basis as instructors without any loss of
18 employee benefits to those instructors;
- 19 (12) To direct the development of alternative, (~~innovate~~
20 ~~[innovative]~~) innovative, and interdisciplinary training techniques;
- 21 (13) To review and approve or reject training programs conducted
22 for criminal justice personnel and rules establishing and prescribing
23 minimum training and education standards recommended by the training
24 standards and education boards;
- 25 (14) To allocate financial resources among training and education
26 programs conducted by the commission;
- 27 (15) To allocate training facility space among training and
28 education programs conducted by the commission;
- 29 (16) To issue diplomas certifying satisfactory completion of any
30 training or education program conducted or approved by the commission
31 to any person so completing such a program;
- 32 (17) To provide for the employment of such personnel as may be
33 practical to serve as temporary replacements for any person engaged
34 in a basic training program as defined by the commission;
- 35 (18) To establish rules and regulations recommended by the
36 training standards and education boards prescribing minimum standards
37 relating to physical, mental and moral fitness which shall govern the
38 recruitment of criminal justice personnel where such standards are
39 not prescribed by statute or constitutional provision;

1 (19) To require county, city, or state law enforcement agencies
2 that make a conditional offer of employment to an applicant as a
3 fully commissioned peace officer or a reserve officer to administer a
4 background investigation including a check of criminal history, a
5 psychological examination, and a polygraph test or similar assessment
6 to each applicant, the results of which shall be used by the employer
7 to determine the applicant's suitability for employment as a fully
8 commissioned peace officer or a reserve officer. The background
9 investigation, psychological examination, and the polygraph
10 examination shall be administered in accordance with the requirements
11 of RCW 43.101.095(2). The employing county, city, or state law
12 enforcement agency may require that each peace officer or reserve
13 officer who is required to take a psychological examination and a
14 polygraph or similar test pay a portion of the testing fee based on
15 the actual cost of the test or four hundred dollars, whichever is
16 less. County, city, and state law enforcement agencies may establish
17 a payment plan if they determine that the peace officer or reserve
18 officer does not readily have the means to pay for his or her portion
19 of the testing fee;

20 (20) To promote positive relationships between law enforcement
21 and the citizens of the state of Washington by allowing commissioners
22 and staff to participate in the "chief for a day program." The
23 executive director shall designate staff who may participate. In
24 furtherance of this purpose, the commission may accept grants of
25 funds and gifts and may use its public facilities for such purpose.
26 At all times, the participation of commissioners and staff shall
27 comply with chapter 42.52 RCW and chapter 292-110 WAC.

28 All rules and regulations adopted by the commission shall be
29 adopted and administered pursuant to the administrative procedure
30 act, chapter 34.05 RCW, and the open public meetings act, chapter
31 42.30 RCW. Beginning July 1, 2018, rules adopted under this chapter
32 must be 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, purpose, or general
36 enabling provisions.

37 **Sec. 37.** RCW 43.215.070 and 2006 c 265 s 108 are each amended to
38 read as follows:

1 (1) In addition to other duties under this chapter, the director
2 shall actively participate in a nongovernmental private-public
3 partnership focused on supporting government's investments in early
4 learning and ensuring that every child in the state is prepared to
5 succeed in school and in life. Except for licensing as required by
6 Washington state law and to the extent permitted by federal law, the
7 director of the department of early learning shall grant waivers from
8 the rules of state agencies for the operation of early learning
9 programs requested by the nongovernmental private-public partnership
10 to allow for flexibility to pursue market-based approaches to
11 achieving the best outcomes for children and families.

12 (2) In addition to other powers granted to the director, the
13 director may:

14 (a) Enter into contracts on behalf of the department to carry out
15 the purposes of this chapter;

16 (b) Accept gifts, grants, or other funds for the purposes of this
17 chapter; and

18 (c) Adopt, in accordance with chapter 34.05 RCW, (~~rules~~
19 ~~necessary to implement this chapter, including~~) rules governing
20 child day care and early learning programs under this chapter. This
21 section does not expand the rule-making authority of the director
22 beyond that necessary to implement and administer programs and
23 services existing July 1, 2006, as transferred to the department of
24 early learning under section 501, chapter 265, Laws of 2006. The
25 rule-making authority does not include any authority to set mandatory
26 curriculum or establish what must be taught in child day care centers
27 or by family day care providers. Beginning July 1, 2018, rules
28 adopted under this chapter must be derived from a specific grant of
29 legislative authority. The rules must include the specific statutory
30 section or sections from which the grant of authority is derived, and
31 may not rely solely on a section of law stating a statute's intent,
32 purpose, or general enabling provisions.

33 **Sec. 38.** RCW 43.21A.080 and 1995 c 403 s 103 are each amended to
34 read as follows:

35 (~~The director of the department of ecology is authorized to~~
36 ~~adopt such rules and regulations as are necessary and appropriate to~~
37 ~~carry out the provisions of this chapter: PROVIDED, That~~) (1) The
38 director may adopt rules derived from a specific grant of legislative
39 authority. The rules must include the specific statutory section or

1 sections from which the grant of authority is derived, and may not
2 rely solely on a section of law stating a statute's intent or purpose
3 or the general enabling provisions establishing the department.

4 (2) The director may not adopt rules after July 23, 1995, that
5 are based solely on a section of law stating a statute's intent or
6 purpose, on the enabling provisions of the statute establishing the
7 agency, or on any combination of such provisions, for statutory
8 authority to adopt the rule.

9 **Sec. 39.** RCW 70.95N.230 and 2013 c 305 s 11 are each amended to
10 read as follows:

11 (1) The department shall adopt rules to determine the process for
12 manufacturers to change plans under RCW 70.95N.080.

13 (2) The department shall establish annual registration and plan
14 review fees for administering this chapter. An initial fee schedule
15 must be established by rule and be adjusted no more often than once
16 every two years. All fees charged must be based on factors relating
17 to administering this chapter and be based on a sliding scale that is
18 representative of annual sales of covered electronic products in the
19 state, either by weight or unit, or by representative market share.
20 Fees must be established in amounts to fully recover and not to
21 exceed expenses incurred by the department to implement this chapter.

22 (3) The department shall establish an annual process for local
23 governments and local communities to report their satisfaction with
24 the services provided by plans under this chapter. This information
25 must be used by the department in reviewing plan updates and
26 revisions.

27 (4) The department may adopt rules ((as—necessary)) for the
28 purpose of implementing, administering, and enforcing this chapter.
29 Beginning July 1, 2018, rules adopted under this chapter must be
30 derived from a specific grant of legislative authority. The rules
31 must include the specific statutory section or sections from which
32 the grant of authority is derived, and may not rely solely on a
33 section of law stating a statute's intent, purpose, or general
34 enabling provisions.

35 **Sec. 40.** RCW 43.21I.030 and 2000 c 69 s 28 are each amended to
36 read as follows:

37 In addition to any other powers granted the director, the
38 director may:

1 (1) Adopt, in accordance with chapter 34.05 RCW, rules
2 ((necessary)) to carry out the provisions of this chapter and chapter
3 88.46 RCW. Beginning July 1, 2018, rules adopted under this chapter
4 must be derived from a specific grant of legislative authority. The
5 rules must include the specific statutory section or sections from
6 which the grant of authority is derived, and may not rely solely on a
7 section of law stating a statute's intent, purpose, or general
8 enabling provisions;

9 (2) Appoint such advisory committees as may be necessary to carry
10 out the provisions of this chapter and chapter 88.46 RCW. Members of
11 such advisory committees are authorized to receive travel expenses in
12 accordance with RCW 43.03.050 and 43.03.060. The director shall
13 review each advisory committee within the jurisdiction of the program
14 and each statutory advisory committee on a biennial basis to
15 determine if such advisory committee is needed. The criteria
16 specified in RCW 43.131.070 shall be used to determine whether or not
17 each advisory committee shall be continued;

18 (3) Undertake studies, research, and analysis necessary to carry
19 out the provisions of this chapter and chapter 88.46 RCW;

20 (4) Delegate powers, duties, and functions of the program to
21 employees of the department as the director deems necessary to carry
22 out the provisions of this chapter and chapter 88.46 RCW;

23 (5) Enter into contracts on behalf of the department to carry out
24 the purposes of this chapter and chapter 88.46 RCW;

25 (6) Act for the state in the initiation of, or the participation
26 in, any intergovernmental program for the purposes of this chapter
27 and chapter 88.46 RCW; or

28 (7) Accept gifts, grants, or other funds.

29 **Sec. 41.** RCW 39.110.045 and 2012 c 193 s 8 are each amended to
30 read as follows:

31 In addition to carrying out the economic development finance
32 activities and programs specifically authorized in this chapter, an
33 authority may:

34 (1) Maintain an office or offices;

35 (2) Sue and be sued in its own name, and plead and be impleaded;

36 (3) Engage consultants, agents, attorneys, and advisers, contract
37 with federal, state, and local governmental entities for services,
38 and hire such employees, agents, and other personnel as the authority
39 deems necessary, useful, or convenient to accomplish its purposes;

- 1 (4) Make and execute all manner of contracts, agreements and
2 instruments, and financing documents with public and private parties
3 as the authority deems necessary, useful, or convenient to accomplish
4 its purposes;
- 5 (5) Acquire and hold real or personal property, or any interest
6 therein, in the name of the authority, and to sell, assign, lease,
7 encumber, mortgage, or otherwise dispose of the same in such manner
8 as the authority deems necessary, useful, or convenient to accomplish
9 its purposes;
- 10 (6) Open and maintain accounts in qualified public depositories
11 and otherwise provide for the investment of any funds not required
12 for immediate disbursement, and provide for the selection of
13 investments;
- 14 (7) Appear in its own behalf before boards, commissions,
15 departments, or agencies of federal, state, or local government;
- 16 (8) Procure such insurance in such amounts and from such insurers
17 as the authority deems desirable including, but not limited to,
18 insurance against any loss or damage to its property or other assets,
19 public liability insurance for injuries to persons or property, and
20 directors and officers liability insurance;
- 21 (9) Apply for and accept subventions, grants, loans, advances,
22 and contributions from any source of money, property, labor, or other
23 things of value, to be held, used, and applied as the authority deems
24 necessary, useful, or convenient to accomplish its purposes;
- 25 (10) Establish guidelines for the participation by eligible
26 banking organizations in programs conducted by the authority under
27 this chapter;
- 28 (11) Act as an agent, by agreement, for federal, state, or local
29 governmental entities to carry out the programs authorized in this
30 chapter;
- 31 (12) Establish, revise, and collect such fees and charges as the
32 authority deems necessary, useful, or convenient to accomplish its
33 purposes;
- 34 (13) Make such expenditures as are appropriate for paying the
35 administrative costs and expenses of the authority in carrying out
36 the provisions of this chapter;
- 37 (14) Establish such reserves and special funds, and controls on
38 deposits to and disbursements from them, as the authority deems
39 necessary, useful, or convenient to accomplish its purposes;

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

4 (16) Delegate any of its powers and duties if consistent with the
5 purposes of this chapter;

6 (17) Adopt rules concerning its exercise of the powers authorized
7 by this chapter. Beginning July 1, 2018, rules adopted under this
8 chapter must be derived from a specific grant of legislative
9 authority. The rules must include the specific statutory section or
10 sections from which the grant of authority is derived, and may not
11 rely solely on a section of law stating a statute's intent, purpose,
12 or general enabling provisions; and

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

16 **Sec. 42.** RCW 50.12.040 and 1995 c 403 s 109 are each amended to
17 read as follows:

18 (1) Permanent and emergency rules shall be adopted, amended, or
19 repealed by the commissioner in accordance with the provisions of
20 Title 34 RCW and the rules adopted pursuant thereto: PROVIDED, That
21 the commissioner may not adopt rules after July 23, 1995, that are
22 based solely on a section of law stating a statute's intent or
23 purpose, on the enabling provisions of the statute establishing the
24 agency, or on any combination of such provisions, for statutory
25 authority to adopt any rule.

26 (2) Beginning July 1, 2018, rules adopted under this chapter must
27 be derived from a specific grant of legislative authority. The rules
28 must include the specific statutory section or sections from which
29 the grant of authority is derived, and may not rely solely on a
30 section of law stating a statute's intent, purpose, or general
31 enabling provisions.

32 **Sec. 43.** RCW 50.12.010 and 2010 c 8 s 13013 are each amended to
33 read as follows:

34 (1) The commissioner shall administer this title. He or she shall
35 have the power and authority to adopt, amend, or rescind such rules
36 and regulations, to employ such persons, make such expenditures,
37 require such reports, make such investigations, and take such other
38 action as he or she deems necessary or suitable to that end. Such

1 rules and regulations shall be effective upon publication and in the
2 manner, not inconsistent with the provisions of this title, which the
3 commissioner shall prescribe. The commissioner, in accordance with
4 the provisions of this title, shall determine the organization and
5 methods of procedure of the divisions referred to in this title, and
6 shall have an official seal which shall be judicially noticed. The
7 commissioner shall submit to the governor a report covering the
8 administration and operation of this title during the preceding
9 fiscal year, July 1st through June 30th, and shall make such
10 recommendations for amendments to this title as he or she deems
11 proper. Such report shall include a balance sheet of the moneys in
12 the fund in which there shall be provided, if possible, a reserve
13 against the liability in future years to pay benefits in excess of
14 the then current contributions, which reserve shall be set up by the
15 commissioner in accordance with accepted actuarial principles on the
16 basis of statistics of employment, business activity, and other
17 relevant factors for the longest possible period. Whenever the
18 commissioner believes that a change in contribution or benefit rates
19 will become necessary to protect the solvency of the fund, he or she
20 shall promptly so inform the governor and legislature and make
21 recommendations with respect thereto.

22 (2) There is established a unit within the department for the
23 purpose of detection and investigation of fraud under this title. The
24 department will employ supervisory and investigative personnel for
25 the program, who must be qualified by training and experience.

26 (3) The commissioner or the commissioner's duly authorized
27 designee is authorized to receive criminal history record information
28 that includes nonconviction data for any purpose associated with the
29 investigation for abuse or fraud under chapter 50.20 RCW.
30 Dissemination or use of nonconviction data for purposes other than
31 that authorized in this section is prohibited.

32 (4) Beginning July 1, 2018, rules adopted under this chapter must
33 be derived from a specific grant of legislative authority. The rules
34 must include the specific statutory section or sections from which
35 the grant of authority is derived, and may not rely solely on a
36 section of law stating a statute's intent, purpose, or general
37 enabling provisions.

38 **Sec. 44.** RCW 80.50.040 and 2001 c 214 s 6 are each amended to
39 read as follows:

1 The council shall have the following powers:

2 (1) To adopt, promulgate, amend, or rescind suitable rules and
3 regulations, pursuant to chapter 34.05 RCW, to carry out the
4 provisions of this chapter(~~(, and the policies and practices of the~~
5 ~~council in connection therewith)~~). Beginning July 1, 2018, rules
6 adopted under this chapter must be derived from a specific grant of
7 legislative authority. The rules must include the specific statutory
8 section or sections from which the grant of authority is derived, and
9 may not rely solely on a section of law stating a statute's intent,
10 purpose, or general enabling provisions;

11 (2) To develop and apply environmental and ecological guidelines
12 in relation to the type, design, location, construction, and
13 operational conditions of certification of energy facilities subject
14 to this chapter;

15 (3) To establish rules of practice for the conduct of public
16 hearings pursuant to the provisions of the Administrative Procedure
17 Act, as found in chapter 34.05 RCW;

18 (4) To prescribe the form, content, and necessary supporting
19 documentation for site certification;

20 (5) To receive applications for energy facility locations and to
21 investigate the sufficiency thereof;

22 (6) To make and contract, when applicable, for independent
23 studies of sites proposed by the applicant;

24 (7) To conduct hearings on the proposed location of the energy
25 facilities;

26 (8) To prepare written reports to the governor which shall
27 include: (a) A statement indicating whether the application is in
28 compliance with the council's guidelines, (b) criteria specific to
29 the site and transmission line routing, (c) a council recommendation
30 as to the disposition of the application, and (d) a draft
31 certification agreement when the council recommends approval of the
32 application;

33 (9) To prescribe the means for monitoring of the effects arising
34 from the construction and the operation of energy facilities to
35 assure continued compliance with terms of certification and/or
36 permits issued by the council pursuant to chapter 90.48 RCW or
37 subsection (12) of this section: PROVIDED, That any on-site
38 inspection required by the council shall be performed by other state
39 agencies pursuant to interagency agreement: PROVIDED FURTHER, That

1 the council may retain authority for determining compliance relative
2 to monitoring;

3 (10) To integrate its site evaluation activity with activities of
4 federal agencies having jurisdiction in such matters to avoid
5 unnecessary duplication;

6 (11) To present state concerns and interests to other states,
7 regional organizations, and the federal government on the location,
8 construction, and operation of any energy facility which may affect
9 the environment, health, or safety of the citizens of the state of
10 Washington;

11 (12) To issue permits in compliance with applicable provisions of
12 the federally approved state implementation plan adopted in
13 accordance with the Federal Clean Air Act, as now existing or
14 hereafter amended, for the new construction, reconstruction, or
15 enlargement or operation of energy facilities: PROVIDED, That such
16 permits shall become effective only if the governor approves an
17 application for certification and executes a certification agreement
18 pursuant to this chapter: AND PROVIDED FURTHER, That all such permits
19 be conditioned upon compliance with all provisions of the federally
20 approved state implementation plan which apply to energy facilities
21 covered within the provisions of this chapter; and

22 (13) To serve as an interagency coordinating body for energy-
23 related issues.

24 **Sec. 45.** RCW 43.19.011 and 2011 1st sp.s. c 43 s 201 are each
25 amended to read as follows:

26 (1) The director of enterprise services shall supervise and
27 administer the activities of the department of enterprise services
28 and shall advise the governor and the legislature with respect to
29 matters under the jurisdiction of the department.

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

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

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

37 (c) Appoint deputy and assistant directors and such other special
38 assistants as may be needed to administer the department. These
39 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;

4 (e) Delegate powers, duties, and functions as the director deems
5 necessary for efficient administration, but the director shall be
6 responsible for the official acts of the officers and employees of
7 the department;

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

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

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

15 (4) Beginning July 1, 2018, rules adopted under this chapter must
16 be derived from a specific grant of legislative authority. The rules
17 must include the specific statutory section or sections from which
18 the grant of authority is derived, and may not rely solely on a
19 section of law stating a statute's intent, purpose, or general
20 enabling provisions.

21 **Sec. 46.** RCW 36.70A.270 and 2010 c 211 s 6 and 2010 c 210 s 16
22 are each reenacted and amended to read as follows:

23 The growth management hearings board shall be governed by the
24 following rules on conduct and procedure:

25 (1) Any board member may be removed for inefficiency,
26 malfeasance, and misfeasance in office, under specific written
27 charges filed by the governor. The governor shall transmit such
28 written charges to the member accused and the chief justice of the
29 supreme court. The chief justice shall thereupon designate a tribunal
30 composed of three judges of the superior court to hear and adjudicate
31 the charges. Removal of any member of the board by the tribunal shall
32 disqualify such member for reappointment.

33 (2) Each board member shall receive reimbursement for travel
34 expenses incurred in the discharge of his or her duties in accordance
35 with RCW 43.03.050 and 43.03.060. Each member shall receive an annual
36 salary to be determined by the governor pursuant to RCW 43.03.040.
37 The principal office of the board shall be located in Olympia.

38 (3) Each board member shall not: (a) Be a candidate for or hold
39 any other public office or trust; (b) engage in any occupation or

1 business interfering with or inconsistent with his or her duty as a
2 board member; and (c) for a period of one year after the termination
3 of his or her board membership, act in a representative capacity
4 before the board on any matter.

5 (4) A majority of the board shall constitute a quorum for
6 adopting rules necessary for the conduct of its powers and duties or
7 transacting other official business, and may act even though one
8 position of the board is vacant. One or more members may hold
9 hearings and take testimony to be reported for action by the board
10 when authorized by rule or order of the board. The board shall
11 perform all the powers and duties specified in this chapter or as
12 otherwise provided by law.

13 (5) The board may use one or more hearing examiners to assist the
14 board in its hearing function, to make conclusions of law and
15 findings of fact and, if requested by the board, to make
16 recommendations to the board for decisions in cases before the board.
17 Such hearing examiners must have demonstrated knowledge of land use
18 planning and law. The board shall specify in its rules of practice
19 and procedure, as required by subsection (7) of this section, the
20 procedure and criteria to be employed for designating hearing
21 examiners as a presiding officer. Hearing examiners used by the board
22 shall meet the requirements of subsection (3) of this section. The
23 findings and conclusions of the hearing examiner shall not become
24 final until they have been formally approved by the board. This
25 authorization to use hearing examiners does not waive the requirement
26 of RCW 36.70A.300 that final orders be issued within one hundred
27 eighty days of board receipt of a petition.

28 (6) The board shall make findings of fact and prepare a written
29 decision in each case decided by it, and such findings and decision
30 shall be effective upon being signed by two or more members of the
31 regional panel deciding the particular case and upon being filed at
32 the board's principal office, and shall be open for public inspection
33 at all reasonable times.

34 (7) All proceedings before the board, any of its members, or a
35 hearing examiner appointed by the board shall be conducted in
36 accordance with such administrative rules of practice and procedure
37 as the board prescribes. The board shall develop and adopt rules of
38 practice and procedure, including rules regarding expeditious and
39 summary disposition of appeals and the assignment of cases to
40 regional panels. The board shall publish such rules and decisions it

1 renders and arrange for the reasonable distribution of the rules and
2 decisions. Except as it conflicts with specific provisions of this
3 chapter, the administrative procedure act, chapter 34.05 RCW, and
4 specifically including the provisions of RCW 34.05.455 governing ex
5 parte communications, shall govern the practice and procedure of the
6 board. Beginning July 1, 2018, rules adopted under this chapter must
7 be derived from a specific grant of legislative authority. The rules
8 must include the specific statutory section or sections from which
9 the grant of authority is derived, and may not rely solely on a
10 section of law stating a statute's intent, purpose, or general
11 enabling provisions.

12 (8) A board member or hearing examiner is subject to
13 disqualification under chapter 34.05 RCW. The rules of practice of
14 the board shall establish procedures by which a party to a hearing
15 conducted before the board may file with the board a motion to
16 disqualify, with supporting affidavit, against a board member or
17 hearing examiner assigned to preside at the hearing.

18 (9) All members of the board shall meet on at least an annual
19 basis with the objective of sharing information that promotes the
20 goals and purposes of this chapter.

21 (10) The board shall annually elect one of its members to be the
22 board administrative officer. The duties and responsibilities of the
23 administrative officer include handling day-to-day administrative,
24 budget, and personnel matters on behalf of the board, together with
25 making case assignments to board members in accordance with the
26 board's rules of procedure in order to achieve a fair and balanced
27 workload among all board members. The administrative officer of the
28 board may carry a reduced caseload to allow time for performing the
29 administrative work functions.

30 **Sec. 47.** RCW 43.21B.090 and 1990 c 65 s 2 are each amended to
31 read as follows:

32 (1) The principal office of the hearings board shall be at the
33 state capitol, but it may sit or hold hearings at any other place in
34 the state. A majority of the hearings board shall constitute a quorum
35 for making orders or decisions, promulgating rules and regulations
36 ~~((necessary for the conduct of its powers and duties)),~~ or
37 transacting other official business, and may act though one position
38 of the hearings board be vacant. One or more members may hold
39 hearings and take testimony to be reported for action by the hearings

1 board when authorized by rule or order of the hearings board. The
2 hearings board shall perform all the powers and duties specified in
3 this chapter or as otherwise provided by law.

4 (2) Beginning July 1, 2018, rules adopted under this chapter must
5 be derived from a specific grant of legislative authority. The rules
6 must include the specific statutory section or sections from which
7 the grant of authority is derived, and may not rely solely on a
8 section of law stating a statute's intent, purpose, or general
9 enabling provisions.

10 **Sec. 48.** RCW 90.58.175 and 1973 1st ex.s. c 203 s 3 are each
11 amended to read as follows:

12 (1) The shorelines hearings board may adopt rules and regulations
13 governing the administrative practice and procedure in and before the
14 board.

15 (2) Beginning July 1, 2018, rules adopted under this chapter must
16 be derived from a specific grant of legislative authority. The rules
17 must include the specific statutory section or sections from which
18 the grant of authority is derived, and may not rely solely on a
19 section of law stating a statute's intent, purpose, or general
20 enabling provisions.

21 **Sec. 49.** RCW 42.52.360 and 2013 c 190 s 3 are each amended to
22 read as follows:

23 (1) The executive ethics board shall enforce this chapter and
24 rules adopted under it with respect to statewide elected officers and
25 all other officers and employees in the executive branch, boards and
26 commissions, and institutions of higher education.

27 (2) The executive ethics board shall enforce this chapter with
28 regard to the activities of university research employees as provided
29 in this subsection.

30 (a) With respect to compliance with RCW 42.52.030, 42.52.110,
31 42.52.130, 42.52.140, and 42.52.150, the administrative process shall
32 be consistent with and adhere to no less than the current standards
33 in regulations of the United States public health service and the
34 office of the secretary of the department of health and human
35 services in Title 42 C.F.R. Part 50, Subpart F relating to promotion
36 of objectivity in research.

37 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and
38 42.52.120, the administrative process shall include a comprehensive

1 system for the disclosure, review, and approval of outside work
2 activities by university research employees while assuring that such
3 employees are fulfilling their employment obligations to the
4 university.

5 (c) With respect to compliance with RCW 42.52.160, the
6 administrative process shall include a reasonable determination by
7 the university of acceptable private uses having de minimis costs to
8 the university and a method for establishing fair and reasonable
9 reimbursement charges for private uses the costs of which are in
10 excess of de minimis.

11 (3) The executive ethics board shall:

12 (a) Develop educational materials and training;

13 (b) Adopt rules and policies governing the conduct of business by
14 the board, and adopt rules defining working hours for purposes of RCW
15 42.52.180 and where otherwise authorized under chapter 154, Laws of
16 1994. Beginning July 1, 2018, rules adopted under this chapter must
17 be derived from a specific grant of legislative authority. The rules
18 must include the specific statutory section or sections from which
19 the grant of authority is derived, and may not rely solely on a
20 section of law stating a statute's intent, purpose, or general
21 enabling provisions;

22 (c) Issue advisory opinions;

23 (d) Investigate, hear, and determine complaints by any person or
24 on its own motion;

25 (e) Impose sanctions including reprimands and monetary penalties;

26 (f) Recommend to the appropriate authorities suspension, removal
27 from position, prosecution, or other appropriate remedy; and

28 (g) Establish criteria regarding the levels of civil penalties
29 appropriate for violations of this chapter and rules adopted under
30 it.

31 (4) The board may:

32 (a) Issue subpoenas for the attendance and testimony of witnesses
33 and the production of documentary evidence relating to any matter
34 under examination by the board or involved in any hearing;

35 (b) Administer oaths and affirmations;

36 (c) Examine witnesses; and

37 (d) Receive evidence.

38 (5) The board shall not delegate to the board's executive
39 director its authority to issue advisories, advisory letters, or
40 opinions.

1 (6) Except as provided in RCW 42.52.220, the executive ethics
2 board may review and approve agency policies as provided for in this
3 chapter.

4 (7) This section does not apply to state officers and state
5 employees of the judicial branch.

6 **Sec. 50.** RCW 43.06A.030 and 2013 c 23 s 73 are each amended to
7 read as follows:

8 The ombuds shall perform the following duties:

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

12 (2) Investigate, upon his or her own initiative or upon receipt
13 of a complaint, an administrative act alleged to be contrary to law,
14 rule, or policy, imposed without an adequate statement of reason, or
15 based on irrelevant, immaterial, or erroneous grounds; however, the
16 ombuds may decline to investigate any complaint as provided by rules
17 adopted under this chapter;

18 (3) Monitor the procedures as established, implemented, and
19 practiced by the department to carry out its responsibilities in
20 delivering family and children's services with a view toward
21 appropriate preservation of families and ensuring children's health
22 and safety;

23 (4) Review periodically the facilities and procedures of state
24 institutions serving children, and state-licensed facilities or
25 residences;

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

28 (6) Submit annually to the committee and to the governor by
29 November 1st a report analyzing the work of the office, including
30 recommendations;

31 (7) Grant the committee access to all relevant records in the
32 possession of the ombuds unless prohibited by law; and

33 (8) Adopt rules (~~((necessary to implement this chapter))~~) derived
34 from a specific grant of legislative authority. The rules must
35 include the specific statutory section or sections from which the
36 grant of authority is derived, and may not rely solely on a section
37 of law stating a statute's intent, purpose, or general enabling
38 provisions.

1 **Sec. 51.** RCW 39.94.040 and 2011 1st sp.s. c 43 s 726 and 2011 c
2 151 s 7 are each reenacted and amended to read as follows:

3 (1) Except as provided in RCW 28B.10.022, the state may not enter
4 into any financing contract for itself if the aggregate principal
5 amount payable thereunder is greater than an amount to be established
6 from time to time by the state finance committee or participate in a
7 program providing for the issuance of certificates of participation,
8 including any contract for credit enhancement, without the prior
9 approval of the state finance committee. Except as provided in RCW
10 28B.10.022, the state finance committee shall approve the form of all
11 financing contracts or a standard format for all financing contracts.
12 The state finance committee also may:

13 (a) Consolidate existing or potential financing contracts into
14 master financing contracts with respect to property acquired by one
15 or more agencies, departments, instrumentalities of the state, the
16 state board for community and technical colleges, or a state
17 institution of higher learning; or to be acquired by another agency;

18 (b) Approve programs providing for the issuance of certificates
19 of participation in master financing contracts for the state or for
20 other agencies;

21 (c) Enter into agreements with trustees relating to master
22 financing contracts; and

23 (d) Make appropriate rules for the performance of its duties
24 under this chapter. Beginning July 1, 2018, rules adopted under this
25 chapter must be derived from a specific grant of legislative
26 authority. The rules must include the specific statutory section or
27 sections from which the grant of authority is derived, and may not
28 rely solely on a section of law stating a statute's intent, purpose,
29 or general enabling provisions.

30 (2) In the performance of its duties under this chapter, the
31 state finance committee may consult with representatives from the
32 department of general administration, the office of financial
33 management, and the office of the chief information officer.

34 (3) With the approval of the state finance committee, the state
35 also may enter into agreements with trustees relating to financing
36 contracts and the issuance of certificates of participation.

37 (4) Except for financing contracts for real property used for the
38 purposes described under chapter 28B.140 RCW, the state may not enter
39 into any financing contract for real property of the state without
40 prior approval of the legislature. For the purposes of this

1 requirement, a financing contract must be treated as used for real
2 property if it is being entered into by the state for the acquisition
3 of land; the acquisition of an existing building; the construction of
4 a new building; or a major remodeling, renovation, rehabilitation, or
5 rebuilding of an existing building. Prior approval of the legislature
6 is not required under this chapter for a financing contract entered
7 into by the state under this chapter for energy conservation
8 improvements to existing buildings where such improvements include:
9 (a) Fixtures and equipment that are not part of a major remodeling,
10 renovation, rehabilitation, or rebuilding of the building, or (b)
11 other improvements to the building that are being performed for the
12 primary purpose of energy conservation. Such energy conservation
13 improvements must be determined eligible for financing under this
14 chapter by the office of financial management in accordance with
15 financing guidelines established by the state treasurer, and are to
16 be treated as personal property for the purposes of this chapter.

17 (5) The state may not enter into any financing contract on behalf
18 of another agency without the approval of such a financing contract
19 by the governing body of the other agency.

20 **Sec. 52.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to
21 read as follows:

22 The director of financial institutions may adopt (~~any~~) rules,
23 under chapter 34.05 RCW, necessary to implement the powers and duties
24 of the director under this chapter. Beginning July 1, 2018, rules
25 adopted under this chapter must be derived from a specific grant of
26 legislative authority. The rules must include the specific statutory
27 section or sections from which the grant of authority is derived, and
28 may not rely solely on a section of law stating a statute's intent,
29 purpose, or general enabling provisions.

30 **Sec. 53.** RCW 31.04.165 and 2010 c 35 s 7 are each amended to
31 read as follows:

32 (1) The director has the power, and broad administrative
33 discretion, to administer and interpret this chapter to facilitate
34 the delivery of financial services to the citizens of this state by
35 consumer loan companies, residential mortgage loan servicers, and
36 mortgage loan originators subject to this chapter. The director
37 (~~shall~~) may adopt (~~all~~) rules necessary to administer this
38 chapter and to ensure complete and full disclosure by licensees of

1 lending transactions governed by this chapter. Beginning July 1,
2 2018, rules adopted under this chapter must be derived from a
3 specific grant of legislative authority. The rules must include the
4 specific statutory section or sections from which the grant of
5 authority is derived, and may not rely solely on a section of law
6 stating a statute's intent, purpose, or general enabling provisions.

7 (2) If it appears to the director that a licensee is conducting
8 business in an injurious manner or is violating any provision of this
9 chapter, the director may order or direct the discontinuance of any
10 such injurious or illegal practice.

11 (3) For purposes of this section, "conducting business in an
12 injurious manner" means conducting business in a manner that violates
13 any provision of this chapter, or that creates the reasonable
14 likelihood of a violation of any provision of this chapter.

15 (4) The director or designated persons, with or without prior
16 administrative action, may bring an action in superior court to
17 enjoin the acts or practices that constitute violations of this
18 chapter and to enforce compliance with this chapter or any rule or
19 order made under this chapter. Upon proper showing, injunctive relief
20 or a temporary restraining order shall be granted. The director shall
21 not be required to post a bond in any court proceedings.

22 **Sec. 54.** RCW 31.45.200 and 1994 c 92 s 291 are each amended to
23 read as follows:

24 (1) The director has the power(~~(, and broad administrative~~
25 ~~discretion,)) to administer and interpret the provisions of this~~
26 chapter to ensure the protection of the public.

27 (2) Beginning July 1, 2018, rules adopted under this chapter must
28 be derived from a specific grant of legislative authority. The rules
29 must include the specific statutory section or sections from which
30 the grant of authority is derived, and may not rely solely on a
31 section of law stating a statute's intent, purpose, or general
32 enabling provisions.

33 **Sec. 55.** RCW 21.20.450 and 1994 c 256 s 24 are each amended to
34 read as follows:

35 (1) The administration of the provisions of this chapter shall be
36 under the department of financial institutions. The director may from
37 time to time make, amend, and repeal such rules, forms, and orders as
38 are necessary to carry out the provisions of this chapter, including

1 rules defining any term, whether or not such term is used in the
2 Washington securities law. Beginning July 1, 2018, rules adopted
3 under this chapter must be derived from a specific grant of
4 legislative authority. The rules must include the specific statutory
5 section or sections from which the grant of authority is derived, and
6 may not rely solely on a section of law stating a statute's intent,
7 purpose, or general enabling provisions. The director may classify
8 securities, persons, and matters within the director's jurisdiction,
9 and prescribe different requirements for different classes. No rule,
10 form, or order may be made unless the director finds that the action
11 is necessary or appropriate in the public interest or for the
12 protection of investors and consistent with the purposes fairly
13 intended by the policy and provisions of this chapter. In prescribing
14 rules and forms the director may cooperate with the securities
15 administrators of the other states and the securities and exchange
16 commission with a view to effectuating the policy of this statute to
17 achieve maximum uniformity in the form and content of registration
18 statements, applications, and reports wherever practicable. All rules
19 and forms of the director shall be published.

20 (2) To encourage uniform interpretation and administration of
21 this chapter and effective securities regulation and enforcement, the
22 director may cooperate with the securities agencies or administrators
23 of one or more states, Canadian provinces or territories, or another
24 country, the securities and exchange commission, the commodity
25 futures trading commission, the securities investor protection
26 corporation, any self-regulatory organization, any national or
27 international organization of securities officials or agencies, and
28 any governmental law enforcement or regulatory agency.

29 (3) The cooperation authorized by subsection (2) of this section
30 includes:

31 (a) Establishing a central depository for licensing or
32 registration under this chapter and for documents or records required
33 or allowed to be maintained under this chapter;

34 (b) Making a joint license or registration examination or
35 investigation;

36 (c) Holding a joint administrative hearing;

37 (d) Filing and prosecuting a joint civil or administrative
38 hearing;

39 (e) Sharing and exchanging personnel;

40 (f) Sharing and exchanging information and documents; and

1 (g) Formulating under chapter 34.05 RCW, rules or proposed rules
2 on matters such as statements of policy, guidelines, and
3 interpretative opinions and releases.

4 **Sec. 56.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
5 read as follows:

6 (1) In establishing policies to preserve, protect, and perpetuate
7 wildlife, fish, and wildlife and fish habitat, the commission shall
8 meet annually with the governor to:

9 (a) Review and prescribe basic goals and objectives related to
10 those policies; and

11 (b) Review the performance of the department in implementing fish
12 and wildlife policies.

13 The commission shall maximize fishing, hunting, and outdoor
14 recreational opportunities compatible with healthy and diverse fish
15 and wildlife populations.

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

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

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

24 (5) The commission (~~shall~~) may adopt rules to implement the
25 state's fish and wildlife laws. Beginning July 1, 2018, rules adopted
26 under this chapter must be derived from a specific grant of
27 legislative authority. The rules must include the specific statutory
28 section or sections from which the grant of authority is derived, and
29 may not rely solely on a section of law stating a statute's intent,
30 purpose, or general enabling provisions.

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

33 (7) The commission shall select its own staff and shall appoint
34 the director of the department. The director and commission staff
35 shall serve at the pleasure of the commission.

36 **Sec. 57.** RCW 43.103.090 and 2007 c 200 s 1 are each amended to
37 read as follows:

38 (1) The council may:

1 (a) Meet at such times and places as may be designated by a
2 majority vote of the councilmembers or, if a majority cannot agree,
3 by the chair;

4 (b) Adopt rules governing the council and the conduct of its
5 meetings;

6 (c) Require reports from the chief of the Washington state patrol
7 on matters pertaining to the bureau of forensic laboratory services;

8 (d) Authorize the expenditure of up to two hundred fifty thousand
9 dollars per biennium from the council's death investigations account
10 appropriation for the purpose of assisting local jurisdictions in the
11 investigation of multiple deaths involving unanticipated,
12 extraordinary, and catastrophic events, or involving multiple
13 jurisdictions. The council shall adopt rules consistent with this
14 subsection for the purposes of authorizing expenditure of the funds;

15 (e) Authorize the expenditure of up to twenty-five thousand
16 dollars per biennium from the council's death investigations account
17 appropriation for the purpose of assisting local jurisdictions to
18 secure forensic anthropology services or other testing, to determine
19 the identity of human remains upon a showing of financial need. The
20 council shall adopt rules consistent with this subsection for the
21 purposes of authorizing expenditure of the funds;

22 (f) Do anything, necessary or convenient, which enables the
23 council to perform its duties and to exercise its powers; and

24 (g) Be actively involved in the preparation of the bureau of
25 forensic laboratory services budget and approve the bureau of
26 forensic laboratory services budget prior to formal submission to the
27 office of financial management pursuant to RCW 43.88.030.

28 (2) The council shall:

29 (a) Prescribe qualifications for the position of director of the
30 bureau of forensic laboratory services, after consulting with the
31 chief of the Washington state patrol. The council shall submit to the
32 chief of the Washington state patrol a list containing the names of
33 up to three persons who the council believes meet its qualifications
34 to serve as director of the bureau of forensic laboratory services.
35 Minimum qualifications for the director of the bureau of forensic
36 laboratory services must include successful completion of a
37 background investigation and polygraph examination. If requested by
38 the chief of the Washington state patrol, the forensic investigations
39 council shall submit one additional list of up to three persons who
40 the forensic investigations council believes meet its qualifications.

1 The appointment must be from one of the lists of persons submitted by
2 the forensic investigations council, and the director of the bureau
3 of forensic laboratory services shall report to the office of the
4 chief of the Washington state patrol;

5 (b) After consulting with the chief of the Washington state
6 patrol and the director of the bureau of forensic laboratory
7 services, the council shall appoint a toxicologist as state
8 toxicologist, who shall report to the director of the bureau of
9 forensic laboratory services. The appointee shall meet the minimum
10 standards for employment with the Washington state patrol including
11 successful completion of a background investigation and polygraph
12 examination;

13 (c) Establish, after consulting with the chief of the Washington
14 state patrol, the policies, objectives, and priorities of the bureau
15 of forensic laboratory services, to be implemented and administered
16 within constraints established by budgeted resources by the director
17 of the bureau of forensic laboratory services;

18 (d) Set the salary for the director of the bureau of forensic
19 laboratory services; and

20 (e) Set the salary for the state toxicologist.

21 (3) Beginning July 1, 2018, rules adopted under this chapter must
22 be derived from a specific grant of legislative authority. The rules
23 must include the specific statutory section or sections from which
24 the grant of authority is derived, and may not rely solely on a
25 section of law stating a statute's intent, purpose, or general
26 enabling provisions.

27 **Sec. 58.** RCW 76.09.040 and 2012 1st sp.s. c 1 s 203 are each
28 amended to read as follows:

29 (1)(a) Where necessary to accomplish the purposes and policies
30 stated in RCW 76.09.010, and to implement the provisions of this
31 chapter, the board shall adopt forest practices rules pursuant to
32 chapter 34.05 RCW and in accordance with the procedures enumerated in
33 this section that:

34 (i) Establish minimum standards for forest practices;

35 (ii) Provide procedures for the voluntary development of resource
36 management plans which may be adopted as an alternative to the
37 minimum standards in (a)(i) of this subsection if the plan is
38 consistent with the purposes and policies stated in RCW 76.09.010 and
39 the plan meets or exceeds the objectives of the minimum standards;

1 (iii) Set forth necessary administrative provisions;
2 (iv) Establish procedures for the collection and administration
3 of forest practice fees as set forth by this chapter; and
4 (v) Allow for the development of watershed analyses.
5 (b) Forest practices rules pertaining to water quality protection
6 shall be adopted by the board after reaching agreement with the
7 director of the department of ecology or the director's designee on
8 the board with respect to these rules. All other forest practices
9 rules shall be adopted by the board.
10 (c) Forest practices rules shall be administered and enforced by
11 either the department or the local governmental entity as provided in
12 this chapter. Such rules shall be adopted and administered so as to
13 give consideration to all purposes and policies set forth in RCW
14 76.09.010.
15 (2)(a) The board shall prepare proposed forest practices rules
16 consistent with this section and chapter 34.05 RCW. In addition to
17 any forest practices rules relating to water quality protection
18 proposed by the board, the department of ecology may submit to the
19 board proposed forest practices rules relating to water quality
20 protection.
21 (b)(i) The board shall hold one or more hearings on the proposed
22 rules pursuant to chapter 34.05 RCW. Any county representative may
23 propose specific forest practices rules relating to problems existing
24 within the county at the hearings.
25 (ii) The board may adopt and the department of ecology may
26 approve such proposals if they find the proposals are consistent with
27 the purposes and policies of this chapter.
28 (3)(a) The board shall incorporate into the forest practices
29 rules those fish protection standards in the rules adopted under
30 chapter 77.55 RCW, as the rules existed on July 10, 2012, that are
31 applicable to activities regulated under the forest practices rules.
32 If fish protection standards are incorporated by reference, the board
33 shall minimize administrative processes by utilizing the exception
34 from the administrative procedures controlling significant
35 legislative rules under RCW 34.05.328(~~(+5)~~) (6)(b)(iii) for the
36 incorporation of rules adopted by other state agencies.
37 (b) Thereafter, the board shall incorporate into the forest
38 practices rules any changes to those fish protection standards in the
39 rules adopted under chapter 77.55 RCW that are: (i) Adopted
40 consistent with RCW 77.55.361; and (ii) applicable to activities

1 regulated under the forest practices rules. If fish protection
2 standards are incorporated by reference, the board shall minimize
3 administrative processes by utilizing the exception from the
4 administrative procedures controlling significant legislative rules
5 under RCW 34.05.328(~~(+5+)~~) (6)(b)(iii) for the incorporation of rules
6 adopted by other state agencies.

7 (c) The board shall establish and maintain technical guidance in
8 the forest practices board manual, as provided under WAC 222-12-090
9 as it existed on July 10, 2012, to assist with implementation of the
10 standards incorporated into the forest practices rules under this
11 section. The guidance must include best management practices and
12 standard techniques to ensure fish protection.

13 (d) The board must complete the requirements of (a) of this
14 subsection and establish initial technical guidance under (c) of this
15 subsection by December 31, 2013.

16 (4)(a) The board shall establish by rule a program for the
17 acquisition of riparian open space and critical habitat for
18 threatened or endangered species as designated by the board.
19 Acquisition must be a conservation easement. Lands eligible for
20 acquisition are forestlands within unconfined channel migration zones
21 or forestlands containing critical habitat for threatened or
22 endangered species as designated by the board. Once acquired, these
23 lands may be held and managed by the department, transferred to
24 another state agency, transferred to an appropriate local government
25 agency, or transferred to a private nonprofit nature conservancy
26 corporation, as defined in RCW 64.04.130, in fee or transfer of
27 management obligation. The board shall adopt rules governing the
28 acquisition by the state or donation to the state of such interest in
29 lands including the right of refusal if the lands are subject to
30 unacceptable liabilities. The rules shall include definitions of
31 qualifying lands, priorities for acquisition, and provide for the
32 opportunity to transfer such lands with limited warranties and with a
33 description of boundaries that does not require full surveys where
34 the cost of securing the surveys would be unreasonable in relation to
35 the value of the lands conveyed. The rules shall provide for the
36 management of the lands for ecological protection or fisheries
37 enhancement. For the purposes of conservation easements entered into
38 under this section, the following apply:

39 (i) For conveyances of a conservation easement in which the
40 landowner conveys an interest in the trees only, the compensation

1 must include the timber value component, as determined by the cruised
2 volume of any timber located within the channel migration zone or
3 critical habitat for threatened or endangered species as designated
4 by the board, multiplied by the appropriate quality code stumpage
5 value for timber of the same species shown on the appropriate table
6 used for timber harvest excise tax purposes under RCW 84.33.091;

7 (ii) For conveyances of a conservation easement in which the
8 landowner conveys interests in both land and trees, the compensation
9 must include the timber value component in (a)(i) of this subsection
10 plus such portion of the land value component as determined just and
11 equitable by the department. The land value component must be the
12 acreage of qualifying channel migration zone or critical habitat for
13 threatened or endangered species as determined by the board, to be
14 conveyed, multiplied by the average per acre value of all commercial
15 forestland in western Washington or the average for eastern
16 Washington, whichever average is applicable to the qualifying lands.
17 The department must determine the western and eastern Washington
18 averages based on the land value tables established by RCW 84.33.140
19 and revised annually by the department of revenue.

20 (b) Subject to appropriations sufficient to cover the cost of
21 such an acquisition program and the related costs of administering
22 the program, the department must establish a conservation easement in
23 land that an owner tenders for purchase; provided that such lands
24 have been taxed as forestlands and are located within an unconfined
25 channel migration zone or contain critical habitat for threatened or
26 endangered species as designated by the board. Lands acquired under
27 this section shall become riparian or habitat open space. These
28 acquisitions shall not be deemed to trigger the compensating tax of
29 chapters 84.33 and 84.34 RCW.

30 (c) Instead of offering to sell interests in qualifying lands,
31 owners may elect to donate the interests to the state.

32 (d) Any acquired interest in qualifying lands by the state under
33 this section shall be managed as riparian open space or critical
34 habitat.

35 (5) Beginning July 1, 2018, rules adopted under this chapter must
36 be derived from a specific grant of legislative authority. The rules
37 must include the specific statutory section or sections from which
38 the grant of authority is derived, and may not rely solely on a
39 section of law stating a statute's intent, purpose, or general
40 enabling provisions.

1 **Sec. 59.** RCW 47.06A.020 and 2013 c 104 s 1 are each amended to
2 read as follows:

3 (1) The board shall:

4 (a) Adopt rules and procedures necessary to implement the freight
5 mobility strategic investment program;

6 (b) Solicit from public entities proposed projects that meet
7 eligibility criteria established in accordance with subsection (4) of
8 this section; and

9 (c) Review and evaluate project applications based on criteria
10 established under this section, and prioritize and select projects
11 comprising a portfolio to be funded in part with grants from state
12 funds appropriated for the freight mobility strategic investment
13 program. In determining the appropriate level of state funding for a
14 project, the board shall ensure that state funds are allocated to
15 leverage the greatest amount of partnership funding possible. The
16 board shall ensure that projects included in the portfolio are not
17 more appropriately funded with other federal, state, or local
18 government funding mechanisms or programs. The board shall reject
19 those projects that appear to improve overall general mobility with
20 limited enhancement for freight mobility.

21 The board shall provide periodic progress reports on its
22 activities to the office of financial management and the senate and
23 house transportation committees.

24 (2) The board may:

25 (a) Accept from any state or federal agency, loans or grants for
26 the financing of any transportation project and enter into agreements
27 with any such agency concerning the loans or grants;

28 (b) Provide technical assistance to project applicants;

29 (c) Accept any gifts, grants, or loans of funds, property, or
30 financial, or other aid in any form from any other source on any
31 terms and conditions which are not in conflict with this chapter;

32 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
33 the purposes of this chapter. Beginning July 1, 2018, rules adopted
34 under this chapter must be derived from a specific grant of
35 legislative authority. The rules must include the specific statutory
36 section or sections from which the grant of authority is derived, and
37 may not rely solely on a section of law stating a statute's intent,
38 purpose, or general enabling provisions; and

39 (e) Do all things necessary or convenient to carry out the powers
40 expressly granted or implied under this chapter.

1 (3) The board shall designate strategic freight corridors within
2 the state. The board shall update the list of designated strategic
3 corridors not less than every two years, and shall establish a method
4 of collecting and verifying data, including information on city and
5 county-owned roadways.

6 (4) The board shall utilize threshold project eligibility
7 criteria that, at a minimum, includes the following:

8 (a) The project must be on a strategic freight corridor;

9 (b) The project must meet one of the following conditions:

10 (i) It is primarily aimed at reducing identified barriers to
11 freight movement with only incidental benefits to general or personal
12 mobility; or

13 (ii) It is primarily aimed at increasing capacity for the
14 movement of freight with only incidental benefits to general or
15 personal mobility; or

16 (iii) It is primarily aimed at mitigating the impact on
17 communities of increasing freight movement, including roadway/railway
18 conflicts; and

19 (c) The project must have a total public benefit/total public
20 cost ratio of equal to or greater than one.

21 (5) From June 11, 1998, through the biennium ending June 30,
22 2001, the board shall use the multicriteria analysis and scoring
23 framework for evaluating and ranking eligible freight mobility and
24 freight mitigation projects developed by the freight mobility project
25 prioritization committee and contained in the January 16, 1998,
26 report entitled "Project Eligibility, Priority and Selection Process
27 for a Strategic Freight Investment Program." The prioritization
28 process shall measure the degree to which projects address important
29 program objectives and shall generate a project score that reflects a
30 project's priority compared to other projects. The board shall assign
31 scoring points to each criterion that indicate the relative
32 importance of the criterion in the overall determination of project
33 priority. After June 30, 2001, the board may supplement and refine
34 the initial project priority criteria and scoring framework developed
35 by the freight mobility project prioritization committee as expertise
36 and experience is gained in administering the freight mobility
37 program.

38 (6) It is the intent of the legislature that each freight
39 mobility project contained in the project portfolio approved by the
40 board utilize the greatest amount of nonstate funding possible. The

1 board shall adopt rules that give preference to projects that contain
2 the greatest levels of financial participation from nonprogram fund
3 sources. The board shall consider twenty percent as the minimum
4 partnership contribution, but shall also ensure that there are
5 provisions allowing exceptions for projects that are located in areas
6 where minimal local funding capacity exists or where the magnitude of
7 the project makes the adopted partnership contribution financially
8 unfeasible.

9 (7) The board shall develop and recommend policies that address
10 operational improvements that primarily benefit and enhance freight
11 movement, including, but not limited to, policies that reduce
12 congestion in truck lanes at border crossings and weigh stations and
13 provide for access to ports during nonpeak hours.

14 **Sec. 60.** RCW 15.28.100 and 2010 c 8 s 6038 are each amended to
15 read as follows:

16 The Washington state fruit commission is hereby declared and
17 created a corporate body. The commission has power:

- 18 (1) To exercise all of the powers of a corporation;
- 19 (2) To elect a chair and such other officers as it may deem
20 advisable;
- 21 (3) To adopt, amend, or repeal, from time to time, necessary and
22 proper rules, regulations, and orders for the performance of its
23 duties, which rules, regulations, and orders shall have the force of
24 laws when not inconsistent with existing laws. Beginning July 1,
25 2018, rules adopted under this chapter must be 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, purpose, or general enabling provisions;
- 30 (4) To employ, and at its pleasure discharge, such attorneys,
31 advertising manager, agents or agencies, clerks and employees, as it
32 deems necessary and fix their compensation;
- 33 (5) To establish offices, and incur such expenses, enter into
34 such contracts, and create such liabilities, as it deems reasonably
35 necessary for the proper administration of this chapter;
- 36 (6) To accept contributions of, or match private, state, or
37 federal funds available for research, and make contributions to
38 persons or state or federal agencies conducting such research;

1 (7) To administer and enforce this chapter, and do and perform
2 all acts and exercise all powers deemed reasonably necessary, proper,
3 or advisable to effectuate the purposes of this chapter, and to
4 perpetuate and promote the general welfare of the soft tree fruit
5 industry of this state;

6 (8) To sue and be sued.

7 **Sec. 61.** RCW 9.46.070 and 2012 c 116 s 1 are each amended to
8 read as follows:

9 The commission shall have the following powers and duties:

10 (1) To authorize and issue licenses for a period not to exceed
11 one year to bona fide charitable or nonprofit organizations approved
12 by the commission meeting the requirements of this chapter and any
13 rules and regulations adopted pursuant thereto permitting said
14 organizations to conduct bingo games, raffles, amusement games, and
15 social card games, to utilize punchboards and pull-tabs in accordance
16 with the provisions of this chapter and any rules and regulations
17 adopted pursuant thereto and to revoke or suspend said licenses for
18 violation of any provisions of this chapter or any rules and
19 regulations adopted pursuant thereto: PROVIDED, That the commission
20 shall not deny a license to an otherwise qualified applicant in an
21 effort to limit the number of licenses to be issued: PROVIDED
22 FURTHER, That the commission or director shall not issue, deny,
23 suspend, or revoke any license because of considerations of race,
24 sex, creed, color, or national origin: AND PROVIDED FURTHER, That the
25 commission may authorize the director to temporarily issue or suspend
26 licenses subject to final action by the commission;

27 (2) To authorize and issue licenses for a period not to exceed
28 one year to any person, association, or organization operating a
29 business primarily engaged in the selling of items of food or drink
30 for consumption on the premises, approved by the commission meeting
31 the requirements of this chapter and any rules and regulations
32 adopted pursuant thereto permitting said person, association, or
33 organization to utilize punchboards and pull-tabs and to conduct
34 social card games as a commercial stimulant in accordance with the
35 provisions of this chapter and any rules and regulations adopted
36 pursuant thereto and to revoke or suspend said licenses for violation
37 of any provisions of this chapter and any rules and regulations
38 adopted pursuant thereto: PROVIDED, That the commission shall not
39 deny a license to an otherwise qualified applicant in an effort to

1 limit the number of licenses to be issued: PROVIDED FURTHER, That the
2 commission may authorize the director to temporarily issue or suspend
3 licenses subject to final action by the commission;

4 (3) To authorize and issue licenses for a period not to exceed
5 one year to any person, association, or organization approved by the
6 commission meeting the requirements of this chapter and meeting the
7 requirements of any rules and regulations adopted by the commission
8 pursuant to this chapter as now or hereafter amended, permitting said
9 person, association, or organization to conduct or operate amusement
10 games in such manner and at such locations as the commission may
11 determine. The commission may authorize the director to temporarily
12 issue or suspend licenses subject to final action by the commission;

13 (4) To authorize, require, and issue, for a period not to exceed
14 one year, such licenses as the commission may by rule provide, to any
15 person, association, or organization to engage in the selling,
16 distributing, or otherwise supplying or in the manufacturing of
17 devices for use within this state for those activities authorized by
18 this chapter. The commission may authorize the director to
19 temporarily issue or suspend licenses subject to final action by the
20 commission;

21 (5) To establish a schedule of annual license fees for carrying
22 on specific gambling activities upon the premises, and for such other
23 activities as may be licensed by the commission, which fees shall
24 provide to the commission not less than an amount of money adequate
25 to cover all costs incurred by the commission relative to licensing
26 under this chapter and the enforcement by the commission of the
27 provisions of this chapter and rules and regulations adopted pursuant
28 thereto: PROVIDED, That all licensing fees shall be submitted with an
29 application therefor and such portion of said fee as the commission
30 may determine, based upon its cost of processing and investigation,
31 shall be retained by the commission upon the withdrawal or denial of
32 any such license application as its reasonable expense for processing
33 the application and investigation into the granting thereof: PROVIDED
34 FURTHER, That if in a particular case the basic license fee
35 established by the commission for a particular class of license is
36 less than the commission's actual expenses to investigate that
37 particular application, the commission may at any time charge to that
38 applicant such additional fees as are necessary to pay the commission
39 for those costs. The commission may decline to proceed with its
40 investigation and no license shall be issued until the commission has

1 been fully paid therefor by the applicant: AND PROVIDED FURTHER, That
2 the commission may establish fees for the furnishing by it to
3 licensees of identification stamps to be affixed to such devices and
4 equipment as required by the commission and for such other special
5 services or programs required or offered by the commission, the
6 amount of each of these fees to be not less than is adequate to
7 offset the cost to the commission of the stamps and of administering
8 their dispersal to licensees or the cost of administering such other
9 special services, requirements or programs;

10 (6) To prescribe the manner and method of payment of taxes, fees
11 and penalties to be paid to or collected by the commission;

12 (7) To require that applications for all licenses contain such
13 information as may be required by the commission: PROVIDED, That all
14 persons (a) having a managerial or ownership interest in any gambling
15 activity, or the building in which any gambling activity occurs, or
16 the equipment to be used for any gambling activity, or (b)
17 participating as an employee in the operation of any gambling
18 activity, shall be listed on the application for the license and the
19 applicant shall certify on the application, under oath, that the
20 persons named on the application are all of the persons known to have
21 an interest in any gambling activity, building, or equipment by the
22 person making such application: PROVIDED FURTHER, That the commission
23 shall require fingerprinting and national criminal history background
24 checks on any persons seeking licenses, certifications, or permits
25 under this chapter or of any person holding an interest in any
26 gambling activity, building, or equipment to be used therefor, or of
27 any person participating as an employee in the operation of any
28 gambling activity. All national criminal history background checks
29 shall be conducted using fingerprints submitted to the United States
30 department of justice-federal bureau of investigation. The commission
31 must establish rules to delineate which persons named on the
32 application are subject to national criminal history background
33 checks. In identifying these persons, the commission must take into
34 consideration the nature, character, size, and scope of the gambling
35 activities requested by the persons making such applications;

36 (8) To require that any license holder maintain records as
37 directed by the commission and submit such reports as the commission
38 may deem necessary;

39 (9) To require that all income from bingo games, raffles, and
40 amusement games be recorded and reported as established by rule or

1 regulation of the commission to the extent deemed necessary by
2 considering the scope and character of the gambling activity in such
3 a manner that will disclose gross income from any gambling activity,
4 amounts received from each player, the nature and value of prizes,
5 and the fact of distributions of such prizes to the winners thereof;

6 (10) To regulate and establish maximum limitations on income
7 derived from bingo. In establishing limitations pursuant to this
8 subsection the commission shall take into account (a) the nature,
9 character, and scope of the activities of the licensee; (b) the
10 source of all other income of the licensee; and (c) the percentage or
11 extent to which income derived from bingo is used for charitable, as
12 distinguished from nonprofit, purposes. However, the commission's
13 powers and duties granted by this subsection are discretionary and
14 not mandatory;

15 (11) To regulate and establish the type and scope of and manner
16 of conducting the gambling activities authorized by this chapter,
17 including but not limited to, the extent of wager, money, or other
18 thing of value which may be wagered or contributed or won by a player
19 in any such activities;

20 (12) To regulate the collection of and the accounting for the fee
21 which may be imposed by an organization, corporation, or person
22 licensed to conduct a social card game on a person desiring to become
23 a player in a social card game in accordance with RCW 9.46.0282;

24 (13) To cooperate with and secure the cooperation of county,
25 city, and other local or state agencies in investigating any matter
26 within the scope of its duties and responsibilities;

27 (14) In accordance with RCW 9.46.080, to adopt (~~such~~) rules and
28 regulations (~~as are deemed necessary~~) to carry out the purposes and
29 provisions of this chapter. All rules and regulations shall be
30 adopted pursuant to the administrative procedure act, chapter 34.05
31 RCW. Beginning July 1, 2018, rules adopted under this chapter must be
32 derived from a specific grant of legislative authority. The rules
33 must include the specific statutory section or sections from which
34 the grant of authority is derived, and may not rely solely on a
35 section of law stating a statute's intent, purpose, or general
36 enabling provisions;

37 (15) To set forth for the perusal of counties, city-counties,
38 cities and towns, model ordinances by which any legislative authority
39 thereof may enter into the taxing of any gambling activity authorized
40 by this chapter;

1 (16)(a) To establish and regulate a maximum limit on salaries or
2 wages which may be paid to persons employed in connection with
3 activities conducted by bona fide charitable or nonprofit
4 organizations and authorized by this chapter, where payment of such
5 persons is allowed, and to regulate and establish maximum limits for
6 other expenses in connection with such authorized activities,
7 including but not limited to rent or lease payments. However, the
8 commissioner's powers and duties granted by this subsection are
9 discretionary and not mandatory.

10 (b) In establishing these maximum limits the commission shall
11 take into account the amount of income received, or expected to be
12 received, from the class of activities to which the limits will apply
13 and the amount of money the games could generate for authorized
14 charitable or nonprofit purposes absent such expenses. The commission
15 may also take into account, in its discretion, other factors,
16 including but not limited to, the local prevailing wage scale and
17 whether charitable purposes are benefited by the activities;

18 (17) To authorize, require, and issue for a period not to exceed
19 one year such licenses or permits, for which the commission may by
20 rule provide, to any person to work for any operator of any gambling
21 activity authorized by this chapter in connection with that activity,
22 or any manufacturer, supplier, or distributor of devices for those
23 activities in connection with such business. The commission may
24 authorize the director to temporarily issue or suspend licenses
25 subject to final action by the commission. The commission shall not
26 require that persons working solely as volunteers in an authorized
27 activity conducted by a bona fide charitable or bona fide nonprofit
28 organization, who receive no compensation of any kind for any purpose
29 from that organization, and who have no managerial or supervisory
30 responsibility in connection with that activity, be licensed to do
31 such work. The commission may require that licensees employing such
32 unlicensed volunteers submit to the commission periodically a list of
33 the names, addresses, and dates of birth of the volunteers. If any
34 volunteer is not approved by the commission, the commission may
35 require that the licensee not allow that person to work in connection
36 with the licensed activity;

37 (18) To publish and make available at the office of the
38 commission or elsewhere to anyone requesting it a list of the
39 commission licensees, including the name, address, type of license,
40 and license number of each licensee;

1 (19) To establish guidelines for determining what constitutes
2 active membership in bona fide nonprofit or charitable organizations
3 for the purposes of this chapter;

4 (20) To renew the license of every person who applies for renewal
5 within six months after being honorably discharged, removed, or
6 released from active military service in the armed forces of the
7 United States upon payment of the renewal fee applicable to the
8 license period, if there is no cause for denial, suspension, or
9 revocation of the license;

10 (21) To issue licenses under subsections (1) through (4) of this
11 section that are valid for a period of up to eighteen months, if it
12 chooses to do so, in order to transition to the use of the business
13 licensing services program through the department of revenue; and

14 (22) To perform all other matters and things necessary to carry
15 out the purposes and provisions of this chapter.

16 **Sec. 62.** RCW 41.05.160 and 1988 c 107 s 15 are each amended to
17 read as follows:

18 (1) The administrator may promulgate and adopt rules derived from
19 a specific grant of legislative authority and consistent with this
20 chapter ((to carry out the purposes of this chapter)). All rules
21 shall be adopted in accordance with chapter 34.05 RCW.

22 (2) Beginning July 1, 2018, rules adopted under this chapter must
23 be derived from a specific grant of legislative authority. The rules
24 must include the specific statutory section or sections from which
25 the grant of authority is derived, and may not rely solely on a
26 section of law stating a statute's intent, purpose, or general
27 enabling provisions.

28 **Sec. 63.** RCW 70.37.050 and 2012 c 117 s 374 are each amended to
29 read as follows:

30 (1) The authority shall establish rules concerning its exercise
31 of the powers authorized by this chapter. The authority shall receive
32 from applicants requests for the providing of bonds for financing of
33 health care facilities and shall investigate and determine the need
34 and the feasibility of providing such bonds. Whenever the authority
35 deems it necessary or advisable for the benefit of the public health
36 to provide financing for a health care facility, it shall adopt a
37 financing plan therefor and shall declare the estimated cost thereof,
38 as near as may be, including as part of such cost funds necessary for

1 the expenses incurred in the financing as well as in the construction
2 or purchase or other acquisition or in connection with the rental or
3 other payment for the use thereof, interest during construction,
4 reserve funds and any funds necessary for initial start-up costs, and
5 shall issue and sell its bonds for the purposes of carrying out the
6 proposed financing plan: PROVIDED, That if a certificate of need is
7 required for the proposed project, no such financing plan shall be
8 adopted until such certificate has been issued pursuant to chapter
9 70.38 RCW by the secretary of the department of social and health
10 services. The authority shall have power as a part of such plan to
11 create a special fund or funds for the purpose of defraying the cost
12 of such project and for other projects of the same participant
13 subsequently or at the same time approved by it and for their
14 maintenance, improvement, reconstruction, remodeling, and
15 rehabilitation, into which special fund or funds it shall obligate
16 and bind the participant to set aside and pay from the gross revenues
17 of the project or from other sources an amount sufficient to pay the
18 principal and interest of the bonds being issued, reserves and other
19 requirements of the special fund and to issue and sell bonds payable
20 as to both principal and interest out of such fund or funds relating
21 to the project or projects of such participant.

22 (2) Such bonds shall bear such date or dates, mature at such time
23 or times, be in such denominations, be in such form, either coupon or
24 registered, or both, as provided in RCW 39.46.030, carry such
25 registration privileges, be made transferable, exchangeable, and
26 interchangeable, be payable in such medium of payment, at such place
27 or places, be subject to such terms of redemption, bear such fixed or
28 variable rate or rates of interest, and be sold in such manner, at
29 such price, as the authority shall determine. Such bonds shall be
30 executed by the chair, by either its duly elected secretary or its
31 executive director, and by the trustee if the authority determines to
32 utilize a trustee for the bonds. Execution of the bonds may be by
33 manual or facsimile signature: PROVIDED, That at least one signature
34 placed thereon shall be manually subscribed. Any interest coupons
35 appurtenant to the bonds shall be executed by facsimile or manual
36 signature or signatures, as the authority shall determine.

37 (3) Beginning July 1, 2018, rules adopted under this chapter must
38 be derived from a specific grant of legislative authority. The rules
39 must include the specific statutory section or sections from which
40 the grant of authority is derived, and may not rely solely on a

1 section of law stating a statute's intent, purpose, or general
2 enabling provisions.

3 **Sec. 64.** RCW 43.70.040 and 2005 c 32 s 2 are each amended to
4 read as follows:

5 In addition to any other powers granted the secretary, the
6 secretary may:

7 (1) Adopt, in accordance with chapter 34.05 RCW, rules necessary
8 to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.:
9 PROVIDED, That for rules adopted after July 23, 1995, the secretary
10 may not rely solely on a section of law stating a statute's intent or
11 purpose, on the enabling provisions of the statute establishing the
12 agency, or on any combination of such provisions, for statutory
13 authority to adopt any rule. Beginning July 1, 2018, rules adopted
14 under this chapter must be derived from a specific grant of
15 legislative authority. The rules must include the specific statutory
16 section or sections from which the grant of authority is derived, and
17 may not rely solely on a section of law stating a statute's intent,
18 purpose, or general enabling provisions;

19 (2) Appoint such advisory committees as may be necessary to carry
20 out the provisions of chapter 9, Laws of 1989 1st ex. sess. Members
21 of such advisory committees are authorized to receive travel expenses
22 in accordance with RCW 43.03.050 and 43.03.060. The secretary and the
23 board of health shall review each advisory committee within their
24 jurisdiction and each statutory advisory committee on a biennial
25 basis to determine if such advisory committee is needed;

26 (3) Undertake studies, research, and analysis necessary to carry
27 out the provisions of chapter 9, Laws of 1989 1st ex. sess. in
28 accordance with RCW 43.70.050;

29 (4) Delegate powers, duties, and functions of the department to
30 employees of the department as the secretary deems necessary to carry
31 out the provisions of chapter 9, Laws of 1989 1st ex. sess.;

32 (5) Enter into contracts and enter into and distribute grants on
33 behalf of the department to carry out the purposes of chapter 9, Laws
34 of 1989 1st ex. sess. The department must report to the legislature a
35 summary of the grants distributed under this authority, for each year
36 of the first biennium after the department receives authority to
37 distribute grants under this section, and make it electronically
38 available;

1 (6) Act for the state in the initiation of, or the participation
2 in, any intergovernmental program to the purposes of chapter 9, Laws
3 of 1989 1st ex. sess.; or

4 (7) Solicit and accept gifts, grants, bequests, devises, or other
5 funds from public and private sources.

6 **Sec. 65.** RCW 43.115.040 and 2009 c 549 s 5170 are each amended
7 to read as follows:

8 The commission shall have the following powers and duties:

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

10 (2) Adopt rules and regulations pursuant to chapter 34.05 RCW.
11 Beginning July 1, 2018, rules adopted under this chapter must be
12 derived from a specific grant of legislative authority. The rules
13 must include the specific statutory section or sections from which
14 the grant of authority is derived, and may not rely solely on a
15 section of law stating a statute's intent, purpose, or general
16 enabling provisions;

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

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

23 (5) Advise the legislature on issues of concern to the Hispanic
24 community;

25 (6) Establish relationships with state agencies, local
26 governments, and private sector organizations that promote equal
27 opportunity and benefits for Hispanics; and

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

32 **Sec. 66.** RCW 84.26.120 and 1985 c 449 s 12 are each amended to
33 read as follows:

34 The state review board (~~shall~~) may adopt rules necessary to
35 carry out the purposes of this chapter. The rules (~~shall~~) may
36 include rehabilitation and maintenance standards for historic
37 properties to be used as minimum requirements by local review boards

1 to ensure that the historic property is safe and habitable, including
2 but not limited to:

3 (1) Elimination of visual blight due to past neglect of
4 maintenance and repair to the exterior of the building, including
5 replacement of broken or missing doors and windows, repair of
6 deteriorated architectural features, and painting of exterior
7 surfaces;

8 (2) Correction of structural defects and hazards;

9 (3) Protection from weather damage due to defective roofing,
10 flashings, glazing, caulking, or lack of heat; and

11 (4) Elimination of any condition on the premises which could
12 cause or augment fire or explosion.

13 Beginning July 1, 2018, rules adopted under this chapter must be
14 derived from a specific grant of legislative authority. The rules
15 must include the specific statutory section or sections from which
16 the grant of authority is derived, and may not rely solely on a
17 section of law stating a statute's intent, purpose, or general
18 enabling provisions.

19 **Sec. 67.** RCW 27.34.070 and 2005 c 333 s 14 are each amended to
20 read as follows:

21 (1) Each state historical society is designated a trustee for the
22 state whose powers and duties include but are not limited to the
23 following:

24 (a) To collect, catalog, preserve, and interpret objects,
25 manuscripts, sites, photographs, and other materials illustrative of
26 the cultural, artistic, and natural history of this state;

27 (b) To operate state museums and assist and encourage cultural
28 and historical studies and museum interpretive efforts throughout the
29 state, including those sponsored by local historical organizations,
30 and city, county, and state agencies;

31 (c) To engage in cultural, artistic, and educational activities,
32 including classes, exhibits, seminars, workshops, and conferences if
33 these activities are related to the basic purpose of the society;

34 (d) To plan for and conduct celebrations of significant events in
35 the history of the state of Washington and to give assistance to and
36 coordinate with state agencies, local governments, and local
37 historical organizations in planning and conducting celebrations;

38 (e) To create one or more classes of membership in the society;

1 (f) To engage in the sale of various articles which are related
2 to the basic purpose of the society;

3 (g) To engage in appropriate fund-raising activities for the
4 purpose of increasing the self-support of the society;

5 (h) To accept gifts, grants, conveyances, bequests, and devises,
6 of real or personal property, or both, in trust or otherwise, and
7 sell, lease, exchange, invest, or expend the same or the proceeds,
8 rents, profits, and income therefrom except as limited by the donor's
9 terms. The governing boards of the state historical societies shall
10 adopt rules to govern and protect the receipt and expenditure of the
11 proceeds, rents, profits, and income of all such gifts, grants,
12 conveyances, bequests, and devises. Beginning July 1, 2018, rules
13 adopted under this chapter must be 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,
17 purpose, or general enabling provisions;

18 (i) To accept on loan or lend objects of historical interest, and
19 sell, exchange, divest itself of, or refuse to accept, items which do
20 not enhance the collection; and

21 (j) To charge general or special admission fees to its museums or
22 exhibits and to waive or decrease such fees as it finds appropriate.

23 (2) All objects, sites, manuscripts, photographs, and all
24 property, including real property, now held or hereafter acquired by
25 the state historical societies shall be held by the societies in
26 trust for the use and benefit of the people of Washington state.

27 **Sec. 68.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
28 read as follows:

29 (1) There is hereby established a public body corporate and
30 politic, with perpetual corporate succession, to be known as the
31 Washington state housing finance commission. The commission is an
32 instrumentality of the state exercising essential government
33 functions and, for purposes of the code, acts as a constituted
34 authority on behalf of the state when it issues bonds pursuant to
35 this chapter. The commission is a "public body" within the meaning of
36 RCW 39.53.010.

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

38 (a) The state treasurer, ex officio;

1 (b) The director of community, trade, and economic development,
2 ex officio;

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

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

8 (e) A representative of labor interests, appointed by the
9 governor, with the consent of the senate, after consultation with
10 representatives of organized labor;

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

13 (g) Five members of the public appointed by the governor, with
14 the consent of the senate, on the basis of geographic distribution
15 and their expertise in housing, real estate, finance, energy
16 efficiency, or construction, one of whom shall be appointed by the
17 governor as chair of the commission and who shall serve on the
18 commission and as chair of the commission at the pleasure of the
19 governor.

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

1 (3) The commission may adopt an official seal and may select from
2 its membership a vice chair, a secretary, and a treasurer. The
3 commission (~~shall~~) may establish rules concerning its exercise of
4 the powers authorized by this chapter. The rules shall be adopted in
5 conformance with chapter 34.05 RCW. Beginning July 1, 2018, rules
6 adopted under this chapter must be derived from a specific grant of
7 legislative authority. The rules must include the specific statutory
8 section or sections from which the grant of authority is derived, and
9 may not rely solely on a section of law stating a statute's intent,
10 purpose, or general enabling provisions.

11 **Sec. 69.** RCW 49.60.120 and 2007 c 187 s 5 are each amended to
12 read as follows:

13 The commission shall have the functions, powers, and duties:

14 (1) To appoint an executive director and chief examiner, and such
15 investigators, examiners, clerks, and other employees and agents as
16 it may deem necessary, fix their compensation within the limitations
17 provided by law, and prescribe their duties.

18 (2) To obtain upon request and utilize the services of all
19 governmental departments and agencies.

20 (3) To adopt, amend, and rescind suitable rules to carry out the
21 provisions of this chapter, and the policies and practices of the
22 commission in connection therewith. Beginning July 1, 2018, rules
23 adopted under this chapter must be derived from a specific grant of
24 legislative authority. The rules must include the specific statutory
25 section or sections from which the grant of authority is derived, and
26 may not rely solely on a section of law stating a statute's intent,
27 purpose, or general enabling provisions.

28 (4) To receive, impartially investigate, and pass upon complaints
29 alleging unfair practices as defined in this chapter.

30 (5) To issue such publications and results of investigations and
31 research as in its judgment will tend to promote good will and
32 minimize or eliminate discrimination because of sex, sexual
33 orientation, race, creed, color, national origin, marital status,
34 age, honorably discharged veteran or military status, or the presence
35 of any sensory, mental, or physical disability, or the use of a
36 trained dog guide or service animal by a person with a disability.

37 (6) To make such technical studies as are appropriate to
38 effectuate the purposes and policies of this chapter and to publish
39 and distribute the reports of such studies.

1 (7) To cooperate and act jointly or by division of labor with the
2 United States or other states, with other Washington state agencies,
3 commissions, and other government entities, and with political
4 subdivisions of the state of Washington and their respective human
5 rights agencies to carry out the purposes of this chapter. However,
6 the powers which may be exercised by the commission under this
7 subsection permit investigations and complaint dispositions only if
8 the investigations are designed to reveal, or the complaint deals
9 only with, allegations which, if proven, would constitute unfair
10 practices under this chapter. The commission may perform such
11 services for these agencies and be reimbursed therefor.

12 (8) To foster good relations between minority and majority
13 population groups of the state through seminars, conferences,
14 educational programs, and other intergroup relations activities.

15 **Sec. 70.** RCW 9.95.150 and 1999 c 143 s 26 are each amended to
16 read as follows:

17 The board ((shall)) may make ((all—necessary)) rules and
18 regulations to carry out the provisions of this chapter ((not
19 inconsistent therewith, and may provide the forms of all documents
20 necessary therefor)). Beginning July 1, 2018, rules adopted under
21 this chapter must be derived from a specific grant of legislative
22 authority. The rules must include the specific statutory section or
23 sections from which the grant of authority is derived, and may not
24 rely solely on a section of law stating a statute's intent, purpose,
25 or general enabling provisions.

26 **Sec. 71.** RCW 51.52.020 and 1961 c 23 s 51.52.020 are each
27 amended to read as follows:

28 The board may make rules and regulations concerning its functions
29 and procedure, which shall have the force and effect of law until
30 altered, repealed, or set aside by the board: PROVIDED, That the
31 board may not delegate to any other person its duties of interpreting
32 the testimony and making the final decision and order on appeal
33 cases. All rules and regulations adopted by the board shall be
34 printed and copies thereof shall be readily available to the public.
35 Beginning July 1, 2018, rules adopted under this chapter must be
36 derived from a specific grant of legislative authority. The rules
37 must include the specific statutory section or sections from which
38 the grant of authority is derived, and may not rely solely on a

1 section of law stating a statute's intent, purpose, or general
2 enabling provisions.

3 **Sec. 72.** RCW 48.02.060 and 2010 c 27 s 1 are each amended to
4 read as follows:

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

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

9 (3) The commissioner may:

10 (a) Make reasonable rules for effectuating any provision of this
11 code, except those relating to his or her election, qualifications,
12 or compensation. Rules are not effective prior to their being filed
13 for public inspection in the commissioner's office.

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

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

19 (4) When the governor proclaims a state of emergency under RCW
20 43.06.010(12), the commissioner may issue an order that addresses any
21 or all of the following matters related to insurance policies issued
22 in this state:

23 (a) Reporting requirements for claims;

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

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

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

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

38 (a) The geographic areas in which the order applies, which must
39 be within but may be less extensive than the geographic area

1 specified in the governor's proclamation of a state of emergency and
2 must be specific according to an appropriate means of delineation,
3 such as the United States postal service zip codes or other
4 appropriate means; and

5 (b) The date on which the order becomes effective and the date on
6 which the order terminates.

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

11 (7) The rule-making authority set forth in subsection (6) of this
12 section does not limit or affect the rule-making authority otherwise
13 granted to the commissioner by law. However, beginning July 1, 2018,
14 rules adopted under this chapter must be derived from a specific
15 grant of legislative authority. The rules must include the specific
16 statutory section or sections from which the grant of authority is
17 derived, and may not rely solely on a section of law stating a
18 statute's intent, purpose, or general enabling provisions.

19 **Sec. 73.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to
20 read as follows:

21 The state investment board may make appropriate rules and
22 regulations for the performance of its duties. The board shall
23 establish investment policies and procedures designed exclusively to
24 maximize return at a prudent level of risk. However, in the case of
25 the department of labor and industries' accident, medical aid, and
26 reserve funds, the board shall establish investment policies and
27 procedures designed to attempt to limit fluctuations in industrial
28 insurance premiums and, subject to this purpose, to maximize return
29 at a prudent level of risk. The board shall adopt rules to ensure
30 that its members perform their functions in compliance with chapter
31 42.52 RCW. Rules adopted by the board shall be adopted pursuant to
32 chapter 34.05 RCW. Beginning July 1, 2018, rules adopted under this
33 chapter must be derived from a specific grant of legislative
34 authority. The rules must include the specific statutory section or
35 sections from which the grant of authority is derived, and may not
36 rely solely on a section of law stating a statute's intent, purpose,
37 or general enabling provisions.

1 **Sec. 74.** RCW 49.17.040 and 1973 c 80 s 4 are each amended to
2 read as follows:

3 The director shall make, adopt, modify, and repeal rules and
4 regulations governing safety and health standards for conditions of
5 employment as authorized by this chapter after a public hearing in
6 conformance with the administrative procedure act and the provisions
7 of this chapter. At least thirty days prior to such public hearing,
8 the director shall cause public notice of such hearing to be made in
9 newspapers of general circulation in this state, of the date, time,
10 and place of such public hearing, along with a general description of
11 the subject matter of the proposed rules and information as to where
12 copies of any rules and regulations proposed for adoption may be
13 obtained and with a solicitation for recommendations in writing or
14 suggestions for inclusion or changes in such rules to be submitted
15 not later than five days prior to such public hearing. Any
16 preexisting rules adopted by the department of labor and industries
17 relating to health and safety standards in workplaces subject to the
18 jurisdiction of the department shall remain effective insofar as such
19 rules are not inconsistent with the provisions of this chapter.
20 Beginning July 1, 2018, rules adopted under this chapter must be
21 derived from a specific grant of legislative authority. The rules
22 must include the specific statutory section or sections from which
23 the grant of authority is derived, and may not rely solely on a
24 section of law stating a statute's intent, purpose, or general
25 enabling provisions.

26 **Sec. 75.** RCW 51.04.020 and 2000 c 5 s 14 are each amended to
27 read as follows:

28 The director shall:

29 (1) Establish and adopt rules governing the administration of
30 this title. Beginning July 1, 2018, rules adopted under this chapter
31 must be derived from a specific grant of legislative authority. The
32 rules must include the specific statutory section or sections from
33 which the grant of authority is derived, and may not rely solely on a
34 section of law stating a statute's intent, purpose, or general
35 enabling provisions;

36 (2) Ascertain and establish the amounts to be paid into and out
37 of the accident fund;

38 (3) Regulate the proof of accident and extent thereof, the proof
39 of death and the proof of relationship and the extent of dependency;

1 (4) Supervise the medical, surgical, and hospital treatment to
2 the intent that it may be in all cases efficient and up to the
3 recognized standard of modern surgery;

4 (5) Issue proper receipts for moneys received and certificates
5 for benefits accrued or accruing;

6 (6) Investigate the cause of all serious injuries and report to
7 the governor from time to time any violations or laxity in
8 performance of protective statutes or regulations coming under the
9 observation of the department;

10 (7) Compile statistics which will afford reliable information
11 upon which to base operations of all divisions under the department;

12 (8) Make an annual report to the governor of the workings of the
13 department;

14 (9) Be empowered to enter into agreements with the appropriate
15 agencies of other states relating to conflicts of jurisdiction where
16 the contract of employment is in one state and injuries are received
17 in the other state, and insofar as permitted by the Constitution and
18 laws of the United States, to enter into similar agreements with the
19 provinces of Canada; and

20 (10) Designate a medical director who is licensed under chapter
21 18.57 or 18.71 RCW.

22 **Sec. 76.** RCW 68.05.100 and 2009 c 102 s 9 are each amended to
23 read as follows:

24 The board may establish necessary rules for the enforcement of
25 this title and the laws subject to its jurisdiction. The board shall
26 prescribe the application forms and reports provided for in this
27 title. Beginning July 1, 2018, rules adopted under this chapter must
28 be derived from a specific grant of legislative authority. The rules
29 must include the specific statutory section or sections from which
30 the grant of authority is derived, and may not rely solely on a
31 section of law stating a statute's intent, purpose, or general
32 enabling provisions.

33 **Sec. 77.** RCW 67.08.017 and 2012 c 99 s 3 are each amended to
34 read as follows:

35 In addition to the powers described in RCW 18.235.030 and
36 18.235.040, the director or the director's designee has the following
37 authority in administering this chapter:

1 (1) Adopt, amend, and rescind rules (~~as deemed necessary~~) to
2 carry out this chapter. Beginning July 1, 2018, rules adopted under
3 this chapter must be derived from a specific grant of legislative
4 authority. The rules must include the specific statutory section or
5 sections from which the grant of authority is derived, and may not
6 rely solely on a section of law stating a statute's intent, purpose,
7 or general enabling provisions;

8 (2) Adopt standards of professional and amateur conduct or
9 practice;

10 (3) Enter into an assurance of discontinuance in lieu of issuing
11 a statement of charges or conducting a hearing. The assurance shall
12 consist of a statement of the law in question and an agreement not to
13 violate the stated provision. The applicant or license holder shall
14 not be required to admit to any violation of the law, and the
15 assurance shall not be construed as such an admission. Violation of
16 an assurance under this subsection is grounds for disciplinary
17 action;

18 (4) Establish and assess fines for violations of this chapter
19 that may be subject to payment from a contestant's purse;

20 (5) Establish licensing requirements; and

21 (6) Adopt rules regarding whether or not specific martial arts
22 are mixed martial arts for the purpose of applying licensing
23 provisions.

24 **Sec. 78.** RCW 43.350.040 and 2005 c 424 s 5 are each amended to
25 read as follows:

26 The authority has all the general powers necessary to carry out
27 its purposes and duties and to exercise its specific powers. In
28 addition to other powers specified in this chapter, the authority
29 may: (1) Sue and be sued in its own name; (2) make and execute
30 agreements, contracts, and other instruments, with any public or
31 private person or entity, in accordance with this chapter; (3)
32 employ, contract with, or engage independent counsel, financial
33 advisors, auditors, other technical or professional assistants, and
34 such other personnel as are necessary or desirable to implement this
35 chapter; (4) establish such special funds, and controls on deposits
36 to and disbursements from them, as it finds convenient for the
37 implementation of this chapter; (5) enter into contracts with public
38 and private entities for life sciences research to be conducted in
39 the state; (6) adopt rules, consistent with this chapter. Beginning

1 July 1, 2018, rules adopted under this chapter must be derived from a
2 specific grant of legislative authority. The rules must include the
3 specific statutory section or sections from which the grant of
4 authority is derived, and may not rely solely on a section of law
5 stating a statute's intent, purpose, or general enabling provisions;
6 (7) delegate any of its powers and duties if consistent with the
7 purposes of this chapter; (8) exercise any other power reasonably
8 required to implement the purposes of this chapter; and (9) hire
9 staff and pay administrative costs.

10 **Sec. 79.** RCW 66.08.0501 and 1997 c 321 s 56 are each amended to
11 read as follows:

12 The liquor (~~control~~) and cannabis board may adopt appropriate
13 rules pursuant to chapter 34.05 RCW for the purpose of carrying out
14 the provisions of chapter 321, Laws of 1997. Beginning July 1, 2018,
15 rules adopted under this chapter must be derived from a specific
16 grant of legislative authority. The rules must include the specific
17 statutory section or sections from which the grant of authority is
18 derived, and may not rely solely on a section of law stating a
19 statute's intent, purpose, or general enabling provisions.

20 **Sec. 80.** RCW 67.70.040 and 2006 c 290 s 3 are each amended to
21 read as follows:

22 The commission shall have the power, and it shall be its duty:
23 (1) To adopt rules governing the establishment and operation of a
24 state lottery (~~as it deems necessary and desirable in order that~~
25 ~~such a lottery be initiated at the earliest feasible and practicable~~
26 ~~time, and~~) in order that such lottery produce the maximum amount of
27 net revenues for the state consonant with the dignity of the state
28 and the general welfare of the people. Such rules shall include, but
29 shall not be limited to, the following:

30 (a) The type of lottery to be conducted which may include the
31 selling of tickets or shares, but such tickets or shares may not be
32 sold over the internet. The use of electronic or mechanical devices
33 or video terminals which allow for individual play against such
34 devices or terminals shall be prohibited. An affirmative vote of
35 sixty percent of both houses of the legislature is required before
36 offering any game allowing or requiring a player to become eligible
37 for a prize or to otherwise play any portion of the game by
38 interacting with any device or terminal involving digital, video, or

1 other electronic representations of any game of chance, including
2 scratch tickets, pull-tabs, bingo, poker or other cards, dice,
3 roulette, keno, or slot machines. Approval of the legislature shall
4 be required before entering any agreement with other state lotteries
5 to conduct shared games;

6 (b) The price, or prices, of tickets or shares in the lottery;

7 (c) The numbers and sizes of the prizes on the winning tickets or
8 shares;

9 (d) The manner of selecting the winning tickets or shares, except
10 as limited by (a) of this subsection;

11 (e) The manner and time of payment of prizes to the holder of
12 winning tickets or shares which, at the director's option, may be
13 paid in lump sum amounts or installments over a period of years;

14 (f) The frequency of the drawings or selections of winning
15 tickets or shares. Approval of the legislature is required before
16 conducting any online game in which the drawing or selection of
17 winning tickets occurs more frequently than once every twenty-four
18 hours;

19 (g) Without limit as to number, the type or types of locations at
20 which tickets or shares may be sold;

21 (h) The method to be used in selling tickets or shares, except as
22 limited by (a) of this subsection;

23 (i) The licensing of agents to sell or distribute tickets or
24 shares, except that a person under the age of eighteen shall not be
25 licensed as an agent;

26 (j) The manner and amount of compensation, if any, to be paid
27 licensed sales agents necessary to provide for the adequate
28 availability of tickets or shares to prospective buyers and for the
29 convenience of the public;

30 (k) The apportionment of the total revenues accruing from the
31 sale of lottery tickets or shares and from all other sources among:

32 (i) The payment of prizes to the holders of winning tickets or
33 shares, which shall not be less than forty-five percent of the gross
34 annual revenue from such lottery, (ii) transfers to the lottery
35 administrative account created by RCW 67.70.260, and (iii) transfer
36 to the state's general fund. Transfers to the state general fund
37 shall be made in compliance with RCW 43.01.050;

38 (l) Such other matters necessary or desirable for the efficient
39 and economical operation and administration of the lottery and for

1 the convenience of the purchasers of tickets or shares and the
2 holders of winning tickets or shares.

3 (2) To ensure that in each place authorized to sell lottery
4 tickets or shares, on the back of the ticket or share, and in any
5 advertising or promotion there shall be conspicuously displayed an
6 estimate of the probability of purchasing a winning ticket.

7 (3) To amend, repeal, or supplement any such rules from time to
8 time as it deems necessary or desirable.

9 (4) Beginning July 1, 2018, rules adopted under this chapter must
10 be derived from a specific grant of legislative authority. The rules
11 must include the specific statutory section or sections from which
12 the grant of authority is derived, and may not rely solely on a
13 section of law stating a statute's intent, purpose, or general
14 enabling provisions.

15 (5) To advise and make recommendations to the director for the
16 operation and administration of the lottery.

17 **Sec. 81.** RCW 38.52.050 and 1997 c 49 s 3 are each amended to
18 read as follows:

19 (1) The governor, through the director, shall have general
20 supervision and control of the emergency management functions in the
21 department, and shall be responsible for the carrying out of the
22 provisions of this chapter, and in the event of disaster beyond local
23 control, may assume direct operational control over all or any part
24 of the emergency management functions within this state.

25 (2) In performing his or her duties under this chapter, the
26 governor is authorized to cooperate with the federal government, with
27 other states, and with private agencies in all matters pertaining to
28 the emergency management of this state and of the nation.

29 (3) In performing his or her duties under this chapter and to
30 effect its policy and purpose, the governor is further authorized and
31 empowered:

32 (a) To make, amend, and rescind the necessary orders, rules, and
33 regulations to carry out the provisions of this chapter within the
34 limits of the authority conferred upon him (~~for her~~) or her
35 herein, with due consideration of the plans of the federal
36 government;

37 (b) On behalf of this state, to enter into mutual aid
38 arrangements with other states and territories, or provinces of the

1 Dominion of Canada and to coordinate mutual aid interlocal agreements
2 between political subdivisions of this state;

3 (c) To delegate any administrative authority vested in him (~~for~~
4 ~~her~~) or her under this chapter, and to provide for the
5 subdelegation of any such authority;

6 (d) To appoint, with the advice of local authorities,
7 metropolitan or regional area coordinators, or both, when
8 practicable;

9 (e) To cooperate with the president and the heads of the armed
10 forces, the emergency management agency of the United States, and
11 other appropriate federal officers and agencies, and with the
12 officers and agencies of other states in matters pertaining to the
13 emergency management of the state and nation.

14 (4) Beginning July 1, 2018, rules adopted under this chapter must
15 be derived from a specific grant of legislative authority. The rules
16 must include the specific statutory section or sections from which
17 the grant of authority is derived, and may not rely solely on a
18 section of law stating a statute's intent, purpose, or general
19 enabling provisions.

20 **Sec. 82.** RCW 43.30.215 and 2011 c 355 s 1 are each amended to
21 read as follows:

22 The board shall:

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

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

30 (3) Constitute the board of appraisers provided for in Article
31 16, section 2 of the state Constitution;

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

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

36 (6) Adopt and enforce rules (~~as may be deemed necessary and~~
37 ~~proper~~) for carrying out the powers, duties, and functions (~~imposed~~
38 ~~upon it by~~) under this chapter. Beginning July 1, 2018, rules
39 adopted under this chapter must be derived from a specific grant of

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

5 **Sec. 83.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to
6 read as follows:

7 The department of ecology (~~shall~~) may adopt (~~such~~) rules (~~as~~
8 ~~are necessary~~) to carry out responsibilities under this chapter(~~-~~
9 ~~The department of ecology is authorized to adopt such rules as are~~
10 ~~necessary to carry out its responsibilities under~~) and chapter
11 43.145 RCW. Beginning July 1, 2018, rules adopted under this chapter
12 must be derived from a specific grant of legislative authority. The
13 rules must include the specific statutory section or sections from
14 which the grant of authority is derived, and may not rely solely on a
15 section of law stating a statute's intent, purpose, or general
16 enabling provisions.

17 **Sec. 84.** RCW 41.06.133 and 2011 1st sp.s. c 43 s 407 and 2011
18 1st sp.s. c 39 s 5 are each reenacted and amended to read as follows:

19 (1) The director shall adopt rules, consistent with the purposes
20 and provisions of this chapter and with the best standards of
21 personnel administration, regarding the basis and procedures to be
22 followed for:

23 (a) The reduction, dismissal, suspension, or demotion of an
24 employee;

25 (b) Training and career development;

26 (c) Probationary periods of six to twelve months and rejections
27 of probationary employees, depending on the job requirements of the
28 class, except as follows:

29 (i) Entry-level state park rangers shall serve a probationary
30 period of twelve months; and

31 (ii) The probationary period of campus police officer appointees
32 who are required to attend the Washington state criminal justice
33 training commission basic law enforcement academy shall extend from
34 the date of appointment until twelve months from the date of
35 successful completion of the basic law enforcement academy, or twelve
36 months from the date of appointment if academy training is not
37 required. The director shall adopt rules to ensure that employees
38 promoting to campus police officer who are required to attend the

1 Washington state criminal justice training commission basic law
2 enforcement academy shall have the trial service period extend from
3 the date of appointment until twelve months from the date of
4 successful completion of the basic law enforcement academy, or twelve
5 months from the date of appointment if academy training is not
6 required;

7 (d) Transfers;

8 (e) Promotional preferences;

9 (f) Sick leaves and vacations;

10 (g) Hours of work;

11 (h) Layoffs when necessary and subsequent reemployment, except
12 for the financial basis for layoffs;

13 (i) The number of names to be certified for vacancies;

14 (j) Subject to RCW 41.04.820, adoption and revision of a state
15 salary schedule to reflect the prevailing rates in Washington state
16 private industries and other governmental units. The rates in the
17 salary schedules or plans shall be increased if necessary to attain
18 comparable worth under an implementation plan under RCW 41.06.155
19 and, for institutions of higher education and related boards, shall
20 be competitive for positions of a similar nature in the state or the
21 locality in which an institution of higher education or related board
22 is located. Such adoption and revision is subject to approval by the
23 director of financial management in accordance with chapter 43.88
24 RCW;

25 (k) Increment increases within the series of steps for each pay
26 grade based on length of service for all employees whose standards of
27 performance are such as to permit them to retain job status in the
28 classified service. From February 18, 2009, through June 30, 2013, a
29 salary or wage increase shall not be granted to any exempt position
30 under this chapter, except that a salary or wage increase may be
31 granted to employees pursuant to collective bargaining agreements
32 negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, and
33 except that increases may be granted for positions for which the
34 employer has demonstrated difficulty retaining qualified employees if
35 the following conditions are met:

36 (i) The salary increase can be paid within existing resources;

37 (ii) The salary increase will not adversely impact the provision
38 of client services; and

1 (iii) For any state agency of the executive branch, not including
2 institutions of higher education, the salary increase is approved by
3 the director of the office of financial management;

4 Any agency granting a salary increase from February 15, 2010,
5 through June 30, 2011, to a position exempt under this chapter shall
6 submit a report to the fiscal committees of the legislature no later
7 than July 31, 2011, detailing the positions for which salary
8 increases were granted, the size of the increases, and the reasons
9 for giving the increases;

10 Any agency granting a salary increase from July 1, 2011, through
11 June 30, 2013, to a position exempt under this chapter shall submit a
12 report to the fiscal committees of the legislature by July 31, 2012,
13 and July 31, 2013, detailing the positions for which salary increases
14 were granted during the preceding fiscal year, the size of the
15 increases, and the reasons for giving the increases;

16 (l) Optional lump sum relocation compensation approved by the
17 agency director, whenever it is reasonably necessary that a person
18 make a domiciliary move in accepting a transfer or other employment
19 with the state. An agency must provide lump sum compensation within
20 existing resources. If the person receiving the relocation payment
21 terminates or causes termination with the state, for reasons other
22 than layoff, disability separation, or other good cause as determined
23 by an agency director, within one year of the date of the employment,
24 the state is entitled to reimbursement of the lump sum compensation
25 from the person;

26 (m) Providing for veteran's preference as required by existing
27 statutes, with recognition of preference in regard to layoffs and
28 subsequent reemployment for veterans and their surviving spouses by
29 giving such eligible veterans and their surviving spouses additional
30 credit in computing their seniority by adding to their unbroken state
31 service, as defined by the director, the veteran's service in the
32 military not to exceed five years. For the purposes of this section,
33 "veteran" means any person who has one or more years of active
34 military service in any branch of the armed forces of the United
35 States or who has less than one year's service and is discharged with
36 a disability incurred in the line of duty or is discharged at the
37 convenience of the government and who, upon termination of such
38 service, has received an honorable discharge, a discharge for
39 physical reasons with an honorable record, or a release from active
40 military service with evidence of service other than that for which

1 an undesirable, bad conduct, or dishonorable discharge shall be
2 given. However, the surviving spouse of a veteran is entitled to the
3 benefits of this section regardless of the veteran's length of active
4 military service. For the purposes of this section, "veteran" does
5 not include any person who has voluntarily retired with twenty or
6 more years of active military service and whose military retirement
7 pay is in excess of five hundred dollars per month.

8 (2) Rules adopted under this section by the director shall
9 provide for local administration and management by the institutions
10 of higher education and related boards, subject to periodic audit and
11 review by the director.

12 (3) Rules adopted by the director under this section may be
13 superseded by the provisions of a collective bargaining agreement
14 negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The
15 supersession of such rules shall only affect employees in the
16 respective collective bargaining units.

17 (4) Beginning July 1, 2018, rules adopted under this chapter must
18 be derived from a specific grant of legislative authority. The rules
19 must include the specific statutory section or sections from which
20 the grant of authority is derived, and may not rely solely on a
21 section of law stating a statute's intent, purpose, or general
22 enabling provisions.

23 (5)(a) The director shall require that each state agency report
24 annually the following data:

25 (i) The number of classified, Washington management service, and
26 exempt employees in the agency and the change compared to the
27 previous report;

28 (ii) The number of bonuses and performance-based incentives
29 awarded to agency staff and the base wages of such employees; and

30 (iii) The cost of each bonus or incentive awarded.

31 (b) A report that compiles the data in (a) of this subsection for
32 all agencies will be provided annually to the governor and the
33 appropriate committees of the legislature and must be posted for the
34 public on the office of financial management's agency web site.

35 ~~((5) From February 15, 2010, until June 30, 2013, no monetary~~
36 ~~performance-based awards or incentives may be granted by the director~~
37 ~~or employers to employees covered by rules adopted under this~~
38 ~~section. This subsection does not prohibit the payment of awards~~
39 ~~provided for in chapter 41.60 RCW.~~

1 ~~From July 1, 2011, until June 30, 2013, no performance-based~~
2 ~~awards or incentives may be granted by the director or employers to~~
3 ~~employees pursuant to a performance management confirmation granted~~
4 ~~by the department of personnel under WAC 357-37-055.)~~)

5 **Sec. 85.** RCW 78.52.050 and 1994 sp.s. c 9 s 818 are each amended
6 to read as follows:

7 The department may make such reasonable rules, regulations, and
8 orders as may be necessary from time to time for the proper
9 administration and enforcement of this chapter. Unless otherwise
10 required by law or by this chapter or by rules of procedure made
11 under this chapter, the department may make such rules, regulations,
12 and orders, after notice, as the basis therefor. The notice may be
13 given by publication in some newspaper of general circulation in the
14 state in a manner and form which may be prescribed by the department
15 by general rule. The public hearing shall be at the time and in the
16 manner and at the place prescribed by the department, and any person
17 having any interest in the subject matter of the hearing shall be
18 entitled to be heard. In addition, written notice shall be mailed to
19 all interested persons who have requested, in writing, notice of
20 department hearings, rulings, policies, and orders. The department
21 shall establish and maintain a mailing list for this purpose.
22 Substantial compliance with these mailing requirements is deemed
23 compliance with this section. Beginning July 1, 2018, rules adopted
24 under this chapter must be derived from a specific grant of
25 legislative authority. The rules must include the specific statutory
26 section or sections from which the grant of authority is derived, and
27 may not rely solely on a section of law stating a statute's intent,
28 purpose, or general enabling provisions.

29 **Sec. 86.** RCW 79A.05.030 and 2016 c 103 s 2 are each amended to
30 read as follows:

31 The commission shall:

32 (1) Have the care, charge, control, and supervision of all parks
33 and parkways acquired or set aside by the state for park or parkway
34 purposes.

35 (2) Adopt policies, and adopt, issue, and enforce rules
36 pertaining to the use, care, and administration of state parks and
37 parkways. The commission shall cause a copy of the rules to be kept
38 posted in a conspicuous place in every state park to which they are

1 applicable, but failure to post or keep any rule posted shall be no
2 defense to any prosecution for the violation thereof. Beginning July
3 1, 2018, rules adopted under this chapter must be derived from a
4 specific grant of legislative authority. The rules must include the
5 specific statutory section or sections from which the grant of
6 authority is derived, and may not rely solely on a section of law
7 stating a statute's intent, purpose, or general enabling provisions.

8 (3) Permit the use of state parks and parkways by the public
9 under such rules as shall be adopted.

10 (4) Clear, drain, grade, seed, and otherwise improve or beautify
11 parks and parkways, and erect structures, buildings, fireplaces, and
12 comfort stations and build and maintain paths, trails, and roadways
13 through or on parks and parkways.

14 (5) Grant concessions or leases in state parks and parkways upon
15 such rentals, fees, or percentage of income or profits and for such
16 terms, in no event longer than fifty years, except for a lease
17 associated with land or property described in RCW 79A.05.025(2)(b)
18 which may not exceed sixty-two years, and upon such conditions as
19 shall be approved by the commission.

20 (a) Leases exceeding a twenty-year term, or the amendment or
21 modification of these leases, shall require a vote consistent with
22 RCW 79A.05.025(2).

23 (b) If, during the term of any concession or lease, it is the
24 opinion of the commission that it would be in the best interest of
25 the state, the commission may, with the consent of the concessionaire
26 or lessee, alter and amend the terms and conditions of such
27 concession or lease.

28 (c) Television station leases shall be subject to the provisions
29 of RCW 79A.05.085.

30 (d) The rates of concessions or leases shall be renegotiated at
31 five-year intervals. No concession shall be granted which will
32 prevent the public from having free access to the scenic attractions
33 of any park or parkway.

34 (6) Employ such assistance as it deems necessary. Commission
35 expenses relating to its use of volunteer assistance shall be limited
36 to premiums or assessments for the insurance of volunteers by the
37 department of labor and industries, compensation of staff who assist
38 volunteers, materials and equipment used in authorized volunteer
39 projects, training, reimbursement of volunteer travel as provided in
40 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating

1 to volunteer recognition. The commission, at its discretion, may
2 waive commission fees otherwise applicable to volunteers. The
3 commission shall not use volunteers to replace or supplant classified
4 positions. The use of volunteers may not lead to the elimination of
5 any employees or permanent positions in the bargaining unit.

6 (7) By majority vote of its authorized membership, select and
7 purchase or obtain options upon, lease, or otherwise acquire for and
8 in the name of the state such tracts of land, including shore and
9 tide lands, for park and parkway purposes as it deems proper. If the
10 commission cannot acquire any tract at a price it deems reasonable,
11 it may, by majority vote of its authorized membership, obtain title
12 thereto, or any part thereof, by condemnation proceedings conducted
13 by the attorney general as provided for the condemnation of rights-
14 of-way for state highways. Option agreements executed under authority
15 of this subsection shall be valid only if:

16 (a) The cost of the option agreement does not exceed one dollar;
17 and

18 (b) Moneys used for the purchase of the option agreement are from
19 (i) funds appropriated therefor, or (ii) funds appropriated for
20 undesignated land acquisitions, or (iii) funds deemed by the
21 commission to be in excess of the amount necessary for the purposes
22 for which they were appropriated; and

23 (c) The maximum amount payable for the property upon exercise of
24 the option does not exceed the appraised value of the property.

25 (8) Cooperate with the United States, or any county or city of
26 this state, in any matter pertaining to the acquisition, development,
27 redevelopment, renovation, care, control, or supervision of any park
28 or parkway, and enter into contracts in writing to that end. All
29 parks or parkways, to which the state contributed or in whose care,
30 control, or supervision the state participated pursuant to the
31 provisions of this section, shall be governed by the provisions
32 hereof.

33 (9) Within allowable resources, maintain policies that increase
34 the number of people who have access to free or low-cost recreational
35 opportunities for physical activity, including noncompetitive
36 physical activity.

37 (10) Adopt rules establishing the requirements for a criminal
38 history record information search for the following: Job applicants,
39 volunteers, and independent contractors who have unsupervised access
40 to children or vulnerable adults, or who will be responsible for

1 collecting or disbursing cash or processing credit/debit card
2 transactions. These background checks will be done through the
3 Washington state patrol criminal identification section and may
4 include a national check from the federal bureau of investigation,
5 which shall be through the submission of fingerprints. A permanent
6 employee of the commission, employed as of July 24, 2005, is exempt
7 from the provisions of this subsection.

8 **Sec. 87.** RCW 79A.05.070 and 2012 c 261 s 8 are each amended to
9 read as follows:

10 The commission may:

11 (1) Make rules and regulations for the proper administration of
12 its duties. Beginning July 1, 2018, rules adopted under this chapter
13 must be derived from a specific grant of legislative authority. The
14 rules must include the specific statutory section or sections from
15 which the grant of authority is derived, and may not rely solely on a
16 section of law stating a statute's intent, purpose, or general
17 enabling provisions;

18 (2) Accept any grants of funds made with or without a matching
19 requirement by the United States, or any agency thereof, for purposes
20 in keeping with the purposes of this chapter; accept gifts, bequests,
21 devises and endowments for purposes in keeping with such purposes;
22 enter into cooperative agreements with and provide for private
23 nonprofit groups to use state park property and facilities to raise
24 money to contribute gifts, grants, and support to the commission for
25 the purposes of this chapter. The commission may assist the nonprofit
26 group in a cooperative effort by providing necessary agency personnel
27 and services, if available. However, none of the moneys raised may
28 inure to the benefit of the nonprofit group, except in furtherance of
29 its purposes to benefit the commission as provided in this chapter.
30 The agency and the private nonprofit group must agree on the nature
31 of any project to be supported by such gift or grant prior to the use
32 of any agency property or facilities for raising money. Any such
33 gifts may be in the form of recreational facilities developed or
34 built in part or in whole for public use on agency property, provided
35 that the facility is consistent with the purposes of the agency;

36 (3) Require certification by the commission of all parks and
37 recreation workers employed in state aided or state controlled
38 programs;

1 (4) Act jointly, when advisable, with the United States, any
2 other state agencies, institutions, departments, boards, or
3 commissions in order to carry out the objectives and responsibilities
4 of this chapter;

5 (5) Grant franchises and easements for any legitimate purpose on
6 parks or parkways, for such terms and subject to such conditions and
7 considerations as the commission shall specify;

8 (6) Charge fees for services, utilities, and use of facilities as
9 the commission shall deem proper. The commission may utilize
10 unstaffed collection stations to collect any fees or distribute any
11 permits necessary for access to state parks, including discover
12 passes and day-use permits as those terms are defined in RCW
13 79A.80.010;

14 (7) Enter into agreements whereby individuals or companies may
15 rent undeveloped parks or parkway land for grazing, agricultural, or
16 mineral development purposes upon such terms and conditions as the
17 commission shall deem proper, for a term not to exceed forty years;

18 (8) Determine the qualifications of and employ a director of
19 parks and recreation who must receive a salary as fixed by the
20 governor in accordance with the provisions of RCW 43.03.040 and
21 determine the qualifications and salary of and employ such other
22 persons as may be needed to carry out the provisions hereof; and

23 (9) Utilize such other powers as in the judgment of a majority of
24 its members are deemed necessary to effectuate the purposes of this
25 chapter. However, the commission does not have power to supervise
26 directly any local park or recreation district, and no funds shall be
27 made available for such purpose.

28 **Sec. 88.** RCW 88.16.035 and 2009 c 496 s 1 are each amended to
29 read as follows:

30 (1) The board of pilotage commissioners shall:

31 (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the
32 enforcement and administration of this chapter. Beginning July 1,
33 2018, rules adopted under this chapter must be derived from a
34 specific grant of legislative authority. The rules must include the
35 specific statutory section or sections from which the grant of
36 authority is derived, and may not rely solely on a section of law
37 stating a statute's intent, purpose, or general enabling provisions;

1 (b)(i) Issue training licenses and pilot licenses to pilot
2 applicants meeting the qualifications provided for in RCW 88.16.090
3 and such additional qualifications as may be determined by the board;

4 (ii) Establish a comprehensive training program to assist in the
5 training and evaluation of pilot applicants before final licensing;
6 and

7 (iii) Establish additional training requirements, including a
8 program of continuing education developed after consultation with
9 pilot organizations, including those located within the state of
10 Washington, as required to maintain a competent pilotage service;

11 (c) Maintain a register of pilots, records of pilot accidents,
12 and other history pertinent to pilotage;

13 (d) Determine from time to time the number of pilots necessary to
14 be licensed in each district of the state to optimize the operation
15 of a safe, fully regulated, efficient, and competent pilotage service
16 in each district;

17 (e) Annually fix the pilotage tariffs for pilotage services
18 provided under this chapter: PROVIDED, That the board may fix extra
19 compensation for extra services to vessels in distress, for awaiting
20 vessels, for all vessels in direct transit to or from a Canadian port
21 where Puget Sound pilotage is required for a portion of the voyage,
22 or for being carried to sea on vessels against the will of the pilot,
23 and for such other services as may be determined by the board:
24 PROVIDED FURTHER, That as an element of the Puget Sound pilotage
25 district tariff, the board may consider pilot retirement plan
26 expenses incurred in the prior year in either pilotage district.
27 However, under no circumstances shall the state be obligated to fund
28 or pay for any portion of retirement payments for pilots or retired
29 pilots;

30 (f) File annually with the governor and the chairs of the
31 transportation committees of the senate and house of representatives
32 a report which includes, but is not limited to, the following: The
33 number, names, ages, pilot license number, training license number,
34 and years of service as a Washington licensed pilot of any person
35 licensed by the board as a Washington state pilot or trainee; the
36 names, employment, and other information of the members of the board;
37 the total number of pilotage assignments by pilotage district,
38 including information concerning the various types and sizes of
39 vessels and the total annual tonnage; the annual earnings or stipends
40 of individual pilots and trainees before and after deduction for

1 expenses of pilot organizations, including extra compensation as a
2 separate category; the annual expenses of private pilot associations,
3 including personnel employed and capital expenditures; the status of
4 pilotage tariffs, extra compensation, and travel; the retirement
5 contributions paid to pilots and the disposition thereof; the number
6 of groundings, marine occurrences, or other incidents which are
7 reported to or investigated by the board, and which are determined to
8 be accidents, as defined by the board, including the vessel name,
9 location of incident, pilot's or trainee's name, and disposition of
10 the case together with information received before the board acted
11 from all persons concerned, including the United States coast guard;
12 the names, qualifications, time scheduled for examinations, and the
13 district of persons desiring to apply for Washington state pilotage
14 licenses; summaries of dispatch records, quarterly reports from
15 pilots, and the bylaws and operating rules of pilotage organizations;
16 the names, sizes in deadweight tons, surcharges, if any, port of
17 call, name of the pilot or trainee, and names and horsepower of tug
18 boats for any and all oil tankers subject to the provisions of RCW
19 88.16.190 together with the names of any and all vessels for which
20 the United States coast guard requires special handling pursuant to
21 their authority under the Ports and Waterways Safety Act of 1972; the
22 expenses of the board; and any and all other information which the
23 board deems appropriate to include;

24 (g) Make available information that includes the pilotage act and
25 other statutes of Washington state and the federal government that
26 affect pilotage, including the rules of the board, together with such
27 additional information as may be informative for pilots, agents,
28 owners, operators, and masters;

29 (h) Appoint advisory committees and employ marine experts as
30 necessary to carry out its duties under this chapter;

31 (i) Provide for the maintenance of efficient and competent
32 pilotage service on all waters covered by this chapter; and do such
33 other things as are reasonable, necessary, and expedient to insure
34 proper and safe pilotage upon the waters covered by this chapter and
35 facilitate the efficient administration of this chapter.

36 (2) The board may pay stipends to pilot trainees under subsection
37 (1)(b) of this section.

38 **Sec. 89.** RCW 70.148.040 and 1990 c 64 s 5 are each amended to
39 read as follows:

1 The director may adopt rules consistent with this chapter to
2 carry out the purposes of this chapter. All rules shall be adopted in
3 accordance with chapter 34.05 RCW. Beginning July 1, 2018, rules
4 adopted under this chapter must be derived from a specific grant of
5 legislative authority. The rules must include the specific statutory
6 section or sections from which the grant of authority is derived, and
7 may not rely solely on a section of law stating a statute's intent,
8 purpose, or general enabling provisions.

9 **Sec. 90.** RCW 41.60.020 and 1999 c 50 s 3 are each amended to
10 read as follows:

11 (1) The board shall formulate, establish, and maintain a
12 statewide employee suggestion program and adopt rules to allow for
13 agency unique suggestion programs. Employee suggestion programs are
14 developed to encourage and reward meritorious suggestions by state
15 employees that will promote efficiency and economy in the performance
16 of any function of state government: PROVIDED, That the program shall
17 include provisions for the processing of suggestions having
18 multiagency impact and post-implementation auditing of suggestions
19 for fiscal accountability.

20 (2) The board shall adopt rules necessary or appropriate for the
21 proper administration and for the accomplishment of the purposes of
22 this chapter. These rules shall include the adoption of a payment
23 award schedule that establishes the criteria for determining the
24 amounts of any financial or other awards under this chapter.
25 Beginning July 1, 2018, rules adopted under this chapter must be
26 derived from a specific grant of legislative authority. The rules
27 must include the specific statutory section or sections from which
28 the grant of authority is derived, and may not rely solely on a
29 section of law stating a statute's intent, purpose, or general
30 enabling provisions.

31 **Sec. 91.** RCW 28A.410.210 and 2009 c 531 s 4 are each amended to
32 read as follows:

33 The purpose of the professional educator standards board is to
34 establish policies and requirements for the preparation and
35 certification of educators that provide standards for competency in
36 professional knowledge and practice in the areas of certification; a
37 foundation of skills, knowledge, and attitudes necessary to help
38 students with diverse needs, abilities, cultural experiences, and

1 learning styles meet or exceed the learning goals outlined in RCW
2 28A.150.210; knowledge of research-based practice; and professional
3 development throughout a career. The Washington professional educator
4 standards board shall:

5 (1) Establish policies and practices for the approval of programs
6 of courses, requirements, and other activities leading to educator
7 certification including teacher, school administrator, and
8 educational staff associate certification;

9 (2) Establish policies and practices for the approval of the
10 character of work required to be performed as a condition of entrance
11 to and graduation from any educator preparation program including
12 teacher, school administrator, and educational staff associate
13 preparation program as provided in subsection (1) of this section;

14 (3) Establish a list of accredited institutions of higher
15 education of this and other states whose graduates may be awarded
16 educator certificates as teacher, school administrator, and
17 educational staff associate and establish criteria and enter into
18 agreements with other states to acquire reciprocal approval of
19 educator preparation programs and certification, including teacher
20 certification from the national board for professional teaching
21 standards;

22 (4) Establish policies for approval of nontraditional educator
23 preparation programs;

24 (5) Conduct a review of educator program approval standards at
25 least every five years, beginning in 2006, to reflect research
26 findings and assure continued improvement of preparation programs for
27 teachers, administrators, and school specialized personnel;

28 (6) Specify the types and kinds of educator certificates to be
29 issued and conditions for certification in accordance with subsection
30 (1) of this section and RCW 28A.410.010;

31 (7) Apply for and receive federal or other funds on behalf of the
32 state for purposes related to the duties of the board;

33 (8) Adopt rules under chapter 34.05 RCW that are necessary for
34 the ~~((effective and efficient))~~ implementation of this chapter.
35 Beginning July 1, 2018, rules adopted under this chapter must be
36 derived from a specific grant of legislative authority. The rules
37 must include the specific statutory section or sections from which
38 the grant of authority is derived, and may not rely solely on a
39 section of law stating a statute's intent, purpose, or general
40 enabling provisions;

1 (9) Maintain data concerning educator preparation programs and
2 their quality, educator certification, educator employment trends and
3 needs, and other data deemed relevant by the board;

4 (10) Serve as an advisory body to the superintendent of public
5 instruction on issues related to educator recruitment, hiring,
6 mentoring and support, professional growth, retention, educator
7 evaluation including but not limited to peer evaluation, and
8 revocation and suspension of licensure;

9 (11) Submit, by October 15th of each even-numbered year, a joint
10 report with the state board of education to the legislative education
11 committees, the governor, and the superintendent of public
12 instruction. The report shall address the progress the boards have
13 made and the obstacles they have encountered, individually and
14 collectively, in the work of achieving the goals set out in RCW
15 28A.150.210;

16 (12) Establish the prospective teacher assessment system for
17 basic skills and subject knowledge that shall be required to obtain
18 residency certification pursuant to RCW 28A.410.220 through
19 28A.410.240;

20 (13) By January 2010, set performance standards and develop,
21 pilot, and implement a uniform and externally administered
22 professional-level certification assessment based on demonstrated
23 teaching skill. In the development of this assessment, consideration
24 shall be given to changes in professional certification program
25 components such as the culminating seminar; and

26 (14) Conduct meetings under the provisions of chapter 42.30 RCW.

27 **Sec. 92.** RCW 42.17A.110 and 2015 c 225 s 55 are each amended to
28 read as follows:

29 The commission may:

30 (1) Adopt, amend, and rescind suitable administrative rules to
31 carry out the policies and purposes of this chapter, which rules
32 shall be adopted under chapter 34.05 RCW. Any rule relating to
33 campaign finance, political advertising, or related forms that would
34 otherwise take effect after June 30th of a general election year
35 shall take effect no earlier than the day following the general
36 election in that year. Beginning July 1, 2018, rules adopted under
37 this chapter must be derived from a specific grant of legislative
38 authority. The rules must include the specific statutory section or
39 sections from which the grant of authority is derived, and may not

1 rely solely on a section of law stating a statute's intent, purpose,
2 or general enabling provisions;

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

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

17 (4) Conduct, as it deems appropriate, audits and field
18 investigations;

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

22 (6) Administer oaths and affirmations, issue subpoenas, and
23 compel attendance, take evidence, and require the production of any
24 records relevant to any investigation authorized under this chapter,
25 or any other proceeding under this chapter;

26 (7) Adopt a code of fair campaign practices;

27 (8) Adopt rules relieving candidates or political committees of
28 obligations to comply with the election campaign provisions of this
29 chapter, if they have not received contributions nor made
30 expenditures in connection with any election campaign of more than
31 five thousand dollars;

32 (9) Adopt rules prescribing reasonable requirements for keeping
33 accounts of, and reporting on a quarterly basis, costs incurred by
34 state agencies, counties, cities, and other municipalities and
35 political subdivisions in preparing, publishing, and distributing
36 legislative information. For the purposes of this subsection,
37 "legislative information" means books, pamphlets, reports, and other
38 materials prepared, published, or distributed at substantial cost, a
39 substantial purpose of which is to influence the passage or defeat of
40 any legislation. The state auditor in his or her regular examination

1 of each agency under chapter 43.09 RCW shall review the rules,
2 accounts, and reports and make appropriate findings, comments, and
3 recommendations concerning those agencies; and

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

8 **Sec. 93.** RCW 41.05.055 and 2009 c 537 s 6 are each amended to
9 read as follows:

10 (1) The public employees' benefits board is created within the
11 authority. The function of the board is to design and approve
12 insurance benefit plans for employees and to establish eligibility
13 criteria for participation in insurance benefit plans.

14 (2) The board shall be composed of nine members appointed by the
15 governor as follows:

16 (a) Two representatives of state employees, one of whom shall
17 represent an employee union certified as exclusive representative of
18 at least one bargaining unit of classified employees, and one of whom
19 is retired, is covered by a program under the jurisdiction of the
20 board, and represents an organized group of retired public employees;

21 (b) Two representatives of school district employees, one of whom
22 shall represent an association of school employees and one of whom is
23 retired, and represents an organized group of retired school
24 employees;

25 (c) Four members with experience in health benefit management and
26 cost containment; and

27 (d) The administrator.

28 (3) The member who represents an association of school employees
29 and one member appointed pursuant to subsection (2)(c) of this
30 section shall be nonvoting members until such time that there are no
31 less than twelve thousand school district employee subscribers
32 enrolled with the authority for health care coverage.

33 (4) The governor shall appoint the initial members of the board
34 to staggered terms not to exceed four years. Members appointed
35 thereafter shall serve two-year terms. Members of the board shall be
36 compensated in accordance with RCW 43.03.250 and shall be reimbursed
37 for their travel expenses while on official business in accordance
38 with RCW 43.03.050 and 43.03.060. The board (~~shall~~) may prescribe
39 rules for the conduct of its business. Beginning July 1, 2018, rules

1 adopted under this chapter must be derived from a specific grant of
2 legislative authority. The rules must include the specific statutory
3 section or sections from which the grant of authority is derived, and
4 may not rely solely on a section of law stating a statute's intent,
5 purpose, or general enabling provisions. The administrator shall
6 serve as chair of the board. Meetings of the board shall be at the
7 call of the chair.

8 **Sec. 94.** RCW 41.58.050 and 2011 1st sp.s. c 16 s 17 are each
9 amended to read as follows:

10 The commission shall have authority from time to time to make,
11 amend, and rescind, in the manner prescribed by the administrative
12 procedure act, chapter 34.05 RCW, (~~such~~) rules and regulations (~~as~~
13 ~~may be~~) necessary to carry out the provisions of this chapter.
14 Beginning July 1, 2018, rules adopted under this chapter must be
15 derived from a specific grant of legislative authority. The rules
16 must include the specific statutory section or sections from which
17 the grant of authority is derived, and may not rely solely on a
18 section of law stating a statute's intent, purpose, or general
19 enabling provisions.

20 **Sec. 95.** RCW 41.56.090 and 1975 1st ex.s. c 296 s 20 are each
21 amended to read as follows:

22 The commission (~~shall~~) may promulgate, revise, or rescind
23 (~~such~~) rules and regulations (~~as it may deem necessary or~~
24 ~~appropriate~~) to administer the provisions of this chapter (~~in~~
25 ~~conformity with the intent and purpose of this chapter and~~),
26 consistent with the best standards of labor-management relations.
27 Beginning July 1, 2018, rules adopted under this chapter must be
28 derived from a specific grant of legislative authority. The rules
29 must include the specific statutory section or sections from which
30 the grant of authority is derived, and may not rely solely on a
31 section of law stating a statute's intent, purpose, or general
32 enabling provisions.

33 **Sec. 96.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended
34 to read as follows:

35 (1) The superintendent of public instruction shall have the power
36 and duty to make such rules and regulations as are necessary for the
37 proper administration of this chapter and RCW 28A.160.150 through

1 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the
2 provisions thereof, and in addition to require such reports as may be
3 necessary to carry out his or her duties under this chapter and RCW
4 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.
5 Beginning July 1, 2018, rules adopted under this chapter must be
6 derived from a specific grant of legislative authority. The rules
7 must include the specific statutory section or sections from which
8 the grant of authority is derived, and may not rely solely on a
9 section of law stating a statute's intent, purpose, or general
10 enabling provisions.

11 (2) The superintendent of public instruction shall have the
12 authority to make rules and regulations which establish the terms and
13 conditions for allowing school districts to receive state basic
14 education moneys as provided in RCW 28A.150.250 when said districts
15 are unable to fulfill for one or more schools as officially scheduled
16 the requirement of a full school year of one hundred eighty days or
17 the annual average total instructional hour offering imposed by RCW
18 28A.150.220 and 28A.150.260 due to one or more of the following
19 conditions:

20 (a) An unforeseen natural event, including, but not necessarily
21 limited to, a fire, flood, explosion, storm, earthquake, epidemic, or
22 volcanic eruption that has the direct or indirect effect of rendering
23 one or more school district facilities unsafe, unhealthy,
24 inaccessible, or inoperable; and

25 (b) An unforeseen mechanical failure or an unforeseen action or
26 inaction by one or more persons, including negligence and threats,
27 that (i) is beyond the control of both a school district board of
28 directors and its employees and (ii) has the direct or indirect
29 effect of rendering one or more school district facilities unsafe,
30 unhealthy, inaccessible, or inoperable. Such actions, inactions or
31 mechanical failures may include, but are not necessarily limited to,
32 arson, vandalism, riots, insurrections, bomb threats, bombings,
33 delays in the scheduled completion of construction projects, and the
34 discontinuance or disruption of utilities such as heating, lighting
35 and water: PROVIDED, That an unforeseen action or inaction shall not
36 include any labor dispute between a school district board of
37 directors and any employee of the school district.

38 A condition is foreseeable for the purposes of this subsection to
39 the extent a reasonably prudent person would have anticipated prior
40 to August first of the preceding school year that the condition

1 probably would occur during the ensuing school year because of the
2 occurrence of an event or a circumstance which existed during such
3 preceding school year or a prior school year. A board of directors of
4 a school district is deemed for the purposes of this subsection to
5 have knowledge of events and circumstances which are a matter of
6 common knowledge within the school district and of those events and
7 circumstances which can be discovered upon prudent inquiry or
8 inspection.

9 (3) The superintendent of public instruction shall make every
10 effort to reduce the amount of paperwork required in administration
11 of this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170,
12 and 28A.500.010; to simplify the application, monitoring and
13 evaluation processes used; to eliminate all duplicative requests for
14 information from local school districts; and to make every effort to
15 integrate and standardize information requests for other state
16 education acts and federal aid to education acts administered by the
17 superintendent of public instruction so as to reduce paperwork
18 requirements and duplicative information requests.

19 **Sec. 97.** RCW 90.71.230 and 2007 c 341 s 5 are each amended to
20 read as follows:

21 (1) The leadership council shall have the power and duty to:

22 (a) Provide leadership and have responsibility for the functions
23 of the partnership, including adopting, revising, and guiding the
24 implementation of the action agenda, allocating funds for Puget Sound
25 recovery, providing progress and other reports, setting strategic
26 priorities and benchmarks, adopting and applying accountability
27 measures, and making appointments to the board and panel;

28 (b) Adopt rules, in accordance with chapter 34.05 RCW. Beginning
29 July 1, 2018, rules adopted under this chapter must be derived from a
30 specific grant of legislative authority. The rules must include the
31 specific statutory section or sections from which the grant of
32 authority is derived, and may not rely solely on a section of law
33 stating a statute's intent, purpose, or general enabling provisions;

34 (c) Create subcommittees and advisory committees as appropriate
35 to assist the council;

36 (d) Enter into, amend, and terminate contracts with individuals,
37 corporations, or research institutions to effectuate the purposes of
38 this chapter;

1 (e) Make grants to governmental and nongovernmental entities to
2 effectuate the purposes of this chapter;

3 (f) Receive such gifts, grants, and endowments, in trust or
4 otherwise, for the use and benefit of the partnership to effectuate
5 the purposes of this chapter;

6 (g) Promote extensive public awareness, education, and
7 participation in Puget Sound protection and recovery;

8 (h) Work collaboratively with the Hood Canal coordinating council
9 established in chapter 90.88 RCW on Hood Canal-specific issues;

10 (i) Maintain complete and consolidated financial information to
11 ensure that all funds received and expended to implement the action
12 agenda have been accounted for; and

13 (j) Exercise such other powers and duties as are necessary and
14 appropriate to carry out the provisions of this chapter.

15 (2) The council may delegate functions to the chair and to the
16 executive director, however the council may not delegate its
17 decisional authority regarding developing or amending the action
18 agenda.

19 (3) The council shall work closely with existing organizations
20 and all levels of government to ensure that the action agenda and its
21 implementation are scientifically sound, efficient, and achieve
22 necessary results to accomplish recovery of Puget Sound to health by
23 2020.

24 (4) The council shall support, engage, and foster collaboration
25 among watershed groups to assist in the recovery of Puget Sound.

26 (5) When working with federally recognized Indian tribes to
27 develop and implement the action agenda, the council shall conform to
28 the procedures and standards required in a government-to-governmental
29 relationship with tribes under the 1989 Centennial Accord between the
30 state of Washington and the sovereign tribal governments in the state
31 of Washington.

32 (6) Members of the council shall be compensated in accordance
33 with RCW 43.03.220 and be reimbursed for travel expenses in
34 accordance with RCW 43.03.050 and 43.03.060.

35 **Sec. 98.** RCW 77.85.120 and 2007 c 241 s 21 are each amended to
36 read as follows:

37 (1) The salmon recovery funding board is responsible for making
38 grants and loans for salmon habitat projects and salmon recovery

1 activities from the amounts appropriated to the board for this
2 purpose. To accomplish this purpose the board may:

3 (a) Provide assistance to grant applicants regarding the
4 procedures and criteria for grant and loan awards;

5 (b) Make and execute all manner of contracts and agreements with
6 public and private parties as the board deems necessary, consistent
7 with the purposes of this chapter;

8 (c) Accept any gifts, grants, or loans of funds, property, or
9 financial or other aid in any form from any other source on any terms
10 that are not in conflict with this chapter;

11 (d) Adopt rules under chapter 34.05 RCW (~~as~~) necessary to carry
12 out the purposes of this chapter. Beginning July 1, 2018, rules
13 adopted under this chapter must be 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,
17 purpose, or general enabling provisions; and

18 (e) Do all acts and things necessary or convenient to carry out
19 the powers expressly granted or implied under this chapter.

20 (2) The recreation and conservation office shall provide all
21 necessary grants and loans administration assistance to the board,
22 and shall distribute funds as provided by the board in RCW 77.85.130.

23 **Sec. 99.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to
24 read as follows:

25 The director shall:

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

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

31 (3) Employ personnel to carry out the general administration of
32 the department;

33 (4) Submit an annual written report of the activities of the
34 department to the governor and the chairs of the appropriate
35 legislative committees with one copy to the staff of each of the
36 committees, including recommendations for statutory changes the
37 director believes to be desirable;

38 (5) Adopt (~~such~~) rules and regulations (~~as are necessary~~) to
39 carry out the powers, duties, and functions of the department,

1 pursuant to the provisions of chapter 34.05 RCW. Beginning July 1,
2 2018, rules adopted under this chapter must be derived from a
3 specific grant of legislative authority. The rules must include the
4 specific statutory section or sections from which the grant of
5 authority is derived, and may not rely solely on a section of law
6 stating a statute's intent, purpose, or general enabling provisions.

7 **Sec. 100.** RCW 82.32.300 and 1997 c 420 s 9 are each amended to
8 read as follows:

9 (1) The administration of this and chapters 82.04 through 82.27
10 RCW of this title is vested in the department of revenue which shall
11 prescribe forms and rules of procedure for the determination of the
12 taxable status of any person, for the making of returns and for the
13 ascertainment, assessment and collection of taxes and penalties
14 imposed thereunder.

15 (2) The department of revenue shall make and publish rules and
16 regulations, not inconsistent therewith, necessary to enforce
17 provisions of this chapter and chapters 82.02 through 82.23B and
18 82.27 RCW, and the liquor (~~control~~) and cannabis board shall make
19 and publish rules necessary to enforce chapters 82.24 and 82.26 RCW,
20 which shall have the same force and effect as if specifically
21 included therein, unless declared invalid by the judgment of a court
22 of record not appealed from.

23 (3) Beginning July 1, 2018, rules adopted under this chapter must
24 be derived from a specific grant of legislative authority. The rules
25 must include the specific statutory section or sections from which
26 the grant of authority is derived, and may not rely solely on a
27 section of law stating a statute's intent, purpose, or general
28 enabling provisions.

29 (4) The department may employ such clerks, specialists, and other
30 assistants as are necessary. Salaries and compensation of such
31 employees shall be fixed by the department and shall be charged to
32 the proper appropriation for the department.

33 (5) The department shall exercise general supervision of the
34 collection of taxes and, in the discharge of such duty, may institute
35 and prosecute such suits or proceedings in the courts as may be
36 necessary and proper.

37 **Sec. 101.** RCW 82.01.060 and 2011 c 298 s 36 are each amended to
38 read as follows:

1 The director of revenue, hereinafter in chapter 26, Laws of 1967
2 ex. sess. referred to as the director, through the department of
3 revenue, hereinafter in chapter 26, Laws of 1967 ex. sess. referred
4 to as the department, must:

5 (1) Assess and collect all taxes and administer all programs
6 relating to taxes which are the responsibility of the tax commission
7 at the time chapter 26, Laws of 1967 ex. sess. takes effect or which
8 the legislature may hereafter make the responsibility of the director
9 or of the department;

10 (2) Make, adopt, and publish (~~such~~) rules (~~as he or she may~~
11 ~~deem necessary or desirable~~) to carry out the powers and duties
12 imposed upon him or her or the department by the legislature.
13 However, the director may not adopt rules after July 23, 1995, that
14 are based solely on a section of law stating a statute's intent or
15 purpose, on the enabling provisions of the statute establishing the
16 agency, or on any combination of such provisions, for statutory
17 authority to adopt any rule. Beginning July 1, 2018, rules adopted
18 under this chapter must be derived from a specific grant of
19 legislative authority. The rules must include the specific statutory
20 section or sections from which the grant of authority is derived, and
21 may not rely solely on a section of law stating a statute's intent,
22 purpose, or general enabling provisions;

23 (3) Rules adopted by the tax commission before July 23, 1995,
24 remain in force until such time as they may be revised or rescinded
25 by the director;

26 (4) Provide by general regulations for an adequate system of
27 departmental review of the actions of the department or of its
28 officers and employees in the assessment or collection of taxes;

29 (5) Maintain a tax research section with sufficient technical,
30 clerical and other employees to conduct constant observation and
31 investigation of the effectiveness and adequacy of the revenue laws
32 of this state and of the sister states in order to assist the
33 governor, the legislature and the director in estimation of revenue,
34 analysis of tax measures, and determination of the administrative
35 feasibility of proposed tax legislation and allied problems;

36 (6) Recommend to the governor such amendments, changes in, and
37 modifications of the revenue laws as seem proper and requisite to
38 remedy injustice and irregularities in taxation, and to facilitate
39 the assessment and collection of taxes in the most economical manner;

1 (7) Provide the opportunity for any person feeling aggrieved by
2 any action taken against the person by the department in the
3 administration of chapters 19.02, 19.80, and 59.30 RCW to request a
4 review of the department's action. Such review may be conducted as a
5 brief adjudicative proceeding under RCW 34.05.485 through 34.05.494.

6 **Sec. 102.** RCW 84.08.070 and 1975 1st ex.s. c 278 s 151 are each
7 amended to read as follows:

8 The department of revenue (~~shall~~) may make (~~such~~) rules and
9 regulations (~~as may be necessary~~) to carry out the powers granted
10 by this chapter, and for conducting hearings and other proceedings
11 before it. Beginning July 1, 2018, rules adopted under this chapter
12 must be derived from a specific grant of legislative authority. The
13 rules must include the specific statutory section or sections from
14 which the grant of authority is derived, and may not rely solely on a
15 section of law stating a statute's intent, purpose, or general
16 enabling provisions.

17 **Sec. 103.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to
18 read as follows:

19 The secretary of state as chief election officer shall make
20 reasonable rules in accordance with chapter 34.05 RCW not
21 inconsistent with the federal and state election laws to effectuate
22 any provision of this title and to facilitate the execution of its
23 provisions in an orderly, timely, and uniform manner relating to any
24 federal, state, county, city, town, and district elections. To that
25 end the secretary shall assist local election officers by devising
26 uniform forms and procedures. Beginning July 1, 2018, rules adopted
27 under this chapter must be derived from a specific grant of
28 legislative authority. The rules must include the specific statutory
29 section or sections from which the grant of authority is derived, and
30 may not rely solely on a section of law stating a statute's intent,
31 purpose, or general enabling provisions.

32 In addition to the rule-making authority granted otherwise by
33 this section, the secretary of state shall make rules governing the
34 following provisions:

- 35 (1) The maintenance of voter registration records;
- 36 (2) The preparation, maintenance, distribution, review, and
37 filing of precinct maps;
- 38 (3) Standards for the design, layout, and production of ballots;

- 1 (4) The examination and testing of voting systems for
2 certification;
- 3 (5) The source and scope of independent evaluations of voting
4 systems that may be relied upon in certifying voting systems for use
5 in this state;
- 6 (6) Standards and procedures for the acceptance testing of voting
7 systems by counties;
- 8 (7) Standards and procedures for testing the programming of vote
9 tallying software for specific primaries and elections;
- 10 (8) Standards and procedures for the preparation and use of each
11 type of certified voting system including procedures for the
12 operation of counting centers where vote tallying systems are used;
- 13 (9) Standards and procedures to ensure the accurate tabulation
14 and canvassing of ballots;
- 15 (10) Consistency among the counties of the state in the
16 preparation of ballots, the operation of vote tallying systems, and
17 the canvassing of primaries and elections;
- 18 (11) Procedures to ensure the secrecy of a voter's ballot when a
19 small number of ballots are counted;
- 20 (12) The use of substitute devices or means of voting when a
21 voting device is found to be defective, the counting of votes cast on
22 the defective device, the counting of votes cast on the substitute
23 device, and the documentation that must be submitted to the county
24 auditor regarding such circumstances;
- 25 (13) Procedures for the transportation of sealed containers of
26 voted ballots or sealed voting devices;
- 27 (14) The acceptance and filing of documents via electronic
28 transmission;
- 29 (15) Voter registration applications and records;
- 30 (16) The use of voter registration information in the conduct of
31 elections;
- 32 (17) The coordination, delivery, and processing of voter
33 registration records accepted by driver licensing agents or the
34 department of licensing;
- 35 (18) The coordination, delivery, and processing of voter
36 registration records accepted by agencies designated by the governor
37 to provide voter registration services;
- 38 (19) Procedures to receive and distribute voter registration
39 applications by mail;

- 1 (20) Procedures for a voter to change his or her voter
2 registration address within a county by telephone;
- 3 (21) Procedures for a voter to change the name under which he or
4 she is registered to vote;
- 5 (22) Procedures for canceling dual voter registration records and
6 for maintaining records of persons whose voter registrations have
7 been canceled;
- 8 (23) Procedures for the electronic transfer of voter registration
9 records between county auditors and the office of the secretary of
10 state;
- 11 (24) Procedures and forms for declarations of candidacy;
- 12 (25) Procedures and requirements for the acceptance and filing of
13 declarations of candidacy by electronic means;
- 14 (26) Procedures for the circumstance in which two or more
15 candidates have a name similar in sound or spelling so as to cause
16 confusion for the voter;
- 17 (27) Filing for office;
- 18 (28) The order of positions and offices on a ballot;
- 19 (29) Sample ballots;
- 20 (30) Independent evaluations of voting systems;
- 21 (31) The testing, approval, and certification of voting systems;
- 22 (32) The testing of vote tallying software programming;
- 23 (33) Standards and procedures to prevent fraud and to facilitate
24 the accurate processing and canvassing of ballots, including
25 standards for the approval and implementation of hardware and
26 software for automated signature verification systems;
- 27 (34) Standards and procedures to guarantee the secrecy of
28 ballots;
- 29 (35) Uniformity among the counties of the state in the conduct of
30 elections;
- 31 (36) Standards and procedures to accommodate overseas voters and
32 service voters;
- 33 (37) The tabulation of paper ballots;
- 34 (38) The accessibility of voting centers;
- 35 (39) The aggregation of precinct results if reporting the results
36 of a single precinct could jeopardize the secrecy of a person's
37 ballot;
- 38 (40) Procedures for conducting a statutory recount;

1 (41) Procedures for filling vacancies in congressional offices if
2 the general statutory time requirements for availability of ballots,
3 certification, canvassing, and related procedures cannot be met;

4 (42) Procedures for the statistical sampling of signatures for
5 purposes of verifying and canvassing signatures on initiative,
6 referendum, and recall election petitions;

7 (43) Standards and deadlines for submitting material to the
8 office of the secretary of state for the voters' pamphlet;

9 (44) Deadlines for the filing of ballot titles for referendum
10 bills and constitutional amendments if none have been provided by the
11 legislature;

12 (45) Procedures for the publication of a state voters' pamphlet;

13 (46) Procedures for conducting special elections regarding
14 nuclear waste sites if the general statutory time requirements for
15 availability of ballots, certification, canvassing, and related
16 procedures cannot be met;

17 (47) Procedures for conducting partisan primary elections;

18 (48) Standards and procedures for the proper conduct of voting on
19 accessible voting devices;

20 (49) Standards for voting technology and systems used by the
21 state or any political subdivision to be accessible for individuals
22 with disabilities, including nonvisual accessibility for the blind
23 and visually impaired, in a manner that provides the same opportunity
24 for access and participation, including privacy and independence, as
25 other voters;

26 (50) All data formats for transferring voter registration data on
27 electronic or machine-readable media for the purpose of administering
28 the statewide voter registration list required by the Help America
29 Vote Act (P.L. 107-252);

30 (51) Defining the interaction of electronic voter registration
31 election management systems employed by each county auditor to
32 maintain a local copy of each county's portion of the official state
33 list of registered voters;

34 (52) Provisions and procedures to implement the state-based
35 administrative complaint procedure as required by the Help America
36 Vote Act (P.L. 107-252);

37 (53) Facilitating the payment of local government grants to local
38 government election officers or vendors; and

39 (54) Standards for the verification of signatures on ballot
40 declarations.

1 **Sec. 104.** RCW 74.18.060 and 2003 c 409 s 6 are each amended to
2 read as follows:

3 The department shall:

4 (1) Serve as the sole agency of the state for contracting for and
5 disbursing all federal and state funds appropriated for programs
6 established by and within the jurisdiction of this chapter, and make
7 reports and render accounting as may be required;

8 (2) Adopt rules, in accordance with chapter 34.05 RCW, necessary
9 to carry out the purposes of this chapter. Beginning July 1, 2018,
10 rules adopted under this chapter must be derived from a specific
11 grant of legislative authority. The rules must include the specific
12 statutory section or sections from which the grant of authority is
13 derived, and may not rely solely on a section of law stating a
14 statute's intent, purpose, or general enabling provisions;

15 (3) Negotiate agreements with other state agencies to provide
16 services so that individuals of any age who are blind or are both
17 blind and otherwise disabled receive the most beneficial services.

18 **Sec. 105.** RCW 74.08.090 and 1969 ex.s. c 173 s 5 are each
19 amended to read as follows:

20 The department is hereby authorized to make rules and regulations
21 (~~(not inconsistent with)~~) to implement the provisions of this title
22 to the end that this title shall be administered uniformly throughout
23 the state, and that the spirit and purpose of this title may be
24 complied with. The department shall have the power to compel
25 compliance with the rules and regulations established by it. Such
26 rules and regulations shall be filed in accordance with the
27 Administrative Procedure Act, as it is now or hereafter amended, and
28 copies shall be available for public inspection in the office of the
29 department and in each county office. Beginning July 1, 2018, rules
30 adopted under this chapter must be 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,
34 purpose, or general enabling provisions.

35 **Sec. 106.** RCW 71A.12.030 and 1988 c 176 s 203 are each amended
36 to read as follows:

37 The secretary is authorized to provide, or arrange with others to
38 provide, all services and facilities that are necessary or

1 appropriate to accomplish the purposes of this title, and to take all
2 actions that are necessary or appropriate to accomplish the purposes
3 of this title. The secretary (~~shall~~) may adopt rules under the
4 administrative procedure act, chapter 34.05 RCW, (~~as are~~
5 ~~appropriate~~) to carry out this title. Beginning July 1, 2018, rules
6 adopted under this chapter must be derived from a specific grant of
7 legislative authority. The rules must include the specific statutory
8 section or sections from which the grant of authority is derived, and
9 may not rely solely on a section of law stating a statute's intent,
10 purpose, or general enabling provisions.

11 **Sec. 107.** RCW 39.58.040 and 2009 c 9 s 2 are each amended to
12 read as follows:

13 (1) The commission shall have the power and broad administrative
14 discretion:

15 (~~(1)~~) (a) To make and enforce regulations necessary and proper
16 to the full and complete performance of its functions under this
17 chapter;

18 (~~(2)~~) (b) To require any public depository to furnish such
19 information dealing with public deposits and the exact status of its
20 capitalization, collateral, liquidity, and net worth as the
21 commission shall request;

22 (~~(3)~~) (c) To take such action as it deems best for the
23 protection, collection, compromise or settlement of any claim arising
24 in case of loss;

25 (~~(4)~~) (d) To fix by rule or resolution, consistent with this
26 chapter, the requirements for initial and continued qualification of
27 financial institutions as public depositories on the basis of a
28 depository's financial condition, including its capitalization,
29 collateral, liquidity, and net worth, and fixing other terms and
30 conditions consistent with this chapter, under which public deposits
31 may be received and held;

32 (~~(5)~~) (e) To make and enforce rules setting forth criteria for
33 the establishment by policy of standards governing matters that are
34 subject to the commission's powers to fix requirements, terms, and
35 conditions under (d) of this subsection (~~(4) of this section~~) for a
36 public depository, and, if these standards are not met, providing for
37 additional collateral or other conditional or unconditional
38 requirements or restrictions applicable to the public depository's
39 right to receive or hold public deposits;

1 (~~(6)~~) (f) To require additional or different types and amounts
2 of collateral, or to restrict a public depository's right to receive
3 or hold public deposits if the standards for the financial condition
4 of public depositories are not met;

5 (~~(7)~~) (g) To fix the official date on which any loss shall be
6 deemed to have occurred taking into consideration the orders, rules,
7 and regulations of the supervisory authority of a public depository's
8 primary regulatory authority and federal deposit insurer as they
9 affect the failure or inability of a public depository to repay
10 public deposits in full;

11 (~~(8)~~) (h) In case loss occurs in more than one public
12 depository, to determine the allocation and time of payment of any
13 sums due to public depositors under this chapter; and

14 (~~(9)~~) (i) To make and enforce sanctions against a public
15 depository for noncompliance with the provisions of this chapter and
16 rules or policies of the commission.

17 (2) The commission may adopt rules derived from a specific grant
18 of legislative authority. The rules must include the specific
19 statutory section or sections from which the grant of authority is
20 derived, and may not rely solely on a section of law stating a
21 statute's intent or purpose or the general enabling provisions
22 establishing the commission.

23 **Sec. 108.** RCW 43.340.030 and 2002 c 365 s 6 are each amended to
24 read as follows:

25 (1) The authority has all the general powers necessary to carry
26 out its purposes and duties and to exercise its specific powers. In
27 addition to other powers specified in this chapter, the authority
28 may:

29 (a) Sue and be sued in its own name;

30 (b) Make and execute agreements, contracts, and other
31 instruments, with any public or private person, in accordance with
32 this chapter;

33 (c) Employ, contract with, or engage independent counsel, bond
34 counsel, other attorneys, financial advisors, investment bankers,
35 auditors, other technical or professional assistants, and such other
36 personnel as are necessary and recommended by the state housing
37 finance commission staff;

38 (d) Invest or deposit moneys of the authority in any manner
39 determined by the authority and enter into hedge agreements, swap

1 agreements, or other financial products, including payment agreements
2 defined under RCW 39.96.020(5). The authority is not a governmental
3 entity for purposes of chapter 39.96 RCW;

4 (e) Establish such special funds, and controls on deposits to and
5 disbursements from them, as it finds convenient for the
6 implementation of this chapter;

7 (f) Procure insurance, other credit enhancements, and other
8 financing arrangements for its bonds to fulfill its purposes under
9 this chapter, including but not limited to municipal bond insurance
10 and letters of credit;

11 (g) Accept appropriations, gifts, grants, loans, or other aid
12 from public or private entities;

13 (h) Adopt rules, consistent with this chapter(~~(, as the board~~
14 ~~determines necessary)~~). Beginning July 1, 2018, rules adopted under
15 this chapter must be derived from a specific grant of legislative
16 authority. The rules must include the specific statutory section or
17 sections from which the grant of authority is derived, and may not
18 rely solely on a section of law stating a statute's intent, purpose,
19 or general enabling provisions;

20 (i) Delegate any of its powers and duties if consistent with the
21 purposes of this chapter; and

22 (j) Exercise any other power reasonably required to implement the
23 purposes of this chapter.

24 (2) The authority does not have the power of eminent domain and
25 does not have the power to levy taxes of any kind.

26 **Sec. 109.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each
27 amended to read as follows:

28 The director shall be secretary of the commission and shall be
29 responsible for carrying into effect the commission's orders and
30 rules and regulations promulgated by the commission. The director
31 shall also be authorized to employ such staff as is necessary
32 pursuant to the provisions of chapter 41.06 RCW. The commission shall
33 adopt such rules and regulations as shall be necessary to carry into
34 effect the purposes of this chapter. Beginning July 1, 2018, rules
35 adopted under this chapter must be derived from a specific grant of
36 legislative authority. The rules must include the specific statutory
37 section or sections from which the grant of authority is derived, and
38 may not rely solely on a section of law stating a statute's intent,
39 purpose, or general enabling provisions.

1 **Sec. 110.** RCW 47.01.071 and 2016 c 35 s 1 are each amended to
2 read as follows:

3 The transportation commission shall have the following functions,
4 powers, and duties:

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

13 (a) Develop transportation policies which are based on the
14 policies, goals, and objectives expressed and inherent in existing
15 state laws;

16 (b) Inventory the adopted policies, goals, and objectives of the
17 local and area-wide governmental bodies of the state and define the
18 role of the state, regional, and local governments in determining
19 transportation policies, in transportation planning, and in
20 implementing the state transportation plan;

21 (c) Establish a procedure for review and revision of the state
22 transportation policy and for submission of proposed changes to the
23 governor and the legislature; and

24 (d) Integrate the statewide transportation plan with the needs of
25 the elderly and persons with disabilities, and coordinate federal and
26 state programs directed at assisting local governments to answer such
27 needs;

28 (2) To provide for the effective coordination of state
29 transportation planning with national transportation policy, state
30 and local land use policies, and local and regional transportation
31 plans and programs;

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

38 (4) By December 2010, to prepare a comprehensive and balanced
39 statewide transportation plan consistent with the state's growth
40 management goals and based on the transportation policy goals

1 provided under RCW 47.04.280 and applicable state and federal laws.
2 The plan must reflect the priorities of government developed by the
3 office of financial management and address regional needs, including
4 multimodal transportation planning. The plan must, at a minimum: (a)
5 Establish a vision for the development of the statewide
6 transportation system; (b) identify significant statewide
7 transportation policy issues; and (c) recommend statewide
8 transportation policies and strategies to the legislature to fulfill
9 the requirements of subsection (1) of this section. The plan must be
10 the product of an ongoing process that involves representatives of
11 significant transportation interests and the general public from
12 across the state. Every four years, the plan shall be reviewed and
13 revised, and submitted to the governor and the house of
14 representatives and senate standing committees on transportation.

15 The plan shall take into account federal law and regulations
16 relating to the planning, construction, and operation of
17 transportation facilities;

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

22 (6) To adopt (~~such~~) rules (~~as may be~~) necessary to carry out
23 reasonably and properly those functions expressly vested in the
24 commission by statute. Beginning July 1, 2018, rules adopted under
25 this chapter must be derived from a specific grant of legislative
26 authority. The rules must include the specific statutory section or
27 sections from which the grant of authority is derived, and may not
28 rely solely on a section of law stating a statute's intent, purpose,
29 or general enabling provisions;

30 (7) To contract with the office of financial management or other
31 appropriate state agencies for administrative support, accounting
32 services, computer services, and other support services necessary to
33 carry out its other statutory duties;

34 (8) To conduct transportation-related studies and policy analysis
35 to the extent directed by the legislature or governor in the biennial
36 transportation budget act, or as otherwise provided in law, and
37 subject to the availability of amounts appropriated for this specific
38 purpose; and

1 (9) To exercise such other specific powers and duties as may be
2 vested in the transportation commission by this or any other
3 provision of law.

4 **Sec. 111.** RCW 47.26.160 and 1995 c 269 s 2607 are each amended
5 to read as follows:

6 (1) The transportation improvement board shall:

7 ~~((1))~~ (a) Adopt rules necessary to implement the provisions of
8 chapter 47.66 RCW and this chapter relating to the allocation of
9 funds;

10 ~~((2))~~ (b) Adopt reasonably uniform design standards for city
11 and county arterials.

12 (2) Beginning July 1, 2018, rules adopted under this chapter must
13 be derived from a specific grant of legislative authority. The rules
14 must include the specific statutory section or sections from which
15 the grant of authority is derived, and may not rely solely on a
16 section of law stating a statute's intent, purpose, or general
17 enabling provisions.

18 **Sec. 112.** RCW 47.01.101 and 2006 c 334 s 6 are each amended to
19 read as follows:

20 The secretary shall have the authority and it shall be his or her
21 duty:

22 (1) To serve as chief executive officer of the department with
23 full administrative authority to direct all its activities;

24 (2) To organize the department as he or she may deem necessary to
25 carry out the work and responsibilities of the department
26 effectively;

27 (3) To designate and establish such transportation district,
28 region, or branch offices as may be necessary or convenient, and to
29 appoint assistants and delegate any powers, duties, and functions to
30 them or any officer or employee of the department as deemed necessary
31 to administer the department efficiently;

32 (4) To direct and coordinate the programs of the various
33 divisions of the department to assure that they achieve the greatest
34 possible mutual benefit, produce a balanced overall effort, and
35 eliminate unnecessary duplication of activity;

36 (5) To adopt all department rules that are subject to the
37 adoption procedures contained in the state administrative procedure
38 act, except rules subject to adoption by the commission pursuant to

1 statute. Beginning July 1, 2018, rules adopted under this chapter
2 must be derived from a specific grant of legislative authority. The
3 rules must include the specific statutory section or sections from
4 which the grant of authority is derived, and may not rely solely on a
5 section of law stating a statute's intent, purpose, or general
6 enabling provisions;

7 (6) To maintain and safeguard the official records of the
8 department, including the commission's recorded resolutions and
9 orders;

10 (7) To provide, under contract or interagency agreement, staff
11 support to the commission, including long-term technical and
12 administrative support as needed, to assist it in carrying out its
13 functions, powers, and duties;

14 (8) To execute and implement the biennial operating budget for
15 the operation of the department in accordance with chapter 43.88 RCW
16 and with legislative appropriation;

17 (9) To advise the governor and the legislature with respect to
18 matters under the jurisdiction of the department; and

19 (10) To exercise all other powers and perform all other duties as
20 are now or hereafter provided by law.

21 **Sec. 113.** RCW 80.01.040 and 2007 c 234 s 1 are each amended to
22 read as follows:

23 The utilities and transportation commission shall:

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

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

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

33 (4) Make rules and regulations necessary to carry out its other
34 powers and duties. Beginning July 1, 2018, rules adopted under this
35 chapter must be derived from a specific grant of legislative
36 authority. The rules must include the specific statutory section or
37 sections from which the grant of authority is derived, and may not
38 rely solely on a section of law stating a statute's intent, purpose,
39 or general enabling provisions.

1 **Sec. 114.** RCW 43.60A.070 and 1989 c 175 s 108 are each amended
2 to read as follows:

3 In addition to other powers and duties, the director is
4 authorized:

5 (1) To cooperate with officers and agencies of the United States
6 in all matters affecting veterans affairs;

7 (2) To accept grants, donations, and gifts on behalf of this
8 state for veterans affairs from any person, corporation, government,
9 or governmental agency, made for the benefit of a former member of
10 the armed forces of this or any other country;

11 (3) To be custodian of all the records and files of the selective
12 service system in Washington that may be turned over to this state by
13 the United States or any department, bureau, or agency thereof; and
14 to adopt and promulgate such rules and regulations as may be
15 necessary for the preservation of such records and the proper use
16 thereof in keeping with their confidential nature;

17 (4) To act without bond as conservator of the estate of a
18 beneficiary of the veterans administration when the director
19 determines no other suitable person will so act;

20 (5) To extend on behalf of the state of Washington such
21 assistance as the director shall determine to be reasonably required
22 to any veteran and to the dependents of any such veteran;

23 (6) To adopt rules pursuant to chapter 34.05 RCW(~~(, the~~
24 ~~Administrative Procedure Act, with respect to all matters of~~
25 ~~administration to carry into effect the purposes of this section)~~).
26 Such proposed rules shall be submitted by the department at the time
27 of filing notice with the code reviser as required by RCW 34.05.320
28 to the respective legislative committees of the senate and of the
29 house of representatives dealing with the subject of veteran affairs
30 legislation through the offices of the secretary of the senate and
31 chief clerk of the house of representatives. Beginning July 1, 2018,
32 rules adopted under this chapter must be derived from a specific
33 grant of legislative authority. The rules must include the specific
34 statutory section or sections from which the grant of authority is
35 derived, and may not rely solely on a section of law stating a
36 statute's intent, purpose, or general enabling provisions.

37 **Sec. 115.** RCW 41.24.290 and 1999 c 148 s 25 are each amended to
38 read as follows:

39 The state board shall:

- 1 (1) Generally supervise and control the administration of this
2 chapter;
- 3 (2) Promulgate, amend, or repeal rules and regulations (~~not~~
4 ~~inconsistent with~~) to implement this chapter (~~for the purpose of~~
5 ~~effecting a uniform and efficient manner of carrying out the~~
6 ~~provisions of this chapter and the purposes to be accomplished~~
7 ~~thereby,~~) and for the government of boards of trustees of the
8 municipalities of this state in the discharge of their functions
9 under this chapter. Beginning July 1, 2018, rules adopted under this
10 chapter must be derived from a specific grant of legislative
11 authority. The rules must include the specific statutory section or
12 sections from which the grant of authority is derived, and may not
13 rely solely on a section of law stating a statute's intent, purpose,
14 or general enabling provisions;
- 15 (3) Review any action, and hear and determine any appeal which
16 may be taken from the decision of the board of trustees of any
17 municipality made pursuant to this chapter;
- 18 (4) Take such action as may be necessary to secure compliance of
19 the municipalities governed by this chapter and to provide for the
20 collection of all fees and penalties which are, or may be, due and
21 delinquent from any such municipality;
- 22 (5) Review the action of the board of trustees of any
23 municipality authorizing any pension as provided by this chapter; and
24 authorize the regular issuance of monthly warrants in payment thereof
25 without further action of the board of trustees of such municipality;
- 26 (6) Require periodic reports from the recipient of any benefits
27 under this chapter for the purpose of determining their continued
28 eligibility therefor;
- 29 (7) Maintain such records as may be necessary and proper for the
30 proper maintenance and operation of the principal fund, including
31 records of the names of every person enrolled under this chapter, and
32 provide all necessary forms to enable local boards of trustees to
33 effectively carry out their duties as provided by this chapter;
- 34 (8) Compel the taking of testimony from witnesses under oath
35 before the state board, or any member or the secretary thereof, or
36 before the local board of trustees or any member thereof, for the
37 purpose of obtaining evidence, at any time, in connection with any
38 claim or pension pending or authorized for payment. For such purpose
39 the state board shall have the same power of subpoena as prescribed
40 in RCW 51.52.100. Failure of any claimant to appear and give any

1 testimony as herein provided shall suspend any rights or eligibility
2 to receive payments for the period of such failure to appear and
3 testify;

4 (9) Appoint a secretary to hold office at the pleasure of the
5 state board, fix the secretary's compensation at such sum as it shall
6 deem appropriate, and prescribe the secretary's duties not otherwise
7 provided by this chapter.

8 **Sec. 116.** RCW 28C.10.040 and 2012 c 229 s 577 are each amended
9 to read as follows:

10 The agency:

11 (1) Shall maintain a list of private vocational schools licensed
12 under this chapter;

13 (2) (~~Shall~~) May adopt rules in accordance with chapter 34.05
14 RCW to carry out this chapter. Beginning July 1, 2018, rules adopted
15 under this chapter must be derived from a specific grant of
16 legislative authority. The rules must include the specific statutory
17 section or sections from which the grant of authority is derived, and
18 may not rely solely on a section of law stating a statute's intent,
19 purpose, or general enabling provisions;

20 (3) May investigate any entity the agency reasonably believes to
21 be subject to the jurisdiction of this chapter. In connection with
22 the investigation, the agency may administer oaths and affirmations,
23 issue subpoenas and compel attendance, take evidence, and require the
24 production of any books, papers, correspondence, memorandums, or
25 other records which the agency deems relevant or material to the
26 investigation. The agency, including its staff and any other
27 authorized persons, may conduct site inspections and examine records
28 of all schools subject to this chapter;

29 (4) Shall develop an interagency agreement with the student
30 achievement council to regulate degree-granting private vocational
31 schools with respect to degree and nondegree programs.

32 NEW SECTION. **Sec. 117.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

36 NEW SECTION. **Sec. 118.** This act is necessary for the immediate
37 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

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