
SUBSTITUTE HOUSE BILL 2557

State of Washington

61st Legislature

2010 Regular Session

By House Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Chase, and Goodman; by request of Statute Law Committee)

READ FIRST TIME 02/02/10.

1 AN ACT Relating to correcting references regarding the department
2 of commerce; amending RCW 7.68.360, 9.94A.8673, 19.02.050, 19.29A.010,
3 24.46.010, 24.50.010, 28A.160.090, 28A.300.150, 28A.300.160,
4 28A.515.320, 28B.06.030, 28B.20.283, 28B.20.289, 28B.20.293,
5 28B.20.296, 28B.30.530, 28B.30.537, 28B.30.900, 28B.38.020, 28B.38.050,
6 28B.50.281, 28B.50.902, 28B.65.040, 28B.65.050, 28B.65.060,
7 28B.109.020, 28C.18.060, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330,
8 35.02.260, 35.13.171, 35.21.300, 35.21.687, 35.21.755, 35.21.779,
9 36.01.120, 36.22.178, 36.34.137, 36.70A.085, 36.70A.131, 36.70A.500,
10 36.70A.5801, 36.70B.040, 36.93.080, 36.110.030, 38.52.930, 39.04.156,
11 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230, 39.84.090,
12 40.10.020, 41.06.072, 42.56.270, 43.06.115, 43.07.350, 43.19.19201,
13 43.19.648, 43.20.275, 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515,
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21 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.157.010, 43.157.030,

1 43.160.030, 43.162.010, 43.162.025, 43.162.030, 43.163.020, 43.163.060,
2 43.163.120, 43.168.010, 43.176.030, 43.176.040, 43.176.901, 43.180.040,
3 43.180.200, 43.180.220, 43.185A.100, 43.185C.160, 43.185C.200,
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5 43.270.020, 43.270.070, 43.270.080, 43.280.011, 43.280.020, 43.280.060,
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11 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030,
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13 66.08.198, 67.28.1816, 67.38.070, 70.62.290, 70.94.537, 70.94.551,
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16 70.119A.190, 70.136.030, 70.235.020, 70.235.030, 70.235.050,
17 70.260.020, 72.09.055, 72.78.030, 74.08A.010, 74.14B.060, 74.31.020,
18 76.09.030, 76.15.090, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100,
19 79A.60.480, 80.28.010, 80.36.430, 80.36.440, 80.80.040, 80.80.050,
20 80.80.080, 82.14.330, 82.14.400, 82.16.0497, 82.73.050, 84.14.100,
21 84.36.560, 88.02.053, 89.10.020, 90.03.247, 90.56.280, and 90.82.048;
22 reenacting and amending RCW 41.06.070 and 43.21J.030; adding a new
23 section to chapter 43.31 RCW; adding a new section to chapter 43.63A
24 RCW; decodifying RCW 35.22.660, 35.22.680, 35.63.140, 35.63.180,
25 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755,
26 43.330.005, 59.22.090, 59.28.120, 67.28.8001, and 77.12.710; and
27 repealing 2009 c 565 s 34.

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

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

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

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

18 Members of the work group shall serve without compensation.

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

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

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

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

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

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

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

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

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

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

15 (b) The Washington association of prosecuting attorneys;

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

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

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

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

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

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

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

27 (j) The Washington state association of counties;

28 (k) The association of Washington cities;

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

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

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

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

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

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

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

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

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

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

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

13 (1) Department of agriculture;

14 (2) Secretary of state;

15 (3) Department of social and health services;

16 (4) Department of revenue;

17 (5) Department of fish and wildlife;

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

19 (7) Department of labor and industries;

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

22 (9) Liquor control board;

23 (10) Department of health;

24 (11) Department of licensing;

25 (12) Parks and recreation commission;

26 (13) Utilities and transportation commission; and

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

28 **Sec. 4.** RCW 19.29A.010 and 2000 c 213 s 2 are each amended to read
29 as follows:

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

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

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

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

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

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

14 (6) "Consumer-owned utility" means a municipal electric utility
15 formed under Title 35 RCW, a public utility district formed under Title
16 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
17 cooperative formed under chapter 23.86 RCW, or a mutual corporation or
18 association formed under chapter 24.06 RCW, that is engaged in the
19 business of distributing electricity to more than one retail electric
20 customer in the state.

21 (7) "Declared resource" means an electricity source specifically
22 identified by a retail supplier to serve retail electric customers. A
23 declared resource includes a stated quantity of electricity tied
24 directly to a specified generation facility or set of facilities either
25 through ownership or contract purchase, or a contractual right to a
26 stated quantity of electricity from a specified generation facility or
27 set of facilities.

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

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

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

4 (11) "Electricity product" means the electrical energy produced by
5 a generating facility or facilities that a retail supplier sells or
6 offers to sell to retail electric customers in the state of Washington,
7 provided that nothing in this title shall be construed to mean that
8 electricity is a good or product for the purposes of Title 62A RCW, or
9 any other purpose. It does not include electrical energy generated on-
10 site at a retail electric customer's premises.

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

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

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

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

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

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

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

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

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

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

6 (22) "Northwest power pool" means the generating resources included
7 in the United States portion of the Northwest power pool area as
8 defined by the western systems coordinating council.

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

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

18 (25) "Proprietary customer information" means: (a) Information
19 that relates to the source and amount of electricity used by a retail
20 electric customer, a retail electric customer's payment history, and
21 household data that is made available by the customer solely by virtue
22 of the utility-customer relationship; and (b) information contained in
23 a retail electric customer's bill.

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

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

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

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

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

4 (31) "Solar generation" means electricity derived from radiation
5 from the sun that is directly or indirectly converted to electrical
6 energy.

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

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

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

13 **Sec. 5.** RCW 24.46.010 and 1995 c 399 s 12 are each amended to read
14 as follows:

15 It is the finding of the legislature that foreign trade zones serve
16 an important public purpose by the creation of employment opportunities
17 within the state and that the establishment of zones designed to
18 accomplish this purpose is to be encouraged. It is the further intent
19 of the legislature that the department of (~~community, trade, and~~
20 ~~economic development~~) commerce provide assistance to entities planning
21 to apply to the United States for permission to establish such zones.

22 **Sec. 6.** RCW 24.50.010 and 2006 c 34 s 2 are each amended to read
23 as follows:

24 (1) Washington manufacturing services is organized as a private,
25 nonprofit corporation in accordance with chapter 24.03 RCW and this
26 section. The mission of the center is to operate a modernization
27 extension system, coordinate a network of public and private
28 modernization resources, and stimulate the competitiveness of small and
29 midsize manufacturers in Washington.

30 (2) Washington manufacturing services shall be governed by a board
31 of directors. A majority of the board of directors shall be
32 representatives of small and medium-sized manufacturing firms and
33 industry associations, networks, or consortia. The board shall also
34 include at least one member representing labor unions or labor councils
35 and, as ex officio members, the director of the department of
36 (~~community, trade, and economic development~~) commerce, the executive

1 director of the state board for community and technical colleges, and
2 the director of the workforce training and education coordinating
3 board, or their respective designees.

4 (3) Washington manufacturing services may:

5 (a) Charge fees for services, make and execute contracts with any
6 individual, corporation, association, public agency, or any other
7 entity, and employ all other legal instruments necessary or convenient
8 for the performance of its duties and the exercise of its powers and
9 functions under this chapter; and

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

13 (4) Washington manufacturing services shall:

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

17 (b) Provide information about the advantages of modernization and
18 the modernization services available in the state to federal, state,
19 and local economic development officials, state colleges and
20 universities, and private providers;

21 (c) Collaborate with the Washington quality initiative in the
22 development of manufacturing quality standards and quality
23 certification programs;

24 (d) Serve as an information clearinghouse and provide access for
25 users to the federal manufacturing extension partnership national
26 research and information system; and

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

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

32 (ii) Developing mechanisms for interfirm collaboration and
33 cooperation;

34 (iii) Appraising, purchasing, installing, and effectively using
35 equipment, technologies, and processes that improve the quality of
36 goods and services and the productivity of the firm;

37 (iv) Improving human resource systems and workforce training in a

1 manner that moves firms toward flexible, high-performance work
2 organizations;

3 (v) Developing new products;

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

6 (vii) Improving processes to enhance environmental, health, and
7 safety compliance; and

8 (viii) Improving credit, capital management, and business finance
9 skills.

10 **Sec. 7.** RCW 28A.160.090 and 1995 c 399 s 20 are each amended to
11 read as follows:

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

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

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

26 **Sec. 8.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to
27 read as follows:

28 The superintendent of public instruction shall collect and
29 disseminate to school districts information on child abuse and neglect
30 prevention curriculum and shall adopt rules dealing with the prevention
31 of child abuse for purposes of curriculum use in the common schools.
32 The superintendent of public instruction and the departments of social
33 and health services and (~~community, trade, and economic development~~)
34 commerce shall share relevant information.

1 **Sec. 9.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to
2 read as follows:

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

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

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

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

14 (ii) Culturally and linguistically appropriate to the population
15 served;

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

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

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

21 (i) Physical and behavioral indicators of abuse;

22 (ii) Crisis counseling techniques;

23 (iii) Community resources;

24 (iv) Rights and responsibilities regarding reporting;

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

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

28 (c) Training for licensed day care providers and parents that
29 includes:

30 (i) Positive child guidance techniques;

31 (ii) Physical and behavioral indicators of abuse;

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

33 (iv) Community resources;

34 (v) Rights and responsibilities regarding reporting; and

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

36 (d) Training for children that includes:

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

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

1 (iii) The availability of support resources and how to obtain help;
2 (iv) Child safety training and age-appropriate self-defense
3 techniques; and

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

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

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

12 **Sec. 10.** RCW 28A.515.320 and 1996 c 186 s 503 are each amended to
13 read as follows:

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

1 The interest accruing on the permanent common school fund less the
2 allocations to the state treasurer's service fund pursuant to RCW
3 43.08.190 and the state investment board expense account pursuant to
4 RCW 43.33A.160 together with all rentals and other revenues accruing
5 thereto pursuant to subsection (2) of this section prior to July 1,
6 1967, shall be exclusively applied to the current use of the common
7 schools.

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

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

19 (1) The state board for community and technical colleges, in
20 consultation with the department of (~~community, trade, and economic~~
21 ~~development~~) commerce, the department of social and health services,
22 the superintendent of public instruction, and community-based,
23 nonprofit providers of adult literacy services, shall develop an adult
24 literacy program to serve eligible parents as defined under RCW
25 (~~28A.610.020~~) 28B.06.020. The program shall give priority to serving
26 parents with children who have not yet enrolled in school or are in
27 grades kindergarten through three.

28 (2) In addition to providing basic skills instruction to eligible
29 parents, the program may include other program components which may
30 include transportation, child care, and such other directly necessary
31 activities as may be necessary to accomplish the purposes of this
32 chapter.

33 (3) Parents who elect to participate in training or work programs,
34 as a condition of receiving public assistance, shall have the hours
35 spent in parent participation programs, conducted as part of a federal
36 head start program, or the state early childhood education and
37 assistance program under RCW (~~28A.215.100 through 28A.215.200~~ and

1 ~~28A.215.900 through 28A.215.908~~) 43.215.400 through 43.215.450 and
2 43.215.900 through 43.215.903, or parent literacy programs under this
3 chapter, counted toward the fulfillment of their work and training
4 obligation for the receipt of public assistance.

5 (4) State funds as may be appropriated for project even start shall
6 be used solely to expand and complement, but not supplant, federal
7 funds for adult literary programs.

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

10 **Sec. 12.** RCW 28B.20.283 and 1995 c 399 s 25 are each amended to
11 read as follows:

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

14 The legislature also finds that it is in the interests of the state
15 of Washington to provide a mechanism to transfer and apply research and
16 technology developed at the institutions of higher education to the
17 private sector in order to create new products and technologies which
18 provide job opportunities in advanced technology for the citizens of
19 this state.

20 It is the intent of the legislature that the University of
21 Washington, the Washington State University, and the department of
22 (~~community, trade, and economic development~~) commerce work
23 cooperatively with the private sector in the development and
24 implementation of a world class technology transfer program.

25 **Sec. 13.** RCW 28B.20.289 and 2003 c 403 s 11 are each amended to
26 read as follows:

27 (1) The technology center shall be administered by the board of
28 directors of the technology center.

29 (2) The board shall consist of the following members: Fourteen
30 members from among individuals who are associated with or employed by
31 technology-based industries and have broad business experience and an
32 understanding of high technology; eight members from the state's
33 universities with graduate science and engineering programs; the
34 executive director of the Spokane Intercollegiate Research and
35 Technology Institute or his or her designated representative; the
36 provost of the University of Washington or his or her designated

1 representative; the provost of the Washington State University or his
2 or her designated representative; and the director of the department of
3 (~~community, trade, and economic development~~) commerce or his or her
4 designated representative. The term of office for each board member,
5 excluding the executive director of the Spokane Intercollegiate
6 Research and Technology Institute, the provost of the University of
7 Washington, the provost of the Washington State University, and the
8 director of the department of (~~community, trade, and economic
9 development~~) commerce, shall be three years. The executive director
10 of the technology center shall be an ex officio, nonvoting member of
11 the board. The board shall meet at least quarterly. Board members
12 shall be appointed by the governor based on the recommendations of the
13 existing board of the technology center, and the research universities.
14 The governor shall stagger the terms of the first group of appointees
15 to ensure the long term continuity of the board.

16 (3) The duties of the board include:

17 (a) Developing the general operating policies for the technology
18 center;

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

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

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

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

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

31 (g) Coordinating with the University of Washington, Washington
32 State University, and other participating institutions of higher
33 education in the development of training, research, and development
34 programs to be conducted at the technology center that shall be
35 targeted to meet industrial needs;

36 (h) Assisting the department of (~~community, trade, and economic
37 development~~) commerce in the department's efforts to develop state

1 science and technology public policies and coordinate publicly funded
2 programs;

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

5 (j) Reviewing annual progress reports on funded research projects
6 that are prepared by the advisory committees for each of the research
7 centers;

8 (k) Providing an annual report to the governor and the legislature
9 detailing the activities and performance of the technology center; and

10 (l) Submitting annually to the department of (~~community, trade,~~
11 ~~and economic development~~) commerce an updated strategic plan and a
12 statement of performance measured against the mission, roles, and
13 contractual obligations of the technology center.

14 **Sec. 14.** RCW 28B.20.293 and 1995 c 399 s 27 are each amended to
15 read as follows:

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

29 **Sec. 15.** RCW 28B.20.296 and 2004 c 151 s 2 are each amended to
30 read as follows:

31 (1) The Washington technology center, through its northwest energy
32 technology collaborative, shall provide a forum for public and private
33 collaborative initiatives to promote renewable energy and energy
34 efficiency sectors in Washington state and the Pacific Northwest. The
35 center shall seek to integrate the initiatives of the northwest energy
36 technology collaborative into existing state programs and initiatives,

1 including grant programs administered by the center, and energy
2 efficiency business development projects and energy assistance programs
3 of the department of (~~community, trade, and economic development~~)
4 commerce.

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

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

31 **Sec. 16.** RCW 28B.30.530 and 2009 c 486 s 1 are each amended to
32 read as follows:

33 (1) The board of regents of Washington State University shall
34 establish the Washington State University small business development
35 center.

36 (2) The center shall provide management and technical assistance
37 including but not limited to training, counseling, and research

1 services to small businesses throughout the state. The center shall
2 work with the department of (~~community, trade, and economic~~
3 ~~development~~) commerce, the state board for community and technical
4 colleges, the higher education coordinating board, the workforce
5 training and education coordinating board, the employment security
6 department, the Washington state economic development commission,
7 associate development organizations, and workforce development councils
8 to:

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

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

12 (c) Tailor outreach and services at each center to the needs and
13 demographics of entrepreneurs and small businesses located within the
14 service area;

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

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

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

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

29 (5) The legislature directs the small business development center
30 to request United States small business administration approval of a
31 special emphasis initiative, as permitted under 13 C.F.R. 130.340(c) as
32 of April 1, 2009, to target assistance to Washington state's smaller
33 businesses. This initiative would be negotiated and included in the
34 first cooperative agreement application process that occurs after July
35 26, 2009.

36 (6) By December 1, 2009, and December 1, 2010, respectively, the
37 center shall provide a written progress report and a final report to
38 the appropriate committees of the legislature with respect to the

1 requirements in subsections (2) and (5) of this section and the amount
2 and use of funding received through the business assistance account.
3 The reports must also include data on the number, location, staffing,
4 and budget levels of satellite offices; affiliations with community
5 colleges, associate development organizations or other local
6 organizations; the number, size, and type of small businesses assisted;
7 and the types of services provided. The reports must also include
8 information on the outcomes achieved, such as jobs created or retained,
9 private capital invested, and return on the investment of state and
10 federal dollars.

11 **Sec. 17.** RCW 28B.30.537 and 1998 c 245 s 20 are each amended to
12 read as follows:

13 The IMPACT center shall:

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

17 (a) The design and development of information and strategies to
18 expand the long-term international markets for Washington agricultural
19 products; and

20 (b) The dissemination of such information and strategies to
21 Washington exporters, overseas users, and public and private trade
22 organizations;

23 (2) Research and identify current impediments to increased exports
24 of Washington agricultural products, and determine methods of
25 surmounting those impediments and opportunities for exporting new
26 agricultural products and commodities to foreign markets;

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

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

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

1 (6) Link itself through cooperative agreements with the center for
2 international trade in forest products at the University of Washington,
3 the state department of agriculture, the department of (~~community,~~
4 ~~trade, and economic development~~) commerce, Washington's agriculture
5 businesses and associations, and other state agency data collection,
6 processing, and dissemination efforts.

7 **Sec. 18.** RCW 28B.30.900 and 1996 c 186 s 201 are each amended to
8 read as follows:

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

13 (2) The specific programs transferred to Washington State
14 University shall include but not be limited to the following:
15 Renewable energy, energy software, industrial energy efficiency,
16 education and information, energy ideas clearinghouse, and
17 telecommunications.

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

26 (b) Any appropriations made to, any other funds provided to, or any
27 grants made to or contracts with the state energy office for carrying
28 out the powers, functions, and duties transferred shall, on July 1,
29 1996, be transferred and credited to Washington State University.

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

1 (d) All rules and all pending business before the state energy
2 office pertaining to the powers, functions, and duties transferred
3 shall be continued and acted upon by Washington State University. All
4 existing contracts, grants, and obligations, excluding personnel
5 contracts and obligations, shall remain in full force and shall be
6 assigned to and performed by Washington State University.

7 (e) The transfer of the powers, duties, and functions of the state
8 energy office does not affect the validity of any act performed before
9 July 1, 1996.

10 (f) If apportionments of budgeted funds are required because of the
11 transfers directed by this section, the director of the office of
12 financial management shall certify the apportionments to the agencies
13 affected, the state auditor, and the state treasurer. Each of these
14 shall make the appropriate transfer and adjustments in funds and
15 appropriation.

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

26 (5) Washington State University shall select and appoint existing
27 state energy office employees to positions to perform the duties and
28 functions transferred. Employees appointed by Washington State
29 University are exempt from the provisions of chapter 41.06 RCW unless
30 otherwise designated by the institution. Any future vacant or new
31 positions will be filled using Washington State University's standard
32 hiring procedures.

33 **Sec. 19.** RCW 28B.38.020 and 1998 c 344 s 10 are each amended to
34 read as follows:

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

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

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

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

7 (c) The provost of Washington State University or the provost's
8 designee;

9 (d) The provost of Eastern Washington University or the provost's
10 designee;

11 (e) The provost of Central Washington University or the provost's
12 designee;

13 (f) The provost of the University of Washington or the provost's
14 designee;

15 (g) An academic representative from the Spokane community colleges;

16 (h) One member from Gonzaga University; and

17 (i) One member from Whitworth College.

18 (3) The term of office for each board member, excluding the
19 executive director of the Washington technology center, the provosts of
20 Washington State University, Eastern Washington University, Central
21 Washington University, and the University of Washington, shall be three
22 years. The executive director of the institute shall be an ex officio,
23 nonvoting member of the board. Board members shall be appointed by the
24 governor. Initial appointments shall be for staggered terms to ensure
25 the long-term continuity of the board. The board shall meet at least
26 quarterly.

27 (4) The duties of the board include:

28 (a) Developing the general operating policies for the institute;

29 (b) Appointing the executive director of the institute;

30 (c) Approving the annual operating budget of the institute;

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

34 (e) Approving and allocating funding for research projects
35 conducted by the institute;

36 (f) In cooperation with the department of (~~community, trade, and~~
37 ~~economic development~~) commerce, developing a biennial work plan and

1 five-year strategic plan for the institute that are consistent with the
2 statewide technology development and commercialization goals;

3 (g) Coordinating with public, independent, and private institutions
4 of higher education, and other participating institutions of higher
5 education in the development of training, research, and development
6 programs to be conducted at the institute that are targeted to meet
7 industrial needs;

8 (h) Assisting the department of (~~community, trade, and economic~~
9 ~~development~~) commerce in the department's efforts to develop state
10 science and technology public policies and coordinate publicly funded
11 programs;

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

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

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

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

21 **Sec. 20.** RCW 28B.38.050 and 1998 c 344 s 13 are each amended to
22 read as follows:

23 The department of (~~community, trade, and economic development~~)
24 commerce shall contract with the institute for the expenditure of
25 state-appropriated funds for the operation of the institute. The
26 department (~~of community, trade, and economic development~~) shall
27 provide guidance to the institute regarding expenditure of state-
28 appropriated funds and the development of the institute's strategic
29 plan. The director of the department (~~of community, trade, and~~
30 ~~economic development~~) shall not withhold funds appropriated for the
31 institute if the institute complies with the provisions of its contract
32 with the department (~~of community, trade, and economic development~~).
33 The department is responsible to the legislature for the contractual
34 performance of the institute.

35 **Sec. 21.** RCW 28B.50.281 and 2009 c 536 s 9 are each amended to
36 read as follows:

1 (1) The state board shall work with the leadership team, the
2 Washington state apprenticeship and training council, and the office of
3 the superintendent of public instruction to jointly develop, by June
4 30, 2010, curricula and training programs, to include on-the-job
5 training, classroom training, and safety and health training, for the
6 development of the skills and qualifications identified by the
7 department of (~~community, trade, and economic development~~) commerce
8 under section 7 of this act.

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

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

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

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

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

36 (a) Prioritization of the use of high employer-demand funding for
37 workforce training programs in green economy jobs, if the programs meet
38 minimum criteria for identification as a high-demand program of study

1 as defined by the state board for community and technical colleges,
2 however any additional community and technical college high-demand
3 funding authorized for the 2009-2011 fiscal biennium and thereafter may
4 be subject to prioritization; (b) increased outreach efforts to public
5 utilities, education, labor, government, and private industry to
6 develop tailored, green job training programs; and (c) increased
7 outreach efforts to target populations. Outreach efforts shall be
8 conducted in partnership with local workforce development councils.

9 (7) The definitions in RCW 43.330.010 apply to this section and RCW
10 28B.50.282.

11 **Sec. 22.** RCW 28B.50.902 and 2009 c 151 s 4 are each amended to
12 read as follows:

13 The college board, in consultation with business, industry, labor,
14 the workforce training and education coordinating board, the department
15 of (~~community, trade, and economic development~~) commerce, the
16 employment security department, and community and technical colleges,
17 shall designate centers of excellence and allocate funds to existing
18 and new centers of excellence based on a competitive basis.

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

24 It is the role of centers of excellence to employ strategies to:
25 Create educational efficiencies; build a diverse, competitive workforce
26 for strategic industries; maintain an institutional reputation for
27 innovation and responsiveness; develop innovative curriculum and means
28 of delivering education and training; act as brokers of information and
29 resources related to community and technical college education and
30 training for a targeted industry; and serve as partners with workforce
31 development councils, associate development organizations, and other
32 workforce and economic development organizations.

33 Examples of strategies include but are not limited to: Sharing
34 curriculum and other instructional resources, to ensure cost savings to
35 the system; delivering collaborative certificate and degree programs;
36 and holding statewide summits, seminars, conferences, and workshops on

1 industry trends and best practices in community and technical college
2 education and training.

3 **Sec. 23.** RCW 28B.65.040 and 1995 c 399 s 29 are each amended to
4 read as follows:

5 (1) The Washington high-technology coordinating board is hereby
6 created.

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

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

16 (b) Seven of the members shall be as follows: One representative
17 from each of the state's two research universities, one representative
18 of the state college and regional universities, the director for the
19 state system of community and technical colleges or the director's
20 designee, the superintendent of public instruction or the
21 superintendent's designee, a representative of the higher education
22 coordinating board, and the director of the department of (~~community,
23 trade, and economic development~~) commerce or the director's designee.

24 (3) Members of the board shall not receive any salary for their
25 services, but shall be reimbursed for travel expenses under RCW
26 43.03.050 and 43.03.060 for each day actually spent in attending to
27 duties as a member of the board.

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

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

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

35 (2) The board shall:

1 (a) Determine the specific high-technology occupational fields in
2 which technical training is needed and advise the institutions of
3 higher education and the higher education coordinating board on their
4 findings;

5 (b) Identify economic areas and high-technology industries in need
6 of technical training and research and development critical to economic
7 development and advise the institutions of higher education and the
8 higher education coordinating board on their findings;

9 (c) Oversee and coordinate the Washington high-technology education
10 and training program to ensure high standards, efficiency, and
11 effectiveness;

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

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

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

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

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

30 (i) Establish and maintain a plan, including priorities, to guide
31 high-technology program development in public institutions of higher
32 education, which plan shall include an assessment of current high-
33 technology programs, steps to increase existing programs, new
34 initiatives and programs necessary to promote high technology, and
35 methods to coordinate and target high-technology programs to changing
36 market opportunities in business and industry.

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

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

3 **Sec. 25.** RCW 28B.65.060 and 1995 c 399 s 31 are each amended to
4 read as follows:

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

8 **Sec. 26.** RCW 28B.109.020 and 1996 c 253 s 402 are each amended to
9 read as follows:

10 The Washington international exchange scholarship program is
11 created subject to funding under RCW 28B.109.060. The program shall be
12 administered by the board. In administering the program, the board
13 may:

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

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

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

24 (4) Publicize the program;

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

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

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

31 **Sec. 27.** RCW 28C.18.060 and 2009 c 151 s 6 are each amended to
32 read as follows:

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

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

4 (2) Advocate for the state training system and for meeting the
5 needs of employers and the workforce for workforce education and
6 training;

7 (3) Establish and maintain an inventory of the programs of the
8 state training system, and related state programs, and perform a
9 biennial assessment of the vocational education, training, and adult
10 basic education and literacy needs of the state; identify ongoing and
11 strategic education needs; and assess the extent to which employment,
12 training, vocational and basic education, rehabilitation services, and
13 public assistance services represent a consistent, integrated approach
14 to meet such needs;

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

30 (5) In consultation with the higher education coordinating board,
31 review and make recommendations to the office of financial management
32 and the legislature on operating and capital facilities budget requests
33 for operating agencies of the state training system for purposes of
34 consistency with the state comprehensive plan for workforce training
35 and education;

36 (6) Provide for coordination among the different operating agencies
37 and components of the state training system at the state level and at
38 the regional level;

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

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

9 (b) Develop requirements for minimum common core data in
10 consultation with the office of financial management and the operating
11 agencies of the training system;

12 (9) Establish minimum standards for program evaluation for the
13 operating agencies of the state training system, including, but not
14 limited to, the use of common survey instruments and procedures for
15 measuring perceptions of program participants and employers of program
16 participants, and monitor such program evaluation;

17 (10) Every two years administer scientifically based outcome
18 evaluations of the state training system, including, but not limited
19 to, surveys of program participants, surveys of employers of program
20 participants, and matches with employment security department payroll
21 and wage files. Every five years administer scientifically based net-
22 impact and cost-benefit evaluations of the state training system;

23 (11) In cooperation with the employment security department,
24 provide for the improvement and maintenance of quality and utility in
25 occupational information and forecasts for use in training system
26 planning and evaluation. Improvements shall include, but not be
27 limited to, development of state-based occupational change factors
28 involving input by employers and employees, and delineation of skill
29 and training requirements by education level associated with current
30 and forecasted occupations;

31 (12) Provide for the development of common course description
32 formats, common reporting requirements, and common definitions for
33 operating agencies of the training system;

34 (13) Provide for effectiveness and efficiency reviews of the state
35 training system;

36 (14) In cooperation with the higher education coordinating board,
37 facilitate transfer of credit policies and agreements between

1 institutions of the state training system, and encourage articulation
2 agreements for programs encompassing two years of secondary workforce
3 education and two years of postsecondary workforce education;

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

7 (16) Develop policy objectives for the workforce investment act,
8 P.L. 105-220, or its successor; develop coordination criteria for
9 activities under the act with related programs and services provided by
10 state and local education and training agencies; and ensure that
11 entrepreneurial training opportunities are available through programs
12 of each local workforce investment board in the state;

13 (17) Make recommendations to the commission of student assessment,
14 the state board of education, and the superintendent of public
15 instruction, concerning basic skill competencies and essential core
16 competencies for K-12 education. Basic skills for this purpose shall
17 be reading, writing, computation, speaking, and critical thinking,
18 essential core competencies for this purpose shall be English, math,
19 science/technology, history, geography, and critical thinking. The
20 board shall monitor the development of and provide advice concerning
21 secondary curriculum which integrates vocational and academic
22 education;

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

25 (19) Facilitate the location of support services, including but not
26 limited to, child care, financial aid, career counseling, and job
27 placement services, for students and trainees at institutions in the
28 state training system, and advocate for support services for trainees
29 and students in the state training system;

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

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

37 (22) Include in the planning requirements for local workforce
38 investment boards a requirement that the local workforce investment

1 boards specify how entrepreneurial training is to be offered through
2 the one-stop system required under the workforce investment act, P.L.
3 105-220, or its successor;

4 (23) Encourage and assess progress for the equitable representation
5 of racial and ethnic minorities, women, and people with disabilities
6 among the students, teachers, and administrators of the state training
7 system. Equitable, for this purpose, shall mean substantially
8 proportional to their percentage of the state population in the
9 geographic area served. This function of the board shall in no way
10 lessen more stringent state or federal requirements for representation
11 of racial and ethnic minorities, women, and people with disabilities;

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

14 (25) Administer veterans' programs, licensure of private vocational
15 schools, the job skills program, and the Washington award for
16 vocational excellence;

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

18 (27) Work with the director of (~~community, trade, and economic~~
19 ~~development~~) commerce and the economic development commission to
20 ensure coordination among workforce training priorities, the long-term
21 economic development strategy of the economic development commission,
22 and economic development and entrepreneurial development efforts,
23 including but not limited to assistance to industry clusters;

24 (28) Conduct research into workforce development programs designed
25 to reduce the high unemployment rate among young people between
26 approximately eighteen and twenty-four years of age. In consultation
27 with the operating agencies, the board shall advise the governor and
28 legislature on policies and programs to alleviate the high unemployment
29 rate among young people. The research shall include disaggregated
30 demographic information and, to the extent possible, income data for
31 adult youth. The research shall also include a comparison of the
32 effectiveness of programs examined as a part of the research conducted
33 in this subsection in relation to the public investment made in these
34 programs in reducing unemployment of young adults. The board shall
35 report to the appropriate committees of the legislature by November 15,
36 2008, and every two years thereafter. Where possible, the data
37 reported to the legislative committees should be reported in numbers
38 and in percentages;

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

2 The board may delegate to the director any of the functions of this
3 section.

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

6 (1) Subject to funding provided for the purposes of this section,
7 the board, in consultation with the state board for community and
8 technical colleges, the department of (~~community, trade, and economic~~
9 ~~development~~) commerce, and the employment security department, shall
10 allocate grants on a competitive basis to establish and support
11 industry skill panels.

12 (2) Eligible applicants for the grants allocated under this section
13 include, but are not limited to, workforce development councils,
14 community and technical colleges, economic development councils,
15 private career schools, chambers of commerce, trade associations, and
16 apprenticeship councils.

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

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

33 **Sec. 29.** RCW 28C.18.140 and 2008 c 103 s 4 are each amended to
34 read as follows:

35 The board shall establish industry skill panel standards that
36 identify the expectations for industry skill panel products and

1 services. The board shall establish the standards in consultation with
2 labor, the state board for community and technical colleges, the
3 employment security department, the institute of workforce development
4 and economic sustainability, and the department of (~~community, trade,~~
5 ~~and economic development~~) commerce. Continued funding of particular
6 industry skill panels shall be based on meeting the standards
7 established by the board under this section. Beginning December 1,
8 2008, the board shall report annually to the governor and the economic
9 development and higher education committees of the legislature on the
10 results of the industry skill panels funded under this chapter in
11 meeting the standards.

12 **Sec. 30.** RCW 31.24.030 and 2006 c 87 s 6 are each amended to read
13 as follows:

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

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

23 (2) To make qualified loans to borrowers in relation to business
24 development projects;

25 (3) To make qualified investments in businesses in relation to
26 business development projects;

27 (4) To facilitate and arrange qualified participation loans by
28 qualified loan participants to borrowers in relation to business
29 development projects;

30 (5) To participate in the partial funding of qualified
31 participation loans;

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

33 (7) To make contracts and incur liabilities for any of the purposes
34 of the business development company. However, a business development
35 company shall not incur any secondary liability by way of guaranty or
36 endorsement of the obligations of any person, firm, company,
37 association, or trust, or in any other manner;

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

5 (9) To borrow money from a financial institution or other financial
6 entity;

7 (10) To issue bonds, debentures, notes, or other evidence of
8 indebtedness, whether secured or unsecured, and to secure the same by
9 mortgage, pledge, deed of trust, or other lien on its property,
10 franchises, rights, and privileges of every kind and nature or any part
11 or interest therein, without securing stockholder approval;

12 (11) To purchase, receive, hold, lease, or otherwise acquire, and
13 to sell, convey, transfer, lease, or otherwise dispose of real and
14 personal property, together with such rights and privileges as may be
15 incidental and appurtenant thereto and the use thereof, including, but
16 not restricted to, any real or personal property acquired by the
17 business development company in the satisfaction of debts or
18 enforcement of obligations;

19 (12) To acquire the good will, business, rights, real and personal
20 property, and other assets, or any part thereof, or interest therein,
21 of any persons, firms, corporations, limited liability companies,
22 partnerships, limited partnerships, associations, or trusts, and to
23 assume, undertake, or pay the obligations, debts, and liabilities of
24 any such person, firm, corporation, limited liability company,
25 partnership, limited partnership, association, or trust;

26 (13) To acquire improved or unimproved real estate for the purpose
27 of constructing industrial plants or other business establishments
28 thereon or for the purpose of disposing of such real estate to others
29 for the construction of industrial plants or other business
30 establishments; and to acquire, construct or reconstruct, alter,
31 repair, maintain, operate, sell, convey, transfer, lease, or otherwise
32 dispose of industrial plants or business establishments;

33 (14) To acquire, subscribe for, own, hold, sell, assign, transfer,
34 mortgage, pledge, or otherwise dispose of the stock, shares, bonds,
35 debentures, notes, or other securities and evidences of interest in, or
36 indebtedness of, any person, firm, limited liability company,
37 partnership, limited partnership, association, or trust, and while the

1 owner or holder thereof to exercise all the rights, powers, and
2 privileges of ownership, including the right to vote thereon;

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

7 (16) To cooperate with and avail itself of the facilities and
8 assistance programs of the United States department of commerce, the
9 United States department of the treasury, the United States department
10 of housing and urban development, the department of (~~community, trade,~~
11 ~~and economic development~~) commerce, and any other similar state or
12 federal governmental agencies; and to cooperate with and assist, and
13 otherwise encourage organizations in the various communities of the
14 state in the promotion, assistance, and development of the business
15 prosperity and economic welfare of such communities or of this state or
16 of any part thereof; and

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

19 **Sec. 31.** RCW 34.05.330 and 1998 c 280 s 5 are each amended to read
20 as follows:

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

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

1 (3) If an agency denies a petition to repeal or amend a rule
2 submitted under subsection (1) of this section, the petitioner, within
3 thirty days of the denial, may appeal the denial to the governor. The
4 governor shall immediately file notice of the appeal with the code
5 reviser for publication in the Washington state register. Within
6 forty-five days after receiving the appeal, the governor shall either
7 (a) deny the petition in writing, stating (i) his or her reasons for
8 the denial, specifically addressing the concerns raised by the
9 petitioner, and, (ii) where appropriate, the alternative means by which
10 he or she will address the concerns raised by the petitioner; (b) for
11 agencies listed in RCW 43.17.010, direct the agency to initiate rule-
12 making proceedings in accordance with this chapter; or (c) for agencies
13 not listed in RCW 43.17.010, recommend that the agency initiate rule-
14 making proceedings in accordance with this chapter. The governor's
15 response to the appeal shall be published in the Washington state
16 register and copies shall be submitted to the chief clerk of the house
17 of representatives and the secretary of the senate.

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

20 (a) Whether the rule is authorized;

21 (b) Whether the rule is needed;

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

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

26 (e) Whether the rule applies differently to public and private
27 entities;

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

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

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

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

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

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

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

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

5 The department of (~~community, trade, and economic development~~)
6 commerce shall identify federal, state, and local agencies that should
7 receive notification that a new city or town is about to incorporate
8 and shall assist newly formed cities and towns during the interim
9 period before the official date of incorporation in providing such
10 notification to the identified agencies.

11 **Sec. 33.** RCW 35.13.171 and 2009 c 549 s 2010 are each amended to
12 read as follows:

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

23 (1) The mayor of the city or town initiating the annexation by
24 resolution, or the mayor in the event of a twenty percent annexation
25 petition pursuant to RCW 35.13.020, or an alternate designated by the
26 mayor;

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

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

32 Two additional members to be designated, one by the mayor of the
33 annexing city, which member shall be a resident property owner of the
34 city, and one by the chair of the county legislative authority, which
35 member shall be a resident of and a property owner or a resident or a
36 property owner if there be no resident property owner in the area

1 proposed to be annexed, shall be added to the original membership and
2 the full board thereafter convened upon call of the mayor: PROVIDED
3 FURTHER, That three members of the board shall constitute a quorum.

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

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

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

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

26 (b) Provides self-certification of household income for the prior
27 twelve months to a grantee of the department of (~~community, trade, and~~
28 ~~economic development~~) commerce which administers federally funded
29 energy assistance programs. The grantee shall determine that the
30 household income does not exceed the maximum allowed for eligibility
31 under the state's plan for low-income energy assistance under 42 U.S.C.
32 8624 and shall provide a dollar figure that is seven percent of
33 household income. The grantee may verify information in the self-
34 certification;

35 (c) Has applied for home heating assistance from applicable
36 government and private sector organizations and certifies that any

1 assistance received will be applied to the current bill and future
2 utility bills;

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

6 (e) Agrees to a payment plan and agrees to maintain the payment
7 plan. The plan will be designed both to pay the past due bill by the
8 following October 15 and to pay for continued utility service. If the
9 past due bill is not paid by the following October 15, the customer
10 shall not be eligible for protections under this chapter until the past
11 due bill is paid. The plan shall not require monthly payments in
12 excess of seven percent of the customer's monthly income plus one-
13 twelfth of any arrearage accrued from the date application is made and
14 thereafter during November 15 through March 15. A customer may agree
15 to pay a higher percentage during this period, but shall not be in
16 default unless payment during this period is less than seven percent of
17 monthly income plus one-twelfth of any arrearage accrued from the date
18 application is made and thereafter. If assistance payments are
19 received by the customer subsequent to implementation of the plan, the
20 customer shall contact the utility to reformulate the plan; and

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

22 (3) The utility shall:

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

26 (b) Assist the customer in fulfilling the requirements under this
27 section;

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

31 (d) Be permitted to disconnect service if the customer fails to
32 honor the payment program. Utilities may continue to disconnect
33 service for those practices authorized by law other than for nonpayment
34 as provided for in this section. Customers who qualify for payment
35 plans under this section who default on their payment plans and are
36 disconnected can be reconnected and maintain the protections afforded
37 under this chapter by paying reconnection charges, if any, and by

1 paying all amounts that would have been due and owing under the terms
2 of the applicable payment plan, absent default, on the date on which
3 service is reconnected; and

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

7 (4) All municipal utilities shall offer residential customers the
8 option of a budget billing or equal payment plan. The budget billing
9 or equal payment plan shall be offered low-income customers eligible
10 under the state's plan for low-income energy assistance prepared in
11 accordance with 42 U.S.C. 8624(C)(1) without limiting availability to
12 certain months of the year, without regard to the length of time the
13 customer has occupied the premises, and without regard to whether the
14 customer is the tenant or owner of the premises occupied.

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

18 **Sec. 35.** RCW 35.21.687 and 1995 c 399 s 37 are each amended to
19 read as follows:

20 (1) Every city and town, including every code city operating under
21 Title 35A RCW, shall identify and catalog real property owned by the
22 city or town that is no longer required for its purposes and is
23 suitable for the development of affordable housing for very low-income,
24 low-income, and moderate-income households as defined in RCW
25 43.63A.510. The inventory shall include the location, approximate
26 size, and current zoning classification of the property. Every city
27 and town shall provide a copy of the inventory to the department of
28 (~~community, trade, and economic development~~) commerce by November 1,
29 1993, with inventory revisions each November 1 thereafter.

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

1 **Sec. 36.** RCW 35.21.755 and 2007 c 104 s 16 are each amended to
2 read as follows:

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

1 and controlled by a public corporation, commission, or authority
2 created pursuant to RCW 35.21.730 or 35.21.660, which was in existence
3 prior to January 1, 1976, shall receive the same immunity or exemption
4 from taxation as if such property had been within a district listed on
5 any such federal or state register of historical sites as of January 1,
6 1976, and controlled by a public corporation, commission, or authority
7 created pursuant to RCW 35.21.730 or 35.21.660 which was in existence
8 prior to January 1, 1976.

9 (2) As used in this section:

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

12 (b) "Area median income" means:

13 (i) For an area within a standard metropolitan statistical area,
14 the area median income reported by the United States department of
15 housing and urban development for that standard metropolitan
16 statistical area; or

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

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

22 **Sec. 37.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to
23 read as follows:

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

31 (2) A city or town seeking to enter into fire protection contract
32 negotiations shall provide written notification to the department of
33 (~~community, trade, and economic development~~) commerce and the state
34 agencies or institutions that own property within the jurisdiction, of
35 its intent to contract for fire protection services. Where there are
36 multiple state agencies located within a single jurisdiction, a city
37 may choose to notify only the department (~~of community, trade, and~~

1 ~~economic development~~)), which in turn shall notify the agencies or
2 institution that own property within the jurisdiction of the city's
3 intent to contract for fire protection services. Any such notification
4 shall be based on the valuation procedures, based on commonly accepted
5 standards, adopted by the department (~~of community, trade, and~~
6 ~~economic development~~)) in consultation with the department of general
7 administration and the association of Washington cities.

8 (3) The department of (~~community, trade, and economic~~
9 ~~development~~)) commerce shall review any such notification to ensure
10 that the valuation procedures and results are accurate. The department
11 will notify each affected city or town and state agency or institution
12 of the results of their review within thirty days of receipt of
13 notification.

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

19 (5) In the event of notification by one of the parties that an
20 agreement cannot be reached on the terms and conditions of a fire
21 protection contract, the director of the department of (~~community,~~
22 ~~trade, and economic development~~)) commerce shall mediate a resolution
23 of the disagreement. In the event of a continued impasse, the director
24 of the department (~~of community, trade, and economic development~~))
25 shall recommend a resolution.

26 (6) If the parties reject the recommendation of the director of
27 commerce and an impasse continues, the director shall direct the
28 parties to arbitration. The parties shall agree on a neutral
29 arbitrator, and the fees and expenses of the arbitrator shall be shared
30 equally between the parties. The arbitration shall be a final offer,
31 total arbitration, with the arbitrator empowered only to pick the final
32 offer of one of the parties or the recommended resolution by the
33 director (~~of the department of community, trade, and economic~~
34 ~~development~~)). The decision of the arbitrator shall be final, binding,
35 and nonappealable on the parties.

36 (7) The provisions of this section shall not apply if a city or
37 town and a state agency or institution have contracted pursuant to RCW
38 35.21.775.

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

5 **Sec. 38.** RCW 36.01.120 and 1995 c 399 s 40 are each amended to
6 read as follows:

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

14 **Sec. 39.** RCW 36.22.178 and 2007 c 427 s 1 are each amended to read
15 as follows:

16 The surcharge provided for in this section shall be named the
17 affordable housing for all surcharge.

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

35 (2) All of the remaining funds generated by this surcharge will be
36 retained by the county and be deposited into a fund that must be used

1 by the county and its cities and towns for eligible housing activities
2 as described in this subsection that serve very low-income households
3 with incomes at or below fifty percent of the area median income. The
4 portion of the surcharge retained by a county shall be allocated to
5 eligible housing activities that serve extremely low and very low-
6 income households in the county and the cities within a county
7 according to an interlocal agreement between the county and the cities
8 within the county consistent with countywide and local housing needs
9 and policies. A priority must be given to eligible housing activities
10 that serve extremely low-income households with incomes at or below
11 thirty percent of the area median income. Eligible housing activities
12 to be funded by these county funds are limited to:

13 (a) Acquisition, construction, or rehabilitation of housing
14 projects or units within housing projects that are affordable to very
15 low-income households with incomes at or below fifty percent of the
16 area median income, including units for homeownership, rental units,
17 seasonal and permanent farm worker housing units, and single room
18 occupancy units;

19 (b) Supporting building operation and maintenance costs of housing
20 projects or units within housing projects eligible to receive housing
21 trust funds, that are affordable to very low-income households with
22 incomes at or below fifty percent of the area median income, and that
23 require a supplement to rent income to cover ongoing operating
24 expenses;

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

32 (d) Operating costs for emergency shelters and licensed overnight
33 youth shelters.

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

36 **Sec. 40.** RCW 36.34.137 and 1993 c 461 s 5 are each amended to read
37 as follows:

1 (1) Every county shall identify and catalog real property owned by
2 the county that is no longer required for its purposes and is suitable
3 for the development of affordable housing for very low-income, low-
4 income, and moderate-income households as defined in RCW 43.63A.510.
5 The inventory shall include the location, approximate size, and current
6 zoning classification of the property. Every county shall provide a
7 copy of the inventory to the department of (~~community development~~)
8 commerce by November 1, 1993, with inventory revisions each November 1
9 thereafter.

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

16 **Sec. 41.** RCW 36.70A.085 and 2009 c 514 s 2 are each amended to
17 read as follows:

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

21 (2) Comprehensive plans of cities that include all or part of a
22 port district with annual operating revenues in excess of twenty
23 million dollars may include a marine industrial port element. Prior to
24 adopting a marine industrial port element under this subsection (2),
25 the commission of the applicable port district must adopt a resolution
26 in support of the proposed element.

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

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

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

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

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

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

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

8 (5) In adopting port elements under subsections (1) and (2) of this
9 section, cities and ports must: Ensure that there is consistency
10 between the port elements and the port comprehensive scheme required
11 under chapters 53.20 and 53.25 RCW; and retain sufficient planning
12 flexibility to secure emerging economic opportunities.

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

16 (a) Creation of a port overlay district that protects container
17 port uses;

18 (b) Use of industrial land banks;

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

20 (d) Use of joint transportation funding agreements;

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

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

25 (g) Use of other approaches by agreement between the city and the
26 port.

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

31 (8) Any planned improvements identified in port elements adopted
32 under subsections (1) and (2) of this section must be transmitted by
33 the city to the transportation commission for consideration of
34 inclusion in the statewide transportation plan required under RCW
35 47.01.071.

36 **Sec. 42.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to
37 read as follows:

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

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

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

14 **Sec. 43.** RCW 36.70A.500 and 1997 c 429 s 28 are each amended to
15 read as follows:

16 (1) The department of (~~community, trade, and economic~~
17 ~~development~~) commerce shall provide management services for the fund
18 created by RCW 36.70A.490. The department shall establish procedures
19 for fund management. The department shall encourage participation in
20 the grant program by other public agencies. The department shall
21 develop the grant criteria, monitor the grant program, and select grant
22 recipients in consultation with state agencies participating in the
23 grant program through the provision of grant funds or technical
24 assistance.

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

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

35 (b) Encourages use of plans and information developed for purposes
36 of complying with this chapter to satisfy requirements of other state
37 programs.

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

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

8 (b) Address environmental impacts and consequences, alternatives,
9 and mitigation measures in sufficient detail to allow the analysis to
10 be adopted in whole or in part by applicants for development permits
11 within the geographic area analyzed in the plan;

12 (c) Demonstrate that procedures for review of development permit
13 applications will be based on the integrated plans and environmental
14 analysis;

15 (d) Include mechanisms to monitor the consequences of growth as it
16 occurs in the plan area and to use the resulting data to update the
17 plan, policy, or implementing mechanisms and associated environmental
18 analysis;

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

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

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

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

29 (b) Identification and monitoring of system capacities for elements
30 of the built environment, and to the extent appropriate, of the natural
31 environment;

32 (c) Coordination with state, federal, and tribal governments in
33 project review;

34 (d) Furtherance of important state objectives related to economic
35 development, protection of areas of statewide significance, and siting
36 of essential public facilities;

37 (e) Programs to improve the efficiency and effectiveness of the

1 permitting process by greater reliance on integrated plans and
2 prospective environmental analysis;

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

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

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

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

16 **Sec. 44.** RCW 36.70A.5801 and 2008 c 289 s 3 are each amended to
17 read as follows:

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

29 (2) The program is established to assist the selected counties and
30 cities that: (a) Are addressing climate change through their land use
31 and transportation planning processes; and (b) aspire to address
32 climate change through their land use and transportation planning
33 processes, but lack necessary resources to do so. The department of
34 (~~community, trade, and economic development~~) commerce may fund
35 proposals to inventory and mitigate global warming emissions, or adapt
36 to the adverse impacts of global warming, using criteria it develops to

1 accomplish the objectives of this section and RCW 36.70A.580 and
2 section 4, chapter 289, Laws of 2008.

3 (3) The department of (~~community, trade, and economic~~
4 ~~development~~) commerce must provide grants and technical assistance to
5 aid the selected counties and cities in their efforts to anticipate,
6 mitigate, and adapt to global warming and its associated problems. The
7 department, in providing grants and technical assistance, must ensure
8 that grants and assistance are awarded to counties and cities meeting
9 the criteria established in subsection (2)(a) and (b) of this section.

10 (4) The department of (~~community, trade, and economic~~
11 ~~development~~) commerce must provide a report of program findings and
12 recommendations to the governor and the appropriate committees of the
13 house of representatives and the senate by January 1, 2011. The report
14 must also consider the positive and negative impacts to affordable
15 housing, employment, transportation costs, and economic development
16 that result from addressing the impacts of climate change at the local
17 level.

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

19 **Sec. 45.** RCW 36.70B.040 and 1997 c 429 s 46 are each amended to
20 read as follows:

21 (1) A proposed project's consistency with a local government's
22 development regulations adopted under chapter 36.70A RCW, or, in the
23 absence of applicable development regulations, the appropriate elements
24 of the comprehensive plan adopted under chapter 36.70A RCW shall be
25 decided by the local government during project review by consideration
26 of:

27 (a) The type of land use;

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

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

32 (d) The characteristics of the development, such as development
33 standards.

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

36 (3) For purposes of this section, the term "consistency" shall

1 include all terms used in this chapter and chapter 36.70A RCW to refer
2 to performance in accordance with this chapter and chapter 36.70A RCW,
3 including but not limited to compliance, conformity, and consistency.

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

9 (5) The department of (~~community, trade, and economic~~
10 ~~development~~) commerce is authorized to develop and adopt by rule
11 criteria to assist local governments planning under RCW 36.70A.040 to
12 analyze the consistency of project actions. These criteria shall be
13 jointly developed with the department of ecology.

14 **Sec. 46.** RCW 36.93.080 and 1995 c 399 s 44 are each amended to
15 read as follows:

16 Expenditures by the board shall be subject to the provisions of
17 chapter 36.40 RCW and other statutes relating to expenditures by
18 counties. The department of (~~community, trade, and economic~~
19 ~~development~~) commerce shall on a quarterly basis remit to each county
20 one-half of the actual costs incurred by the county for the operation
21 of the boundary review board within individual counties as provided for
22 in this chapter. However, in the event no funds are appropriated to
23 the said agency for this purpose, this shall not in any way affect the
24 operation of the boundary review board.

25 **Sec. 47.** RCW 36.110.030 and 1995 c 399 s 45 are each amended to
26 read as follows:

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

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

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

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

35 (4) Two jail administrators to be selected by the Washington state

1 jail association, one of whom shall be from a county or a city with an
2 established jail industries program;

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

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

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

9 (8) Three representatives from labor to be selected by the
10 governor. The representatives may be chosen from a list of nominations
11 provided by statewide labor organizations representing a cross-section
12 of trade organizations;

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

17 (10) The governor's representative from the employment security
18 department;

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

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

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

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

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

32 **Sec. 48.** RCW 38.52.930 and 1995 c 391 s 10 are each amended to
33 read as follows:

34 All powers, duties, and functions of the department of (~~community,~~
35 ~~trade, and economic development~~) commerce pertaining to emergency
36 management are transferred to the state military department. All
37 references to the director or the department of community development

1 ((~~or~~)), the department of community, trade, and economic development,
2 or the department of commerce in the Revised Code of Washington shall
3 be construed to mean the adjutant general or the state military
4 department when referring to the functions transferred in this section.

5 **Sec. 49.** RCW 39.04.156 and 2000 c 138 s 104 are each amended to
6 read as follows:

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

12 **Sec. 50.** RCW 39.19.240 and 2005 c 302 s 5 are each amended to read
13 as follows:

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

- 20 (a) Name of the qualified public depository;
- 21 (b) Geographic location of the minority or women's business
22 enterprise;
- 23 (c) Name of the minority or women's business enterprise;
- 24 (d) Date of last certification by the office and certification
25 number;
- 26 (e) Type of business;
- 27 (f) Amount and term of the loan to the minority or women's business
28 enterprise; and
- 29 (g) Other information the office deems necessary for the
30 implementation of this section.

31 (2) The office shall notify the state treasurer of minority or
32 women's business enterprises that are no longer certified under the
33 provisions of this chapter. The written notification shall contain
34 information regarding the reason for the decertification and
35 information on financing provided to the minority or women's business
36 enterprise under RCW 43.86A.060.

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

5 **Sec. 51.** RCW 39.34.230 and 2008 c 181 s 101 are each amended to
6 read as follows:

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

12 (2) All legal liability by a public agency and its employees for
13 damage to property or injury or death to persons caused by acts done or
14 attempted during, or while traveling to or from, a covered emergency,
15 or in preparation for a covered emergency, pursuant to an interlocal
16 agreement entered into under this section, or under the color of this
17 section in a bona fide attempt to comply therewith, shall be the
18 obligation of the state of Washington. Suits may be instituted and
19 maintained against the state for the enforcement of such liability, or
20 for the indemnification of any public agency or its employees for
21 damage done to their private property, or for any judgment against them
22 for acts done in good faith in compliance with this chapter: PROVIDED,
23 That the foregoing shall not be construed to result in indemnification
24 in any case of willful misconduct, gross negligence, or bad faith on
25 the part of any public agency or any of a public agency's employees:
26 PROVIDED, That should the United States or any agency thereof, in
27 accordance with any federal statute, rule, or regulation, provide for
28 the payment of damages to property and/or for death or injury as
29 provided for in this section, then and in that event there shall be no
30 liability or obligation whatsoever upon the part of the state of
31 Washington for any such damage, death, or injury for which the United
32 States government assumes liability.

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

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

6 **Sec. 52.** RCW 39.35D.080 and 2005 c 12 s 12 are each amended to
7 read as follows:

8 Except as provided in this section, affordable housing projects
9 funded out of the state capital budget are exempt from the provisions
10 of this chapter. On or before July 1, 2008, the department of
11 community, trade, and economic development shall identify, implement,
12 and apply a sustainable building program for affordable housing
13 projects that receive housing trust fund (under chapter 43.185 RCW)
14 funding in a state capital budget. The department of community, trade,
15 and economic development shall not develop its own sustainable building
16 standard, but shall work with stakeholders to adopt an existing
17 sustainable building standard or criteria appropriate for affordable
18 housing. Any application of the program to affordable housing,
19 including any monitoring to track the performance of either sustainable
20 features or energy standards or both, is the responsibility of the
21 department of (~~community, trade, and economic development~~) commerce.
22 Beginning in 2009 and ending in 2016, the department of (~~community,~~
23 ~~trade, and economic development~~) commerce shall report to the
24 department as required under RCW 39.35D.030(3)(b).

25 **Sec. 53.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to
26 read as follows:

27 For each state or local government bond issued, the underwriter of
28 the issue shall supply the department of (~~community, trade, and~~
29 ~~economic development~~) commerce with information on the bond issue
30 within twenty days of its issuance. In cases where the issuer of the
31 bond makes a direct or private sale to a purchaser without benefit of
32 an underwriter, the issuer shall supply the required information. The
33 bond issue information shall be provided on a form prescribed by the
34 department (~~of community, trade, and economic development~~) and shall
35 include but is not limited to: (1) The par value of the bond issue;
36 (2) the effective interest rates; (3) a schedule of maturities; (4) the

1 purposes of the bond issue; (5) cost of issuance information; and (6)
2 the type of bonds that are issued. A copy of the bond covenants shall
3 be supplied with this information.

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

9 Each local government that issues any type of bond shall make a
10 report annually to the department of (~~community, trade, and economic
11 development~~) commerce that includes a summary of all the outstanding
12 bonds of the local government as of the first day of January in that
13 year. Such report shall distinguish the outstanding bond issues on the
14 basis of the type of bond, as defined in RCW 39.44.200, and shall
15 report the local government's outstanding indebtedness compared to any
16 applicable limitations on indebtedness, including RCW 35.42.200,
17 39.30.010, and 39.36.020.

18 **Sec. 54.** RCW 39.44.230 and 1995 c 399 s 55 are each amended to
19 read as follows:

20 The department of (~~community, trade, and economic development~~)
21 commerce may adopt rules and regulations pursuant to the administrative
22 procedure act to require (1) the submission of bond issuance
23 information by underwriters and bond counsel to the department (~~of
24 community, trade, and economic development~~) in a timely manner and (2)
25 the submission of additional information on bond issues by state and
26 local governments, including summaries of outstanding bond issues.

27 **Sec. 55.** RCW 39.84.090 and 1998 c 245 s 34 are each amended to
28 read as follows:

29 (1) Prior to issuance of any revenue bonds, each public corporation
30 shall submit a copy of its enabling ordinance and charter, a
31 description of any industrial development facility proposed to be
32 undertaken, and the basis for its qualification as an industrial
33 development facility to the department of (~~community, trade, and
34 economic development~~) commerce.

35 (2) If the industrial development facility is not eligible under
36 this chapter, the department of (~~community, trade, and economic~~

1 ~~development~~) commerce shall give notice to the public corporation, in
2 writing and by certified mail, within twelve working days of receipt of
3 the description.

4 (3) The department of (~~community, trade, and economic~~
5 ~~development~~) commerce shall provide such advice and assistance to
6 public corporations and municipalities which have created or may wish
7 to create public corporations as the public corporations or
8 municipalities request and the department (~~of community, trade, and~~
9 ~~economic development~~) considers appropriate.

10 **Sec. 56.** RCW 40.10.020 and 1995 c 399 s 58 are each amended to
11 read as follows:

12 The state archivist is authorized to reproduce those documents
13 designated as essential records by the several elected and appointed
14 officials of the state and local government by microfilm or other
15 miniature photographic process and to assist and cooperate in the
16 storage and safeguarding of such reproductions in such place as is
17 recommended by the state archivist with the advice of the director of
18 (~~community, trade, and economic development~~) commerce. The state
19 archivist shall coordinate the essential records protection program and
20 shall carry out the provisions of the state emergency plan as they
21 relate to the preservation of essential records. The state archivist
22 is authorized to charge the several departments of the state and local
23 government the actual cost incurred in reproducing, storing and
24 safeguarding such documents: PROVIDED, That nothing herein shall
25 authorize the destruction of the originals of such documents after
26 reproduction thereof.

27 **Sec. 57.** RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are
28 each reenacted and amended to read as follows:

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

30 (a) The members of the legislature or to any employee of, or
31 position in, the legislative branch of the state government including
32 members, officers, and employees of the legislative council, joint
33 legislative audit and review committee, statute law committee, and any
34 interim committee of the legislature;

35 (b) The justices of the supreme court, judges of the court of

1 appeals, judges of the superior courts or of the inferior courts, or to
2 any employee of, or position in the judicial branch of state
3 government;

4 (c) Officers, academic personnel, and employees of technical
5 colleges;

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

7 (e) Elective officers of the state;

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

9 (g) In the departments of employment security and social and health
10 services, the director and the director's confidential secretary; in
11 all other departments, the executive head of which is an individual
12 appointed by the governor, the director, his or her confidential
13 secretary, and his or her statutory assistant directors;

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

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

18 (ii) If the members of the board, commission, or committee serve on
19 a part-time basis and there is a statutory executive officer: The
20 secretary of the board, commission, or committee; the chief executive
21 officer of the board, commission, or committee; and the confidential
22 secretary of the chief executive officer of the board, commission, or
23 committee;

24 (iii) If the members of the board, commission, or committee serve
25 on a full-time basis: The chief executive officer or administrative
26 officer as designated by the board, commission, or committee; and a
27 confidential secretary to the chair of the board, commission, or
28 committee;

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

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

34 (j) Assistant attorneys general;

35 (k) Commissioned and enlisted personnel in the military service of
36 the state;

37 (l) Inmate, student, part-time, or temporary employees, and part-

1 time professional consultants, as defined by the Washington personnel
2 resources board;

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

5 (n) Officers and employees of the Washington state fruit
6 commission;

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

8 (p) Officers and employees of the Washington state dairy products
9 commission;

10 (q) Officers and employees of the Washington tree fruit research
11 commission;

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

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

14 (t) Officers and employees of any commission formed under chapter
15 15.66 RCW;

16 (u) Officers and employees of agricultural commissions formed under
17 chapter 15.65 RCW;

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

20 (w) Executive assistants for personnel administration and labor
21 relations in all state agencies employing such executive assistants
22 including but not limited to all departments, offices, commissions,
23 committees, boards, or other bodies subject to the provisions of this
24 chapter and this subsection shall prevail over any provision of law
25 inconsistent herewith unless specific exception is made in such law;

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

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

31 (z) Staff employed by the department of (~~community, trade, and~~
32 ~~economic development~~) commerce to administer energy policy functions
33 and manage energy site evaluation council activities under RCW
34 43.21F.045(2)(m);

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

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

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

22 (b) The governing board of each institution, and related boards,
23 may also exempt from this chapter classifications involving research
24 activities, counseling of students, extension or continuing education
25 activities, graphic arts or publications activities requiring
26 prescribed academic preparation or special training as determined by
27 the board: PROVIDED, That no nonacademic employee engaged in office,
28 clerical, maintenance, or food and trade services may be exempted by
29 the board under this provision;

30 (c) Printing craft employees in the department of printing at the
31 University of Washington.

32 (3) In addition to the exemptions specifically provided by this
33 chapter, the director of personnel may provide for further exemptions
34 pursuant to the following procedures. The governor or other
35 appropriate elected official may submit requests for exemption to the
36 director of personnel stating the reasons for requesting such
37 exemptions. The director of personnel shall hold a public hearing,
38 after proper notice, on requests submitted pursuant to this subsection.

1 If the director determines that the position for which exemption is
2 requested is one involving substantial responsibility for the
3 formulation of basic agency or executive policy or one involving
4 directing and controlling program operations of an agency or a major
5 administrative division thereof, the director of personnel shall grant
6 the request and such determination shall be final as to any decision
7 made before July 1, 1993. The total number of additional exemptions
8 permitted under this subsection shall not exceed one percent of the
9 number of employees in the classified service not including employees
10 of institutions of higher education and related boards for those
11 agencies not directly under the authority of any elected public
12 official other than the governor, and shall not exceed a total of
13 twenty-five for all agencies under the authority of elected public
14 officials other than the governor.

15 The salary and fringe benefits of all positions presently or
16 hereafter exempted except for the chief executive officer of each
17 agency, full-time members of boards and commissions, administrative
18 assistants and confidential secretaries in the immediate office of an
19 elected state official, and the personnel listed in subsections (1)(j)
20 through (v) and (y) and (2) of this section, shall be determined by the
21 director of personnel. Changes to the classification plan affecting
22 exempt salaries must meet the same provisions for classified salary
23 increases resulting from adjustments to the classification plan as
24 outlined in RCW 41.06.152.

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

28 Any person holding a classified position subject to the provisions
29 of this chapter shall, when and if such position is subsequently
30 exempted from the application of this chapter, be afforded the
31 following rights: If such person previously held permanent status in
32 another classified position, such person shall have a right of
33 reversion to the highest class of position previously held, or to a
34 position of similar nature and salary.

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

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

4 **Sec. 58.** RCW 41.06.072 and 1995 c 399 s 59 are each amended to
5 read as follows:

6 In addition to the exemptions set forth in this chapter, this
7 chapter shall not apply within the department of (~~community, trade,~~
8 ~~and economic development~~) commerce to the director, one confidential
9 secretary, the deputy directors, all assistant directors, the state
10 historic preservation officer, and up to two professional staff members
11 within the emergency management program.

12 **Sec. 59.** RCW 42.56.270 and 2009 c 394 s 3 are each amended to read
13 as follows:

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

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

20 (2) Financial information supplied by or on behalf of a person,
21 firm, or corporation for the purpose of qualifying to submit a bid or
22 proposal for (a) a ferry system construction or repair contract as
23 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
24 or improvement as required by RCW 47.28.070;

25 (3) Financial and commercial information and records supplied by
26 private persons pertaining to export services provided under chapters
27 43.163 and 53.31 RCW, and by persons pertaining to export projects
28 under RCW 43.23.035;

29 (4) Financial and commercial information and records supplied by
30 businesses or individuals during application for loans or program
31 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
32 43.168 RCW, or during application for economic development loans or
33 program services provided by any local agency;

34 (5) Financial information, business plans, examination reports, and
35 any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking
2 certification under chapter 31.24 RCW;

3 (6) Financial and commercial information supplied to the state
4 investment board by any person when the information relates to the
5 investment of public trust or retirement funds and when disclosure
6 would result in loss to such funds or in private loss to the providers
7 of this information;

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

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

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

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

22 (b) Internal control documents, independent auditors' reports and
23 financial statements, and supporting documents: (i) Of house-banked
24 social card game licensees required by the gambling commission pursuant
25 to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes
26 with an approved tribal/state compact for class III gaming;

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

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

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

1 (ii) Financial or proprietary information collected from any person
2 and provided to the department of (~~community, trade, and economic~~
3 ~~development~~) commerce or the office of the governor in connection with
4 the siting, recruitment, expansion, retention, or relocation of that
5 person's business and until a siting decision is made, identifying
6 information of any person supplying information under this subsection
7 and the locations being considered for siting, relocation, or expansion
8 of a business;

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

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

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

21 (13) Financial and proprietary information submitted to or obtained
22 by the department of ecology or the authority created under chapter
23 70.95N RCW to implement chapter 70.95N RCW;

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

30 (15) Financial and commercial information provided as evidence to
31 the department of licensing as required by RCW 19.112.110 or
32 19.112.120, except information disclosed in aggregate form that does
33 not permit the identification of information related to individual fuel
34 licensees;

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

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

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

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

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

16 (20) Financial and commercial information submitted to or obtained
17 by the University of Washington, other than information the university
18 is required to disclose under RCW 28B.20.150, when the information
19 relates to investments in private funds, to the extent that such
20 information, if revealed, would reasonably be expected to result in
21 loss to the University of Washington consolidated endowment fund or to
22 result in private loss to the providers of this information.

23 **Sec. 60.** RCW 43.06.115 and 1998 c 245 s 47 are each amended to
24 read as follows:

25 (1) The governor may, by executive order, after consultation with
26 or notification of the executive-legislative committee on economic
27 development created by chapter . . . (Senate Bill No. 5300), Laws of
28 1993, declare a community to be a "military impacted area." A
29 "military impacted area" means a community or communities, as
30 identified in the executive order, that experience serious social and
31 economic hardships because of a change in defense spending by the
32 federal government in that community or communities.

33 (2) If the governor executes an order under subsection (1) of this
34 section, the governor shall establish a response team to coordinate
35 state efforts to assist the military impacted community. The response
36 team may include, but not be limited to, one member from each of the
37 following agencies: (a) The department of (~~community, trade, and~~

1 economic—development)) commerce; (b) the department of social and
2 health services; (c) the employment security department; (d) the state
3 board for community and technical colleges; (e) the higher education
4 coordinating board; and (f) the department of transportation. The
5 governor may appoint a response team coordinator. The governor shall
6 seek to actively involve the impacted community or communities in
7 planning and implementing a response to the crisis. The governor may
8 seek input or assistance from the community diversification advisory
9 committee, and the governor may establish task forces in the community
10 or communities to assist in the coordination and delivery of services
11 to the local community. The state and community response shall
12 consider economic development, human service, and training needs of the
13 community or communities impacted.

14 **Sec. 61.** RCW 43.07.350 and 1993 c 113 s 1 are each amended to read
15 as follows:

16 The secretary of state, in consultation with the department of
17 (~~trade~~) commerce, the department of agriculture, economic development
18 consultants, the consular corps, and other international trade
19 organizations, shall develop a Washington state citizens' exchange
20 program that will initiate and promote:

21 (1) Citizen exchanges between Washington state agricultural,
22 technical, and educational groups and organizations with their
23 counterparts in targeted foreign countries.

24 (2) Expanded educational and training exchanges between Washington
25 state individuals and organizations with similar groups in targeted
26 foreign countries.

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

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

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

1 **Sec. 62.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to
2 read as follows:

3 (1) The department of general administration shall identify and
4 catalog real property that is no longer required for department
5 purposes and is suitable for the development of affordable housing for
6 very low-income, low-income, and moderate-income households as defined
7 in RCW 43.63A.510. The inventory shall include the location,
8 approximate size, and current zoning classification of the property.
9 The department of general administration shall provide a copy of the
10 inventory to the department of (~~community, trade, and economic~~
11 ~~development~~) commerce by November 1, 1993, and every November 1
12 thereafter.

13 (2) By November 1 of each year, beginning in 1994, the department
14 of general administration shall purge the inventory of real property of
15 sites that are no longer available for the development of affordable
16 housing. The department shall include an updated listing of real
17 property that has become available since the last update. As used in
18 this section, "real property" means buildings, land, or buildings and
19 land.

20 **Sec. 63.** RCW 43.19.648 and 2009 c 459 s 7 are each amended to read
21 as follows:

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

29 (2) In order to phase in this transition for the state, all state
30 agencies, to the extent determined practicable by the department of
31 (~~community, trade, and economic development~~) commerce by rules
32 adopted pursuant to RCW 43.325.080, are required to achieve forty
33 percent fuel usage for operating publicly owned vessels, vehicles, and
34 construction equipment from electricity or biofuel by June 1, 2013.
35 The department of general administration, in consultation with the
36 department of (~~community, trade, and economic development~~) commerce,

1 shall report to the governor and the legislature by December 1, 2013,
2 on what percentage of the state's fuel usage is from electricity or
3 biofuel.

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

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

12 (5) The department of transportation's obligations under subsection
13 (2) of this section are subject to the availability of amounts
14 appropriated for the specific purpose identified in subsection (2) of
15 this section.

16 (6) The department of transportation's obligations under subsection
17 (4) of this section are subject to the availability of amounts
18 appropriated for the specific purpose identified in subsection (4) of
19 this section unless the department receives federal or private funds
20 for the specific purpose identified in subsection (4) of this section.

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

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

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

34 **Sec. 64.** RCW 43.20.275 and 2006 c 239 s 3 are each amended to read
35 as follows:

36 (1) In collaboration with staff whom the office of financial
37 management may assign, and within funds made expressly available to the

1 state board for these purposes, the state board shall assist the
2 governor by convening and providing assistance to the council. The
3 council shall include one representative from each of the following
4 groups: Each of the commissions, the state board, the department, the
5 department of social and health services, the department of
6 (~~community, trade, and economic development~~) commerce, the health
7 care authority, the department of agriculture, the department of
8 ecology, the office of the superintendent of public instruction, the
9 department of early learning, the workforce training and education
10 coordinating board, and two members of the public who will represent
11 the interests of health care consumers. The council is a class one
12 group under RCW 43.03.220. The two public members shall be paid per
13 diem and travel expenses in accordance with RCW 43.03.050 and
14 43.03.060. The council shall reflect diversity in race, ethnicity, and
15 gender. The governor or the governor's designee shall chair the
16 council.

17 (2) The council shall promote and facilitate communication,
18 coordination, and collaboration among relevant state agencies and
19 communities of color, and the private sector and public sector, to
20 address health disparities. The council shall conduct public hearings,
21 inquiries, studies, or other forms of information gathering to
22 understand how the actions of state government ameliorate or contribute
23 to health disparities. All state agencies must cooperate with the
24 council's efforts.

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

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

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

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

1 (1) The department shall identify and catalog real property that is
2 no longer required for department purposes and is suitable for the
3 development of affordable housing for very low-income, and moderate-
4 income households as defined in RCW 43.63A.510. The inventory shall
5 include the location, approximate size, and current zoning
6 classification of the property. The department shall provide a copy of
7 the inventory to the department of (~~community, trade, and economic~~
8 ~~development~~) commerce by November 1, 1993, and every November 1
9 thereafter.

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

16 **Sec. 66.** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to
17 read as follows:

18 (1) The department shall collaborate with the department of
19 (~~community, trade, and economic development~~) commerce in the
20 development of the coordinated and comprehensive plan for homeless
21 families with children required under RCW 43.63A.650, which designates
22 the department of (~~community, trade, and economic development~~)
23 commerce as the state agency with primary responsibility for providing
24 shelter and housing services to homeless families with children. In
25 fulfilling its responsibilities to collaborate with the department of
26 (~~community, trade, and economic development~~) commerce pursuant to RCW
27 43.63A.650, the department shall develop, administer, supervise, and
28 monitor its portion of the plan. The department's portion of the plan
29 shall contain at least the following elements:

- 30 (a) Coordination or linkage of services with shelter and housing;
31 (b) Accommodation and addressing the needs of homeless families in
32 the design and administration of department programs;
33 (c) Participation of the department's local offices in the
34 identification, assistance, and referral of homeless families; and
35 (d) Ongoing monitoring of the efficiency and effectiveness of the
36 plan's design and implementation.

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

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

7 **Sec. 67.** RCW 43.21A.510 and 1995 c 399 s 66 are each amended to
8 read as follows:

9 In order to assist the department of (~~community, trade, and~~
10 ~~economic development~~) commerce in providing information to businesses
11 interested in locating in Washington state, the department shall
12 develop an environmental profile of the state. This profile shall
13 identify the state's natural resources and describe how these assets
14 are valuable to industry. Examples of information to be included are
15 water resources and quality, air quality, and recreational
16 opportunities related to natural resources.

17 **Sec. 68.** RCW 43.21A.515 and 1995 c 399 s 67 are each amended to
18 read as follows:

19 In order to emphasize the importance of the state's environmental
20 laws and regulations and to facilitate compliance with them, the
21 department of ecology shall provide assistance to businesses interested
22 in locating in Washington state. When the department of (~~community,~~
23 ~~trade, and economic development~~) commerce receives a query from an
24 interested business through its industrial marketing activities, it
25 shall arrange for the department of ecology to provide information on
26 the state's environmental laws and regulations and methods of
27 compliance. This section shall facilitate compliance with state
28 environmental laws and regulations and shall not weaken their
29 application or effectiveness.

30 **Sec. 69.** RCW 43.21A.612 and 1995 c 399 s 68 are each amended to
31 read as follows:

32 Before the director shall construct said steam generating facility
33 within the state, or make application for any permit, license or other
34 right necessary thereto, the director shall give notice thereof by
35 publishing once a week for four consecutive weeks in a newspaper of

1 general circulation in the county or counties in which such project is
2 located a statement of intention setting forth the general nature,
3 extent and location of the project. If any public utility in the state
4 or any operating agency desires to construct such facility, such
5 utility or operating agency shall notify the director thereof within
6 ten days after the last date of publication of such notice. If the
7 director determines that it is in the best public interest that the
8 director proceed with such construction rather than the public utility
9 or operating agency, the director shall so notify the director of
10 (~~community, trade, and economic development~~) commerce, who shall set
11 a date for hearing thereon. If after considering the evidence
12 introduced the director of (~~community, trade, and economic
13 development~~) commerce finds that the public utility or operating
14 agency making the request intends to immediately proceed with such
15 construction and is financially capable of carrying out such
16 construction and further finds that the plan of such utility or
17 operating agency is equally well adapted to serve the public interest,
18 the director shall enter an order so finding and such order shall
19 divest the director of authority to proceed further with such
20 construction or acquisition until such time as the other public utility
21 or agency voluntarily causes an assignment of its right or interest in
22 the project to the director or fails to procure any further required
23 governmental permit, license or authority or having procured such, has
24 the same revoked or withdrawn, in accordance with the laws and
25 regulations of such governmental entity, in which event the director
26 shall have the same authority to proceed as though the director had
27 originally entered an order so authorizing the director to proceed.
28 If, after considering the evidence introduced, the director of
29 (~~community, trade, and economic development~~) commerce finds that the
30 public utility or agency making the request does not intend to
31 immediately proceed with such construction or acquisition or is not
32 financially capable of carrying out such construction or acquisition,
33 or finds that the plan of such utility or operating agency is not
34 equally well adapted to serve the public interest, the director shall
35 then enter an order so finding and authorizing the director to proceed
36 with the construction or acquisition of the facility.

1 **Sec. 70.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to
2 read as follows:

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

4 (1) To adopt and amend thereafter rules of interpretation and
5 implementation of this chapter, subject to the requirements of chapter
6 34.05 RCW, for the purpose of providing uniform rules and guidelines to
7 all branches of government including state agencies, political
8 subdivisions, public and municipal corporations, and counties. The
9 proposed rules shall be subject to full public hearings requirements
10 associated with rule promulgation. Suggestions for modifications of
11 the proposed rules shall be considered on their merits, and the
12 department shall have the authority and responsibility for full and
13 appropriate independent promulgation and adoption of rules, assuring
14 consistency with this chapter as amended and with the preservation of
15 protections afforded by this chapter. The rule-making powers
16 authorized in this section shall include, but shall not be limited to,
17 the following phases of interpretation and implementation of this
18 chapter:

19 (a) Categories of governmental actions which are not to be
20 considered as potential major actions significantly affecting the
21 quality of the environment, including categories pertaining to
22 applications for water right permits pursuant to chapters 90.03 and
23 90.44 RCW. The types of actions included as categorical exemptions in
24 the rules shall be limited to those types which are not major actions
25 significantly affecting the quality of the environment. The rules
26 shall provide for certain circumstances where actions which potentially
27 are categorically exempt require environmental review. An action that
28 is categorically exempt under the rules adopted by the department may
29 not be conditioned or denied under this chapter.

30 (b) Rules for criteria and procedures applicable to the
31 determination of when an act of a branch of government is a major
32 action significantly affecting the quality of the environment for which
33 a detailed statement is required to be prepared pursuant to RCW
34 43.21C.030.

35 (c) Rules and procedures applicable to the preparation of detailed
36 statements and other environmental documents, including but not limited
37 to rules for timing of environmental review, obtaining comments, data

1 and other information, and providing for and determining areas of
2 public participation which shall include the scope and review of draft
3 environmental impact statements.

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

9 (e) Rules and procedures for public notification of actions taken
10 and documents prepared.

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

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

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

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

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

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

37 (l) Rules relating to the use of environmental documents in

1 planning and decision making and the implementation of the substantive
2 policies and requirements of this chapter, including procedures for
3 appeals under this chapter.

4 (m) Rules and procedures that provide for the integration of
5 environmental review with project review as provided in RCW 43.21C.240.
6 The rules and procedures shall be jointly developed with the department
7 of (~~community, trade, and economic development~~) commerce and shall be
8 applicable to the preparation of environmental documents for actions in
9 counties, cities, and towns planning under RCW 36.70A.040. The rules
10 and procedures shall also include procedures and criteria to analyze
11 planned actions under RCW 43.21C.031(2) and revisions to the rules
12 adopted under this section to ensure that they are compatible with the
13 requirements and authorizations of chapter 347, Laws of 1995, as
14 amended by chapter 429, Laws of 1997. Ordinances or procedures adopted
15 by a county, city, or town to implement the provisions of chapter 347,
16 Laws of 1995 prior to the effective date of rules adopted under this
17 subsection (1)(m) shall continue to be effective until the adoption of
18 any new or revised ordinances or procedures that may be required. If
19 any revisions are required as a result of rules adopted under this
20 subsection (1)(m), those revisions shall be made within the time limits
21 specified in RCW 43.21C.120.

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

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

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

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

36 **Sec. 71.** RCW 43.21G.010 and 1996 c 186 s 507 are each amended to
37 read as follows:

1 The legislature finds that energy in various forms is increasingly
2 subject to possible shortages and supply disruptions, to the point that
3 there may be foreseen an emergency situation, and that without the
4 ability to institute appropriate emergency measures to regulate the
5 production, distribution, and use of energy, a severe impact on the
6 public health, safety, and general welfare of our state's citizens may
7 occur. The prevention or mitigation of such energy shortages or
8 disruptions and their effects is necessary for preservation of the
9 public health, safety, and general welfare of the citizens of this
10 state.

11 It is the intent of this chapter to:

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

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

15 It is further the intent of the legislature that in developing
16 proposed orders under the powers granted in RCW 43.21G.040 as now or
17 hereafter amended the governor may utilize, on a temporary or ad hoc
18 basis, the knowledge and expertise of persons experienced in the
19 technical aspects of energy supply, distribution, or use. Such
20 utilization shall be in addition to support received by the governor
21 from the department of (~~community, trade, and economic development~~)
22 commerce under RCW 43.21F.045 (~~and 43.21F.065~~) and from other state
23 agencies.

24 **Sec. 72.** RCW 43.21J.030 and 2007 c 341 s 62 and 2007 c 241 s 4 are
25 each reenacted and amended to read as follows:

26 (1) There is created the environmental enhancement and job creation
27 task force within the office of the governor. The purpose of the task
28 force is to provide a coordinated and comprehensive approach to
29 implementation of chapter 516, Laws of 1993. The task force shall
30 consist of the commissioner of public lands, the director of the
31 department of fish and wildlife, the director of the department of
32 ecology, the director of the parks and recreation commission, the
33 timber team coordinator, the executive director of the workforce
34 training and education coordinating board, and the executive director
35 of the Puget Sound partnership, or their designees. The task force may
36 seek the advice of the following agencies and organizations: The
37 department of (~~community, trade, and economic development~~) commerce,

1 the conservation commission, the employment security department, the
2 recreation and conservation office, appropriate federal agencies,
3 appropriate special districts, the Washington state association of
4 counties, the association of Washington cities, labor organizations,
5 business organizations, timber-dependent communities, environmental
6 organizations, and Indian tribes. The governor shall appoint the task
7 force chair. Members of the task force shall serve without additional
8 pay. Participation in the work of the committee by agency members
9 shall be considered in performance of their employment. The governor
10 shall designate staff and administrative support to the task force and
11 shall solicit the participation of agency personnel to assist the task
12 force.

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

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

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

23 (c) Considering unemployment profile data provided by the
24 employment security department.

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

27 (a) To solicit and evaluate proposals from state and local
28 agencies, private nonprofit organizations, and tribes for environmental
29 and forest restoration projects;

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

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

35 **Sec. 73.** RCW 43.21M.010 and 2009 c 519 s 10 are each amended to
36 read as follows:

37 (1) The departments of ecology, agriculture, (~~community, trade,~~

1 ~~and economic development~~) commerce, fish and wildlife, natural
2 resources, and transportation shall develop an integrated climate
3 change response strategy to better enable state and local agencies,
4 public and private businesses, nongovernmental organizations, and
5 individuals to prepare for, address, and adapt to the impacts of
6 climate change. The integrated climate change response strategy should
7 be developed, where feasible and consistent with the direction of the
8 strategy, in collaboration with local government agencies with climate
9 change preparation and adaptation plans.

10 (2) The department of ecology shall serve as a central
11 clearinghouse for relevant scientific and technical information about
12 the impacts of climate change on Washington's ecology, economy, and
13 society, as well as serve as a central convener for the development of
14 vital programs and necessary policies to help the state adapt to a
15 rapidly changing climate.

16 (3) The department of ecology shall consult and collaborate with
17 the departments of fish and wildlife, agriculture, (~~community, trade,~~
18 ~~and economic development~~) commerce, natural resources, and
19 transportation in developing an integrated climate change response
20 strategy and plans of action to prepare for and adapt to climate change
21 impacts.

22 **Sec. 74.** RCW 43.21M.020 and 2009 c 519 s 11 are each amended to
23 read as follows:

24 (1) The integrated climate change response strategy should address
25 the impact of and adaptation to climate change, as well as the regional
26 capacity to undertake actions, existing ecosystem and resource
27 management concerns, and health and economic risks. In addition, the
28 departments of ecology, agriculture, (~~community, trade, and economic~~
29 ~~development~~) commerce, fish and wildlife, natural resources, and
30 transportation should include a range of scenarios for the purposes of
31 planning in order to assess project vulnerability and, to the extent
32 feasible, reduce expected risks and increase resiliency to the impacts
33 of climate change.

34 (2)(a) By December 1, 2011, the department of ecology shall compile
35 an initial climate change response strategy, including information and
36 data from the departments of fish and wildlife, agriculture,
37 (~~community, trade, and economic development~~) commerce, natural

1 resources, and transportation that: Summarizes the best known science
2 on climate change impacts to Washington; assesses Washington's
3 vulnerability to the identified climate change impacts; prioritizes
4 solutions that can be implemented within and across state agencies; and
5 identifies recommended funding mechanisms and technical and other
6 essential resources for implementing solutions.

7 (b) The initial strategy must include:

8 (i) Efforts to identify priority planning areas for action, based
9 on vulnerability and risk assessments;

10 (ii) Barriers challenging state and local governments to take
11 action, such as laws, policies, regulations, rules, and procedures that
12 require revision to adequately address adaptation to climate change;

13 (iii) Opportunities to integrate climate science and projected
14 impacts into planning and decision making; and

15 (iv) Methods to increase public awareness of climate change, its
16 projected impacts on the community, and to build support for meaningful
17 adaptation policies and strategies.

18 **Sec. 75.** RCW 43.21M.030 and 2009 c 519 s 12 are each amended to
19 read as follows:

20 The departments of ecology, agriculture, (~~community, trade, and~~
21 ~~economic development~~) commerce, fish and wildlife, natural resources,
22 and transportation may consult with qualified nonpartisan experts from
23 the scientific community as needed to assist with developing an
24 integrated climate change response strategy. The qualified nonpartisan
25 experts from the scientific community may assist the department of
26 ecology on the following components:

27 (1) Identifying the timing and extent of impacts from climate
28 change;

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

31 (3) Developing forecasting models;

32 (4) Determining the resilience of the environment, natural systems,
33 communities, and organizations to deal with potential or actual impacts
34 of climate change and the vulnerability to which a natural or social
35 system is susceptible to sustaining damage from climate change impacts;
36 and

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

4 **Sec. 76.** RCW 43.22.495 and 2007 c 432 s 7 are each amended to read
5 as follows:

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

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

19 ~~((The directors of the department of community, trade, and economic
20 development and the department of labor and industries shall
21 immediately take such steps as are necessary to ensure that chapter
22 432, Laws of 2007 is implemented on July 1, 2007.))~~

23 **Sec. 77.** RCW 43.22A.020 and 2007 c 432 s 1 are each amended to
24 read as follows:

25 Beginning on July 1, 2007, the department shall perform all the
26 consumer complaint and related functions of the state administrative
27 agency that are required for purposes of complying with the regulations
28 established by the federal department of housing and urban development
29 for manufactured housing, including the preparation and submission of
30 the state administrative plan.

31 The department may enter into state or local interagency agreements
32 to coordinate site inspection activities with record monitoring and
33 complaint handling. The interagency agreement may also provide for the
34 reimbursement for cost of work that an agency performs. The department
35 may include other related areas in any interagency agreements which are
36 necessary for the efficient provision of services.

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

4 ~~The directors of community, trade, and economic development and of~~
5 ~~labor and industries shall immediately take such steps as are necessary~~
6 ~~to ensure that chapter 432, Laws of 2007 is implemented on July 1,~~
7 ~~2007.)~~)

8 **Sec. 78.** RCW 43.23.035 and 1995 c 399 s 70 are each amended to
9 read as follows:

10 The department of agriculture is hereby designated as the agency of
11 state government for the administration and implementation of state
12 agricultural market development programs and activities, both domestic
13 and foreign, and shall, in addition to the powers and duties otherwise
14 imposed by law, have the following powers and duties:

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

17 (2) To collect, prepare, and analyze foreign and domestic market
18 data;

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

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

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

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

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

1 (8) To publish and disseminate to interested citizens and others
2 information which will aid in carrying out the purposes of chapters
3 43.23, 15.64, 15.65, and 15.66 RCW;

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

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

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

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

15 (13) To develop a coordinated marketing program with the department
16 of (~~community, trade, and economic development~~) commerce, utilizing
17 existing trade offices and participating in mutual trade missions and
18 activities.

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

21 **Sec. 79.** RCW 43.30.835 and 2009 c 163 s 2 are each amended to read
22 as follows:

23 (1) The department may develop and implement forest biomass energy
24 demonstration projects, one east of the crest of the Cascade mountains
25 and one west of the crest of the Cascade mountains. The demonstration
26 projects must be designed to:

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

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

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

32 (d) Improve forest health, reduce pollution, and restore ecological
33 function; and

34 (e) Avoid interfering with the current working area for forest
35 biomass collection surrounding an existing fixed location biomass
36 energy production site.

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

4 (3) The forest biomass energy partnerships or cooperatives are
5 encouraged to be public-private partnerships focused on convening the
6 entities necessary to grow, harvest, process, transport, and utilize
7 forest biomass to generate renewable energy. Particular focus must be
8 given to recruiting and employing emerging technologies that can
9 locally process forest biomass feedstock to create local green jobs and
10 reduce transportation costs.

11 (4) The forest biomass energy partnerships or cooperatives may
12 include, but are not limited to: Entrepreneurs or organizations
13 developing and operating emerging technology to process forest biomass;
14 industrial electricity producers; contractors capable of providing the
15 local labor needed to collect, process, and transport forest biomass
16 feedstocks; tribes; federal land management agencies; county, city, and
17 other local governments; the department of (~~community, trade, and~~
18 ~~economic development~~) commerce; state trust land managers; an
19 organization dedicated to protecting and strengthening the jobs,
20 rights, and working conditions of Washington's working families;
21 accredited research institution representatives; an industrial timber
22 land manager; a small forest landowner; and a not-for-profit
23 conservation organization.

24 NEW SECTION. Sec. 80. A new section is added to chapter 43.31 RCW
25 to read as follows:

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

28 (1) "Department" means the department of commerce.

29 (2) "Director" means the director of commerce.

30 **Sec. 81.** RCW 43.31.205 and 1993 c 280 s 41 are each amended to
31 read as follows:

32 In an effort to enhance the economy of the Tri-Cities area, the
33 department (~~of community, trade, and economic development~~) is
34 directed to promote the existence of the lease between the state of
35 Washington and the federal government executed September 10, 1964,
36 covering one thousand acres of land lying within the Hanford

1 reservation near Richland, Washington, and the opportunity of
2 subleasing the land to entities for nuclear-related industry, in
3 agreement with the terms of the lease. When promoting the existence of
4 the lease, the department shall work in cooperation with any associate
5 development organization located in or near the Tri-Cities area.

6 **Sec. 82.** RCW 43.31.422 and 2004 c 77 s 1 are each amended to read
7 as follows:

8 The Hanford area economic investment fund is established in the
9 custody of the state treasurer. Moneys in the fund shall only be used
10 for reasonable assistant attorney general costs in support of the
11 committee or pursuant to the decisions of the committee created in RCW
12 43.31.425 for Hanford area revolving loan funds, Hanford area
13 infrastructure projects, or other Hanford area economic development and
14 diversification projects, but may not be used for government or
15 nonprofit organization operating expenses. Up to five percent of
16 moneys in the fund may be used for program administration. For the
17 purpose of this chapter "Hanford area" means Benton and Franklin
18 counties. The director (~~((of community, trade, and economic
19 development))~~) or the director's designee shall authorize disbursements
20 from the fund after an affirmative vote of at least six members of the
21 committee created in RCW 43.31.425 on any decisions reached by the
22 committee created in RCW 43.31.425. The fund is subject to the
23 allotment procedures under chapter 43.88 RCW, but no appropriation is
24 required for disbursements. The legislature intends to establish
25 similar economic investment funds for areas that develop low-level
26 radioactive waste disposal facilities.

27 **Sec. 83.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to
28 read as follows:

29 The child care facility fund committee is established within the
30 business assistance center of the department of (~~((community, trade, and
31 economic development))~~) commerce. The committee shall administer the
32 child care facility fund, with review by the director of (~~((community,
33 trade, and economic development))~~) commerce.

34 (1) The committee shall have five members. The director of
35 (~~((community, trade, and economic development))~~) commerce shall appoint
36 the members, who shall include:

1 (a) Two persons experienced in investment finance and having skills
2 in providing capital to new businesses, in starting and operating
3 businesses, and providing professional services to small or expanding
4 businesses;

5 (b) One person representing a philanthropic organization with
6 experience in evaluating funding requests;

7 (c) One child care services expert; and

8 (d) One early childhood development expert.

9 In making these appointments, the director shall give careful
10 consideration to ensure that the various geographic regions of the
11 state are represented and that members will be available for meetings
12 and are committed to working cooperatively to address child care needs
13 in Washington state.

14 (2) The committee shall elect officers from among its membership
15 and shall adopt policies and procedures specifying the lengths of
16 terms, methods for filling vacancies, and other matters necessary to
17 the ongoing functioning of the committee.

18 (3) Committee members shall serve without compensation, but may
19 request reimbursement for travel expenses as provided in RCW 43.03.050
20 and 43.03.060.

21 (4) Committee members shall not be liable to the state, to the
22 child care facility fund, or to any other person as a result of their
23 activities, whether ministerial or discretionary, as members except for
24 willful dishonesty or intentional violation of the law. The department
25 of (~~community, trade, and economic development~~) commerce may purchase
26 liability insurance for members and may indemnify these persons against
27 the claims of others.

28 **Sec. 84.** RCW 43.31.805 and 1998 c 345 s 3 are each amended to read
29 as follows:

30 The state trade fair fund is created in the custody of the state
31 treasury. All moneys received by the department (~~of community, trade,
32 and economic development~~) for the purposes of this fund shall be
33 deposited into the fund. Expenditures from the fund may be used only
34 for the purpose of assisting state trade fairs. Only the director (~~of
35 community, trade, and economic development~~) or the director's designee
36 may authorize expenditures from the fund. The fund is subject to

1 allotment procedures under chapter 43.88 RCW, but no appropriation is
2 required for expenditures.

3 **Sec. 85.** RCW 43.31.830 and 1993 c 280 s 53 are each amended to
4 read as follows:

5 (1) It shall be the duty of the director (~~(of community, trade, and~~
6 ~~economic development)~~) to certify, from the applications received, the
7 state international trade fair or fairs qualified and entitled to
8 receive funds under RCW 67.16.100, and under rules established by the
9 director.

10 (2) The director shall make annual allotments to state
11 international trade fairs determined qualified to be entitled to
12 participate in the state trade fair fund and shall fix times for the
13 division of and payment from the state trade fair fund: PROVIDED, That
14 total payment to any one state international trade fair shall not
15 exceed sixty thousand dollars in any one year, where participation or
16 presentation occurs within the United States, and eighty thousand
17 dollars in any one year, where participation or presentation occurs
18 outside the United States: PROVIDED FURTHER, That a state
19 international trade fair may qualify for the full allotment of funds
20 under either category. Upon certification of the allotment and
21 division of fair funds by the director the treasurer shall proceed to
22 pay the same to carry out the purposes of RCW 67.16.100.

23 **Sec. 86.** RCW 43.31.840 and 1993 c 280 s 54 are each amended to
24 read as follows:

25 The director (~~(of community, trade, and economic development)~~)
26 shall at the end of each year for which an annual allotment has been
27 made, conduct a post audit of all of the books and records of each
28 state international trade fair participating in the state trade fair
29 fund. The purpose of such post audit shall be to determine how and to
30 what extent each participating state international trade fair has
31 expended all of its funds.

32 The audit required by this section shall be a condition to future
33 allotments of money from the state international trade fair fund, and
34 the director shall make a report of the findings of each post audit and
35 shall use such report as a consideration in an application for any
36 future allocations.

1 **Sec. 87.** RCW 43.31.960 and 1995 c 399 s 72 are each amended to
2 read as follows:

3 The principal proceeds from the sale of the bonds authorized in RCW
4 43.31.956 shall be administered by the director (~~of community, trade,~~
5 ~~and economic development~~)).

6 **Sec. 88.** RCW 43.31.970 and 2009 c 459 s 18 are each amended to
7 read as follows:

8 The department (~~of community, trade, and economic development~~)
9 must distribute to local governments model ordinances, model
10 development regulations, and guidance for local governments for siting
11 and installing electric vehicle infrastructure, and in particular
12 battery charging stations, and appropriate handling, recycling, and
13 storage of electric vehicle batteries and equipment, when available.
14 The model ordinances, model development regulations, and guidance must
15 be developed by a federal or state agency, or nationally recognized
16 organizations with specific expertise in land-use regulations or
17 electric vehicle infrastructure.

18 **Sec. 89.** RCW 43.41.270 and 2009 c 345 s 12 are each amended to
19 read as follows:

20 (1) The office of financial management shall assist natural
21 resource-related agencies in developing outcome-focused performance
22 measures for administering natural resource-related and environmentally
23 based grant and loan programs. These performance measures are to be
24 used in determining grant eligibility, for program management and
25 performance assessment.

26 (2) The office of financial management and the recreation and
27 conservation office shall assist natural resource-related agencies in
28 developing recommendations for a monitoring program to measure outcome-
29 focused performance measures required by this section. The
30 recommendations must be consistent with the framework and coordinated
31 monitoring strategy developed by the monitoring oversight committee
32 established in RCW 77.85.210.

33 (3) Natural resource agencies shall consult with grant or loan
34 recipients including local governments, tribes, nongovernmental
35 organizations, and other interested parties, and report to the office
36 of financial management on the implementation of this section.

1 (4) For purposes of this section, "natural resource-related
2 agencies" include the department of ecology, the department of natural
3 resources, the department of fish and wildlife, the state conservation
4 commission, the recreation and conservation funding board, the salmon
5 recovery funding board, and the public works board within the
6 department of (~~community, trade, and economic development~~) commerce.

7 (5) For purposes of this section, "natural resource-related
8 environmentally based grant and loan programs" includes the
9 conservation reserve enhancement program; dairy nutrient management
10 grants under chapter 90.64 RCW; state conservation commission water
11 quality grants under chapter 89.08 RCW; coordinated prevention grants,
12 public participation grants, and remedial action grants under RCW
13 70.105D.070; water pollution control facilities financing under chapter
14 70.146 RCW; aquatic lands enhancement grants under RCW 79.105.150;
15 habitat grants under the Washington wildlife and recreation program
16 under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW;
17 and the public works trust fund program under chapter 43.155 RCW. The
18 term also includes programs administered by the department of fish and
19 wildlife related to protection or recovery of fish stocks which are
20 funded with moneys from the capital budget.

21 NEW SECTION. **Sec. 90.** A new section is added to chapter 43.63A
22 RCW to read as follows:

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

25 (1) "Department" means the department of commerce.

26 (2) "Director" means the director of commerce.

27 **Sec. 91.** RCW 43.63A.068 and 2009 c 518 s 18 are each amended to
28 read as follows:

29 (1)(a) The department (~~of community, trade, and economic~~
30 ~~development~~) shall establish an advisory committee to monitor, guide,
31 and report on recommendations relating to policies and programs for
32 children and families with incarcerated parents.

33 (b) The advisory committee shall include representatives of the
34 department of corrections, the department of social and health
35 services, the department of early learning, the office of the
36 superintendent of public instruction, representatives of the private

1 nonprofit and business sectors, child advocates, representatives of
2 Washington state Indian tribes as defined under the federal Indian
3 welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the
4 administrative office of the courts, the Washington association of
5 sheriffs and police chiefs, jail administrators, the office of the
6 governor, and others who have an interest in these issues.

7 (c) The advisory committee shall:

8 (i) Gather the data collected by the departments as required in RCW
9 72.09.495, 74.04.800, 43.215.065, and 28A.300.520;

10 (ii) Monitor and provide consultation on the implementation of
11 recommendations contained in the 2006 children of incarcerated parents
12 report;

13 (iii) Identify areas of need and develop recommendations for the
14 legislature, the department of social and health services, the
15 department of corrections, the department of early learning, and the
16 office of the superintendent of public instruction to better meet the
17 needs of children and families of persons incarcerated in department of
18 corrections facilities; and

19 (iv) Advise the department (~~(of community, trade, and economic~~
20 ~~development))~~ regarding community programs the department should fund
21 with moneys appropriated for this purpose in the operating budget. The
22 advisory committee shall provide recommendations to the department
23 regarding the following:

24 (A) The goals for geographic distribution of programs and funding;

25 (B) The scope and purpose of eligible services and the priority of
26 such services;

27 (C) Grant award funding limits;

28 (D) Entities eligible to apply for the funding;

29 (E) Whether the funding should be directed towards starting or
30 supporting new programs, expanding existing programs, or whether the
31 funding should be open to all eligible services and providers; and

32 (F) Other areas the advisory committee determines appropriate.

33 (d) The children of incarcerated parents advisory committee shall
34 update the legislature and governor biennially on committee activities,
35 with the first update due by January 1, 2010.

36 (2) The department (~~(of community, trade, and economic~~
37 ~~development))~~ shall select community programs or services to receive

1 funding that focus on children and families of inmates incarcerated in
2 a department of corrections facility and sustaining the family during
3 the period of the inmate's incarceration.

4 (a) Programs or services which meet the needs of the children of
5 incarcerated parents should be the greatest consideration in the
6 programs that are identified by the department.

7 (b) The department shall consider the recommendations of the
8 advisory committee regarding which services or programs the department
9 should fund.

10 (c) The programs selected shall collaborate with an agency, or
11 agencies, experienced in providing services to aid families and victims
12 of sexual assault and domestic violence to ensure that the programs
13 identify families who have a history of sexual assault or domestic
14 violence and ensure the services provided are appropriate for the
15 children and families.

16 **Sec. 92.** RCW 43.63A.115 and 1993 c 280 s 60 are each amended to
17 read as follows:

18 (1) The community action agency network, established initially
19 under the federal economic opportunity act of 1964 and subsequently
20 under the federal community services block grant program of 1981, as
21 amended, shall be a delivery system for federal and state antipoverty
22 programs in this state, including but not limited to the community
23 services block grant program, the low-income energy assistance program,
24 and the federal department of energy weatherization program.

25 (2) Local community action agencies comprise the community action
26 agency network. The community action agency network shall serve low-
27 income persons in the counties. Each community action agency and its
28 service area shall be designated in the state federal community service
29 block grant plan as prepared by the department (~~of community, trade,~~
30 ~~and economic development~~)).

31 (3) Funds for antipoverty programs may be distributed to the
32 community action agencies by the department (~~of community, trade, and~~
33 ~~economic development~~) and other state agencies in consultation with
34 the authorized representatives of community action agency networks.

35 **Sec. 93.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended to
36 read as follows:

1 (1) The department (~~of community, trade, and economic~~
2 ~~development~~) must establish a competitive process to solicit proposals
3 for and prioritize projects whose primary objective is to assist
4 nonprofit youth organizations in acquiring, constructing, or
5 rehabilitating facilities used for the delivery of nonresidential
6 services, excluding outdoor athletic fields.

7 (2) The department (~~of community, trade, and economic~~
8 ~~development~~) must establish a competitive process to prioritize
9 applications for the assistance as follows:

10 (a) The department (~~of community, trade, and economic~~
11 ~~development~~) must conduct a statewide solicitation of project
12 applications from local governments, nonprofit organizations, and other
13 entities, as determined by the department (~~of community, trade, and~~
14 ~~economic development~~). The department (~~of community, trade, and~~
15 ~~economic development~~) must evaluate and rank applications in
16 consultation with a citizen advisory committee using objective
17 criteria. Projects must have a major recreational component, and must
18 have either an educational or social service component. At a minimum,
19 applicants must demonstrate that the requested assistance will increase
20 the efficiency or quality of the services it provides to youth. The
21 evaluation and ranking process must also include an examination of
22 existing assets that applicants may apply to projects. Grant
23 assistance under this section may not exceed twenty-five percent of the
24 total cost of the project. The nonstate portion of the total project
25 cost may include cash, the value of real property when acquired solely
26 for the purpose of the project, and in-kind contributions.

27 (b) The department (~~of community, trade, and economic~~
28 ~~development~~) must submit a prioritized list of recommended projects to
29 the governor and the legislature in the department of community, trade,
30 and economic development's biennial capital budget request beginning
31 with the 2005-2007 biennium and thereafter. The list must include a
32 description of each project, the amount of recommended state funding,
33 and documentation of nonstate funds to be used for the project. The
34 total amount of recommended state funding for projects on a biennial
35 project list must not exceed eight million dollars. The department
36 (~~of community, trade, and economic development~~) may not sign
37 contracts or otherwise financially obligate funds under this section
38 until the legislature has approved a specific list of projects.

1 (c) In contracts for grants authorized under this section the
2 department (~~(of community, trade, and economic development)~~) must
3 include provisions that require that capital improvements be held by
4 the grantee for a specified period of time appropriate to the amount of
5 the grant and that facilities be used for the express purpose of the
6 grant. If the grantee is found to be out of compliance with provisions
7 of the contract, the grantee must repay to the state general fund the
8 principal amount of the grant plus interest calculated at the rate of
9 interest on state of Washington general obligation bonds issued most
10 closely to the date of authorization of the grant.

11 **Sec. 94.** RCW 43.63A.155 and 1993 c 280 s 61 are each amended to
12 read as follows:

13 The department (~~(of community, trade, and economic development)~~)
14 shall retain the bond information it receives under RCW 39.44.210 and
15 39.44.230 and shall publish summaries of local government bond issues
16 at least once a year.

17 The department (~~(of community, trade, and economic development)~~)
18 shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210
19 and 39.44.230.

20 **Sec. 95.** RCW 43.63A.230 and 2005 c 136 s 2 are each amended to
21 read as follows:

22 The department (~~(of community, trade, and economic development)~~)
23 shall provide technical assistance to cooperatives authorized under
24 chapter 23.78 RCW and conduct educational programs on employee
25 ownership and self-management. The department shall include
26 information on the option of employee ownership wherever appropriate in
27 its various programs.

28 **Sec. 96.** RCW 43.63A.275 and 1993 c 280 s 67 are each amended to
29 read as follows:

30 (1) Each biennium the department (~~(of community, trade, and
31 economic development)~~) shall distribute such funds as are appropriated
32 for retired senior volunteer programs (RSVP) as follows:

33 (a) At least sixty-five percent of the moneys may be distributed
34 according to formulae and criteria to be determined by the department

1 (~~of community, trade, and economic development~~) in consultation with
2 the RSVP directors association.

3 (b) Up to twenty percent of the moneys may be distributed by
4 competitive grant process to develop RSVP projects in counties not
5 presently being served, or to expand existing RSVP services into
6 counties not presently served.

7 (c) Ten percent of the moneys may be used by the department (~~of~~
8 ~~community, trade, and economic development~~) for administration,
9 monitoring of the grants, and providing technical assistance to the
10 RSVP projects.

11 (d) Up to five percent of the moneys may be used to support
12 projects that will benefit RSVPs statewide.

13 (2) Grants under subsection (1) of this section shall give priority
14 to programs in the areas of education, tutoring, English as a second
15 language, combating of and education on drug abuse, housing and
16 homeless, and respite care, and shall be distributed in accordance with
17 the following:

18 (a) None of the grant moneys may be used to displace any paid
19 employee in the area being served.

20 (b) Grants shall be made for programs that focus on:

21 (i) Developing new roles for senior volunteers in nonprofit and
22 public organizations with special emphasis on areas targeted in section
23 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of
24 the local senior population and shall respect their life experiences;

25 (ii) Increasing the expertise of volunteer managers and RSVP
26 managers in the areas of communication, recruitment, motivation, and
27 retention of today's over-sixty population;

28 (iii) Increasing the number of senior citizens recruited, referred,
29 and placed with nonprofit and public organizations; and

30 (iv) Providing volunteer support such as: Mileage to and from the
31 volunteer assignment, recognition, and volunteer insurance.

32 **Sec. 97.** RCW 43.63A.307 and 2009 c 148 s 2 are each amended to
33 read as follows:

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

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

1 (+2)) "Eligible youth" means an individual who:

2 (a) On or after September 1, 2006, is at least eighteen, was a
3 dependent of the state under chapter 13.34 RCW at any time during the
4 four-month period before his or her eighteenth birthday, and has not
5 yet reached the age of twenty-three;

6 (b) Except as provided in RCW 43.63A.309(2)(a), has a total income
7 from all sources, except for temporary sources that include, but are
8 not limited to, overtime wages, bonuses, or short-term temporary
9 assignments, that does not exceed fifty percent of the area median
10 income;

11 (c) Is not receiving services under RCW 74.13.031(10)(b);

12 (d) Complies with other eligibility requirements the department may
13 establish.

14 ((+3)) (2) "Fair market rent" means the fair market rent in each
15 county of the state, as determined by the United States department of
16 housing and urban development.

17 ((+4)) (3) "Independent housing" means a housing unit that is not
18 owned by or located within the home of the eligible youth's biological
19 parents or any of the eligible youth's former foster care families or
20 dependency guardians. "Independent housing" may include a unit in a
21 transitional or other supportive housing facility.

22 ((+5)) (4) "Individual development account" or "account" means an
23 account established by contract between a low-income individual and a
24 sponsoring organization for the benefit of the low-income individual
25 and funded through periodic contributions by the low-income individual
26 that are matched with contributions by or through the sponsoring
27 organization.

28 ((+6)) (5) "Subcontractor organization" means an eligible
29 organization described under RCW 43.185A.040 that contracts with the
30 department to administer the independent youth housing program.

31 **Sec. 98.** RCW 43.63A.400 and 1993 c 280 s 72 are each amended to
32 read as follows:

33 The department (~~of community, trade, and economic development~~)
34 shall distribute grants to eligible public radio and television
35 broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with
36 programming, operations, and capital needs.

1 **Sec. 99.** RCW 43.63A.410 and 1993 c 280 s 73 are each amended to
2 read as follows:

3 (1) Eligibility for grants under this section shall be limited to
4 broadcast stations which are:

5 (a) Licensed to Washington state organizations, nonprofit
6 corporations, or other entities under section 73.621 of the regulations
7 of the federal communications commission; and

8 (b) Qualified to receive community service grants from the
9 federally chartered corporation for public broadcasting. Eligibility
10 shall be established as of February 28th of each year.

11 (2) The formula in this subsection shall be used to compute the
12 amount of each eligible station's grant under this section.

13 (a) Appropriations under this section shall be divided into a radio
14 fund, which shall be twenty-five percent of the total appropriation
15 under this section, and a television fund, which shall be seventy-five
16 percent of the total appropriation under this section. Each of the two
17 funds shall be divided into a base grant pool, which shall be fifty
18 percent of the fund, and an incentive grant pool, which shall be the
19 remaining fifty percent of the fund.

20 (b) Each eligible participating public radio station shall receive
21 an equal share of the radio base grant pool, plus a share of the radio
22 incentive grant pool equal to the proportion its nonfederal financial
23 support bears to the sum of all participating radio stations'
24 nonfederal financial support as most recently reported to the
25 corporation for public broadcasting.

26 (c) Each eligible participating public television station shall
27 receive an equal share of the television base grant pool, plus a share
28 of the television incentive grant pool equal to the proportion its
29 nonfederal financial support bears to the sum of all participating
30 television stations' nonfederal financial support as most recently
31 reported to the corporation for public broadcasting.

32 (3) Annual financial reports to the corporation for public
33 broadcasting by eligible stations shall also be submitted by the
34 stations to the department (~~(of community, trade, and economic~~
35 ~~development)~~)).

36 **Sec. 100.** RCW 43.63A.420 and 1987 c 308 s 4 are each amended to
37 read as follows:

1 (1) Eligibility for grants under this section shall be limited to
2 broadcast stations that:

3 (a) Have a noncommercial educational license granted by the federal
4 communications commission;

5 (b) Are not eligible under RCW 43.63A.410;

6 (c) Have a permanent employee who is assigned operational
7 management responsibility for the station and who is not compensated
8 with moneys granted under this section;

9 (d) Meet the operating schedule requirements of the station's
10 federal broadcast license;

11 (e) Have facilities and equipment that allow for program
12 origination and production;

13 (f) Have a daily broadcast schedule devoted primarily to serving
14 the educational, informational, and cultural needs of the community
15 within its primary service area. The programming shall be intended for
16 a general audience and not designed to further a particular religious
17 philosophy or political organization;

18 (g) Originate a locally produced program service designed to serve
19 the community;

20 (h) Maintain financial records in accordance with generally
21 accepted accounting principles; and

22 (i) Complete an eligibility criteria statement and annual financial
23 survey pursuant to rules adopted by the department (~~of community~~
24 ~~development~~)).

25 (2)(a) A grant of up to ten thousand dollars per year may be made
26 under this section to those eligible stations operating at least twelve
27 hours per day, three hundred sixty-five days each year, with
28 transmitting facilities developed to the maximum combination of
29 effective radiated power and antenna height possible under the
30 station's federal communications commission license.

31 (b) A grant of up to eight thousand dollars per year may be made
32 under this section to those eligible stations operating at least twelve
33 hours per day, three hundred sixty-five days each year, with
34 transmitting facilities not fully developed under federal
35 communications commission rules.

36 (c) A grant of up to five thousand dollars per year may be made
37 under this section to those eligible stations operating less than
38 twelve hours per day, three hundred sixty-five days each year, with

1 transmitting facilities developed to the maximum combination of
2 effective radiated power and antenna height possible under the
3 station's federal communications commission license.

4 (d) A grant of up to one thousand five hundred dollars per year may
5 be made under this section to those eligible stations not meeting the
6 requirements of (a), (b), or (c) of this subsection.

7 (3) Funding received under this section is specifically for the
8 support of public broadcast operations and facilities improvements
9 which benefit the general community. No funds received under this
10 section may be used for any other purposes by licensees of eligible
11 stations.

12 (4) Any portion of the appropriation not expended under this
13 section shall be transferred for expenditure under RCW 43.63A.410.

14 **Sec. 101.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to
15 read as follows:

16 There is established in the department (~~of community, trade, and~~
17 ~~economic development~~) a grant program to enhance funding for
18 prostitution prevention and intervention services. Activities that can
19 be funded through this grant program shall provide effective
20 prostitution prevention and intervention services, such as counseling,
21 parenting, housing relief, education, and vocational training, that:

- 22 (1) Comprehensively address the problems of persons who are
23 prostitutes; and
- 24 (2) Enhance the ability of persons to leave or avoid prostitution.

25 **Sec. 102.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended to
26 read as follows:

27 (1) Subject to funds appropriated by the legislature, including
28 funds in the prostitution prevention and intervention account, the
29 department (~~of community, trade, and economic development~~) shall make
30 awards under the grant program established by RCW 43.63A.720.

31 (2) Awards shall be made competitively based on the purposes of and
32 criteria in RCW 43.63A.720 through 43.63A.730.

33 (3) Activities funded under this section may be considered for
34 funding in future years, but shall be considered under the same terms
35 and criteria as new activities. Funding of a program or activity under

1 this chapter shall not constitute an obligation by the state of
2 Washington to provide ongoing funding.

3 (4) The department (~~of community, trade, and economic~~
4 ~~development~~) may receive such gifts, grants, and endowments from
5 public or private sources as may be made from time to time, in trust or
6 otherwise, for the use and benefit of the purposes of the grant program
7 established under RCW 43.63A.720 and expend the same or any income from
8 these sources according to the terms of the gifts, grants, or
9 endowments.

10 (5) The department (~~of community, trade, and economic~~
11 ~~development~~) may expend up to five percent of the funds appropriated
12 for the grant program for administrative costs and grant supervision.

13 **Sec. 103.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each
14 amended to read as follows:

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

24 (2) The department (~~of community, trade, and economic~~
25 ~~development~~) shall establish a competitive process to prioritize
26 applications for airport impact mitigation assistance through the
27 account created in subsection (1) of this section. The department
28 shall conduct a solicitation of project applications in the airport
29 impact area as defined in subsection (4) of this section. Eligible
30 applicants include public entities such as cities, counties, schools,
31 parks, fire districts, and shall include organizations eligible to
32 apply for grants under RCW 43.63A.125. The department (~~of community,~~
33 ~~trade, and economic development~~) shall evaluate and rank applications
34 in conjunction with the airport impact mitigation advisory board
35 established in subsection (3) of this section using objective criteria
36 developed by the department in conjunction with the airport impact
37 mitigation advisory board. At a minimum, the criteria must consider:

1 The extent to which the applicant is impacted by the airport; and the
2 other resources available to the applicant to mitigate the impact,
3 including other mitigation funds. The director (~~(of the department of~~
4 ~~community, trade, and economic development)~~) shall award grants
5 annually to the extent funds are available in the account created in
6 subsection (1) of this section.

7 (3) The director (~~(of the department of community, trade, and~~
8 ~~economic development)~~) shall establish the airport impact mitigation
9 advisory board comprised of persons in the airport impact area to
10 assist the director in developing criteria and ranking applications
11 under this section. The advisory board shall include representation of
12 local governments, the public in general, businesses, schools,
13 community services organizations, parks and recreational activities,
14 and others at the discretion of the director. The advisory board shall
15 be weighted toward those communities closest to the airport that are
16 more adversely impacted by airport activities.

17 (4) The airport impact area includes the incorporated areas of
18 Burien, Normandy Park, Des Moines, SeaTac, Tukwila, Kent, and Federal
19 Way, and the unincorporated portion of west King county.

20 (5) The department (~~(of community, trade, and economic~~
21 ~~development)~~) shall report on its activities related to the account
22 created in this section by January 1, 2004, and each January 1st
23 thereafter.

24 **Sec. 104.** RCW 43.63A.764 and 2008 c 327 s 13 are each amended to
25 read as follows:

26 The definitions in this section apply throughout RCW 43.63A.125,
27 this section, and RCW 43.63A.766 and 43.63A.768 unless the context
28 clearly requires otherwise.

29 (1) (~~"Department" means the department of community, trade, and~~
30 ~~economic development.~~

31 (2)) "Distressed community" means: (a) A county that has an
32 unemployment rate that is twenty percent above the state average for
33 the immediately previous three years; (b) an area within a county that
34 the department determines to be a low-income community, using as
35 guidance the low-income community designations under the community
36 development financial institutions fund's new markets tax credit

1 program of the United States department of the treasury; or (c) a
2 school district in which at least fifty percent of local elementary
3 students receive free and reduced-price meals.

4 ~~((+3))~~ (2) "Nonprofit organization" means an organization that is
5 tax exempt, or not required to apply for an exemption, under section
6 501(c)(3) of the federal internal revenue code of 1986, as amended.

7 ~~((+4))~~ (3) "Technical assistance" means professional services
8 provided under contract to nonprofit organizations for feasibility
9 studies, planning, and project management related to acquiring,
10 constructing, or rehabilitating nonresidential community services
11 facilities.

12 **Sec. 105.** RCW 43.70.540 and 2005 c 282 s 45 are each amended to
13 read as follows:

14 The legislature recognizes that the state patrol, the
15 administrative office of the courts, the sheriffs' and police chiefs'
16 association, the department of social and health services, the
17 department of ~~((community, trade, and economic development))~~ commerce,
18 the sentencing guidelines commission, the department of corrections,
19 and the superintendent of public instruction each have comprehensive
20 data and analysis capabilities that have contributed greatly to our
21 current understanding of crime and violence, and their causes.

22 The legislature finds, however, that a single health-oriented
23 agency must be designated to provide consistent guidelines to all these
24 groups regarding the way in which their data systems collect this
25 important data. It is not the intent of the legislature by RCW
26 43.70.545 to transfer data collection requirements from existing
27 agencies or to require the addition of major new data systems. It is
28 rather the intent to make only the minimum required changes in existing
29 data systems to increase compatibility and comparability, reduce
30 duplication, and to increase the usefulness of data collected by these
31 agencies in developing more accurate descriptions of violence.

32 **Sec. 106.** RCW 43.79.201 and 2009 c 564 s 935 are each amended to
33 read as follows:

34 (1) The charitable, educational, penal and reformatory institutions
35 account is hereby created, in the state treasury, into which account
36 there shall be deposited all moneys arising from the sale, lease or

1 transfer of the land granted by the United States government to the
2 state for charitable, educational, penal and reformatory institutions
3 by section 17 of the enabling act, or otherwise set apart for such
4 institutions, except all moneys arising from the sale, lease, or
5 transfer of that certain one hundred thousand acres of such land
6 assigned for the support of the University of Washington by chapter 91,
7 Laws of 1903 and section 9, chapter 122, Laws of 1893.

8 (2) If feasible, not less than one-half of all income to the
9 charitable, educational, penal, and reformatory institutions account
10 shall be appropriated for the purpose of providing housing, including
11 repair and renovation of state institutions, for persons with mental
12 illness or developmental disabilities, or youth who are blind, deaf, or
13 otherwise disabled. If moneys are appropriated for community-based
14 housing, the moneys shall be appropriated to the department of
15 (~~community, trade, and economic development~~) commerce for the housing
16 assistance program under chapter 43.185 RCW. During the 2009-2011
17 fiscal biennium, the legislature may transfer from the charitable,
18 educational, penal and reformatory institutions account to the state
19 general fund such amounts as reflect excess fund balance of the (~~fund~~
20 ~~account~~) account.

21 **Sec. 107.** RCW 43.83.184 and 1995 c 399 s 78 are each amended to
22 read as follows:

23 For the purpose of acquiring land and providing needed capital
24 improvements consisting of the planning, acquisition, construction,
25 remodeling, and furnishing, together with all improvements,
26 enhancements, fixed equipment facilities of office buildings, parking
27 facilities, and such other buildings, facilities, and utilities as are
28 determined to be necessary to provide space including offices,
29 committee rooms, hearing rooms, work rooms, and industrial-related
30 space for the legislature, for other elective officials, and such other
31 state agencies as may be necessary, and for the purpose of land
32 acquisitions by the department of transportation, grants and loans by
33 the department (~~of community, trade, and economic development~~)
34 commerce, and facilities of the department of corrections and other
35 state agencies, the state finance committee is authorized to issue
36 general obligation bonds of the state of Washington in the sum of
37 sixty-four million two hundred seventy thousand dollars, or so much

1 thereof as may be required, to finance these projects and all costs
2 incidental thereto. No bonds authorized in this section may be offered
3 for sale without prior legislative appropriation.

4 **Sec. 108.** RCW 43.105.370 and 2009 c 509 s 2 are each amended to
5 read as follows:

6 (1) The broadband mapping account is established in the custody of
7 the state treasurer. The department shall deposit into the account
8 such funds received from legislative appropriation, federal grants
9 authorized under the federal broadband data improvement act, P.L. 110-
10 385, Title I, and donated funds from private and public sources.
11 Expenditures from the account may be used only for the purposes of RCW
12 43.105.372 through 43.105.376. Only the director of the department or
13 the director's designee may authorize expenditures from the account.
14 The account is subject to the allotment procedures under chapter 43.88
15 RCW, but an appropriation is not required for expenditures.

16 (2) The department of information services is the single eligible
17 entity in the state for purposes of the federal broadband data
18 improvement act, P.L. 110-385, Title I.

19 (3) Funding received by the department under the federal broadband
20 data improvement act, P.L. 110-385, Title I, must be used in accordance
21 with the requirements of that act and, subject to those requirements,
22 may be distributed by the department on a competitive basis to other
23 entities in the state to achieve the purposes of that act.

24 (4) The department of information services shall consult with the
25 department of (~~community, trade, and economic development~~) commerce
26 or its successor agency, the office of financial management, and the
27 utilities and transportation commission in coordinating broadband
28 mapping activities. In carrying out any broadband mapping activities,
29 the provisions of P.L. 110-385, Title I, regarding trade secrets,
30 commercial or financial information, and privileged or confidential
31 information submitted by the federal communications commission or a
32 broadband provider are deemed to encompass the consulted agencies.

33 **Sec. 109.** RCW 43.105.376 and 2009 c 509 s 5 are each amended to
34 read as follows:

35 (1) The department, in coordination with the department of
36 (~~community, trade, and economic development~~) commerce and the

1 utilities and transportation commission, and such advisors as the
2 department chooses, may prepare regular reports that identify the
3 following:

4 (a) The geographic areas of greatest priority for the deployment of
5 advanced telecommunications infrastructure in the state;

6 (b) A detailed explanation of how any amount of funding received
7 from the federal government for the purposes of broadband mapping,
8 deployment, and adoption will be or have been used; and

9 (c) A determination of how nonfederal sources may be utilized to
10 achieve the purposes of broadband mapping, deployment, and adoption
11 activities in the state.

12 (2) To the greatest extent possible, the initial report should be
13 based upon the information identified in the geographic system maps
14 developed under the requirements of this chapter.

15 (3) The initial report should be delivered to the appropriate
16 committees of the legislature as soon as feasible, but no later than
17 January 18, 2010.

18 (4) Future reports based upon the requirements of subsection (1) of
19 this section should be delivered to the appropriate committees of the
20 legislature by January 15th of each year.

21 **Sec. 110.** RCW 43.110.010 and 2001 c 290 s 1 are each amended to
22 read as follows:

23 There shall be a state agency which shall be known as the municipal
24 research council. The council shall be composed of fourteen members.
25 Two members shall be appointed by the president of the senate, with
26 equal representation from each of the two major political parties; two
27 members shall be appointed by the speaker of the house of
28 representatives, with equal representation from each of the two major
29 political parties; one member shall be the director of (~~community,~~
30 ~~trade, and economic development~~) commerce; six members, who shall be
31 city or town officials, shall be appointed by the governor from a list
32 of six nominees submitted by the board of directors of the association
33 of Washington cities; and three members, who shall be county officials,
34 shall be appointed by the governor, one of whom shall be a nominee
35 submitted by the board of directors of the Washington association of
36 county officials, and two of whom shall be from a list of two nominees
37 submitted by the board of directors of the Washington state association

1 of counties. Of the city or town officials, at least one shall be an
2 official of a city having a population of twenty thousand or more; at
3 least one shall be an official of a city having a population of one
4 thousand five hundred to twenty thousand; and at least one shall be an
5 official of a town having a population of less than one thousand five
6 hundred.

7 The terms of members shall be for two years. The terms of those
8 members who are appointed as legislators or city, town, or county
9 officials shall be dependent upon continuance in legislative, city,
10 town, or county office. The terms of all members except legislative
11 members shall commence on the first day of August in every odd-numbered
12 year. The speaker of the house of representatives and the president of
13 the senate shall make their appointments on or before the third Monday
14 in January in each odd-numbered year, and the terms of the members thus
15 appointed shall commence on the third Monday of January in each odd-
16 numbered year.

17 Councilmembers shall receive no compensation but shall be
18 reimbursed for travel expenses at rates in accordance with RCW
19 43.03.050 and 43.03.060 as now existing or hereafter amended, except
20 that members of the council who are also members of the legislature
21 shall be reimbursed at the rates provided by RCW 44.04.120.

22 **Sec. 111.** RCW 43.132.020 and 2000 c 182 s 2 are each amended to
23 read as follows:

24 The director of financial management or the director's designee
25 shall, in cooperation with appropriate legislative committees and
26 legislative staff, establish a mechanism for the determination of the
27 fiscal impact of proposed legislation which if enacted into law would
28 directly or indirectly increase or decrease revenues received or
29 expenditures incurred by counties, cities, towns, or any other units of
30 local government. The office of financial management shall, when
31 requested by a member of the state legislature, report in writing as to
32 such fiscal impact and said report shall be known as a "fiscal note".

33 Such fiscal notes shall indicate by fiscal year the total impact on
34 the local governments involved for the first two years the legislation
35 would be in effect and also a cumulative six year forecast of the
36 fiscal impact. Where feasible and applicable, the fiscal note also

1 shall indicate the fiscal impact on each individual county or on a
2 representative sampling of cities, towns, or other units of local
3 government.

4 A fiscal note as defined in this section shall be provided only
5 upon request of any member of the state legislature. A request for a
6 fiscal note on legislation shall be considered to be a continuing
7 request for a fiscal note on any formal alteration of the legislation
8 in the form of amendments to the legislation that are adopted by a
9 committee or a house of the legislature or a substitute version of such
10 legislation that is adopted by a committee and preparation of the
11 fiscal note on the prior version of the legislation shall stop, unless
12 the legislator requesting the fiscal note specifies otherwise or the
13 altered version is first adopted or enacted in the last week of a
14 legislative session.

15 Fiscal notes shall be completed within one week of the request
16 unless a longer time period is allowed by the requesting legislator.
17 In the event a fiscal note has not been completed within one week of a
18 request, a daily report shall be prepared for the requesting legislator
19 by the director of financial management which report summarizes the
20 progress in preparing the fiscal note. If the request is referred to
21 the director of ((community, trade, and economic development))
22 commerce, the daily report shall also include the date and time such
23 referral was made.

24 **Sec. 112.** RCW 43.132.030 and 1995 c 399 s 80 are each amended to
25 read as follows:

26 The director of financial management is hereby empowered to
27 designate the director of ((community, trade, and economic
28 development)) commerce as the official responsible for the preparation
29 of fiscal notes authorized and required by this chapter. It is the
30 intent of the legislature that when necessary the resources of other
31 state agencies, appropriate legislative staffs, and the various
32 associations of local government may be employed in the development of
33 such fiscal notes.

34 **Sec. 113.** RCW 43.132.800 and 2000 c 182 s 5 are each amended to
35 read as follows:

36 (1) The office of financial management, in consultation with the

1 department of (~~community, trade, and economic development~~) commerce,
2 shall annually prepare a report on the fiscal impacts to counties,
3 cities, towns, and other units of local governments, arising from
4 selected laws enacted in the preceding five-year period. The office of
5 financial management, in consultation with the department of
6 (~~community, trade, and economic development~~) commerce, shall annually
7 select up to five laws to include within this report from a recommended
8 list of laws approved by the legislature. The office of financial
9 management, in consultation with the department of (~~community, trade,
10 and economic development~~) commerce, may select up to five laws to
11 include within this report if the legislature does not approve a
12 recommended list.

13 (2) The preparation of the reports required in subsection (1) of
14 this section is subject to available funding.

15 **Sec. 114.** RCW 43.132.810 and 2000 c 182 s 6 are each amended to
16 read as follows:

17 The office of financial management, in consultation with the
18 department of (~~community, trade, and economic development~~) commerce,
19 shall prepare a report for the legislature on or before December 31st
20 of every even-numbered year on local government fiscal notes, and
21 reports on the fiscal impacts on local governments arising from
22 selected laws, that were prepared over the preceding two-year period.

23 **Sec. 115.** RCW 43.133.030 and 1995 c 399 s 81 are each amended to
24 read as follows:

25 The office of financial management and the department of
26 (~~community, trade, and economic development~~) commerce shall, in
27 cooperation with appropriate legislative committees and legislative
28 staff, establish a procedure for the provision of sunrise notes on the
29 expected impact of bills and resolutions that authorize the creation of
30 new boards and new types of special purpose districts.

31 **Sec. 116.** RCW 43.133.050 and 1995 c 399 s 82 are each amended to
32 read as follows:

33 (1) The office of financial management shall prepare sunrise notes
34 for legislation concerning the creation of new boards. The department

1 of (~~community, trade, and economic development~~) commerce shall
2 prepare sunrise notes for legislation creating new types of special
3 purpose districts.

4 (2) A sunrise note shall be prepared for all executive and agency
5 request legislation that creates a board or special purpose district.

6 (3) The office of financial management or the department of
7 (~~community, trade, and economic development~~) commerce shall also
8 provide a sunrise note at the request of any committee of the
9 legislature.

10 **Sec. 117.** RCW 43.150.040 and 1995 c 399 s 84 are each amended to
11 read as follows:

12 The governor may establish a statewide center for volunteerism and
13 citizen service within the department of (~~community, trade, and
14 economic development~~) commerce and appoint an executive administrator,
15 who may employ such staff as necessary to carry out the purposes of
16 this chapter. The provisions of chapter 41.06 RCW do not apply to the
17 executive administrator and the staff.

18 **Sec. 118.** RCW 43.157.010 and 2009 c 421 s 2 are each amended to
19 read as follows:

20 (~~For purposes of~~) The definitions in this section apply
21 throughout this chapter and RCW 28A.525.166, 28B.76.210,
22 (~~28C.18.080,~~) 43.21A.350, and 90.58.100, unless the context requires
23 otherwise:

24 (1)(a) A "project of statewide significance" is:

25 (i) A border crossing project that involves both private and public
26 investments carried out in conjunction with adjacent states or
27 provinces;

28 (ii) A development project that will provide a net environmental
29 benefit;

30 (iii) A development project in furtherance of the commercialization
31 of innovations; or

32 (iv) A private industrial development with private capital
33 investment in manufacturing or research and development.

34 (b) To qualify for designation under RCW 43.157.030 as a project of
35 statewide significance:

36 (i) The project must be completed after January 1, 2009;

1 (ii) The applicant must submit an application (~~(to the department)~~)
2 for designation as a project of statewide significance to the
3 department (~~(of community, trade, and economic development)~~); and
4 (iii) The project must have:
5 (A) In counties with a population less than or equal to twenty
6 thousand, a capital investment of five million dollars;
7 (B) In counties with a population greater than twenty thousand but
8 no more than fifty thousand, a capital investment of ten million
9 dollars;
10 (C) In counties with a population greater than fifty thousand but
11 no more than one hundred thousand, a capital investment of fifteen
12 million dollars;
13 (D) In counties with a population greater than one hundred thousand
14 but no more than two hundred thousand, a capital investment of twenty
15 million dollars;
16 (E) In counties with a population greater than two hundred thousand
17 but no more than four hundred thousand, a capital investment of thirty
18 million dollars;
19 (F) In counties with a population greater than four hundred
20 thousand but no more than one million, a capital investment of forty
21 million dollars;
22 (G) In counties with a population greater than one million, a
23 capital investment of fifty million dollars;
24 (H) In rural counties as defined by RCW 82.14.370, projected full-
25 time employment positions after completion of construction of fifty or
26 greater;
27 (I) In counties other than rural counties as defined by RCW
28 82.14.370, projected full-time employment positions after completion of
29 construction of one hundred or greater; or
30 (J) Been qualified by the director of the department as a project
31 of statewide significance either because:
32 (I) The economic circumstances of the county merit the additional
33 assistance such designation will bring;
34 (II) The impact on a region due to the size and complexity of the
35 project merits such designation;
36 (III) The project resulted from or is in furtherance of innovation
37 activities at a public research institution in the state or is in or

1 resulted from innovation activities within an innovation partnership
2 zone; or

3 (IV) The project will provide a net environmental benefit as
4 evidenced by plans for design and construction under green building
5 standards or for the creation of renewable energy technology or
6 components or under other environmental criteria established by the
7 director in consultation with the director of the department of
8 ecology.

9 A project may be qualified under this subsection (1)(b)(iii)(J)
10 only after consultation on the availability of staff resources of the
11 office of regulatory assistance.

12 (2) "Department" means the department of (~~community, trade, and~~
13 ~~economic development~~) commerce.

14 (3) "Manufacturing" shall have the meaning assigned it in RCW
15 82.62.010.

16 (4) "Research and development" shall have the meaning assigned it
17 in RCW 82.62.010.

18 (5) "Applicant" means a person applying to the department for
19 designation of a development project as a project of statewide
20 significance.

21 **Sec. 119.** RCW 43.157.030 and 2009 c 421 s 4 are each amended to
22 read as follows:

23 (1) The department of (~~community, trade, and economic~~
24 ~~development~~) commerce shall:

25 (a) Develop an application for designation of development projects
26 as projects of statewide significance. The application must be
27 accompanied by a letter of approval from the legislative authority of
28 any jurisdiction that will have the proposed project of statewide
29 significance within its boundaries. No designation of a project as a
30 project of statewide significance shall be made without such letter of
31 approval. The letter of approval must state that the jurisdiction
32 joins in the request for the designation of the project as one of
33 statewide significance and has or will hire the professional staff that
34 will be required to expedite the processes necessary to the completion
35 of a project of statewide significance. The development project
36 proponents may provide the funding necessary for the jurisdiction to
37 hire the professional staff that will be required to so expedite. The

1 application shall contain information regarding the location of the
2 project, the applicant's average employment in the state for the prior
3 year, estimated new employment related to the project, estimated wages
4 of employees related to the project, estimated time schedules for
5 completion and operation, and other information required by the
6 department; and

7 (b) Designate a development project as a project of statewide
8 significance if the department determines:

9 (i) After review of the application under criteria adopted by rule,
10 the development project will provide significant economic benefit to
11 the local or state economy, or both, the project is aligned with the
12 state's comprehensive plan for economic development under RCW
13 43.162.020, and, by its designation, the project will not prevent equal
14 consideration of all categories of proposals under RCW 43.157.010; and

15 (ii) The development project meets or will meet the requirements of
16 RCW 43.157.010 regarding designation as a project of statewide
17 significance.

18 (2) The office of regulatory assistance shall assign a project
19 facilitator or coordinator to each project of statewide significance
20 to:

21 (a) Assist in the scoping and coordinating functions provided for
22 in chapter 43.42 RCW;

23 (b) Assemble a team of state and local government and private
24 officials to help meet the planning, permitting, and development needs
25 of each project, which team shall include those responsible for
26 planning, permitting and licensing, infrastructure development,
27 workforce development services including higher education,
28 transportation services, and the provision of utilities; and

29 (c) Work with each team member to expedite their actions in
30 furtherance of the project.

31 **Sec. 120.** RCW 43.160.030 and 2008 c 327 s 3 are each amended to
32 read as follows:

33 (1) The community economic revitalization board is hereby created
34 to exercise the powers granted under this chapter.

35 (2) The board shall consist of one member from each of the two
36 major caucuses of the house of representatives to be appointed by the
37 speaker of the house and one member from each of the two major caucuses

1 of the senate to be appointed by the president of the senate. The
2 board shall also consist of the following members appointed by the
3 governor: A recognized private or public sector economist; one port
4 district official; one county official; one city official; one
5 representative of a federally recognized Indian tribe; one
6 representative of the public; one representative of small businesses
7 each from: (a) The area west of Puget Sound, (b) the area east of
8 Puget Sound and west of the Cascade range, (c) the area east of the
9 Cascade range and west of the Columbia river, and (d) the area east of
10 the Columbia river; one executive from large businesses each from the
11 area west of the Cascades and the area east of the Cascades. The
12 appointive members shall initially be appointed to terms as follows:
13 Three members for one-year terms, three members for two-year terms, and
14 three members for three-year terms which shall include the chair.
15 Thereafter each succeeding term shall be for three years. The chair of
16 the board shall be selected by the governor. The members of the board
17 shall elect one of their members to serve as vice-chair. The director
18 of (~~community, trade, and economic development~~) commerce, the
19 director of revenue, the commissioner of employment security, and the
20 secretary of transportation shall serve as nonvoting advisory members
21 of the board.

22 (3) Management services, including fiscal and contract services,
23 shall be provided by the department to assist the board in implementing
24 this chapter.

25 (4) Members of the board shall be reimbursed for travel expenses as
26 provided in RCW 43.03.050 and 43.03.060.

27 (5) If a vacancy occurs by death, resignation, or otherwise of
28 appointive members of the board, the governor shall fill the same for
29 the unexpired term. Members of the board may be removed for
30 malfeasance or misfeasance in office, upon specific written charges by
31 the governor, under chapter 34.05 RCW.

32 (6) A member appointed by the governor may not be absent from more
33 than fifty percent of the regularly scheduled meetings in any one
34 calendar year. Any member who exceeds this absence limitation is
35 deemed to have withdrawn from the office and may be replaced by the
36 governor.

37 (7) A majority of members currently appointed constitutes a quorum.

1 **Sec. 121.** RCW 43.162.010 and 2007 c 232 s 2 are each amended to
2 read as follows:

3 (1) The Washington state economic development commission is
4 established to oversee the economic development strategies and policies
5 of the department of (~~community, trade, and economic development~~)
6 commerce.

7 (2)(a) The Washington state economic development commission shall
8 consist of eleven voting members appointed by the governor as follows:
9 Six representatives of the private sector, one representative of labor,
10 one representative of port districts, one representative of four-year
11 state public higher education, one representative for state community
12 or technical colleges, and one representative of associate development
13 organizations. The director of (~~the department of community, trade,
14 and economic development~~) commerce, the director of the workforce
15 training and education coordinating board, the commissioner of the
16 employment security department, and the chairs and ranking minority
17 members of the standing committees of the house of representatives and
18 the senate overseeing economic development policies shall serve as
19 nonvoting ex officio members.

20 The chair of the commission shall be a voting member selected by
21 the governor with the consent of the senate, and shall serve at the
22 pleasure of the governor. In selecting the chair, the governor shall
23 seek a person who understands the future economic needs of the state
24 and nation and the role the state's economic development system has in
25 meeting those needs.

26 (b) In making the appointments, the governor shall consult with
27 organizations that have an interest in economic development, including,
28 but not limited to, industry associations, labor organizations,
29 minority business associations, economic development councils, chambers
30 of commerce, port associations, tribes, and the chairs of the
31 legislative committees with jurisdiction over economic development.

32 (c) The members shall be representative of the geographic regions
33 of the state, including eastern and central Washington, as well as
34 represent the ethnic diversity of the state. Private sector members
35 shall represent existing and emerging industries, small businesses,
36 women-owned businesses, and minority-owned businesses. Members of the
37 commission shall serve statewide interests while preserving their

1 diverse perspectives, and shall be recognized leaders in their fields
2 with demonstrated experience in economic development or disciplines
3 related to economic development.

4 (3) Members appointed by the governor shall serve at the pleasure
5 of the governor for three-year terms.

6 (4) The commission may establish committees as it desires, and may
7 invite nonmembers of the commission to serve as committee members.

8 (5) The executive director of the commission shall be appointed by
9 the governor with the consent of the voting members of the commission.
10 The governor may dismiss the director only with the approval of a
11 majority vote of the commission. The commission, by a majority vote,
12 may dismiss the executive director with the approval of the governor.

13 (6) The commission may adopt rules for its own governance.

14 **Sec. 122.** RCW 43.162.025 and 2007 c 232 s 5 are each amended to
15 read as follows:

16 Subject to available funds, the Washington state economic
17 development commission may:

18 (1) Periodically review for consistency with the state
19 comprehensive plan for economic development the policies and plans
20 established for:

21 (a) Business and technical assistance by the small business
22 development center, the Washington manufacturing service, the
23 Washington technology center, associate development organizations, the
24 department of (~~community, trade, and economic development~~) commerce,
25 and the office of minority and women-owned business enterprises;

26 (b) Export assistance by the small business export finance
27 assistance center, the international marketing program for agricultural
28 commodities and trade, the department of agriculture, the center for
29 international trade in forest products, associate development
30 organizations, and the department of (~~community, trade, and economic
31 development~~) commerce; and

32 (c) Infrastructure development by the department of (~~community,
33 trade, and economic development~~) commerce and the department of
34 transportation;

35 (2) Review and make recommendations to the office of financial
36 management and the legislature on budget requests and legislative

1 proposals relating to the state economic development system for
2 purposes of consistency with the state comprehensive plan for economic
3 development;

4 (3) Provide for coordination among the different agencies,
5 organizations, and components of the state economic development system
6 at the state level and at the regional level;

7 (4) Advocate for the state economic development system and for
8 meeting the needs of industry associations, industry clusters,
9 businesses, and employees;

10 (5) Identify partners and develop a plan to develop a consistent
11 and reliable database on participation rates, costs, program
12 activities, and outcomes from publicly funded economic development
13 programs in this state by January 1, 2011.

14 (a) In coordination with the development of the database, the
15 commission shall establish standards for data collection and
16 maintenance for providers in the economic development system in a
17 format that is accessible to use by the commission. The commission
18 shall require a minimum of common core data to be collected by each
19 entity providing economic development services with public funds and
20 shall develop requirements for minimum common core data in consultation
21 with the economic climate council, the office of financial management,
22 and the providers of economic development services;

23 (b) The commission shall establish minimum common standards and
24 metrics for program evaluation of economic development programs, and
25 monitor such program evaluations; and

26 (c) The commission shall, beginning no later than January 1, 2012,
27 periodically administer, based on a schedule established by the
28 commission, scientifically based outcome evaluations of the state
29 economic development system including, but not limited to, surveys of
30 industry associations, industry cluster associations, and businesses
31 served by publicly funded economic development programs; matches with
32 employment security department payroll and wage files; and matches with
33 department of revenue tax files; and

34 (6) Evaluate proposals for expenditure from the economic
35 development strategic reserve account and recommend expenditures from
36 the account.

37 The commission may delegate to the director any of the functions of
38 this section.

1 **Sec. 123.** RCW 43.162.030 and 2007 c 232 s 7 are each amended to
2 read as follows:

3 Creation of the Washington state economic development commission
4 shall not be construed to modify any authority or budgetary
5 responsibility of the governor or the department of (~~community, trade,~~
6 ~~and economic development~~) commerce.

7 **Sec. 124.** RCW 43.163.020 and 1995 c 399 s 89 are each amended to
8 read as follows:

9 The Washington economic development finance authority is
10 established as a public body corporate and politic, with perpetual
11 corporate succession, constituting an instrumentality of the state of
12 Washington exercising essential governmental functions. The authority
13 is a public body within the meaning of RCW 39.53.010.

14 The authority shall consist of (~~eighteen [seventeen]~~) seventeen
15 members as follows: The director of (~~the department of community,~~
16 ~~trade, and economic development~~) commerce, the director of the
17 department of agriculture, the state treasurer, one member from each
18 caucus in the house of representatives appointed by the speaker of the
19 house, one member from each caucus in the senate appointed by the
20 president of the senate, and ten public members with one representative
21 of women-owned businesses and one representative of minority-owned
22 businesses and with at least three of the members residing east of the
23 Cascades. The public members shall be residents of the state appointed
24 by the governor on the basis of their interest or expertise in trade,
25 agriculture or business finance or jobs creation and development. One
26 of the public members shall be appointed by the governor as chair of
27 the authority and shall serve as chair of the authority at the pleasure
28 of the governor. The authority may select from its membership such
29 other officers as it deems appropriate.

30 The term of the persons appointed by the governor as public members
31 of the authority, including the public member appointed as chair, shall
32 be four years from the date of appointment, except that the term of
33 three of the initial appointees shall be for two years from the date of
34 appointment and the term of four of the initial appointees shall be for
35 three years from the date of appointment. The governor shall designate
36 the appointees who will serve the two-year and three-year terms.

1 In the event of a vacancy on the authority due to death,
2 resignation or removal of one of the public members, or upon the
3 expiration of the term of one of the public members, the governor shall
4 appoint a successor for the remainder of the unexpired term. If either
5 of the state offices is abolished, the resulting vacancy on the
6 authority shall be filled by the state officer who shall succeed
7 substantially to the power and duties of the abolished office.

8 Any public member of the authority may be removed by the governor
9 for misfeasance, malfeasance or willful neglect of duty after notice
10 and a public hearing, unless such notice and hearing shall be expressly
11 waived in writing by the affected public member.

12 The state officials serving in ex officio capacity may each
13 designate an employee of their respective departments to act on their
14 behalf in all respects with regard to any matter to come before the
15 authority. Such designations shall be made in writing in such manner
16 as is specified by the rules of the authority.

17 The members of the authority shall serve without compensation but
18 shall be entitled to reimbursement, solely from the funds of the
19 authority, for expenses incurred in the discharge of their duties under
20 this chapter. The authority may borrow funds from the department for
21 the purpose of reimbursing members for expenses; however, the authority
22 shall repay the department as soon as practicable.

23 A majority of the authority shall constitute a quorum.

24 **Sec. 125.** RCW 43.163.060 and 1995 c 399 s 90 are each amended to
25 read as follows:

26 (1) The authority is authorized to participate fully in federal and
27 other governmental economic development finance programs and to take
28 such actions as are necessary and consistent with this chapter to
29 secure to itself and the people of the state the benefits of those
30 programs and to meet their requirements.

31 (2) The authority shall coordinate its programs with those
32 contributing to a common purpose found elsewhere in the departments of
33 (~~community, trade, and economic development~~) commerce, agriculture or
34 employment security, or any other department or organization of, or
35 affiliated with, the state or federal government, and shall avoid any
36 duplication of such activities or programs provided elsewhere. The
37 departments of (~~community, trade, and economic development~~) commerce,

1 agriculture, employment security and other relevant state agencies
2 shall provide to the authority all reports prepared in the course of
3 their ongoing activities which may assist in the identification of
4 unmet capital financing needs by small-sized and medium-sized
5 businesses in the state.

6 **Sec. 126.** RCW 43.163.120 and 1998 c 245 s 51 are each amended to
7 read as follows:

8 The authority shall receive no appropriation of state funds. The
9 department of (~~community, trade, and economic development~~) commerce
10 shall provide staff to the authority, to the extent permitted by law,
11 to enable the authority to accomplish its purposes; the staff from the
12 department (~~of community, trade, and economic development~~) may assist
13 the authority in organizing itself and in designing programs, but shall
14 not be involved in the issuance of bonds or in making credit decisions
15 regarding financing provided to borrowers by the authority.

16 **Sec. 127.** RCW 43.168.010 and 1999 c 164 s 501 are each amended to
17 read as follows:

18 The legislature finds that:

19 (1) The economic health and well-being of the state, particularly
20 in areas of high unemployment, economic stagnation, and poverty, is of
21 substantial public concern.

22 (2) The consequences of minimal economic activity and persistent
23 unemployment and underemployment are serious threats to the safety,
24 health, and welfare of residents of these areas, decreasing the value
25 of private investments and jeopardizing the sources of public revenue.

26 (3) The economic and social interdependence of communities and the
27 vitality of industrial and economic activity necessitates, and is in
28 part dependent on preventing substantial dislocation of residents and
29 rebuilding the diversification of the areas' economy.

30 (4) The ability to remedy problems in stagnant areas of the state
31 is beyond the power and control of the regulatory process and influence
32 of the state, and the ordinary operations of private enterprise without
33 additional governmental assistance are insufficient to adequately
34 remedy the problems of poverty and unemployment.

35 (5) The revitalization of depressed communities requires the
36 stimulation of private investment, the development of new business

1 ventures, the provision of capital to ventures sponsored by local
2 organizations and capable of growth in the business markets, and
3 assistance to viable, but under-financed, small businesses in order to
4 create and preserve jobs that are sustainable in the local economy.

5 Therefore, the legislature declares there to be a substantial
6 public purpose in providing capital to promote economic development and
7 job creation in areas of economic stagnation, unemployment, and
8 poverty. To accomplish this purpose, the legislature hereby creates
9 the rural Washington loan fund and vests in the department of
10 (~~community, trade, and economic development~~) commerce the authority
11 to spend federal funds to stimulate the economy of distressed areas.

12 **Sec. 128.** RCW 43.176.030 and 2004 c 237 s 3 are each amended to
13 read as follows:

14 (1) The small business incubator program is created in the
15 department of (~~community, trade, and economic development~~) commerce
16 to provide start-up and operating assistance to qualified small
17 business incubators.

18 (2) The department shall award grants to qualified small business
19 incubator organizations for:

20 (a) Construction and equipment costs, up to a maximum of three
21 million dollars per recipient; and

22 (b) Provision of technical assistance to small businesses, up to a
23 maximum of one hundred twenty-five thousand dollars per year per
24 recipient.

25 (3) The department shall:

26 (a) Require a grant recipient to show that it has the resources to
27 complete the project in a timely manner and the state grant is not the
28 sole source of funds;

29 (b) Develop, in conjunction with the Washington association of
30 small business incubators, criteria for receipt of grant funds,
31 including criteria related to organizational capacity, community need,
32 and the availability of other economic development resources;

33 (c) Accept and receive grants, gifts, and pledges of funds for the
34 support of the small business incubator program, which shall be
35 deposited in the small business incubator account established in RCW
36 43.176.040; and

1 (d) Integrate the promotion of small business incubators as
2 economic development tools in its strategic plan.

3 **Sec. 129.** RCW 43.176.040 and 2004 c 237 s 4 are each amended to
4 read as follows:

5 The small business incubator account is created in the custody of
6 the state treasurer. All money received for the incubator program
7 under RCW 43.176.030 must be deposited in the account. Expenditures
8 from the account may be used only for the small business incubator
9 program. Only the director of (~~the department of community, trade,
10 and economic development~~) commerce or the director's designee may
11 authorize expenditures from the account. The account is subject to the
12 allotment procedures under chapter 43.88 RCW, but an appropriation is
13 not required for expenditures.

14 **Sec. 130.** RCW 43.176.901 and 2004 c 237 s 6 are each amended to
15 read as follows:

16 The department of (~~community, trade, and economic development~~)
17 commerce shall have no duty to provide services related to the small
18 business incubator and entrepreneurship assistance act of 2004 unless
19 and until the small business incubator program and related
20 administrative expenses are funded by the legislature.

21 **Sec. 131.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
22 read as follows:

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

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

31 (a) The state treasurer, ex officio;

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

34 (c) An elected local government official, ex officio, with

1 experience in local housing programs, who shall be appointed by the
2 governor with the consent of the senate;

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

5 (e) A representative of labor interests, appointed by the governor,
6 with the consent of the senate, after consultation with representatives
7 of organized labor;

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

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

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

37 (3) The commission may adopt an official seal and may select from
38 its membership a vice chair, a secretary, and a treasurer. The

1 commission shall establish rules concerning its exercise of the powers
2 authorized by this chapter. The rules shall be adopted in conformance
3 with chapter 34.05 RCW.

4 **Sec. 132.** RCW 43.180.200 and 1995 c 399 s 99 are each amended to
5 read as follows:

6 For purposes of the code:

7 (1) The legislature reserves the right at any time to alter or
8 change the structure, organization, programs, or activities of the
9 commission and to terminate the commission, so long as the action does
10 not impair any outstanding contracts entered into by the commission;

11 (2) Any net earnings of the commission beyond that necessary to
12 retire its bonds and to carry out the purposes of this chapter shall
13 not inure to the benefit of any person other than the state;

14 (3) Upon dissolution of the commission, title to all of its
15 remaining property shall vest in the state;

16 (4) The commission constitutes the only housing finance agency of
17 the state of Washington; and

18 (5) In order to take advantage of the maximum amount of tax exempt
19 bonds for housing financing available pursuant to the code, any state
20 ceiling with respect to housing shall be allocated in accordance with
21 the following formula:

22 (a) Eighty percent of the state ceiling shall be allocated to the
23 commission and twenty percent shall be allocated to the other issuing
24 authorities in the state.

25 (b) The allocation to the issuing authorities other than the
26 commission shall be distributed to such issuing authorities in amounts
27 as determined following public notice by the department of (~~community,~~
28 ~~trade, and economic development~~) commerce pursuant to rules
29 promulgated by it. The distribution shall be in response to
30 applications received from such issuing authorities and shall be based
31 on the following factors: (i) The amount of housing to be made
32 available by such applicant; (ii) the population within the
33 jurisdiction of the applicant; (iii) coordination with other applicable
34 federal and state housing programs; (iv) the likelihood of implementing
35 the proposed financing during that year; and (v) consistency with the
36 plan of the commission. On or before February 1 of each year, the
37 department (~~of community, trade, and economic development~~) shall

1 distribute the state ceiling allocation among such issuing authorities
2 and any unused portion shall be added to the allocation of the
3 commission. Each issuing authority other than the commission shall
4 confirm its allocation distribution by providing to the department (~~of~~
5 ~~community, trade, and economic development~~) no later than June 1 a
6 copy of an executed bond purchase contract or alternative documentation
7 deemed sufficient by the commission to evidence the reasonable
8 likelihood of the allocation distribution being fully used. Any
9 portion of such allocation not so confirmed shall be added to the
10 allocation of the commission on July 1. Prior to July 1, the
11 commission shall provide written notice of the allocation decrease to
12 the affected issuing authority. The reallocation shall not limit the
13 authority of the commission to assign a portion of its allocation
14 pursuant to subsection (5)(c) of this section.

15 (c) The commission may assign a portion of its allocation to
16 another issuing agency.

17 **Sec. 133.** RCW 43.180.220 and 1994 c 235 s 1 are each amended to
18 read as follows:

19 The commission, in cooperation with the department of (~~community,~~
20 ~~trade, and economic development~~) commerce, and the state investment
21 board, shall develop and implement a housing finance program that:

22 (1) Provides subsidized or unsubsidized mortgage financing for
23 single-family home ownership, including a single condominium unit,
24 located in the state of Washington;

25 (2) Requests the state investment board to make investments, within
26 its policies and investment guidelines, in mortgage-backed securities
27 that are collateralized by loans made within the state of Washington;
28 and

29 (3) Provides flexible loan underwriting guidelines, including but
30 not limited to provisions that will allow reduced downpayment
31 requirements for the purchaser.

32 **Sec. 134.** RCW 43.185A.100 and 2006 c 349 s 11 are each amended to
33 read as follows:

34 The department, the housing finance commission, the affordable
35 housing advisory board, and all local governments, housing authorities,
36 and other nonprofits receiving state housing funds or financing through

1 the housing finance commission shall, by December 31, 2006, and
2 annually thereafter, review current housing reporting requirements
3 related to housing programs and services and give recommendations to
4 streamline and simplify all planning and reporting requirements to the
5 department of (~~community, trade, and economic development~~) commerce,
6 which will compile and present the recommendations annually to the
7 legislature. The entities listed in this section shall also give
8 recommendations for additional legislative actions that could promote
9 affordable housing and end homelessness.

10 **Sec. 135.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to
11 read as follows:

12 (1) Each county shall create a homeless housing task force to
13 develop a ten-year homeless housing plan addressing short-term and
14 long-term housing for homeless persons.

15 Membership on the task force may include representatives of the
16 counties, cities, towns, housing authorities, civic and faith
17 organizations, schools, community networks, human services providers,
18 law enforcement personnel, criminal justice personnel, including
19 prosecutors, probation officers, and jail administrators, substance
20 abuse treatment providers, mental health care providers, emergency
21 health care providers, businesses, at-large representatives of the
22 community, and a homeless or formerly homeless individual.

23 In lieu of creating a new task force, a local government may
24 designate an existing governmental or nonprofit body which
25 substantially conforms to this section and which includes at least one
26 homeless or formerly homeless individual to serve as its homeless
27 representative. As an alternative to a separate plan, two or more
28 local governments may work in concert to develop and execute a joint
29 homeless housing plan, or to contract with another entity to do so
30 according to the requirements of this chapter. While a local
31 government has the authority to subcontract with other entities, the
32 local government continues to maintain the ultimate responsibility for
33 the homeless housing program within its borders.

34 A county may decline to participate in the program authorized in
35 this chapter by forwarding to the department a resolution adopted by
36 the county legislative authority stating the intention not to
37 participate. A copy of the resolution shall also be transmitted to the

1 county auditor and treasurer. If a county declines to participate, the
2 department shall create and execute a local homeless housing plan for
3 the county meeting the requirements of this chapter.

4 (2) In addition to developing a ten-year homeless housing plan,
5 each task force shall establish guidelines consistent with the
6 statewide homeless housing strategic plan, as needed, for the
7 following:

- 8 (a) Emergency shelters;
- 9 (b) Short-term housing needs;
- 10 (c) Temporary encampments;
- 11 (d) Supportive housing for chronically homeless persons; and
- 12 (e) Long-term housing.

13 Guidelines must include, when appropriate, standards for health and
14 safety and notifying the public of proposed facilities to house the
15 homeless.

16 (3) Each county, including counties exempted from creating a new
17 task force under subsection (1) of this section, shall report to the
18 department of (~~community, trade, and economic development~~) commerce
19 such information as may be needed to ensure compliance with this
20 chapter.

21 **Sec. 136.** RCW 43.185C.200 and 2007 c 483 s 604 are each amended to
22 read as follows:

23 (1) The department of community, trade, and economic development
24 shall establish a pilot program to provide grants to eligible
25 organizations, as described in RCW 43.185.060, to provide transitional
26 housing assistance to offenders who are reentering the community and
27 are in need of housing.

28 (2) There shall be a minimum of two pilot programs established in
29 two counties. The pilot programs shall be selected through a request
30 for proposal process and in consultation with the department of
31 corrections. The department shall select the pilot sites by January 1,
32 2008.

33 (3) The pilot program shall:

34 (a) Be operated in collaboration with the community justice center
35 existing in the location of the pilot site;

36 (b) Offer transitional supportive housing that includes individual
37 support and mentoring available on an ongoing basis, life skills

1 training, and close working relationships with community justice
2 centers and community corrections officers. Supportive housing
3 services can be provided directly by the housing operator, or in
4 partnership with community-based organizations;

5 (c) In providing assistance, give priority to offenders who are
6 designated as high risk or high needs as well as those determined not
7 to have a viable release plan by the department of corrections;

8 (d) Optimize available funding by utilizing cost-effective
9 community-based shared housing arrangements or other noninstitutional
10 living arrangements; and

11 (e) Provide housing assistance for a period of time not to exceed
12 twelve months for a participating offender.

13 (4) The department may also use up to twenty percent of the funding
14 appropriated in the operating budget for this section to support the
15 development of additional supportive housing resources for offenders
16 who are reentering the community.

17 (5) The department shall:

18 (a) Collaborate with the department of corrections in developing
19 criteria to determine who will qualify for housing assistance; and

20 (b) Gather data, and report to the legislature by November 1, 2008,
21 on the number of offenders seeking housing, the number of offenders
22 eligible for housing, the number of offenders who receive the housing,
23 and the number of offenders who commit new crimes while residing in the
24 housing to the extent information is available.

25 (6) The department of corrections shall collaborate with
26 organizations receiving grant funds to:

27 (a) Help identify appropriate housing solutions in the community
28 for offenders;

29 (b) Where possible, facilitate an offender's application for
30 housing prior to discharge;

31 (c) Identify enhancements to training provided to offenders prior
32 to discharge that may assist an offender in effectively transitioning
33 to the community;

34 (d) Maintain communication between the organization receiving grant
35 funds, the housing provider, and corrections staff supervising the
36 offender; and

37 (e) Assist the offender in accessing resources and services

1 available through the department of corrections and a community justice
2 center.

3 (7) The state, department of (~~community, trade, and economic~~
4 ~~development~~) commerce, department of corrections, local governments,
5 local housing authorities, eligible organizations as described in RCW
6 43.185.060, and their employees are not liable for civil damages
7 arising from the criminal conduct of an offender solely due to the
8 placement of an offender in housing provided under this section or the
9 provision of housing assistance.

10 (8) Nothing in this section allows placement of an offender into
11 housing without an analysis of the risk the offender may pose to that
12 particular community or other residents.

13 **Sec. 137.** RCW 43.190.030 and 1997 c 194 s 1 are each amended to
14 read as follows:

15 There is created the office of the state long-term care ombudsman.
16 The department of (~~community, trade, and economic development~~)
17 commerce shall contract with a private nonprofit organization to
18 provide long-term care ombudsman services as specified under, and
19 consistent with, the federal older Americans act as amended, federal
20 mandates, the goals of the state, and the needs of its citizens. The
21 department (~~of community, trade, and economic development~~) shall
22 ensure that all program and staff support necessary to enable the
23 ombudsman to effectively protect the interests of residents, patients,
24 and clients of all long-term care facilities is provided by the
25 nonprofit organization that contracts to provide long-term care
26 ombudsman services. The department (~~of community, trade, and economic~~
27 ~~development~~) shall adopt rules to carry out this chapter and the long-
28 term care ombudsman provisions of the federal older Americans act, as
29 amended, and applicable federal regulations. The long-term care
30 ombudsman program shall have the following powers and duties:

31 (1) To provide services for coordinating the activities of long-
32 term care ombudsmen throughout the state;

33 (2) Carry out such other activities as the department of
34 (~~community, trade, and economic development~~) commerce deems
35 appropriate;

36 (3) Establish procedures consistent with RCW 43.190.110 for
37 appropriate access by long-term care ombudsmen to long-term care

1 facilities and patients' records, including procedures to protect the
2 confidentiality of the records and ensure that the identity of any
3 complainant or resident will not be disclosed without the written
4 consent of the complainant or resident, or upon court order;

5 (4) Establish a statewide uniform reporting system to collect and
6 analyze data relating to complaints and conditions in long-term care
7 facilities for the purpose of identifying and resolving significant
8 problems, with provision for submission of such data to the department
9 of social and health services and to the federal department of health
10 and human services, or its successor agency, on a regular basis; and

11 (5) Establish procedures to assure that any files maintained by
12 ombudsman programs shall be disclosed only at the discretion of the
13 ombudsman having authority over the disposition of such files, except
14 that the identity of any complainant or resident of a long-term care
15 facility shall not be disclosed by such ombudsman unless:

16 (a) Such complainant or resident, or the complainant's or
17 resident's legal representative, consents in writing to such
18 disclosure; or

19 (b) Such disclosure is required by court order.

20 **Sec. 138.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to
21 read as follows:

22 The small business export finance assistance center and its
23 branches shall be governed and managed by a board of seven directors
24 appointed by the governor, with the advice of the board, and confirmed
25 by the senate. The directors shall serve terms of four years following
26 the terms of service established by the initial appointments after June
27 11, 1998. Three appointees, including directors on June 11, 1998, who
28 are reappointed, must serve initial terms of two years and, if a
29 director is reappointed that director may serve a consecutive four-year
30 term. Four appointees, including directors on June 11, 1998, who are
31 reappointed, must serve initial terms of four years and, if a director
32 is reappointed that director may serve a consecutive four-year term.
33 After the initial appointments, directors may serve two consecutive
34 terms. The directors may provide for the payment of their expenses.
35 The directors shall include the director of (~~community, trade, and~~
36 ~~economic—development~~) commerce or the director's designee;
37 representatives of a large financial institution engaged in financing

1 export transactions in the state of Washington; a small financial
2 institution engaged in financing export transactions in the state of
3 Washington; a large exporting company domiciled in the state of
4 Washington; a small exporting company in the state of Washington;
5 organized labor in a trade involved in international commerce; and a
6 representative at large. To the extent possible, appointments to the
7 board shall reflect geographical balance and the diversity of the state
8 population. Any vacancies on the board due to the expiration of a term
9 or for any other reason shall be filled by appointment by the governor
10 for the unexpired term.

11 **Sec. 139.** RCW 43.210.050 and 1998 c 245 s 84 are each amended to
12 read as follows:

13 The small business export finance assistance center formed under
14 RCW 43.210.020 and 43.210.030 shall enter into a contract under this
15 chapter with the department of (~~community, trade, and economic~~
16 ~~development~~) commerce or its statutory successor. The contract shall
17 require the center to provide export assistance services, consistent
18 with RCW 43.210.070 and 43.210.100 through 43.210.120, shall have a
19 duration of two years, and shall require the center to aggressively
20 seek to fund its continued operation from nonstate funds. The contract
21 shall also require the center to report annually to the department on
22 its success in obtaining nonstate funding. Upon expiration of the
23 contract, any provisions within the contract applicable to the Pacific
24 Northwest export assistance project shall be automatically renewed
25 without change provided the legislature appropriates funds for
26 administration of the small business export assistance center and the
27 Pacific Northwest export assistance project. The provisions of the
28 contract related to the Pacific Northwest export assistance project may
29 be changed at any time if the director of (~~the department of~~
30 ~~community, trade, and economic development~~) commerce or the president
31 of the small business export finance assistance center present
32 compelling reasons supporting the need for a contract change to the
33 board of directors and a majority of the board of directors agrees to
34 the changes. The department of agriculture shall be included in the
35 contracting negotiations with the department of community, trade, and
36 economic development and the small business export finance assistance

1 center when the Pacific Northwest export assistance project provides
2 export services to industrial sectors within the administrative domain
3 of the Washington state department of agriculture.

4 **Sec. 140.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
5 read as follows:

6 The department of (~~community, trade, and economic development~~)
7 commerce or its statutory successor shall adopt rules under chapter
8 34.05 RCW as necessary to carry out the purposes of this chapter.

9 **Sec. 141.** RCW 43.215.550 and 2006 c 265 s 203 are each amended to
10 read as follows:

11 An employer liaison position is established in the department of
12 early learning to be colocated with the department of (~~community,
13 trade, and economic development~~) commerce. The employer liaison
14 shall, within appropriated funds:

15 (1) Staff and assist the child care partnership in the
16 implementation of its duties;

17 (2) Provide technical assistance to employers regarding child care
18 services, working with and through local resource and referral
19 organizations whenever possible. Such technical assistance shall
20 include at a minimum:

21 (a) Assessing the child care needs of employees and prospective
22 employees;

23 (b) Reviewing options available to employers interested in
24 increasing access to child care for their employees;

25 (c) Developing techniques to permit small businesses to increase
26 access to child care for their employees;

27 (d) Reviewing methods of evaluating the impact of child care
28 activities on employers; and

29 (e) Preparing, collecting, and distributing current information for
30 employers on options for increasing involvement in child care; and

31 (3) Provide assistance to local child care resource and referral
32 organizations to increase their capacity to provide quality technical
33 assistance to employers in their community.

34 **Sec. 142.** RCW 43.220.070 and 1999 c 280 s 5 are each amended to
35 read as follows:

1 (1) Conservation corps members shall be unemployed residents of the
2 state between eighteen and twenty-five years of age at the time of
3 enrollment who are citizens or lawful permanent residents of the United
4 States. The age requirements may be waived for corps leaders and
5 specialists with special leadership or occupational skills; such
6 members shall be given special responsibility for providing leadership,
7 character development, and sense of community responsibility to the
8 corps members, groups, and work crews to which they are assigned. The
9 upper age requirement may be waived for residents who have a sensory or
10 mental handicap. Special effort shall be made to recruit minority and
11 disadvantaged youth who meet selection criteria of the conservation
12 corps. Preference shall be given to youths residing in areas, both
13 urban and rural, in which there exists substantial unemployment
14 exceeding the state average unemployment rate.

15 (2) The legislature finds that people with developmental
16 disabilities would benefit from experiencing a meaningful work
17 experience, and learning the value of labor and of membership in a
18 productive society.

19 The legislature urges state agencies that are participating in the
20 Washington conservation corps program to consider for enrollment in the
21 program people who have developmental disabilities, as defined in RCW
22 71A.10.020.

23 If an agency chooses to enroll people with developmental
24 disabilities in its Washington conservation corps program, the agency
25 may apply to the United States department of labor, employment
26 standards administration for a special subminimum wage certificate in
27 order to be allowed to pay enrollees with developmental disabilities
28 according to their individual levels of productivity.

29 (3) Corps members shall not be considered state employees. Other
30 provisions of law relating to civil service, hours of work, rate of
31 compensation, sick leave, unemployment compensation, state retirement
32 plans, and vacation leave do not apply to the Washington conservation
33 corps except for the crew supervisors, who shall be project employees,
34 and the administrative and supervisory personnel.

35 (4) Enrollment shall be for a period of six months which may be
36 extended for additional six-month periods by mutual agreement of the
37 corps and the corps member, not to exceed two years. Corps members
38 shall be reimbursed at the minimum wage rate established by state or

1 federal law, whichever is higher, which may be increased by up to five
2 percent for each additional six-month period worked: PROVIDED, That if
3 agencies elect to run a residential program, the appropriate costs for
4 room and board shall be deducted from the corps member's paycheck as
5 provided in chapter 43.220 RCW.

6 (5) Corps members are to be available at all times for emergency
7 response services coordinated through the department of (~~community,~~
8 ~~trade, and economic development~~) commerce or other public agency.
9 Duties may include sandbagging and flood cleanup, search and rescue,
10 and other functions in response to emergencies.

11 **Sec. 143.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
12 read as follows:

13 (1) There is established in the department of (~~community, trade,~~
14 ~~and economic development~~) commerce a grant program to provide
15 incentive for and support for communities to develop targeted and
16 coordinated strategies to reduce the incidence and impact of alcohol,
17 tobacco, or other drug abuse, or violence. This program is known as
18 the community mobilization program.

19 (2) The department of (~~community, trade, and economic~~
20 ~~development~~) commerce shall make awards, subject to funds appropriated
21 by the legislature, under the following terms:

22 (a) Starting July 1, 2001, funds will be available to countywide
23 programs through a formula developed by the department of (~~community,~~
24 ~~trade, and economic development~~) commerce in consultation with program
25 contractors, which will take into consideration county population size.

26 (b) In order to be eligible for consideration, applicants must
27 demonstrate, at a minimum:

28 (i) That the community has developed and is committed to carrying
29 out a coordinated strategy of prevention, treatment, and law
30 enforcement activities;

31 (ii) That the community has considered research-based theory when
32 developing its strategy;

33 (iii) That proposals submitted for funding are based on a local
34 assessment of need and address specific objectives contained in a
35 coordinated strategy of prevention, treatment, and law enforcement
36 against alcohol, tobacco, or other drug abuse, or violence;

1 (iv) Evidence of active participation in preparation of the
2 proposal and specific commitments to implementing the community-wide
3 agenda by leadership from education, law enforcement, local government,
4 tribal government, and treatment entities in the community, and the
5 opportunity for meaningful involvement from others such as neighborhood
6 and citizen groups, businesses, human service, health and job training
7 organizations, and other key elements of the community, particularly
8 those whose responsibilities in law enforcement, treatment, prevention,
9 education, or other community efforts provide direct, ongoing contact
10 with substance abusers or those who exhibit violent behavior, or those
11 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

12 (v) Evidence of additional local resources committed to the
13 applicant's strategy totaling at least twenty-five percent of funds
14 awarded under this section. These resources may consist of public or
15 private funds, donated goods or services, and other measurable
16 commitments, including in-kind contributions such as volunteer
17 services, materials, supplies, physical facilities, or a combination
18 thereof; and

19 (vi) That the funds applied for, if received, will not be used to
20 replace funding for existing activities.

21 (c) At a minimum, grant applications must include the following:

22 (i) A definition of geographic area;

23 (ii) A needs assessment describing the extent and impact of
24 alcohol, tobacco, or other drug abuse, and violence in the community,
25 including an explanation of those who are most severely impacted and
26 those most at risk of substance abuse or violent behavior;

27 (iii) An explanation of the community-wide strategy for prevention,
28 treatment, and law enforcement activities related to alcohol, tobacco,
29 or other drug abuse, or violence, with particular attention to those
30 who are most severely impacted and/or those most at risk of alcohol,
31 tobacco, or other drug abuse, or violent behavior;

32 (iv) An explanation of who was involved in development of the
33 strategy and what specific commitments have been made to carry it out;

34 (v) Identification of existing prevention, education, treatment,
35 and law enforcement resources committed by the applicant, including
36 financial and other support, and an explanation of how the applicant's
37 strategy involves and builds on the efforts of existing organizations

1 or coalitions that have been carrying out community efforts against
2 alcohol, tobacco, or other drug abuse, or violence;

3 (vi) Identification of activities that address specific objectives
4 in the strategy for which additional resources are needed;

5 (vii) Identification of additional local resources, including
6 public or private funds, donated goods or services, and other
7 measurable commitments, that have been committed to the activities
8 identified in (c)(vi) of this subsection;

9 (viii) Identification of activities that address specific
10 objectives in the strategy for which funding is requested;

11 (ix) For each activity for which funding is requested, an
12 explanation in sufficient detail to demonstrate:

13 (A) Feasibility through deliberative design, specific objectives,
14 and a realistic plan for implementation;

15 (B) A rationale for how this activity will achieve measurable
16 results and how it will be evaluated;

17 (C) That funds requested are necessary and appropriate to
18 effectively carry out the activity; and

19 (x) Identification of a contracting agent meeting state
20 requirements for each activity proposed for funding.

21 Each contracting agent must execute a written agreement with its
22 local community mobilization advisory board that reflects the duties
23 and powers of each party.

24 (3) Activities that may be funded through this grant program
25 include those that:

26 (a) Prevent alcohol, tobacco, or other drug abuse, or violence
27 through educational efforts, development of positive alternatives,
28 intervention with high-risk groups, and other prevention strategies;

29 (b) Support effective treatment by increasing access to and
30 availability of treatment opportunities, particularly for underserved
31 or highly impacted populations, developing aftercare and support
32 mechanisms, and other strategies to increase the availability and
33 effectiveness of treatment;

34 (c) Provide meaningful consequences for participation in illegal
35 activity and promote safe and healthy communities through support of
36 law enforcement strategies;

37 (d) Create or build on efforts by existing community programs,
38 coordinate their efforts, and develop cooperative efforts or other

1 initiatives to make most effective use of resources to carry out the
2 community's strategy against alcohol, tobacco, or other drug abuse, or
3 violence; and

4 (e) Other activities that demonstrate both feasibility and a
5 rationale for how the activity will achieve measurable results in the
6 strategy against alcohol, tobacco, or other drug abuse, or violence.

7 **Sec. 144.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
8 read as follows:

9 The department of (~~community, trade, and economic development~~)
10 commerce shall ask communities for suggestions on state practices,
11 policies, and priorities that would help communities implement their
12 strategies against alcohol, tobacco, or other drug abuse, or violence.
13 The department (~~of community, trade, and economic development~~) shall
14 review and respond to those suggestions making necessary changes where
15 feasible, making recommendations to the legislature where appropriate,
16 and providing an explanation as to why suggested changes cannot be
17 accomplished, if the suggestions cannot be acted upon.

18 **Sec. 145.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
19 read as follows:

20 The department of (~~community, trade, and economic development~~)
21 commerce may receive such gifts, grants, and endowments from public or
22 private sources as may be made from time to time, in trust or
23 otherwise, for the use and benefit of the purposes of RCW 43.270.010
24 through 43.270.080 and expend the same or any income therefrom
25 according to the terms of the gifts, grants, or endowments.

26 **Sec. 146.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to
27 read as follows:

28 The Washington state sexual assault services advisory committee
29 issued a report to the department of community, trade, and economic
30 development and the department of social and health services in June of
31 1995. The committee made several recommendations to improve the
32 delivery of services to victims of sexual abuse and assault: (1)
33 Consolidate the administration and funding of sexual assault and abuse
34 services in one agency instead of splitting those functions between the
35 department of social and health services and the department of

1 community, trade, and economic development; (2) adopt a funding
2 allocation plan to pool all funds for sexual assault services and to
3 distribute them across the state to ensure the delivery of core and
4 specialized services; (3) establish service, data collection, and
5 management standards and outcome measurements for recipients of grants;
6 and (4) create a data collection system to gather pertinent data
7 concerning the delivery of sexual assault services to victims.

8 The legislature approves the recommendations of the advisory
9 committee and consolidates the functions and funding for sexual assault
10 services in the department of (~~community, trade, and economic
11 development~~) commerce to implement the advisory committee's
12 recommendations.

13 The legislature does not intend to effect a reduction in service
14 levels within available funding by transferring department of social
15 and health services' powers and duties to the department of
16 (~~community, trade, and economic development~~) commerce. At a minimum,
17 the department (~~of community, trade, and economic development~~) shall
18 distribute the same percentage of the services it provides victims of
19 sexual assault and abuse, pursuant to RCW 43.280.020, 70.125.080, and
20 74.14B.060, to children as were distributed to children through these
21 programs in fiscal year 1996.

22 **Sec. 147.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to
23 read as follows:

24 There is established in the department of (~~community, trade, and
25 economic development~~) commerce a grant program to enhance the funding
26 for treating the victims of sex offenders. Activities that can be
27 funded through this grant program are limited to those that:

- 28 (1) Provide effective treatment to victims of sex offenders;
- 29 (2) Increase access to and availability of treatment for victims of
30 sex offenders, particularly if from underserved populations; and
- 31 (3) Create or build on efforts by existing community programs,
32 coordinate those efforts, or develop cooperative efforts or other
33 initiatives to make the most effective use of resources to provide
34 treatment services to these victims.

35 Funding shall be given to those applicants that emphasize providing
36 stable, victim-focused sexual abuse services and possess the
37 qualifications to provide core services, as defined in RCW 70.125.030.

1 Funds for specialized services, as defined in RCW 70.125.030, shall be
2 disbursed through the request for proposal or request for
3 qualifications process.

4 **Sec. 148.** RCW 43.280.060 and 1996 c 123 s 5 are each amended to
5 read as follows:

6 (1) Subject to funds appropriated by the legislature, the
7 department of (~~community, trade, and economic development~~) commerce
8 shall make awards under the grant program established by RCW
9 43.280.020.

10 (2) To aid the department of (~~community, trade, and economic~~
11 ~~development~~) commerce in making its funding determinations, the
12 department shall form a peer review committee comprised of individuals
13 who are knowledgeable or experienced in the management or delivery of
14 treatment services to victims of sex offenders. The peer review
15 committee shall advise the department on the extent to which each
16 eligible applicant meets the treatment and management standards, as
17 developed by the department. The department shall consider this advice
18 in making awards.

19 (3) Activities funded under this section may be considered for
20 funding in future years, but shall be considered under the same terms
21 and criteria as new activities. Funding under this chapter shall not
22 constitute an obligation by the state of Washington to provide ongoing
23 funding.

24 **Sec. 149.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to
25 read as follows:

26 The department of (~~community, trade, and economic development~~)
27 commerce may receive such gifts, grants, and endowments from public or
28 private sources as may be made from time to time, in trust or
29 otherwise, for the use and benefit of the purposes of this chapter and
30 expend the same or any income therefrom according to the terms of the
31 gifts, grants, or endowments.

32 **Sec. 150.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to
33 read as follows:

34 The office of crime victims advocacy is established in the
35 department of (~~community, trade, and economic development~~) commerce.

1 The office shall assist communities in planning and implementing
2 services for crime victims, advocate on behalf of crime victims in
3 obtaining needed services and resources, and advise local and state
4 governments on practices, policies, and priorities that impact crime
5 victims. In addition, the office shall administer grant programs for
6 sexual assault treatment and prevention services, as authorized in this
7 chapter.

8 **Sec. 151.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to
9 read as follows:

10 The director of (~~the department of community, trade, and economic~~
11 ~~development~~) commerce may establish ad hoc advisory committees, as
12 necessary, to obtain advice and guidance regarding the office of crime
13 victims advocacy program.

14 **Sec. 152.** RCW 43.310.020 and 1995 c 399 s 116 are each amended to
15 read as follows:

16 (1) The department of (~~community, trade, and economic~~
17 ~~development~~) commerce may recommend existing programs or contract with
18 either school districts or community organizations, or both, through a
19 request for proposal process for the development, administration, and
20 implementation in the county of community-based gang risk prevention
21 and intervention pilot programs.

22 (2) Proposals by the school district for gang risk prevention and
23 intervention pilot program grant funding shall begin with school years
24 no sooner than the 1994-95 session, and last for a duration of two
25 years.

26 (3) The school district or community organization proposal shall
27 include:

28 (a) A description of the program goals, activities, and curriculum.
29 The description of the program goals shall include a list of measurable
30 objectives for the purpose of evaluation by the department of
31 (~~community, trade, and economic development~~) commerce. To the extent
32 possible, proposals shall contain empirical data on current problems,
33 such as drop-out rates and occurrences of violence on and off campus by
34 school-age individuals.

35 (b) A description of the individual school or schools and the
36 geographic area to be affected by the program.

1 (c) A demonstration of broad-based support for the program from
2 business and community organizations.

3 (d) A clear description of the experience, expertise, and other
4 qualifications of the community organizations to conduct an effective
5 prevention and intervention program in cooperation with a school or a
6 group of schools.

7 (e) A proposed budget for expenditure of the grant.

8 (4) Grants awarded under this section may not be used for the
9 administrative costs of the school district or the individual school.

10 **Sec. 153.** RCW 43.325.100 and 2007 c 348 s 403 are each amended to
11 read as follows:

12 (1) The department (~~(of community, trade, and economic~~
13 ~~development))~~) and the department of ecology shall develop a framework
14 for the state of Washington to participate in emerging regional,
15 national, and to the extent possible, global markets to mitigate
16 climate change, on a multisector basis. This framework must include,
17 but not be limited to, credible, verifiable, replicable inventory and
18 accounting methodologies for each sector involved, along with the
19 completion of the stakeholder process identified in executive order
20 number 07-02 creating the Washington state climate change challenge.

21 (2) The department (~~(of community, trade, and economic~~
22 ~~development))~~) and the department of ecology shall include the forestry
23 sector and work closely with the department of natural resources on
24 those recommendations.

25 (3) The department must provide a report to the legislature by
26 December 1, 2008. The report may be included within the report
27 produced for executive order number 07-02.

28 **Sec. 154.** RCW 43.325.110 and 2007 c 348 s 408 are each amended to
29 read as follows:

30 (1) The vehicle electrification demonstration grant program is
31 established within the department (~~(of community, trade, and economic~~
32 ~~development))~~). The director may establish policies and procedures
33 necessary for processing, reviewing, and approving applications made
34 under this chapter.

35 (2) The director may approve an application for a vehicle
36 electrification demonstration project only if the director finds:

1 (a) The applicant is a state agency, public school district, public
2 utility district, or a political subdivision of the state, including
3 port districts, counties, cities, towns, special purpose districts, and
4 other municipal corporations or quasi-municipal corporations or a state
5 institution of higher education;

6 (b) The project partially funds the purchase of or conversion of
7 existing vehicles to plug-in hybrid electric vehicles or battery
8 electric vehicles for use in the applicant's fleet or operations;

9 (c) The project partners with an electric utility and demonstrates
10 technologies to allow controlled vehicle charging, including the use of
11 power electronics or wireless technologies, to regulate time-of-day and
12 duration of charging;

13 (d) The project provides matching resources; and

14 (e) The project provides evaluation of fuel savings, greenhouse gas
15 reductions, battery capabilities, energy management system, charge
16 controlling technologies, and other relevant information determined on
17 the advice of the vehicle electrification work group.

18 (3) The director may approve an application for a vehicle
19 electrification demonstration project if the project, in addition to
20 meeting the requirements of subsection (2) of this section, also
21 demonstrates charging using on-site renewable resources or
22 vehicle-to-grid capabilities that enable the vehicle to discharge
23 electricity into the grid.

24 **Sec. 155.** RCW 43.330.065 and 1996 c 253 s 303 are each amended to
25 read as follows:

26 The department (~~of community, trade, and economic development~~),
27 in consultation with the office of protocol, the office of the
28 secretary of state, the department of agriculture, and the employment
29 security department shall identify up to fifteen countries that are of
30 strategic importance to the development of Washington's international
31 trade relations.

32 **Sec. 156.** RCW 43.330.904 and 1996 c 186 s 101 are each amended to
33 read as follows:

34 (1) All powers, duties, and functions of the state energy office
35 relating to energy resource policy and planning and energy facility
36 siting are transferred to the department (~~of community, trade, and~~

1 ~~economic development~~). All references to the director or the state
2 energy office in the Revised Code of Washington shall be construed to
3 mean the director of commerce or the department (~~of community, trade,~~
4 ~~and economic development~~) when referring to the functions transferred
5 in this section.

6 The director shall appoint an assistant director for energy policy,
7 and energy policy staff shall have no additional responsibilities
8 beyond activities concerning energy policy.

9 (2)(a) All reports, documents, surveys, books, records, files,
10 papers, or written material in the possession of the state energy
11 office pertaining to the powers, functions, and duties transferred
12 shall be delivered to the custody of the department (~~of community,~~
13 ~~trade, and economic development~~). All cabinets, furniture, office
14 equipment, software, database, motor vehicles, and other tangible
15 property employed by the state energy office in carrying out the
16 powers, functions, and duties transferred shall be made available to
17 the department (~~of community, trade, and economic development~~).

18 (b) Any appropriations made to the state energy office for carrying
19 out the powers, functions, and duties transferred shall, on July 1,
20 1996, be transferred and credited to the department (~~of community,~~
21 ~~trade, and economic development~~).

22 (c) Whenever any question arises as to the transfer of any funds,
23 books, documents, records, papers, files, software, database,
24 equipment, or other tangible property used or held in the exercise of
25 the powers and the performance of the duties and functions transferred,
26 the director of financial management shall make a determination as to
27 the proper allocation and certify the same to the state agencies
28 concerned.

29 (3) All employees of the state energy office engaged in performing
30 the powers, functions, and duties pertaining to the energy facility
31 site evaluation council are transferred to the jurisdiction of the
32 department (~~of community, trade, and economic development~~). All
33 employees engaged in energy facility site evaluation council duties
34 classified under chapter 41.06 RCW, the state civil service law, are
35 assigned to the department (~~of community, trade, and economic~~
36 ~~development~~) to perform their usual duties upon the same terms as
37 formerly, without any loss of rights, subject to any action that may be

1 appropriate thereafter in accordance with the laws and rules governing
2 state civil service.

3 (4) All rules and all pending business before the state energy
4 office pertaining to the powers, functions, and duties transferred
5 shall be continued and acted upon by the department (~~(of community,
6 trade, and economic development)~~). All existing contracts and
7 obligations shall remain in full force and shall be performed by the
8 department (~~(of community, trade, and economic development)~~).

9 (5) The transfer of the powers, duties, and functions of the state
10 energy office does not affect the validity of any act performed before
11 July 1, 1996.

12 (6) If apportionments of budgeted funds are required because of the
13 transfers directed by this section, the director of the office of
14 financial management shall certify the apportionments to the agencies
15 affected, the state auditor, and the state treasurer. Each of these
16 shall make the appropriate transfer and adjustments in funds and
17 appropriation.

18 (7) The department (~~(of community, trade, and economic
19 development)~~) shall direct the closure of the financial records of the
20 state energy office.

21 (8) Responsibility for implementing energy education, applied
22 research, and technology transfer programs rests with Washington State
23 University. The department (~~(of community, trade, and economic
24 development)~~) shall provide Washington State University available
25 existing and future oil overcharge restitution and federal energy block
26 funding for a minimum period of five years to carry out energy programs
27 under an interagency agreement with the department (~~(of community,
28 trade, and economic development)~~). The interagency agreement shall
29 also outline the working relationship between the department (~~(of
30 community, trade, and economic development)~~) and Washington State
31 University as it pertains to the relationship between energy policy
32 development and public outreach. Nothing in chapter 186, Laws of 1996
33 prohibits Washington State University from seeking grant, contract, or
34 fee-for-service funding for energy or related programs directly from
35 other entities.

36 **Sec. 157.** RCW 43.332.010 and 2003 c 346 s 2 are each amended to
37 read as follows:

1 (1) The office of the Washington state trade representative is
2 created in the office of the governor. The office shall serve as the
3 state's official liaison with foreign governments on trade matters.

4 (2) The office shall:

5 (a) Work with the department of (~~community, trade, and economic~~
6 ~~development~~) commerce, the department of agriculture, and other
7 appropriate state agencies, and within the agencies' existing
8 resources, review and analyze proposed and enacted international trade
9 agreements and provide an assessment of the impact of the proposed or
10 enacted agreement on Washington's businesses and firms;

11 (b) Provide input to the office of the United States trade
12 representative in the development of international trade, commodity,
13 and direct investment policies that reflect the concerns of the state
14 of Washington;

15 (c) Serve as liaison to the legislature on matters of trade policy
16 oversight including, but not limited to, updates to the legislature
17 regarding the status of trade negotiations, trade litigation, and the
18 impacts of trade policy on Washington state businesses;

19 (d) Work with the international trade division of the department of
20 (~~community, trade, and economic development~~) commerce and the
21 international marketing program of the Washington state department of
22 agriculture to develop a statewide strategy designed to increase the
23 export of Washington goods and services, particularly goods and
24 services from small and medium-sized businesses; and

25 (e) Conduct other activities the governor deems necessary to
26 promote international trade and foreign investment within the state.

27 (3) The office shall prepare and submit an annual report on its
28 activities under subsection (2) of this section to the governor and
29 appropriate committees of the legislature.

30 **Sec. 158.** RCW 43.336.050 and 2007 c 228 s 105 are each amended to
31 read as follows:

32 The tourism enterprise account is created in the custody of the
33 state treasurer.

34 (1) All receipts from RCW 43.336.030(2)(a) must be deposited into
35 the account. Only the executive director or the executive director's
36 designee may authorize expenditures from the account. The account is

1 subject to allotment procedures under chapter 43.88 RCW, but an
2 appropriation is not required for expenditures.

3 (2) Moneys transferred from the state convention and trade
4 (~~(center)~~) center account to this account, as provided in RCW
5 67.40.040, shall be available for expenditure in accordance with the
6 requirements of this section. As provided under subsection (3) of this
7 section, moneys must be matched with private sector cash contributions,
8 the value of an advertising equivalency contribution, or through an in-
9 kind contribution. The commission shall determine criteria for what
10 qualifies as an in-kind contribution. The moneys subject to match may
11 be expended as private match is received or with evidence of qualified
12 expenditure.

13 (3)(a) Twenty-five percent of the moneys transferred in fiscal year
14 2009 are subject to a match;

15 (b) Fifty percent of the moneys transferred in fiscal year 2010 are
16 subject to a match; and

17 (c) One hundred percent of the moneys transferred in fiscal year
18 2011, and thereafter, are subject to a match.

19 (4) Expenditures from the account may be used by the department of
20 (~~(community, trade, and economic development)~~) commerce only for the
21 purposes of expanding and promoting the tourism industry in the state
22 of Washington.

23 **Sec. 159.** RCW 46.16.340 and 1995 c 391 s 8 are each amended to
24 read as follows:

25 The director, from time to time, shall furnish the state military
26 department, the department of (~~(community, trade, and economic~~
27 ~~development)~~) commerce, the Washington state patrol, and all county
28 sheriffs a list of the names, addresses, and license plate or radio
29 station call letters of each person possessing the special amateur
30 radio station license plates so that the facilities of such radio
31 stations may be utilized to the fullest extent in the work of these
32 governmental agencies.

33 **Sec. 160.** RCW 46.44.170 and 2005 c 399 s 1 are each amended to
34 read as follows:

35 (1) Any person moving a mobile home as defined in RCW 46.04.302 or

1 a park model trailer as defined in RCW 46.04.622 upon public highways
2 of the state must obtain:

3 (a) A special permit from the department of transportation and
4 local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay
5 the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

6 (b) For mobile homes constructed before June 15, 1976, and already
7 situated in the state: (i) A certification from the department of
8 labor and industries that the mobile home was inspected for fire
9 safety; or (ii) an affidavit in the form prescribed by the department
10 of (~~community, trade, and economic development~~) commerce signed by
11 the owner at the county treasurer's office at the time of the
12 application for the movement permit stating that the mobile home is
13 being moved by the owner for his or her continued occupation or use; or
14 (iii) a copy of the certificate of ownership or title together with an
15 affidavit signed under penalty of perjury by the certified owner
16 stating that the mobile home is being transferred to a wrecking yard or
17 similar facility for disposal. In addition, the destroyed mobile home
18 must be removed from the assessment rolls of the county and any
19 outstanding taxes on the destroyed mobile home must be removed by the
20 county treasurer.

21 (2) A special permit issued as provided in subsection (1) of this
22 section for the movement of any mobile home or a park model trailer
23 that is assessed for purposes of property taxes shall not be valid
24 until the county treasurer of the county in which the mobile home or
25 park model trailer is located shall endorse or attach his or her
26 certificate that all property taxes which are a lien or which are
27 delinquent, or both, upon the mobile home or park model trailer being
28 moved have been satisfied. Further, any mobile home or park model
29 trailer required to have a special movement permit under this section
30 shall display an easily recognizable decal. However, endorsement or
31 certification by the county treasurer and the display of the decal is
32 not required:

33 (a) When a mobile home or park model trailer is to enter the state
34 or is being moved from a manufacturer or distributor to a retail sales
35 outlet or directly to the purchaser's designated location or between
36 retail and sales outlets;

37 (b) When a signed affidavit of destruction is filed with the county
38 assessor and the mobile home or park model trailer is being moved to a

1 disposal site by a landlord as defined in RCW 59.20.030 after (i) the
2 mobile home or park model trailer has been abandoned as defined in RCW
3 59.20.030; or (ii) a final judgment for restitution of the premises
4 under RCW 59.18.410 has been executed in favor of the landlord with
5 regard to the mobile home or park model trailer. The mobile home or
6 park model trailer will be removed from the tax rolls and, upon
7 notification by the assessor, any outstanding taxes on the destroyed
8 mobile home or park model trailer will be removed by the county
9 treasurer; or

10 (c) When a signed affidavit of destruction is filed with the county
11 assessor by any mobile home or park model trailer owner or any property
12 owner with an abandoned mobile home or park model trailer, the same
13 shall be removed from the tax rolls and upon notification by the
14 assessor, any outstanding taxes on the destroyed mobile home or park
15 model trailer shall be removed by the county treasurer.

16 (3) If the landlord of a mobile home park takes ownership of a
17 mobile home or park model trailer with the intent to resell or rent the
18 same under RCW 59.20.030 after (a) the mobile home or park model
19 trailer has been abandoned as defined in RCW 59.20.030; or (b) a final
20 judgment for restitution of the premises under RCW 59.18.410 has been
21 executed in favor of the landlord with regard to the mobile home or
22 park model trailer, the outstanding taxes become the responsibility of
23 the landlord.

24 (4) It is the responsibility of the owner of the mobile home or
25 park model trailer subject to property taxes or the agent to obtain the
26 endorsement and decal from the county treasurer before a mobile home or
27 park model trailer is moved.

28 (5) This section does not prohibit the issuance of vehicle license
29 plates for a mobile home or park model trailer subject to property
30 taxes, but plates shall not be issued unless the mobile home or park
31 model trailer subject to property taxes for which plates are sought has
32 been listed for property tax purposes in the county in which it is
33 principally located and the appropriate fee for the license has been
34 paid.

35 (6) The department of transportation, the department of labor and
36 industries, and local authorities are authorized to adopt reasonable
37 rules for implementing the provisions of this section. The department
38 of transportation shall adopt rules specifying the design, reflective

1 characteristics, annual coloration, and for the uniform implementation
2 of the decal required by this section. By January 1, 2006, the
3 department of labor and industries shall also adopt procedures for
4 notifying destination local jurisdictions concerning the arrival of
5 mobile homes that failed safety inspections.

6 **Sec. 161.** RCW 47.06.110 and 2005 c 319 s 124 are each amended to
7 read as follows:

8 The state-interest component of the statewide multimodal
9 transportation plan shall include a state public transportation plan
10 that:

11 (1) Articulates the state vision of an interest in public
12 transportation and provides quantifiable objectives, including benefits
13 indicators;

14 (2) Identifies the goals for public transit and the roles of
15 federal, state, regional, and local entities in achieving those goals;

16 (3) Recommends mechanisms for coordinating state, regional, and
17 local planning for public transportation;

18 (4) Recommends mechanisms for coordinating public transportation
19 with other transportation services and modes;

20 (5) Recommends criteria, consistent with the goals identified in
21 subsection (2) of this section and with RCW 82.44.180 (2) and (3), for
22 existing federal authorizations administered by the department to
23 transit agencies; and

24 (6) Recommends a statewide public transportation facilities and
25 equipment management system as required by federal law.

26 In developing the state public transportation plan, the department
27 shall involve local jurisdictions, public and private providers of
28 transportation services, nonmotorized interests, and state agencies
29 with an interest in public transportation, including but not limited to
30 the departments of (~~community, trade, and economic development~~)
31 commerce, social and health services, and ecology, the office of the
32 superintendent of public instruction, the office of the governor, and
33 the office of financial management.

34 The department shall submit to the senate and house transportation
35 committees by December 1st of each year, reports summarizing the plan's
36 progress.

1 **Sec. 162.** RCW 47.12.064 and 1995 c 399 s 121 are each amended to
2 read as follows:

3 (1) The department shall identify and catalog real property that is
4 no longer required for department purposes and is suitable for the
5 development of affordable housing for very low-income, low-income, and
6 moderate-income households as defined in RCW 43.63A.510. The inventory
7 shall include the location, approximate size, and current zoning
8 classification of the property. The department shall provide a copy of
9 the inventory to the department of (~~community, trade, and economic~~
10 ~~development~~) commerce by November 1, 1993, and every November 1
11 thereafter.

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

18 **Sec. 163.** RCW 47.26.345 and 2005 c 83 s 3 are each amended to read
19 as follows:

20 All cities and towns with a population of less than five thousand
21 are eligible to receive money from the small city pavement and sidewalk
22 account created under RCW 47.26.340 for maintenance, repair, and
23 resurfacing of city and town streets. The board shall determine the
24 allocation of money based on:

25 (1) The amount of available funds within the small city pavement
26 and sidewalk account;

27 (2) Whether the city or town meets one or more of the following
28 criteria:

29 (a) The city or town has identified a street in a six-year
30 transportation improvement plan, as defined by RCW 35.77.010, or a
31 project identified through the use of a pavement management system;

32 (b) The city or town has provided pavement rating information on
33 the proposed street improvement or street network improvement;

34 (c) The city or town has provided sidewalk information on the
35 proposed sidewalk system improvement;

36 (d) The city or town has provided information, where available, on
37 traffic conditions for truck routes, bus routes, and traffic volumes;

1 (e) The city or town has the ability to provide a local match as
2 demonstrated by one or more of the following:

3 (i) A funding match based upon a city's assessed valuation;

4 (ii) Community involvement and support, including volunteer
5 participation, such as landscaping and maintaining landscaping along
6 the street or sidewalk system; or

7 (iii) Partnership efforts with federal or other state programs,
8 including the department of (~~community, trade, and economic~~
9 ~~development~~) commerce mainstreet program.

10 **Sec. 164.** RCW 47.39.040 and 1995 c 399 s 122 are each amended to
11 read as follows:

12 The establishment of planning and design standards for items
13 provided for in RCW 47.39.050 shall be coordinated by the department of
14 (~~community, trade, and economic development~~) commerce. The
15 department of transportation, parks and recreation commission, and any
16 other departments or commissions whose interests are affected shall
17 prepare, submit, and file with the department of (~~community, trade,~~
18 ~~and economic development~~) commerce standards relating to the scenic
19 and recreational highway system. If varying planning and design
20 standards are filed, the department of (~~community, trade, and economic~~
21 ~~development~~) commerce shall consult with the submitting agencies on
22 the merits of the several proposals and, based upon such consultation,
23 establish a set of standards. Pursuant to the planning and design
24 standards so established, the department of transportation and the
25 parks and recreation commission shall develop the highways and areas
26 adjacent thereto to accomplish the purposes of this chapter, but the
27 department shall retain exclusive authority over the highway right-of-
28 way.

29 Responsibility for construction and maintenance is hereby
30 established between the department and the parks and recreation
31 commission with the department responsible for activities financed with
32 funds provided for under RCW 47.39.030(1) and the parks and recreation
33 commission responsible for activities financed from other sources of
34 funds. By mutual consent, responsibility for development and/or
35 maintenance may be transferred between the two agencies.

1 **Sec. 165.** RCW 47.39.069 and 1999 c 218 s 4 are each amended to
2 read as follows:

3 (1) The department, in consultation with the department of
4 (~~community, trade, and economic development~~) commerce, the department
5 of natural resources, the parks and recreation commission, affected
6 cities, towns, and counties, federally recognized tribes, regional
7 transportation planning organizations, Washington-based automobile
8 clubs, statewide bicycling organizations, and other interested parties,
9 shall develop by December 31, 1999, criteria for assessing scenic
10 byways and heritage tour routes and an appropriate method of nomination
11 and application for the designation and removal of the designation of
12 the byways. Factors the department may take into consideration, but is
13 not limited by, are: (a) Scenic quality of the byway; (b) natural
14 aspects, such as geological formations, water bodies, vegetation, and
15 wildlife; (c) historic elements; (d) cultural features such as the
16 arts, crafts, music, customs, or traditions of a distinct group of
17 people; (e) archaeological features; (f) recreational activities; (g)
18 roadway safety including accommodations for bicycle and pedestrian
19 travel, tour buses, and automobiles; (h) scenic byway and local and
20 regional byway management plans; and (i) local public involvement and
21 support for the byway.

22 (2) The criteria developed in subsection (1) of this section must
23 not impose nor require regulation of privately owned lands or property
24 rights.

25 (3) Any person may nominate a roadway, path, or trail for inclusion
26 in the scenic byway program. The department shall assess nominations
27 in accordance with the criteria developed under subsection (1) of this
28 section. The department shall submit its recommendations for scenic
29 byway and heritage tour route designations to the commission for its
30 approval and official designation of the roadway, path, or trail as a
31 scenic byway or a heritage tour route. All decisions made by the
32 commission relating to scenic byway and heritage tour route
33 designations are final.

34 (4) The department shall apply the criteria in subsection (1) of
35 this section to state highways that are currently not a part of the
36 designated scenic and recreational highway system. The department
37 shall respond to local requests for route evaluation as defined in
38 subsection (3) of this section.

1 (5) Once the commission has designated a roadway as a scenic byway,
2 the department may submit an individual nomination to the Federal
3 Highway Administration for its consideration of whether the roadway
4 qualifies to be designated as a national scenic byway or an All-
5 American Roadway.

6 **Sec. 166.** RCW 47.39.090 and 1995 c 399 s 123 are each amended to
7 read as follows:

8 In developing the scenic and recreational highways program, the
9 department shall consult with the department of (~~community, trade, and~~
10 ~~economic development~~) commerce, the department of natural resources,
11 the parks and recreation commission, affected cities, towns, and
12 counties, regional transportation planning organizations, statewide
13 bicycling organizations, and other interested parties. The scenic and
14 recreational highways program may identify entire highway loops or
15 similar tourist routes that could be developed to promote tourist
16 activity and provide concurrent economic growth while protecting the
17 scenic and recreational quality surrounding state highways.

18 **Sec. 167.** RCW 47.50.090 and 1995 c 399 s 124 are each amended to
19 read as follows:

20 (1) The department shall develop, adopt, and maintain an access
21 control classification system for all routes on the state highway
22 system, the purpose of which shall be to provide for the implementation
23 and continuing applications of the provision of this chapter.

24 (2) The principal component of the access control classification
25 system shall be access management standards, the purpose of which shall
26 be to provide specific minimum standards to be adhered to in the
27 planning for and approval of access to state highways.

28 (3) The control classification system shall be developed consistent
29 with the following:

30 (a) The department shall, no later than January 1, 1993, adopt
31 rules setting forth procedures governing the implementation of the
32 access control classification system required by this chapter. The
33 rule shall provide for input from the entities described in (b) of this
34 subsection as well as for public meetings to discuss the access control
35 classification system. Nothing in this chapter shall affect the
36 validity of the department's existing or subsequently adopted rules

1 concerning access to the state highway system. Such rules shall remain
2 in effect until repealed or replaced by the rules required by this
3 chapter.

4 (b) The access control classification system shall be developed in
5 cooperation with counties, cities and towns, the department of
6 (~~community, trade, and economic development~~) commerce, regional
7 transportation planning organizations, and other local governmental
8 entities, and for city streets designated as state highways pursuant to
9 chapter 47.24 RCW, adopted with the concurrence of the city design
10 standards committee.

11 (c) The rule required by this section shall provide that assignment
12 of a road segment to a specific access category be made in
13 consideration of the following criteria:

14 (i) Local land use plans and zoning, as set forth in comprehensive
15 plans;

16 (ii) The current functional classification as well as potential
17 future functional classification of each road on the state highway
18 system;

19 (iii) Existing and projected traffic volumes;

20 (iv) Existing and projected state, local, and metropolitan planning
21 organization transportation plans and needs;

22 (v) Drainage requirements;

23 (vi) The character of lands adjoining the highway;

24 (vii) The type and volume of traffic requiring access;

25 (viii) Other operational aspects of access;

26 (ix) The availability of reasonable access by way of county roads
27 and city streets to a state highway; and

28 (x) The cumulative effect of existing and projected connections on
29 the state highway system's ability to provide for the safe and
30 efficient movement of people and goods within the state.

31 (d) Access management standards shall include, but not be limited
32 to, connection location standards, safety factors, design and
33 construction standards, desired levels of service, traffic control
34 devices, and effective maintenance of the roads. The standards shall
35 also contain minimum requirements for the spacing of connections,
36 intersecting streets, roads, and highways.

37 (e) An access control category shall be assigned to each segment of
38 the state highway system by July 1, 1993.

1 **Sec. 168.** RCW 47.76.230 and 2007 c 234 s 94 are each amended to
2 read as follows:

3 (1) The department of transportation shall continue its
4 responsibility for the development and implementation of the state rail
5 plan and programs, and the utilities and transportation commission
6 shall continue its responsibility for railroad safety issues.

7 (2) The department of transportation shall maintain an enhanced
8 data file on the rail system. Proprietary annual station traffic data
9 from each railroad and the modal use of major shippers must be obtained
10 to the extent that such information is available.

11 (3) The department of transportation shall provide technical
12 assistance, upon request, to state agencies and local interests.
13 Technical assistance includes, but is not limited to, the following:

14 (a) Rail project cost-benefit analyses conducted in accordance with
15 methodologies recommended by the federal railroad administration;

16 (b) Assistance in the formation of county rail districts and port
17 districts; and

18 (c) Feasibility studies for rail service continuation or rail
19 service assistance, or both.

20 (4) With funding authorized by the legislature, the department of
21 transportation, in collaboration with the department of (~~community,~~
22 ~~trade, and economic development~~) commerce, and local economic
23 development agencies, and other interested public and private
24 organizations, shall develop a cooperative process to conduct community
25 and business information programs and to regularly disseminate
26 information on rail matters.

27 **Sec. 169.** RCW 47.80.090 and 2009 c 459 s 2 are each amended to
28 read as follows:

29 (1) A regional transportation planning organization containing any
30 county with a population in excess of one million in collaboration with
31 representatives from the department of ecology, the department of
32 (~~community, trade, and economic development~~) commerce, local
33 governments, and the office of regulatory assistance must seek federal
34 or private funding for the planning for, deployment of, or regulations
35 concerning electric vehicle infrastructure. These efforts should
36 include:

1 (a) Development of short-term and long-term plans outlining how
2 state, regional, and local government construction may include electric
3 vehicle infrastructure in publicly available off-street parking and
4 government fleet vehicle parking, including what ratios of charge spots
5 to parking may be appropriate based on location or type of facility or
6 building;

7 (b) Consultations with the state building code council and the
8 department of labor and industries to coordinate the plans with state
9 standards for new residential, commercial, and industrial buildings to
10 ensure that the appropriate electric circuitry is installed to support
11 electric vehicle infrastructure;

12 (c) Consultation with the workforce development council and the
13 higher education coordinating board to ensure the development of
14 appropriate educational and training opportunities for citizens of the
15 state in support of the transition of some portion of vehicular
16 transportation from combustion to electric vehicles;

17 (d) Development of an implementation plan for counties with a
18 population greater than five hundred thousand with the goal of having
19 public and private parking spaces, in the aggregate, be ten percent
20 electric vehicle ready by December 31, 2018; and

21 (e) Development of model ordinances and guidance for local
22 governments for siting and installing electric vehicle infrastructure,
23 in particular battery charging stations, and appropriate handling,
24 recycling, and storage of electric vehicle batteries and equipment.

25 (2) These plans and any recommendations developed as a result of
26 the consultations required by this section must be submitted to the
27 legislature by December 31, 2010, or as soon as reasonably practicable
28 after the securing of any federal or private funding. Priority will be
29 given to the activities in subsection (1)(e) of this section and any
30 ordinances or guidance that is developed will be submitted to the
31 legislature, the department of (~~community, trade, and economic~~
32 ~~development~~) commerce, and affected local governments prior to
33 December 31, 2010, if completed.

34 (3) The definitions in this subsection apply (~~through~~
35 ~~[throughout]~~) throughout this section unless the context clearly
36 requires otherwise.

37 (a) "Battery charging station" means an electrical component
38 assembly or cluster of component assemblies designed specifically to

1 charge batteries within electric vehicles, which meet or exceed any
2 standards, codes, and regulations set forth by chapter 19.28 RCW and
3 consistent with rules adopted under RCW 19.27.540.

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

10 (c) "Electric vehicle infrastructure" means structures, machinery,
11 and equipment necessary and integral to support an electric vehicle,
12 including battery charging stations, rapid charging stations, and
13 battery exchange stations.

14 (d) "Rapid charging station" means an industrial grade electrical
15 outlet that allows for faster recharging of electric vehicle batteries
16 through higher power levels, which meets or exceeds any standards,
17 codes, and regulations set forth by chapter 19.28 RCW and consistent
18 with rules adopted under RCW 19.27.540.

19 **Sec. 170.** RCW 49.04.200 and 2009 c 536 s 12 are each amended to
20 read as follows:

21 (1) The council must evaluate the potential of existing
22 apprenticeship and training programs that would produce workers with
23 the skills needed to conduct energy audits and provide energy
24 efficiency services and deliver its findings to the department of
25 (~~community, trade, and economic development, the leadership team~~)
26 commerce, and the appropriate committees of the legislature as soon as
27 possible, but no later than January 18, 2010.

28 (2) The council may prioritize workforce training programs that
29 lead to apprenticeship programs in green economy jobs. For purposes of
30 this section, green economy jobs include those in the primary
31 industries of a green economy, including clean energy, the forestry
32 industry, high-efficiency building, green transportation, and
33 environmental protection. Prioritization efforts may include but are
34 not limited to: (a) Prioritization of the use of high employer-demand
35 funding for workforce training programs in green economy jobs; (b)
36 increased outreach efforts to public utilities, education, labor,
37 government, and private industry to develop tailored, green job

1 training programs; and (c) increased outreach efforts to target
2 populations. Outreach efforts shall be conducted in partnership with
3 local workforce development councils.

4 (3) The definitions in RCW 43.330.010 apply to this section.

5 **Sec. 171.** RCW 50.16.010 and 2009 c 564 s 946 are each amended to
6 read as follows:

7 (1) There shall be maintained as special funds, separate and apart
8 from all public moneys or funds of this state an unemployment
9 compensation fund, an administrative contingency fund, and a federal
10 interest payment fund, which shall be administered by the commissioner
11 exclusively for the purposes of this title, and to which RCW 43.01.050
12 shall not be applicable.

13 (2)(a) The unemployment compensation fund shall consist of:

14 (i) All contributions collected under RCW 50.24.010 and payments in
15 lieu of contributions collected pursuant to the provisions of this
16 title;

17 (ii) Any property or securities acquired through the use of moneys
18 belonging to the fund;

19 (iii) All earnings of such property or securities;

20 (iv) Any moneys received from the federal unemployment account in
21 the unemployment trust fund in accordance with Title XII of the social
22 security act, as amended;

23 (v) All money recovered on official bonds for losses sustained by
24 the fund;

25 (vi) All money credited to this state's account in the unemployment
26 trust fund pursuant to section 903 of the social security act, as
27 amended;

28 (vii) All money received from the federal government as
29 reimbursement pursuant to section 204 of the federal-state extended
30 compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

31 (viii) All moneys received for the fund from any other source.

32 (b) All moneys in the unemployment compensation fund shall be
33 commingled and undivided.

34 (3)(a) Except as provided in (b) of this subsection, the
35 administrative contingency fund shall consist of:

36 (i) All interest on delinquent contributions collected pursuant to
37 this title;

1 (ii) All fines and penalties collected pursuant to the provisions
2 of this title;

3 (iii) All sums recovered on official bonds for losses sustained by
4 the fund; and

5 (iv) Revenue received under RCW 50.24.014.

6 (b) All fees, fines, forfeitures, and penalties collected or
7 assessed by a district court because of the violation of this title or
8 rules adopted under this title shall be remitted as provided in chapter
9 3.62 RCW.

10 (c) Except as provided in (d) of this subsection, moneys available
11 in the administrative contingency fund, other than money in the special
12 account created under RCW 50.24.014, shall be expended upon the
13 direction of the commissioner, with the approval of the governor,
14 whenever it appears to him or her that such expenditure is necessary
15 solely for:

16 (i) The proper administration of this title and that insufficient
17 federal funds are available for the specific purpose to which such
18 expenditure is to be made, provided, the moneys are not substituted for
19 appropriations from federal funds which, in the absence of such moneys,
20 would be made available.

21 (ii) The proper administration of this title for which purpose
22 appropriations from federal funds have been requested but not yet
23 received, provided, the administrative contingency fund will be
24 reimbursed upon receipt of the requested federal appropriation.

25 (iii) The proper administration of this title for which compliance
26 and audit issues have been identified that establish federal claims
27 requiring the expenditure of state resources in resolution. Claims
28 must be resolved in the following priority: First priority is to
29 provide services to eligible participants within the state; second
30 priority is to provide substitute services or program support; and last
31 priority is the direct payment of funds to the federal government.

32 (d)(i) During the 2007-2009 fiscal biennium, moneys available in
33 the administrative contingency fund, other than money in the special
34 account created under RCW 50.24.014(1)(a), shall be expended as
35 appropriated by the legislature for: (A) The cost of the job skills or
36 worker retraining programs at the community and technical colleges and
37 administrative costs at the state board for community and technical
38 colleges; and (B) reemployment services such as business and project

1 development assistance, local economic development capacity building,
2 and local economic development financial assistance at the department
3 of ((community, trade, and economic development)) commerce. The
4 remaining appropriation may be expended as specified in (c) of this
5 subsection.

6 (ii) During the 2009-2011 fiscal biennium, moneys available in the
7 administrative contingency fund, other than money in the special
8 account created under RCW 50.24.014(1)(a), shall be expended by the
9 department of social and health services as appropriated by the
10 legislature for employment and training services and programs in the
11 WorkFirst program, and for the administrative costs of state agencies
12 participating in the WorkFirst program. The remaining appropriation
13 may be expended as specified in (c) of this subsection.

14 (4) Money in the special account created under RCW 50.24.014(1)(a)
15 may only be expended, after appropriation, for the purposes specified
16 in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014,
17 50.44.053, and 50.22.010.

18 **Sec. 172.** RCW 50.38.030 and 1995 c 399 s 142 are each amended to
19 read as follows:

20 The employment security department shall consult with the following
21 agencies prior to the issuance of the state occupational forecast:

- 22 (1) Office of financial management;
- 23 (2) Department of ((community, trade, and economic development))
24 commerce;
- 25 (3) Department of labor and industries;
- 26 (4) State board for community and technical colleges;
- 27 (5) Superintendent of public instruction;
- 28 (6) Department of social and health services;
- 29 (7) Workforce training and education coordinating board; and
- 30 (8) Other state and local agencies as deemed appropriate by the
31 commissioner of the employment security department.

32 These agencies shall cooperate with the employment security
33 department, submitting information relevant to the generation of
34 occupational forecasts.

35 **Sec. 173.** RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended to
36 read as follows:

1 The Washington youthbuild program is established within the
2 department. The commissioner, in cooperation and consultation with the
3 director of the department of (~~community, trade, and economic~~
4 ~~development~~)) commerce, shall:

5 (1) Make grants, up to the lesser of three hundred thousand dollars
6 or twenty-five percent of the total costs of the youthbuild activities,
7 to applicants eligible to provide education and employment training
8 under federal or state employment training programs, for the purpose of
9 carrying out a wide range of multidisciplinary activities and services
10 to assist economically disadvantaged youth under the federal
11 opportunities for youth: Youthbuild program (106 Stat. 3723; 42 U.S.C.
12 Sec. 8011), or locally developed youthbuild-type programs for
13 economically disadvantaged youth; and

14 (2) Coordinate youth employment and training efforts under the
15 department's jurisdiction and cooperate with other agencies and
16 departments providing youth services to ensure that funds appropriated
17 for the purposes of this chapter will be used to supplement funding
18 from federal, state, local, or private sources.

19 **Sec. 174.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to read
20 as follows:

21 (1)(a) Except as provided in (b) of this subsection, a port
22 district may at any time contract indebtedness or borrow money for
23 district purposes and may issue general obligation bonds therefor not
24 exceeding an amount, together with any existing indebtedness of the
25 district not authorized by the voters, of one-fourth of one percent of
26 the value of the taxable property in the district.

27 (b) Port districts having less than eight hundred million dollars
28 in value of taxable property during 1991 may at any time contract
29 indebtedness or borrow money for port district purposes and may issue
30 general obligation bonds therefor not exceeding an amount, combined
31 with existing indebtedness of the district not authorized by the
32 voters, of three-eighths of one percent of the value of the taxable
33 property in the district. Prior to contracting for any indebtedness
34 authorized by this subsection (1)(b), the port district must have a
35 comprehensive plan for harbor improvements or industrial development
36 and a long-term financial plan approved by the department of
37 (~~community, trade, and economic development~~)) commerce. The

1 department (~~of community, trade, and economic development~~) is immune
2 from any liability for its part in reviewing or approving port
3 district's improvement or development plans, or financial plans. Any
4 indebtedness authorized by this subsection (1)(b) may be used only to
5 acquire or construct a facility, and, prior to contracting for such
6 indebtedness, the port district must have a lease contract for a
7 minimum of five years for the facility to be acquired or constructed by
8 the debt.

9 (2) With the assent of three-fifths of the voters voting thereon at
10 a general or special port election called for that purpose, a port
11 district may contract indebtedness or borrow money for district
12 purposes and may issue general obligation bonds therefor provided the
13 total indebtedness of the district at any such time shall not exceed
14 three-fourths of one percent of the value of the taxable property in
15 the district.

16 (3) In addition to the indebtedness authorized under subsections
17 (1) and (2) of this section, port districts having less than two
18 hundred million dollars in value of taxable property and operating a
19 municipal airport may at any time contract indebtedness or borrow money
20 for airport capital improvement purposes and may issue general
21 obligation bonds therefor not exceeding an additional one-eighth of one
22 percent of the value of the taxable property in the district without
23 authorization by the voters; and, with the assent of three-fifths of
24 the voters voting thereon at a general or special port election called
25 for that purpose, may contract indebtedness or borrow money for airport
26 capital improvement purposes and may issue general obligation bonds
27 therefor for an additional three-eighths of one percent provided the
28 total indebtedness of the district for all port purposes at any such
29 time shall not exceed one and one-fourth percent of the value of the
30 taxable property in the district.

31 (4) Any port district may issue general district bonds evidencing
32 any indebtedness, payable at any time not exceeding fifty years from
33 the date of the bonds. Any contract for indebtedness or borrowed money
34 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.
35 The bonds shall be issued and sold in accordance with chapter 39.46
36 RCW.

37 (5) Elections required under this section shall be held as provided
38 in RCW 39.36.050.

1 (6) For the purpose of this section, "indebtedness of the district"
2 shall not include any debt of a countywide district with a population
3 less than twenty-five hundred people when the debt is secured by a
4 mortgage on property leased to the federal government; and the term
5 "value of the taxable property" shall have the meaning set forth in RCW
6 39.36.015.

7 (7) This section does not apply to a loan made under a loan
8 agreement under chapter 39.69 RCW, and a computation of indebtedness
9 under this chapter must exclude the amount of a loan under such a loan
10 agreement.

11 **Sec. 175.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to
12 read as follows:

13 (1) A district providing utility service for residential space
14 heating shall not terminate such utility service between November 15
15 through March 15 if the customer:

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

24 (b) Provides self-certification of household income for the prior
25 twelve months to a grantee of the department of (~~community, trade, and~~
26 ~~economic development~~) commerce which administers federally funded
27 energy assistance programs. The grantee shall determine that the
28 household income does not exceed the maximum allowed for eligibility
29 under the state's plan for low-income energy assistance under 42 U.S.C.
30 8624 and shall provide a dollar figure that is seven percent of
31 household income. The grantee may verify information provided in the
32 self-certification;

33 (c) Has applied for home heating assistance from applicable
34 government and private sector organizations and certifies that any
35 assistance received will be applied to the current bill and future
36 utility bills;

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

4 (e) Agrees to a payment plan and agrees to maintain the payment
5 plan. The plan will be designed both to pay the past due bill by the
6 following October 15 and to pay for continued utility service. If the
7 past due bill is not paid by the following October 15, the customer
8 shall not be eligible for protections under this chapter until the past
9 due bill is paid. The plan shall not require monthly payments in
10 excess of seven percent of the customer's monthly income plus one-
11 twelfth of any arrearage accrued from the date application is made and
12 thereafter during November 15 through March 15. A customer may agree
13 to pay a higher percentage during this period, but shall not be in
14 default unless payment during this period is less than seven percent of
15 monthly income plus one-twelfth of any arrearage accrued from the date
16 application is made and thereafter. If assistance payments are
17 received by the customer subsequent to implementation of the plan, the
18 customer shall contact the utility to reformulate the plan; and

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

20 (2) The utility shall:

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

24 (b) Assist the customer in fulfilling the requirements under this
25 section;

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

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

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

4 (3) All districts providing utility service for residential space
5 heating shall offer residential customers the option of a budget
6 billing or equal payment plan. The budget billing or equal payment
7 plan shall be offered low-income customers eligible under the state's
8 plan for low-income energy assistance prepared in accordance with 42
9 U.S.C. 8624(C)(1) without limiting availability to certain months of
10 the year, without regard to the length of time the customer has
11 occupied the premises, and without regard to whether the customer is
12 the tenant or owner of the premises occupied.

13 (4) An agreement between the customer and the utility, whether oral
14 or written, shall not waive the protections afforded under this
15 chapter.

16 **Sec. 176.** RCW 54.52.010 and 2007 c 132 s 1 are each amended to
17 read as follows:

18 A public utility district may include along with, or as part of its
19 regular customer billings, a request for voluntary contributions to
20 assist qualified low-income residential customers of the district in
21 paying their electricity bills. All funds received by the district in
22 response to such requests shall be (1) transmitted (a) to the grantee
23 of the department of (~~community, trade, and economic development~~)
24 commerce which administers federally funded energy assistance programs
25 for the state in the district's service area or (b) to a charitable
26 organization within the district's service area; or (2) retained by the
27 district. All such funds shall be used solely to supplement assistance
28 to low-income residential customers of the district in paying their
29 electricity bills. The grantee, charitable organization, or district
30 is responsible to determine which of the district's customers are
31 qualified for low-income assistance and the amount of assistance to be
32 provided to those who are qualified.

33 **Sec. 177.** RCW 54.52.020 and 2007 c 132 s 2 are each amended to
34 read as follows:

35 All assistance provided under this chapter shall be disbursed by
36 the grantee, charitable organization, or district. When applicable,

1 the public utility district will be paid on behalf of the customer by
2 the grantee or the charitable organization. When direct vendor payment
3 is not feasible, a check will be issued jointly payable to the customer
4 and the public utility district. The availability of funds for
5 assistance to a district's low-income customers as a result of
6 voluntary contributions shall not reduce the amount of assistance for
7 which the district's customers are eligible under the federally funded
8 energy assistance programs administered by the grantee of the
9 department of (~~community, trade, and economic development~~) commerce
10 within the district's service area. When applicable, the grantee or
11 charitable organization shall provide the district with a quarterly
12 report on January 15th, April 15th, July 15th, and October 15th which
13 includes information concerning the total amount of funds received from
14 the district, the names of all recipients of assistance from these
15 funds, the amount received by each recipient, and the amount of funds
16 received from the district currently on hand and available for future
17 low-income assistance.

18 **Sec. 178.** RCW 57.46.010 and 1996 c 230 s 1401 are each amended to
19 read as follows:

20 A district may include along with, or as part of its regular
21 customer billings, a request for voluntary contributions to assist
22 qualified low-income residential customers of the district in paying
23 their district bills. All funds received by the district in response
24 to such requests shall be transmitted to the grantee of the department
25 of (~~community, trade, and economic development~~) commerce which
26 administers federally funded energy assistance programs for the state
27 in the district's service area or to a charitable organization within
28 the district's service area. All such funds shall be used solely to
29 supplement assistance to low-income residential customers of the
30 district in paying their district bills. The grantee or charitable
31 organization shall be responsible to determine which of the district's
32 customers are qualified for low-income assistance and the amount of
33 assistance to be provided to those who are qualified.

34 **Sec. 179.** RCW 57.46.020 and 1996 c 230 s 1402 are each amended to
35 read as follows:

36 All assistance provided under this chapter shall be disbursed by

1 the grantee or charitable organization. Where possible the district
2 shall be paid on behalf of the customer by the grantee or the
3 charitable organization. When direct vendor payment is not feasible,
4 a check shall be issued jointly payable to the customer and the
5 district. The availability of funds for assistance to a district's
6 low-income customers as a result of voluntary contributions shall not
7 reduce the amount of assistance for which the district's customers are
8 eligible under the federally funded energy assistance programs
9 administered by the grantee of the department of (~~community, trade,~~
10 ~~and economic development~~) commerce within the district's service area.
11 The grantee or charitable organization shall provide the district with
12 a quarterly report on January 15th, April 15th, July 15th, and October
13 15th which includes information concerning the total amount of funds
14 received from the district, the names of all recipients of assistance
15 from these funds, the amount received by each recipient, and the amount
16 of funds received from the district currently on hand and available for
17 future low-income assistance.

18 **Sec. 180.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to
19 read as follows:

20 (1) Any city, town, county, or municipal corporation that is
21 required to develop a comprehensive plan under RCW 36.70A.040(1) is
22 authorized to require, after reasonable notice to the public and a
23 public hearing, property owners to provide their portion of reasonable
24 relocation assistance to low-income tenants upon the demolition,
25 substantial rehabilitation whether due to code enforcement or any other
26 reason, or change of use of residential property, or upon the removal
27 of use restrictions in an assisted-housing development. No city, town,
28 county, or municipal corporation may require property owners to provide
29 relocation assistance to low-income tenants, as defined in this
30 chapter, upon the demolition, substantial rehabilitation, upon the
31 change of use of residential property, or upon the removal of use
32 restrictions in an assisted-housing development, except as expressly
33 authorized herein or when authorized or required by state or federal
34 law. As used in this section, "assisted housing development" means a
35 multifamily rental housing development that either receives government
36 assistance and is defined as federally assisted housing in RCW

1 59.28.020, or that receives other federal, state, or local government
2 assistance and is subject to use restrictions.

3 (2) As used in this section, "low-income tenants" means tenants
4 whose combined total income per dwelling unit is at or below fifty
5 percent of the median income, adjusted for family size, in the county
6 where the tenants reside.

7 The department of (~~community, trade, and economic development~~)
8 commerce shall adopt rules defining county median income in accordance
9 with the definitions promulgated by the federal department of housing
10 and urban development.

11 (3) A requirement that property owners provide relocation
12 assistance shall include the amounts of such assistance to be provided
13 to low-income tenants. In determining such amounts, the jurisdiction
14 imposing the requirement shall evaluate, and receive public testimony
15 on, what relocation expenses displaced tenants would reasonably incur
16 in that jurisdiction including:

17 (a) Actual physical moving costs and expenses;

18 (b) Advance payments required for moving into a new residence such
19 as the cost of first and last month's rent and security and damage
20 deposits;

21 (c) Utility connection fees and deposits; and

22 (d) Anticipated additional rent and utility costs in the residence
23 for one year after relocation.

24 (4)(a) Relocation assistance provided to low-income tenants under
25 this section shall not exceed two thousand dollars for each dwelling
26 unit displaced by actions of the property owner under subsection (1) of
27 this section. A city, town, county, or municipal corporation may make
28 future annual adjustments to the maximum amount of relocation
29 assistance required under this subsection in order to reflect any
30 changes in the housing component of the consumer price index as
31 published by the United States department of labor, bureau of labor
32 statistics.

33 (b) The property owner's portion of any relocation assistance
34 provided to low-income tenants under this section shall not exceed one-
35 half of the required relocation assistance under (a) of this subsection
36 in cash or services.

37 (c) The portion of relocation assistance not covered by the
38 property owner under (b) of this subsection shall be paid by the city,

1 town, county, or municipal corporation authorized to require relocation
2 assistance under subsection (1) of this section. The relocation
3 assistance may be paid from proceeds collected from the excise tax
4 imposed under RCW 82.46.010.

5 (5) A city, town, county, or municipal corporation requiring the
6 provision of relocation assistance under this section shall adopt
7 policies, procedures, or regulations to implement such requirement.
8 Such policies, procedures, or regulations shall include provisions for
9 administrative hearings to resolve disputes between tenants and
10 property owners relating to relocation assistance or unlawful detainer
11 actions during relocation, and shall require a decision within thirty
12 days of a request for a hearing by either a tenant or property owner.

13 Judicial review of an administrative hearing decision relating to
14 relocation assistance may be had by filing a petition, within ten days
15 of the decision, in the superior court in the county where the
16 residential property is located. Judicial review shall be confined to
17 the record of the administrative hearing and the court may reverse the
18 decision only if the administrative findings, inferences, conclusions,
19 or decision is:

20 (a) In violation of constitutional provisions;

21 (b) In excess of the authority or jurisdiction of the
22 administrative hearing officer;

23 (c) Made upon unlawful procedure or otherwise is contrary to law;
24 or

25 (d) Arbitrary and capricious.

26 (6) Any city, town, county, or municipal corporation may require
27 relocation assistance, under the terms of this section, for otherwise
28 eligible tenants whose living arrangements are exempted from the
29 provisions of this chapter under RCW 59.18.040(3) and if the living
30 arrangement is considered to be a rental or lease not defined as a
31 retail sale under RCW 82.04.050.

32 (7)(a) Persons who move from a dwelling unit prior to the
33 application by the owner of the dwelling unit for any governmental
34 permit necessary for the demolition, substantial rehabilitation, or
35 change of use of residential property or prior to any notification or
36 filing required for condominium conversion shall not be entitled to the
37 assistance authorized by this section.

1 (b) Persons who move into a dwelling unit after the application for
2 any necessary governmental permit or after any required condominium
3 conversion notification or filing shall not be entitled to the
4 assistance authorized by this section if such persons receive written
5 notice from the property owner prior to taking possession of the
6 dwelling unit that specifically describes the activity or condition
7 that may result in their temporary or permanent displacement and
8 advises them of their ineligibility for relocation assistance.

9 **Sec. 181.** RCW 59.24.020 and 1995 c 399 s 157 are each amended to
10 read as follows:

11 (1) The department of (~~community, trade, and economic~~
12 ~~development~~) commerce shall establish the rental security deposit
13 guarantee program. Through this program the department (~~of community,~~
14 ~~trade, and economic development~~) shall provide grants and technical
15 assistance to local governments or nonprofit corporations, including
16 local housing authorities as defined in RCW 35.82.030, who operate
17 emergency housing shelters or transitional housing programs. The
18 grants are to be used for the payment of residential rental security
19 deposits under this chapter. The technical assistance is to help the
20 local government or nonprofit corporation apply for grants and carry
21 out the program. In order to be eligible for grants under this
22 program, the recipient local government or nonprofit corporation shall
23 provide fifteen percent of the total amount needed for the security
24 deposit. The security deposit may include last month's rent where such
25 rent is required as a normal practice by the landlord.

26 (2) The grants and matching funds shall be placed by the recipient
27 local government or nonprofit corporation in a revolving loan fund and
28 deposited in a bank or savings institution in an account that is
29 separate from all other funds of the recipient. The funds and interest
30 earned on these funds shall be utilized only as collateral to guarantee
31 the payment of a security deposit required by a residential rental
32 property owner as a condition for entering into a rental agreement with
33 a prospective tenant.

34 (3) Prospective tenants who are eligible to participate in the
35 rental security deposit guarantee program shall be limited to homeless
36 persons or families who are residing in an emergency shelter or
37 transitional housing operated by a local government or a nonprofit

1 corporation, or to families who are temporarily residing in a park,
2 car, or are otherwise without adequate shelter. The local government
3 or nonprofit corporation shall make a determination regarding the
4 person's or family's eligibility to participate in this program and a
5 determination that a local rental unit is available for occupation. A
6 determination of eligibility shall include, but is not limited to: (a)
7 A determination that the person or family is homeless or is in
8 transitional housing; (b) a verification of income and that the person
9 or family can reasonably make the monthly rental payment; and (c) a
10 determination that the person or family does not have the financial
11 resources to make the rental security deposit.

12 **Sec. 182.** RCW 59.24.050 and 1995 c 399 s 158 are each amended to
13 read as follows:

14 The department of (~~community, trade, and economic development~~)
15 commerce may adopt rules to implement this chapter, including but not
16 limited to: (1) The eligibility of and the application process for
17 local governments and nonprofit corporations; (2) the criteria by which
18 grants and technical assistance shall be provided to local governments
19 and nonprofit corporations; and (3) the criteria local governments and
20 nonprofit corporations shall use in entering into contracts with
21 tenants and rental property owners.

22 **Sec. 183.** RCW 59.24.060 and 1995 c 399 s 159 are each amended to
23 read as follows:

24 The department of (~~community, trade, and economic development~~)
25 commerce may receive such gifts, grants, or endowments from public or
26 private sources, as may be made from time to time, in trust or
27 otherwise, to be used by the department (~~of community, trade, and~~
28 ~~economic development~~) for its programs, including the rental security
29 deposit guarantee program. Funds from the housing trust fund, chapter
30 43.185 RCW, up to one hundred thousand dollars, may be used for the
31 rental security deposit guarantee program by the department (~~of~~
32 ~~community, trade, and economic development~~), local governments, and
33 nonprofit organizations, provided all the requirements of this chapter
34 and chapter 43.185 RCW are met.

1 **Sec. 184.** RCW 59.28.030 and 2000 c 255 s 2 are each amended to
2 read as follows:

3 (1) This chapter shall not apply to the expiration or termination
4 of a housing assistance contract between a public housing agency and an
5 owner of existing housing participating in either the section 8
6 certificate or voucher program (42 U.S.C. Sec. 1437f).

7 (2) An owner of federally assisted housing shall not be required to
8 give notice of a prepayment under this chapter, if the owner has: (a)
9 Entered into an agreement with a federal, state, or local agency
10 continuing existing, or imposing new, low-income use restrictions for
11 at least twenty years that ensure that the tenants residing in the
12 development at the time of prepayment are not involuntarily displaced
13 except for good cause and that the housing will continue to serve very
14 low and low-income families and persons in need of affordable housing;
15 and (b) served notice of the agreement on the clerk of the city, or
16 county if in an unincorporated area, in which the property is located,
17 on any public housing agency that would be responsible for
18 administering tenant-based rental assistance to persons who would
19 otherwise be displaced from this housing, and on the department of
20 (~~community, trade, and economic development~~) commerce by regular and
21 certified mail and posted a copy of the agreement in a conspicuous
22 place at the development where it is likely to be seen by the tenants.
23 The posted agreement shall be maintained intact and in legible form for
24 the life of the agreement.

25 (3) An owner of federally assisted housing is not required to give
26 notice that a rental assistance contract is expiring if: (a) The owner
27 has entered into an agreement with the United States department of
28 housing and urban development or other federal, state, or local agency
29 to renew the rental assistance contract for a minimum of five years
30 subject to the availability of adequate appropriations; (b) the
31 agreement itself does not expire in less than twelve months; and (c)
32 the owner has served written notice of the agreement on the clerk of
33 the city, or county if in an unincorporated area, in which the property
34 is located, on any public housing agency that would be responsible for
35 administering tenant-based rental assistance to persons who would
36 otherwise be displaced from this housing, and on the department of
37 (~~community, trade, and economic development~~) commerce, by regular and
38 certified mail and posted these notices in a conspicuous place at the

1 development where they are likely to be seen by the tenants. The
2 posted notices shall be maintained intact and in legible form for the
3 life of the agreement to renew the rental assistance contract.

4 **Sec. 185.** RCW 59.28.040 and 2002 c 30 s 3 are each amended to read
5 as follows:

6 Except as provided in RCW 59.28.030, all owners of federally
7 assisted housing shall, at least twelve months before the expiration of
8 the rental assistance contract or prepayment of a mortgage or loan,
9 serve a written notice of the anticipated expiration or prepayment date
10 on each tenant household residing in the housing, on the clerk of the
11 city, or clerk of the county legislative authority if in an
12 unincorporated area, in which the property is located, on any public
13 housing agency that would be responsible for administering tenant-based
14 rental assistance to persons who would otherwise be displaced from this
15 housing, and on the department of (~~community, trade, and economic~~
16 ~~development~~)) commerce, by regular and certified mail. All owners of
17 federally assisted housing shall also serve written notice of the
18 anticipated expiration or prepayment date on each tenant household that
19 moves into the housing after the initial notice has been given, but
20 before the expiration of the rental assistance contract or prepayment
21 of the mortgage or loan. This notice shall be given before a new
22 tenant is asked to execute a rental agreement or required to pay any
23 deposits.

24 **Sec. 186.** RCW 59.28.050 and 1995 c 399 s 161 are each amended to
25 read as follows:

26 This chapter shall not in any way prohibit an owner of federally
27 assisted housing from terminating a rental assistance contract or
28 prepaying a mortgage or loan. The requirement in this chapter for
29 notice shall not be construed as conferring any new or additional
30 regulatory power upon the city or county clerk or upon the department
31 of (~~community, trade, and economic development~~)) commerce.

32 **Sec. 187.** RCW 59.28.060 and 2000 c 255 s 4 are each amended to
33 read as follows:

34 (1) The notice to tenants required by RCW 59.28.040 shall state:

1 (a) Whether the owner (i) intends to prepay the mortgage or loan or
2 allow the rental assistance contract to expire in order to operate the
3 housing without any low-income use restrictions, (ii) plans on renewing
4 the rental assistance contract subject to the availability of adequate
5 appropriations, or (iii) is seeking additional financial incentives or
6 higher rents as a condition of remaining in the federal program; (b)
7 the reason the owner plans on taking this action; (c) the owner's plans
8 for the project, including any timetables or deadlines for actions to
9 be taken by the owner and any specific federal, state, or local agency
10 approvals that the owner is required to obtain; (d) the anticipated
11 date of the prepayment of the mortgage or loan or expiration of the
12 rental assistance contract; (e) the effect, if any, that prepayment of
13 the mortgage or loan or expiration of the rental assistance contract
14 will have upon the tenants' rent and other terms of their rental
15 agreement; and (f) that additional information will be served on the
16 city or county, on the local public housing agency, and on the
17 department of (~~community, trade, and economic development~~) commerce
18 and will be posted at the development. The owner shall also include
19 with the notice written information, prepared by the department (~~of~~
20 ~~community, trade, and economic development under RCW 59.28.120(1)~~),
21 concerning the legal rights, responsibilities, and options of owners
22 and tenants when an owner intends to prepay a mortgage or loan or
23 terminate a rental assistance contract.

24 (2) The notice to the city or county clerk and to the department of
25 (~~community, trade, and economic development~~) commerce required by RCW
26 59.28.040 shall state: (a) The name, location, and project number of
27 the federally assisted housing and the type of assistance received from
28 the federal government; (b) the number and size of units; (c) the age,
29 race, family size, and estimated incomes of the tenants who will be
30 affected by the prepayment of the loan or mortgage or expiration of the
31 federal assistance contract; (d) the current rents and projected rent
32 increases for each affected tenant after the prepayment of the mortgage
33 or loan or expiration of the rental assistance contract without
34 disclosing the identities of the affected tenants; (e) the availability
35 and type, if any, of rental assistance after the prepayment of the
36 mortgage or loan or expiration of the rental assistance contract; and
37 (f) the age, race, family size, and estimated incomes of any applicants

1 on the project's waiting list without disclosing the identities of the
2 applicants. The owner shall attach to this notice a copy of the notice
3 the owner sends to the tenants under this chapter.

4 (3) All owners of federally assisted housing shall immediately post
5 a copy of any notices they send the city or county clerk, any public
6 housing agency, and the department of (~~community, trade, and economic~~
7 ~~development~~) commerce, under RCW 59.28.040, in a conspicuous place at
8 the development where they are likely to be seen by current and
9 prospective tenants. The notices shall be maintained intact and in
10 legible form for twelve months from the date they are posted.

11 All owners of federally assisted housing shall, upon request of any
12 state or local agency, provide the agency with a copy of any rent
13 comparability study, market analysis, or projected budget that they
14 submit to the United States department of housing and urban development
15 or other federal agency in conjunction with the prepayment of their
16 mortgage or loan or in anticipation of the expiration of their rental
17 assistance contract, together with any physical inspection reports or
18 capital needs assessments completed by the owner or federal agency
19 within the last three years.

20 **Sec. 188.** RCW 59.30.060 and 2007 c 431 s 7 are each amended to
21 read as follows:

22 The department must have the capability to compile, update, and
23 maintain the most accurate database possible of all the
24 manufactured/mobile home communities in the state, which must include
25 all of the information collected under RCW 59.30.050, except for the
26 addresses of each manufactured/mobile home lot within the
27 manufactured/mobile home community that is subject to chapter 59.20
28 RCW, which must be made available to the attorney general and the
29 department of (~~community, trade, and economic development~~) commerce
30 in a format to be determined by a collaborative agreement between the
31 department of licensing and the attorney general.

32 **Sec. 189.** RCW 64.34.442 and 2008 c 113 s 3 are each amended to
33 read as follows:

34 (1) All cities and counties planning under RCW 36.70A.040, which
35 have allowed any conversion condominiums within the jurisdiction within

1 the previous twelve-month period, must report annually to the
2 department of (~~community, trade, and economic development~~) commerce
3 the following information:

- 4 (a) The total number of apartment units converted into
5 condominiums;
- 6 (b) The total number of conversion condominium projects; and
- 7 (c) The total number of apartment tenants who receive relocation
8 assistance.

9 (2) Upon completion of a conversion condominium project, a city or
10 county may require the declarant to provide the information described
11 in subsection (1) of this section to the appropriately designated
12 department or agency in the city or county for the purpose of complying
13 with subsection (1) of this section.

14 **Sec. 190.** RCW 66.08.195 and 2001 c 8 s 1 are each amended to read
15 as follows:

16 For the purposes of this chapter:

17 (1) "Border area" means any incorporated city or town, or
18 unincorporated area, located within seven miles of the Washington-
19 Canadian border or any unincorporated area that is a point of land
20 surrounded on three sides by saltwater and adjacent to the Canadian
21 border.

22 (2) "Border area per-capita law-enforcement spending" equals total
23 per capita expenditures in a border area on: Law enforcement operating
24 costs, court costs, law enforcement-related insurance, and detention
25 expenses, minus funds allocated to a border area under RCW 66.08.190
26 and 66.08.196.

27 (3) "Border-crossing traffic total" means the number of vehicles,
28 vessels, and aircraft crossing into the United States through a United
29 States customs service border crossing that enter into the border area
30 during a federal fiscal year, using border crossing statistics and
31 criteria included in guidelines adopted by the department of
32 (~~community, trade, and economic development~~) commerce.

33 (4) "Border-related crime statistic" means the sum of infractions
34 and citations issued, and arrests of persons permanently residing
35 outside Washington state in a border area during a calendar year.

1 **Sec. 191.** RCW 66.08.198 and 1995 c 159 s 4 are each amended to
2 read as follows:

3 The department of (~~community, trade, and economic development~~)
4 commerce shall develop guidelines to determine the figures used under
5 the three distribution factors defined in RCW 66.08.195. At the
6 request of any border community, the department may review these
7 guidelines once every three years.

8 **Sec. 192.** RCW 67.28.1816 and 2008 c 28 s 1 are each amended to
9 read as follows:

10 (1) Lodging tax revenues under this chapter may be used, directly
11 by local jurisdictions or indirectly through a convention and visitors
12 bureau or destination marketing organization, for the marketing and
13 operations of special events and festivals and to support the
14 operations and capital expenditures of tourism-related facilities owned
15 by nonprofit organizations described under section 501(c)(3) and
16 section 501(c)(6) of the internal revenue code of 1986, as amended.

17 (2) Local jurisdictions that use the lodging tax revenues under
18 this section must submit an annual economic impact report to the
19 department of (~~community, trade, and economic development~~) commerce
20 for expenditures made beginning January 1, 2008. These reports must
21 include the expenditures by the local jurisdiction for tourism
22 promotion purposes and what is used by a nonprofit organization exempt
23 from taxation under 26 U.S.C. Sec. 501(c)(3) or 501(c)(6). This
24 economic impact report, at a minimum, must include: (a) The total
25 revenue received under this chapter for each year; (b) the list of
26 festivals, special events, or nonprofit 501(c)(3) or 501(c)(6)
27 organizations that received funds under this chapter; (c) the list of
28 festivals, special events, or tourism facilities sponsored or owned by
29 the local jurisdiction that received funds under this chapter; (d) the
30 amount of revenue expended on each festival, special event, or
31 tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or
32 501(c)(6) organization or local jurisdiction; (e) the estimated number
33 of tourists, persons traveling over fifty miles to the destination,
34 persons remaining at the destination overnight, and lodging stays
35 generated per festival, special event, or tourism-related facility
36 owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization
37 or local jurisdiction; and (f) any other measurements the local

1 government finds that demonstrate the impact of the increased tourism
2 attributable to the festival, special event, or tourism-related
3 facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6)
4 organization or local jurisdiction.

5 (3) The joint legislative audit and review committee must report to
6 the legislature and the governor on the use and economic impact of
7 lodging tax revenues by local jurisdictions since January 1, 2008, to
8 support festivals, special events, and tourism-related facilities owned
9 or sponsored by a nonprofit organization under section 501(c)(3) or
10 501(c)(6) of the internal revenue code of 1986, as amended, or a local
11 jurisdiction, and the economic impact generated by these festivals,
12 events, and facilities. This report shall be due September 1, 2012.

13 (4) Reporting under this section must begin with calendar year
14 2008.

15 (5) This section expires June 30, 2013.

16 **Sec. 193.** RCW 67.38.070 and 1995 c 399 s 167 are each amended to
17 read as follows:

18 The comprehensive cultural arts, stadium and convention plan
19 adopted by the district shall be reviewed by the department of
20 (~~community, trade, and economic development~~) commerce to determine:

21 (1) Whether the plan will enhance the progress of the state and
22 provide for the general welfare of the population; and

23 (2) Whether such plan is eligible for matching federal funds.

24 After reviewing the comprehensive cultural arts, stadium and
25 convention plan, the department of (~~community, trade, and economic
26 development~~) commerce shall have sixty days in which to approve such
27 plan and to certify to the state treasurer that such district shall be
28 eligible to receive funds. To be approved a plan shall provide for
29 coordinated cultural arts, stadium and convention planning, and be
30 consistent with the public cultural arts, stadium and convention
31 coordination criteria in a manner prescribed by chapter 35.60 RCW. In
32 the event such comprehensive plan is disapproved and ruled ineligible
33 to receive funds, the department (~~of community, trade, and economic
34 development~~) shall provide written notice to the district within
35 thirty days as to the reasons for such plan's disapproval and such
36 ineligibility. The district may resubmit such plan upon

1 reconsideration and correction of such deficiencies cited in such
2 notice of disapproval.

3 **Sec. 194.** RCW 70.62.290 and 1994 c 250 s 8 are each amended to
4 read as follows:

5 Rules establishing fire and life safety requirements, not
6 inconsistent with the provisions of this chapter, shall continue to be
7 adopted by the director of (~~community, trade, and economic~~
8 ~~development~~) commerce, through the director of fire protection.

9 **Sec. 195.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to
10 read as follows:

11 (1) A sixteen member state commute trip reduction board is
12 established as follows:

13 (a) The secretary of the department of transportation or the
14 secretary's designee who shall serve as chair;

15 (b) One representative from the office of the governor or the
16 governor's designee;

17 (c) The director or the director's designee of one of the following
18 agencies, to be determined by the governor:

19 (i) Department of general administration;

20 (ii) Department of ecology;

21 (iii) Department of (~~community, trade, and economic development~~)
22 commerce;

23 (d) Three representatives from cities and towns or counties
24 appointed by the governor for staggered four-year terms from a list
25 recommended by the association of Washington cities or the Washington
26 state association of counties;

27 (e) Two representatives from transit agencies appointed by the
28 governor for staggered four-year terms from a list recommended by the
29 Washington state transit association;

30 (f) Two representatives from participating regional transportation
31 planning organizations appointed by the governor for staggered four-
32 year terms;

33 (g) Four representatives of employers at or owners of major
34 worksites in Washington, or transportation management associations,
35 business improvement areas, or other transportation organizations

1 representing employers, appointed by the governor for staggered four-
2 year terms; and

3 (h) Two citizens appointed by the governor for staggered four-year
4 terms.

5 Members of the commute trip reduction board shall serve without
6 compensation but shall be reimbursed for travel expenses as provided in
7 RCW 43.03.050 and 43.03.060. Members appointed by the governor shall
8 be compensated in accordance with RCW 43.03.220. The board has all
9 powers necessary to carry out its duties as prescribed by this chapter.

10 (2) By March 1, 2007, the department of transportation shall
11 establish rules for commute trip reduction plans and implementation
12 procedures. The commute trip reduction board shall advise the
13 department on the content of the rules. The rules are intended to
14 ensure consistency in commute trip reduction plans and goals among
15 jurisdictions while fairly taking into account differences in
16 employment and housing density, employer size, existing and anticipated
17 levels of transit service, special employer circumstances, and other
18 factors the board determines to be relevant. The rules shall include:

19 (a) Guidance criteria for growth and transportation efficiency
20 centers;

21 (b) Data measurement methods and procedures for determining the
22 efficacy of commute trip reduction activities and progress toward
23 meeting commute trip reduction plan goals;

24 (c) Model commute trip reduction ordinances;

25 (d) Methods for assuring consistency in the treatment of employers
26 who have worksites subject to the requirements of this chapter in more
27 than one jurisdiction;

28 (e) An appeals process by which major employers, who as a result of
29 special characteristics of their business or its locations would be
30 unable to meet the requirements of a commute trip reduction plan, may
31 obtain a waiver or modification of those requirements and criteria for
32 determining eligibility for waiver or modification;

33 (f) Establishment of a process for determining the state's affected
34 areas, including criteria and procedures for regional transportation
35 planning organizations in consultation with local jurisdictions to
36 propose to add or exempt urban growth areas;

37 (g) Listing of the affected areas of the program to be done every
38 four years as identified in subsection (5) of this section;

1 (h) Establishment of a criteria and application process to
2 determine whether jurisdictions that voluntarily implement commute trip
3 reduction are eligible for state funding;

4 (i) Guidelines and deadlines for creating and updating local
5 commute trip reduction plans, including guidance to ensure consistency
6 between the local commute trip reduction plan and the transportation
7 demand management strategies identified in the transportation element
8 in the local comprehensive plan, as required by RCW 36.70A.070;

9 (j) Guidelines for creating and updating regional commute trip
10 reduction plans, including guidance to ensure the regional commute trip
11 reduction plan is consistent with and incorporated into transportation
12 demand management components in the regional transportation plan;

13 (k) Methods for regional transportation planning organizations to
14 evaluate and certify that designated growth and transportation
15 efficiency center programs meet the minimum requirements and are
16 eligible for funding;

17 (l) Guidelines for creating and updating growth and transportation
18 efficiency center programs; and

19 (m) Establishment of statewide program goals. The goals shall be
20 designed to achieve substantial reductions in the proportion of
21 single-occupant vehicle commute trips and the commute trip vehicle
22 miles traveled per employee, at a level that is projected to improve
23 the mobility of people and goods by increasing the efficiency of the
24 state highway system.

25 (3) The board shall create a state commute trip reduction plan that
26 shall be updated every four years as discussed in subsection (5) of
27 this section. The state commute trip reduction plan shall include, but
28 is not limited to: (a) Statewide commute trip reduction program goals
29 that are designed to substantially improve the mobility of people and
30 goods; (b) identification of strategies at the state and regional
31 levels to achieve the goals and recommendations for how transportation
32 demand management strategies can be targeted most effectively to
33 support commute trip reduction program goals; (c) performance measures
34 for assessing the cost-effectiveness of commute trip reduction
35 strategies and the benefits for the state transportation system; and
36 (d) a sustainable financial plan. The board shall review and approve
37 regional commute trip reduction plans, and work collaboratively with

1 regional transportation planning organizations in the establishment of
2 the state commute trip reduction plan.

3 (4) The board shall work with affected jurisdictions, major
4 employers, and other parties to develop and implement a public
5 awareness campaign designed to increase the effectiveness of local
6 commute trip reduction programs and support achievement of the
7 objectives identified in this chapter.

8 (5) The board shall evaluate and update the commute trip reduction
9 program plan and recommend changes to the rules every four years, with
10 the first assessment report due July 1, 2011, to ensure that the latest
11 data methodology used by the department of transportation is
12 incorporated into the program and to determine which areas of the state
13 should be affected by the program. The board shall review the
14 definition of a major employer no later than December 1, 2009. The
15 board shall regularly identify urban growth areas that are projected to
16 be affected by chapter 329, Laws of 2006 in the next four-year period
17 and may provide advance planning support to the potentially affected
18 jurisdictions.

19 (6) The board shall review progress toward implementing commute
20 trip reduction plans and programs and the costs and benefits of commute
21 trip reduction plans and programs and shall make recommendations to the
22 legislature and the governor by December 1, 2009, and every two years
23 thereafter. In assessing the costs and benefits, the board shall
24 consider the costs of not having implemented commute trip reduction
25 plans and programs with the assistance of the transportation
26 performance audit board authorized under chapter 44.75 RCW. The board
27 shall examine other transportation demand management programs
28 nationally and incorporate its findings into its recommendations to the
29 legislature. The recommendations shall address the need for
30 continuation, modification, or termination or any or all requirements
31 of this chapter.

32 (7) The board shall invite personnel with appropriate expertise
33 from state, regional, and local government, private, public, and
34 nonprofit providers of transportation services, and employers or owners
35 of major worksites in Washington to act as a technical advisory group.
36 The technical advisory group shall advise the board on the
37 implementation of local and regional commute trip reduction plans and

1 programs, program evaluation, program funding allocations, and state
2 rules and guidelines.

3 **Sec. 196.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to
4 read as follows:

5 (1) The secretary of the department of transportation may
6 coordinate an interagency board or other interested parties for the
7 purpose of developing policies or guidelines that promote consistency
8 among state agency commute trip reduction programs required by RCW
9 70.94.527 and 70.94.531 or developed under the joint comprehensive
10 commute trip reduction plan described in this section. The board shall
11 include representatives of the departments of transportation, general
12 administration, ecology, and (~~community, trade, and economic~~
13 ~~development~~) commerce and such other departments and interested groups
14 as the secretary of the department of transportation determines to be
15 necessary. Policies and guidelines shall be applicable to all state
16 agencies including but not limited to policies and guidelines regarding
17 parking and parking charges, employee incentives for commuting by other
18 than single-occupant automobiles, flexible and alternative work
19 schedules, alternative worksites, and the use of state-owned vehicles
20 for car and van pools and guaranteed rides home. The policies and
21 guidelines shall also consider the costs and benefits to state agencies
22 of achieving commute trip reductions and consider mechanisms for
23 funding state agency commute trip reduction programs.

24 (2) State agencies sharing a common location in affected urban
25 growth areas where the total number of state employees is one hundred
26 or more shall, with assistance from the department of transportation,
27 develop and implement a joint commute trip reduction program. The
28 worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

29 (3) The department of transportation shall develop a joint
30 comprehensive commute trip reduction plan for all state agencies,
31 including institutions of higher education, located in the Olympia,
32 Lacey, and Tumwater urban growth areas.

33 (a) In developing the joint comprehensive commute trip reduction
34 plan, the department of transportation shall work with applicable state
35 agencies, including institutions of higher education, and shall
36 collaborate with the following entities: Local jurisdictions; regional
37 transportation planning organizations as described in chapter 47.80

1 RCW; transit agencies, including regional transit authorities as
2 described in chapter 81.112 RCW and transit agencies that serve areas
3 within twenty- five miles of the Olympia, Lacey, or Tumwater urban
4 growth areas; and the capitol campus design advisory committee
5 established in RCW 43.34.080.

6 (b) The joint comprehensive commute trip reduction plan must build
7 on existing commute trip reduction programs and policies. At a
8 minimum, the joint comprehensive commute trip reduction plan must
9 include strategies for telework and flexible work schedules, parking
10 management, and consideration of the impacts of worksite location and
11 design on multimodal transportation options.

12 (c) The joint comprehensive commute trip reduction plan must
13 include performance measures and reporting methods and requirements.

14 (d) The joint comprehensive commute trip reduction plan may include
15 strategies to accommodate differences in worksite size and location.

16 (e) The joint comprehensive commute trip reduction plan must be
17 consistent with jurisdictional and regional transportation, land use,
18 and commute trip reduction plans, the state six-year facilities plan,
19 and the master plan for the capitol of the state of Washington.

20 (f) Not more than ninety days after the adoption of the joint
21 comprehensive commute trip reduction plan, state agencies within the
22 three urban growth areas must implement a commute trip reduction
23 program consistent with the objectives and strategies of the joint
24 comprehensive commute trip reduction plan.

25 (4) The department of transportation shall review the initial
26 commute trip reduction program of each state agency subject to the
27 commute trip reduction plan for state agencies to determine if the
28 program is likely to meet the applicable commute trip reduction goals
29 and notify the agency of any deficiencies. If it is found that the
30 program is not likely to meet the applicable commute trip reduction
31 goals, the department of transportation will work with the agency to
32 modify the program as necessary.

33 (5) Each state agency implementing a commute trip reduction plan
34 shall report at least once per year to its agency director on the
35 performance of the agency's commute trip reduction program as part of
36 the agency's quality management, accountability, and performance system
37 as defined by RCW 43.17.385. The reports shall assess the performance

1 of the program, progress toward state goals established under RCW
2 70.94.537, and recommendations for improving the program.

3 (6) The department of transportation shall review the agency
4 performance reports defined in subsection (5) of this section and
5 submit a biennial report for state agencies subject to this chapter to
6 the governor and incorporate the report in the commute trip reduction
7 board report to the legislature as directed in RCW 70.94.537(6). The
8 report shall include, but is not limited to, an evaluation of the most
9 recent measurement results, progress toward state goals established
10 under RCW 70.94.537, and recommendations for improving the performance
11 of state agency commute trip reduction programs. The information shall
12 be reported in a form established by the commute trip reduction board.

13 **Sec. 197.** RCW 70.95.260 and 1995 c 399 s 189 are each amended to
14 read as follows:

15 The department shall in addition to its other powers and duties:

16 (1) Cooperate with the appropriate federal, state, interstate and
17 local units of government and with appropriate private organizations in
18 carrying out the provisions of this chapter.

19 (2) Coordinate the development of a solid waste management plan for
20 all areas of the state in cooperation with local government, the
21 department of (~~community, trade, and economic development~~) commerce,
22 and other appropriate state and regional agencies. The plan shall
23 relate to solid waste management for twenty years in the future and
24 shall be reviewed biennially, revised as necessary, and extended so
25 that perpetually the plan shall look to the future for twenty years as
26 a guide in carrying out a state coordinated solid waste management
27 program. The plan shall be developed into a single integrated document
28 and shall be adopted no later than October 1990. The plan shall be
29 revised regularly after its initial completion so that local
30 governments revising local comprehensive solid waste management plans
31 can take advantage of the data and analysis in the state plan.

32 (3) Provide technical assistance to any person as well as to
33 cities, counties, and industries.

34 (4) Initiate, conduct, and support research, demonstration
35 projects, and investigations, and coordinate research programs
36 pertaining to solid waste management systems.

1 (5) Develop statewide programs to increase public awareness of and
2 participation in tire recycling, and to stimulate and encourage local
3 private tire recycling centers and public participation in tire
4 recycling.

5 (6) May, under the provisions of the Administrative Procedure Act,
6 chapter 34.05 RCW, as now or hereafter amended, from time to time
7 promulgate such rules and regulations as are necessary to carry out the
8 purposes of this chapter.

9 **Sec. 198.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
10 read as follows:

11 The department shall work closely with the department of
12 (~~community, trade, and economic development~~) commerce, the department
13 of general administration, and with other state departments and
14 agencies, the Washington state association of counties, the association
15 of Washington cities, and business associations, to carry out the
16 objectives and purposes of chapter 41, Laws of 1975-'76 2nd ex. sess.

17 **Sec. 199.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to
18 read as follows:

19 (1) In order to establish the feasibility of composting food and
20 yard wastes, the department shall provide funds, as available, to local
21 governments submitting a proposal to compost such wastes.

22 (2) The department, in cooperation with the department of
23 (~~community, trade, and economic development~~) commerce, may approve an
24 application if the project can demonstrate the essential parameters for
25 successful composting, including, but not limited to, cost-
26 effectiveness, handling and safety requirements, and current and
27 potential markets.

28 **Sec. 200.** RCW 70.95H.007 and 1995 c 399 s 192 are each amended to
29 read as follows:

30 There is created the clean Washington center within the department
31 of (~~community, trade, and economic development~~) commerce. As used in
32 this chapter, "center" means the clean Washington center.

33 **Sec. 201.** RCW 70.95H.050 and 1995 c 399 s 194 are each amended to
34 read as follows:

1 The center shall solicit financial contributions and support from
2 manufacturing industries and other private sector sources, foundations,
3 and grants from governmental sources to assist in conducting its
4 activities. It may also use separately appropriated funds of the
5 department of (~~community, trade, and economic development~~) commerce
6 for the center's activities.

7 **Sec. 202.** RCW 70.95N.290 and 2008 c 79 s 1 are each amended to
8 read as follows:

9 (1)(a) The authority is governed by a board of directors. The
10 board of directors is comprised of eleven participating manufacturers,
11 appointed by the director of the department. Five board positions are
12 reserved for representatives of the top ten brand owners by return
13 share of covered electronic products, and six board positions are
14 reserved for representatives of other brands, including at least one
15 board position reserved for a manufacturer who is also a retailer
16 selling their own private label. The return share of covered
17 electronic products used to determine the top ten brand owners for
18 purposes of electing the board must be determined by the department by
19 January 1, 2007.

20 (b) The board must have representation from both television and
21 computer manufacturers.

22 (2) The board shall select from its membership the chair of the
23 board and such other officers as it deems appropriate.

24 (3) A majority of the board constitutes a quorum.

25 (4) The directors of the department of (~~community, trade, and~~
26 ~~economic development~~) commerce and the department of ecology serve as
27 ex officio members. The state agency directors serving in ex officio
28 capacity may each designate an employee of their respective departments
29 to act on their behalf in all respects with regard to any matter to
30 come before the authority. Ex officio designations must be made in
31 writing and communicated to the authority director.

32 (5) The board shall create its own bylaws in accordance with the
33 laws of the state of Washington.

34 (6) Any member of the board may be removed for misfeasance,
35 malfeasance, or willful neglect of duty after notice and a public
36 hearing, unless the notice and hearing are expressly waived in writing
37 by the affected member.

1 (7) The members of the board serve without compensation but are
2 entitled to reimbursement, solely from the funds of the authority, for
3 expenses incurred in the discharge of their duties under this chapter.

4 **Sec. 203.** RCW 70.95N.330 and 2006 c 183 s 34 are each amended to
5 read as follows:

6 (1) The authority shall employ a chief executive officer, appointed
7 by the board, and a chief financial officer, as well as professional,
8 technical, and support staff, appointed by the chief executive officer,
9 necessary to carry out its duties.

10 (2) Employees of the authority are not classified employees of the
11 state. Employees of the authority are exempt from state service rules
12 and may receive compensation only from the authority at rates
13 competitive with state service.

14 (3) The authority may retain its own legal counsel.

15 (4) The departments of ecology and (~~community, trade, and economic~~
16 ~~development~~) commerce shall provide staff to assist in the creation of
17 the authority. If requested by the authority, the departments of
18 ecology and (~~community, trade, and economic development~~) commerce
19 shall also provide start-up support staff to the authority for its
20 first twelve months of operation, or part thereof, to assist in the
21 quick establishment of the authority. Staff expenses must be paid
22 through funds collected by the authority and must be reimbursed to the
23 departments from the authority's financial resources within the first
24 twenty-four months of operation.

25 (5) In addition to accomplishing the activities specifically
26 authorized in this chapter, the authority may:

27 (a) Maintain an office or offices;

28 (b) Make and execute all manner of contracts, agreements, and
29 instruments and financing documents with public and private parties as
30 the authority deems necessary, useful, or convenient to accomplish its
31 purposes;

32 (c) Make expenditures as appropriate for paying the administrative
33 costs and expenses of the authority in carrying out the provisions of
34 this chapter;

35 (d) Give assistance to private and public bodies contracted to
36 provide collection, transportation, and recycling services by providing

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

3 (e) Delegate, through contract, any of its powers and duties if
4 consistent with the purposes of this chapter; and

5 (f) Exercise any other power the authority deems necessary, useful,
6 or convenient to accomplish its purposes and exercise the powers
7 expressly granted in this chapter.

8 **Sec. 204.** RCW 70.103.010 and 2003 c 322 s 1 are each amended to
9 read as follows:

10 (1) The legislature finds that lead hazards associated with lead-
11 based paint represent a significant and preventable environmental
12 health problem. Lead-based paint is the most widespread of the various
13 sources of lead exposure to the public. Census data show that one
14 million five hundred sixty thousand homes in Washington state were
15 built prior to 1978 when the sale of residential lead-based paint was
16 banned. These are homes that are believed to contain some lead-based
17 paint.

18 Lead negatively affects every system of the body. It is harmful to
19 individuals of all ages and is especially harmful to children, fetuses,
20 and adults of childbearing age. The effects of lead on a child's
21 cognitive, behavioral, and developmental abilities may necessitate
22 large expenditures of public funds for health care and special
23 education. The irreversible damage to children and subsequent
24 expenditures could be avoided if exposure to lead is reduced.

25 (2) The federal government regulates lead poisoning and lead hazard
26 reduction through:

- 27 (a)(i) The lead-based paint poisoning prevention act;
28 (ii) The lead contamination control act;
29 (iii) The safe drinking water act;
30 (iv) The resource conservation and recovery act of 1976; and
31 (v) The residential lead-based paint hazard reduction act of 1992;

32 and

- 33 (b) Implementing regulations of:
34 (i) The environmental protection agency;
35 (ii) The department of housing and urban development;
36 (iii) The occupational safety and health administration; and
37 (iv) The centers for disease control and prevention.

1 (3) In 1992, congress passed the federal residential lead-based
2 paint hazard reduction act, which allows states to provide for the
3 accreditation of lead-based paint activities programs, the
4 certification of persons completing such training programs, and the
5 licensing of lead-based paint activities contractors under standards
6 developed by the United States environmental protection agency.

7 (4) The legislature recognizes the state's need to protect the
8 public from exposure to lead hazards. A qualified and properly trained
9 workforce is needed to assist in the prevention, detection, reduction,
10 and elimination of hazards associated with lead-based paint. The
11 purpose of training workers, supervisors, inspectors, risk assessors,
12 and project designers engaged in lead-based paint activities is to
13 protect building occupants, particularly children ages six years and
14 younger from potential lead-based paint hazards and exposures both
15 during and after lead-based paint activities. Qualified and properly
16 trained individuals and firms will help to ensure lead-based paint
17 activities are conducted in a way that protects the health of the
18 citizens of Washington state and safeguards the environment. The state
19 lead-based paint activities program requires that all lead-based paint
20 activities be performed by certified personnel trained by an accredited
21 program, and that all lead-based paint activities meet minimum work
22 practice standards established by the department (~~(of community, trade,~~
23 ~~and economic development)~~). Therefore, the lead-based paint activities
24 accreditation, training, and certification program shall be established
25 in accordance with this chapter. The lead-based paint activities
26 accreditation, training, and certification program shall be
27 administered by the department (~~(of community, trade, and economic~~
28 ~~development)~~) and shall be used as a means to assure the protection of
29 the general public from exposure to lead hazards.

30 (5) For the welfare of the people of the state of Washington, this
31 chapter establishes a lead-based paint activities program within the
32 department (~~(of community, trade, and economic development)~~) to protect
33 the general public from exposure to lead hazards and to ensure the
34 availability of a trained and qualified workforce to identify and
35 address lead-based paint hazards. The legislature recognizes the
36 department (~~(of community, trade, and economic development)~~) is not a
37 regulatory agency and may delegate enforcement responsibilities under
38 chapter 322, Laws of 2003 to local governments or private entities.

1 **Sec. 205.** RCW 70.105.020 and 1994 c 264 s 42 are each amended to
2 read as follows:

3 The department after notice and public hearing shall:

4 (1) Adopt regulations designating as extremely hazardous wastes
5 subject to the provisions of this chapter those substances which
6 exhibit characteristics consistent with the definition provided in RCW
7 70.105.010(~~(+6+)~~) (7);

8 (2) Adopt and may revise when appropriate, minimum standards and
9 regulations for disposal of extremely hazardous wastes to protect
10 against hazards to the public, and to the environment. Before adoption
11 of such standards and regulations, the department shall consult with
12 appropriate agencies of interested local governments and secure
13 technical assistance from the department of agriculture, the department
14 of social and health services, the department of fish and wildlife, the
15 department of natural resources, the department of labor and
16 industries, and the department of (~~community, trade, and economic~~
17 ~~development~~) commerce, through the director of fire protection.

18 **Sec. 206.** RCW 70.114A.070 and 1995 c 220 s 7 are each amended to
19 read as follows:

20 The department of (~~community, trade, and economic development~~)
21 commerce shall contract with private, nonprofit corporations to provide
22 technical assistance to any private individual or nonprofit
23 organization wishing to construct temporary or permanent worker
24 housing. The assistance may include information on state and local
25 application and approval procedures, information or assistance in
26 applying for federal, state, or local financial assistance, including
27 tax incentives, information on cost-effective housing designs, or any
28 other assistance the department of (~~community, trade, and economic~~
29 ~~development~~) commerce may deem helpful in obtaining the active
30 participation of private individuals or groups in constructing or
31 operating temporary or permanent worker housing.

32 **Sec. 207.** RCW 70.119A.170 and 2001 c 141 s 4 are each amended to
33 read as follows:

34 (1) A drinking water assistance account is created in the state
35 treasury. Such subaccounts as are necessary to carry out the purposes
36 of this chapter are permitted to be established within the account.

1 Therefore, the drinking water assistance administrative account and the
2 drinking water assistance repayment account are created in the state
3 treasury. The purpose of the account is to allow the state to use any
4 federal funds that become available to states from congress to fund a
5 state revolving loan fund program as part of the reauthorization of the
6 federal safe drinking water act. Expenditures from the account may
7 only be made by the secretary, the public works board, or the
8 department of (~~community, trade, and economic development~~) commerce,
9 after appropriation. Moneys in the account may only be used,
10 consistent with federal law, to assist water systems to provide safe
11 drinking water through a program administered through the department of
12 health, the public works board, and the department of (~~community,
13 trade, and economic development~~) commerce and for other activities
14 authorized under federal law. Money may be placed in the account from
15 the proceeds of bonds when authorized by the legislature, transfers
16 from other state funds or accounts, federal capitalization grants or
17 other financial assistance, all repayments of moneys borrowed from the
18 account, all interest payments made by borrowers from the account or
19 otherwise earned on the account, or any other lawful source. All
20 interest earned on moneys deposited in the account, including
21 repayments, shall remain in the account and may be used for any
22 eligible purpose. Moneys in the account may only be used to assist
23 local governments and water systems to provide safe and reliable
24 drinking water, for other services and assistance authorized by federal
25 law to be funded from these federal funds, and to administer the
26 program.

27 (2) The department and the public works board shall establish and
28 maintain a program to use the moneys in the drinking water assistance
29 account as provided by the federal government under the safe drinking
30 water act. The department and the public works board, in consultation
31 with purveyors, local governments, local health jurisdictions,
32 financial institutions, commercial construction interests, other state
33 agencies, and other affected and interested parties, shall by January
34 1, 1999, adopt final joint rules and requirements for the provision of
35 financial assistance to public water systems as authorized under
36 federal law. Prior to the effective date of the final rules, the
37 department and the public works board may establish and utilize
38 guidelines for the sole purpose of ensuring the timely procurement of

1 financial assistance from the federal government under the safe
2 drinking water act, but such guidelines shall be converted to rules by
3 January 1, 1999. The department and the public works board shall make
4 every reasonable effort to ensure the state's receipt and disbursement
5 of federal funds to eligible public water systems as quickly as
6 possible after the federal government has made them available. By
7 December 15, 1997, the department and the public works board shall
8 provide a report to the appropriate committees of the legislature
9 reflecting the input from the affected interests and parties on the
10 status of the program. The report shall include significant issues and
11 concerns, the status of rule making and guidelines, and a plan for the
12 adoption of final rules.

13 (3) If the department, public works board, or any other department,
14 agency, board, or commission of state government participates in
15 providing service under this section, the administering entity shall
16 endeavor to provide cost-effective and timely services. Mechanisms to
17 provide cost-effective and timely services include: (a) Adopting
18 federal guidelines by reference into administrative rules; (b) using
19 existing management mechanisms rather than creating new administrative
20 structures; (c) investigating the use of service contracts, either with
21 other governmental entities or with nongovernmental service providers;
22 (d) the use of joint or combined financial assistance applications; and
23 (e) any other method or practice designed to streamline and expedite
24 the delivery of services and financial assistance.

25 (4) The department shall have the authority to establish assistance
26 priorities and carry out oversight and related activities, other than
27 financial administration, with respect to assistance provided with
28 federal funds. The department, the public works board, and the
29 department of (~~community, trade, and economic development~~) commerce
30 shall jointly develop, with the assistance of water purveyors and other
31 affected and interested parties, a memorandum of understanding setting
32 forth responsibilities and duties for each of the parties. The
33 memorandum of understanding at a minimum, shall include:

34 (a) Responsibility for developing guidelines for providing
35 assistance to public water systems and related oversight prioritization
36 and oversight responsibilities including requirements for
37 prioritization of loans or other financial assistance to public water
38 systems;

1 (b) Department submittal of preapplication information to the
2 public works board for review and comment;

3 (c) Department submittal of a prioritized list of projects to the
4 public works board for determination of:

5 (i) Financial capability of the applicant; and
6 (ii) Readiness to proceed, or the ability of the applicant to
7 promptly commence the project;

8 (d) A process for determining consistency with existing water
9 resource planning and management, including coordinated water supply
10 plans, regional water resource plans, and comprehensive plans under the
11 growth management act, chapter 36.70A RCW;

12 (e) A determination of:

13 (i) Least-cost solutions, including consolidation and restructuring
14 of small systems, where appropriate, into more economical units;
15 (ii) The provision of regional facilities;
16 (iii) Projects and activities that facilitate compliance with the
17 federal safe drinking water act; and
18 (iv) Projects and activities that are intended to achieve the
19 public health objectives of federal and state drinking water laws;

20 (f) Implementation of water conservation and other demand
21 management measures consistent with state guidelines for water
22 utilities;

23 (g) Assistance for the necessary planning and engineering to assure
24 that consistency, coordination, and proper professional review are
25 incorporated into projects or activities proposed for funding;

26 (h) Minimum standards for water system capacity, financial
27 viability, and water system planning;

28 (i) Testing and evaluation of the water quality of the state's
29 public water system to assure that priority for financial assistance is
30 provided to systems and areas with threats to public health from
31 contaminated supplies and reduce in appropriate cases the substantial
32 increases in costs and rates that customers of small systems would
33 otherwise incur under the monitoring and testing requirements of the
34 federal safe drinking water act;

35 (j) Coordination, to the maximum extent possible, with other state
36 programs that provide financial assistance to public water systems and
37 state programs that address existing or potential water quality or
38 drinking contamination problems;

1 (k) Definitions of "affordability" and "disadvantaged community"
2 that are consistent with these and similar terms in use by other state
3 or federal assistance programs;

4 (l) Criteria for the financial assistance program for public water
5 systems, which shall include, but are not limited to:

6 (i) Determining projects addressing the most serious risk to human
7 health;

8 (ii) Determining the capacity of the system to effectively manage
9 its resources, including meeting state financial viability criteria;
10 and

11 (iii) Determining the relative benefit to the community served; and

12 (m) Ensure that each agency fulfills the audit, accounting, and
13 reporting requirements under federal law for its portion of the
14 administration of this program.

15 (5) The department and the public works board shall begin the
16 process to disburse funds no later than October 1, 1997, and shall
17 adopt such rules as are necessary under chapter 34.05 RCW to administer
18 the program by January 1, 1999.

19 **Sec. 208.** RCW 70.119A.190 and 2008 c 214 s 2 are each amended to
20 read as follows:

21 Subject to the availability of amounts appropriated for this
22 specific purpose, the department shall provide financial assistance
23 through a water system acquisition and rehabilitation program, hereby
24 created. The program shall be jointly administered with the public
25 works board and the department of (~~community, trade, and economic~~
26 ~~development~~) commerce. The agencies shall adopt guidelines for the
27 program using as a model the procedures and criteria of the drinking
28 water revolving loan program authorized under RCW 70.119A.170. All
29 financing provided through the program must be in the form of grants
30 that partially cover project costs. The maximum grant to any eligible
31 entity may not exceed twenty-five percent of the funds allocated to the
32 appropriation in any fiscal year.

33 **Sec. 209.** RCW 70.136.030 and 1995 c 399 s 197 are each amended to
34 read as follows:

35 The governing body of each applicable political subdivision of this
36 state shall designate a hazardous materials incident command agency

1 within its respective boundaries, and file this designation with the
2 director of (~~community, trade, and economic development~~) commerce.
3 In designating an incident command agency, the political subdivision
4 shall consider the training, manpower, expertise, and equipment of
5 various available agencies as well as the Uniform Fire Code and other
6 existing codes and regulations. Along state and interstate highway
7 corridors, the Washington state patrol shall be the designated incident
8 command agency unless by mutual agreement that role has been assumed by
9 another designated incident command agency. If a political subdivision
10 has not designated an incident command agency within six months after
11 July 26, 1987, the Washington state patrol shall then assume the role
12 of incident command agency by action of the chief until a designation
13 has been made.

14 **Sec. 210.** RCW 70.235.020 and 2008 c 14 s 3 are each amended to
15 read as follows:

16 (1)(a) The state shall limit emissions of greenhouse gases to
17 achieve the following emission reductions for Washington state:

18 (i) By 2020, reduce overall emissions of greenhouse gases in the
19 state to 1990 levels;

20 (ii) By 2035, reduce overall emissions of greenhouse gases in the
21 state to twenty-five percent below 1990 levels;

22 (iii) By 2050, the state will do its part to reach global climate
23 stabilization levels by reducing overall emissions to fifty percent
24 below 1990 levels, or seventy percent below the state's expected
25 emissions that year.

26 (b) By December 1, 2008, the department shall submit a greenhouse
27 gas reduction plan for review and approval to the legislature,
28 describing those actions necessary to achieve the emission reductions
29 in (a) of this subsection by using existing statutory authority and any
30 additional authority granted by the legislature. Actions taken using
31 existing statutory authority may proceed prior to approval of the
32 greenhouse gas reduction plan.

33 (c) Except where explicitly stated otherwise, nothing in chapter
34 14, Laws of 2008 limits any state agency authorities as they existed
35 prior to June 12, 2008.

36 (d) Consistent with this directive, the department shall take the
37 following actions:

1 (i) Develop and implement a system for monitoring and reporting
2 emissions of greenhouse gases as required under RCW 70.94.151; and

3 (ii) Track progress toward meeting the emission reductions
4 established in this subsection, including the results from policies
5 currently in effect that have been previously adopted by the state and
6 policies adopted in the future, and report on that progress.

7 (2) By December 31st of each even-numbered year beginning in 2010,
8 the department and the department of (~~community, trade, and economic~~
9 ~~development~~) commerce shall report to the governor and the appropriate
10 committees of the senate and house of representatives the total
11 emissions of greenhouse gases for the preceding two years, and totals
12 in each major source sector. The department shall ensure the reporting
13 rules adopted under RCW 70.94.151 allow it to develop a comprehensive
14 inventory of emissions of greenhouse gases from all significant sectors
15 of the Washington economy.

16 (3) Except for purposes of reporting, emissions of carbon dioxide
17 from industrial combustion of biomass in the form of fuel wood, wood
18 waste, wood by-products, and wood residuals shall not be considered a
19 greenhouse gas as long as the region's silvicultural sequestration
20 capacity is maintained or increased.

21 **Sec. 211.** RCW 70.235.030 and 2008 c 14 s 4 are each amended to
22 read as follows:

23 (1)(~~(a)~~) The director shall develop, in coordination with the
24 western climate initiative, a design for a regional multisector market-
25 based system to limit and reduce emissions of greenhouse gas consistent
26 with the emission reductions established in RCW 70.235.020(1).

27 (~~(b) By December 1, 2008, the director and the director of the~~
28 ~~department of community, trade, and economic development shall deliver~~
29 ~~to the legislature specific recommendations for approval and request~~
30 ~~for authority to implement the preferred design of a regional~~
31 ~~multisector market based system in (a) of this subsection. These~~
32 ~~recommendations must include:~~

33 ~~(i) Proposed legislation, necessary funding, and the schedule~~
34 ~~necessary to implement the preferred design by January 1, 2012;~~

35 ~~(ii) Any changes determined necessary to the reporting requirements~~
36 ~~established under RCW 70.94.151; and~~

1 ~~(iii) Actions that the state should take to prevent manipulation of~~
2 ~~the multisector market based system designed under this section.)~~)

3 (2) In developing the design for the regional multisector market-
4 based system under subsection (1) of this section, the department shall
5 consult with the affected state agencies, and provide opportunity for
6 public review and comment.

7 ~~((3) In addition to the information required under subsection~~
8 ~~(1)(b) of this section, the director and the director of the department~~
9 ~~of community, trade, and economic development shall submit the~~
10 ~~following to the legislature by December 1, 2008:~~

11 ~~(a) Information on progress to date in achieving the requirements~~
12 ~~of chapter 14, Laws of 2008;~~

13 ~~(b) The final recommendations of the climate advisory team,~~
14 ~~including recommended most promising actions to reduce emissions of~~
15 ~~greenhouse gases or otherwise respond to climate change. These~~
16 ~~recommendations must include strategies to reduce the quantity of~~
17 ~~emissions of greenhouse gases per distance traveled in the~~
18 ~~transportation sector;~~

19 ~~(c) A request for additional resources and statutory authority~~
20 ~~needed to limit and reduce emissions of greenhouse gas consistent with~~
21 ~~chapter 14, Laws of 2008 including implementation of the most promising~~
22 ~~recommendations of the climate advisory team;~~

23 ~~(d) Recommendations on how projects funded by the green energy~~
24 ~~incentive account in RCW 43.325.040 may be used to expand the~~
25 ~~electrical transmission infrastructure into urban and rural areas of~~
26 ~~the state for purposes of allowing the recharging of plug-in hybrid~~
27 ~~electric vehicles;~~

28 ~~(e) Recommendations on how local governments could participate in~~
29 ~~the multisector market based system designed under subsection (1) of~~
30 ~~this section;~~

31 ~~(f) Recommendations regarding the circumstances under which~~
32 ~~generation of electricity or alternative fuel from landfill gas and gas~~
33 ~~from anaerobic digesters may receive an offset or credit in the~~
34 ~~regional multisector market based system or other strategies developed~~
35 ~~by the department; and~~

36 ~~(g) Recommendations developed in consultation with the department~~
37 ~~of natural resources and the department of agriculture with the climate~~
38 ~~advisory team, the college of forest resources at the University of~~

1 ~~Washington, and the Washington State University, and a nonprofit~~
2 ~~consortium involved in research on renewable industrial materials,~~
3 ~~regarding how forestry and agricultural lands and practices may~~
4 ~~participate voluntarily as an offset or other credit program in the~~
5 ~~regional multisector market based system. The recommendations must~~
6 ~~ensure that the baseline for this offset or credit program does not~~
7 ~~disadvantage this state in relation to another state or states. These~~
8 ~~recommendations shall address:~~

9 ~~(i) Commercial and other working forests, including accounting for~~
10 ~~site class specific forest management practices;~~

11 ~~(ii) Agricultural and forest products, including accounting for~~
12 ~~substitution of wood for fossil intensive substitutes;~~

13 ~~(iii) Agricultural land and practices;~~

14 ~~(iv) Forest and agricultural lands set aside or managed for~~
15 ~~conservation as of, or after, June 12, 2008; and~~

16 ~~(v) Reforestation and afforestation projects.)~~

17 **Sec. 212.** RCW 70.235.050 and 2009 c 519 s 2 are each amended to
18 read as follows:

19 (1) All state agencies shall meet the statewide greenhouse gas
20 emission limits established in RCW 70.235.020 to achieve the following,
21 using the estimates and strategy established in subsections (2) and (3)
22 of this section:

23 (a) By July 1, 2020, reduce emissions by fifteen percent from 2005
24 emission levels;

25 (b) By 2035, reduce emissions to thirty-six percent below 2005
26 levels; and

27 (c) By 2050, reduce emissions to the greater reduction of fifty-
28 seven and one-half percent below 2005 levels, or seventy percent below
29 the expected state government emissions that year.

30 (2)(a) By June 30, 2010, all state agencies shall report estimates
31 of emissions for 2005 to the department, including 2009 levels of
32 emissions, and projected emissions through 2035.

33 (b) State agencies required to report under RCW 70.94.151 must
34 estimate emissions from methodologies recommended by the department and
35 must be based on actual operation of those agencies. Agencies not
36 required to report under RCW 70.94.151 shall derive emissions estimates
37 using an emissions calculator provided by the department.

1 (3) By June 30, 2011, each state agency shall submit to the
2 department a strategy to meet the requirements in subsection (1) of
3 this section. The strategy must address employee travel activities,
4 teleconferencing alternatives, and include existing and proposed
5 actions, a timeline for reductions, and recommendations for budgetary
6 and other incentives to reduce emissions, especially from employee
7 business travel.

8 (4) By October 1st of each even-numbered year beginning in 2012,
9 each state agency shall report to the department the actions taken to
10 meet the emission reduction targets under the strategy for the
11 preceding fiscal biennium. The department may authorize the department
12 of general administration to report on behalf of any state agency
13 having fewer than five hundred full-time equivalent employees at any
14 time during the reporting period. The department shall cooperate with
15 the department of general administration and the department of
16 (~~community, trade, and economic development~~) commerce to develop
17 consolidated reporting methodologies that incorporate emission
18 reduction actions taken across all or substantially all state agencies.

19 (5) All state agencies shall cooperate in providing information to
20 the department, the department of general administration, and the
21 department of (~~community, trade, and economic development~~) commerce
22 for the purposes of this section.

23 (6) The governor shall designate a person as the single point of
24 accountability for all energy and climate change initiatives within
25 state agencies. This position must be funded from current full-time
26 equivalent allocations without increasing budgets or staffing levels.
27 If duties must be shifted within an agency, they must be shifted among
28 current full-time equivalent allocations. All agencies, councils, or
29 work groups with energy or climate change initiatives shall coordinate
30 with this designee.

31 **Sec. 213.** RCW 70.260.020 and 2009 c 379 s 102 are each amended to
32 read as follows:

33 The Washington State University extension energy program is
34 authorized to implement grants for pilot programs providing community-
35 wide urban residential and commercial energy efficiency upgrades. The
36 Washington State University extension energy program must coordinate

1 and collaborate with the department of (~~community, trade, and economic~~
2 ~~development~~) commerce on the design, administration, and
3 implementation elements of the pilot program.

4 (1) There must be at least three grants for pilot programs, awarded
5 on a competitive basis to sponsors for conducting direct outreach and
6 delivering energy efficiency services that, to the extent feasible,
7 ensure a balance of participation for: (a) Geographic regions in the
8 state; (b) types of fuel used for heating; (c) owner-occupied and
9 rental residences; (d) small commercial buildings; and (e) single-
10 family and multifamily dwellings.

11 (2) The pilot programs must:

12 (a) Provide assistance for energy audits and energy
13 efficiency-related improvements to structures owned by or used for
14 residential, commercial, or nonprofit purposes in specified urban
15 neighborhoods where the objective is to achieve a high rate of
16 participation among building owners within the pilot area;

17 (b) Utilize volunteer support to reach out to potential customers
18 through the use of community-based institutions;

19 (c) Employ qualified energy auditors and energy efficiency service
20 providers to perform the energy audits using recognized energy
21 efficiency and weatherization services that are cost-effective;

22 (d) Select and provide oversight of contractors to perform energy
23 efficiency services. Sponsors shall require contractors to participate
24 in quality control and efficiency training, use workers trained from
25 workforce training and apprentice programs established under chapter
26 536, Laws of 2009 if these workers are available, pay prevailing wages
27 under chapter 39.12 RCW, hire from the community in which the program
28 is located, and create employment opportunities for veterans, members
29 of the national guard, and low-income and disadvantaged populations;
30 and

31 (e) Work with customers to secure financing for their portion of
32 the project and apply for and administer utility, public, and
33 charitable funding provided for energy audits and retrofits.

34 (3) The Washington State University extension energy program must
35 give priority to sponsors that can secure a sponsor match of at least
36 one dollar for each dollar awarded.

37 (a) A sponsor may use its own moneys, including corporate or

1 ratepayer moneys, or moneys provided by landlords, charitable groups,
2 government programs, the Bonneville power administration, or other
3 sources to pay the sponsor match.

4 (b) A sponsor may meet its match requirement in whole or in part
5 through providing labor, materials, or other in-kind expenditures.

6 (4)(a) Pilot programs receiving funding must report compliance with
7 performance metrics for each sponsor receiving a grant award. The
8 performance metrics include:

9 (i) Monetary and energy savings achieved;

10 (ii) Savings-to-investment ratio achieved for customers;

11 (iii) Wage levels of jobs created;

12 (iv) Utilization of preapprentice and apprenticeship programs; and

13 (v) Efficiency and speed of delivery of services.

14 (b) Pilot programs receiving funding under this section are
15 required to report to the Washington State University (~~energy~~
16 ~~extension~~ ~~[extension~~ ~~energy]~~) extension energy program on compliance
17 with the performance metrics every six months following the receipt of
18 grants, with the last report submitted six months after program
19 completion.

20 (c) The Washington State University extension energy program shall
21 review the accuracy of these reports and provide a progress report on
22 all grant pilot programs to the appropriate committees of the
23 legislature by December 1st of each year.

24 (5)(a) By December 1, 2009, the Washington State University
25 extension energy program shall provide a report to the governor and
26 appropriate legislative committees on the: Number of grants awarded;
27 number of jobs created or maintained; number and type of individuals
28 trained through workforce training and apprentice programs; number of
29 veterans, members of the national guard, and individuals of low-income
30 and disadvantaged populations employed by pilot programs; and amount of
31 funding provided through the grants as established in subsection (1) of
32 this section and the performance metrics established in subsection (4)
33 of this section.

34 (b) By December 1, 2010, the Washington State University extension
35 energy program shall provide a final report to the governor and
36 appropriate legislative committees on the: Number of grants awarded;
37 number of jobs created or maintained; number and type of individuals
38 trained through workforce training and apprentice programs; number of

1 veterans, members of the national guard, and individuals of low-income
2 and disadvantaged populations employed by pilot programs; and amount of
3 funding provided through the grants as established in subsection (1) of
4 this section and the performance metrics established in subsection (4)
5 of this section.

6 **Sec. 214.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to
7 read as follows:

8 (1) The department shall identify and catalog real property that is
9 no longer required for department purposes and is suitable for the
10 development of affordable housing for very low-income, low-income, and
11 moderate-income households as defined in RCW 43.63A.510. The inventory
12 shall include the location, approximate size, and current zoning
13 classification of the property. The department shall provide a copy of
14 the inventory to the department of (~~community, trade, and economic~~
15 ~~development~~) commerce by November 1, 1993, and every November 1
16 thereafter.

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

23 **Sec. 215.** RCW 72.78.030 and 2007 c 483 s 103 are each amended to
24 read as follows:

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

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

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

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

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

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

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

18 (c) Partnerships to establish neighborhood corrections initiatives
19 as defined in RCW 72.09.280.

20 (6) A proposal for a community transition coordination network must
21 include:

22 (a) Descriptions of collaboration and coordination between local
23 community policing and supervision programs and those agencies and
24 entities identified in the inventory conducted pursuant to RCW
25 72.78.020 to address the risks and needs of offenders under a
26 participating county or city misdemeanor probation or other
27 supervision program including:

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

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

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

1 (iv) The communication of assessment information, individual
2 reentry plans, and service information between parties involved with
3 (~~{the}~~) the offender's reentry;

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

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

12 (ii) Coordination of access to existing services with community
13 providers and provision of information to offenders regarding how to
14 access the various type of services and resources that are available in
15 the community; and

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

22 (7) The department of community, trade, and economic development
23 shall review county applications for funding through the community
24 transition coordination network pilot program and, no later than April
25 1, 2008, shall select up to four counties or groups of counties. In
26 selecting pilot counties or regions, the department shall consider the
27 extent to which the proposal:

28 (a) Addresses the requirements set out in subsection (6) of this
29 section;

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

34 (c) Focuses on measurable outcomes such as increased employment and
35 income, treatment objectives, maintenance of stable housing, and
36 reduced recidivism;

37 (d) Contributes to the diversity of pilot programs, considering
38 factors such as geographic location, size of county or region, and

1 reentry services currently available. The department shall ensure that
2 a grant is awarded to at least one rural county or group of counties
3 and at least one county or group of counties where a community justice
4 center operated by the department of corrections is located; and

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

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

24 (9) Pilot networks established under this section shall extend for
25 a period of four fiscal years, beginning July 1, 2008, and ending June
26 30, 2012.

27 (10) This section expires June 30, 2013.

28 **Sec. 216.** RCW 74.08A.010 and 2004 c 54 s 4 are each amended to
29 read as follows:

30 (1) A family that includes an adult who has received temporary
31 assistance for needy families for sixty months after July 27, 1997,
32 shall be ineligible for further temporary assistance for needy families
33 assistance.

34 (2) For the purposes of applying the rules of this section, the
35 department shall count any month in which an adult family member
36 received a temporary assistance for needy families cash assistance

1 grant unless the assistance was provided when the family member was a
2 minor child and not the head of the household or married to the head of
3 the household.

4 (3) The department shall refer recipients who require specialized
5 assistance to appropriate department programs, crime victims' programs
6 through the department of (~~community, trade, and economic~~
7 ~~development~~) commerce, or the crime victims' compensation program of
8 the department of labor and industries.

9 (4) The department may exempt a recipient and the recipient's
10 family from the application of subsection (1) of this section by reason
11 of hardship or if the recipient meets the family violence options of
12 section 402(A)(7) of Title IVA of the federal social security act as
13 amended by P.L. 104-193. The number of recipients and their families
14 exempted from subsection (1) of this section for a fiscal year shall
15 not exceed twenty percent of the average monthly number of recipients
16 and their families to which assistance is provided under the temporary
17 assistance for needy families program.

18 (5) The department shall not exempt a recipient and his or her
19 family from the application of subsection (1) of this section until
20 after the recipient has received fifty-two months of assistance under
21 this chapter.

22 (6) Beginning on October 31, 2005, the department shall provide
23 transitional food stamp assistance for a period of five months to a
24 household that ceases to receive temporary assistance for needy
25 families assistance and is not in sanction status. If necessary, the
26 department shall extend the household's food stamp certification until
27 the end of the transition period.

28 **Sec. 217.** RCW 74.14B.060 and 1996 c 123 s 8 are each amended to
29 read as follows:

30 (1) Treatment services for children who have been sexually
31 assaulted must be designed and delivered in a manner that accommodates
32 their unique developmental needs and also considers the impact of
33 family dynamics on treatment issues. In addition, the complexity of
34 the civil and criminal justice systems requires that children who are
35 involved receive appropriate consideration and attention that
36 recognizes their unique vulnerability in a system designed primarily
37 for adults.

1 (2) The department of (~~community, trade, and economic~~
2 ~~development~~) commerce shall provide, subject to available funds,
3 comprehensive sexual assault services to sexually abused children and
4 their families. The department shall provide treatment services by
5 qualified, registered, certified, or licensed professionals on a one-
6 to-one or group basis as may be deemed appropriate.

7 (3) Funds appropriated under this section shall be provided solely
8 for contracts or direct purchase of specific treatment services from
9 community organizations and private service providers for child victims
10 of sexual assault and sexual abuse. Funds shall be disbursed through
11 the request for proposal or request for qualifications process.

12 (4) As part of the request for proposal or request for
13 qualifications process the department of (~~community, trade, and~~
14 ~~economic development~~) commerce shall ensure that there be no
15 duplication of services with existing programs including the crime
16 victims' compensation program as provided in chapter 7.68 RCW. The
17 department shall also ensure that victims exhaust private insurance
18 benefits available to the child victim before providing services to the
19 child victim under this section.

20 **Sec. 218.** RCW 74.31.020 and 2007 c 356 s 3 are each amended to
21 read as follows:

22 (1) The Washington traumatic brain injury strategic partnership
23 advisory council is established as an advisory council to the governor,
24 the legislature, and the secretary of the department of social and
25 health services.

26 (2) The council shall be composed of the following members who
27 shall be appointed by the governor:

28 (a) The secretary or the secretary's designee, and representatives
29 from the following: Children's administration, mental health division,
30 aging and disability services administration, and vocational
31 rehabilitation;

32 (b) The executive director of a state brain injury association;

33 (c) A representative from a nonprofit organization serving
34 individuals with traumatic brain injury;

35 (d) The secretary of the department of health or the secretary's
36 designee;

1 (e) The secretary of the department of corrections or the
2 secretary's designee;

3 (f) A representative of the department of (~~community, trade, and~~
4 ~~economic development~~) commerce;

5 (g) A representative from an organization serving veterans;

6 (h) A representative from the national guard;

7 (i) A representative of a Native American tribe located in
8 Washington;

9 (j) The executive director of the Washington protection and
10 advocacy system;

11 (k) A neurologist who has experience working with individuals with
12 traumatic brain injuries;

13 (l) A neuropsychologist who has experience working with persons
14 with traumatic brain injuries;

15 (m) A social worker or clinical psychologist who has experience in
16 working with persons who have sustained traumatic brain injuries;

17 (n) A rehabilitation specialist, such as a speech pathologist,
18 vocational rehabilitation counselor, occupational therapist, or
19 physical therapist who has experience working with persons with
20 traumatic brain injuries;

21 (o) Two persons who are individuals with a traumatic brain injury;

22 (p) Two persons who are family members of individuals with
23 traumatic brain injuries; and

24 (q) Two members of the public who have experience with issues
25 related to the causes of traumatic brain injuries.

26 (3) Councilmembers shall not be compensated for serving on the
27 council, but may be reimbursed for all reasonable expenses related to
28 costs incurred in participating in meetings for the council.

29 (4) Initial appointments to the council shall be made by July 30,
30 2007. The terms of appointed councilmembers shall be three years,
31 except that the terms of the appointed members who are initially
32 appointed shall be staggered by the governor to end as follows:

33 (a) Four members on June 30, 2008;

34 (b) Three members on June 30, 2009; and

35 (c) Three members on June 30, 2010.

36 (5) No member may serve more than two consecutive terms.

37 (6) The appointed members of the council shall, to the extent
38 possible, represent rural and urban areas of the state.

1 (7) A chairperson shall be elected every two years by majority vote
2 from among the councilmembers. The chairperson shall act as the
3 presiding officer of the council.

4 (8) The duties of the council include:

5 (a) Collaborating with the department to develop a comprehensive
6 statewide plan to address the needs of individuals with traumatic brain
7 injuries;

8 (b) By November 1, 2007, providing recommendations to the
9 department on criteria to be used to select programs facilitating
10 support groups for individuals with traumatic brain injuries and their
11 families under RCW 74.31.050;

12 (c) By December 1, 2007, submitting a report to the legislature and
13 the governor on the following:

14 (i) The development of a comprehensive statewide information and
15 referral network for individuals with traumatic brain injuries;

16 (ii) The development of a statewide registry to collect data
17 regarding individuals with traumatic brain injuries, including the
18 potential to utilize the department of information services to develop
19 the registry;

20 (iii) The efforts of the department to provide services for
21 individuals with traumatic brain injuries;

22 (d) By December 30, 2007, reviewing the preliminary comprehensive
23 statewide plan developed by the department to meet the needs of
24 individuals with traumatic brain injuries as required in RCW 74.31.030
25 and submitting a report to the legislature and the governor containing
26 comments and recommendations regarding the plan.

27 (9) The council may utilize the advice or services of a nationally
28 recognized expert, or other individuals as the council deems
29 appropriate, to assist the council in carrying out its duties under
30 this section.

31 **Sec. 219.** RCW 76.09.030 and 2008 c 46 s 1 are each amended to read
32 as follows:

33 (1) There is hereby created the forest practices board of the state
34 of Washington as an agency of state government consisting of members as
35 follows:

36 (a) The commissioner of public lands or the commissioner's
37 designee;

1 (b) The director of (~~the department of community, trade, and~~
2 ~~economic development~~) commerce or the director's designee;

3 (c) The director of the department of agriculture or the director's
4 designee;

5 (d) The director of the department of ecology or the director's
6 designee;

7 (e) The director of the department of fish and wildlife or the
8 director's designee;

9 (f) An elected member of a county legislative authority appointed
10 by the governor: PROVIDED, That such member's service on the board
11 shall be conditioned on the member's continued service as an elected
12 county official;

13 (g) One member representing a timber products union, appointed by
14 the governor from a list of three names submitted by a timber labor
15 coalition affiliated with a statewide labor organization that
16 represents a majority of the timber product unions in the state; and

17 (h) Six members of the general public appointed by the governor,
18 one of whom shall be a small forest landowner who actively manages his
19 or her land, and one of whom shall be an independent logging
20 contractor.

21 (2) The director of the department of fish and wildlife's service
22 on the board may be terminated two years after August 18, 1999, if the
23 legislature finds that after two years the department has not made
24 substantial progress toward integrating the laws, rules, and programs
25 governing forest practices, chapter 76.09 RCW, and the laws, rules, and
26 programs governing hydraulic projects, chapter 77.55 RCW. Such a
27 finding shall be based solely on whether the department of fish and
28 wildlife makes substantial progress as defined in this subsection, and
29 will not be based on other actions taken as a member of the board.
30 Substantial progress shall include recommendations to the legislature
31 for closer integration of the existing rule-making authorities of the
32 board and the department of fish and wildlife, and closer integration
33 of the forest practices and hydraulics permitting processes, including
34 exploring the potential for a consolidated permitting process. These
35 recommendations shall be designed to resolve problems currently
36 associated with the existing dual regulatory and permitting processes.

37 (3) The members of the initial board appointed by the governor
38 shall be appointed so that the term of one member shall expire December

1 31, 1975, the term of one member shall expire December 31, 1976, the
2 term of one member shall expire December 31, 1977, the terms of two
3 members shall expire December 31, 1978, and the terms of two members
4 shall expire December 31, 1979. Thereafter, each member shall be
5 appointed for a term of four years. Vacancies on the board shall be
6 filled in the same manner as the original appointments. Each member of
7 the board shall continue in office until his or her successor is
8 appointed and qualified. The commissioner of public lands or the
9 commissioner's designee shall be the chair of the board.

10 (4) The board shall meet at such times and places as shall be
11 designated by the chair or upon the written request of the majority of
12 the board. The principal office of the board shall be at the state
13 capital.

14 (5) Members of the board, except public employees and elected
15 officials, shall be compensated in accordance with RCW 43.03.250. Each
16 member shall be entitled to reimbursement for travel expenses incurred
17 in the performance of their duties as provided in RCW 43.03.050 and
18 43.03.060.

19 (6) The board may employ such clerical help and staff pursuant to
20 chapter 41.06 RCW as is necessary to carry out its duties.

21 **Sec. 220.** RCW 76.15.090 and 2008 c 299 s 8 are each amended to
22 read as follows:

23 The department shall manage the application and evaluation of
24 candidates for evergreen community designation under RCW 35.105.030,
25 and forward its recommendations to the department of (~~community,~~
26 ~~trade, and economic development~~) commerce.

27 **Sec. 221.** RCW 76.56.020 and 1994 c 282 s 1 are each amended to
28 read as follows:

29 The center shall:

30 (1) Coordinate the University of Washington's college of forest
31 resources' faculty and staff expertise to assist in:

32 (a) The development of research and analysis for developing
33 policies and strategies which will expand forest-based international
34 trade, including a major focus on secondary manufacturing;

35 (b) The development of technology or commercialization support for

1 manufactured products that will meet the evolving needs of
2 international customers;

3 (c) The development of research and analysis on other factors
4 critical to forest-based trade, including the quality and availability
5 of raw wood resources; and

6 (d) The coordination, development, and dissemination of market and
7 technical information relevant to international trade in forest
8 products, including a major focus on secondary manufacturing;

9 (2) Further develop and maintain computer databases on worldwide
10 forest products production and trade in order to monitor and report on
11 trends significant to the Northwest forest products industry and
12 support the center's research functions; and coordinate this system
13 with state, federal, and private sector efforts to insure a cost-
14 effective information resource that will avoid unnecessary duplication;

15 (3) Monitor international forest products markets and assess the
16 status of the state's forest products industry, including the
17 competitiveness of small and medium-sized secondary manufacturing firms
18 in the forest products industry, which for the purposes of this chapter
19 shall be firms with annual revenues of twenty-five million or less, and
20 including the increased exports of Washington-produced products of
21 small and medium-sized secondary manufacturing firms;

22 (4) Provide high-quality research and graduate education and
23 professional nondegree training in international trade in forest
24 products in cooperation with the University of Washington's graduate
25 school of business administration, the school of law, the Jackson
26 school of international studies, the Northwest policy center of the
27 graduate school of public administration, and other supporting academic
28 units;

29 (5) Develop cooperative linkages with the international marketing
30 program for agricultural commodities and trade at Washington State
31 University, the international trade project of the United States forest
32 service, the department of natural resources, the department of
33 (~~community, trade, and economic development~~) commerce, the small
34 business export finance assistance center, and other state and federal
35 agencies to avoid duplication of effort and programs;

36 (6) Cooperate with personnel from the state's community and
37 technical colleges in their development of wood products manufacturing

1 and wood technology curriculum and offer periodic workshops on wood
2 products manufacturing, wood technology, and trade opportunities to
3 community colleges and private educators and trainers;

4 (7) Provide for public dissemination of research, analysis, and
5 results of the center's programs to all groups, including direct
6 assistance groups, through technical workshops, short courses,
7 international and national symposia, cooperation with private sector
8 networks and marketing associations, or other means, including
9 appropriate publications;

10 (8) Establish an executive policy board, including representatives
11 of small and medium-sized businesses, with at least fifty percent of
12 its business members representing small businesses with one hundred or
13 fewer employees and medium-sized businesses with one hundred to five
14 hundred employees. The executive policy board shall also include a
15 representative of the community and technical colleges, representatives
16 of state and federal agencies, and a representative of a wood products
17 manufacturing network or trade association of small and medium-sized
18 wood product manufacturers. The executive policy board shall provide
19 advice on: Overall policy direction and program priorities, state and
20 federal budget requests, securing additional research funds,
21 identifying priority areas of focus for research efforts, selection of
22 projects for research, and dissemination of results of research
23 efforts; and

24 (9) Establish advisory or technical committees for each research
25 program area, to advise on research program area priorities, consistent
26 with the international trade opportunities achievable by the forest
27 products sector of the state and region, to help ensure projects are
28 relevant to industry needs, and to advise on and support effective
29 dissemination of research results. Each advisory or technical
30 committee shall include representatives of forest products industries
31 that might benefit from this research.

32 Service on the committees and the executive policy board
33 established in subsections (8) and (9) of this section shall be without
34 compensation but actual travel expenses incurred in connection with
35 service to the center may be reimbursed from appropriated funds in
36 accordance with RCW 43.03.050 and 43.03.060.

1 **Sec. 222.** RCW 79.105.600 and 2005 c 155 s 161 are each amended to
2 read as follows:

3 After consultation with the director of (~~community, trade, and~~
4 ~~economic development~~) commerce, the department may enter into
5 agreements, leases, or other conveyances for archaeological activities
6 on state-owned aquatic lands. The agreements, leases, or other
7 conveyances may contain those conditions as are required for the
8 department to comply with its legal rights and duties. All agreements,
9 leases, or other conveyances, shall be issued in accordance with the
10 terms of chapters 79.105 through 79.140 RCW.

11 **Sec. 223.** RCW 79A.30.050 and 1995 c 200 s 6 are each amended to
12 read as follows:

13 (1) If the authority and state agencies find it mutually beneficial
14 to do so, they are authorized to collaborate and cooperate on projects
15 of shared interest. Agencies authorized to collaborate with the
16 authority include but are not limited to: The commission for
17 activities and projects related to public recreation; the department of
18 agriculture for projects related to the equine agricultural industry;
19 the department of (~~community, trade, and economic development~~)
20 commerce with respect to community and economic development and tourism
21 issues associated with development of the state horse park; Washington
22 State University with respect to opportunities for animal research,
23 education, and extension; the department of ecology with respect to
24 opportunities for making the state horse park's waste treatment
25 facilities a demonstration model for the handling of waste to protect
26 water quality; and with local community colleges with respect to
27 programs related to horses, economic development, business, and
28 tourism.

29 (2) The authority shall cooperate with 4-H clubs, pony clubs, youth
30 groups, and local park departments to provide youth recreational
31 activities. The authority shall also provide for preferential use of
32 an area of the horse park facility for youth and (~~the disabled~~)
33 individuals with disabilities at nominal cost.

34 **Sec. 224.** RCW 79A.50.100 and 1995 c 399 s 209 are each amended to
35 read as follows:

36 (1) A public hearing may be held prior to any withdrawal of state

1 trust lands and shall be held prior to any revocation of withdrawal or
2 modification of withdrawal of state trust lands used for recreational
3 purposes by the department of natural resources or by other state
4 agencies.

5 (2) The department shall cause notice of the withdrawal, revocation
6 of withdrawal or modification of withdrawal of state trust lands as
7 described in subsection (1) of this section to be published by
8 advertisement once a week for four weeks prior to the public hearing in
9 at least one newspaper published and of general circulation in the
10 county or counties in which the state trust lands are situated, and by
11 causing a copy of said notice to be posted in a conspicuous place in
12 the department's Olympia office, in the district office in which the
13 land is situated, and in the office of the county auditor in the county
14 where the land is situated thirty days prior to the public hearing.
15 The notice shall specify the time and place of the public hearing and
16 shall describe with particularity each parcel of state trust lands
17 involved in said hearing.

18 (3) The board of natural resources shall administer the hearing
19 according to its prescribed rules and regulations.

20 (4) The board of natural resources shall determine the most
21 beneficial use or combination of uses of the state trust lands. Its
22 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
23 said decisions as to uses shall conform to applicable state plans and
24 policy guidelines adopted by the department of (~~community, trade, and~~
25 ~~economic development~~) commerce.

26 **Sec. 225.** RCW 79A.60.480 and 2002 c 86 s 327 are each amended to
27 read as follows:

28 (1) The department of licensing may issue a whitewater river
29 outfitter's license to an applicant who submits a completed
30 application, pays the required fee, and complies with the requirements
31 of this section.

32 (2) An applicant for a whitewater river outfitter's license shall
33 make application upon a form provided by the department of licensing.
34 The form must be submitted annually and include the following
35 information:

36 (a) The name, residence address, and residence telephone number,
37 and the business name, address, and telephone number of the applicant;

1 (b) Certification that all employees, subcontractors, or
2 independent contractors hired as guides meet training standards under
3 RCW 79A.60.430 before carrying any passengers for hire;

4 (c) Proof that the applicant has liability insurance for a minimum
5 of three hundred thousand dollars per claim for occurrences by the
6 applicant and the applicant's employees that result in bodily injury or
7 property damage. All guides must be covered by the applicant's
8 insurance policy;

9 (d) Certification that the applicant will maintain the insurance
10 for a period of not less than one year from the date of issuance of the
11 license; and

12 (e) Certification by the applicant that for a period of not less
13 than twenty-four months immediately preceding the application the
14 applicant:

15 (i) Has not had a license, permit, or certificate to carry
16 passengers for hire on a river revoked by another state or by an agency
17 of the government of the United States due to a conviction for a
18 violation of safety or insurance coverage requirements no more
19 stringent than the requirements of this chapter; and

20 (ii) Has not been denied the right to apply for a license, permit,
21 or certificate to carry passengers for hire on a river by another
22 state.

23 (3) The department of licensing shall charge a fee for each
24 application, to be set in accordance with RCW 43.24.086.

25 (4) Any person advertising or representing himself or herself as a
26 whitewater river outfitter who is not currently licensed is guilty of
27 a gross misdemeanor.

28 (5) The department of licensing shall submit annually a list of
29 licensed persons and companies to the department of (~~community, trade,~~
30 ~~and economic development~~) commerce, tourism promotion division.

31 (6) If an insurance company cancels or refuses to renew insurance
32 for a licensee, the insurance company shall notify the department of
33 licensing in writing of the termination of coverage and its effective
34 date not less than thirty days before the effective date of
35 termination.

36 (a) Upon receipt of an insurance company termination notice, the
37 department of licensing shall send written notice to the licensee that
38 on the effective date of termination the department of licensing will

1 suspend the license unless proof of insurance as required by this
2 section is filed with the department of licensing before the effective
3 date of the termination.

4 (b) If an insurance company fails to give notice of coverage
5 termination, this failure shall not have the effect of continuing the
6 coverage.

7 (c) The department of licensing may sanction a license under RCW
8 18.235.110 if the licensee fails to maintain in full force and effect
9 the insurance required by this section.

10 (7) The state of Washington shall be immune from any civil action
11 arising from the issuance of a license under this section.

12 **Sec. 226.** RCW 80.28.010 and 2008 c 299 s 35 are each amended to
13 read as follows:

14 (1) All charges made, demanded or received by any gas company,
15 electrical company or water company for gas, electricity or water, or
16 for any service rendered or to be rendered in connection therewith,
17 shall be just, fair, reasonable and sufficient. Reasonable charges
18 necessary to cover the cost of administering the collection of
19 voluntary donations for the purposes of supporting the development and
20 implementation of evergreen community management plans and ordinances
21 under RCW 80.28.300 shall be deemed as prudent and necessary for the
22 operation of a utility.

23 (2) Every gas company, electrical company and water company shall
24 furnish and supply such service, instrumentalities and facilities as
25 shall be safe, adequate and efficient, and in all respects just and
26 reasonable.

27 (3) All rules and regulations issued by any gas company, electrical
28 company or water company, affecting or pertaining to the sale or
29 distribution of its product, shall be just and reasonable.

30 (4) Utility service for residential space heating shall not be
31 terminated between November 15 through March 15 if the customer:

32 (a) Notifies the utility of the inability to pay the bill,
33 including a security deposit. This notice should be provided within
34 five business days of receiving a payment overdue notice unless there
35 are extenuating circumstances. If the customer fails to notify the
36 utility within five business days and service is terminated, the

1 customer can, by paying reconnection charges, if any, and fulfilling
2 the requirements of this section, receive the protections of this
3 chapter;

4 (b) Provides self-certification of household income for the prior
5 twelve months to a grantee of the department of (~~community, trade, and~~
6 ~~economic development~~) commerce which administers federally funded
7 energy assistance programs. The grantee shall determine that the
8 household income does not exceed the maximum allowed for eligibility
9 under the state's plan for low-income energy assistance under 42 U.S.C.
10 8624 and shall provide a dollar figure that is seven percent of
11 household income. The grantee may verify information provided in the
12 self-certification;

13 (c) Has applied for home heating assistance from applicable
14 government and private sector organizations and certifies that any
15 assistance received will be applied to the current bill and future
16 utility bills;

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

20 (e) Agrees to a payment plan and agrees to maintain the payment
21 plan. The plan will be designed both to pay the past due bill by the
22 following October 15 and to pay for continued utility service. If the
23 past due bill is not paid by the following October 15, the customer
24 shall not be eligible for protections under this chapter until the past
25 due bill is paid. The plan shall not require monthly payments in
26 excess of seven percent of the customer's monthly income plus one-
27 twelfth of any arrearage accrued from the date application is made and
28 thereafter during November 15 through March 15. A customer may agree
29 to pay a higher percentage during this period, but shall not be in
30 default unless payment during this period is less than seven percent of
31 monthly income plus one-twelfth of any arrearage accrued from the date
32 application is made and thereafter. If assistance payments are
33 received by the customer subsequent to implementation of the plan, the
34 customer shall contact the utility to reformulate the plan; and

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

36 (5) The utility shall:

37 (a) Include in any notice that an account is delinquent and that

1 service may be subject to termination, a description of the customer's
2 duties in this section;

3 (b) Assist the customer in fulfilling the requirements under this
4 section;

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

8 (d) Be permitted to disconnect service if the customer fails to
9 honor the payment program. Utilities may continue to disconnect
10 service for those practices authorized by law other than for nonpayment
11 as provided for in this subsection. Customers who qualify for payment
12 plans under this section who default on their payment plans and are
13 disconnected can be reconnected and maintain the protections afforded
14 under this chapter by paying reconnection charges, if any, and by
15 paying all amounts that would have been due and owing under the terms
16 of the applicable payment plan, absent default, on the date on which
17 service is reconnected; and

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

21 (6) A payment plan implemented under this section is consistent
22 with RCW 80.28.080.

23 (7) Every gas company and electrical company shall offer
24 residential customers the option of a budget billing or equal payment
25 plan. The budget billing or equal payment plan shall be offered low-
26 income customers eligible under the state's plan for low-income energy
27 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
28 limiting availability to certain months of the year, without regard to
29 the length of time the customer has occupied the premises, and without
30 regard to whether the customer is the tenant or owner of the premises
31 occupied.

32 (8) Every gas company, electrical company and water company shall
33 construct and maintain such facilities in connection with the
34 manufacture and distribution of its product as will be efficient and
35 safe to its employees and the public.

36 (9) An agreement between the customer and the utility, whether oral
37 or written, shall not waive the protections afforded under this
38 chapter.

1 (10) In establishing rates or charges for water service, water
2 companies as defined in RCW 80.04.010 may consider the achievement of
3 water conservation goals and the discouragement of wasteful water use
4 practices.

5 **Sec. 227.** RCW 80.36.430 and 2009 c 564 s 960 are each amended to
6 read as follows:

7 (1) The Washington telephone assistance program shall be funded by
8 a telephone assistance excise tax on all switched access lines and by
9 funds from any federal government or other programs for this purpose.
10 Switched access lines are defined in RCW 82.14B.020. The telephone
11 assistance excise tax shall be applied equally to all residential and
12 business access lines not to exceed fourteen cents per month. The
13 department shall submit an approved annual budget for the Washington
14 telephone assistance program to the department of revenue no later than
15 March 1st prior to the beginning of each fiscal year. The department
16 of revenue shall then determine the amount of telephone assistance
17 excise tax to be placed on each switched access line and shall inform
18 local exchange companies and the utilities and transportation
19 commission of this amount no later than May 1st. The department of
20 revenue shall determine the amount of telephone assistance excise tax
21 by dividing the total of the program budget funded by the telephone
22 assistance excise tax, as submitted by the department, by the total
23 number of switched access lines in the prior calendar year. The
24 telephone assistance excise tax shall be separately identified on each
25 ratepayer's bill as the "Washington telephone assistance program." All
26 money collected from the telephone assistance excise tax shall be
27 transferred to a telephone assistance fund administered by the
28 department.

29 (2) Local exchange companies shall bill the fund for their expenses
30 incurred in offering the telephone assistance program, including
31 administrative and program expenses. The department shall disburse the
32 money to the local exchange companies. The department is exempted from
33 having to conclude a contract with local exchange companies in order to
34 effect this reimbursement. The department shall recover its
35 administrative costs from the fund. The department may specify by rule
36 the range and extent of administrative and program expenses that will
37 be reimbursed to local exchange companies.

1 (3) The department shall enter into an agreement with the
2 department of (~~community, trade, and economic development~~) commerce
3 for an amount not to exceed eight percent of the prior fiscal year's
4 total revenue for the administrative and program expenses of providing
5 community service voice mail services. The community service voice
6 mail service may include toll-free lines in community action agencies
7 through which recipients can access their community service voice
8 mailboxes at no charge.

9 (4) During the 2009-2011 biennium, the department shall enter into
10 an agreement with the military department for one million dollars to
11 support the WIN 211 program.

12 **Sec. 228.** RCW 80.36.440 and 2003 c 134 s 5 are each amended to
13 read as follows:

14 (1) The commission and the department may adopt any rules necessary
15 to implement RCW 80.36.410 through 80.36.470.

16 (2) Rules necessary for the implementation of community service
17 voice mail services shall be made by the commission and the department
18 in consultation with the department of (~~community, trade, and economic
19 development~~) commerce.

20 **Sec. 229.** RCW 80.80.040 and 2009 c 448 s 2 are each amended to
21 read as follows:

22 (1) Beginning July 1, 2008, the greenhouse gas emissions
23 performance standard for all baseload electric generation for which
24 electric utilities enter into long-term financial commitments on or
25 after such date is the lower of:

26 (a) One thousand one hundred pounds of greenhouse gases per
27 megawatt-hour; or

28 (b) The average available greenhouse gas emissions output as
29 determined under RCW 80.80.050.

30 (2) This chapter does not apply to long-term financial commitments
31 with the Bonneville power administration.

32 (3) All baseload electric generation facilities in operation as of
33 June 30, 2008, are deemed to be in compliance with the greenhouse gas
34 emissions performance standard established under this section until the
35 facilities are the subject of long-term financial commitments. All
36 baseload electric generation that commences operation after June 30,

1 2008, and is located in Washington, must comply with the greenhouse gas
2 emissions performance standard established in subsection (1) of this
3 section.

4 (4) All electric generation facilities or power plants powered
5 exclusively by renewable resources, as defined in RCW 19.280.020, are
6 deemed to be in compliance with the greenhouse gas emissions
7 performance standard established under this section.

8 (5) All cogeneration facilities in the state that are fueled by
9 natural gas or waste gas or a combination of the two fuels, and that
10 are in operation as of June 30, 2008, are deemed to be in compliance
11 with the greenhouse gas emissions performance standard established
12 under this section until the facilities are the subject of a new
13 ownership interest or are upgraded.

14 (6) In determining the rate of emissions of greenhouse gases for
15 baseload electric generation, the total emissions associated with
16 producing electricity shall be included.

17 (7) In no case shall a long-term financial commitment be determined
18 to be in compliance with the greenhouse gas emissions performance
19 standard if the commitment includes more than twelve percent of
20 electricity from unspecified sources.

21 (8) For a long-term financial commitment with multiple power
22 plants, each specified power plant must be treated individually for the
23 purpose of determining the annualized plant capacity factor and net
24 emissions, and each power plant must comply with subsection (1) of this
25 section, except as provided in subsections (3) through (5) of this
26 section.

27 (9) The department shall establish an output-based methodology to
28 ensure that the calculation of emissions of greenhouse gases for a
29 cogeneration facility recognizes the total usable energy output of the
30 process, and includes all greenhouse gases emitted by the facility in
31 the production of both electrical and thermal energy. In developing
32 and implementing the greenhouse gas emissions performance standard, the
33 department shall consider and act in a manner consistent with any rules
34 adopted pursuant to the public utilities regulatory policy act of 1978
35 (16 U.S.C. Sec. 824a-3), as amended.

36 (10) The following greenhouse gas emissions produced by baseload
37 electric generation owned or contracted through a long-term financial

1 commitment shall not be counted as emissions of the power plant in
2 determining compliance with the greenhouse gas emissions performance
3 standard:

4 (a) Those emissions that are injected permanently in geological
5 formations;

6 (b) Those emissions that are permanently sequestered by other means
7 approved by the department; and

8 (c) Those emissions sequestered or mitigated as approved under
9 subsection (16) of this section.

10 (11) In adopting and implementing the greenhouse gas emissions
11 performance standard, the department of (~~community, trade, and~~
12 ~~economic development~~) commerce energy policy division, in consultation
13 with the commission, the department, the Bonneville power
14 administration, the western electricity (~~coordination~~ {~~coordinating~~})
15 coordinating council, the energy facility site evaluation council,
16 electric utilities, public interest representatives, and consumer
17 representatives, shall consider the effects of the greenhouse gas
18 emissions performance standard on system reliability and overall costs
19 to electricity customers.

20 (12) In developing and implementing the greenhouse gas emissions
21 performance standard, the department shall, with assistance of the
22 commission, the department of (~~community, trade, and economic~~
23 ~~development~~) commerce energy policy division, and electric utilities,
24 and to the extent practicable, address long-term purchases of
25 electricity from unspecified sources in a manner consistent with this
26 chapter.

27 (13) The directors of the energy facility site evaluation council
28 and the department shall each adopt rules under chapter 34.05 RCW in
29 coordination with each other to implement and enforce the greenhouse
30 gas emissions performance standard. The rules necessary to implement
31 this section shall be adopted by June 30, 2008.

32 (14) In adopting the rules for implementing this section, the
33 energy facility site evaluation council and the department shall
34 include criteria to be applied in evaluating the carbon sequestration
35 plan, for baseload electric generation that will rely on subsection
36 (10) of this section to demonstrate compliance, but that will commence
37 sequestration after the date that electricity is first produced. The
38 rules shall include but not be limited to:

1 (a) Provisions for financial assurances, as a condition of plant
2 operation, sufficient to ensure successful implementation of the carbon
3 sequestration plan, including construction and operation of necessary
4 equipment, and any other significant costs;

5 (b) Provisions for geological or other approved sequestration
6 commencing within five years of plant operation, including full and
7 sufficient technical documentation to support the planned
8 sequestration;

9 (c) Provisions for monitoring the effectiveness of the
10 implementation of the sequestration plan;

11 (d) Penalties for failure to achieve implementation of the plan on
12 schedule;

13 (e) Provisions for an owner to purchase emissions reductions in the
14 event of the failure of a sequestration plan under subsection (16) of
15 this section; and

16 (f) Provisions for public notice and comment on the carbon
17 sequestration plan.

18 (15)(a) Except as provided in (b) of this subsection, as part of
19 its role enforcing the greenhouse gas emissions performance standard,
20 the department shall determine whether sequestration or a plan for
21 sequestration will provide safe, reliable, and permanent protection
22 against the greenhouse gases entering the atmosphere from the power
23 plant and all ancillary facilities.

24 (b) For facilities under its jurisdiction, the energy facility site
25 evaluation council shall contract for review of sequestration or the
26 carbon sequestration plan with the department consistent with the
27 conditions under (a) of this subsection, consider the adequacy of
28 sequestration or the plan in its adjudicative proceedings conducted
29 under RCW 80.50.090(3), and incorporate specific findings regarding
30 adequacy in its recommendation to the governor under RCW 80.50.100.

31 (16) A project under consideration by the energy facility site
32 evaluation council by July 22, 2007, is required to include all of the
33 requirements of subsection (14) of this section in its carbon
34 sequestration plan submitted as part of the energy facility site
35 evaluation council process. A project under consideration by the
36 energy facility site evaluation council by July 22, 2007, that receives
37 final site certification agreement approval under chapter 80.50 RCW
38 shall make a good faith effort to implement the sequestration plan. If

1 the project owner determines that implementation is not feasible, the
2 project owner shall submit documentation of that determination to the
3 energy facility site evaluation council. The documentation shall
4 demonstrate the steps taken to implement the sequestration plan and
5 evidence of the technological and economic barriers to successful
6 implementation. The project owner shall then provide to the energy
7 facility site evaluation council notification that they shall implement
8 the plan that requires the project owner to meet the greenhouse gas
9 emissions performance standard by purchasing verifiable greenhouse gas
10 emissions reductions from an electric generating facility located
11 within the western interconnection, where the reduction would not have
12 occurred otherwise or absent this contractual agreement, such that the
13 sum of the emissions reductions purchased and the facility's emissions
14 meets the standard for the life of the facility.

15 **Sec. 230.** RCW 80.80.050 and 2007 c 307 s 7 are each amended to
16 read as follows:

17 The energy policy division of the department of (~~community, trade,~~
18 ~~and economic development~~) commerce shall provide an opportunity for
19 interested parties to comment on the development of a survey of new
20 combined-cycle natural gas thermal electric generation turbines
21 commercially available and offered for sale by manufacturers and
22 purchased in the United States to determine the average rate of
23 emissions of greenhouse gases for these turbines. The department of
24 (~~community, trade, and economic development~~) commerce shall report
25 the results of its survey to the legislature every five years,
26 beginning June 30, 2013. The department of (~~community, trade, and~~
27 ~~economic development~~) commerce shall adopt by rule the average
28 available greenhouse gases emissions output every five years beginning
29 five years after July 22, 2007.

30 **Sec. 231.** RCW 80.80.080 and 2007 c 307 s 10 are each amended to
31 read as follows:

32 For the purposes of RCW 80.80.040 through 80.80.080 and 80.70.020,
33 the department, in consultation with the department of (~~community,~~
34 ~~trade, and economic development~~) commerce energy policy division, the
35 energy facility site evaluation council, the commission, and the
36 governing boards of consumer-owned utilities, shall review the

1 greenhouse gases emissions performance standard established in this
2 chapter to determine need, applicability, and effectiveness no less
3 than every five years following July 22, 2007, or upon implementation
4 of a federal or state law or rule regulating carbon dioxide emissions
5 of electric utilities, and report to the legislature.

6 **Sec. 232.** RCW 82.14.330 and 2003 c 90 s 1 are each amended to read
7 as follows:

8 (1) Beginning in fiscal year 2000, the state treasurer shall
9 transfer into the municipal criminal justice assistance account for
10 distribution under this section from the general fund the sum of four
11 million six hundred thousand dollars divided into four equal deposits
12 occurring on July 1, October 1, January 1, and April 1. For each
13 fiscal year thereafter, the state treasurer shall increase the total
14 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
15 forecast for that fiscal year by the office of financial management in
16 November of the preceding year. The moneys deposited in the municipal
17 criminal justice assistance account for distribution under this
18 section, less any moneys appropriated for purposes under subsection (4)
19 of this section, shall be distributed to the cities of the state as
20 follows:

21 (a) Twenty percent appropriated for distribution shall be
22 distributed to cities with a three-year average violent crime rate for
23 each one thousand in population in excess of one hundred fifty percent
24 of the statewide three-year average violent crime rate for each one
25 thousand in population. The three-year average violent crime rate
26 shall be calculated using the violent crime rates for each of the
27 preceding three years from the annual reports on crime in Washington
28 state as published by the Washington association of sheriffs and police
29 chiefs. Moneys shall be distributed under this subsection (1)(a)
30 ratably based on population as last determined by the office of
31 financial management, but no city may receive more than one dollar per
32 capita. Moneys remaining undistributed under this subsection at the
33 end of each calendar year shall be distributed to the criminal justice
34 training commission to reimburse participating city law enforcement
35 agencies with ten or fewer full-time commissioned patrol officers the
36 cost of temporary replacement of each officer who is enrolled in basic
37 law enforcement training, as provided in RCW 43.101.200.

1 (b) Sixteen percent shall be distributed to cities ratably based on
2 population as last determined by the office of financial management,
3 but no city may receive less than one thousand dollars.

4 The moneys deposited in the municipal criminal justice assistance
5 account for distribution under this subsection shall be distributed at
6 such times as distributions are made under RCW 82.44.150.

7 Moneys distributed under this subsection shall be expended
8 exclusively for criminal justice purposes and shall not be used to
9 replace or supplant existing funding. Criminal justice purposes are
10 defined as activities that substantially assist the criminal justice
11 system, which may include circumstances where ancillary benefit to the
12 civil justice system occurs, and which includes domestic violence
13 services such as those provided by domestic violence programs,
14 community advocates, and legal advocates, as defined in RCW 70.123.020.
15 Existing funding for purposes of this subsection is defined as calendar
16 year 1989 actual operating expenditures for criminal justice purposes.
17 Calendar year 1989 actual operating expenditures for criminal justice
18 purposes exclude the following: Expenditures for extraordinary events
19 not likely to reoccur, changes in contract provisions for criminal
20 justice services, beyond the control of the local jurisdiction
21 receiving the services, and major nonrecurring capital expenditures.

22 (2) In addition to the distributions under subsection (1) of this
23 section:

24 (a) Ten percent shall be distributed on a per capita basis to
25 cities that contract with another governmental agency for the majority
26 of the city's law enforcement services. Cities that subsequently
27 qualify for this distribution shall notify the department of
28 (~~community, trade, and economic development~~) commerce by November
29 30th for the upcoming calendar year. The department of (~~community,~~
30 ~~trade, and economic development~~) commerce shall provide a list of
31 eligible cities to the state treasurer by December 31st. The state
32 treasurer shall modify the distribution of these funds in the following
33 year. Cities have the responsibility to notify the department of
34 (~~community, trade, and economic development~~) commerce of any changes
35 regarding these contractual relationships. Adjustments in the
36 distribution formula to add or delete cities may be made only for the
37 upcoming calendar year; no adjustments may be made retroactively.

1 (b) The remaining fifty-four percent shall be distributed to cities
2 and towns by the state treasurer on a per capita basis. These funds
3 shall be used for: (i) Innovative law enforcement strategies; (ii)
4 programs to help at-risk children or child abuse victim response
5 programs; and (iii) programs designed to reduce the level of domestic
6 violence or to provide counseling for domestic violence victims.

7 The moneys deposited in the municipal criminal justice assistance
8 account for distribution under this subsection, less any moneys
9 appropriated for purposes under subsection (4) of this section, shall
10 be distributed at the times as distributions are made under RCW
11 82.44.150. Moneys remaining undistributed under this subsection at the
12 end of each calendar year shall be distributed to the criminal justice
13 training commission to reimburse participating city law enforcement
14 agencies with ten or fewer full-time commissioned patrol officers the
15 cost of temporary replacement of each officer who is enrolled in basic
16 law enforcement training, as provided in RCW 43.101.200.

17 If a city is found by the state auditor to have expended funds
18 received under this subsection in a manner that does not comply with
19 the criteria under which the moneys were received, the city shall be
20 ineligible to receive future distributions under this subsection until
21 the use of the moneys are justified to the satisfaction of the director
22 or are repaid to the state general fund.

23 (3) Notwithstanding other provisions of this section, the
24 distributions to any city that substantially decriminalizes or repeals
25 its criminal code after July 1, 1990, and that does not reimburse the
26 county for costs associated with criminal cases under RCW 3.50.800 or
27 3.50.805(2), shall be made to the county in which the city is located.

28 (4) Not more than five percent of the funds deposited to the
29 municipal criminal justice assistance account shall be available for
30 appropriations for enhancements to the state patrol crime laboratory
31 system and the continuing costs related to these enhancements. Funds
32 appropriated from this account for such enhancements shall not supplant
33 existing funds from the state general fund.

34 **Sec. 233.** RCW 82.14.400 and 2000 c 240 s 1 are each amended to
35 read as follows:

36 (1) Upon the joint request of a metropolitan park district, a city
37 with a population of more than one hundred fifty thousand, and a county

1 legislative authority in a county with a national park and a population
2 of more than five hundred thousand and less than one million five
3 hundred thousand, the county shall submit an authorizing proposition to
4 the county voters, fixing and imposing a sales and use tax in
5 accordance with this chapter for the purposes designated in subsection
6 (4) of this section and identified in the joint request. Such
7 proposition must be placed on a ballot for a special or general
8 election to be held no later than one year after the date of the joint
9 request.

10 (2) The proposition is approved if it receives the votes of a
11 majority of those voting on the proposition.

12 (3) The tax authorized in this section is in addition to any other
13 taxes authorized by law and shall be collected from those persons who
14 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
15 occurrence of any taxable event within the county. The rate of tax
16 shall equal no more than one-tenth of one percent of the selling price
17 in the case of a sales tax, or value of the article used, in the case
18 of a use tax.

19 (4) Moneys received from any tax imposed under this section shall
20 be used solely for the purpose of providing funds for:

21 (a) Costs associated with financing, design, acquisition,
22 construction, equipping, operating, maintaining, remodeling, repairing,
23 reequipping, or improvement of zoo, aquarium, and wildlife preservation
24 and display facilities that are currently accredited by the American
25 zoo and aquarium association; or

26 (b) Those costs associated with (a) of this subsection and costs
27 related to parks located within a county described in subsection (1) of
28 this section.

29 (5) The department of revenue shall perform the collection of such
30 taxes on behalf of the county at no cost to the county. In lieu of the
31 charge for the administration and collection of local sales and use
32 taxes under RCW 82.14.050 from which the county is exempt under this
33 subsection (5), a percentage of the tax revenues authorized by this
34 section equal to one-half of the maximum percentage provided in RCW
35 82.14.050 shall be transferred annually to the department of
36 (~~community, trade, and economic development~~) commerce, or its
37 successor agency, from the funds allocated under subsection (6)(b) of
38 this section for a period of twelve years from the first date of

1 distribution of funds under subsection (6)(b) of this section. The
2 department of (~~community, trade, and economic development~~) commerce,
3 or its successor agency, shall use funds transferred to it pursuant to
4 this subsection (5) to provide, operate, and maintain community-based
5 housing under chapter 43.185 RCW for (~~persons who are mentally ill~~)
6 individuals with mental illness.

7 (6) If the joint request and the authorizing proposition include
8 provisions for funding those costs included within subsection (4)(b) of
9 this section, the tax revenues authorized by this section shall be
10 allocated annually as follows:

11 (a) Fifty percent to the zoo and aquarium advisory authority; and

12 (b) Fifty percent to be distributed on a per capita basis as set
13 out in the most recent population figures for unincorporated and
14 incorporated areas only within that county, as determined by the office
15 of financial management, solely for parks, as follows: To any
16 metropolitan park district, to cities and towns not contained within a
17 metropolitan park district, and the remainder to the county. Moneys
18 received under this subsection (6)(b) by a county may not be used to
19 replace or supplant existing per capita funding.

20 (7) Funds shall be distributed annually by the county treasurer to
21 the county, and cities and towns located within the county, in the
22 manner set out in subsection (6)(b) of this section.

23 (8) Prior to expenditure of any funds received by the county under
24 subsection (6)(b) of this section, the county shall establish a process
25 which considers needs throughout the unincorporated areas of the county
26 in consultation with community advisory councils established by
27 ordinance.

28 (9) By December 31, 2005, and thereafter, the county or any city
29 with a population greater than eighty thousand must provide at least
30 one dollar match for every two dollars received under this section.

31 (10) Properties subject to a memorandum of agreement between the
32 federal bureau of land management, the advisory council on historic
33 preservation, and the Washington state historic preservation officer
34 have priority for funding from money received under subsection (6)(b)
35 of this section for implementation of the stipulations in the
36 memorandum of agreement.

37 (a) At least one hundred thousand dollars of the first four years
38 of allocations under subsection (6)(b) of this section, to be matched

1 by the county or city with one dollar for every two dollars received,
2 shall be used to implement the stipulations of the memorandum of
3 agreement and for other historical, archaeological, architectural, and
4 cultural preservation and improvements related to the properties.

5 (b) The amount in (a) of this subsection shall come equally from
6 the allocations to the county and to the city in which the properties
7 are located, unless otherwise agreed to by the county and the city.

8 (c) The amount in (a) of this subsection shall not be construed to
9 displace or be offered in lieu of any lease payment from a county or
10 city to the state for the properties in question.

11 **Sec. 234.** RCW 82.16.0497 and 2006 c 213 s 1 are each amended to
12 read as follows:

13 (1) Unless the context clearly requires otherwise, the definitions
14 in this subsection apply throughout this section.

15 (a) "Base credit" means the maximum amount of credit against the
16 tax imposed by this chapter that each light and power business or gas
17 distribution business may take each fiscal year as calculated by the
18 department. The base credit is equal to the proportionate share that
19 the total grants received by each light and power business or gas
20 distribution business in the prior fiscal year bears to the total
21 grants received by all light and power businesses and gas distribution
22 businesses in the prior fiscal year multiplied by five million five
23 hundred thousand dollars for fiscal year 2007, and two million five
24 hundred thousand dollars for all other fiscal years before and after
25 fiscal year 2007.

26 (b) "Billing discount" means a reduction in the amount charged for
27 providing service to qualifying persons in Washington made by a light
28 and power business or a gas distribution business. Billing discount
29 does not include grants received by the light and power business or a
30 gas distribution business.

31 (c) "Grant" means funds provided to a light and power business or
32 gas distribution business by the department of (~~community, trade, and~~
33 ~~economic development~~) commerce or by a qualifying organization.

34 (d) "Low-income home energy assistance program" means energy
35 assistance programs for low-income households as defined on December
36 31, 2000, in the low-income home energy assistance act of 1981 as
37 amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

1 (e) "Qualifying person" means a Washington resident who applies for
2 assistance and qualifies for a grant regardless of whether that person
3 receives a grant.

4 (f) "Qualifying contribution" means money given by a light and
5 power business or a gas distribution business to a qualifying
6 organization, exclusive of money received in the prior fiscal year from
7 its customers for the purpose of assisting other customers.

8 (g) "Qualifying organization" means an entity that has a
9 contractual agreement with the department of (~~community, trade, and~~
10 ~~economic development~~) commerce to administer in a specified service
11 area low-income home energy assistance funds received from the federal
12 government and such other funds that may be received by the entity.

13 (2) Subject to the limitations in this section, a light and power
14 business or a gas distribution business may take a credit each fiscal
15 year against the tax imposed under this chapter.

16 (a)(i) A credit may be taken for qualifying contributions if the
17 dollar amount of qualifying contributions for the fiscal year in which
18 the tax credit is taken is greater than one hundred twenty-five percent
19 of the dollar amount of qualifying contributions given in fiscal year
20 2000.

21 (ii) If no qualifying contributions were given in fiscal year 2000,
22 a credit shall be allowed for the first fiscal year that qualifying
23 contributions are given. Thereafter, credit shall be allowed if the
24 qualifying contributions given exceed one hundred twenty-five percent
25 of qualifying contributions given in the first fiscal year.

26 (iii) The amount of credit shall be fifty percent of the dollar
27 amount of qualifying contributions given in the fiscal year in which
28 the tax credit is taken.

29 (b)(i) A credit may be taken for billing discounts if the dollar
30 amount of billing discounts for the fiscal year in which the tax credit
31 is taken is greater than one hundred twenty-five percent of the dollar
32 amount of billing discounts given in fiscal year 2000.

33 (ii) If no billing discounts were given in fiscal year 2000, a
34 credit shall be allowed in the first fiscal year that billing discounts
35 are given. Thereafter, credit shall be allowed if the dollar amount of
36 billing discounts given exceeds one hundred twenty-five percent of
37 billing discounts given in the first fiscal year.

1 (iii) The amount of credit shall be fifty percent of the dollar
2 amount of the billing discounts given in the fiscal year in which the
3 tax credit is taken.

4 (c) The total amount of credit that may be taken for qualifying
5 contributions and billing discounts in a fiscal year is limited to the
6 base credit for the same fiscal year.

7 (3)(a)(i) Except as provided in (a)(ii) of this subsection, the
8 total amount of credit, statewide, that may be taken in any fiscal year
9 shall not exceed two million five hundred thousand dollars.

10 (ii) The total amount of credit, statewide, that may be taken in
11 fiscal year 2007 shall not exceed five million five hundred thousand
12 dollars.

13 (b) By May 1st of each year starting in 2002, the department of
14 (~~community, trade, and economic development~~) commerce shall notify
15 the department of revenue in writing of the grants received in the
16 current fiscal year by each light and power business and gas
17 distribution business.

18 (4)(a) Not later than June 1st of each year beginning in 2002, the
19 department shall publish the base credit for each light and power
20 business and gas distribution business for the next fiscal year.

21 (b) Not later than July 1st of each year beginning in 2002,
22 application for credit must be made to the department including but not
23 limited to the following information: Billing discounts given by the
24 applicant in fiscal year 2000; qualifying contributions given by the
25 applicant in the prior fiscal year; the amount of money received in the
26 prior fiscal year from customers for the purpose of assisting other
27 customers; the base credit for the next fiscal year for the applicant;
28 the qualifying contributions anticipated to be given in the next fiscal
29 year; and billing discounts anticipated to be given in the next fiscal
30 year. No credit under this section will be allowed to a light and
31 power business or gas distribution business that does not file the
32 application by July 1st.

33 (c) Not later than August 1st of each year beginning in 2002, the
34 department shall notify each applicant of the amount of credit that may
35 be taken in that fiscal year.

36 (d) The balance of base credits not used by other light and power
37 businesses and gas distribution businesses shall be ratably distributed

1 to applicants under the formula in subsection (1)(a) of this section.
2 The total amount of credit that may be taken by an applicant is the
3 base credit plus any ratable portion of unused base credit.

4 (5) The credit taken under this section is limited to the amount of
5 tax imposed under this chapter for the fiscal year. The credit must be
6 claimed in the fiscal year in which the billing reduction is made. Any
7 unused credit expires. Refunds shall not be given in place of credits.

8 (6) No credit may be taken for billing discounts made before July
9 1, 2001. ~~((Within two weeks of May 8, 2001, the department of
10 community, trade, and economic development shall notify the department
11 of revenue in writing of the grants received in fiscal year 2001 by
12 each light and power business and gas distribution business. Within
13 four weeks of May 8, 2001, the department of revenue shall publish the
14 base credit for each light and power business and gas distribution
15 business for fiscal year 2002. Within eight weeks of May 8, 2001,
16 application to the department must be made showing the information
17 required in subsection (4)(b) of this section. Within twelve weeks of
18 May 8, 2001, the department shall notify each applicant of the amount
19 of credit that may be taken in fiscal year 2002.))~~

20 **Sec. 235.** RCW 82.73.050 and 2005 c 514 s 906 are each amended to
21 read as follows:

22 The department of ~~((community, trade, and economic development))~~
23 commerce shall provide information to the department to administer this
24 chapter, including a list of designated programs that shall be updated
25 as necessary.

26 **Sec. 236.** RCW 84.14.100 and 2007 c 430 s 10 are each amended to
27 read as follows:

28 (1) Thirty days after the anniversary of the date of the
29 certificate of tax exemption and each year for the tax exemption
30 period, the owner of the rehabilitated or newly constructed property
31 shall file with a designated authorized representative of the city an
32 annual report indicating the following:

33 (a) A statement of occupancy and vacancy of the rehabilitated or
34 newly constructed property during the twelve months ending with the
35 anniversary date;

1 (b) A certification by the owner that the property has not changed
2 use and, if applicable, that the property has been in compliance with
3 the affordable housing requirements as described in RCW 84.14.020 since
4 the date of the certificate approved by the city;

5 (c) A description of changes or improvements constructed after
6 issuance of the certificate of tax exemption; and

7 (d) Any additional information requested by the city in regards to
8 the units receiving a tax exemption.

9 (2) All cities, which issue certificates of tax exemption for
10 multiunit housing that conform to the requirements of this chapter,
11 shall report annually by December 31st of each year, beginning in 2007,
12 to the department of (~~community, trade, and economic development~~)
13 commerce. The report must include the following information:

14 (a) The number of tax exemption certificates granted;

15 (b) The total number and type of units produced or to be produced;

16 (c) The number and type of units produced or to be produced meeting
17 affordable housing requirements;

18 (d) The actual development cost of each unit produced;

19 (e) The total monthly rent or total sale amount of each unit
20 produced;

21 (f) The income of each renter household at the time of initial
22 occupancy and the income of each initial purchaser of owner-occupied
23 units at the time of purchase for each of the units receiving a tax
24 exemption and a summary of these figures for the city; and

25 (g) The value of the tax exemption for each project receiving a tax
26 exemption and the total value of tax exemptions granted.

27 **Sec. 237.** RCW 84.36.560 and 2007 c 301 s 1 are each amended to
28 read as follows:

29 (1) The real and personal property owned or used by a nonprofit
30 entity in providing rental housing for very low-income households or
31 used to provide space for the placement of a mobile home for a very
32 low-income household within a mobile home park is exempt from taxation
33 if:

34 (a) The benefit of the exemption inures to the nonprofit entity;

35 (b) At least seventy-five percent of the occupied dwelling units in
36 the rental housing or lots in a mobile home park are occupied by a very
37 low-income household; and

1 (c) The rental housing or lots in a mobile home park were insured,
2 financed, or assisted in whole or in part through one or more of the
3 following sources:

4 (i) A federal or state housing program administered by the
5 department of (~~community, trade, and economic development~~) commerce;

6 (ii) A federal housing program administered by a city or county
7 government;

8 (iii) An affordable housing levy authorized under RCW 84.52.105; or

9 (iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and
10 any of the surcharges authorized in chapter 43.185C RCW.

11 (2) If less than seventy-five percent of the occupied dwelling
12 units within the rental housing or lots in the mobile home park are
13 occupied by very low-income households, the rental housing or mobile
14 home park is eligible for a partial exemption on the real property and
15 a total exemption of the housing's or park's personal property as
16 follows:

17 (a) A partial exemption shall be allowed for each dwelling unit in
18 the rental housing or for each lot in a mobile home park occupied by a
19 very low-income household.

20 (b) The amount of exemption shall be calculated by multiplying the
21 assessed value of the property reasonably necessary to provide the
22 rental housing or to operate the mobile home park by a fraction. The
23 numerator of the fraction is the number of dwelling units or lots
24 occupied by very low-income households as of December 31st of the first
25 assessment year in which the rental housing or mobile home park becomes
26 operational or on January 1st of each subsequent assessment year for
27 which the exemption is claimed. The denominator of the fraction is the
28 total number of dwelling units or lots occupied as of December 31st of
29 the first assessment year the rental housing or mobile home park
30 becomes operational and January 1st of each subsequent assessment year
31 for which exemption is claimed.

32 (3) If a currently exempt rental housing unit in a facility with
33 ten units or fewer or mobile home lot in a mobile home park with ten
34 lots or fewer was occupied by a very low-income household at the time
35 the exemption was granted and the income of the household subsequently
36 rises above fifty percent of the median income but remains at or below
37 eighty percent of the median income, the exemption will continue as
38 long as the housing continues to meet the certification requirements of

1 a very low-income housing program listed in subsection (1) of this
2 section. For purposes of this section, median income, as most recently
3 determined by the federal department of housing and urban development
4 for the county in which the rental housing or mobile home park is
5 located, shall be adjusted for family size. However, if a dwelling
6 unit or a lot becomes vacant and is subsequently rerented, the income
7 of the new household must be at or below fifty percent of the median
8 income adjusted for family size as most recently determined by the
9 federal department of housing and urban development for the county in
10 which the rental housing or mobile home park is located to remain
11 exempt from property tax.

12 (4) If at the time of initial application the property is
13 unoccupied, or subsequent to the initial application the property is
14 unoccupied because of renovations, and the property is not currently
15 being used for the exempt purpose authorized by this section but will
16 be used for the exempt purpose within two assessment years, the
17 property shall be eligible for a property tax exemption for the
18 assessment year in which the claim for exemption is submitted under the
19 following conditions:

20 (a) A commitment for financing to acquire, construct, renovate, or
21 otherwise convert the property to provide housing for very low-income
22 households has been obtained, in whole or in part, by the nonprofit
23 entity claiming the exemption from one or more of the sources listed in
24 subsection (1)(c) of this section;

25 (b) The nonprofit entity has manifested its intent in writing to
26 construct, remodel, or otherwise convert the property to housing for
27 very low-income households; and

28 (c) Only the portion of property that will be used to provide
29 housing or lots for very low-income households shall be exempt under
30 this section.

31 (5) To be exempt under this section, the property must be used
32 exclusively for the purposes for which the exemption is granted, except
33 as provided in RCW 84.36.805.

34 (6) The nonprofit entity qualifying for a property tax exemption
35 under this section may agree to make payments to the city, county, or
36 other political subdivision for improvements, services, and facilities
37 furnished by the city, county, or political subdivision for the benefit

1 of the rental housing. However, these payments shall not exceed the
2 amount last levied as the annual tax of the city, county, or political
3 subdivision upon the property prior to exemption.

4 (7) As used in this section:

5 (a) "Group home" means a single-family dwelling financed, in whole
6 or in part, by one or more of the sources listed in subsection (1)(c)
7 of this section. The residents of a group home shall not be considered
8 to jointly constitute a household, but each resident shall be
9 considered to be a separate household occupying a separate dwelling
10 unit. The individual incomes of the residents shall not be aggregated
11 for purposes of this exemption;

12 (b) "Mobile home lot" or "mobile home park" means the same as these
13 terms are defined in RCW 59.20.030;

14 (c) "Occupied dwelling unit" means a living unit that is occupied
15 by an individual or household as of December 31st of the first
16 assessment year the rental housing becomes operational or is occupied
17 by an individual or household on January 1st of each subsequent
18 assessment year in which the claim for exemption is submitted. If the
19 housing facility is comprised of three or fewer dwelling units and
20 there are any unoccupied units on January 1st, the department shall
21 base the amount of the exemption upon the number of occupied dwelling
22 units as of December 31st of the first assessment year the rental
23 housing becomes operational and on May 1st of each subsequent
24 assessment year in which the claim for exemption is submitted;

25 (d) "Rental housing" means a residential housing facility or group
26 home that is occupied but not owned by very low-income households;

27 (e) "Very low-income household" means a single person, family, or
28 unrelated persons living together whose income is at or below fifty
29 percent of the median income adjusted for family size as most recently
30 determined by the federal department of housing and urban development
31 for the county in which the rental housing is located and in effect as
32 of January 1st of the year the application for exemption is submitted;
33 and

34 (f) "Nonprofit entity" means a:

35 (i) Nonprofit as defined in RCW 84.36.800 that is exempt from
36 income tax under section 501(c) of the federal internal revenue code;

37 (ii) Limited partnership where a nonprofit as defined in RCW
38 84.36.800 that is exempt from income tax under section 501(c) of the

1 federal internal revenue code, a public corporation established under
2 RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created
3 under RCW 35.82.030 or 35.82.300, or a housing authority meeting the
4 definition in RCW 35.82.210(2)(a) is a general partner; or

5 (iii) Limited liability company where a nonprofit as defined in RCW
6 84.36.800 that is exempt from income tax under section 501(c) of the
7 federal internal revenue code, a public corporation established under
8 RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established
9 under RCW 35.82.030 or 35.82.300, or a housing authority meeting the
10 definition in RCW 35.82.210(2)(a) is a managing member.

11 **Sec. 238.** RCW 88.02.053 and 1996 c 3 s 2 are each amended to read
12 as follows:

13 (1) The maritime historic restoration and preservation account is
14 created in the custody of the state treasurer. All receipts from the
15 voluntary donations made simultaneously with the registration of
16 vessels under chapter 88.02 RCW shall be deposited into this account.
17 These deposits are not public funds and are not subject to allotment
18 procedures under chapter 43.88 RCW.

19 (2) At the end of each fiscal year, the state treasurer shall pay
20 from this account to the department of licensing an amount equal to the
21 reasonable administrative expenses of that agency for that fiscal year
22 for collecting the voluntary donations and transmitting them to the
23 state treasurer and shall pay to the state treasurer an amount equal to
24 the reasonable administrative expenses of that agency for that fiscal
25 year for maintaining the account and disbursing funds from the account.

26 (3) At the end of each fiscal year, the state treasurer shall pay
27 one-half of the balance of the funds in the account after payment of
28 the administrative costs provided in subsection (2) of this section, to
29 the Grays Harbor historical seaport or its corporate successor and the
30 remainder to the Steamer Virginia V foundation or its corporate
31 successor.

32 (4) If either the Grays Harbor historical seaport and its corporate
33 successors or the Steamer Virginia V foundation and its corporate
34 successors legally ceases to exist, the state treasurer shall, at the
35 end of each fiscal year, pay the balance of the funds in the account to
36 the remaining organization.

1 (5) If both the Grays Harbor historical seaport and its corporate
2 successors and the Steamer Virginia V foundation and its corporate
3 successors legally cease to exist, the department of licensing shall
4 discontinue the collection of the voluntary donations in conjunction
5 with the registration of vessels under RCW 88.02.052, and the balance
6 of the funds in the account escheat to the state. If funds in the
7 account escheat to the state, one-half of the fund balance shall be
8 provided to the ((office)) department of archaeology and historic
9 preservation and the remainder shall be deposited into the parks
10 renewal and stewardship account.

11 ~~((6) The secretary of state, the directors of the state historical
12 societies, the director of the office of archaeology and historic
13 preservation within the department of community, trade, and economic
14 development, and two members representing the recreational boating
15 community appointed by the secretary of state, shall review the success
16 of the voluntary donation program for maritime historic restoration and
17 preservation established under RCW 88.02.052 and report their findings
18 to the appropriate legislative committees by January 31, 1998. The
19 findings must include the progress of the program and the potential to
20 expand the voluntary funding to other historic vessels.))~~

21 **Sec. 239.** RCW 89.10.020 and 2007 c 352 s 3 are each amended to
22 read as follows:

23 (1) The farmland preservation task force is established with the
24 following voting members:

25 (a) Six farmer representatives, one from each of six regions
26 delineated by the state conservation commission at least one of whom is
27 a commercial livestock producer, of which at least two representatives
28 shall be under the age of forty-five, appointed by the governor from
29 persons nominated by recognized agricultural organizations;

30 (b) A representative of the state conservation commission,
31 appointed by the chair of the state conservation commission;

32 (c) A representative of the department of agriculture, appointed by
33 the director;

34 (d) A representative of counties in eastern Washington, appointed
35 by the Washington state association of counties;

36 (e) A representative of counties in western Washington, appointed
37 by the Washington state association of counties;

1 (f) Two members of the senate, one from each major political
2 caucus, appointed by the president of the senate;

3 (g) Two members of the house of representatives, one from each
4 major political caucus, appointed by the speaker of the house of
5 representatives;

6 (h) A representative of the office of the governor, appointed by
7 the governor; and

8 (i) A representative of conservation districts, appointed by the
9 state association of conservation districts.

10 (2) The following persons shall be requested to participate as
11 nonvoting members of the farmland preservation task force:

12 (a) A representative of the federal natural resources conservation
13 service with knowledge of federal agricultural land retention programs
14 and funding sources, appointed by the state conservationist; and

15 (b) A person with technical expertise from the department of
16 (~~community, trade, and economic development~~) commerce, appointed by
17 the agency's director.

18 (3) The task force shall meet at least twice a year. The task
19 force shall be staffed by the state conservation commission. The chair
20 of the task force shall be elected for a term of one year by the voting
21 members of the task force.

22 (4) Nonlegislative members of the task force are entitled to be
23 reimbursed for travel expenses in accordance with RCW 43.03.050 and
24 43.03.060 by the state conservation commission. Legislative members of
25 the task force are entitled to be reimbursed for travel expenses in
26 accordance with RCW 44.04.120.

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

28 **Sec. 240.** RCW 90.03.247 and 2003 c 39 s 48 are each amended to
29 read as follows:

30 Whenever an application for a permit to make beneficial use of
31 public waters is approved relating to a stream or other water body for
32 which minimum flows or levels have been adopted and are in effect at
33 the time of approval, the permit shall be conditioned to protect the
34 levels or flows. No agency may establish minimum flows and levels or
35 similar water flow or level restrictions for any stream or lake of the
36 state other than the department of ecology whose authority to establish
37 is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and

1 90.54.040. The provisions of other statutes, including but not limited
2 to ((RCW 77.55.100 and)) chapter 43.21C RCW, may not be interpreted in
3 a manner that is inconsistent with this section. In establishing such
4 minimum flows, levels, or similar restrictions, the department shall,
5 during all stages of development by the department of ecology of
6 minimum flow proposals, consult with, and carefully consider the
7 recommendations of, the department of fish and wildlife, the department
8 of ((community, trade, and economic development)) commerce, the
9 department of agriculture, and representatives of the affected Indian
10 tribes. Nothing herein shall preclude the department of fish and
11 wildlife, the department of ((community, trade, and economic
12 development)) commerce, or the department of agriculture from
13 presenting its views on minimum flow needs at any public hearing or to
14 any person or agency, and the department of fish and wildlife, the
15 department of ((community, trade, and economic development)) commerce,
16 and the department of agriculture are each empowered to participate in
17 proceedings of the federal energy regulatory commission and other
18 agencies to present its views on minimum flow needs.

19 **Sec. 241.** RCW 90.56.280 and 1995 c 399 s 218 are each amended to
20 read as follows:

21 It shall be the duty of any person discharging oil or hazardous
22 substances or otherwise causing, permitting, or allowing the same to
23 enter the waters of the state, unless the discharge or entry was
24 expressly authorized by the department prior thereto or authorized by
25 operation of law under RCW 90.48.200, to immediately notify the coast
26 guard and the division of emergency management. The notice to the
27 division of emergency management within the department of ((community,
28 trade, and economic development)) commerce shall be made to the
29 division's twenty-four hour statewide toll-free number established for
30 reporting emergencies.

31 **Sec. 242.** RCW 90.82.048 and 2003 1st sp.s. c 5 s 9 are each
32 amended to read as follows:

33 (1) The timelines and interim milestones in a detailed
34 implementation plan required by RCW 90.82.043 must address the planned
35 future use of existing water rights for municipal water supply
36 purposes, as defined in RCW 90.03.015, that are inchoate, including how

1 these rights will be used to meet the projected future needs identified
2 in the watershed plan, and how the use of these rights will be
3 addressed when implementing instream flow strategies identified in the
4 watershed plan.

5 (2) The watershed planning unit or other authorized lead agency
6 shall ensure that holders of water rights for municipal water supply
7 purposes not currently in use are asked to participate in defining the
8 timelines and interim milestones to be included in the detailed
9 implementation plan.

10 (3) The department of health shall annually compile a list of water
11 system plans and plan updates to be reviewed by the department during
12 the coming year and shall consult with the departments of (~~community,~~
13 ~~trade, and economic development~~) commerce, ecology, and fish and
14 wildlife to: (a) Identify watersheds where further coordination is
15 needed between water system planning and local watershed planning under
16 this chapter; and (b) develop a work plan for conducting the necessary
17 coordination.

18 NEW SECTION. **Sec. 243.** RCW 35.22.660, 35.22.680, 35.63.140,
19 35.63.180, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675,
20 36.70.755, 43.330.005, 59.22.090, 59.28.120, 67.28.8001, and 77.12.710
21 are each decodified.

22 NEW SECTION. **Sec. 244.** 2009 c 565 s 34 is repealed.

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