
SECOND SUBSTITUTE HOUSE BILL 2617

State of Washington

61st Legislature

2010 Regular Session

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

READ FIRST TIME 03/10/10.

1 AN ACT Relating to eliminating boards and commissions; amending RCW
2 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760,
3 18.250.010, 18.250.020, 18.250.060, 70.47.040, 41.04.033, 41.04.0331,
4 41.04.0332, 72.78.030, 43.101.380, 43.105.052, 82.58.020, 46.20.100,
5 46.82.280, 46.82.330, 46.82.420, 18.73.030, 18.73.101, 41.50.088,
6 41.50.770, 41.50.780, 41.34.020, 41.34.040, 41.34.070, 41.34.130,
7 41.34.140, 43.33A.135, 36.70C.030, 70.112.010, 70.112.020, 43.43.930,
8 43.43.934, 43.43.938, 43.43.962, 43.43.963, 43.44.030, 43.44.060,
9 38.52.530, 49.26.120, 48.62.061, 48.62.161, 28B.76.280, 43.330.090,
10 2.56.031, 13.40.510, 43.105.041, 43.105.805, 43.105.820, 19.146.225,
11 90.56.005, 90.56.060, 43.30.820, 18.210.010, 18.210.050, 18.210.060,
12 70.118.110, 18.200.010, 18.200.050, 18.200.070, 77.95.100, 77.95.180,
13 77.95.190, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316,
14 46.16.715, 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901,
15 46.16.30903, 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911,
16 46.16.30913, 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920,
17 46.16.30922, 46.16.30924, 46.16.30926, 46.16.30928, 43.370.020,
18 43.370.030, 43.60A.170, 43.131.406, 43.60A.010, 70.119A.180, 90.86.030,
19 70.94.6534, 76.04.630, 76.04.660, 17.12.670, 77.12.690, 77.08.045,
20 15.92.070, 17.21.020, 43.15.020, and 43.15.020; reenacting and amending
21 RCW 18.71.205, 43.21B.005, 43.105.020, and 46.16.233; adding new

1 sections to chapter 43.215 RCW; creating a new section; recodifying RCW
2 43.121.170, 43.121.175, and 43.121.180; repealing RCW 18.250.030,
3 70.96A.070, 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330,
4 43.101.335, 43.101.340, 43.101.345, 43.105.055, 46.82.300, 18.73.040,
5 18.73.050, 41.50.086, 43.21L.005, 43.21L.010, 43.21L.020, 43.21L.030,
6 43.21L.040, 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080, 43.21L.090,
7 43.21L.100, 43.21L.110, 43.21L.120, 43.21L.130, 43.21L.140, 43.21L.900,
8 43.21L.901, 70.112.030, 70.112.040, 70.112.050, 43.43.932, 43.43.936,
9 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 10.98.200,
10 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810,
11 43.360.040, 19.146.280, 90.56.120, 90.56.130, 18.210.040, 18.210.070,
12 70.118.100, 18.200.060, 77.95.110, 77.95.120, 70.95.040, 70.95.050,
13 70.95.070, 70.105.060, 46.16.705, 43.60A.180, 46.38.010, 46.38.020,
14 46.38.030, 46.38.040, 46.38.050, 46.38.060, 46.38.070, 46.38.080,
15 46.38.090, 70.119A.160, 46.39.010, 46.39.020, 27.34.360, 27.34.365,
16 27.34.370, 27.34.375, 27.34.380, 17.15.040, 79.19.070, 76.04.145,
17 43.126.015, 43.126.025, 43.126.035, 43.126.045, 43.126.055, 43.126.065,
18 43.126.075, 43.126.085, 77.12.680, 43.09.430, 43.09.435, 43.09.440,
19 43.09.445, 43.09.450, 43.09.455, 43.09.460, 17.21.230, 17.21.240,
20 17.21.250, 17.21.260, 17.21.270, and 70.104.080; and providing
21 effective dates.

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

23 **Committee on Agency Officials' Salaries**

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

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

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

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

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

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

35 ~~((The committee))~~ (2) The department of personnel shall report to
36 the governor or the chairperson of the appropriate salary fixing
37 authority at least once in each fiscal biennium on such date as the
38 governor may designate, but not later than seventy-five days prior to

1 the convening of each regular session of the legislature during an odd-
2 numbered year, its recommendations for the salaries to be fixed for
3 each position.

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

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

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

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

17 The commission is empowered to:

18 (1) Adopt, promulgate, amend, and rescind suitable administrative
19 rules to carry out the policies and purposes of this chapter, which
20 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
21 campaign finance, political advertising, or related forms that would
22 otherwise take effect after June 30th of a general election year shall
23 take effect no earlier than the day following the general election in
24 that year;

25 (2) Appoint and set, within the limits established by the
26 ~~((committee on agency officials' salaries))~~ department of personnel
27 under RCW 43.03.028, the compensation of an executive director who
28 shall perform such duties and have such powers as the commission may
29 prescribe and delegate to implement and enforce this chapter
30 efficiently and effectively. The commission shall not delegate its
31 authority to adopt, amend, or rescind rules nor shall it delegate
32 authority to determine whether an actual violation of this chapter has
33 occurred or to assess penalties for such violations;

34 (3) Prepare and publish such reports and technical studies as in
35 its judgment will tend to promote the purposes of this chapter,

1 including reports and statistics concerning campaign financing,
2 lobbying, financial interests of elected officials, and enforcement of
3 this chapter;

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

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

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

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

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

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

33 (10) After hearing, by order approved and ratified by a majority of
34 the membership of the commission, suspend or modify any of the
35 reporting requirements of this chapter in a particular case if it finds
36 that literal application of this chapter works a manifestly
37 unreasonable hardship and if it also finds that the suspension or
38 modification will not frustrate the purposes of the chapter. The

1 commission shall find that a manifestly unreasonable hardship exists if
2 reporting the name of an entity required to be reported under RCW
3 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
4 position of any entity in which the person filing the report or any
5 member of his or her immediate family holds any office, directorship,
6 general partnership interest, or an ownership interest of ten percent
7 or more. Any suspension or modification shall be only to the extent
8 necessary to substantially relieve the hardship. The commission shall
9 act to suspend or modify any reporting requirements only if it
10 determines that facts exist that are clear and convincing proof of the
11 findings required under this section. Requests for renewals of
12 reporting modifications may be heard in a brief adjudicative proceeding
13 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
14 the standards established in this section. No initial request may be
15 heard in a brief adjudicative proceeding and no request for renewal may
16 be heard in a brief adjudicative proceeding if the initial request was
17 granted more than three years previously or if the applicant is holding
18 an office or position of employment different from the office or
19 position held when the initial request was granted. The commission
20 shall adopt administrative rules governing the proceedings. Any
21 citizen has standing to bring an action in Thurston county superior
22 court to contest the propriety of any order entered under this section
23 within one year from the date of the entry of the order; and

24 (11) Revise, at least once every five years but no more often than
25 every two years, the monetary reporting thresholds and reporting code
26 values of this chapter. The revisions shall be only for the purpose of
27 recognizing economic changes as reflected by an inflationary index
28 recommended by the office of financial management. The revisions shall
29 be guided by the change in the index for the period commencing with the
30 month of December preceding the last revision and concluding with the
31 month of December preceding the month the revision is adopted. As to
32 each of the three general categories of this chapter (reports of
33 campaign finance, reports of lobbyist activity, and reports of the
34 financial affairs of elected and appointed officials), the revisions
35 shall equally affect all thresholds within each category. Revisions
36 shall be adopted as rules under chapter 34.05 RCW. The first revision
37 authorized by this subsection shall reflect economic changes from the

1 time of the last legislative enactment affecting the respective code or
2 threshold through December 1985;

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

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

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

19 **Airport Impact Mitigation Advisory Board**

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

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

31 (2) The department of (~~community, trade, and economic~~
32 ~~development~~) commerce shall establish a competitive process to
33 prioritize applications for airport impact mitigation assistance
34 through the account created in subsection (1) of this section. The

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

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

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

30 ~~((5))~~ (4) The department of ~~((community, trade, and economic
31 development))~~ commerce shall report on its activities related to the
32 account created in this section by January 1, 2004, and each January
33 1st thereafter.

34 **Athletic Training Advisory Committee**

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

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

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

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

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

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

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

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

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

34 (iii) Immediate care of athletic injuries, including emergency
35 medical situations through the application of first-aid and emergency
36 procedures and techniques for nonlife-threatening or life-threatening
37 athletic injuries;

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

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

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

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

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

18 (iii) The practice of occupational therapy as defined in chapter
19 18.59 RCW;

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

21 (v) Any medical diagnosis; and

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

23 (5) (~~("Committee" means the athletic training advisory committee.~~
24 ~~+6+))~~) "Department" means the department of health.

25 (~~(+7+))~~) (6) "Licensed health care provider" means a physician,
26 physician assistant, osteopathic physician, osteopathic physician
27 assistant, advanced registered nurse practitioner, naturopath, physical
28 therapist, chiropractor, dentist, massage practitioner, acupuncturist,
29 occupational therapist, or podiatric physician and surgeon.

30 (~~(+8+))~~) (7) "Secretary" means the secretary of health or the
31 secretary's designee.

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

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

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

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

3 (c) Establish forms and procedures necessary to administer this
4 chapter;

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

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

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

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

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

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

27 (j) Maintain the official department record of all applicants and
28 licensees; and

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

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

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

35 An applicant for an athletic trainer license must:

36 (1) Have received a bachelor's or advanced degree from an

1 accredited four-year college or university that meets the academic
2 standards of athletic training, accepted by the secretary(~~(, as advised~~
3 ~~by the committee))~~);

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

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

8 **Basic Health Advisory Committee**

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

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

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

32 (3) The administrator may appoint such technical or advisory
33 committees as he or she deems necessary. (~~The administrator shall~~
34 ~~appoint a standing technical advisory committee that is representative~~
35 ~~of health care professionals, health care providers, and those directly~~

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

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

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

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

18 NEW SECTION. **Sec. 12.** RCW 70.96A.070 (Citizens advisory council--
19 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c
20 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each
21 repealed.

22 **Combined Fund Drive Committee**

23 **Sec. 13.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
24 as follows:

25 The (~~director of the department of personnel~~) secretary of state
26 is authorized to adopt rules, after consultation with state agencies,
27 institutions of higher education, and employee organizations(~~(, to~~
28 ~~create a Washington state combined fund drive committee, and)~~) for the
29 operation of the Washington state combined fund drive.

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

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

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

6 (2) (~~Establishing~~) Establish criteria by which a public or
7 private nonprofit organization may participate in the combined fund
8 drive;

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

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

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

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

23 (7) (~~Charging~~) Charge an administrative fee to the beneficiaries
24 of the Washington state combined fund drive to fund the administrative
25 duties of the Washington state combined fund drive.

26 Activities of the Washington state combined fund drive shall not
27 result in direct commercial solicitation of state employees, or a
28 benefit or advantage that would violate one or more provisions of
29 chapter 42.52 RCW. This section does not authorize individual state
30 agencies to enter into contracts or partnerships unless otherwise
31 authorized by law.

32 **Sec. 15.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
33 read as follows:

34 The (~~Washington state combined fund drive committee~~) secretary of
35 state may enter into contracts and partnerships with private
36 institutions, persons, firms, or corporations for the benefit of the
37 beneficiaries of the Washington state combined fund drive. Activities

1 of the Washington state combined fund drive shall not result in direct
2 commercial solicitation of state employees, or a benefit or advantage
3 that would violate one or more provisions of chapter 42.52 RCW. This
4 section does not authorize individual state agencies to enter into
5 contracts or partnerships unless otherwise authorized by law.

6 **Community Transition Coordination Networks Advisory Committee**

7 **Sec. 16.** RCW 72.78.030 and 2007 c 483 s 103 are each amended to
8 read as follows:

9 (1) The department of (~~community, trade, and economic~~
10 ~~development~~) commerce shall establish a community transition
11 coordination network pilot program for the purpose of awarding grants
12 to counties or groups of counties for implementing coordinated reentry
13 efforts for offenders returning to the community. Grant awards are
14 subject to the availability of amounts appropriated for this specific
15 purpose.

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

21 (3) Effective February 1, 2008, any county or group of counties may
22 apply for participation in the community transition coordination
23 network pilot program by submitting a proposal for a community
24 transition coordination network.

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

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

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

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

3 (c) Partnerships to establish neighborhood corrections initiatives
4 as defined in RCW 72.09.280.

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

7 (a) Descriptions of collaboration and coordination between local
8 community policing and supervision programs and those agencies and
9 entities identified in the inventory conducted pursuant to RCW
10 72.78.020 to address the risks and needs of offenders under a
11 participating county or city misdemeanor probation or other
12 supervision program including:

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

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

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

23 (iv) The communication of assessment information, individual
24 reentry plans, and service information between parties involved with
25 (~~{the}~~) the offender's reentry;

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

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

34 (ii) Coordination of access to existing services with community
35 providers and provision of information to offenders regarding how to
36 access the various type of services and resources that are available in
37 the community; and

1 (c) An evaluation of the county's or group of counties' readiness
2 to implement a community transition coordination network including the
3 social service needs of offenders in general, capacity of local
4 facilities and resources to meet offenders' needs, and the cost to
5 implement and maintain a community transition coordination network for
6 the duration of the pilot project.

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

13 (a) Addresses the requirements set out in subsection (6) of this
14 section;

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

19 (c) Focuses on measurable outcomes such as increased employment and
20 income, treatment objectives, maintenance of stable housing, and
21 reduced recidivism;

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

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

32 (~~(8) (The department of community, trade, and economic development~~
33 ~~shall convene a policy advisory committee composed of representatives~~
34 ~~from the senate, the house of representatives, the governor's office of~~
35 ~~financial management, the department of corrections, to include one~~
36 ~~representative who is a community corrections officer, the office of~~
37 ~~crime victims' advocacy, the Washington state association of counties,~~
38 ~~association of Washington cities, a nonprofit provider of reentry~~

1 ~~services, and an ex-offender who has discharged the terms of his or her~~
2 ~~sentence. The advisory committee shall meet no less than annually to~~
3 ~~receive status reports on the implementation of community transition~~
4 ~~coordination networks, review annual reports and the pilot project~~
5 ~~evaluations submitted pursuant to RCW 72.78.050, and identify evidence-~~
6 ~~based, research-based, and promising practices for other counties~~
7 ~~seeking to establish community transition coordination networks.~~

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

11 ((10)) (9) This section expires June 30, 2013.

12 **Board of Law Enforcement Training Standards**
13 **and Board on Correctional Training Standards**

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

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

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

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

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

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

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

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

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

29 **Sec. 18.** RCW 43.101.380 and 2009 c 25 s 1 are each amended to read
30 as follows:

31 (1) The procedures governing adjudicative proceedings before
32 agencies under chapter 34.05 RCW, the administrative procedure act,
33 govern hearings before the commission and govern all other actions

1 before the commission unless otherwise provided in this chapter. The
2 standard of proof in actions before the commission is clear, cogent,
3 and convincing evidence.

4 (2) In all hearings requested under RCW 43.101.155, a five-member
5 hearings panel shall both hear the case and make the commission's final
6 administrative decision. Members of the commission (~~(or the board on~~
7 ~~law enforcement training standards and education))~~) may, but need not,
8 be((~~7~~)) appointed to the hearings panels. The commission shall appoint
9 as follows two or more panels to hear appeals from certification
10 actions:

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

20 (b) When a hearing is requested in relation to a certification
21 action of a peace officer of the Washington state patrol, the
22 commission shall appoint to the panel: (i) Either one police chief or
23 one sheriff; (ii) one administrator of the state patrol; (iii) one
24 certified Washington peace officer who is at or below the level of
25 first line supervisor, who is not a state patrol officer, and who has
26 at least ten years' experience as a peace officer; (iv) one state
27 patrol officer who is at or below the level of first line supervisor,
28 and who has at least ten years' experience as a peace officer; and (v)
29 one person who is not currently a peace officer and who represents a
30 community college or four-year college or university.

31 (c) When a hearing is requested in relation to a certification
32 action of a tribal police officer, the commission shall appoint to the
33 panel (i) either one police chief or one sheriff; (ii) one tribal
34 police chief; (iii) one certified Washington peace officer who is at or
35 below the level of first line supervisor, and who has at least ten
36 years' experience as a peace officer; (iv) one tribal police officer
37 who is at or below the level of first line supervisor, and who has at

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

4 (d) Persons appointed to hearings panels by the commission shall,
5 in relation to any certification action on which they sit, have the
6 powers, duties, and immunities, and are entitled to the emoluments,
7 including travel expenses in accordance with RCW 43.03.050 and
8 43.03.060, of regular commission members.

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

25 Where the charge upon which revocation or denial of certification
26 is based is that a peace officer "has been convicted at any time of a
27 felony offense" within the meaning of RCW 43.101.105(1)(c), the
28 hearings panel shall revoke or deny certification if it determines that
29 the peace officer was convicted of a felony. The hearings panel need
30 not redetermine the underlying facts but may make this determination
31 based solely on review of the records and decision relating to the
32 criminal proceeding. However, the hearings panel shall, upon the
33 panel's determination of relevancy, consider additional evidence to
34 determine whether the peace officer was convicted of a felony.

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

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

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

4 NEW SECTION. **Sec. 19.** RCW 43.105.055 (Advisory committees--
5 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
6 repealed.

7 **Sec. 20.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
8 read as follows:

9 The department shall:

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

12 (a) The review of agency information technology portfolios and
13 related requests; and

14 (b) Implementation of statewide and interagency policies,
15 standards, and guidelines;

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

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

25 (b) Mainframe computing services;

26 (c) Support for departmental and microcomputer evaluation,
27 installation, and use;

28 (d) Equipment acquisition assistance, including leasing, brokering,
29 and establishing master contracts;

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

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

- 1 (g) Office automation services;
- 2 (h) System development services; and
- 3 (i) Training.

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

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

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

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

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

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

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

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

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

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

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

14 (b) Promulgation of policies, standards, and guidelines adopted by
15 the board;

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

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

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

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

30 **Revenue-Simplified Sales and Use Tax Administration**
31 **Advisory Group**

32 **Sec. 21.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to read
33 as follows:

34 ((+1)) For the purposes of reviewing or amending the agreement
35 embodying the simplification requirements in RCW 82.58.050, the state

1 shall enter into multistate discussions. For purposes of these
2 discussions, the state shall be represented by the department. ((The
3 governor may appoint up to four persons to consult with the department
4 at these discussions. The persons advising the department shall not be
5 compensated and are not entitled to payment of travel expenses by the
6 state.

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

19 **Driver Instructors' Advisory Committee**

20 **Sec. 22.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
21 as follows:

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

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

30 (a) To meet the traffic safety education requirement for a driver's
31 license the applicant must satisfactorily complete a traffic safety
32 education course as defined in RCW 28A.220.020 for a course offered by
33 a school district, or as defined by the department of licensing for a
34 course offered by a driver training school licensed under chapter 46.82
35 RCW. The course offered by a school district or an approved private

1 school must meet the standards established by the office of the state
2 superintendent of public instruction. The course offered by a driver
3 training school must meet the standards established by the department
4 of licensing (~~with the advice of the driver instructors' advisory~~
5 ~~committee, pursuant to RCW 46.82.300~~). The traffic safety education
6 course may be provided by:

7 (i) A recognized secondary school; or

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

10 (b) To meet the traffic safety education requirement for a
11 motorcycle endorsement, the applicant must successfully complete a
12 motorcycle safety education course that meets the standards established
13 by the department of licensing.

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

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

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

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

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

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

30 **Sec. 23.** RCW 46.82.280 and 2009 c 101 s 1 are each amended to read
31 as follows:

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

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

36 (2)) "Behind-the-wheel instruction" means instruction in an

1 approved driver training school instruction vehicle according to and
2 inclusive of the minimum required curriculum. Behind-the-wheel
3 instruction is characterized by driving experience.

4 ~~((+3))~~ (2) "Classroom" means a space dedicated to and used
5 exclusively by a driver training instructor for the instruction of
6 students. With prior department approval, a branch office classroom
7 may be located within alternative facilities, such as a public or
8 private library, school, community college, college or university, or
9 a business training facility.

10 ~~((+4))~~ (3) "Classroom instruction" means that portion of a traffic
11 safety education course that is characterized by classroom-based
12 student instruction conducted by or under the direct supervision of a
13 licensed instructor or licensed instructors.

14 ~~((+5))~~ (4) "Director" means the director of the department of
15 licensing of the state of Washington.

16 ~~((+6))~~ (5) "Driver training education course" means a course of
17 instruction in traffic safety education approved and licensed by the
18 department of licensing that consists of classroom and behind-the-wheel
19 instruction as documented by the minimum approved curriculum.

20 ~~((+7))~~ (6) "Driver training school" means a commercial driver
21 training school engaged in the business of giving instruction, for a
22 fee, in the operation of automobiles.

23 ~~((+8))~~ (7) "Enrollment" means the collecting of a fee or the
24 signing of a contract for a driver training education course.
25 "Enrollment" does not include the collecting of names and contact
26 information for enrolling students once a driver training school is
27 licensed to instruct.

28 ~~((+9))~~ (8) "Fraudulent practices" means any conduct or
29 representation on the part of a driver training school owner or
30 instructor including:

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

36 (b) Operating a driver training school without a license, providing
37 instruction without an instructor's license, verifying enrollment prior

1 to being licensed, misleading or false statements on applications for
2 a commercial driver training school license or instructor's license or
3 on any required records or supporting documentation;

4 (c) Failing to fully document and maintain all required driver
5 training school records of instruction, school operation, and
6 instructor training;

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

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

12 ~~((+11))~~ (10) "Owner" means an individual, partnership,
13 corporation, association, or other person or group that holds a
14 substantial interest in a driver training school.

15 ~~((+12))~~ (11) "Person" means any individual, firm, corporation,
16 partnership, or association.

17 ~~((+13))~~ (12) "Place of business" means a designated location at
18 which the business of a driver training school is transacted or its
19 records are kept.

20 ~~((+14))~~ (13) "Student" means any person enrolled in an approved
21 driver training course.

22 ~~((+15))~~ (14) "Substantial interest holder" means a person who has
23 actual or potential influence over the management or operation of any
24 driver training school. Evidence of substantial interest includes, but
25 is not limited to, one or more of the following:

26 (a) Directly or indirectly owning, operating, managing, or
27 controlling a driver training school or any part of a driver training
28 school;

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

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

32 (d) Owning ten percent or more of any class of stock in a privately
33 or closely held corporate driver training school, or five percent or
34 more of any class of stock in a publicly traded corporate driver
35 training school;

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

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

4 NEW SECTION. **Sec. 24.** RCW 46.82.300 (Driver instructors' advisory
5 committee) and 2009 c 101 s 2, 2006 c 219 s 3, 2002 c 195 s 5, 1984 c
6 287 s 93, & 1979 ex.s. c 51 s 3 are each repealed.

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

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

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

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

25 (i) Not more than one moving traffic violation within the preceding
26 twelve months or more than two moving traffic violations in the
27 preceding twenty-four months;

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

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

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

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

3 (d) Has satisfactorily completed a course of instruction in the
4 training of drivers acceptable to the director that is no less than
5 sixty hours in length and includes instruction in classroom and behind-
6 the-wheel teaching methods and supervised practice behind-the-wheel
7 teaching of driving techniques; and

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

11 **Sec. 26.** RCW 46.82.420 and 2008 c 125 s 3 are each amended to read
12 as follows:

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

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

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

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

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

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

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

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

10 **Emergency Medical Services Licensing and Certification Advisory**
11 **Committee**

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

14 (1) RCW 18.73.040 (Emergency medical services licensing and
15 certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55,
16 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, &
17 1973 1st ex.s. c 208 s 4; and

18 (2) RCW 18.73.050 (Committee--Duties--Review of rules) and 1990 c
19 269 s 7, 1987 c 214 s 3, 1979 ex.s. c 261 s 3, & 1973 1st ex.s. c 208
20 s 5.

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

23 (1) The secretary of the department of health(~~(, in conjunction~~
24 ~~with the advice and assistance of the emergency medical services~~
25 ~~licensing and certification advisory committee as prescribed in RCW~~
26 ~~18.73.050, and the commission,)) shall prescribe:~~

27 (a) Practice parameters, training standards for, and levels of,
28 physician trained emergency medical service intermediate life support
29 technicians and paramedics;

30 (b) Minimum standards and performance requirements for the
31 certification and recertification of physician's trained emergency
32 medical service intermediate life support technicians and paramedics;
33 and

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

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

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

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

11 (a) Is licensed to practice medicine and surgery pursuant to
12 chapter 18.71 RCW or osteopathic medicine and surgery pursuant to
13 chapter 18.57 RCW; and

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

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

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

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

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

35 ~~((Unless a different meaning is plainly required by the context,~~
36 ~~the following words and phrases as used in this chapter shall have the~~

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

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

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

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

7 ~~(4))~~ (4) "Ambulance" means a ground or air vehicle designed and used
8 to transport the ill and injured and to provide personnel, facilities,
9 and equipment to treat patients before and during transportation.

10 ~~((5))~~ (4) "Aid vehicle" means a vehicle used to carry aid
11 equipment and individuals trained in first aid or emergency medical
12 procedure.

13 ~~((6))~~ (5) "Emergency medical technician" means a person who is
14 authorized by the secretary to render emergency medical care pursuant
15 to RCW 18.73.081.

16 ~~((7))~~ (6) "Ambulance service" means an organization that operates
17 one or more ambulances.

18 ~~((8))~~ (7) "Aid service" means an organization that operates one
19 or more aid vehicles.

20 ~~((9))~~ (8) "Emergency medical service" means medical treatment and
21 care which may be rendered at the scene of any medical emergency or
22 while transporting any patient in an ambulance to an appropriate
23 medical facility, including ambulance transportation between medical
24 facilities.

25 ~~((10))~~ (9) "Communications system" means a radio and landline
26 network which provides rapid public access, coordinated central
27 dispatching of services, and coordination of personnel, equipment, and
28 facilities in an emergency medical services and trauma care system.

29 ~~((11))~~ (10) "Prehospital patient care protocols" means the
30 written procedure adopted by the emergency medical services medical
31 program director which direct the out-of-hospital emergency care of the
32 emergency patient which includes the trauma care patient. These
33 procedures shall be based upon the assessment of the patient's medical
34 needs and what treatment will be provided for emergency conditions.
35 The protocols shall meet or exceed statewide minimum standards
36 developed by the department in rule as authorized in chapter 70.168
37 RCW.

1 ~~((+12+))~~ (11) "Patient care procedures" means written operating
2 guidelines adopted by the regional emergency medical services and
3 trauma care council, in consultation with the local emergency medical
4 services and trauma care councils, emergency communication centers, and
5 the emergency medical services medical program director, in accordance
6 with statewide minimum standards. The patient care procedures shall
7 identify the level of medical care personnel to be dispatched to an
8 emergency scene, procedures for triage of patients, the level of trauma
9 care facility to first receive the patient, and the name and location
10 of other trauma care facilities to receive the patient should an
11 interfacility transfer be necessary. Procedures on interfacility
12 transfer of patients shall be consistent with the transfer procedures
13 in chapter 70.170 RCW.

14 ~~((+13+))~~ (12) "Emergency medical services medical program director"
15 means a person who is an approved medical program director as defined
16 by RCW 18.71.205(4).

17 ~~((+14+))~~ (13) "Council" means the local or regional emergency
18 medical services and trauma care council as authorized under chapter
19 70.168 RCW.

20 ~~((+15+))~~ (14) "Basic life support" means noninvasive emergency
21 medical services requiring basic medical treatment skills as defined in
22 chapter 18.73 RCW.

23 ~~((+16+))~~ (15) "Advanced life support" means invasive emergency
24 medical services requiring advanced medical treatment skills as defined
25 by chapter 18.71 RCW.

26 ~~((+17+))~~ (16) "First responder" means a person who is authorized by
27 the secretary to render emergency medical care as defined by RCW
28 18.73.081.

29 ~~((+18+))~~ (17) "Stretcher" means a cart designed to serve as a
30 litter for the transportation of a patient in a prone or supine
31 position as is commonly used in the ambulance industry, such as wheeled
32 stretchers, portable stretchers, stair chairs, solid backboards, scoop
33 stretchers, basket stretchers, or flexible stretchers. The term does
34 not include personal mobility aids that recline at an angle or remain
35 at a flat position, that are owned or leased for a period of at least
36 one week by the individual using the equipment or the individual's
37 guardian or representative, such as wheelchairs, personal gurneys, or
38 banana carts.

1 **Sec. 30.** RCW 18.73.101 and 2000 c 93 s 17 are each amended to read
2 as follows:

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

10 **Employee Retirement Benefits Board**

11 NEW SECTION. **Sec. 31.** RCW 41.50.086 (Employee retirement
12 benefits board--Created--Membership) and 2001 c 181 s 1, 1998 c 341 s
13 506, & 1995 c 239 s 301 are each repealed.

14 **Sec. 32.** RCW 41.50.088 and 2005 c 327 s 14 are each amended to
15 read as follows:

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

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

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

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

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

1 **Sec. 33.** RCW 41.50.770 and 1998 c 116 s 11 are each amended to
2 read as follows:

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

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

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

27 (4) The department can provide such plans as it deems are in the
28 interests of state employees. In addition to the types of investments
29 described in this section, the state investment board, with respect to
30 the state deferred compensation plan, shall invest the deferred portion
31 of an employee's income, without limitation as to amount, in accordance
32 with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to
33 investment policy established by the state investment board for the
34 state deferred compensation plans. The state investment board, after
35 consultation with the (~~employee retirement benefits board~~) director
36 regarding any recommendations made pursuant to RCW 41.50.088(2), shall
37 provide a set of options for participants to choose from for investment
38 of the deferred portion of their income. Any income deferred under

1 such a plan shall continue to be included as regular compensation, for
2 the purpose of computing the state or local retirement and pension
3 benefits earned by any employee.

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

8 **Sec. 34.** RCW 41.50.780 and 2008 c 229 s 12 are each amended to
9 read as follows:

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

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

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

32 (4) All moneys in the state deferred compensation principal account
33 and the state deferred compensation administrative account, all
34 property and rights purchased therewith, and all income attributable
35 thereto, shall be held in trust by the state investment board, as set
36 forth under RCW 43.33A.030, for the exclusive benefit of the state
37 deferred compensation plan's participants and their beneficiaries.

1 Neither the participant, nor the participant's beneficiary or
2 beneficiaries, nor any other designee, has any right to commute, sell,
3 assign, transfer, or otherwise convey the right to receive any payments
4 under the plan. These payments and right thereto are nonassignable and
5 nontransferable. Unpaid accumulated deferrals are not subject to
6 attachment, garnishment, or execution and are not transferable by
7 operation of law in event of bankruptcy or insolvency, except to the
8 extent otherwise required by law.

9 (5) The state investment board has the full power to invest moneys
10 in the state deferred compensation principal account and the state
11 deferred compensation administrative account in accordance with RCW
12 43.84.150, 43.33A.140, and 41.50.770, and cumulative investment
13 directions received pursuant to RCW 41.50.770. All investment and
14 operating costs of the state investment board associated with the
15 investment of the deferred compensation plan assets shall be paid
16 pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these
17 expenses, one hundred percent of all earnings from these investments
18 shall accrue directly to the deferred compensation principal account.

19 (6)(a) No state board or commission, agency, or any officer,
20 employee, or member thereof is liable for any loss or deficiency
21 resulting from participant investments selected pursuant to RCW
22 41.50.770(3).

23 (b) Neither the (~~employee retirement benefits board~~) department,
24 nor the director or any employee, nor the state investment board, nor
25 any officer, employee, or member thereof is liable for any loss or
26 deficiency resulting from reasonable efforts to implement investment
27 directions pursuant to RCW 41.50.770(3).

28 (7) The deferred compensation administrative account is hereby
29 created in the state treasury. All expenses of the department
30 pertaining to the deferred compensation plan including staffing and
31 administrative expenses shall be paid out of the deferred compensation
32 administrative account. Any excess balances credited to this account
33 over administrative expenses disbursed from this account shall be
34 transferred to the deferred compensation principal account at such time
35 and in such amounts as may be determined by the department with the
36 approval of the office of financial management. Any deficiency in the
37 deferred compensation administrative account caused by an excess of

1 administrative expenses disbursed from this account shall be
2 transferred to this account from the deferred compensation principal
3 account.

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

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

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

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

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

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

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

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

32 As used in this chapter, the following terms have the meanings
33 indicated:

34 (1) "Actuary" means the state actuary or the office of the state
35 actuary.

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

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

2 ~~((4))~~ (3)(a) "Compensation" for teachers for purposes of this
3 chapter is the same as "earnable compensation" for plan 3 in chapter
4 41.32 RCW except that the compensation may be reported when paid,
5 rather than when earned.

6 (b) "Compensation" for classified employees for purposes of this
7 chapter is the same as "compensation earnable" for plan 3 in RCW
8 41.35.010, except that the compensation may be reported when paid,
9 rather than when earned.

10 (c) "Compensation" for public employees for purposes of this
11 chapter is the same as "compensation earnable" for plan 3 in RCW
12 41.40.010, except that the compensation may be reported when paid,
13 rather than when earned.

14 ~~((5))~~ (4)(a) "Employer" for teachers for purposes of this chapter
15 means the same as "employer" for plan 3 in chapter 41.32 RCW.

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

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

20 ~~((6))~~ (5) "Member" means any employee included in the membership
21 of a retirement system as provided for in chapter 41.32 RCW of plan 3,
22 chapter 41.35 RCW of plan 3, or chapter 41.40 RCW of plan 3.

23 ~~((7))~~ (6) "Member account" or "member's account" means the sum of
24 the contributions and earnings on behalf of the member.

25 ~~((8))~~ (7) "Retiree" means any member in receipt of an allowance
26 or other benefit provided by this chapter resulting from service
27 rendered to an employer by such member.

28 ~~((9))~~ (8) "Teacher" means a member of the teachers' retirement
29 system plan 3 as defined in RCW 41.32.010(29).

30 ~~((10))~~ (9) "Classified employee" means a member of the school
31 employees' retirement system plan 3 as defined in RCW 41.35.010.

32 ~~((11))~~ (10) "Public employee" means a member of the public
33 employees' retirement system plan 3 as defined in RCW 41.40.010.

34 **Sec. 36.** RCW 41.34.040 and 2003 c 156 s 1 are each amended to read
35 as follows:

36 (1) A member shall contribute from his or her compensation

1 according to one of the following rate structures in addition to the
2 mandatory minimum five percent:

<u>Option A</u>	<u>Contribution Rate</u>
All Ages	0.0% fixed
<u>Option B</u>	
Up to Age 35	0.0%
Age 35 to 44	1.0%
Age 45 and above	2.5%
<u>Option C</u>	
Up to Age 35	1.0%
Age 35 to 44	2.5%
Age 45 and above	3.5%
<u>Option D</u>	
All Ages	2.0%
<u>Option E</u>	
All Ages	5.0%
<u>Option F</u>	
All Ages	10.0%

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

25 (3)(a) For members of the teachers' retirement system entering plan
26 3 under RCW 41.32.835 or members of the school employees' retirement
27 system entering plan 3 under RCW 41.35.610, within ninety days of
28 becoming a member he or she has an option to choose one of the above
29 contribution rate structures. If the member does not select an option
30 within the ninety-day period, he or she shall be assigned option A.

31 (b) For members of the public employees' retirement system entering
32 plan 3 under RCW 41.40.785, within the ninety days described in RCW
33 41.40.785 an employee who irrevocably chooses plan 3 shall select one
34 of the above contribution rate structures. If the member does not

1 select an option within the ninety-day period, he or she shall be
2 assigned option A.

3 (c) For members of the teachers' retirement system transferring to
4 plan 3 under RCW 41.32.817, members of the school employees' retirement
5 system transferring to plan 3 under RCW 41.35.510, or members of the
6 public employees' retirement system transferring to plan 3 under RCW
7 41.40.795, upon election to plan 3 he or she must choose one of the
8 above contribution rate structures.

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

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

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

18 **Sec. 37.** RCW 41.34.070 and 2005 c 327 s 3 are each amended to read
19 as follows:

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

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

30 (a) The distribution shall be made to such person or persons as the
31 member shall have nominated by written designation duly executed and
32 filed with the department;

33 (b) If there be no such designated person or persons still living
34 at the time of the member's death, the balance of the member's account
35 in the retirement system, less any amount identified as owing to an
36 obligee upon withdrawal of such account balance pursuant to a court

1 order filed under RCW 41.50.670, shall be paid to the member's
2 surviving spouse as if in fact such spouse had been nominated by
3 written designation;

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

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

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

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

20 **Sec. 38.** RCW 41.34.130 and 2001 c 181 s 3 are each amended to read
21 as follows:

22 (1) The state investment board has the full authority to invest all
23 self-directed investment moneys in accordance with RCW 43.84.150 and
24 43.33A.140, and cumulative investment directions received pursuant to
25 RCW 41.34.060 and this section. In carrying out this authority the
26 state investment board, after consultation with the (~~employee~~
27 ~~retirement benefits board~~) department regarding any recommendations
28 made pursuant to RCW 41.50.088(1)(b), shall provide a set of options
29 for members to choose from for self-directed investment.

30 (2) All investment and operating costs of the state investment
31 board associated with making self-directed investments shall be paid by
32 members and recovered under procedures agreed to by the (~~board~~)
33 department and the state investment board pursuant to the principles
34 set forth in RCW 43.33A.160 and 43.84.160. All other expenses caused
35 by self-directed investment shall be paid by the member in accordance
36 with rules established by the (~~board~~) department under RCW 41.50.088.

1 With the exception of these expenses, all earnings from self-directed
2 investments shall accrue to the member's account.

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

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

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

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

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

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

25 **Sec. 39.** RCW 41.34.140 and 1999 c 265 s 2 are each amended to read
26 as follows:

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

31 (2) Neither the (~~board~~) department, nor director or any employee,
32 nor the state investment board, nor any officer, employee, or member
33 thereof is liable for any loss or deficiency resulting from reasonable
34 efforts to implement investment directions pursuant to RCW 41.34.060
35 (1) or (3).

36 (3) The state investment board, or any officer, employee, or member

1 thereof is not liable with respect to any declared monthly unit
2 valuations or crediting of rates of return, or any other exercise of
3 powers or duties, including discretion, under RCW 41.34.060(2).

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

8 **Sec. 40.** RCW 43.33A.135 and 1998 c 116 s 13 are each amended to
9 read as follows:

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

19 **Environmental and Land Use Hearings Board**

20 NEW SECTION. **Sec. 41.** The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 43.21L.005 (Purpose) and 2003 c 393 s 1;
- 23 (2) RCW 43.21L.010 (Definitions) and 2003 c 393 s 2;
- 24 (3) RCW 43.21L.020 (Exclusive review process--Exception--Procedural
25 rules) and 2003 c 393 s 3;
- 26 (4) RCW 43.21L.030 (Designation as qualifying project--Request for
27 determination--Duties of office of permit assistance) and 2003 c 393 s
28 4;
- 29 (5) RCW 43.21L.040 (Environmental and land use hearings board) and
30 2003 c 393 s 5;
- 31 (6) RCW 43.21L.050 (Review proceedings--Commencement--Rules for
32 filing and service) and 2003 c 393 s 6;
- 33 (7) RCW 43.21L.060 (Standing) and 2003 c 393 s 7;
- 34 (8) RCW 43.21L.070 (Petition requirements) and 2003 c 393 s 8;

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

20 **Sec. 42.** RCW 36.70C.030 and 2003 c 393 s 17 are each amended to
21 read as follows:

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

25 (a) Judicial review of:

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

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

32 (b) Judicial review of applications for a writ of mandamus or
33 prohibition; or

34 (c) Claims provided by any law for monetary damages or
35 compensation. If one or more claims for damages or compensation are
36 set forth in the same complaint with a land use petition brought under
37 this chapter, the claims are not subject to the procedures and

1 standards, including deadlines, provided in this chapter for review of
2 the petition. The judge who hears the land use petition may, if
3 appropriate, preside at a trial for damages or compensation.

4 (2) The superior court civil rules govern procedural matters under
5 this chapter to the extent that the rules are consistent with this
6 chapter.

7 **Sec. 43.** RCW 43.21B.005 and 2003 c 393 s 18 and 2003 c 39 s 22
8 are each reenacted and amended to read as follows:

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

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

31 (3) The administrative appeals judges appointed under subsection
32 (2) of this section are subject to discipline and termination, for
33 cause, by the chief executive officer. Upon written request by the
34 person so disciplined or terminated, the chief executive officer shall
35 state the reasons for such action in writing. The person affected has
36 a right of review by the superior court of Thurston county on petition

1 for reinstatement or other remedy filed within thirty days of receipt
2 of such written reasons.

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

6 (5) The chief executive officer may also contract for required
7 services.

8 **Family Practice Education Advisory Board**

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

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

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

15 (3) RCW 70.112.050 (Advisory board--Duties) and 1998 c 245 s 111 &
16 1975 1st ex.s. c 108 s 5.

17 **Sec. 45.** RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each
18 amended to read as follows:

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

21 (2) "Residency programs" mean community based family practice
22 residency educational programs either in existence or established under
23 this chapter;

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

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

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

31 **Sec. 46.** RCW 70.112.020 and 1975 1st ex.s. c 108 s 2 are each
32 amended to read as follows:

33 There is established a statewide medical education system for the

1 purpose of training resident physicians in family practice. The dean
2 of the school of medicine shall be responsible for implementing the
3 development and expansion of residency programs in cooperation with the
4 medical profession, hospitals, and clinics located throughout the
5 state. The chairman of the department of family medicine in the school
6 of medicine(~~(, with the consent of the advisory board,)~~) shall
7 determine where affiliated residency programs shall exist; giving
8 consideration to communities in the state where the population,
9 hospital facilities, number of physicians, and interest in medical
10 education indicate the potential success of the residency program. The
11 medical education system shall provide financial support for residents
12 in training for those programs which are affiliated with the school of
13 medicine and shall establish positions for appropriate faculty to staff
14 these programs. The number of programs shall be determined by the
15 board and be in keeping with the needs of the state.

16 **Fire Protection Policy Board**

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

19 (1) RCW 43.43.932 (State fire protection policy board--Created--
20 Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and

21 (2) RCW 43.43.936 (State fire protection policy board--Advisory
22 duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

23 **Sec. 48.** RCW 43.43.930 and 1995 c 369 s 14 are each amended to
24 read as follows:

25 The legislature finds that fire protection services at the state
26 level are provided by different, independent state agencies. This has
27 resulted in a lack of a comprehensive state-level focus for state fire
28 protection services, funding, and policy. The legislature further
29 finds that the paramount duty of the state in fire protection services
30 is to enhance the capacity of all local jurisdictions to assure that
31 their personnel with fire suppression, prevention, inspection, origin
32 and cause, and arson investigation responsibilities are adequately
33 trained to discharge their responsibilities. It is the intent of the
34 legislature to consolidate fire protection services into a single state

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

13 **Sec. 49.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read
14 as follows:

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

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

29 (b) (~~Adopt minimum standards for each level of responsibility~~
30 ~~among personnel with fire suppression, prevention, inspection, and~~
31 ~~investigation responsibilities that assure continuing assessment of~~
32 ~~skills and are flexible enough to meet emerging technologies. With~~
33 ~~particular respect to training for fire investigations, the master plan~~
34 ~~shall encourage cross training in appropriate law enforcement skills.~~
35 ~~To meet special local needs, fire agencies may adopt more stringent~~
36 ~~requirements than those adopted by the state;~~

37 (~~e~~)) Cooperate with the common schools, technical and community
colleges, institutions of higher education, and any department or

1 division of the state, or of any county or municipal corporation in
2 establishing and maintaining instruction in fire service training and
3 education in accordance with any act of congress and legislation
4 enacted by the legislature in pursuance thereof and in establishing,
5 building, and operating training and education facilities.

6 Industrial fire departments and private fire investigators may
7 participate in training and education programs under this chapter for
8 a reasonable fee established by rule;

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

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

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

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

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

30 ~~(b) Monitor fire protection in the state and develop objectives and
31 priorities to improve fire protection for the state's citizens
32 including: (i) The comprehensiveness of state and local inspections
33 required by law for fire and life safety; (ii) the level of skills and
34 training of inspectors, as well as needs for additional training; and
35 (iii) the efforts of local, regional, and state inspection agencies to
36 improve coordination and reduce duplication among inspection efforts;~~

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

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

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

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

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

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

15 ~~((i))~~ (c) Implement any legislation enacted by the legislature to
16 meet the requirements of any acts of congress that apply to this
17 section.

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

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

34 **Sec. 50.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to
35 read as follows:

36 (1) Wherever the term state fire marshal appears in the Revised

1 Code of Washington or the Washington Administrative Code it shall mean
2 the director of fire protection.

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

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

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

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

37 ((~~6~~) The chief of the Washington state patrol, through the

1 ~~director of fire protection, shall seek the advice of the board in~~
2 ~~carrying out his or her duties under law.))~~

3 **Sec. 51.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read
4 as follows:

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

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

25 **Sec. 52.** RCW 43.43.963 and 1997 c 49 s 11 are each amended to read
26 as follows:

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

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

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

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

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

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

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

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

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

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

34 **Sec. 53.** RCW 43.44.030 and 1991 c 170 s 2 are each amended to read
35 as follows:

36 (~~Nonconstruction standards relative to fire prevention and safety~~
37 ~~for all schools under the jurisdiction of the superintendent of public~~

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

9 **Sec. 54.** RCW 43.44.060 and 1999 c 231 s 1 are each amended to read
10 as follows:

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

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

32 ~~((3) In carrying out the duties relating to collecting, analyzing,~~
33 ~~and reporting statistical fire data, the fire protection policy board~~
34 ~~may purchase statistical fire data from a qualified individual or~~
35 ~~organization. The information shall meet the diverse needs of state~~
36 ~~and local fire reporting agencies and shall be (a) defined in~~
37 ~~understandable terms of common usage in the fire community; (b)~~

1 ~~adaptable to the varying levels of resources available; (c) maintained~~
2 ~~in a manner that will foster both technical support and resource~~
3 ~~sharing; and (d) designed to meet both short and long term needs.)~~

4 **Sec. 55.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
5 as follows:

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

27 **Sec. 56.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read
28 as follows:

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

1 workers must have access to certified asbestos supervisors throughout
2 the duration of the project.

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

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

18 **Hazardous Substance Mixed Waste Advisory Board**

19 NEW SECTION. **Sec. 57.** The following acts or parts of acts are
20 each repealed:

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

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

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

27 NEW SECTION. **Sec. 58.** The following acts or parts of acts are
28 each repealed:

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

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

1 **Sec. 59.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to
2 read as follows:

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

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

16 (2) Standards for claims management procedures; and

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

20 **Sec. 60.** RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended
21 to read as follows:

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

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

31 (3) (~~(After the formation of the two advisory boards, each board)~~)
32 The state risk manager may calculate, levy, and collect from each joint
33 property and liability self-insurance program and each individual and
34 joint health and welfare benefit program regulated by this chapter a
35 start-up assessment to pay initial expenses and operating costs of
36 (~~(the boards and)~~) the risk manager's office in administering this

1 chapter. Any program failing to remit its assessment when due is
2 subject to denial of permission to operate or to a cease and desist
3 order until the assessment is paid.

4 **Higher Education Coordinating Board Advisory Council**

5 NEW SECTION. **Sec. 61.** RCW 28B.76.100 (Advisory council) and 2007
6 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

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

8 **Sec. 62.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
9 read as follows:

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

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

30 (3) Specific protocols shall be developed by the board ~~((and the~~
31 ~~advisory group))~~ to protect the privacy of individual student records

1 while ensuring the availability of student data for legitimate research
2 purposes.

3 **Industry Cluster Advisory Committee**

4 **Sec. 63.** RCW 43.330.090 and 2009 c 151 s 1 are each amended to
5 read as follows:

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

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

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

31 (b) The department may, in carrying out its efforts to encourage
32 film and video production in the state, solicit and receive gifts,
33 grants, funds, fees, and endowments, in trust or otherwise, from
34 tribal, local, or other governmental entities, as well as private
35 sources, and may expend the same or any income therefrom for the

1 encouragement of film and video production. All revenue received for
2 such purposes shall be deposited into the film and video promotion
3 account created in RCW 43.330.092.

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

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

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

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

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

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

32 (iii) Applications must evidence financial participation of the
33 partner organizations.

34 (iv) Eligible activities include the formation of cluster economic
35 development partnerships, research and analysis of economic development
36 needs of the cluster, the development of a plan to meet the economic
37 development needs of the cluster, and activities to implement the plan.

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

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

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

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

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

13 **Integrated Justice Information Board**

14 NEW SECTION. **Sec. 64.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
17 104 s 1;

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

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

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

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

26 **Juvenile Justice Advisory Committee**

27 **Sec. 65.** RCW 2.56.031 and 1993 c 415 s 2 are each amended to read
28 as follows:

29 The administrator for the courts shall develop a plan to improve
30 the collection and reporting of information on juvenile offenders by
31 all juvenile courts in the state. The information related to juvenile
32 offenders shall include, but is not limited to, social, demographic,

1 education, and economic data on juvenile offenders and where possible,
2 their families. Development and implementation of the plan shall be
3 accomplished in consultation with the human rights commission, (~~the~~
4 ~~governor's juvenile justice advisory committee,~~) superior court
5 judges, juvenile justice administrators, and interested juvenile
6 justice practitioners and researchers. The plan shall include a
7 schedule and budget for implementation and shall be provided to the
8 office of financial management by September 15, 1993.

9 **Sec. 66.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to
10 read as follows:

11 (1) In order to receive funds under RCW 13.40.500 through
12 13.40.540, local governments may, through their respective agencies
13 that administer funding for consolidated juvenile services, submit
14 proposals that establish community juvenile accountability programs
15 within their communities. These proposals must be submitted to the
16 juvenile rehabilitation administration of the department of social and
17 health services for certification.

18 (2) The proposals must:

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

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

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

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

1 audits for compliance with the grant criteria developed under RCW
2 13.40.520.

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

8 (a) Target diverted and adjudicated juvenile offenders;

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

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

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

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

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

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

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

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

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

32 (k) Include an evaluation component; and

33 (l) Recognize the diversity of local needs.

34 (5) The state law and justice advisory council(~~(, with the~~
35 ~~assistance of the family policy council and the governor's juvenile~~
36 ~~justice advisory committee,~~)) may provide support and technical
37 assistance to local governments for training and education regarding
38 community-based prevention and intervention strategies.

1 **K-20 Educational Network Board**

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

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

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

7 (2) RCW 43.105.810 (K-20 network technical steering committee) and
8 1999 c 285 s 6.

9 **Sec. 68.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and
10 2009 c 486 s 14 are each reenacted and amended to read as follows:

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

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

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

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

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

26 (5) "Committee" means the state interoperability executive
27 committee.

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

30 (7) "Community technology programs" means programs that are engaged
31 in diffusing information and communications technology in local
32 communities, particularly in unserved and underserved areas of the
33 state. These programs may include, but are not limited to, programs
34 that provide education and skill-building opportunities, hardware and
35 software, internet connectivity, digital media literacy, development of
36 locally relevant content, and delivery of vital services through
37 technology.

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

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

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

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

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

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

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

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

21 (16) "Information services" means data processing,
22 telecommunications, office automation, and computerized information
23 systems.

24 (17) "Information technology portfolio" or "portfolio" means a
25 strategic management process documenting relationships between agency
26 missions and information technology and telecommunications investments.

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

29 ~~(19))~~ (19) "K-20 network" means the network established in RCW
30 43.105.820.

31 ~~((20) "K-20 network technical steering committee" or "committee"~~
32 ~~means the K-20 network technical steering committee created in RCW~~
33 ~~43.105.810.~~

34 ~~(21))~~ (19) "Local governments" includes all municipal and quasi
35 municipal corporations and political subdivisions, and all agencies of
36 such corporations and subdivisions authorized to contract separately.

37 ~~((22))~~ (20) "Oversight" means a process of comprehensive risk

1 analysis and management designed to ensure optimum use of information
2 technology resources and telecommunications.

3 ~~((+23))~~ (21) "Proprietary software" means that software offered
4 for sale or license.

5 ~~((+24))~~ (22) "Purchased services" means services provided by a
6 vendor to accomplish routine, continuing, and necessary functions.
7 This term includes, but is not limited to, services acquired for
8 equipment maintenance and repair, operation of a physical plant,
9 security, computer hardware and software installation and maintenance,
10 telecommunications installation and maintenance, data entry, keypunch
11 services, programming services, and computer time-sharing.

12 ~~((+25))~~ (23) "Small business" has the definition in RCW 39.29.006.

13 ~~((+26))~~ (24) "Telecommunications" means the transmission of
14 information by wire, radio, optical cable, electromagnetic, or other
15 means.

16 ~~((+27))~~ (25) "Video telecommunications" means the electronic
17 interconnection of two or more sites for the purpose of transmitting
18 and/or receiving visual and associated audio information. Video
19 telecommunications shall not include existing public television
20 broadcast stations as currently designated by the department of
21 commerce under chapter 43.330 RCW.

22 **Sec. 69.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to
23 read as follows:

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

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

30 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
31 maintain equipment, proprietary software, and purchased services, or to
32 delegate to other agencies and institutions of state government, under
33 appropriate standards, the authority to purchase, lease, rent, or
34 otherwise acquire, dispose of, and maintain equipment, proprietary
35 software, and purchased services: PROVIDED, That, agencies and
36 institutions of state government are expressly prohibited from
37 acquiring or disposing of equipment, proprietary software, and

1 purchased services without such delegation of authority. The
2 acquisition and disposition of equipment, proprietary software, and
3 purchased services is exempt from RCW 43.19.1919 and, as provided in
4 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,
5 except that the board, the department, and state agencies, as
6 delegated, must post notices of technology procurement bids on the
7 state's common vendor registration and bid notification system. This
8 subsection (1)(b) does not apply to the legislative branch;

9 (c) To develop statewide or interagency technical policies,
10 standards, and procedures;

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

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

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

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

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

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

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

34 (ii) Training and education; and

35 (iii) Project management;

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

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

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

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

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

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

20 In developing these standards, the board is encouraged to include
21 the state library, state archives, and appropriate representatives of
22 state and local government.

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

33 (b) The board has the authority to adopt rules under chapter 34.05
34 RCW to implement the provisions regarding the technical operations and
35 conditions of use of the K-20 network.

36 **Sec. 70.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
37 read as follows:

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

2 (1) In cooperation with the educational sectors and other
3 interested parties, to establish goals and measurable objectives for
4 the network;

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

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

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

28 (5) To adopt and monitor the implementation of a methodology to
29 evaluate the effectiveness of the network in achieving the educational
30 goals and measurable objectives;

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

33 (7) To establish by rule acceptable use policies governing user
34 eligibility for participation in the K-20 network, acceptable uses of
35 network resources, and procedures for enforcement of such policies.
36 The ((K-20)) board shall set forth appropriate procedures for
37 enforcement of acceptable use policies, that may include suspension of
38 network connections and removal of shared equipment for violations of

1 network conditions or policies. (~~However, the information services~~)
2 The board shall have sole responsibility for the implementation of
3 enforcement procedures relating to technical conditions of use.

4 **Sec. 71.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
5 read as follows:

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

14 (1) Phase one shall provide a telecommunication backbone connecting
15 educational service districts, the main campuses of public
16 baccalaureate institutions, the branch campuses of public research
17 institutions, and the main campuses of community colleges and technical
18 colleges.

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

28 (i) The (~~K-20~~) board and each independent nonprofit institution
29 of higher education to be connected agree in writing to terms and
30 conditions of connectivity. The terms and conditions shall ensure,
31 among other things, that the provision of K-20 services does not
32 violate Article VIII, section 5 of the state Constitution and that the
33 institution shall adhere to network policies; and

34 (ii) The (~~K-20~~) board determines that inclusion of the
35 independent nonprofit institutions of higher education will not
36 significantly affect the network's eligibility for federal universal
37 service fund discounts or subsidies.

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

4 **Washington Main Street Advisory Committee**

5 NEW SECTION. **Sec. 72.** RCW 43.360.040 (Washington main street
6 advisory committee) and 2005 c 514 s 911 are each repealed.

7 **Mortgage Brokers**

8 NEW SECTION. **Sec. 73.** RCW 19.146.280 (Mortgage broker
9 commission--Code of conduct--Complaint review) and 2009 c 518 s 1, 2006
10 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c
11 468 s 21 are each repealed.

12 **Sec. 74.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to
13 read as follows:

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

19 **Oil Spill Advisory Council**

20 NEW SECTION. **Sec. 75.** The following acts or parts of acts are
21 each repealed:

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

24 (2) RCW 90.56.130 (Council--Duties--Work plan--Reports) and 2005 c
25 304 s 3.

26 **Sec. 76.** RCW 90.56.005 and 2005 c 304 s 1 are each amended to read
27 as follows:

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

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

22 (3) The legislature also finds that:

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

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

30 (c) Washington's navigable waters are treasured environmental and
31 economic resources that the state cannot afford to place at undue risk
32 from an oil spill;

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

36 (e) In section 5002 of the federal oil pollution act of 1990, the
37 United States congress found that many people believed that complacency
38 on the part of industry and government was one of the contributing

1 factors to the Exxon Valdez spill and, further, that one method to
2 combat this complacency is to involve local citizens in the monitoring
3 and oversight of oil spill plans. Congress also found that a mechanism
4 should be established that fosters the long-term partnership of
5 industry, government, and local communities in overseeing compliance
6 with environmental concerns in the operation of crude oil terminals.
7 Moreover, congress concluded that, in addition to Alaska, a program of
8 citizen monitoring and oversight should be established in other major
9 crude oil terminals in the United States because recent oil spills
10 indicate that the safe transportation of oil is a national problem.

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

14 (a) To establish state agency expertise in marine safety and to
15 centralize state activities in spill prevention and response
16 activities;

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

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

22 (d) To provide for state spill response and wildlife rescue
23 planning and implementation;

24 (e) To support and complement the federal oil pollution act of 1990
25 and other federal law, especially those provisions relating to the
26 national contingency plan for cleanup of oil spills and discharges,
27 including provisions relating to the responsibilities of state agencies
28 designated as natural resource trustees. The legislature intends this
29 chapter to be interpreted and implemented in a manner consistent with
30 federal law;

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

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

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

1 **Sec. 77.** RCW 90.56.060 and 2005 c 304 s 4 are each amended to read
2 as follows:

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

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

15 (a) Take into consideration the elements of oil spill prevention
16 and contingency plans approved or submitted for approval pursuant to
17 this chapter and chapter 88.46 RCW and oil and hazardous substance
18 spill contingency plans prepared pursuant to other state or federal law
19 or prepared by federal agencies and regional entities;

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

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

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

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

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

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

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

5 (a) Consult with federal, provincial, municipal, and community
6 officials, other state agencies, the state of Oregon, and with
7 representatives of affected regional organizations;

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

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

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

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

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

20 **Sec. 78.** RCW 43.30.820 and 1991 c 316 s 3 are each amended to read
21 as follows:

22 The Olympic natural resources center shall operate under the
23 authority of the board of regents of the University of Washington. It
24 shall be administered by a director appointed jointly by the deans of
25 the college of forest resources and the college of ocean and fishery
26 sciences. The director shall be a member of the faculty of one of
27 those colleges. The director shall appoint and maintain a scientific
28 or technical committee, and other committees as necessary, to advise
29 the director on the efficiency, effectiveness, and quality of the
30 center's activities.

31 ~~((A policy advisory board consisting of eleven members shall be
32 appointed by the governor to advise the deans and the director on
33 policies for the center that are consistent with the purposes of the
34 center. Membership on the policy advisory board shall broadly~~

1 ~~represent the various interests concerned with the purposes of the~~
2 ~~center, including state and federal government, environmental~~
3 ~~organizations, local community, timber industry, and Indian tribes.~~

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

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

9 NEW SECTION. **Sec. 79.** The following acts or parts of acts are
10 each repealed:

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

13 **Sec. 80.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to
14 read as follows:

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

17 ~~((("Advisory committee" means a group of individuals with broad~~
18 ~~knowledge and experience in the design, construction, and regulation of~~
19 ~~on-site wastewater treatment systems, appointed under this chapter to~~
20 ~~offer recommendations to the board and the director on the~~
21 ~~administration of the program established under this chapter.~~

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

24 ~~((+3))~~ (2) "Designer," "licensee," or "permit holder" means an
25 individual authorized under this chapter to perform design services for
26 on-site wastewater treatment systems.

27 ~~((+4))~~ (3) "Director" means the director of the Washington state
28 department of licensing.

29 ~~((+5))~~ (4) "Engineer" means a professional engineer licensed under
30 chapter 18.43 RCW.

31 ~~((+6))~~ (5) "Practice of engineering" has the meaning set forth in
32 RCW 18.43.020(5).

33 ~~((+7))~~ (6) "On-site wastewater treatment system" means an
34 integrated system of components that: Convey, store, treat, and/or

1 provide subsurface soil treatment and disposal of wastewater effluent
2 on the property where it originates or on adjacent or other property
3 and includes piping, treatment devices, other accessories, and soil
4 underlying the disposal component of the initial and reserve areas, for
5 on-site wastewater treatment under three thousand five hundred gallons
6 per day when not connected to a public sewer system.

7 ((+8)) (7) "On-site wastewater design" means the development of
8 plans, details, specifications, instructions, or inspections by
9 application of specialized knowledge in analysis of soils, on-site
10 wastewater treatment systems, disposal methods, and technologies to
11 create an integrated system of collection, transport, distribution,
12 treatment, and disposal of on-site wastewater.

13 ((+9)) (8) "Local health jurisdiction" or "jurisdictional health
14 department" means an administrative agency created under chapter 70.05,
15 70.08, or 70.46 RCW, that administers the regulation and codes
16 regarding on-site wastewater treatment systems.

17 ((+10)) (9) "Practice permit" means an authorization to practice
18 granted to an individual who designs on-site wastewater treatment
19 systems and who has been authorized by a local health jurisdiction to
20 practice on or before July 1, 2000.

21 ((+11)) (10) "License" means a license to design on-site
22 wastewater treatment systems under this chapter.

23 ((+12)) (11) "Certificate of competency" means a certificate
24 issued to employees of local health jurisdictions indicating that the
25 certificate holder has passed the licensing examination required under
26 this chapter.

27 **Sec. 81.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
28 read as follows:

29 The director may:
30 (1) ~~((Appoint and reappoint members to the advisory committee,~~
31 ~~including temporary additional members, and remove committee members~~
32 ~~for just cause;~~

33 (+2)) Employ administrative, clerical, and investigative staff as
34 necessary to administer and enforce this chapter;

35 ((+3)) (2) Establish fees for applications, examinations, and
36 renewals in accordance with chapter 43.24 RCW;

1 NEW SECTION. **Sec. 85.** RCW 18.200.060 (Advisory committee--
2 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

3 **Sec. 86.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
4 read as follows:

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

7 (1) (~~"Advisory committee" means the orthotics and prosthetics~~
8 ~~advisory committee.~~

9 ~~(2))~~ "Department" means the department of health.

10 ~~((3))~~ (2) "Secretary" means the secretary of health or the
11 secretary's designee.

12 ~~((4))~~ (3) "Orthotics" means the science and practice of
13 evaluating, measuring, designing, fabricating, assembling, fitting,
14 adjusting, or servicing, as well as providing the initial training
15 necessary to accomplish the fitting of, an orthosis for the support,
16 correction, or alleviation of neuromuscular or musculoskeletal
17 dysfunction, disease, injury, or deformity. The practice of orthotics
18 encompasses evaluation, treatment, and consultation. With basic
19 observational gait and postural analysis, orthotists assess and design
20 orthoses to maximize function and provide not only the support but the
21 alignment necessary to either prevent or correct deformity or to
22 improve the safety and efficiency of mobility or locomotion, or both.
23 Orthotic practice includes providing continuing patient care in order
24 to assess its effect on the patient's tissues and to assure proper fit
25 and function of the orthotic device by periodic evaluation.

26 ~~((5))~~ (4) "Orthotist" means a person licensed to practice
27 orthotics under this chapter.

28 ~~((6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace
29 or support that is designed for long-term use. Except for the
30 treatment of scoliosis, orthosis does not include prefabricated or
31 direct-formed orthotic devices, as defined in this section, or any of
32 the following assistive technology devices: Commercially available
33 knee orthoses used following injury or surgery; spastic muscle tone-
34 inhibiting orthoses; upper extremity adaptive equipment; finger
35 splints; hand splints; custom-made, leather wrist gauntlets; face masks
36 used following burns; wheelchair seating that is an integral part of
37 the wheelchair and not worn by the patient independent of the

1 wheelchair; fabric or elastic supports; corsets; arch supports, also
2 known as foot orthotics; low-temperature formed plastic splints;
3 trusses; elastic hose; canes; crutches; cervical collars; dental
4 appliances; and other similar devices as determined by the secretary,
5 such as those commonly carried in stock by a pharmacy, department
6 store, corset shop, or surgical supply facility. Prefabricated
7 orthoses, also known as custom-fitted, or off-the-shelf, are devices
8 that are manufactured as commercially available stock items for no
9 specific patient. Direct-formed orthoses are devices formed or shaped
10 during the molding process directly on the patient's body or body
11 segment. Custom-fabricated orthoses, also known as custom-made
12 orthoses, are devices designed and fabricated, in turn, from raw
13 materials for a specific patient and require the generation of an
14 image, form, or mold that replicates the patient's body or body segment
15 and, in turn, involves the rectification of dimensions, contours, and
16 volumes to achieve proper fit, comfort, and function for that specific
17 patient.

18 ((+7)) (6) "Prosthetics" means the science and practice of
19 evaluating, measuring, designing, fabricating, assembling, fitting,
20 aligning, adjusting, or servicing, as well as providing the initial
21 training necessary to accomplish the fitting of, a prosthesis through
22 the replacement of external parts of a human body lost due to
23 amputation or congenital deformities or absences. The practice of
24 prosthetics also includes the generation of an image, form, or mold
25 that replicates the patient's body or body segment and that requires
26 rectification of dimensions, contours, and volumes for use in the
27 design and fabrication of a socket to accept a residual anatomic limb
28 to, in turn, create an artificial appendage that is designed either to
29 support body weight or to improve or restore function or cosmesis, or
30 both. Involved in the practice of prosthetics is observational gait
31 analysis and clinical assessment of the requirements necessary to
32 refine and mechanically fix the relative position of various parts of
33 the prosthesis to maximize the function, stability, and safety of the
34 patient. The practice of prosthetics includes providing continuing
35 patient care in order to assess the prosthetic device's effect on the
36 patient's tissues and to assure proper fit and function of the
37 prosthetic device by periodic evaluation.

1 (~~(+8)~~) (7) "Prosthetist" means a person who is licensed to
2 practice prosthetics under this chapter.

3 (~~(+9)~~) (8) "Prosthesis" means a definitive artificial limb that is
4 alignable or articulated, or, in lower extremity applications, capable
5 of weight bearing. Prosthesis means an artificial medical device that
6 is not surgically implanted and that is used to replace a missing limb,
7 appendage, or other external human body part including an artificial
8 limb, hand, or foot. The term does not include artificial eyes, ears,
9 fingers or toes, dental appliances, ostomy products, devices such as
10 artificial breasts, eyelashes, wigs, or other devices as determined by
11 the secretary that do not have a significant impact on the
12 musculoskeletal functions of the body. In the lower extremity of the
13 body, the term prosthesis does not include prostheses required for
14 amputations distal to and including the transmetatarsal level. In the
15 upper extremity of the body, the term prosthesis does not include
16 prostheses that are provided to restore function for amputations distal
17 to and including the carpal level.

18 (~~(+10)~~) (9) "Authorized health care practitioner" means licensed
19 physicians, physician's assistants, osteopathic physicians,
20 chiropractors, naturopaths, podiatric physicians and surgeons,
21 dentists, and advanced registered nurse practitioners.

22 **Sec. 87.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
23 read as follows:

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

26 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
27 chapter;

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

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

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

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

8 (6) Establish the standards and procedures for revocation of
9 approval of education programs;

10 (7) Utilize or contract with individuals or organizations having
11 expertise in the profession or in education to assist in the
12 evaluations;

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

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

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

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

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

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

27 (14) Maintain the official department records of all applicants and
28 licensees;

29 (15) Establish by rule the procedures for an appeal of an
30 examination failure;

31 (16) Establish requirements and procedures for an inactive license;
32 and

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

36 **Sec. 88.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
37 read as follows:

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

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

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

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

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

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

28 (4) An applicant failing to make the required grade in the first
29 examination may take up to three subsequent examinations as the
30 applicant desires upon prepaying a fee, determined by the secretary
31 under RCW 43.70.250, for each subsequent examination. Upon failing
32 four examinations, the secretary may invalidate the original
33 application and require remedial education before the person may take
34 future examinations.

35 (5) The secretary may waive some of the education, examination, or
36 experience requirements of this section if the secretary determines
37 that the applicant meets alternative standards, established by the

1 secretary through rule, that are substantially equivalent to the
2 requirements in subsections (1) and (2) of this section.

3 **Regional Fisheries Enhancement Group Advisory Board**

4 NEW SECTION. **Sec. 89.** The following acts or parts of acts are
5 each repealed:

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

8 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
9 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
10 1995 c 367 s 6.

11 **Sec. 90.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
12 read as follows:

13 The department may provide start-up funds to regional fisheries
14 enhancement groups for costs associated with any enhancement project.
15 The (~~regional fisheries enhancement group advisory board and the~~)
16 commission shall develop guidelines for providing funds to the regional
17 fisheries enhancement groups.

18 **Sec. 91.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to read
19 as follows:

20 To maximize available state resources, the department and the
21 department of transportation shall work in partnership (~~with the~~
22 ~~regional fisheries enhancement group advisory board~~) to identify
23 cooperative projects to eliminate fish passage barriers caused by state
24 roads and highways. (~~The advisory board may provide input to the~~
25 ~~department to aid in identifying priority barrier removal projects that~~
26 ~~can be accomplished with the assistance of regional fisheries~~
27 ~~enhancement groups.~~) The department of transportation shall provide
28 engineering and other technical services to assist regional fisheries
29 enhancement groups with fish passage barrier removal projects, provided
30 that the barrier removal projects have been identified as a priority by
31 the department of fish and wildlife and the department of
32 transportation has received an appropriation to continue the fish
33 barrier removal program.

1 ~~((+7))~~ (6) "Disposal site" means the location where any final
2 treatment, utilization, processing, or deposit of solid waste occurs.

3 ~~((+8))~~ (7) "Energy recovery" means a process operating under
4 federal and state environmental laws and regulations for converting
5 solid waste into usable energy and for reducing the volume of solid
6 waste.

7 ~~((+9))~~ (8) "Functional standards" means criteria for solid waste
8 handling expressed in terms of expected performance or solid waste
9 handling functions.

10 ~~((+10))~~ (9) "Incineration" means a process of reducing the volume
11 of solid waste operating under federal and state environmental laws and
12 regulations by use of an enclosed device using controlled flame
13 combustion.

14 ~~((+11))~~ (10) "Inert waste landfill" means a landfill that receives
15 only inert waste, as determined under RCW 70.95.065, and includes
16 facilities that use inert wastes as a component of fill.

17 ~~((+12))~~ (11) "Jurisdictional health department" means city,
18 county, city-county, or district public health department.

19 ~~((+13))~~ (12) "Landfill" means a disposal facility or part of a
20 facility at which solid waste is placed in or on land and which is not
21 a land treatment facility.

22 ~~((+14))~~ (13) "Local government" means a city, town, or county.

23 ~~((+15))~~ (14) "Modify" means to substantially change the design or
24 operational plans including, but not limited to, removal of a design
25 element previously set forth in a permit application or the addition of
26 a disposal or processing activity that is not approved in the permit.

27 ~~((+16))~~ (15) "Multiple family residence" means any structure
28 housing two or more dwelling units.

29 ~~((+17))~~ (16) "Person" means individual, firm, association,
30 copartnership, political subdivision, government agency, municipality,
31 industry, public or private corporation, or any other entity
32 whatsoever.

33 ~~((+18))~~ (17) "Recyclable materials" means those solid wastes that
34 are separated for recycling or reuse, such as papers, metals, and
35 glass, that are identified as recyclable material pursuant to a local
36 comprehensive solid waste plan. Prior to the adoption of the local
37 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),

1 local governments may identify recyclable materials by ordinance from
2 July 23, 1989.

3 ~~((+19+))~~ (18) "Recycling" means transforming or remanufacturing
4 waste materials into usable or marketable materials for use other than
5 landfill disposal or incineration.

6 ~~((+20+))~~ (19) "Residence" means the regular dwelling place of an
7 individual or individuals.

8 ~~((+21+))~~ (20) "Sewage sludge" means a semisolid substance
9 consisting of settled sewage solids combined with varying amounts of
10 water and dissolved materials, generated from a wastewater treatment
11 system, that does not meet the requirements of chapter 70.95J RCW.

12 ~~((+22+))~~ (21) "Soil amendment" means any substance that is intended
13 to improve the physical characteristics of the soil, except composted
14 material, commercial fertilizers, agricultural liming agents,
15 unmanipulated animal manures, unmanipulated vegetable manures, food
16 wastes, food processing wastes, and materials exempted by rule of the
17 department, such as biosolids as defined in chapter 70.95J RCW and
18 wastewater as regulated in chapter 90.48 RCW.

19 ~~((+23+))~~ (22) "Solid waste" or "wastes" means all putrescible and
20 nonputrescible solid and semisolid wastes including, but not limited
21 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
22 demolition and construction wastes, abandoned vehicles or parts
23 thereof, and recyclable materials.

24 ~~((+24+))~~ (23) "Solid waste handling" means the management, storage,
25 collection, transportation, treatment, utilization, processing, and
26 final disposal of solid wastes, including the recovery and recycling of
27 materials from solid wastes, the recovery of energy resources from
28 solid wastes or the conversion of the energy in solid wastes to more
29 useful forms or combinations thereof.

30 ~~((+25+))~~ (24) "Source separation" means the separation of different
31 kinds of solid waste at the place where the waste originates.

32 ~~((+26+))~~ (25) "Vehicle" includes every device physically capable of
33 being moved upon a public or private highway, road, street, or
34 watercourse and in, upon, or by which any person or property is or may
35 be transported or drawn upon a public or private highway, road, street,
36 or watercourse, except devices moved by human or animal power or used
37 exclusively upon stationary rails or tracks.

1 ((+27)) (26) "Waste-derived soil amendment" means any soil
2 amendment as defined in this chapter that is derived from solid waste
3 as defined in ((RCW 70.95.030)) this section, but does not include
4 biosolids or biosolids products regulated under chapter 70.95J RCW or
5 wastewaters regulated under chapter 90.48 RCW.

6 ((+28)) (27) "Waste reduction" means reducing the amount or
7 toxicity of waste generated or reusing materials.

8 ((+29)) (28) "Yard debris" means plant material commonly created
9 in the course of maintaining yards and gardens, and through
10 horticulture, gardening, landscaping, or similar activities. Yard
11 debris includes but is not limited to grass clippings, leaves,
12 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
13 garden debris, holiday trees, and tree prunings four inches or less in
14 diameter.

15 **Sec. 95.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
16 read as follows:

17 (1) The department of ecology shall develop and implement an
18 environmental excellence awards program that recognizes products that
19 are produced, labeled, or packaged in a manner that helps ensure
20 environmental protection. The award shall be in recognition of
21 products that are made from recycled materials, easy to recycle,
22 substitute for more hazardous products, or otherwise help protect the
23 environment. Application for the award shall be voluntary. The awards
24 may be made in a variety of product categories including, but not
25 limited to:

- 26 (a) Paint products;
- 27 (b) Cleaning products;
- 28 (c) Pest control products;
- 29 (d) Automotive, marine, and related maintenance products;
- 30 (e) Hobby and recreation products; and
- 31 (f) Any other product available for retail or wholesale sale.

32 (2) ~~((The state solid waste advisory committee shall establish an
33 environmental excellence product award subcommittee to develop and
34 recommend criteria for awarding environmental excellence awards for
35 products. The subcommittee shall also review award applications and
36 make recommendations to the department. The subcommittee shall consist
37 of equal representation of: (a) Product manufacturing or other~~

1 ~~business representatives; (b) environmental representatives; (c) labor~~
2 ~~or consumer representatives; and (d) independent technical experts.~~
3 ~~Members of the subcommittee need not necessarily be regular members of~~
4 ~~the state solid waste advisory committee.~~

5 (3)) Products receiving an environmental excellence award pursuant
6 to this section shall be entitled to display a logo or other symbol
7 developed by the department to signify the award. Awards shall be
8 given each year to as many products as qualify. The award logo may be
9 displayed for a period to be determined by the department.

10 **Sec. 96.** RCW 70.105.010 and 2009 c 549 s 1027 are each amended to
11 read as follows:

12 The words and phrases defined in this section shall have the
13 meanings indicated when used in this chapter unless the context clearly
14 requires otherwise.

15 (1) "Dangerous wastes" means any discarded, useless, unwanted, or
16 abandoned substances, including but not limited to certain pesticides,
17 or any residues or containers of such substances which are disposed of
18 in such quantity or concentration as to pose a substantial present or
19 potential hazard to human health, wildlife, or the environment because
20 such wastes or constituents or combinations of such wastes:

21 (a) Have short-lived, toxic properties that may cause death,
22 injury, or illness or have mutagenic, teratogenic, or carcinogenic
23 properties; or

24 (b) Are corrosive, explosive, flammable, or may generate pressure
25 through decomposition or other means.

26 (2) "Department" means the department of ecology.

27 (3) "Designated zone facility" means any facility that requires an
28 interim or final status permit under rules adopted under this chapter
29 and that is not a preempted facility as defined in this section.

30 (4) "Director" means the director of the department of ecology or
31 the director's designee.

32 (5) "Disposal site" means a geographical site in or upon which
33 hazardous wastes are disposed of in accordance with the provisions of
34 this chapter.

35 (6) "Dispose or disposal" means the discarding or abandoning of
36 hazardous wastes or the treatment, decontamination, or recycling of
37 such wastes once they have been discarded or abandoned.

1 (7) "Extremely hazardous waste" means any dangerous waste
2 which(~~(+)~~):

3 (a) Will persist in a hazardous form for several years or more at
4 a disposal site and which in its persistent form

5 (i) Presents a significant environmental hazard and may be
6 concentrated by living organisms through a food chain or may affect the
7 genetic make-up of human beings or wildlife, and

8 (ii) Is highly toxic to human beings or wildlife

9 (b) If disposed of at a disposal site in such quantities as would
10 present an extreme hazard to human beings or the environment.

11 (8) "Facility" means all contiguous land and structures, other
12 appurtenances, and improvements on the land used for recycling,
13 storing, treating, incinerating, or disposing of hazardous waste.

14 (9) "Hazardous household substances" means those substances
15 identified by the department as hazardous household substances in the
16 guidelines developed under RCW 70.105.220.

17 (10) "Hazardous substances" means any liquid, solid, gas, or
18 sludge, including any material, substance, product, commodity, or
19 waste, regardless of quantity, that exhibits any of the characteristics
20 or criteria of hazardous waste as described in rules adopted under this
21 chapter.

22 (11) "Hazardous waste" means and includes all dangerous and
23 extremely hazardous waste, including substances composed of both
24 radioactive and hazardous components.

25 (12) "Local government" means a city, town, or county.

26 (13) "Moderate-risk waste" means (a) any waste that exhibits any of
27 the properties of hazardous waste but is exempt from regulation under
28 this chapter solely because the waste is generated in quantities below
29 the threshold for regulation, and (b) any household wastes which are
30 generated from the disposal of substances identified by the department
31 as hazardous household substances.

32 (14) "Person" means any person, firm, association, county, public
33 or municipal or private corporation, agency, or other entity
34 whatsoever.

35 (15) "Pesticide" shall have the meaning of the term as defined in
36 RCW 15.58.030 as now or hereafter amended.

37 (16) "Preempted facility" means any facility that includes as a
38 significant part of its activities any of the following operations:

1 (a) Landfill, (b) incineration, (c) land treatment, (d) surface
2 impoundment to be closed as a landfill, or (e) waste pile to be closed
3 as a landfill.

4 (17) "Service charge" means an assessment imposed under RCW
5 70.105.280 against those facilities that store, treat, incinerate, or
6 dispose of dangerous or extremely hazardous waste that contains both a
7 nonradioactive hazardous component and a radioactive component.
8 Service charges shall also apply to facilities undergoing closure under
9 this chapter in those instances where closure entails the physical
10 characterization of remaining wastes which contain both a
11 nonradioactive hazardous component and a radioactive component or the
12 management of such wastes through treatment or removal, except any
13 commercial low-level radioactive waste facility.

14 ~~((18) "Solid waste advisory committee" means the same advisory
15 committee as per RCW 70.95.040 through 70.95.070.))~~

16 **Sec. 97.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
17 read as follows:

18 The department shall conduct a study to determine the best
19 management practices for categories of waste for the priority waste
20 management methods established in RCW 70.105.150, with due
21 consideration in the course of the study to sound environmental
22 management and available technology. As an element of the study, the
23 department shall review methods that will help achieve the priority of
24 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed
25 rules, the department shall conduct public hearings regarding the best
26 management practices for the various waste categories studied by the
27 department. After conducting the study, the department shall prepare
28 new rules or modify existing rules as appropriate to promote
29 implementation of the priorities established in RCW 70.105.150 for
30 management practices which assure use of sound environmental management
31 techniques and available technology. The preliminary study shall be
32 completed by July 1, 1986, and the rules shall be adopted by July 1,
33 1987. ~~((The solid waste advisory committee shall review the studies
34 and the new or modified rules.))~~

35 The studies shall be updated at least once every five years. The
36 funding for these studies shall be from the hazardous waste control and
37 elimination account, subject to legislative appropriation.

1 **Special License Plate Review Board**

2 NEW SECTION. **Sec. 98.** RCW 46.16.705 (Special license plate
3 review board--Created) and 2005 c 319 s 117 & 2003 c 196 s 101 are each
4 repealed.

5 **Sec. 99.** RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401
6 are each reenacted and amended to read as follows:

7 (1) Except for those license plates issued under RCW 46.16.305(1)
8 before January 1, 1987, under RCW 46.16.305(3), and to commercial
9 vehicles with a gross weight in excess of twenty-six thousand pounds,
10 effective with vehicle registrations due or to become due on January 1,
11 2001, the appearance of the background of all vehicle license plates
12 may vary in color and design but must be legible and clearly
13 identifiable as a Washington state license plate, as designated by the
14 department. Additionally, to ensure maximum legibility and
15 reflectivity, the department shall periodically provide for the
16 replacement of license plates, except for commercial vehicles with a
17 gross weight in excess of twenty-six thousand pounds. Frequency of
18 replacement shall be established in accordance with empirical studies
19 documenting the longevity of the reflective materials used to make
20 license plates.

21 (2) Special license plate series approved by the special license
22 plate review board created under RCW 46.16.705 and enacted by the
23 legislature prior to June 30, 2010, may display a symbol or artwork
24 approved by the special license plate review board. Beginning July 1,
25 2010, special license plate series approved by the department and
26 enacted into law by the legislature may display a symbol or artwork
27 approved by the department.

28 (3) By November 1, 2003, in providing for the periodic replacement
29 of license plates, the department shall offer to vehicle owners the
30 option of retaining their current license plate numbers. The
31 department shall charge a retention fee of twenty dollars if this
32 option is exercised. Revenue generated from the retention fee must be
33 deposited into the multimodal transportation account.

34 **Sec. 100.** RCW 46.16.316 and 2005 c 210 s 2 are each amended to
35 read as follows:

36 Except as provided in RCW 46.16.305:

1 (1) When a person who has been issued a special license plate or
2 plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or
3 46.16.301 as it existed before amendment by section 5, chapter 291,
4 Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by
5 the former special license plate review board (~~(under RCW 46.16.715~~
6 ~~through 46.16.775))~~; or (c) under RCW 46.16.601 sells, trades, or
7 otherwise transfers or releases ownership of the vehicle upon which the
8 special license plate or plates have been displayed, he or she shall
9 immediately report the transfer of such plate or plates to an acquired
10 vehicle or vehicle eligible for such plates pursuant to departmental
11 rule, or he or she shall surrender such plates to the department
12 immediately if such surrender is required by departmental rule. If a
13 person applies for a transfer of the plate or plates to another
14 eligible vehicle, a transfer fee of ten dollars shall be charged in
15 addition to all other applicable fees. Such transfer fees shall be
16 deposited in the motor vehicle fund. Failure to surrender the plates
17 when required is a traffic infraction.

18 (2) If the special license plate or plates issued by the department
19 become lost, defaced, damaged, or destroyed, application for a
20 replacement special license plate or plates shall be made and fees paid
21 as provided by law for the replacement of regular license plates.

22 **Sec. 101.** RCW 46.16.715 and 2005 c 319 s 118 are each amended to
23 read as follows:

24 ~~((1) The board shall meet periodically at the call of the chair,~~
25 ~~but must meet at least one time each year within ninety days before an~~
26 ~~upcoming regular session of the legislature. The board may adopt its~~
27 ~~own rules and may establish its own procedures. It shall act~~
28 ~~collectively in harmony with recorded resolutions or motions adopted by~~
29 ~~a majority vote of the members, and it must have a quorum present to~~
30 ~~take a vote on a special license plate application.~~

31 ~~(2) The board will be compensated from the general appropriation~~
32 ~~for the department of licensing in accordance with RCW 43.03.250. Each~~
33 ~~board member will be compensated in accordance with RCW 43.03.250 and~~
34 ~~reimbursed for actual necessary traveling and other expenses in going~~
35 ~~to, attending, and returning from meetings of the board or that are~~
36 ~~incurred in the discharge of duties requested by the chair. However,~~
37 ~~in no event may a board member be compensated in any year for more than~~

1 ~~one hundred twenty days, except the chair may be compensated for not~~
2 ~~more than one hundred fifty days. Service on the board does not~~
3 ~~qualify as a service credit for the purposes of a public retirement~~
4 ~~system.~~

5 ~~(3) The board shall keep proper records and is subject to audit by~~
6 ~~the state auditor or other auditing entities.~~

7 ~~(4)) The department of licensing shall ((provide administrative~~
8 ~~support to the board, which must include at least the following)):~~

9 ~~((a) Provide general staffing to meet the administrative needs of~~
10 ~~the board;~~

11 ~~(b) Report to the board on the reimbursement status of any new~~
12 ~~special license plate series for which the state had to pay the start-~~
13 ~~up costs;~~

14 ~~(c)) (1) Process special license plate applications and confirm~~
15 ~~that the sponsoring organization has submitted all required~~
16 ~~documentation. If an incomplete application is received, the~~
17 ~~department must return it to the sponsoring organization; and~~

18 ~~((d)) (2) Compile the annual financial reports submitted by~~
19 ~~sponsoring organizations with active special license plate series ((and~~
20 ~~present those reports to the board for review and approval)).~~

21 **Sec. 102.** RCW 46.16.725 and 2009 c 470 s 710 are each amended to
22 read as follows:

23 (1) ~~((The creation of the board does not in any way preclude the~~
24 ~~authority of the legislature to independently propose and enact special~~
25 ~~license plate legislation.~~

26 ~~(2)) The ((board)) department must review and either approve or~~
27 ~~reject special license plate applications submitted by sponsoring~~
28 ~~organizations.~~

29 ~~((3)) (2) Duties of the ((board)) department include but are not~~
30 ~~limited to the following:~~

31 (a) Review and approve the annual financial reports submitted by
32 sponsoring organizations with active special license plate series and
33 present those annual financial reports to the senate and house
34 transportation committees;

35 (b) Report annually to the senate and house transportation
36 committees on the special license plate applications that were
37 considered by the ((board)) department;

1 (c) Issue approval and rejection notification letters to sponsoring
2 organizations, (~~the department,~~) the chairs of the senate and house
3 of representatives transportation committees, and the legislative
4 sponsors identified in each application. The letters must be issued
5 within seven days of making a determination on the status of an
6 application;

7 (d) Review annually the number of plates sold for each special
8 license plate series created after January 1, 2003. The (~~board~~)
9 department may submit a recommendation to discontinue a special plate
10 series to the chairs of the senate and house of representatives
11 transportation committees(~~+~~

12 ~~(e) Provide policy guidance and directions to the department
13 concerning the adoption of rules necessary to limit the number of
14 special license plates that an organization or a governmental entity
15 may apply for).~~

16 (~~(+4)~~) (3) Except as provided in chapter 72, Laws of 2008, in
17 order to assess the effects and impact of the proliferation of special
18 license plates, the legislature declares a temporary moratorium on the
19 issuance of any additional plates until July 1, 2011. During this
20 period of time, (~~the special license plate review board created in RCW
21 46.16.705 and~~) the department of licensing (~~are~~) is prohibited from
22 accepting, reviewing, processing, or approving any applications.
23 Additionally, no special license plate may be enacted by the
24 legislature during the moratorium, unless the proposed license plate
25 has been approved by the board before February 15, 2005.

26 **Sec. 103.** RCW 46.16.745 and 2005 c 210 s 8 are each amended to
27 read as follows:

28 (1) A sponsoring organization meeting the requirements of RCW
29 46.16.735, applying for the creation of a special license plate (~~to
30 the special license plate review board~~) must, on an application
31 supplied by the department, provide the minimum application
32 requirements in subsection (2) of this section.

33 (2) The sponsoring organization shall:

34 (a) Submit prepayment of all start-up costs associated with the
35 creation and implementation of the special license plate in an amount
36 determined by the department. The department shall place this money

1 into the special license plate applicant trust account created under
2 RCW 46.16.755(~~(+4)~~) (3);

3 (b) Provide a proposed license plate design;

4 (c) Provide a marketing strategy outlining short and long-term
5 marketing plans for each special license plate and a financial analysis
6 outlining the anticipated revenue and the planned expenditures of the
7 revenues derived from the sale of the special license plate;

8 (d) Provide a signature of a legislative sponsor and proposed
9 legislation creating the special license plate;

10 (e) Provide proof of organizational qualifications as determined by
11 the department as provided for in RCW 46.16.735;

12 (f) Provide signature sheets that include signatures from
13 individuals who intend to purchase the special license plate and the
14 number of plates each individual intends to purchase. The sheets must
15 reflect a minimum of three thousand five hundred intended purchases of
16 the special license plate.

17 (3) After an application is approved by the (~~special license plate~~
18 ~~review board~~) department, the application need not be reviewed again
19 (~~by the board~~) for a period of three years.

20 **Sec. 104.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to
21 read as follows:

22 (1)(a) Revenues generated from the sale of special license plates
23 for those sponsoring organizations who used the application process in
24 RCW 46.16.745(~~(+3)~~) must be deposited into the motor vehicle account
25 until the department determines that the state's implementation costs
26 have been fully reimbursed. The department shall apply the application
27 fee required under RCW 46.16.745(~~(+3)(a)~~) towards those costs.

28 (b) When it is determined that the state has been fully reimbursed
29 the department must notify the house of representatives and senate
30 transportation committees, the sponsoring organization, and the
31 treasurer, and commence the distribution of the revenue as otherwise
32 provided by law.

33 (2) If reimbursement does not occur within two years from the date
34 the plate is first offered for sale to the public, the special license
35 plate series must be placed in probationary status for a period of one
36 year from that date. If the state is still not fully reimbursed for

1 its implementation costs after the one-year probation, the plate series
2 must be discontinued immediately. Special plates issued before
3 discontinuation are valid until replaced under RCW 46.16.233.

4 (3) The special license plate applicant trust account is created in
5 the custody of the state treasurer. All receipts from special license
6 plate applicants, except the application fee as provided in RCW
7 46.16.745(~~(+3)~~), must be deposited into the account. Only the
8 director of the department or the director's designee may authorize
9 disbursements from the account. The account is not subject to the
10 allotment procedures under chapter 43.88 RCW, nor is an appropriation
11 required for disbursements.

12 (4) The department shall provide the special license plate
13 applicant with a written receipt for the payment.

14 (5) The department shall maintain a record of each special license
15 plate applicant trust account deposit, including, but not limited to,
16 the name and address of each special license plate applicant whose
17 funds are being deposited, the amount paid, and the date of the
18 deposit.

19 (6) After the department receives written notice that the special
20 license plate applicant's application has been:

21 (a) Approved by the legislature, the director shall request that
22 the money be transferred to the motor vehicle account;

23 (b) Denied by the (~~(special license plate review board)~~) department
24 or the legislature, the director shall provide a refund to the
25 applicant within thirty days; or

26 (c) Withdrawn by the special license plate applicant, the director
27 shall provide a refund to the applicant within thirty days.

28 **Sec. 105.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to
29 read as follows:

30 (1) A special license plate series created by the legislature after
31 January 1, (~~(2004)~~) 2011, that has not been reviewed and approved by
32 the (~~(special license plate review board)~~) department is subject to the
33 following requirements:

34 (a) The organization sponsoring the license plate series shall,
35 within thirty days of enactment of the legislation creating the plate
36 series, submit prepayment of all start-up costs associated with the
37 creation and implementation of the special license plate in an amount

1 determined by the department. The prepayment will be credited to the
2 motor vehicle fund. The creation and implementation of the plate
3 series may not commence until payment is received by the department.

4 (b) If the sponsoring organization is not able to meet the
5 prepayment requirements in (a) of this subsection and can demonstrate
6 this fact to the satisfaction of the department, the revenues generated
7 from the sale of the special license plates must be deposited in the
8 motor vehicle account until the department determines that the state's
9 portion of the implementation costs have been fully reimbursed. When
10 it is determined that the state has been fully reimbursed the
11 department must notify the treasurer to commence distribution of the
12 revenue according to statutory provisions.

13 (c) The sponsoring organization must provide a proposed license
14 plate design to the department within thirty days of enactment of the
15 legislation creating the plate series.

16 (2) The state must be reimbursed for its portion of the
17 implementation costs within two years from the date the new plate
18 series goes on sale to the public. If the reimbursement does not occur
19 within the two-year time frame, the special license plate series must
20 be placed in probationary status for a period of one year from that
21 date. If the state is still not fully reimbursed for its
22 implementation costs after the one-year probation, the plate series
23 must be discontinued immediately. Those plates issued before
24 discontinuation are valid until replaced under RCW 46.16.233.

25 (3) If the sponsoring organization ceases to exist or the purpose
26 of the special plate series ceases to exist, revenues generated from
27 the sale of the special license plates must be deposited into the motor
28 vehicle account.

29 (4) A sponsoring organization may not seek to redesign their plate
30 series until all of the existing inventory is sold or purchased by the
31 organization itself. All cost for redesign of a plate series must be
32 paid by the sponsoring organization.

33 **Sec. 106.** RCW 46.16.30901 and 2004 c 35 s 1 are each amended to
34 read as follows:

35 The department shall issue a special license plate displaying a
36 symbol, approved by the special license plate review board before June
37 30, 2010, for professional firefighters and paramedics who are members

1 of the Washington State Council of Firefighters. Upon initial
2 application and subsequent renewals, applicants must show proof of
3 eligibility by providing a certificate of current membership from the
4 Washington State Council of Firefighters. The special license plate
5 may be used in lieu of regular or personalized license plates for
6 vehicles required to display one or two vehicle license plates,
7 excluding vehicles registered under chapter 46.87 RCW, upon the terms
8 and conditions established by the department.

9 **Sec. 107.** RCW 46.16.30903 and 2004 c 48 s 1 are each amended to
10 read as follows:

11 ~~((1) The legislature recognizes the Helping Kids Speak license
12 plate has been reviewed by the special license plate review board under
13 RCW 46.16.725, and found to fully comply with all provisions of RCW
14 46.16.715 through 46.16.775.~~

15 (2)) The department shall issue a special license plate displaying
16 a symbol, as approved by the special license plate review board before
17 June 30, 2010, recognizing an organization that supports programs that
18 provide no-cost speech pathology programs to children. The special
19 license plate may be used in lieu of regular or personalized license
20 plates for vehicles required to display one or two vehicle license
21 plates, excluding vehicles registered under chapter 46.87 RCW, upon
22 terms and conditions established by the department. The special plates
23 will commemorate an organization that supports programs that provide
24 free diagnostic and therapeutic services to children who have a severe
25 delay in language or speech development.

26 **Sec. 108.** RCW 46.16.30905 and 2004 c 221 s 1 are each amended to
27 read as follows:

28 ~~((1) The legislature recognizes that the law enforcement memorial
29 license plate has been reviewed by the special license plate review
30 board as specified in chapter 196, Laws of 2003, and was found to fully
31 comply with all provisions of chapter 196, Laws of 2003.~~

32 (2)) The department shall issue a special license plate displaying
33 a symbol, as approved by the special license plate review board before
34 June 30, 2010, honoring law enforcement officers in Washington killed
35 in the line of duty. The special license plate may be used in lieu of
36 regular or personalized license plates for vehicles required to display

1 one or two vehicle license plates, excluding vehicles registered under
2 chapter 46.87 RCW, upon the terms and conditions established by the
3 department.

4 **Sec. 109.** RCW 46.16.30907 and 2005 c 42 s 1 are each amended to
5 read as follows:

6 ~~((1) The legislature recognizes that the Washington's Wildlife
7 license plate collection, to include three distinct designs including
8 bear, deer, and elk, has been reviewed by the special license plate
9 review board under RCW 46.16.725 and was found to fully comply with all
10 provisions of RCW 46.16.715 through 46.16.775.~~

11 ~~(2))~~ The department shall issue a special license plate collection
12 displaying a symbol or artwork, as approved by the special license
13 plate review board and the legislature before June 30, 2010,
14 recognizing Washington's wildlife, that may be used in lieu of regular
15 or personalized license plates for vehicles required to display one or
16 two vehicle license plates, excluding vehicles registered under chapter
17 46.87 RCW, upon terms and conditions established by the department.

18 **Sec. 110.** RCW 46.16.30909 and 2005 c 44 s 1 are each amended to
19 read as follows:

20 ~~((1) The legislature recognizes that the Washington state parks
21 and recreation commission license plate application has been reviewed
22 by the special license plate review board under RCW 46.16.725 and was
23 found to fully comply with all provisions of RCW 46.16.715 through
24 46.16.775.~~

25 ~~(2))~~ The department shall issue a special license plate displaying
26 a symbol or artwork, as approved by the special license plate review
27 board and the legislature before June 30, 2010, recognizing Washington
28 state parks as premier destinations of uncommon quality that preserve
29 significant natural, cultural, historical, and recreational resources,
30 that may be used in lieu of regular or personalized license plates for
31 vehicles required to display one and two vehicle license plates,
32 excluding vehicles registered under chapter 46.87 RCW, upon terms and
33 conditions established by the department.

34 **Sec. 111.** RCW 46.16.30911 and 2005 c 48 s 1 are each amended to
35 read as follows:

1 ~~((1) The legislature recognizes that the "Washington Lighthouses"~~
2 ~~license plate has been reviewed by the special license plate review~~
3 ~~board under RCW 46.16.725, and found to fully comply with RCW 46.16.715~~
4 ~~through 46.16.775.~~

5 (2)) The department shall issue a special license plate displaying
6 a symbol or artwork, as approved by the special license plate review
7 board and the legislature before June 30, 2010, recognizing an
8 organization that supports selected Washington state lighthouses and
9 provides environmental education programs. The special license plate
10 may be used in lieu of regular or personalized license plates for
11 vehicles required to display one or two vehicle license plates,
12 excluding vehicles registered under chapter 46.87 RCW, upon terms and
13 conditions established by the department.

14 **Sec. 112.** RCW 46.16.30913 and 2005 c 53 s 1 are each amended to
15 read as follows:

16 ~~((1) The legislature recognizes that the "Keep Kids Safe" license~~
17 ~~plate has been reviewed and approved by the special license plate~~
18 ~~review board under RCW 46.16.725, and found to fully comply with all~~
19 ~~provisions of RCW 46.16.715 through 46.16.775.~~

20 (2)) The department shall issue a special license plate displaying
21 artwork, as approved by the special license plate review board before
22 June 30, 2010, recognizing efforts to prevent child abuse and neglect.
23 The special license plate may be used in lieu of regular or
24 personalized license plates for vehicles required to display one or two
25 vehicle license plates, excluding vehicles registered under chapter
26 46.87 RCW, upon terms and conditions established by the department.

27 **Sec. 113.** RCW 46.16.30914 and 2005 c 71 s 1 are each amended to
28 read as follows:

29 ~~((1) The legislature recognizes that the "we love our pets"~~
30 ~~license plate has been reviewed by the special license plate review~~
31 ~~board under RCW 46.16.725, and found to fully comply with all~~
32 ~~provisions of RCW 46.16.715 through 46.16.775.~~

33 (2)) The department shall issue a special license plate displaying
34 a symbol or artwork, as approved by the special license plate review
35 board before June 30, 2010, recognizing an organization that assists
36 local member agencies of the federation of animal welfare and control

1 agencies to promote and perform spay/neuter surgery on Washington state
2 pets, in order to reduce pet overpopulation. The special license plate
3 may be used in lieu of regular or personalized license plates for
4 vehicles required to display one or two vehicle license plates,
5 excluding vehicles registered under chapter 46.87 RCW, upon terms and
6 conditions established by the department.

7 **Sec. 114.** RCW 46.16.30916 and 2005 c 85 s 1 are each amended to
8 read as follows:

9 ~~((1) The legislature recognizes that the Gonzaga University alumni
10 association license plate has been reviewed by the special license
11 plate review board under RCW 46.16.725, and found to fully comply with
12 all provisions of RCW 46.16.715 through 46.16.775.~~

13 ~~(2))~~ The department shall issue a special license plate displaying
14 a symbol or artwork, as approved by the special license plate review
15 board before June 30, 2010, recognizing the Gonzaga University alumni
16 association. The special license plate may be used in lieu of regular
17 or personalized license plates for vehicles required to display one or
18 two vehicle license plates, excluding vehicles registered under chapter
19 46.87 RCW, upon terms and conditions established by the department.

20 **Sec. 115.** RCW 46.16.30918 and 2005 c 177 s 1 are each amended to
21 read as follows:

22 ~~((1) The legislature recognizes that the "Washington's National
23 Park Fund" license plate has been reviewed by the special license plate
24 review board under RCW 46.16.725, and found to fully comply with RCW
25 46.16.715 through 46.16.775.~~

26 ~~(2))~~ The department shall issue a special license plate displaying
27 a symbol or artwork, as approved by the special license plate review
28 board and the legislature before June 30, 2010, recognizing
29 Washington's National Park Fund, that may be used in lieu of regular or
30 personalized license plates for vehicles required to display one or two
31 vehicle license plates, excluding vehicles registered under chapter
32 46.87 RCW, upon terms and conditions established by the department.

33 **Sec. 116.** RCW 46.16.30920 and 2008 c 183 s 1 are each amended to
34 read as follows:

1 ~~((1) The legislature recognizes that the armed forces license~~
2 ~~plate collection has been reviewed and approved by the special license~~
3 ~~plate review board.~~

4 (2)) The department shall issue a special license plate
5 collection, as approved by the special license plate review board and
6 the legislature before June 30, 2010, recognizing the contribution of
7 veterans, active duty military personnel, reservists, and members of
8 the national guard. The collection includes six separate designs, each
9 containing a symbol representing a different branch of the armed forces
10 to include army, navy, air force, marine corps, coast guard, and
11 national guard.

12 ~~((3))~~ (2) Armed forces special license plates may be used in lieu
13 of regular or personalized license plates for vehicles required to
14 display one and two vehicle license plates, excluding vehicles
15 registered under chapter 46.87 RCW, upon terms and conditions
16 established by the department.

17 ~~((4))~~ (3) Upon request, the department must make available to the
18 purchaser, at no additional cost, a decal indicating the purchaser's
19 military status. The department must work with the department of
20 veterans affairs to establish a list of the decals to be made
21 available. The list of available decals must include, but is not
22 limited to, "veteran," "disabled veteran," "reservist," "retiree," or
23 "active duty." The department may specify where the decal may be
24 placed on the license plate. Decals are required to be made available
25 only for standard six-inch by twelve-inch license plates.

26 ~~((5))~~ (4) Armed forces license plates and decals are available
27 only to veterans as defined in RCW 41.04.007, active duty military
28 personnel, reservists, members of the national guard, and the families
29 of veterans and service members. Upon initial application, any
30 purchaser requesting an armed forces license plate and decal will be
31 required to show proof of eligibility by providing: A DD-214 or
32 discharge papers if a veteran; a military identification or retired
33 military identification card; or a declaration of fact attesting to the
34 purchaser's eligibility as required under this section. "Family" or
35 "families" means an individual's spouse, child, parent, sibling, aunt,
36 uncle, or cousin. A child includes stepchild, adopted child, foster
37 child, grandchild, and son or daughter-in-law. A parent includes

1 stepparent, grandparent, and in-laws. A sibling includes brother, half
2 brother, stepbrother, sister, half sister, stepsister, and brother or
3 sister-in-law.

4 ((+6)) (5) The department of veterans affairs must enter into an
5 agreement with the department to reimburse the department for the costs
6 associated with providing military status decals described in
7 subsection ((+4)) (3) of this section.

8 ((+7)) (6) Armed forces license plates are not available free of
9 charge to disabled veterans, former prisoners of war, or spouses of
10 deceased former prisoners of war under the privileges defined in RCW
11 73.04.110 and 73.04.115.

12 **Sec. 117.** RCW 46.16.30922 and 2005 c 220 s 1 are each amended to
13 read as follows:

14 ~~((1) The legislature recognizes that the "Ski & Ride Washington"~~
15 ~~license plate has been reviewed and approved by the special license~~
16 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
17 ~~RCW 46.16.715 through 46.16.775.~~

18 (+2)) The department shall issue a special license plate displaying
19 a symbol or artwork, as approved by the special license plate review
20 board and the legislature before June 30, 2010, recognizing the
21 Washington snowsports industry, that may be used in lieu of regular or
22 personalized license plates for vehicles required to display vehicle
23 license plates, excluding vehicles registered under chapter 46.87 RCW,
24 upon terms and conditions established by the department.

25 **Sec. 118.** RCW 46.16.30924 and 2005 c 224 s 1 are each amended to
26 read as follows:

27 ~~((1) The legislature recognizes that the Wild On Washington~~
28 ~~license plate has been reviewed by the special license plate review~~
29 ~~board under RCW 46.16.725 and was found to fully comply with all~~
30 ~~provisions of RCW 46.16.715 through 46.16.775.~~

31 (+2)) The department shall issue a special license plate displaying
32 a symbol or artwork, as approved by the special license plate review
33 board and the legislature before June 30, 2010, referred to as "Wild On
34 Washington license plates," that may be used in lieu of regular or
35 personalized license plates for vehicles required to display one or two

1 vehicle license plates, excluding vehicles registered under chapter
2 46.87 RCW, upon terms and conditions established by the department.

3 **Sec. 119.** RCW 46.16.30926 and 2005 c 225 s 1 are each amended to
4 read as follows:

5 ~~((1) The legislature recognizes that the Endangered Wildlife
6 license plate has been reviewed by the special license plate review
7 board under RCW 46.16.725 and was found to fully comply with all
8 provisions of RCW 46.16.715 through 46.16.775.~~

9 (2)) The department shall issue a special license plate displaying
10 a symbol or artwork, as approved by the special license plate review
11 board and the legislature before June 30, 2010, referred to as
12 "Endangered Wildlife license plates," that may be used in lieu of
13 regular or personalized license plates for vehicles required to display
14 one or two vehicle license plates, excluding vehicles registered under
15 chapter 46.87 RCW, upon terms and conditions established by the
16 department.

17 **Sec. 120.** RCW 46.16.30928 and 2005 c 426 s 1 are each amended to
18 read as follows:

19 ~~((1) The legislature recognizes that the "Share the Road" license
20 plate has been reviewed by the special license plate review board under
21 RCW 46.16.725, and found to fully comply with RCW 46.16.715 through
22 46.16.775.~~

23 (2)) The department shall issue a special license plate displaying
24 a symbol or artwork, as approved by the special license plate review
25 board and the legislature before June 30, 2010, recognizing an
26 organization that promotes bicycle safety and awareness education. The
27 special license plate may be used in lieu of regular or personalized
28 license plates for vehicles required to display one or two vehicle
29 license plates, excluding vehicles registered under chapter 46.87 RCW,
30 upon terms and conditions established by the department. The special
31 plates will commemorate the life of Cooper Jones.

32 **Strategic Health Planning Office**
33 **Technical Advisory Committee**

1 **Sec. 121.** RCW 43.370.020 and 2009 c 343 s 1 are each amended to
2 read as follows:

3 (1) The office shall serve as a coordinating body for public and
4 private efforts to improve quality in health care, promote cost-
5 effectiveness in health care, and plan health facility and health
6 service availability. In addition, the office shall facilitate access
7 to health care data collected by public and private organizations as
8 needed to conduct its planning responsibilities.

9 (2) The office shall:

10 (a) Conduct strategic health planning activities related to the
11 preparation of the strategy, as specified in this chapter;

12 (b) Develop a computerized system for accessing, analyzing, and
13 disseminating data relevant to strategic health planning
14 responsibilities. The office may contract with an organization to
15 create the computerized system capable of meeting the needs of the
16 office;

17 (c) Have access to the information submitted as part of the health
18 professional licensing application and renewal process, excluding
19 social security number and background check information, whether the
20 license is issued by the secretary of the department of health or a
21 board or commission. The office shall also have access to information
22 submitted to the department of health as part of the medical or health
23 facility licensing process. Access to and use of all data shall be in
24 accordance with state and federal confidentiality laws and ethical
25 guidelines, and the office shall maintain the same degree of
26 confidentiality as the department of health. For professional
27 licensing information provided to the office, the department of health
28 shall replace any social security number with an alternative identifier
29 capable of linking all licensing records of an individual; and

30 (d) Conduct research and analysis or arrange for research and
31 analysis projects to be conducted by public or private organizations to
32 further the purposes of the strategy.

33 ~~((3) The office shall establish a technical advisory committee to~~
34 ~~assist in the development of the strategy. Members of the committee~~
35 ~~shall include health economists, health planners, representatives of~~
36 ~~government and nongovernment health care purchasers, representatives of~~
37 ~~state agencies that use or regulate entities with an interest in health~~
38 ~~planning, representatives of acute care facilities, representatives of~~

1 ~~long-term care facilities, representatives of community-based long-term~~
2 ~~care providers, representatives of health care providers, a~~
3 ~~representative of one or more federally recognized Indian tribes, and~~
4 ~~representatives of health care consumers. The committee shall include~~
5 ~~members with experience in the provision of health services to rural~~
6 ~~communities.))~~

7 **Sec. 122.** RCW 43.370.030 and 2007 c 259 s 52 are each amended to
8 read as follows:

9 (1) The office(~~(, in consultation with the technical advisory~~
10 ~~committee established under RCW 43.370.020,)) shall develop a statewide~~
11 health resources strategy. The strategy shall establish statewide
12 health planning policies and goals related to the availability of
13 health care facilities and services, quality of care, and cost of care.
14 The strategy shall identify needs according to geographic regions
15 suitable for comprehensive health planning as designated by the office.

16 (2) The development of the strategy shall consider the following
17 general goals and principles:

18 (a) That excess capacity of health services and facilities place
19 considerable economic burden on the public who pay for the construction
20 and operation of these facilities as patients, health insurance
21 purchasers, carriers, and taxpayers; and

22 (b) That the development and ongoing maintenance of current and
23 accurate health care information and statistics related to cost and
24 quality of health care, as well as projections of need for health
25 facilities and services, are essential to effective strategic health
26 planning.

27 (3) The strategy, with public input by health service areas, shall
28 include:

29 (a) A health system assessment and objectives component that:

30 (i) Describes state and regional population demographics, health
31 status indicators, and trends in health status and health care needs;
32 and

33 (ii) Identifies key policy objectives for the state health system
34 related to access to care, health outcomes, quality, and cost-
35 effectiveness;

36 (b) A health care facilities and services plan that shall assess
37 the demand for health care facilities and services to inform state

1 health planning efforts and direct certificate of need determinations,
2 for those facilities and services subject to certificate of need as
3 provided in chapter 70.38 RCW. The plan shall include:

4 (i) An inventory of each geographic region's existing health care
5 facilities and services;

6 (ii) Projections of need for each category of health care facility
7 and service, including those subject to certificate of need;

8 (iii) Policies to guide the addition of new or expanded health care
9 facilities and services to promote the use of quality, evidence-based,
10 cost-effective health care delivery options, including any
11 recommendations for criteria, standards, and methods relevant to the
12 certificate of need review process; and

13 (iv) An assessment of the availability of health care providers,
14 public health resources, transportation infrastructure, and other
15 considerations necessary to support the needed health care facilities
16 and services in each region;

17 (c) A health care data resource plan that identifies data elements
18 necessary to properly conduct planning activities and to review
19 certificate of need applications, including data related to inpatient
20 and outpatient utilization and outcomes information, and financial and
21 utilization information related to charity care, quality, and cost.
22 The plan shall inventory existing data resources, both public and
23 private, that store and disclose information relevant to the health
24 planning process, including information necessary to conduct
25 certificate of need activities pursuant to chapter 70.38 RCW. The plan
26 shall identify any deficiencies in the inventory of existing data
27 resources and the data necessary to conduct comprehensive health
28 planning activities. The plan may recommend that the office be
29 authorized to access existing data sources and conduct appropriate
30 analyses of such data or that other agencies expand their data
31 collection activities as statutory authority permits. The plan may
32 identify any computing infrastructure deficiencies that impede the
33 proper storage, transmission, and analysis of health planning data.
34 The plan shall provide recommendations for increasing the availability
35 of data related to health planning to provide greater community
36 involvement in the health planning process and consistency in data used
37 for certificate of need applications and determinations;

1 (d) An assessment of emerging trends in health care delivery and
2 technology as they relate to access to health care facilities and
3 services, quality of care, and costs of care. The assessment shall
4 recommend any changes to the scope of health care facilities and
5 services covered by the certificate of need program that may be
6 warranted by these emerging trends. In addition, the assessment may
7 recommend any changes to criteria used by the department to review
8 certificate of need applications, as necessary;

9 (e) A rural health resource plan to assess the availability of
10 health resources in rural areas of the state, assess the unmet needs of
11 these communities, and evaluate how federal and state reimbursement
12 policies can be modified, if necessary, to more efficiently and
13 effectively meet the health care needs of rural communities. The plan
14 shall consider the unique health care needs of rural communities, the
15 adequacy of the rural health workforce, and transportation needs for
16 accessing appropriate care.

17 (4) The office shall submit the initial strategy to the governor
18 and the appropriate committees of the senate and house of
19 representatives by January 1, 2010. Every two years the office shall
20 submit an updated strategy. The health care facilities and services
21 plan as it pertains to a distinct geographic planning region may be
22 updated by individual categories on a rotating, biannual schedule.

23 (5) The office shall hold at least one public hearing and allow
24 opportunity to submit written comments prior to the issuance of the
25 initial strategy or an updated strategy. A public hearing shall be
26 held prior to issuing a draft of an updated health care facilities and
27 services plan, and another public hearing shall be held before final
28 adoption of an updated health care facilities and services plan. Any
29 hearing related to updating a health care facilities and services plan
30 for a specific planning region shall be held in that region with
31 sufficient notice to the public and an opportunity to comment.

32 **Veterans Innovation Program Board**

33 **Sec. 123.** RCW 43.60A.170 and 2006 c 343 s 5 are each amended to
34 read as follows:

35 (1) The competitive grant program is created to fund innovative

1 initiatives to provide crisis and emergency relief, education,
2 training, and employment assistance to veterans and their families in
3 their communities.

4 ~~((1) The veterans innovations program board is created to exercise
5 the powers granted under RCW 43.60A.160 through 43.60A.185 related to
6 the competitive grant program.~~

7 ~~(a) The board consists of seven citizens of the state, appointed by
8 the governor, with recognized experience in serving veterans and their
9 families in the community regarding transition and readjustment issues;
10 education, training, and employment needs; and other needs experienced
11 by veterans and their families stemming from service to their country.~~

12 ~~(b) The members of the board select the chair.~~

13 ~~(c) The department shall provide staff support to the board.~~

14 ~~(d) Members of the board receive no compensation but shall be
15 reimbursed for travel expenses as provided in RCW 43.03.050 and
16 43.03.060.)~~

17 (2) The ((board)) department shall:

18 (a) Establish a competitive process to solicit proposals for and
19 prioritize project applications for potential funding. The purpose of
20 the proposals shall be in three categories:

21 (i) Crisis and emergency relief;

22 (ii) Education, training, and employment assistance; and

23 (iii) Community outreach and resources; and

24 (b) Report on January 1, 2007, to the appropriate standing
25 committees of the legislature and to the joint committee on veterans
26 and military affairs on the implementation of chapter 343, Laws of
27 2006. The report must include, but is not limited to, information on
28 the number of applications for assistance, the grant amount awarded
29 each project, a description of each project, and performance measures
30 of the program.

31 **Sec. 124.** RCW 43.131.406 and 2006 c 343 s 11 are each amended to
32 read as follows:

33 The following acts or parts of acts, as now existing or hereafter
34 amended, are each repealed, effective June 30, 2017:

35 (1) 2006 c 343 § 1 (uncodified);

36 (2) RCW 43.60A.160 and 2006 c 343 § 3;

37 (3) RCW 43.60A.165 and 2006 c 343 § 4;

- 1 (4) RCW 43.60A.170 and section 123 of this act & 2006 c 343 § 5;
- 2 (5) RCW 43.60A.175 and 2006 c 343 § 6;
- 3 (6) RCW 43.60A.180 and 2006 c 343 § 7; and
- 4 (7) RCW 43.60A.185 and 2006 c 343 § 8.

5 **Sec. 125.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to
6 read as follows:

7 As used in this chapter the following words and phrases shall have
8 the following meanings unless the context clearly requires otherwise:

9 (1) "Department" means the department of veterans affairs.

10 (2) "Director" means the director of the department of veterans
11 affairs.

12 (3) "Committee" means the veterans affairs advisory committee.

13 (~~(4) "Board" means the veterans innovations program board.~~)

14 NEW SECTION. **Sec. 126.** RCW 43.60A.180 (Conflicts of interest) and
15 2006 c 343 s 7 are each repealed.

16 **Vehicle Equipment Safety Commission**

17 NEW SECTION. **Sec. 127.** The following acts or parts of acts are
18 each repealed:

19 (1) RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;

20 (2) RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 &
21 1963 c 204 s 2;

22 (3) RCW 46.38.030 (Effective date of rules, etc. of vehicle safety
23 equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, &
24 1963 c 204 s 3;

25 (4) RCW 46.38.040 (Appointment of commissioner and alternate
26 commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;

27 (5) RCW 46.38.050 (Cooperation of state agencies with vehicle
28 equipment safety commission) and 1963 c 204 s 5;

29 (6) RCW 46.38.060 (State officers for the filing of documents and
30 receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;

31 (7) RCW 46.38.070 (Vehicle equipment safety commission to submit
32 budgets to director of financial management) and 1979 c 151 s 160 &
33 1963 c 204 s 7;

1 (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle
2 equipment safety commission) and 1963 c 204 s 8; and

3 (9) RCW 46.38.090 (Withdrawal from compact, "executive head"
4 defined) and 1963 c 204 s 9.

5 **Water Supply Advisory Committee**

6 NEW SECTION. **Sec. 128.** RCW 70.119A.160 (Water supply advisory
7 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

8 **Sec. 129.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each
9 amended to read as follows:

10 (1) It is the intent of the legislature that the department
11 establish water use efficiency requirements designed to ensure
12 efficient use of water while maintaining water system financial
13 viability, improving affordability of supplies, and enhancing system
14 reliability.

15 (2) The requirements of this section shall apply to all municipal
16 water suppliers and shall be tailored to be appropriate to system size,
17 forecasted system demand, and system supply characteristics.

18 (3) For the purposes of this section:

19 (a) Water use efficiency includes conservation planning
20 requirements, water distribution system leakage standards, and water
21 conservation performance reporting requirements; and

22 (b) "Municipal water supplier" and "municipal water supply
23 purposes" have the meanings provided by RCW 90.03.015.

24 (4) To accomplish the purposes of this section, the department
25 shall adopt rules necessary to implement this section by December 31,
26 2005. The department shall:

27 (a) Develop conservation planning requirements that ensure
28 municipal water suppliers are: (i) Implementing programs to integrate
29 conservation with water system operation and management; and (ii)
30 identifying how to appropriately fund and implement conservation
31 activities. Requirements shall apply to the conservation element of
32 water system plans and small water system management programs developed
33 pursuant to chapter 43.20 RCW. In establishing the conservation
34 planning requirements the department shall review the current

1 department conservation planning guidelines and include those elements
2 that are appropriate for rule. Conservation planning requirements
3 shall include but not be limited to:

4 (A) Selection of cost-effective measures to achieve a system's
5 water conservation objectives. Requirements shall allow the municipal
6 water supplier to select and schedule implementation of the best
7 methods for achieving its conservation objectives;

8 (B) Evaluation of the feasibility of adopting and implementing
9 water delivery rate structures that encourage water conservation;

10 (C) Evaluation of each system's water distribution system leakage
11 and, if necessary, identification of steps necessary for achieving
12 water distribution system leakage standards developed under (b) of this
13 subsection;

14 (D) Collection and reporting of water consumption and source
15 production and/or water purchase data. Data collection and reporting
16 requirements shall be sufficient to identify water use patterns among
17 utility customer classes, where applicable, and evaluate the
18 effectiveness of each system's conservation program. Requirements,
19 including reporting frequency, shall be appropriate to system size and
20 complexity. Reports shall be available to the public; and

21 (E) Establishment of minimum requirements for water demand forecast
22 methodologies such that demand forecasts prepared by municipal water
23 suppliers are sufficient for use in determining reasonably anticipated
24 future water needs;

25 (b) Develop water distribution system leakage standards to ensure
26 that municipal water suppliers are taking appropriate steps to reduce
27 water system leakage rates or are maintaining their water distribution
28 systems in a condition that results in leakage rates in compliance with
29 the standards. Limits shall be developed in terms of percentage of
30 total water produced and/or purchased and shall not be lower than ten
31 percent. The department may consider alternatives to the percentage of
32 total water supplied where alternatives provide a better evaluation of
33 the water system's leakage performance. The department shall institute
34 a graduated system of requirements based on levels of water system
35 leakage. A municipal water supplier shall select one or more control
36 methods appropriate for addressing leakage in its water system;

37 (c) Establish minimum requirements for water conservation
38 performance reporting to assure that municipal water suppliers are

1 regularly evaluating and reporting their water conservation
2 performance. The objective of setting conservation goals is to enhance
3 the efficient use of water by the water system customers. Performance
4 reporting shall include:

5 (i) Requirements that municipal water suppliers adopt and achieve
6 water conservation goals. The elected governing board or governing
7 body of the water system shall set water conservation goals for the
8 system. In setting water conservation goals the water supplier may
9 consider historic conservation performance and conservation investment,
10 customer base demographics, regional climate variations, forecasted
11 demand and system supply characteristics, system financial viability,
12 system reliability, and affordability of water rates. Conservation
13 goals shall be established by the municipal water supplier in an open
14 public forum;

15 (ii) Requirements that the municipal water supplier adopt schedules
16 for implementing conservation program elements and achieving
17 conservation goals to ensure that progress is being made toward adopted
18 conservation goals;

19 (iii) A reporting system for regular reviews of conservation
20 performance against adopted goals. Performance reports shall be
21 available to customers and the public. Requirements, including
22 reporting frequency, shall be appropriate to system size and
23 complexity;

24 (iv) Requirements that any system not meeting its water
25 conservation goals shall develop a plan for modifying its conservation
26 program to achieve its goals along with procedures for reporting
27 performance to the department;

28 (v) If a municipal water supplier determines that further
29 reductions in consumption are not reasonably achievable, it shall
30 identify how current consumption levels will be maintained;

31 (d) Adopt rules that, to the maximum extent practical, utilize
32 existing mechanisms and simplified procedures in order to minimize the
33 cost and complexity of implementation and to avoid placing unreasonable
34 financial burden on smaller municipal systems.

35 ~~(5) ((The department shall establish an advisory committee to
36 assist the department in developing rules for water use efficiency.
37 The advisory committee shall include representatives from public water
38 system customers, environmental interest groups, business interest~~

1 ~~groups, a representative cross section of municipal water suppliers, a~~
2 ~~water utility conservation professional, tribal governments, the~~
3 ~~department of ecology, and any other members determined necessary by~~
4 ~~the department. The department may use the water supply advisory~~
5 ~~committee created pursuant to RCW 70.119A.160 augmented with additional~~
6 ~~participants as necessary to comply with this subsection to assist the~~
7 ~~department in developing rules.~~

8 ~~(6))~~ The department shall provide technical assistance upon
9 request to municipal water suppliers and local governments regarding
10 water conservation, which may include development of best management
11 practices for water conservation programs, conservation landscape
12 ordinances, conservation rate structures for public water systems, and
13 general public education programs on water conservation.

14 ~~((7))~~ (6) To ensure compliance with this section, the department
15 shall establish a compliance process that incorporates a graduated
16 approach employing the full range of compliance mechanisms available to
17 the department.

18 ~~((8))~~ (7) Prior to completion of rule making required in
19 subsection (4) of this section, municipal water suppliers shall
20 continue to meet the existing conservation requirements of the
21 department and shall continue to implement their current water
22 conservation programs.

23 **Sec. 130.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
24 as follows:

25 (1) The joint legislative committee on water supply during drought
26 shall convene from time to time at the call of the chair when a drought
27 conditions order under RCW 43.83B.405 is in effect, or when the chair
28 determines, in consultation with the department of ecology, that it is
29 likely that such an order will be issued within the next year.

30 (2) The committee may request and review information relating to
31 water supply conditions in the state, and economic, environmental, and
32 other impacts relating to decreased water supply being experienced or
33 anticipated. The governor's executive water emergency committee, the
34 department of ecology, ~~((the water supply advisory committee,))~~ and
35 other state agencies with water management or related responsibilities
36 shall cooperate in responding to requests from the committee.

1 (3) During drought conditions in which an order issued under RCW
2 43.83B.405 is in effect, the department of ecology shall provide to the
3 committee no less than monthly a report describing drought response
4 activities of the department and other state and federal agencies
5 participating on the water supply availability committee. The report
6 shall include information regarding applications for, and approvals and
7 denials of emergency water withdrawals and temporary changes or
8 transfers of, water rights under RCW 43.83B.410.

9 (4) The committee from time to time shall make recommendations to
10 the senate and house of representatives on budgetary and legislative
11 actions that will improve the state's drought response programs and
12 planning.

13 **Western States School Bus Safety Commission**

14 NEW SECTION. **Sec. 131.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88
17 s 1; and

18 (2) RCW 46.39.020 (Designation of Washington state commissioners)
19 and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

20 **Women's History Consortium**

21 NEW SECTION. **Sec. 132.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 27.34.360 (Women's history consortium--Created--Washington
24 state historical society as managing agency) and 2005 c 391 s 2;

25 (2) RCW 27.34.365 (Women's history consortium--Board of advisors)
26 and 2005 c 391 s 3;

27 (3) RCW 27.34.370 (Women's history consortium--Responsibilities of
28 board of advisors) and 2005 c 391 s 4;

29 (4) RCW 27.34.375 (Women's history consortium--Responsibilities)
30 and 2005 c 391 s 5; and

31 (5) RCW 27.34.380 (Women's history consortium--Report to the
32 legislature) and 2005 c 391 s 6.

1 **Interagency Integrated Pest Management Coordinating Committee**

2 NEW SECTION. **Sec. 133.** RCW 17.15.040 (Interagency integrated
3 pest management coordinating committee--Creation--Composition--Duties--
4 Public notice--Progress reports) and 1997 c 357 s 5 are each repealed.

5 **Land Bank Technical Advisory Committee**

6 NEW SECTION. **Sec. 134.** RCW 79.19.070 (Land bank technical
7 advisory committee) and 1984 c 222 s 7 are each repealed.

8 **Forest Fire Advisory Board**

9 NEW SECTION. **Sec. 135.** RCW 76.04.145 (Forest fire advisory
10 board) and 1986 c 100 s 15 are each repealed.

11 **Sec. 136.** RCW 70.94.6534 and 2009 c 118 s 501 are each amended to
12 read as follows:

13 (1) The department of natural resources shall have the
14 responsibility for issuing and regulating burning permits required by
15 it relating to the following activities for the protection of life or
16 property and/or for the public health, safety, and welfare:

17 (a) Abating a forest fire hazard;

18 (b) Prevention of a fire hazard;

19 (c) Instruction of public officials in methods of forest fire
20 fighting;

21 (d) Any silvicultural operation to improve the forest lands of the
22 state; and

23 (e) Silvicultural burning used to improve or maintain fire
24 dependent ecosystems for rare plants or animals within state, federal,
25 and private natural area preserves, natural resource conservation
26 areas, parks, and other wildlife areas.

27 (2) The department of natural resources shall not retain such
28 authority, but it shall be the responsibility of the appropriate fire
29 protection agency for permitting and regulating outdoor burning on
30 lands where the department of natural resources does not have fire
31 protection responsibility.

1 (3) Permit fees shall be assessed for silvicultural burning under
2 the jurisdiction of the department of natural resources and collected
3 by the department of natural resources as provided for in this section.
4 All fees shall be deposited in the air pollution control account,
5 created in RCW 70.94.015. The legislature shall appropriate to the
6 department of natural resources funds from the air pollution control
7 account to enforce and administer the program under this section and
8 RCW ((~~70.94.6534,~~) 70.94.6536, 70.94.6538, and 70.94.6540. Fees shall
9 be set by rule by the department of natural resources at the level
10 necessary to cover the costs of the program after receiving
11 recommendations on such fees from the public ((~~and the forest fire~~
12 ~~advisory board established by RCW 76.04.145)).~~

13 **Sec. 137.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
14 as follows:

15 There is created a landowner contingency forest fire suppression
16 account in the state treasury. Moneys in the account may be spent only
17 as provided in this section. Disbursements from the account shall be
18 on authorization of the commissioner of public lands or the
19 commissioner's designee. The account is subject to the allotment
20 procedure provided under chapter 43.88 RCW, but no appropriation is
21 required for disbursements.

22 The department may expend from this account the amounts as may be
23 available and as it considers appropriate for the payment of emergency
24 fire costs resulting from a participating landowner fire. The
25 department may, when moneys are available from the landowner
26 contingency forest fire suppression account, expend moneys for
27 summarily abating, isolating, or reducing an extreme fire hazard under
28 RCW 76.04.660. All moneys recovered as a result of the department's
29 actions, from the owner or person responsible, under RCW 76.04.660
30 shall be deposited in the landowner contingency forest fire suppression
31 account.

32 When a determination is made that the fire was started by other
33 than a landowner operation, moneys expended from this account in the
34 suppression of such fire shall be recovered from the general fund
35 appropriations as may be available for emergency fire suppression
36 costs. The department shall deposit in the landowner contingency

1 forest fire suppression account moneys paid out of the account which
2 are later recovered, less reasonable costs of recovery.

3 This account shall be established and renewed by an annual special
4 forest fire suppression account assessment paid by participating
5 landowners at a rate to be established by the department. In
6 establishing assessments, the department shall seek to establish and
7 thereafter reestablish a balance in the account of three million
8 dollars. The department may establish a flat fee assessment of no more
9 than seven dollars and fifty cents for participating landowners owning
10 parcels of fifty acres or less. For participating landowners owning
11 parcels larger than fifty acres, the department may charge the flat fee
12 assessment plus a per acre assessment for every acre over fifty acres.
13 The per acre assessment established by the department may not exceed
14 fifteen cents per acre per year. The assessments may differ to
15 equitably distribute the assessment based on emergency fire suppression
16 cost experience necessitated by landowner operations. Amounts assessed
17 for this account shall be a lien upon the forest lands with respect to
18 which the assessment is made and may be collected as directed by the
19 department in the same manner as forest protection assessments.
20 Payment of emergency costs from this account shall in no way restrict
21 the right of the department to recover costs pursuant to RCW 76.04.495
22 or other laws.

23 When the department determines that a forest fire was started in
24 the course of or as a result of a landowner operation, (~~it shall~~
25 ~~notify the forest fire advisory board of the determination.~~) the
26 determination shall be final, unless, within ninety days of the
27 notification, (~~the forest fire advisory board~~) or an interested party
28 serves a request for a hearing before the department. The hearing
29 shall constitute an adjudicative proceeding under chapter 34.05 RCW,
30 the administrative procedure act, and an appeal shall be in accordance
31 with RCW 34.05.510 through 34.05.598.

32 **Sec. 138.** RCW 76.04.660 and 2007 c 480 s 13 are each amended to
33 read as follows:

34 (1) The owner of land on which there is an additional fire hazard,
35 when the hazard is the result of a landowner operation or the land is
36 within an area covered by a forest health hazard warning issued under

1 RCW 76.06.180, shall take reasonable measures to reduce the danger of
2 fire spreading from the area and may abate the hazard by burning or
3 other satisfactory means.

4 (2) An extreme fire hazard shall exist within areas covered by a
5 forest health hazard order issued by the commissioner of public lands
6 under RCW 76.06.180 in which there is an additional fire hazard caused
7 by disturbance agents and the landowner has failed to take such action
8 as required by the forest health hazard order. The duties and
9 liability of such landowner under this chapter are as described in
10 subsections (5), (6), and (7) of this section.

11 (3) The department shall adopt rules defining areas of extreme fire
12 hazard that the owner and person responsible shall abate. The areas
13 shall include but are not limited to high risk areas such as where life
14 or buildings may be endangered, areas adjacent to public highways, and
15 areas of frequent public use.

16 (4) The department may adopt rules(~~(, after consultation with the~~
17 ~~forest fire advisory board,)~~) defining other conditions of extreme fire
18 hazard with a high potential for fire spreading to lands in other
19 ownerships. The department may prescribe additional measures that
20 shall be taken by the owner and person responsible to isolate or reduce
21 the extreme fire hazard.

22 (5) The owner or person responsible for the existence of the
23 extreme fire hazard is required to abate, isolate, or reduce the
24 hazard. The duty to abate, isolate, or reduce, and liability under
25 this chapter, arise upon creation of the extreme fire hazard.
26 Liability shall include but not be limited to all fire suppression
27 expenses incurred by the department, regardless of fire cause.

28 (6) If the owner or person responsible for the existence of the
29 extreme fire hazard or forest debris subject to RCW 76.04.650 refuses,
30 neglects, or unsuccessfully attempts to abate, isolate, or reduce the
31 same, the department may summarily abate, isolate, or reduce the hazard
32 as required by this chapter and recover twice the actual cost thereof
33 from the owner or person responsible. Landowner contingency forest
34 fire suppression account moneys may be used by the department, when
35 available, for this purpose. Moneys recovered by the department
36 pursuant to this section shall be returned to the landowner contingency
37 forest fire suppression account.

1 (7) Such costs shall include all salaries and expenses of people
2 and equipment incurred therein, including those of the department. All
3 such costs shall also be a lien upon the land enforceable in the same
4 manner with the same effect as a mechanic's lien.

5 (8) The summary action may be taken only after ten days' notice in
6 writing has been given to the owner or reputed owner of the land on
7 which the extreme fire hazard or forest debris subject to RCW 76.04.650
8 exists. The notice shall include a suggested method of abatement and
9 estimated cost thereof. The notice shall be by personal service or by
10 registered or certified mail addressed to the owner or reputed owner at
11 the owner's last known place of residence.

12 (9) A landowner or manager may make a written request to the
13 department to inspect their property and provide a written notice that
14 they have complied with a forest health hazard warning or forest health
15 hazard order, or otherwise adequately abated, isolated, or reduced an
16 additional or extreme fire hazard. An additional or extreme fire
17 hazard shall be considered to continue to exist unless and until the
18 department, in its sole discretion, issues such notice.

19 **State Board on Geographic Names**

20 NEW SECTION. **Sec. 139.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 43.126.015 (Purposes) and 1983 c 273 s 1;

23 (2) RCW 43.126.025 (State board on geographic names created--
24 Membership--Chair) and 2009 c 549 s 5174 & 1983 c 273 s 2;

25 (3) RCW 43.126.035 (Powers and duties) and 1983 c 273 s 3;

26 (4) RCW 43.126.045 (Policies--Criteria) and 1983 c 273 s 4;

27 (5) RCW 43.126.055 (Adoption of names--Procedure--Effect) and 1983
28 c 273 s 5;

29 (6) RCW 43.126.065 (Meetings--Rules--Publication of adopted names)
30 and 2009 c 549 s 5175 & 1983 c 273 s 6;

31 (7) RCW 43.126.075 (Compensation and travel expenses of members)
32 and 1984 c 287 s 88 & 1983 c 273 s 7; and

33 (8) RCW 43.126.085 (Naming geographic features without board
34 approval prohibited) and 1983 c 273 s 8.

1 **Migratory Waterfowl Art Committee**

2 NEW SECTION. **Sec. 140.** RCW 77.12.680 (Migratory waterfowl art
3 committee--Membership--Terms--Vacancies--Chairman--Review of
4 expenditure--Compensation) and 1987 c 506 s 54 & 1985 c 243 s 5 are
5 each repealed.

6 **Sec. 141.** RCW 77.12.670 and 2002 c 283 s 2 are each amended to
7 read as follows:

8 (1) ~~((The))~~ Beginning July 1, 2010, the department, after
9 soliciting recommendations from the public, shall select the design for
10 the migratory bird stamp ~~((to be produced by the department shall use~~
11 ~~the design as provided by the migratory waterfowl art committee))~~.

12 (2) All revenue derived from the sale of migratory bird license
13 validations or stamps by the department to any person hunting waterfowl
14 or to any stamp collector shall be deposited in the state wildlife
15 ~~((fund))~~ account and shall be used only for that portion of the cost of
16 printing and production of the stamps for migratory waterfowl hunters
17 as determined by subsection (4) of this section, and for those
18 migratory waterfowl projects specified by the director of the
19 department for the acquisition and development of migratory waterfowl
20 habitat in the state and for the enhancement, protection, and
21 propagation of migratory waterfowl in the state. Migratory bird
22 license validation and stamp funds may not be used on lands controlled
23 by private hunting clubs or on private lands that charge a fee for
24 public access. Migratory bird license validation and stamp funds may
25 be used for migratory waterfowl projects on private land where public
26 hunting is provided by written permission or on areas established by
27 the department as waterfowl hunting closures.

28 (3) All revenue derived from the sale of the license validation and
29 stamp by the department to persons hunting solely nonwaterfowl
30 migratory birds shall be deposited in the state wildlife ~~((fund))~~
31 account and shall be used only for that portion of the cost of printing
32 and production of the stamps for nonwaterfowl migratory bird hunters as
33 determined by subsection (4) of this section, and for those
34 nonwaterfowl migratory bird projects specified by the director for the
35 acquisition and development of nonwaterfowl migratory bird habitat in
36 the state and for the enhancement, protection, and propagation of
37 nonwaterfowl migratory birds in the state.

1 (4) With regard to the revenue from license validation and stamp
2 sales that is not the result of sales to stamp collectors, the
3 department shall determine the proportion of migratory waterfowl
4 hunters and solely nonwaterfowl migratory bird hunters by using the
5 yearly migratory bird hunter harvest information program survey results
6 or, in the event that these results are not available, other similar
7 survey results. A two-year average of the most recent survey results
8 shall be used to determine the proportion of the revenue attributed to
9 migratory waterfowl hunters and the proportion attributed to solely
10 nonwaterfowl migratory bird hunters for each fiscal year. For fiscal
11 year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the
12 stamp revenue shall be attributed to migratory waterfowl hunters and
13 four percent of the stamp revenue shall be attributed to solely
14 nonwaterfowl migratory game hunters.

15 (5) Acquisition shall include but not be limited to the acceptance
16 of gifts of real estate or any interest therein or the rental, lease,
17 or purchase of real estate or any interest therein. If the department
18 acquires any fee interest, leasehold, or rental interest in real
19 property under this section, it shall allow the general public
20 reasonable access to that property and shall, if appropriate, ensure
21 that the deed or other instrument creating the interest allows such
22 access to the general public. If the department obtains a covenant in
23 real property in its favor or an easement or any other interest in real
24 property under this section, it shall exercise its best efforts to
25 ensure that the deed or other instrument creating the interest grants
26 to the general public in the form of a covenant running with the land
27 reasonable access to the property. The private landowner from whom the
28 department obtains such a covenant or easement shall retain the right
29 of granting access to the lands by written permission, but may not
30 charge a fee for access.

31 (6) The department may produce migratory bird stamps in any given
32 year in excess of those necessary for sale in that year. The excess
33 stamps may be sold to the (~~migratory waterfowl art committee for sale~~
34 ~~to the~~) public.

35 **Sec. 142.** RCW 77.12.690 and 2009 c 333 s 38 are each amended to
36 read as follows:

37 (1) The (~~migratory waterfowl art committee~~) director is

1 responsible for the selection of the annual migratory bird stamp design
2 (~~and shall provide the design to the department. If the committee~~
3 ~~does not perform this duty within the time frame necessary to achieve~~
4 ~~proper and timely distribution of the stamps to license dealers, the~~
5 ~~director shall initiate the art work selection for that year)). The~~
6 ~~((committee))~~ department shall create collector art prints and related
7 artwork, utilizing the same design (~~as provided to the department~~).
8 The administration, sale, distribution, and other matters relating to
9 the prints and sales of stamps with prints and related artwork shall be
10 the responsibility of the (~~migratory waterfowl art committee~~)
11 department.

12 (2) The total amount brought in from the sale of prints and related
13 artwork shall be deposited in the state wildlife account created in RCW
14 77.12.170. The costs of producing and marketing of prints and related
15 artwork(~~, including administrative expenses mutually agreed upon by~~
16 ~~the committee and the director,~~) shall be paid out of the total amount
17 brought in from sales of those same items. Net funds derived from the
18 sale of prints and related artwork shall be used by the director to
19 contract with one or more appropriate individuals or nonprofit
20 organizations for the development of waterfowl propagation projects
21 within Washington which specifically provide waterfowl for the Pacific
22 flyway. The department shall not contract with any individual or
23 organization that obtains compensation for allowing waterfowl hunting
24 except if the individual or organization does not permit hunting for
25 compensation on the subject property.

26 (~~The migratory waterfowl art committee shall have an annual audit~~
27 ~~of its finances conducted by the state auditor and shall furnish a copy~~
28 ~~of the audit to the commission.))~~

29 **Sec. 143.** RCW 77.08.045 and 1998 c 191 s 31 are each amended to
30 read as follows:

31 As used in this title or rules adopted pursuant to this title:

32 (1) "Migratory waterfowl" means members of the family Anatidae,
33 including brants, ducks, geese, and swans;

34 (2) "Migratory bird" means migratory waterfowl and coots, snipe,
35 doves, and band-tailed pigeon;

36 (3) "Migratory bird stamp" means the stamp that is required by RCW

1 77.32.350 to be in the possession of all persons to hunt migratory
2 birds; and

3 (4) "Prints and artwork" means replicas of the original stamp
4 design that are sold to the general public. Prints and artwork are not
5 to be construed to be the migratory bird stamp that is required by RCW
6 77.32.350. Artwork may be any facsimile of the original stamp design,
7 including color renditions, metal duplications, or any other kind of
8 design(~~(; and~~

9 ~~(5) "Migratory waterfowl art committee" means the committee created~~
10 ~~by RCW 77.12.680. The committee's primary function is to select the~~
11 ~~annual migratory bird stamp design)).~~

12 **Performance Audit Citizen Advisory Board**

13 NEW SECTION. **Sec. 144.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 43.09.430 (Performance audits--Definitions) and 2005 c 385
16 s 2;

17 (2) RCW 43.09.435 (Performance audits--Citizen advisory board) and
18 2005 c 385 s 3;

19 (3) RCW 43.09.440 (Performance audits--Collaboration with joint
20 legislative audit and review committee--Criteria--Statewide performance
21 review--Contracting out--Release of audit reports) and 2005 c 385 s 5;

22 (4) RCW 43.09.445 (Performance audits--Local jurisdictions) and
23 2005 c 385 s 6;

24 (5) RCW 43.09.450 (Performance audits--Audit of performance audit
25 program) and 2005 c 385 s 8;

26 (6) RCW 43.09.455 (Performance audits--Follow-up and corrective
27 action--Progress reports) and 2005 c 385 s 9; and

28 (7) RCW 43.09.460 (Performance audits--Appropriation--Budget
29 request) and 2005 c 385 s 11.

30 **Pesticide Advisory Board**

31 NEW SECTION. **Sec. 145.** The following acts or parts of acts are
32 each repealed:

1 (1) RCW 17.21.230 (Pesticide advisory board) and 1994 c 283 s 26,
2 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c 20 s 1, 1971 ex.s. c 191
3 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;

4 (2) RCW 17.21.240 (Pesticide advisory board--Vacancies) and 1994 c
5 283 s 27, 1989 c 380 s 55, & 1961 c 249 s 24;

6 (3) RCW 17.21.250 (Pesticide advisory board--Duties) and 1989 c 380
7 s 56 & 1961 c 249 s 25;

8 (4) RCW 17.21.260 (Pesticide advisory board--Officers, meetings)
9 and 1994 c 283 s 28, 1989 c 380 s 57, & 1961 c 249 s 26;

10 (5) RCW 17.21.270 (Pesticide advisory board--Travel expenses) and
11 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s 24, & 1961 c 249 s 27; and

12 (6) RCW 70.104.080 (Pesticide panel--Generally) and 1994 c 264 s
13 41, 1991 c 3 s 363, & 1989 c 380 s 68.

14 **Sec. 146.** RCW 15.92.070 and 1991 c 341 s 8 are each amended to
15 read as follows:

16 The laboratory is advised by a board appointed by the dean of the
17 Washington State University college of agriculture and home economics.
18 The dean shall cooperate with appropriate officials in Washington,
19 Idaho, and Oregon in selecting board members.

20 (1) The board shall consist of one representative from each of the
21 following interests: A human toxicologist or a health professional
22 knowledgeable in worker exposure to pesticides, the Washington State
23 University vice-provost for research or research administrator,
24 representatives from the state department of agriculture, the
25 department of ecology, the department of health, the department of
26 labor and (~~(industry--{industries})~~) industries, privately owned
27 Washington pesticide analytical laboratories, federal regional
28 pesticide laboratories, an Idaho and Oregon laboratory, whether state,
29 university, or private, a chemical and fertilizer industry
30 representative, farm organizations, food processors, marketers, farm
31 labor, environmental organizations, and consumers. Each board member
32 shall serve a three-year term. The members of the board shall serve
33 without compensation but shall be reimbursed for travel expenses
34 incurred while engaged in the business of the board as provided in RCW
35 43.03.050 and 43.03.060.

36 (2) The board is in liaison with (~~(the pesticide advisory board~~

1 and)) the pesticide incident reporting and tracking panel and shall
2 review the chemicals investigated by the laboratory according to the
3 following criteria:

4 (a) Chemical uses for which a database exists on environmental fate
5 and acute toxicology, and that appear safer environmentally than
6 pesticides available on the market;

7 (b) Chemical uses not currently under evaluation by public
8 laboratories in Idaho or Oregon for use on Washington crops;

9 (c) Chemicals that have lost or may lose their registration and
10 that no reasonably viable alternatives for Washington crops are known;
11 and

12 (d) Other chemicals vital to Washington agriculture.

13 (3) The laboratory shall conduct research activities using approved
14 good laboratory practices, namely procedures and recordkeeping required
15 of the national IR-4 minor use pesticide registration program.

16 (4) The laboratory shall coordinate activities with the national
17 IR-4 program.

18 **Sec. 147.** RCW 17.21.020 and 2004 c 100 s 1 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Agricultural commodity" means any plant or part of a plant, or
23 animal, or animal product, produced by a person (including farmers,
24 ranchers, vineyardists, plant propagators, Christmas tree growers,
25 aquaculturists, floriculturists, orchardists, foresters, or other
26 comparable persons) primarily for sale, consumption, propagation, or
27 other use by people or animals.

28 (2) "Agricultural land" means land on which an agricultural
29 commodity is produced or land that is in a government-recognized
30 conservation reserve program. This definition does not apply to
31 private gardens where agricultural commodities are produced for
32 personal consumption.

33 (3) "Antimicrobial pesticide" means a pesticide that is used for
34 the control of microbial pests, including but not limited to viruses,
35 bacteria, algae, and protozoa, and is intended for use as a
36 disinfectant or sanitizer.

1 (4) "Apparatus" means any type of ground, water, or aerial
2 equipment, device, or contrivance using motorized, mechanical, or
3 pressurized power and used to apply any pesticide on land and anything
4 that may be growing, habitating, or stored on or in such land, but
5 shall not include any pressurized handsized household device used to
6 apply any pesticide, or any equipment, device, or contrivance of which
7 the person who is applying the pesticide is the source of power or
8 energy in making such pesticide application, or any other small
9 equipment, device, or contrivance that is transported in a piece of
10 equipment licensed under this chapter as an apparatus.

11 (5) "Arthropod" means any invertebrate animal that belongs to the
12 phylum arthropoda, which in addition to insects, includes allied
13 classes whose members are wingless and usually have more than six legs;
14 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

15 (6) "Certified applicator" means any individual who is licensed as
16 a commercial pesticide applicator, commercial pesticide operator,
17 public operator, private-commercial applicator, demonstration and
18 research applicator, private applicator, limited private applicator,
19 rancher private applicator, or any other individual who is certified by
20 the director to use or supervise the use of any pesticide which is
21 classified by the EPA or the director as a restricted use pesticide.

22 (7) "Commercial pesticide applicator" means any person who engages
23 in the business of applying pesticides to the land of another.

24 (8) "Commercial pesticide operator" means any employee of a
25 commercial pesticide applicator who uses or supervises the use of any
26 pesticide and who is required to be licensed under provisions of this
27 chapter.

28 (9) "Defoliant" means any substance or mixture of substances
29 intended to cause the leaves or foliage to drop from a plant with or
30 without causing abscission.

31 (10) "Department" means the Washington state department of
32 agriculture.

33 (11) "Desiccant" means any substance or mixture of substances
34 intended to artificially accelerate the drying of plant tissues.

35 (12) "Device" means any instrument or contrivance intended to trap,
36 destroy, control, repel, or mitigate pests, but not including equipment
37 used for the application of pesticides when sold separately from the
38 pesticides.

1 (13) "Direct supervision" by certified private applicators shall
2 mean that the designated restricted use pesticide shall be applied for
3 purposes of producing any agricultural commodity on land owned or
4 rented by the applicator or the applicator's employer, by a competent
5 person acting under the instructions and control of a certified private
6 applicator who is available if and when needed, even though such
7 certified private applicator is not physically present at the time and
8 place the pesticide is applied. The certified private applicator shall
9 have direct management responsibility and familiarity of the pesticide,
10 manner of application, pest, and land to which the pesticide is being
11 applied. Direct supervision by all other certified applicators means
12 direct on-the-job supervision and shall require that the certified
13 applicator be physically present at the application site and that the
14 person making the application be in voice and visual contact with the
15 certified applicator at all times during the application. However,
16 direct supervision for forest application does not require constant
17 voice and visual contact when general use pesticides are applied using
18 nonapparatus type equipment, the certified applicator is physically
19 present and readily available in the immediate application area, and
20 the certified applicator directly observes pesticide mixing and
21 batching. Direct supervision of an aerial apparatus means the pilot of
22 the aircraft must be appropriately certified.

23 (14) "Director" means the director of the department or a duly
24 authorized representative.

25 (15) "Engage in business" means any application of pesticides by
26 any person upon lands or crops of another.

27 (16) "EPA" means the United States environmental protection agency.

28 (17) "EPA restricted use pesticide" means any pesticide classified
29 for restricted use by the administrator, EPA.

30 (18) "FIFRA" means the federal insecticide, fungicide and
31 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

32 (19) "Forest application" means the application of pesticides to
33 agricultural land used to grow trees for the commercial production of
34 wood or wood fiber for products such as dimensional lumber, shakes,
35 plywood, poles, posts, pilings, particle board, hardboard, oriented
36 strand board, pulp, paper, cardboard, or other similar products.

37 (20) "Fumigant" means any pesticide product or combination of

1 products that is a vapor or gas or forms a vapor or gas on application
2 and whose method of pesticidal action is through the gaseous state.

3 (21) "Fungi" means all nonchlorophyll-bearing thallophytes (all
4 nonchlorophyll-bearing plants of lower order than mosses and
5 liverworts); for example, rusts, smuts, mildews, molds, and yeasts,
6 except those on or in a living person or other animals.

7 (22) "Fungicide" means any substance or mixture of substances
8 intended to prevent, destroy, repel, or mitigate any fungi.

9 (23) "Herbicide" means any substance or mixture of substances
10 intended to prevent, destroy, repel, or mitigate any weed or other
11 higher plant.

12 (24) "Immediate service call" means a landscape application to
13 satisfy an emergency customer request for service, or a treatment to
14 control a pest to landscape plants.

15 (25) "Insect" means any small invertebrate animal, in any life
16 stage, whose adult form is segmented and which generally belongs to the
17 class insecta, comprised of six-legged, usually winged forms, as, for
18 example, beetles, bugs, bees, and flies. The term insect shall also
19 apply to other allied classes of arthropods whose members are wingless
20 and usually have more than six legs, for example, spiders, mites,
21 ticks, centipedes, and isopod crustaceans.

22 (26) "Insecticide" means any substance or mixture of substances
23 intended to prevent, destroy, repel, or mitigate any insect.

24 (27) "Land" means all land and water areas, including airspace and
25 all plants, animals, structures, buildings, devices, and contrivances,
26 appurtenant to or situated on, fixed or mobile, including any used for
27 transportation.

28 (28) "Landscape application" means an application of any EPA
29 registered pesticide to any exterior landscape area around residential
30 property, commercial properties such as apartments or shopping centers,
31 parks, golf courses, schools including nursery schools and licensed day
32 cares, or cemeteries or similar areas. This definition shall not apply
33 to: (a) Applications made by private applicators, limited private
34 applicators, or rancher private applicators; (b) mosquito abatement,
35 gypsy moth eradication, or similar wide-area pest control programs
36 sponsored by governmental entities; and (c) commercial pesticide
37 applicators making structural applications.

1 (29) "Limited private applicator" means a certified applicator who
2 uses or is in direct supervision, as defined for private applicators in
3 this section, of the use of any herbicide classified by the EPA or the
4 director as a restricted use pesticide, for the sole purpose of
5 controlling weeds on nonproduction agricultural land owned or rented by
6 the applicator or the applicator's employer. Limited private
7 applicators may also use restricted use pesticides on timber areas,
8 excluding aquatic sites, to control weeds designated for mandatory
9 control under chapters 17.04, 17.06, and 17.10 RCW and state and local
10 regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A
11 limited private applicator may apply restricted use herbicides to the
12 types of land described in this subsection of another person if applied
13 without compensation other than trading of personal services between
14 the applicator and the other person. This license is only valid when
15 making applications in counties of Washington located east of the crest
16 of the Cascade mountains.

17 (30) "Limited production agricultural land" means land used to grow
18 hay and grain crops that are consumed by the livestock on the farm
19 where produced. No more than ten percent of the hay and grain crops
20 grown on limited production agricultural land may be sold each crop
21 year. Limited production agricultural land does not include aquatic
22 sites.

23 (31) "Nematocide" means any substance or mixture of substances
24 intended to prevent, destroy, repel, or mitigate nematodes.

25 (32) "Nematode" means any invertebrate animal of the phylum
26 nemathelminthes and class nematoda, that is, unsegmented round worms
27 with elongated, fusiform, or saclike bodies covered with cuticle, and
28 inhabiting soil, water, plants or plant parts. Nematodes may also be
29 called nemas or eelworms.

30 (33) "Nonproduction agricultural land" means pastures, rangeland,
31 fencerows, and areas around farm buildings but not aquatic sites.

32 (34) "Person" means any individual, partnership, association,
33 corporation, or organized group of persons whether or not incorporated.

34 (35) "Pest" means, but is not limited to, any insect, rodent,
35 nematode, snail, slug, weed, and any form of plant or animal life or
36 virus, except virus, bacteria, or other microorganisms on or in a
37 living person or other animal or in or on processed food or beverages

1 or pharmaceuticals, which is normally considered to be a pest, or which
2 the director may declare to be a pest.

3 (36) "Pesticide" means, but is not limited to:

4 (a) Any substance or mixture of substances intended to prevent,
5 destroy, control, repel, or mitigate any pest;

6 (b) Any substance or mixture of substances intended to be used as
7 a plant regulator, defoliant or desiccant; and

8 (c) Any spray adjuvant as defined in RCW 15.58.030.

9 (~~(37) ("Pesticide advisory board" means the pesticide advisory
10 board as provided for in this chapter.~~

11 ~~(38))~~ (38) "Plant regulator" means any substance or mixture of
12 substances intended through physiological action, to accelerate or
13 retard the rate of growth or maturation, or to otherwise alter the
14 behavior of ornamental or crop plants or their produce, but shall not
15 include substances insofar as they are intended to be used as plant
16 nutrients, trace elements, nutritional chemicals, plant inoculants, or
17 soil amendments.

18 ~~((39))~~ (39) "Private applicator" means a certified applicator who
19 uses or is in direct supervision of the use of any pesticide classified
20 by the EPA or the director as a restricted use pesticide, for the
21 purposes of producing any agricultural commodity and for any associated
22 noncrop application on land owned or rented by the applicator or the
23 applicator's employer or if applied without compensation other than
24 trading of personal services between producers of agricultural
25 commodities on the land of another person.

26 ~~((40))~~ (40) "Private-commercial applicator" means a certified
27 applicator who uses or supervises the use of any pesticide classified
28 by the EPA or the director as a restricted use pesticide for purposes
29 other than the production of any agricultural commodity on lands owned
30 or rented by the applicator or the applicator's employer.

31 ~~((41))~~ (41) "Rancher private applicator" means a certified
32 applicator who uses or is in direct supervision, as defined for private
33 applicators in this section, of the use of any herbicide or any
34 rodenticide classified by the EPA or the director as a restricted use
35 pesticide for the purpose of controlling weeds and pest animals on
36 nonproduction agricultural land and limited production agricultural
37 land owned or rented by the applicator or the applicator's employer.
38 Rancher private applicators may also use restricted use pesticides on

1 timber areas, excluding aquatic sites, to control weeds designated for
2 mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state
3 and local regulations adopted under chapters 17.04, 17.06, and 17.10
4 RCW. A rancher private applicator may apply restricted use herbicides
5 and rodenticides to the types of land described in this subsection of
6 another person if applied without compensation other than trading of
7 personal services between the applicator and the other person. This
8 license is only valid when making applications in counties of
9 Washington located east of the crest of the Cascade mountains.

10 ~~((42))~~ (41) "Residential property" includes property less than
11 one acre in size zoned as residential by a city, town, or county, but
12 does not include property zoned as agricultural or agricultural
13 homesites.

14 ~~((43))~~ (42) "Restricted use pesticide" means any pesticide or
15 device which, when used as directed or in accordance with a widespread
16 and commonly recognized practice, the director determines, subsequent
17 to a hearing, requires additional restrictions for that use to prevent
18 unreasonable adverse effects on the environment including people,
19 lands, beneficial insects, animals, crops, and wildlife, other than
20 pests.

21 ~~((44))~~ (43) "Rodenticide" means any substance or mixture of
22 substances intended to prevent, destroy, repel, or mitigate rodents, or
23 any other vertebrate animal which the director may declare by rule to
24 be a pest.

25 ~~((45))~~ (44) "School facility" means any facility used for
26 licensed day care center purposes or for the purposes of a public
27 kindergarten or public elementary or secondary school. School facility
28 includes the buildings or structures, playgrounds, landscape areas,
29 athletic fields, school vehicles, or any other area of school property.

30 ~~((46))~~ (45) "Snails or slugs" include all harmful mollusks.

31 ~~((47))~~ (46) "Unreasonable adverse effects on the environment"
32 means any unreasonable risk to people or the environment taking into
33 account the economic, social, and environmental costs and benefits of
34 the use of any pesticide, or as otherwise determined by the director.

35 ~~((48))~~ (47) "Weed" means any plant which grows where it is not
36 wanted.

1 **Lieutenant Governor Appointments and Assignments**

2 **Sec. 148.** RCW 43.15.020 and 2009 c 560 s 27 are each amended to
3 read as follows:

4 The lieutenant governor serves as president of the senate and is
5 responsible for making appointments to, and serving on, the committees
6 and boards as set forth in this section.

7 (1) The lieutenant governor serves on the following boards and
8 committees:

9 (a) Capitol furnishings preservation committee, RCW 27.48.040;

10 (b) Washington higher education facilities authority, RCW
11 28B.07.030;

12 (c) Productivity board, also known as the employee involvement and
13 recognition board, RCW 41.60.015;

14 (d) State finance committee, RCW 43.33.010;

15 (e) State capitol committee, RCW 43.34.010;

16 (f) Washington health care facilities authority, RCW 70.37.030;

17 (g) State medal of merit nominating committee, RCW 1.40.020;

18 (h) Medal of valor committee, RCW 1.60.020; and

19 (i) Association of Washington generals, RCW 43.15.030.

20 (2) The lieutenant governor, and when serving as president of the
21 senate, appoints members to the following boards and committees:

22 (a) Civil legal aid oversight committee, RCW 2.53.010;

23 (b) Office of public defense advisory committee, RCW 2.70.030;

24 (c) Washington state gambling commission, RCW 9.46.040;

25 (d) Sentencing guidelines commission, RCW 9.94A.860;

26 (e) State building code council, RCW 19.27.070;

27 (f) Women's history consortium board of advisors, RCW 27.34.365;

28 (g) Financial ((literacy)) education public-private partnership,
29 RCW 28A.300.450;

30 (h) Joint administrative rules review committee, RCW 34.05.610;

31 (i) Capital projects advisory review board, RCW 39.10.220;

32 (j) Select committee on pension policy, RCW 41.04.276;

33 (k) Legislative ethics board, RCW 42.52.310;

34 (l) Washington citizens' commission on salaries, RCW 43.03.305;

35 (m) Legislative oral history committee, RCW 44.04.325;

36 (n) State council on aging, RCW 43.20A.685;

37 (o) State investment board, RCW 43.33A.020;

38 (p) Capitol campus design advisory committee, RCW 43.34.080;

1 (q) Washington state arts commission, RCW 43.46.015;
2 (r) Information services board, RCW 43.105.032;
3 (~~(s)~~) (~~(K-20 educational network board, RCW 43.105.800;~~
4 ~~(t)~~) Municipal research council, RCW 43.110.010;
5 (~~(u)~~) (t) Council for children and families, RCW 43.121.020;
6 (~~(v)~~) (u) PNWER-Net working subgroup under chapter 43.147 RCW;
7 (~~(w)~~) (v) Community economic revitalization board, RCW
8 43.160.030;
9 (~~(x)~~) (w) Washington economic development finance authority, RCW
10 43.163.020;
11 (~~(y)~~) (x) Life sciences discovery fund authority, RCW 43.350.020;
12 (~~(z)~~) (y) Legislative children's oversight committee, RCW
13 44.04.220;
14 (~~(aa)~~) (z) Joint legislative audit and review committee, RCW
15 44.28.010;
16 (~~(bb)~~) (aa) Joint committee on energy supply and energy
17 conservation, RCW 44.39.015;
18 (~~(cc)~~) (bb) Legislative evaluation and accountability program
19 committee, RCW 44.48.010;
20 (~~(dd)~~) (cc) Agency council on coordinated transportation, RCW
21 47.06B.020;
22 (~~(ee)~~) (dd) Manufactured housing task force, RCW 59.22.090;
23 (~~(ff)~~) (ee) Washington horse racing commission, RCW 67.16.014;
24 (~~(gg)~~) (ff) Correctional industries board of directors, RCW
25 72.09.080;
26 (~~(hh)~~) (gg) Joint committee on veterans' and military affairs,
27 RCW 73.04.150;
28 (~~(ii)~~) (hh) Joint legislative committee on water supply during
29 drought, RCW 90.86.020;
30 (~~(jj)~~) (ii) Statute law committee, RCW 1.08.001; and
31 (~~(kk)~~) (jj) Joint legislative oversight committee on trade
32 policy, RCW 44.55.020.

33 **Sec. 149.** RCW 43.15.020 and 2010 c . . . s 148 (section 148 of
34 this act) are each amended to read as follows:

35 The lieutenant governor serves as president of the senate and is
36 responsible for making appointments to, and serving on, the committees
37 and boards as set forth in this section.

1 (1) The lieutenant governor serves on the following boards and
2 committees:

3 (a) Capitol furnishings preservation committee, RCW 27.48.040;
4 (b) Washington higher education facilities authority, RCW
5 28B.07.030;
6 (c) Productivity board, also known as the employee involvement and
7 recognition board, RCW 41.60.015;
8 (d) State finance committee, RCW 43.33.010;
9 (e) State capitol committee, RCW 43.34.010;
10 (f) Washington health care facilities authority, RCW 70.37.030;
11 (g) State medal of merit nominating committee, RCW 1.40.020;
12 (h) Medal of valor committee, RCW 1.60.020; and
13 (i) Association of Washington generals, RCW 43.15.030.

14 (2) The lieutenant governor, and when serving as president of the
15 senate, appoints members to the following boards and committees:

16 (a) Civil legal aid oversight committee, RCW 2.53.010;
17 (b) Office of public defense advisory committee, RCW 2.70.030;
18 (c) Washington state gambling commission, RCW 9.46.040;
19 (d) Sentencing guidelines commission, RCW 9.94A.860;
20 (e) State building code council, RCW 19.27.070;
21 (~~(g)~~) (~~Women's history consortium board of advisors, RCW 27.34.365;~~
22 ~~(g)~~) Financial education public-private partnership, RCW
23 28A.300.450;
24 (~~(h)~~) (g) Joint administrative rules review committee, RCW
25 34.05.610;
26 (~~(i)~~) (h) Capital projects advisory review board, RCW 39.10.220;
27 (~~(j)~~) (i) Select committee on pension policy, RCW 41.04.276;
28 (~~(k)~~) (j) Legislative ethics board, RCW 42.52.310;
29 (~~(l)~~) (k) Washington citizens' commission on salaries, RCW
30 43.03.305;
31 (~~(m)~~) (l) Legislative oral history committee, RCW 44.04.325;
32 (~~(n)~~) (m) State council on aging, RCW 43.20A.685;
33 (~~(o)~~) (n) State investment board, RCW 43.33A.020;
34 (~~(p)~~) (o) Capitol campus design advisory committee, RCW
35 43.34.080;
36 (~~(q)~~) (p) Washington state arts commission, RCW 43.46.015;
37 (~~(r)~~) (q) Information services board, RCW 43.105.032;
38 (~~(s)~~) (r) Municipal research council, RCW 43.110.010;

1 (~~(t)~~) (s) Council for children and families, RCW 43.121.020;
2 (~~(u)~~) (t) PNWER-Net working subgroup under chapter 43.147 RCW;
3 (~~(v)~~) (u) Community economic revitalization board, RCW
4 43.160.030;
5 (~~(w)~~) (v) Washington economic development finance authority, RCW
6 43.163.020;
7 (~~(x)~~) (w) Life sciences discovery fund authority, RCW 43.350.020;
8 (~~(y)~~) (x) Legislative children's oversight committee, RCW
9 44.04.220;
10 (~~(z)~~) (y) Joint legislative audit and review committee, RCW
11 44.28.010;
12 (~~(aa)~~) (z) Joint committee on energy supply and energy
13 conservation, RCW 44.39.015;
14 (~~(bb)~~) (aa) Legislative evaluation and accountability program
15 committee, RCW 44.48.010;
16 (~~(cc)~~) (bb) Agency council on coordinated transportation, RCW
17 47.06B.020;
18 (~~(dd)~~) (cc) Manufactured housing task force, RCW 59.22.090;
19 (~~(ee)~~) (dd) Washington horse racing commission, RCW 67.16.014;
20 (~~(ff)~~) (ee) Correctional industries board of directors, RCW
21 72.09.080;
22 (~~(gg)~~) (ff) Joint committee on veterans' and military affairs,
23 RCW 73.04.150;
24 (~~(hh)~~) (gg) Joint legislative committee on water supply during
25 drought, RCW 90.86.020;
26 (~~(ii)~~) (hh) Statute law committee, RCW 1.08.001; and
27 (~~(jj)~~) (ii) Joint legislative oversight committee on trade
28 policy, RCW 44.55.020.

29 NEW SECTION. **Sec. 150.** (1) All documents and papers, equipment,
30 or other tangible property in the possession of the terminated entity
31 shall be delivered to the custody of the entity assuming the
32 responsibilities of the terminated entity or if such responsibilities
33 have been eliminated, documents and papers shall be delivered to the
34 state archivist and equipment or other tangible property to the
35 department of general administration.

36 (2) All funds held by, or other moneys due to, the terminated

1 entity shall revert to the fund from which they were appropriated, or
2 if that fund is abolished to the general fund.

3 (3) All contractual rights and duties of an entity shall be
4 assigned or delegated to the entity assuming the responsibilities of
5 the terminated entity, or if there is none to such entity as the
6 governor shall direct.

7 (4) All rules and all pending business before any terminated entity
8 shall be continued and acted upon by the entity assuming the
9 responsibilities of the terminated entity.

10 NEW SECTION. **Sec. 151.** The following sections are recodified as
11 new sections in chapter 43.215 RCW:

12 RCW 43.121.170

13 RCW 43.121.175

14 RCW 43.121.180

15 NEW SECTION. **Sec. 152.** Sections 127 and 131 of this act take
16 effect June 30, 2011.

17 NEW SECTION. **Sec. 153.** Sections 1 through 126 and 133 through 148
18 of this act take effect June 30, 2010.

19 NEW SECTION. **Sec. 154.** Sections 132 and 149 of this act take
20 effect November 15, 2010.

INDEX	PAGE #
Airport Impact Mitigation Advisory Board	7
Athletic Training Advisory Committee	9
Basic Health Advisory Committee	12
Boards of Law Enforcement and Correctional Training Standards	18
Citizens Advisory Council on Alcoholism and Drug Addiction	13
Combined Fund Drive Committee	13
Committee on Agency Officials' Salaries	2
Community Transition Coordination Networks Advisory Committee	15
Customer Advisory Board--Department of Information Services	21
Driver Instructors' Advisory Committee	24
Emergency Medical Services Licensing and Certification Advisory Committee	30
Employee Retirement Benefits Board	34
Environmental and Land Use Hearings Board	44
Family Practice Education Advisory Board	47
Fire Protection Policy Board	48
Forest Fire Advisory Board	118
Hazardous Substance Mixed Waste Advisory Board	57
Health and Welfare Advisory Board and Property and Liability Advisory Board	57
Higher Education Coordinating Board Advisory Council	59
Higher Education Coordinating Board Research Advisory Group	59
Industry Cluster Advisory Committee	60
Integrated Justice Information Board	62
Interagency Integrated Pest Management Coordinating Committee	118
Juvenile Justice Advisory Committee	62
K-20 Educational Network Board and K-20 Network Technical Steering Committee	65
Land Bank Technical Advisory Committee	118
Lieutenant Governor Appointments and Assignments	135, 136
Migratory Waterfowl Art Committee	123
Mortgage Brokers	72
Oil Spill Advisory Council	72
Olympic Natural Resources Center Policy Advisory Board	76
On-site Sewage Disposal Systems Alternative Systems Technical Review	79
On-site Wastewater Treatment Systems Advisory Committee	77
Orthotic and Prosthetics Advisory Committee	80
Performance Audit Citizen Advisory Board	126
Pesticide Advisory Board	126

Regional Fisheries Enhancement Group Advisory Board 85
Revenue-Simplified Sales and Use Tax Administration Advisory Group 23
Special License Plate Review Board 93
State Board on Geographic Names 122
State Solid Waste Advisory Committee 86
Strategic Health Planning Office Technical Advisory Committee 107
Vehicle Equipment Safety Commission 112
Veterans Innovation Program Board 110
Washington Main Street Advisory Committee 72
Water Supply Advisory Committee 113
Western States School Bus Safety Commission 117
Women's History Consortium 117

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