
SUBSTITUTE SENATE BILL 5994

State of Washington

61st Legislature

2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Pridemore, Schoesler, and Honeyford; by request of Governor Gregoire)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to eliminating boards and commissions on June 30,
2 2010; amending RCW 28C.18.050, 28C.18.090, 18.106.010, 18.106.040,
3 18.106.050, 18.106.070, 43.03.027, 43.03.028, 34.12.100, 42.17.370,
4 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040,
5 43.70.665, 18.205.020, 18.205.060, 28A.300.520, 43.215.065, 72.09.495,
6 74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331,
7 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 70.168.030, 70.168.050,
8 70.168.060, 70.168.130, 18.76.050, 38.52.030, 38.52.070, 38.52.240,
9 38.52.330, 46.48.170, 18.73.030, 18.73.101, 15.76.110, 15.76.150,
10 70.112.010, 70.112.020, 43.43.934, 43.43.962, 38.52.530, 49.26.120,
11 48.62.061, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050,
12 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130,
13 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 18.225.010,
14 18.225.040, 16.57.353, 18.50.045, 18.50.060, 18.50.105, 46.09.020,
15 43.30.820, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 43.43.866,
16 43.10.240, 18.200.010, 18.200.050, 18.200.070, 13.60.110, 90.71.010,
17 90.71.210, 90.71.230, 90.71.240, 90.71.270, 90.71.310, 18.140.010,
18 18.140.030, 18.140.160, 18.140.170, 77.95.100, 77.95.180, 77.95.190,
19 82.58.020, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 70.119A.180,
20 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200,
21 28C.04.390, 28C.04.420, and 43.15.020; amending 2007 c 465 s 3

1 (uncodified); reenacting and amending RCW 74.15.030 and 18.71.205;
2 creating new sections; repealing RCW 28B.50.254, 18.106.110,
3 18.250.030, 18.205.080, 43.63A.068, 43.101.310, 43.101.315, 43.101.320,
4 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055,
5 70.198.010, 70.168.020, 38.52.040, 18.73.040, 18.73.050, 15.76.170,
6 70.112.030, 70.112.040, 70.112.050, 43.43.932, 43.43.936, 70.105E.070,
7 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 18.280.040, 10.98.200,
8 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810,
9 18.225.060, 18.225.070, 16.57.015, 71.09.320, 18.50.140, 18.50.150,
10 46.09.280, 18.210.040, 18.210.070, 70.118.100, 43.43.858, 43.43.860,
11 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, 10.29.090,
12 18.200.060, 72.09.800, 13.60.120, 42.56.140, 90.71.250, 18.140.230,
13 18.140.240, 18.140.250, 77.95.110, 77.95.120, 70.95.040, 70.95.050,
14 70.95.070, 70.105.060, 50.12.200, 70.119A.160, and 18.104.190; and
15 providing an effective date.

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

17 NEW SECTION. **Sec. 1.** Intent. One of the key roles of advisory
18 boards, committees, and commissions is to provide input, advice and
19 recommendations from stakeholders, other interested parties, and the
20 public to state agencies. These advisory boards, committees, and
21 commissions may be abolished without detriment to the mission of the
22 agency each supports. Most of the advisory functions of these boards,
23 committees, and commissions can be performed without the administrative
24 costs of maintaining formal organizations. In the interest of building
25 a leaner, more efficient, and more responsible government, this vital
26 communications conduit must be maintained for the benefit of the state
27 and its citizens, through the use of modern communication technology.
28 It is the intent of this legislation that while advisory boards,
29 committees, and commissions be eliminated, agencies should identify
30 new, less costly, and more effective opportunities to ensure a broad
31 range of citizen participation is provided and that all reasonable
32 efforts are made to ensure that channels are maintained for vital input
33 from the citizens of Washington. In addition, by providing one year
34 before eliminating these entities, ample time is provided for the
35 advisory groups to complete work in progress and for agencies to
36 develop alternative communication strategies.

1 **Advisory Council on Adult Education**

2 NEW SECTION. **Sec. 2.** RCW 28B.50.254 (Advisory council on adult
3 education--Workforce training and education coordinating board to
4 monitor) and 1991 c 238 s 19 are each repealed.

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

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

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

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

17 (4) Upon enactment of new federal initiatives relating to workforce
18 development, the board shall advise the governor and the legislature on
19 mechanisms for integrating the federal initiatives into the state's
20 workforce development system and make recommendations on the
21 legislative or administrative measures necessary to streamline and
22 coordinate state efforts to meet federal guidelines.

23 (5) The board shall monitor for consistency with the state
24 comprehensive plan for workforce training and education the policies
25 and plans established by the state job training coordinating council(
26 ~~the advisory council on adult education,~~) and the Washington state
27 plan for adult basic education, and provide guidance for making such
28 policies and plans consistent with the state comprehensive plan for
29 workforce training and education.

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

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

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

7 (3) The board shall complete, by January 1, 1996, its first
8 outcome-based evaluation and, by September 1, 1996, its nonexperimental
9 net-impact and cost-benefit evaluations of the training system. The
10 outcome, net-impact, and cost-benefit evaluations shall for the first
11 evaluations, include evaluations of each of the following programs:
12 Secondary vocational-technical education, work-related adult basic
13 skills education, postsecondary workforce training, job training
14 partnership act titles II and III, as well as of the system as a whole.

15 (4) The board shall use the results of its outcome, net-impact, and
16 cost-benefit evaluations to develop and make recommendations to the
17 legislature and the governor for the modification, consolidation,
18 initiation, or elimination of workforce training and education programs
19 in the state.

20 The board shall perform the requirements of this section in
21 cooperation with the operating agencies.

22 **Advisory Board of Plumbers**

23 NEW SECTION. **Sec. 5.** RCW 18.106.110 (Advisory board of plumbers)
24 and 2006 c 185 s 4, 1997 c 307 s 1, 1995 c 95 s 1, 1975-'76 2nd ex.s.
25 c 34 s 56, & 1973 1st ex.s. c 175 s 11 are each repealed.

26 **Sec. 6.** RCW 18.106.010 and 2006 c 185 s 1 are each amended to read
27 as follows:

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

30 (1) (~~"Advisory board" means the state advisory board of plumbers.~~
31 ~~(2)~~) "Contractor" means any person, corporate or otherwise, who
32 engages in, or offers or advertises to engage in, any work covered by
33 the provisions of this chapter by way of trade or business, or any

1 person, corporate or otherwise, who employs anyone, or offers or
2 advertises to employ anyone, to engage in any work covered by the
3 provisions of this chapter.

4 ~~((+3))~~ (2) "Department" means the department of labor and
5 industries.

6 ~~((+4))~~ (3) "Director" means the director of department of labor
7 and industries.

8 ~~((+5))~~ (4) "Journeyman plumber" means any person who has been
9 issued a certificate of competency by the department of labor and
10 industries as provided in this chapter.

11 ~~((+6))~~ (5) "Like-in-kind" means having similar characteristics
12 such as plumbing size, type, and function, and being in the same
13 location.

14 ~~((+7))~~ (6) "Medical gas piping" means oxygen, nitrous oxide, high
15 pressure nitrogen, medical compressed air, and medical vacuum systems.

16 ~~((+8))~~ (7) "Medical gas piping installer" means a journeyman
17 plumber who has been issued a medical gas piping installer endorsement.

18 ~~((+9))~~ (8) "Plumbing" means that craft involved in installing,
19 altering, repairing and renovating potable water systems, liquid waste
20 systems, and medical gas piping systems within a building.
21 Installation in a water system of water softening or water treatment
22 equipment is not within the meaning of plumbing as used in this
23 chapter.

24 ~~((+10))~~ (9) "Specialty plumber" means anyone who has been issued
25 a specialty certificate of competency limited to:

26 (a) Installation, maintenance, and repair of the plumbing of
27 single-family dwellings, duplexes, and apartment buildings that do not
28 exceed three stories;

29 (b) Maintenance and repair of backflow prevention assemblies; or

30 (c) A domestic water pumping system consisting of the installation,
31 maintenance, and repair of the pressurization, treatment, and
32 filtration components of a domestic water system consisting of: One or
33 more pumps; pressure, storage, and other tanks; filtration and
34 treatment equipment; if appropriate, a pitless adapter; along with
35 valves, transducers, and other plumbing components that:

36 (i) Are used to acquire, treat, store, or move water suitable for
37 either drinking or other domestic purposes, including irrigation, to:

38 (A) A single-family dwelling, duplex, or other similar place of

1 residence; (B) a public water system, as defined in RCW 70.119.020 and
2 as limited under RCW 70.119.040; or (C) a farm owned and operated by a
3 person whose primary residence is located within thirty miles of any
4 part of the farm;

5 (ii) Are located within the interior space, including but not
6 limited to an attic, basement, crawl space, or garage, of a residential
7 structure, which space is separated from the living area of the
8 residence by a lockable entrance and fixed walls, ceiling, or floor;

9 (iii) If located within the interior space of a residential
10 structure, are connected to a plumbing distribution system supplied and
11 installed into the interior space by either: (A) A person who,
12 pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary
13 permit or certificate of competency as a journeyman plumber, specialty
14 plumber, or trainee, as defined in this chapter; or (B) a person exempt
15 from the requirement to obtain a certified plumber to do such plumbing
16 work under RCW 18.106.150.

17 **Sec. 7.** RCW 18.106.040 and 2006 c 185 s 2 are each amended to read
18 as follows:

19 (1) Upon receipt of the application and evidence set forth in RCW
20 18.106.030, the director shall review the same and make a determination
21 as to whether the applicant is eligible to take an examination for the
22 certificate of competency. To be eligible to take the examination:

23 (a) Each applicant for a journeyman plumber's certificate of
24 competency shall furnish written evidence that he or she has completed
25 a course of study in the plumbing trade in the armed services of the
26 United States or at a school licensed by the workforce training and
27 education coordinating board, or has had four or more years of
28 experience under the direct supervision of a licensed journeyman
29 plumber.

30 (b) Each applicant for a specialty plumber's certificate of
31 competency under RCW 18.106.010(~~(10)~~) (9)(a) shall furnish written
32 evidence that he or she has completed a course of study in the plumbing
33 trade in the armed services of the United States or at a school
34 licensed by the workforce training and education coordinating board
35 under chapter 28C.10 RCW, or that he or she has had at least three
36 years practical experience in the specialty.

1 (c) Each applicant for a specialty plumber's certificate of
2 competency under RCW 18.106.010(~~((+10+))~~) (9) (b) or (c) shall furnish
3 written evidence that he or she is eligible to take the examination.
4 These eligibility requirements for the specialty plumbers defined by
5 RCW 18.106.010(~~((+10+))~~) (9)(c) shall be one year of practical experience
6 working on pumping systems not exceeding one hundred gallons per
7 minute, and two years of practical experience working on pumping
8 systems exceeding one hundred gallons per minute, or equivalent as
9 determined by rule by the department (~~((in consultation with the
10 advisory board))~~), and that experience may be obtained at the same time
11 the individual is meeting the experience required by RCW 19.28.191.
12 The eligibility requirements for other specialty plumbers shall be
13 established by rule by the director pursuant to subsection (2)(b) of
14 this section.

15 (2)(a) The director shall establish reasonable rules for the
16 examinations to be given applicants for certificates of competency.
17 (~~((In establishing the rules, the director shall consult with the state
18 advisory board of plumbers as established in RCW 18.106.110.))~~)

19 (b) The director shall establish reasonable criteria by rule for
20 determining an applicant's eligibility to take an examination for the
21 certificate of competency for specialty plumbers under subsection
22 (1)(c) of this section. (~~((In establishing the criteria, the director
23 shall consult with the state advisory board of plumbers as established
24 in RCW 18.106.110.))~~) These rules must take effect by December 31,
25 2006.

26 (3) Upon determination that the applicant is eligible to take the
27 examination, the director shall so notify the applicant, indicating the
28 time and place for taking the same.

29 (4) No other requirement for eligibility may be imposed.

30 **Sec. 8.** RCW 18.106.050 and 2006 c 185 s 3 are each amended to read
31 as follows:

32 (1) The department(~~((, with the advice of the advisory board,))~~)
33 shall prepare a written examination to be administered to applicants
34 for certificates of competency for journeyman plumber and specialty
35 plumber. The examination shall be constructed to determine:

36 (a) Whether the applicant possesses varied general knowledge of the

1 technical information and practical procedures that are identified with
2 the trade of journeyman plumber or specialty plumber; and

3 (b) Whether the applicant is familiar with the applicable plumbing
4 codes and the administrative rules of the department pertaining to
5 plumbing and plumbers.

6 (2) The department(~~(, with the consent of the advisory board,)~~) may
7 enter into a contract with a nationally recognized testing agency to
8 develop, administer, and score any examinations required by this
9 chapter. All applicants shall, before taking an examination, pay the
10 required examination fee. The department shall set the examination fee
11 by contract with a nationally recognized testing agency. The fee shall
12 cover but not exceed the costs of preparing and administering the
13 examination and the materials necessary to conduct the practical
14 elements of the examination. The department shall approve training
15 courses and set the fees for training courses for examinations provided
16 by this chapter.

17 (3) An examination to determine the competency of an applicant for
18 a domestic water pumping system specialty plumbing certificate as
19 defined by RCW 18.106.010(~~(+10+)~~) (9)(c) must be established by the
20 department (~~(in consultation with the advisory board by December 31,~~
21 ~~2006)~~). The department may include an examination for appropriate
22 electrical safety and technical requirements as required by RCW
23 19.28.191 with the examination required by this section. The
24 department(~~(, in consultation with the advisory board,)~~) may accept the
25 certification by a professional or trade association or other
26 acceptable entity as meeting the examination requirement of this
27 section. Individuals who can provide evidence to the department prior
28 to January 1, 2007, that they have been employed in the pump and
29 irrigation business as defined by RCW 18.106.010(~~(+10+)~~) (9)(c) for not
30 less than four thousand hours in the most recent four calendar years
31 shall be issued the appropriate certificate by the department upon
32 receiving such documentation and applicable fees. The department shall
33 establish a single document for those who have received both the
34 plumbing specialty certification defined by this subsection and have
35 also met the certification requirements for a pump and irrigation or
36 domestic pump specialty electrician, showing that the individual has
37 received both certifications.

1 (4) The department shall certify the results of the examinations
2 provided by this chapter, and shall notify the applicant in writing
3 whether he or she has passed or failed. Any applicant who has failed
4 the examination may retake the examination, upon the terms and after a
5 period of time that the director shall set by rule. The director may
6 not limit the number of times that a person may take the examination.

7 **Sec. 9.** RCW 18.106.070 and 2006 c 185 s 10 are each amended to
8 read as follows:

9 (1) The department shall issue a certificate of competency to all
10 applicants who have passed the examination and have paid the fee for
11 the certificate. The certificate shall bear the date of issuance, and
12 shall expire on the birthdate of the holder immediately following the
13 date of issuance. The certificate shall be renewable every other year,
14 upon application, on or before the birthdate of the holder, except for
15 specialty plumbers defined by RCW 18.106.010(~~((+10+))~~) (9)(c) who also
16 have an electrical certification issued jointly as provided by RCW
17 18.106.050(3) in which case their certificate shall be renewable every
18 three years on or before the birthdate of the holder. The department
19 shall renew a certificate of competency if the applicant: (a) Pays the
20 renewal fee assessed by the department; and (b) during the past two
21 years has completed sixteen hours of continuing education approved by
22 the department (~~((with the advice of the advisory board))~~), including
23 four hours related to electrical safety. For holders of the specialty
24 plumber certificate under RCW 18.106.010(~~((+10+))~~) (9)(c), the continuing
25 education may comprise both electrical and plumbing education with a
26 minimum of twelve of the required twenty-four hours of continuing
27 education in plumbing. If a person fails to renew the certificate by
28 the renewal date, he or she must pay a doubled fee. If the person does
29 not renew the certificate within ninety days of the renewal date, he or
30 she must retake the examination and pay the examination fee.

31 The journeyman plumber and specialty plumber certificates of
32 competency, the medical gas piping installer endorsement, and the
33 temporary permit provided for in this chapter grant the holder the
34 right to engage in the work of plumbing as a journeyman plumber,
35 specialty plumber, or medical gas piping installer, in accordance with
36 their provisions throughout the state and within any of its political
37 subdivisions on any job or any employment without additional proof of

1 competency or any other license or permit or fee to engage in the work.
2 This section does not preclude employees from adhering to a union
3 security clause in any employment where such a requirement exists.

4 (2) A person who is indentured in an apprenticeship program
5 approved under chapter 49.04 RCW for the plumbing construction trade or
6 who is learning the plumbing construction trade may work in the
7 plumbing construction trade if supervised by a certified journeyman
8 plumber or a certified specialty plumber in that plumber's specialty.
9 All apprentices and individuals learning the plumbing construction
10 trade shall obtain a plumbing training certificate from the department.
11 The certificate shall authorize the holder to learn the plumbing
12 construction trade while under the direct supervision of a journeyman
13 plumber or a specialty plumber working in his or her specialty. The
14 holder of the plumbing training certificate shall renew the certificate
15 annually. At the time of renewal, the holder shall provide the
16 department with an accurate list of the holder's employers in the
17 plumbing construction industry for the previous year and the number of
18 hours worked for each employer. An annual fee shall be charged for the
19 issuance or renewal of the certificate. The department shall set the
20 fee by rule. The fee shall cover but not exceed the cost of
21 administering and enforcing the trainee certification and supervision
22 requirements of this chapter. Apprentices and individuals learning the
23 plumbing construction trade shall have their plumbing training
24 certificates in their possession at all times that they are performing
25 plumbing work. They shall show their certificates to an authorized
26 representative of the department at the representative's request.

27 (3) Any person who has been issued a plumbing training certificate
28 under this chapter may work if that person is under supervision.
29 Supervision shall consist of a person being on the same job site and
30 under the control of either a journeyman plumber or an appropriate
31 specialty plumber who has an applicable certificate of competency
32 issued under this chapter. Either a journeyman plumber or an
33 appropriate specialty plumber shall be on the same job site as the
34 noncertified individual for a minimum of seventy-five percent of each
35 working day unless otherwise provided in this chapter. The ratio of
36 noncertified individuals to certified journeymen or specialty plumbers
37 working on a job site shall be: (a) Not more than two noncertified
38 plumbers working on any one job site for every certified specialty

1 plumber or journeyman plumber working as a specialty plumber; and (b)
2 not more than one noncertified plumber working on any one job site for
3 every certified journeyman plumber working as a journeyman plumber.

4 An individual who has a current training certificate and who has
5 successfully completed or is currently enrolled in an approved
6 apprenticeship program or in a technical school program in the plumbing
7 construction trade in a school approved by the workforce training and
8 education coordinating board, may work without direct on-site
9 supervision during the last six months of meeting the practical
10 experience requirements of this chapter.

11 (4) An individual who has a current training certificate and who
12 has successfully completed or is currently enrolled in a medical gas
13 piping installer training course approved by the department may work on
14 medical gas piping systems if the individual is under the direct
15 supervision of a certified medical gas piping installer who holds a
16 medical gas piping installer endorsement one hundred percent of a
17 working day on a one-to-one ratio.

18 (5) The training to become a certified plumber must include not
19 less than sixteen hours of classroom training established by the
20 director (~~((with the advice of the advisory board))~~). The classroom
21 training must include, but not be limited to, electrical wiring safety,
22 grounding, bonding, and other related items plumbers need to know to
23 work under RCW 19.28.091.

24 (6) All persons who are certified plumbers before January 1, 2003,
25 are deemed to have received the classroom training required in
26 subsection (5) of this section.

27 **Committee on Agency Official's Salaries**

28 **Sec. 10.** RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to
29 read as follows:

30 It is hereby declared to be the public policy of this state to base
31 the salaries of public officials on realistic standards in order that
32 such officials may be paid according to the true value of their
33 services and the best qualified citizens may be attracted to public
34 service. It is the purpose of (~~(RCW 43.03.027, 43.03.028,)~~) this

1 section and RCW 43.03.040(~~(, 43.03.045 and 43.03.047)~~) to effectuate
2 this policy by utilizing the expert knowledge of citizens having access
3 to pertinent facts concerning proper salaries for public officials,
4 thus removing and dispelling any thought of political consideration in
5 fixing the appropriateness of the amount of such salaries.

6 **Sec. 11.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read
7 as follows:

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

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

27 The arts commission; the human rights commission; the board of
28 accountancy; the board of pharmacy; the eastern Washington historical
29 society; the Washington state historical society; the recreation and
30 conservation office; the criminal justice training commission; the
31 department of personnel; the state library; the traffic safety
32 commission; the horse racing commission; the advisory council on
33 vocational education; the public disclosure commission; the state
34 conservation commission; the commission on Hispanic affairs; the
35 commission on Asian Pacific American affairs; the state board for
36 volunteer firefighters and reserve officers; the transportation

1 improvement board; the public employment relations commission; the
2 forest practices appeals board; and the energy facilities site
3 evaluation council.

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

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

13 **Sec. 12.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to
14 read as follows:

15 The chief administrative law judge shall be paid a salary fixed by
16 the governor after recommendation of the ~~((state committee on agency
17 officials' salaries))~~ department of personnel. The salaries of
18 administrative law judges appointed under the terms of this chapter
19 shall be determined by the chief administrative law judge after
20 recommendation of the ~~((state committee on agency officials' salaries))~~
21 department of personnel.

22 **Sec. 13.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to
23 read as follows:

24 The commission is empowered to:

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

32 (2) Appoint and set, within the limits established by the
33 ~~((committee on agency officials' salaries))~~ department of personnel
34 under RCW 43.03.028, the compensation of an executive director who
35 shall perform such duties and have such powers as the commission may
36 prescribe and delegate to implement and enforce this chapter

1 efficiently and effectively. The commission shall not delegate its
2 authority to adopt, amend, or rescind rules nor shall it delegate
3 authority to determine whether an actual violation of this chapter has
4 occurred or to assess penalties for such violations;

5 (3) Prepare and publish such reports and technical studies as in
6 its judgment will tend to promote the purposes of this chapter,
7 including reports and statistics concerning campaign financing,
8 lobbying, financial interests of elected officials, and enforcement of
9 this chapter;

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

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

15 (6) Administer oaths and affirmations, issue subpoenas, and compel
16 attendance, take evidence and require the production of any books,
17 papers, correspondence, memorandums, or other records relevant or
18 material for the purpose of any investigation authorized under this
19 chapter, or any other proceeding under this chapter;

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

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

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

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

30 (11) Revise, at least once every five years but no more often than
31 every two years, the monetary reporting thresholds and reporting code
32 values of this chapter. The revisions shall be only for the purpose of
33 recognizing economic changes as reflected by an inflationary index
34 recommended by the office of financial management. The revisions shall
35 be guided by the change in the index for the period commencing with the
36 month of December preceding the last revision and concluding with the
37 month of December preceding the month the revision is adopted. As to
38 each of the three general categories of this chapter (reports of

1 campaign finance, reports of lobbyist activity, and reports of the
2 financial affairs of elected and appointed officials), the revisions
3 shall equally affect all thresholds within each category. Revisions
4 shall be adopted as rules under chapter 34.05 RCW. The first revision
5 authorized by this subsection shall reflect economic changes from the
6 time of the last legislative enactment affecting the respective code or
7 threshold through December 1985;

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

12 **Sec. 14.** RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended
13 to read as follows:

14 The directors of the several departments and members of the several
15 boards and commissions, whose salaries are fixed by the governor and
16 the chief executive officers of the agencies named in RCW
17 43.03.028(~~(+2)~~) (1) as now or hereafter amended shall each severally
18 receive such salaries, payable in monthly installments, as shall be
19 fixed by the governor or the appropriate salary fixing authority, in an
20 amount not to exceed the recommendations of the (~~committee on agency~~
21 ~~officials' salaries. Beginning July 1, 1993, through June 30, 1995,~~
22 ~~the salary paid to such directors and members of boards and commissions~~
23 ~~shall not exceed the amount paid as of April 1, 1993)) department of
24 personnel.~~

25 **Airport Impact Mitigation Advisory Board**

26 **Sec. 15.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each
27 amended to read as follows:

28 (1) The airport impact mitigation account is created in the custody
29 of the state treasury. Moneys deposited in the account, including
30 moneys received from the port of Seattle for purposes of this section,
31 may be used only for airport mitigation purposes as provided in this
32 section. Only the director of the department of community, trade, and
33 economic development or the director's designee may authorize

1 expenditures from the account. The account is subject to allotment
2 procedures under chapter 43.88 RCW, but an appropriation is not
3 required for expenditures.

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

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

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

37 ~~((5))~~ (4) The department of community, trade, and economic

1 development shall report on its activities related to the account
2 created in this section by January 1, 2004, and each January 1st
3 thereafter.

4 **Athletic Training Advisory Committee**

5 NEW SECTION. **Sec. 16.** RCW 18.250.030 (Athletic training advisory
6 committee) and 2007 c 253 s 4 are each repealed.

7 **Sec. 17.** RCW 18.250.010 and 2007 c 253 s 2 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

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

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

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

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

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

33 (ii) Recognition, evaluation, and assessment of athletic injuries
34 by obtaining a history of the athletic injury, inspection and palpation

1 of the injured part and associated structures, and performance of
2 specific testing techniques related to stability and function to
3 determine the extent of an injury;

4 (iii) Immediate care of athletic injuries, including emergency
5 medical situations through the application of first-aid and emergency
6 procedures and techniques for nonlife-threatening or life-threatening
7 athletic injuries;

8 (iv) Treatment, rehabilitation, and reconditioning of athletic
9 injuries through the application of physical agents and modalities,
10 therapeutic activities and exercise, standard reassessment techniques
11 and procedures, commercial products, and educational programs, in
12 accordance with guidelines established with a licensed health care
13 provider as provided in RCW 18.250.070; and

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

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

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

21 (ii) Orthotic or prosthetic services with the exception of
22 evaluation, measurement, fitting, and adjustment of temporary,
23 prefabricated or direct-formed orthosis as defined in chapter 18.200
24 RCW;

25 (iii) The practice of occupational therapy as defined in chapter
26 18.59 RCW;

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

28 (v) Any medical diagnosis; and

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

30 (5) (~~"Committee" means the athletic training advisory committee.~~
31 ~~+6+~~) "Department" means the department of health.

32 ~~((+7))~~ (6) "Licensed health care provider" means a physician,
33 physician assistant, osteopathic physician, osteopathic physician
34 assistant, advanced registered nurse practitioner, naturopath, physical
35 therapist, chiropractor, dentist, massage practitioner, acupuncturist,
36 occupational therapist, or podiatric physician and surgeon.

37 ~~((+8))~~ (7) "Secretary" means the secretary of health or the
38 secretary's designee.

1 **Sec. 18.** RCW 18.250.020 and 2007 c 253 s 3 are each amended to
2 read as follows:

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

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

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

9 (c) Establish forms and procedures necessary to administer this
10 chapter;

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

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

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

23 (g) (~~In consultation with the committee,~~) Approve examinations
24 prepared or administered by private testing agencies or organizations
25 for use by an applicant in meeting the licensing requirements under RCW
26 18.250.060;

27 (h) Determine which states have credentialing requirements
28 substantially equivalent to those of this state, and issue licenses to
29 individuals credentialed in those states that have successfully
30 fulfilled the requirements of RCW 18.250.080;

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

33 (j) Maintain the official department record of all applicants and
34 licensees; and

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

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

1 **Sec. 19.** RCW 18.250.060 and 2007 c 253 s 7 are each amended to
2 read as follows:

3 An applicant for an athletic trainer license must:

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

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

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

12 **Basic Health Advisory Committee**

13 **Sec. 20.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to
14 read as follows:

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

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

1 (3) The administrator may appoint such technical or advisory
2 committees as he or she deems necessary. (~~The administrator shall~~
3 ~~appoint a standing technical advisory committee that is representative~~
4 ~~of health care professionals, health care providers, and those directly~~
5 ~~involved in the purchase, provision, or delivery of health care~~
6 ~~services, as well as consumers and those knowledgeable of the ethical~~
7 ~~issues involved with health care public policy. Individuals appointed~~
8 ~~to any technical or other advisory committee shall serve without~~
9 ~~compensation for their services as members, but may be reimbursed for~~
10 ~~their travel expenses pursuant to RCW 43.03.050 and 43.03.060.))~~

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

17 (5) Whenever feasible, the administrator shall reduce the
18 administrative cost of operating the program by adopting joint policies
19 or procedures applicable to both the basic health plan and employee
20 health plans.

21 **Breast and Cervical Cancer Medical Advisory Committee**

22 **Sec. 21.** RCW 43.70.665 and 2006 c 55 s 1 are each amended to read
23 as follows:

24 (1) The legislature finds that Washington state has the highest
25 incidence of breast cancer in the nation. Despite this, mortality
26 rates from breast cancer have declined due largely to early screening
27 and detection. Invasive cervical cancer is the most preventable type
28 of cancer. The Pap test, used to detect early signs of this disease,
29 has been called "medicine's most successful screening test." Applied
30 consistently, invasive cervical cancer could nearly be eliminated. The
31 legislature further finds that increasing access to breast and cervical
32 cancer screening is critical to reducing incidence and mortality rates,
33 and eliminating the disparities of this disease in women in Washington
34 state. Furthermore, the legislature finds there is a need for a

1 permanent program providing early detection and screening to the women
2 and families of Washington state.

3 It is the intent of the legislature to establish an early detection
4 breast and cervical cancer screening program as a voluntary screening
5 program directed at reducing mortalities through early detection to be
6 offered to eligible women only as funds are available.

7 (2) As used in this section:

8 (a) "Eligible woman" means a woman who is age forty to sixty-four,
9 and whose income is at or below two hundred fifty percent of the
10 federal poverty level, as published annually by the federal department
11 of health and human services. Priority enrollment shall be given to
12 women as defined by the federal national breast and cervical cancer
13 early detection program, under P.L. 101-354.

14 (b) "Approved providers" means those state-supported health
15 providers, radiology facilities, and cytological laboratories that are
16 recognized by the department as meeting the minimum program policies
17 and procedures adopted by the department to qualify under the federal
18 national breast and cervical cancer early detection program, and are
19 designated as eligible for funding by the department.

20 (c) "Comprehensive" means a screening program that focuses on
21 breast and cervical cancer screening as a preventive health measure,
22 and includes diagnostic and case management services.

23 (3) The department of health is authorized to administer a state-
24 supported early detection breast and cervical cancer screening program
25 to assist eligible women with preventive health services. To the
26 extent of available funding, eligible women may be enrolled in the
27 early detection breast and cervical cancer screening program and
28 additional eligible women may be enrolled to the extent that grants and
29 contributions from community sources provide sufficient funds for
30 expanding the program.

31 (4) Funds appropriated for the state program shall be used only to
32 operate early detection breast and cervical cancer screening programs
33 that have been approved by the department, or to increase access to
34 existing state-approved programs, and shall not supplant federally
35 supported breast and cervical cancer early detection programs.

36 (5) Enrollment in the early detection breast and cervical cancer
37 screening program shall not result in expenditures that exceed the
38 amount that has been appropriated for the program in the operating

1 budget. If it appears that continued enrollment will result in
2 expenditures exceeding the appropriated level for a particular fiscal
3 year, the department may freeze new enrollment in the program. Nothing
4 in this section prevents the department from continuing enrollment in
5 the program if there are adequate private or public funds in addition
6 to those appropriated in the biennial budget to support the cost of
7 such enrollment.

8 ~~((6) The department shall establish a medical advisory committee
9 composed of interested medical professionals and consumer liaisons with
10 expertise in a variety of areas relevant to breast and cervical health
11 to provide expert medical advice and guidance. The medical advisory
12 committee shall address national, state, and local concerns regarding
13 best practices in the field of early prevention and detection for
14 breast and cervical cancer and assist the early detection breast and
15 cervical cancer screening program in implementing program policy that
16 follows the best practices of high quality health care for clinical,
17 diagnostic, pathologic, radiological, and oncology services.))~~

18 **Chemical Dependency Certification Advisory Committee**

19 NEW SECTION. **Sec. 22.** RCW 18.205.080 (Chemical dependency
20 certification advisory committee--Composition--Terms) and 1998 c 243 s
21 8 are each repealed.

22 **Sec. 23.** RCW 18.205.020 and 2008 c 135 s 15 are each amended to
23 read as follows:

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

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

29 (2) "Certified chemical dependency professional" means an
30 individual certified in chemical dependency counseling, under this
31 chapter.

32 (3) "Certified chemical dependency professional trainee" means an

1 individual working toward the education and experience requirements for
2 certification as a chemical dependency professional.

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

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

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

19 ((+7)) (6) "Department" means the department of health.

20 ((+8)) (7) "Health profession" means a profession providing health
21 services regulated under the laws of this state.

22 ((+9)) (8) "Secretary" means the secretary of health or the
23 secretary's designee.

24 **Sec. 24.** RCW 18.205.060 and 1998 c 243 s 6 are each amended to
25 read as follows:

26 In addition to any other authority provided by law, the secretary
27 has the authority to:

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

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

32 (3) Establish forms and procedures necessary to administer this
33 chapter;

34 (4) Issue certificates to applicants who have met the education,
35 training, and examination requirements for certification and to deny
36 certification to applicants who do not meet the minimum qualifications,

1 except that proceedings concerning the denial of certification based
2 upon unprofessional conduct or impairment shall be governed by the
3 uniform disciplinary act, chapter 18.130 RCW;

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

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

12 (7) Prepare, grade, and administer, or determine the nature of, and
13 supervise the grading and administration of, examinations for
14 applicants for certification;

15 (8) 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 (9) Determine which states have credentialing requirements
21 equivalent to those of this state, and issue certificates to
22 individuals credentialed in those states without examinations;

23 (10) Define and approve any experience requirement for
24 certification;

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

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

27 (13) Maintain the official department record of all applicants and
28 certificated individuals;

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

31 (15) Establish disclosure requirements.

32 **Children of Incarcerated Parents Advisory Committee**

33 NEW SECTION. **Sec. 25.** RCW 43.63A.068 (Advisory committee on
34 policies and programs for children and families with incarcerated

1 parents--Funding for programs and services) and 2007 c 384 s 6 are each
2 repealed.

3 **Sec. 26.** RCW 28A.300.520 and 2007 c 384 s 5 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction shall review current
6 policies and assess the adequacy and availability of programs targeted
7 at children who have a parent who is incarcerated in a department of
8 corrections facility. The superintendent of public instruction shall
9 adopt policies that support the children of incarcerated parents and
10 meet their needs with the goal of facilitating normal child
11 development, including maintaining adequate academic progress, while
12 reducing intergenerational incarceration.

13 ~~(2) ((The superintendent shall conduct the following activities))~~
14 To assist in implementing the requirements of subsection (1) of this
15 section((+

16 ~~(a))~~, the superintendent shall gather information and data on the
17 students who are the children of inmates incarcerated in department of
18 corrections facilities((+and

19 ~~(b) Participate in the children of incarcerated parents advisory~~
20 ~~committee and report information obtained under this section to the~~
21 ~~advisory committee)).~~

22 **Sec. 27.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
23 read as follows:

24 (1)(a) The director of the department of early learning shall
25 review current department policies and assess the adequacy and
26 availability of programs targeted at persons who receive assistance who
27 are the children and families of a person who is incarcerated in a
28 department of corrections facility. Great attention shall be focused
29 on programs and policies affecting foster youth who have a parent who
30 is incarcerated.

31 (b) The director shall adopt policies that support the children of
32 incarcerated parents and meet their needs with the goal of facilitating
33 normal child development, while reducing intergenerational
34 incarceration.

35 (2) ~~((The director shall conduct the following activities))~~ To

1 assist in implementing the requirements of subsection (1) of this
2 section(~~(+~~

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

6 ~~(b) Participate in the children of incarcerated parents advisory~~
7 ~~committee and report information obtained under this section to the~~
8 ~~advisory committee)).~~

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

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

13 (a) The impact of existing policies on the ability of offenders to
14 maintain familial contact and engagement between inmates and children;
15 and

16 (b) The adequacy and availability of programs targeted at inmates
17 with children.

18 (2) The secretary shall adopt policies that encourage familial
19 contact and engagement between inmates and their children with the goal
20 of reducing recidivism and intergenerational incarceration. Programs
21 and policies should take into consideration the children's need to
22 maintain contact with his or her parent and the inmate's ability to
23 develop plans to financially support their children, assist in
24 reunification when appropriate, and encourage the improvement of
25 parenting skills where needed.

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

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

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

32 ~~(c) Participate in the children of incarcerated parents advisory~~
33 ~~committee and report information obtained under this section to the~~
34 ~~advisory committee)).~~

35 **Sec. 29.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to read
36 as follows:

1 (1)(a) The secretary of social and health services shall review
2 current department policies and assess the adequacy and availability of
3 programs targeted at persons who receive services through the
4 department who are the children and families of a person who is
5 incarcerated in a department of corrections facility. Great attention
6 shall be focused on programs and policies affecting foster youth who
7 have a parent who is incarcerated.

8 (b) The secretary shall adopt policies that encourage familial
9 contact and engagement between inmates of the department of corrections
10 facilities and their children with the goal of facilitating normal
11 child development, while reducing recidivism and intergenerational
12 incarceration. Programs and policies should take into consideration
13 the children's need to maintain contact with his or her parent, the
14 inmate's ability to develop plans to financially support their
15 children, assist in reunification when appropriate, and encourage the
16 improvement of parenting skills where needed. The programs and
17 policies should also meet the needs of the child while the parent is
18 incarcerated.

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

22 ~~(a))~~, the secretary shall gather information and data on the
23 recipients of public assistance, or children in the care of the state
24 under chapter 13.34 RCW, who are the children and families of inmates
25 incarcerated in department of corrections facilities(~~(+and~~

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

29 Children of Color

30 **Sec. 30.** 2007 c 465 s 3 (uncodified) is amended to read as
31 follows:

32 This act expires June 30, (~~(2014))~~ 2010.

1 **Children's Services Advisory Committee**

2 **Sec. 31.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
3 as follows:

4 The department shall have the duty to provide child welfare
5 services and shall:

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

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

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

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

35 (5) Monitor placements of children in out-of-home care and in-home
36 dependencies to assure the safety, well-being, and quality of care
37 being provided is within the scope of the intent of the legislature as
38 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring

1 placements under this section shall require that children in out-of-
2 home care and in-home dependencies and their caregivers receive a
3 private and individual face-to-face visit each month.

4 (a) The department shall conduct the monthly visits with children
5 and caregivers required under this section unless the child's placement
6 is being supervised under a contract between the department and a
7 private agency accredited by a national child welfare accrediting
8 entity, in which case the private agency shall, within existing
9 resources, conduct the monthly visits with the child and with the
10 child's caregiver according to the standards described in this
11 subsection and shall provide the department with a written report of
12 the visits within fifteen days of completing the visits.

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

17 (6) Have authority to accept custody of children from parents and
18 to accept custody of children from juvenile courts, where authorized to
19 do so under law, to provide child welfare services including placement
20 for adoption, to provide for the routine and necessary medical, dental,
21 and mental health care, or necessary emergency care of the children,
22 and to provide for the physical care of such children and make payment
23 of maintenance costs if needed. Except where required by Public Law
24 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
25 children for adoption from the department shall discriminate on the
26 basis of race, creed, or color when considering applications in their
27 placement for adoption.

28 (7) Have authority to provide temporary shelter to children who
29 have run away from home and who are admitted to crisis residential
30 centers.

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

37 (9) ~~((Establish a children's services advisory committee which
38 shall assist the secretary in the development of a partnership plan for~~

1 ~~utilizing resources of the public and private sectors, and advise on~~
2 ~~all matters pertaining to child welfare, licensing of child care~~
3 ~~agencies, adoption, and services related thereto. At least one member~~
4 ~~shall represent the adoption community.~~

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

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

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

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

22 ~~((11))~~ (10) Refer cases to the division of child support whenever
23 state or federal funds are expended for the care and maintenance of a
24 child, including a child with a developmental disability who is placed
25 as a result of an action under chapter 13.34 RCW, unless the department
26 finds that there is good cause not to pursue collection of child
27 support against the parent or parents of the child. Cases involving
28 individuals age eighteen through twenty shall not be referred to the
29 division of child support unless required by federal law.

30 ~~((12))~~ (11) Have authority within funds appropriated for foster
31 care services to purchase care for Indian children who are in the
32 custody of a federally recognized Indian tribe or tribally licensed
33 child-placing agency pursuant to parental consent, tribal court order,
34 or state juvenile court order; and the purchase of such care shall be
35 subject to the same eligibility standards and rates of support
36 applicable to other children for whom the department purchases care.

37 Notwithstanding any other provision of RCW 13.32A.170 through
38 13.32A.200 and 74.13.032 through 74.13.036, or of this section all

1 services to be provided by the department of social and health services
2 under subsections (4), (6), and (7) of this section, subject to the
3 limitations of these subsections, may be provided by any program
4 offering such services funded pursuant to Titles II and III of the
5 federal juvenile justice and delinquency prevention act of 1974.

6 ~~((+13+))~~ (12) Within amounts appropriated for this specific
7 purpose, provide preventive services to families with children that
8 prevent or shorten the duration of an out-of-home placement.

9 ~~((+14+))~~ (13) Have authority to provide independent living services
10 to youths, including individuals who have attained eighteen years of
11 age, and have not attained twenty-one years of age who are or have been
12 in foster care.

13 ~~((+15+))~~ (14) Consult at least quarterly with foster parents,
14 including members of the foster parent association of Washington state,
15 for the purpose of receiving information and comment regarding how the
16 department is performing the duties and meeting the obligations
17 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
18 recruitment of foster homes, reducing foster parent turnover rates,
19 providing effective training for foster parents, and administering a
20 coordinated and comprehensive plan that strengthens services for the
21 protection of children. Consultation shall occur at the regional and
22 statewide levels.

23 **Sec. 32.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
24 each reenacted and amended to read as follows:

25 The secretary shall have the power and it shall be the secretary's
26 duty:

27 (1) ~~((In consultation with the children's services advisory
28 committee, and))~~ With the advice and assistance of persons
29 representative of the various type agencies to be licensed, to
30 designate categories of facilities for which separate or different
31 requirements shall be developed as may be appropriate whether because
32 of variations in the ages, sex and other characteristics of persons
33 served, variations in the purposes and services offered or size or
34 structure of the agencies to be licensed hereunder, or because of any
35 other factor relevant thereto;

36 (2) ~~((In consultation with the children's services advisory
37 committee, and))~~ With the advice and assistance of persons

1 representative of the various type agencies to be licensed, to adopt
2 and publish minimum requirements for licensing applicable to each of
3 the various categories of agencies to be licensed.

4 The minimum requirements shall be limited to:

5 (a) The size and suitability of a facility and the plan of
6 operation for carrying out the purpose for which an applicant seeks a
7 license;

8 (b) Obtaining background information and any out-of-state
9 equivalent, to determine whether the applicant or service provider is
10 disqualified and to determine the character, competence, and
11 suitability of an agency, the agency's employees, volunteers, and other
12 persons associated with an agency;

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

16 (d) Obtaining child protective services information or records
17 maintained in the department case management information system. No
18 unfounded allegation of child abuse or neglect as defined in RCW
19 26.44.020 may be disclosed to a child-placing agency, private adoption
20 agency, or any other provider licensed under this chapter;

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

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

26 (ii) Foster care and adoption placements; and

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

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

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

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

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

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

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

9 (l) The financial ability of an agency to comply with minimum
10 requirements established pursuant to chapter 74.15 RCW and RCW
11 74.13.031; and

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

14 (3) To investigate any person, including relatives by blood or
15 marriage except for parents, for character, suitability, and competence
16 in the care and treatment of children, expectant mothers, and
17 developmentally disabled persons prior to authorizing that person to
18 care for children, expectant mothers, and developmentally disabled
19 persons. However, if a child is placed with a relative under RCW
20 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
21 and competent to provide care and treatment the criminal history
22 background check required by this section need not be completed before
23 placement, but shall be completed as soon as possible after placement;

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

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

33 (6) To prescribe the procedures and the form and contents of
34 reports necessary for the administration of chapter 74.15 RCW and RCW
35 74.13.031 and to require regular reports from each licensee;

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

1 (8) To review requirements adopted hereunder at least every two
2 years and to adopt appropriate changes after consultation with affected
3 groups for child day-care requirements and (~~with the children's~~
4 ~~services advisory committee~~) for requirements for other agencies; and
5 (9) To consult with public and private agencies in order to help
6 them improve their methods and facilities for the care of children,
7 expectant mothers and developmentally disabled persons.

8 **Sec. 33.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to
9 read as follows:

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

12 (1) (~~In consultation with the children's services advisory~~
13 ~~committee and~~) With the advice and assistance of persons
14 representative of the various type agencies to be licensed, to adopt
15 recognized minimum standard requirements pertaining to each category of
16 agency established pursuant to chapter 74.15 RCW and RCW 74.13.031,
17 except foster-family homes and child-placing agencies, necessary to
18 protect all persons residing therein from fire hazards;

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

22 (3) To make a periodic review of requirements under RCW
23 74.15.030(7) and to adopt necessary changes after consultation as
24 required in subsection (1) of this section;

25 (4) To issue to applicants for licenses hereunder, other than
26 foster-family homes or child-placing agencies, who comply with the
27 requirements, a certificate of compliance, a copy of which shall be
28 presented to the department of social and health services before a
29 license shall be issued, except that (~~a provisional~~) an initial
30 license may be issued as provided in RCW 74.15.120.

31 **Sec. 34.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to read
32 as follows:

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

35 (~~In consultation with the children's services advisory committee~~
36 ~~and~~) With the advice and assistance of persons representative of the

1 various type agencies to be licensed, to develop minimum requirements
2 pertaining to each category of agency established pursuant to chapter
3 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
4 persons residing therein.

5 The secretary of health or the city, county, or district health
6 department designated by the secretary shall have the power and the
7 duty:

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

10 (2) To issue to applicants for licenses hereunder who comply with
11 the requirements adopted hereunder, a certificate of compliance, a copy
12 of which shall be presented to the department of social and health
13 services before a license shall be issued, except that ((a
14 ~~provisional~~)) an initial license may be issued as provided in RCW
15 74.15.120.

16 **Combined Fund Drive Committee**

17 **Sec. 35.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
18 as follows:

19 The director of the department of personnel is authorized to adopt
20 rules, after consultation with state agencies, institutions of higher
21 education, and employee organizations(~~(, to create a Washington state
22 combined fund drive committee, and)~~) for the operation of the
23 Washington state combined fund drive.

24 **Sec. 36.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to
25 read as follows:

26 To operate the Washington state combined fund (~~((drive's powers and
27 duties include))~~) drive program, the director of the department of
28 personnel or his or her designee may but ((are)) is not limited to the
29 following:

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

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

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

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

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

12 (6) Engaging in appropriate fund-raising and advertising activities
13 for the support of the administrative duties of the Washington state
14 combined fund drive; and

15 (7) Charging an administrative fee to the beneficiaries of the
16 Washington state combined fund drive to fund the administrative duties
17 of the Washington state combined fund drive.

18 Activities of the Washington state combined fund drive shall not
19 result in direct commercial solicitation of state employees, or a
20 benefit or advantage that would violate one or more provisions of
21 chapter 42.52 RCW. This section does not authorize individual state
22 agencies to enter into contracts or partnerships unless otherwise
23 authorized by law.

24 **Sec. 37.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
25 read as follows:

26 The (~~Washington state combined fund drive committee~~) department
27 of personnel may enter into contracts and partnerships with private
28 institutions, persons, firms, or corporations for the benefit of the
29 beneficiaries of the Washington state combined fund drive. Activities
30 of the Washington state combined fund drive shall not result in direct
31 commercial solicitation of state employees, or a benefit or advantage
32 that would violate one or more provisions of chapter 42.52 RCW. This
33 section does not authorize individual state agencies to enter into
34 contracts or partnerships unless otherwise authorized by law.

1 **Board of Law Enforcement Training Standards**
2 **and Board on Correctional Training Standards**

3 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
4 each repealed:

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

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

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

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

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

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

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

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

18 **Sec. 39.** RCW 43.101.380 and 2006 c 22 s 3 are each amended to read
19 as follows:

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

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

33 (a) When a hearing is requested in relation to decertification of
34 a Washington peace officer who is not a peace officer of the Washington
35 state patrol, the commission shall appoint to the panel: (i) One
36 police chief; (ii) one sheriff; (iii) two peace officers who are at or
37 below the level of first line supervisor, who are from city or county

1 law enforcement agencies, and who have at least ten years' experience
2 as peace officers; and (iv) one person who is not currently a peace
3 officer and who represents a community college or four-year college or
4 university.

5 (b) When a hearing is requested in relation to decertification of
6 a peace officer of the Washington state patrol, the commission shall
7 appoint to the panel: (i) Either one police chief or one sheriff; (ii)
8 one administrator of the state patrol; (iii) one peace officer who is
9 at or below the level of first line supervisor, who is from a city or
10 county law enforcement agency, and who has at least ten years'
11 experience as a peace officer; (iv) one state patrol officer who is at
12 or below the level of first line supervisor, and who has at least ten
13 years' experience as a peace officer; and (v) one person who is not
14 currently a peace officer and who represents a community college or
15 four-year college or university.

16 (c) When a hearing is requested in relation to decertification of
17 a tribal police officer, the commission shall appoint to the panel (i)
18 either one chief or one sheriff; (ii) one tribal police chief; (iii)
19 one peace officer who is at or below the level of first line
20 supervisor, who is from a city or county law enforcement agency, and
21 who has at least ten years' experience as a peace officer; (iv) one
22 tribal police officer who is at or below the level of first line
23 supervisor, and who has at least ten years' experience as a peace
24 officer; and (v) one person who is not currently a peace officer and
25 who represents a community college or four-year college or university.

26 (d) Persons appointed to hearings panels by the commission shall,
27 in relation to any decertification matter on which they sit, have the
28 powers, duties, and immunities, and are entitled to the emoluments,
29 including travel expenses in accordance with RCW 43.03.050 and
30 43.03.060, of regular commission members.

31 (3) Where the charge upon which revocation or denial is based is
32 that a peace officer was "discharged for disqualifying misconduct," and
33 the discharge is "final," within the meaning of RCW 43.101.105(1)(d),
34 and the officer received a civil service hearing or arbitration hearing
35 culminating in an affirming decision following separation from service
36 by the employer, the hearings panel may revoke or deny certification if
37 the hearings panel determines that the discharge occurred and was based
38 on disqualifying misconduct; the hearings panel need not redetermine

1 the underlying facts but may make this determination based solely on
2 review of the records and decision relating to the employment
3 separation proceeding. However, the hearings panel may, in its
4 discretion, consider additional evidence to determine whether such a
5 discharge occurred and was based on such disqualifying misconduct. The
6 hearings panel shall, upon written request by the subject peace
7 officer, allow the peace officer to present additional evidence of
8 extenuating circumstances.

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

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

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

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

26 NEW SECTION. **Sec. 40.** RCW 43.105.055 (Advisory committees--
27 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
28 repealed.

29 **Sec. 41.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
30 read as follows:

31 The department shall:

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

1 (a) The review of agency information technology portfolios and
2 related requests; and

3 (b) Implementation of statewide and interagency policies,
4 standards, and guidelines;

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

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

14 (b) Mainframe computing services;

15 (c) Support for departmental and microcomputer evaluation,
16 installation, and use;

17 (d) Equipment acquisition assistance, including leasing, brokering,
18 and establishing master contracts;

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

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

24 (g) Office automation services;

25 (h) System development services; and

26 (i) Training.

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

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

1 structure as mutually determined by the department and the (~~customer~~
2 ~~advisory board~~) office of financial management. The same rate
3 structure will apply to all user agencies of each cost center. The
4 rate plan and any adjustments to rates shall be approved by the office
5 of financial management. The services component shall not subsidize
6 the operations of the strategic planning and policy component;

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

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

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

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

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

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

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

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

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

36 (b) Promulgation of policies, standards, and guidelines adopted by
37 the board;

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

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

2 (12) Be the lead agency in coordinating video telecommunications
3 services for all state agencies and develop, pursuant to board
4 policies, standards and common specifications for leased and purchased
5 telecommunications equipment. The department shall not evaluate the
6 merits of school curriculum, higher education course offerings, or
7 other education and training programs proposed for transmission and/or
8 reception using video telecommunications resources. Nothing in this
9 section shall abrogate or abridge the legal responsibilities of
10 licensees of telecommunications facilities as licensed by the federal
11 communication commission on March 27, 1990; and

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

14 **Early Intervention for Children who are Deaf**
15 **and have Hearing Loss--Advisory Committee**

16 NEW SECTION. **Sec. 42.** RCW 70.198.010 (Findings) and 2004 c 47 s
17 1 are each repealed.

18 **Eastern State Hospital Board and Western State Hospital Board**

19 **Sec. 43.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to
20 read as follows:

21 (1) It is the intent of the legislature to improve the quality of
22 service at state hospitals, eliminate overcrowding, and more
23 specifically define the role of the state hospitals. The legislature
24 intends that eastern and western state hospitals shall become clinical
25 centers for handling the most complicated long-term care needs of
26 patients with a primary diagnosis of mental disorder. To this end, the
27 legislature intends that funds appropriated for mental health programs,
28 including funds for regional support networks and the state hospitals
29 be used for persons with primary diagnosis of mental disorder. The
30 legislature finds that establishment of (~~the eastern state hospital~~
31 ~~board, the western state hospital board, and~~) institutes for the study

1 and treatment of mental disorders at both eastern state hospital and
2 western state hospital will be instrumental in implementing the
3 legislative intent.

4 ~~(2)((a) The eastern state hospital board and the western state~~
5 ~~hospital board are each established. Members of the boards shall be~~
6 ~~appointed by the governor with the consent of the senate. Each board~~
7 ~~shall include:~~

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(c) Members shall serve four-year terms. Members of the board~~
25 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~
26 ~~and 43.03.060 and shall receive compensation as provided in RCW~~
27 ~~43.03.240.~~

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

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

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

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

33 ~~(d) Monitor and review the activities of the hospital in~~
34 ~~implementing the intent of the legislature set forth in this section;~~
35 ~~and~~

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

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

10 (i) Promote recruitment and retention of highly qualified
11 professionals at the state hospitals and community mental health
12 programs;

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

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

18 (iv) Promote bilateral understanding of treatment orientation,
19 possibilities, and challenges between state hospital professionals and
20 community mental health professionals.

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

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

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

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

33 (iv) Establish a student loan forgiveness and conditional
34 scholarship program to retain qualified professionals at the state
35 hospitals and community mental health providers when the secretary has
36 determined a shortage of such professionals exists.

37 (c) Notwithstanding any other provisions of law to the contrary,

1 the institutes may enter into agreements with the department or the
2 state hospitals which may involve changes in staffing necessary to
3 implement improved patient care programs contemplated by this section.

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

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

8 NEW SECTION. **Sec. 44.** RCW 70.168.020 (Steering committee--
9 Composition--Appointment) and 2000 c 93 s 20, 1990 c 269 s 5, & 1988 c
10 183 s 2 are each repealed.

11 **Sec. 45.** RCW 70.168.030 and 1998 c 245 s 117 are each amended to
12 read as follows:

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

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

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

19 (b) An assessment of the current trauma care program compared with
20 the functional statewide model identified in subsection (a) of this
21 section, including an analysis of deficiencies and reasons for the
22 deficiencies.

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

27 (a) Responsibility for implementation;

28 (b) Administrative authority at the state, regional, and local
29 levels;

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

31 (d) Triage and care criteria;

32 (e) Data collection and use;

33 (f) Cost containment strategies;

34 (g) System evaluation; and

1 (h) Projected costs.

2 **Sec. 46.** RCW 70.168.050 and 1990 c 269 s 3 are each amended to
3 read as follows:

4 (1) The department(~~(, in consultation with, and having solicited~~
5 ~~the advice of, the emergency medical services and trauma care steering~~
6 ~~committee,)) shall establish the Washington state emergency medical~~
7 services and trauma care system.

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

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

29 **Sec. 47.** RCW 70.168.060 and 1990 c 269 s 8 are each amended to
30 read as follows:

31 The department(~~(, in consultation with and having solicited the~~
32 ~~advice of the emergency medical services and trauma care steering~~
33 ~~committee,)) shall:~~

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

35 (a) By September 1990, minimum standards for facility, equipment,
36 and personnel for level I, II, III, IV, and V trauma care services;

1 (b) By September 1990, minimum standards for facility, equipment,
2 and personnel for level I, I-pediatric, II, and III trauma-related
3 rehabilitative services;

4 (c) By September 1990, minimum standards for facility, equipment,
5 and personnel for level I, II, and III pediatric trauma care services;

6 (d) By September 1990, minimum standards required for verified
7 prehospital trauma care services, including equipment and personnel;

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

11 (f) Statewide emergency medical services and trauma care system
12 objectives and priorities;

13 (g) Minimum standards for the development of facility patient care
14 protocols and prehospital patient care protocols and patient care
15 procedures;

16 (h) By July 1991, minimum standards for an effective emergency
17 medical communication system;

18 (i) Minimum standards for an effective emergency medical services
19 transportation system; and

20 (j) By July 1991, establish a program for emergency medical
21 services and trauma care research and development;

22 (2) Establish statewide standards, personnel training requirements
23 and programs, system objectives and priorities, protocols and
24 guidelines as required in subsection (1) of this section, by utilizing
25 those standards adopted in the report of the Washington trauma advisory
26 committee as authorized by chapter 183, Laws of 1988. In establishing
27 standards for level IV or V trauma care services the department may
28 adopt similar standards adopted for services provided in rural health
29 care facilities authorized in chapter 70.175 RCW. The department may
30 modify standards, personnel training requirements and programs, system
31 objectives and priorities, and guidelines in rule if the department
32 determines that such modifications are necessary to meet federal and
33 other state requirements or are essential to allow the department and
34 others to establish the system or should it determine that public
35 health considerations or efficiencies in the delivery of emergency
36 medical services and trauma care warrant such modifications;

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

1 (4) By July 1, 1992, establish the minimum and maximum number of
2 hospitals and health care facilities in the state and within each
3 emergency medical services and trauma care planning and service region
4 that may provide designated trauma care services based upon approved
5 regional emergency medical services and trauma care plans;

6 (5) By July 1, 1991, establish the minimum and maximum number of
7 prehospital providers in the state and within each emergency medical
8 services and trauma care planning and service region that may provide
9 verified trauma care services based upon approved regional emergency
10 medical services and trauma care plans;

11 (6) By July 1993, begin the designation of hospitals and health
12 care facilities to provide designated trauma care services in
13 accordance with needs identified in the statewide emergency medical
14 services and trauma care plan;

15 (7) By July 1990, adopt a format for submission of the regional
16 plans to the department;

17 (8) By July 1991, begin the review and approval of regional
18 emergency medical services and trauma care plans;

19 (9) By July 1992, prepare regional plans for those regions that do
20 not submit a regional plan to the department that meets the
21 requirements of this chapter;

22 (10) By October 1992, prepare and implement the statewide emergency
23 medical services and trauma care system plan incorporating the regional
24 plans;

25 (11) Coordinate the statewide emergency medical services and trauma
26 care system to assure integration and smooth operation between the
27 regions;

28 ~~(12) ((Facilitate coordination between the emergency medical
29 services and trauma care steering committee and the emergency medical
30 services licensing and certification advisory committee;~~

31 ~~(+13))~~ Monitor the statewide emergency medical services and trauma
32 care system;

33 ~~((+14))~~ (13) Conduct a study of all costs, charges, expenses, and
34 levels of reimbursement associated with providers of trauma care
35 services, and provide its findings and any recommendations regarding
36 adequate and equitable reimbursement to trauma care providers to the
37 legislature by July 1, 1991;

1 ~~((+15))~~ (14) Monitor the level of public and private payments made
2 on behalf of trauma care patients to determine whether health care
3 providers have been adequately reimbursed for the costs of care
4 rendered such persons;

5 ~~((+16))~~ (15) By July 1991, design and establish the statewide
6 trauma care registry as authorized in RCW 70.168.090 to (a) assess the
7 effectiveness of emergency medical services and trauma care delivery,
8 and (b) modify standards and other system requirements to improve the
9 provision of emergency medical services and trauma care;

10 ~~((+17))~~ (16) By July 1991, develop patient outcome measures to
11 assess the effectiveness of emergency medical services and trauma care
12 in the system;

13 ~~((+18))~~ (17) By July 1993, develop standards for regional
14 emergency medical services and trauma care quality assurance programs
15 required in RCW 70.168.090;

16 ~~((+19))~~ (18) Administer funding allocated to the department for
17 the purpose of creating, maintaining, or enhancing the statewide
18 emergency medical services and trauma care system; and

19 ~~((+20))~~ (19) By October 1990, begin coordination and development
20 of trauma prevention and education programs.

21 **Sec. 48.** RCW 70.168.130 and 1990 c 269 s 16 are each amended to
22 read as follows:

23 (1) The department(~~(, with the assistance of the emergency medical~~
24 ~~services and trauma care steering committee,)~~) shall adopt a program
25 for the disbursement of funds for the development, implementation, and
26 enhancement of the emergency medical services and trauma care system.
27 Under the program, the department shall disburse funds to each
28 emergency medical services and trauma care regional council, or their
29 chosen fiscal agent or agents, which shall be city or county
30 governments, stipulating the purpose for which the funds shall be
31 expended. The regional emergency medical services and trauma care
32 council shall use such funds to make available matching grants in an
33 amount not to exceed fifty percent of the cost of the proposal for
34 which the grant is made; provided, the department may waive or modify
35 the matching requirement if it determines insufficient local funding
36 exists and the public health and safety would be jeopardized if the
37 proposal were not funded. Grants shall be made to any public or

1 private nonprofit agency which, in the judgment of the regional
2 emergency medical services and trauma care council, will best fulfill
3 the purpose of the grant.

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

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

7 (b) Expansion and improvement of an emergency medical services and
8 trauma care system;

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

11 (d) Training and continuing education of emergency medical and
12 trauma care personnel; and

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

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

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

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

21 (c) Be consistent with applicable provisions of the regional
22 emergency medical services and trauma care plan and the statewide
23 emergency medical services and trauma care system plan.

24 **Sec. 49.** RCW 18.76.050 and 1990 c 269 s 21 are each amended to
25 read as follows:

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

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

30 (2) Standards and procedures for certification, recertification and
31 decertification of poison center medical directors and poison
32 information specialists; and

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

1 **Emergency Management Council**

2 NEW SECTION. **Sec. 50.** RCW 38.52.040 (Emergency management
3 council--Members--Ad hoc committees--Function as state emergency
4 response commission--Rules review) and 1995 c 269 s 1202, 1988 c 81 s
5 18, 1984 c 38 s 5, 1979 ex.s. c 57 s 8, 1975-'76 2nd ex.s. c 34 s 82,
6 1974 ex.s. c 171 s 6, & 1951 c 178 s 5 are each repealed.

7 **Sec. 51.** RCW 38.52.030 and 1997 c 49 s 2 are each amended to read
8 as follows:

9 (1) The director may employ such personnel and may make such
10 expenditures within the appropriation therefor, or from other funds
11 made available for purposes of emergency management, as may be
12 necessary to carry out the purposes of this chapter.

13 (2) The director, subject to the direction and control of the
14 governor, shall be responsible to the governor for carrying out the
15 program for emergency management of this state. The director shall
16 coordinate the activities of all organizations for emergency management
17 within the state, and shall maintain liaison with and cooperate with
18 emergency management agencies and organizations of other states and of
19 the federal government, and shall have such additional authority,
20 duties, and responsibilities authorized by this chapter, as may be
21 prescribed by the governor.

22 (3) The director shall develop and maintain a comprehensive, all-
23 hazard emergency plan for the state which shall include an analysis of
24 the natural, technological, or human caused hazards which could affect
25 the state of Washington, and shall include the procedures to be used
26 during emergencies for coordinating local resources, as necessary, and
27 the resources of all state agencies, departments, commissions, and
28 boards. The comprehensive emergency management plan shall direct the
29 department in times of state emergency to administer and manage the
30 state's emergency operations center. This will include representation
31 from all appropriate state agencies and be available as a single point
32 of contact for the authorizing of state resources or actions, including
33 emergency permits. The comprehensive emergency management plan must
34 specify the use of the incident command system for
35 multiagency/multijurisdiction operations. The comprehensive, all-
36 hazard emergency plan authorized under this subsection may not include

1 preparation for emergency evacuation or relocation of residents in
2 anticipation of nuclear attack. This plan shall be known as the
3 comprehensive emergency management plan.

4 (4) In accordance with the comprehensive emergency management plans
5 and the programs for the emergency management of this state, the
6 director shall procure supplies and equipment, institute training
7 programs and public information programs, and shall take all other
8 preparatory steps, including the partial or full mobilization of
9 emergency management organizations in advance of actual disaster, to
10 insure the furnishing of adequately trained and equipped forces of
11 emergency management personnel in time of need.

12 (5) The director shall make such studies and surveys of the
13 industries, resources, and facilities in this state as may be necessary
14 to ascertain the capabilities of the state for emergency management,
15 and shall plan for the most efficient emergency use thereof.

16 ~~((The emergency management council shall advise the director on
17 all aspects of the communications and warning systems and facilities
18 operated or controlled under the provisions of this chapter.~~

19 ~~(7))~~ The director, through the state enhanced 911 coordinator,
20 shall coordinate and facilitate implementation and operation of a
21 statewide enhanced 911 emergency communications network.

22 ~~((8))~~ (7) The director shall appoint a state coordinator of
23 search and rescue operations to coordinate those state resources,
24 services and facilities (other than those for which the state director
25 of aeronautics is directly responsible) requested by political
26 subdivisions in support of search and rescue operations, and on request
27 to maintain liaison with and coordinate the resources, services, and
28 facilities of political subdivisions when more than one political
29 subdivision is engaged in joint search and rescue operations.

30 ~~((9))~~ (8) The director, subject to the direction and control of
31 the governor, shall prepare and administer a state program for
32 emergency assistance to individuals within the state who are victims of
33 a natural, technological, or human caused disaster, as defined by RCW
34 38.52.010(6). Such program may be integrated into and coordinated with
35 disaster assistance plans and programs of the federal government which
36 provide to the state, or through the state to any political subdivision
37 thereof, services, equipment, supplies, materials, or funds by way of
38 gift, grant, or loan for purposes of assistance to individuals affected

1 by a disaster. Further, such program may include, but shall not be
2 limited to, grants, loans, or gifts of services, equipment, supplies,
3 materials, or funds of the state, or any political subdivision thereof,
4 to individuals who, as a result of a disaster, are in need of
5 assistance and who meet standards of eligibility for disaster
6 assistance established by the department of social and health services:
7 PROVIDED, HOWEVER, That nothing herein shall be construed in any manner
8 inconsistent with the provisions of Article VIII, section 5 or section
9 7 of the Washington state Constitution.

10 ((+10+)) (9) The director shall appoint a state coordinator for
11 radioactive and hazardous waste emergency response programs. The
12 coordinator shall consult with the state radiation control officer in
13 matters relating to radioactive materials. The duties of the state
14 coordinator for radioactive and hazardous waste emergency response
15 programs shall include:

16 (a) Assessing the current needs and capabilities of state and local
17 radioactive and hazardous waste emergency response teams on an ongoing
18 basis;

19 (b) Coordinating training programs for state and local officials
20 for the purpose of updating skills relating to emergency mitigation,
21 preparedness, response, and recovery;

22 (c) Utilizing appropriate training programs such as those offered
23 by the federal emergency management agency, the department of
24 transportation and the environmental protection agency; and

25 (d) Undertaking other duties in this area that are deemed
26 appropriate by the director.

27 **Sec. 52.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to read
28 as follows:

29 (1) Each political subdivision of this state is hereby authorized
30 and directed to establish a local organization or to be a member of a
31 joint local organization for emergency management in accordance with
32 the state comprehensive emergency management plan and program:
33 PROVIDED, That a political subdivision proposing such establishment
34 shall submit its plan and program for emergency management to the state
35 director and secure his or her recommendations thereon, and
36 verification of consistency with the state comprehensive emergency
37 management plan, in order that the plan of the local organization for

1 emergency management may be coordinated with the plan and program of
2 the state. Local comprehensive emergency management plans must specify
3 the use of the incident command system for
4 multiagency/multijurisdiction operations. No political subdivision may
5 be required to include in its plan provisions for the emergency
6 evacuation or relocation of residents in anticipation of nuclear
7 attack. (~~(If the director's recommendations are adverse to the plan as~~
8 ~~submitted, and, if the local organization does not agree to the~~
9 ~~director's recommendations for modification to the proposal, the matter~~
10 ~~shall be referred to the council for final action.)) The director may
11 authorize two or more political subdivisions to join in the
12 establishment and operation of a joint local organization for emergency
13 management as circumstances may warrant, in which case each political
14 subdivision shall contribute to the cost of emergency management upon
15 such fair and equitable basis as may be determined upon by the
16 executive heads of the constituent subdivisions. If in any case the
17 executive heads cannot agree upon the proper division of cost the
18 matter shall be referred to the ((~~council~~)) director for arbitration
19 and its decision shall be final. When two or more political
20 subdivisions join in the establishment and operation of a joint local
21 organization for emergency management each shall pay its share of the
22 cost into a special pooled fund to be administered by the treasurer of
23 the most populous subdivision, which fund shall be known as the
24 emergency management fund. Each local organization or
25 joint local organization for emergency management shall have a director
26 who shall be appointed by the executive head of the political
27 subdivision, and who shall have direct responsibility for the
28 organization, administration, and operation of such local organization
29 for emergency management, subject to the direction and control of such
30 executive officer or officers. In the case of a joint local
31 organization for emergency management, the director shall be appointed
32 by the joint action of the executive heads of the constituent political
33 subdivisions. Each local organization or joint local organization for
34 emergency management shall perform emergency management functions
35 within the territorial limits of the political subdivision within which
36 it is organized, and, in addition, shall conduct such functions outside
37 of such territorial limits as may be required pursuant to the
38 provisions of this chapter.~~

1 (2) In carrying out the provisions of this chapter each political
2 subdivision, in which any disaster as described in RCW 38.52.020
3 occurs, shall have the power to enter into contracts and incur
4 obligations necessary to combat such disaster, protecting the health
5 and safety of persons and property, and providing emergency assistance
6 to the victims of such disaster. Each political subdivision is
7 authorized to exercise the powers vested under this section in the
8 light of the exigencies of an extreme emergency situation without
9 regard to time-consuming procedures and formalities prescribed by law
10 (excepting mandatory constitutional requirements), including, but not
11 limited to, budget law limitations, requirements of competitive bidding
12 and publication of notices, provisions pertaining to the performance of
13 public work, entering into contracts, the incurring of obligations, the
14 employment of temporary workers, the rental of equipment, the purchase
15 of supplies and materials, the levying of taxes, and the appropriation
16 and expenditures of public funds.

17 **Sec. 53.** RCW 38.52.240 and 1986 c 266 s 33 are each amended to
18 read as follows:

19 The compensation board shall hear and decide all applications for
20 compensation under this chapter. The board shall submit its
21 recommendations to the director on such forms as he or she may
22 prescribe. ~~((In case the decision of the director is different from
23 the recommendation of the compensation board, the matter shall be
24 submitted to the state emergency management council for action.))~~

25 **Sec. 54.** RCW 38.52.330 and 1986 c 266 s 38 are each amended to
26 read as follows:

27 The department is authorized to make all expenditures necessary and
28 proper to carry out the provisions of this chapter including payments
29 to claimants for compensation as emergency workers and their
30 dependents; to adjust and dispose of all claims submitted by a local
31 compensation board. When medical treatment is necessary, the
32 department is authorized to make medical and compensation payments on
33 an interim basis. Nothing herein shall be construed to mean that the
34 department ~~((or the state emergency management council))~~ or its
35 officers or agents shall have the final decision with respect to the
36 compensability of any case or the amount of compensation or benefits

1 due, but any emergency worker or his or her dependents shall have the
2 same right of appeal from any order, decision, or award to the same
3 extent as provided in chapter 51.32 RCW.

4 **Sec. 55.** RCW 46.48.170 and 1988 c 81 s 19 are each amended to read
5 as follows:

6 The Washington state patrol acting by and through the chief of the
7 Washington state patrol shall have the authority to adopt and enforce
8 the regulations promulgated by the United States department of
9 transportation, Title 49 CFR parts 100 through 199, transportation of
10 hazardous materials, as these regulations apply to motor carriers.
11 "Motor carrier" means any person engaged in the transportation of
12 passengers or property operating interstate and intrastate upon the
13 public highways of this state, except farmers. The chief of the
14 Washington state patrol (~~(shall confer with the emergency management~~
15 ~~council under RCW 38.52.040 and)) may make rules and regulations
16 pertaining thereto, sufficient to protect persons and property from
17 unreasonable risk of harm or damage. The chief of the Washington state
18 patrol shall establish such additional rules not inconsistent with
19 Title 49 CFR parts 100 through 199, transportation of hazardous
20 materials, which for compelling reasons make necessary the reduction of
21 risk associated with the transportation of hazardous materials. No
22 such rules may lessen a standard of care; however, the chief of the
23 Washington state patrol may(~~(, after conferring with the emergency~~
24 ~~management council,)~~) establish a rule imposing a more stringent
25 standard of care. The chief of the Washington state patrol shall
26 appoint the necessary qualified personnel to carry out the provisions
27 of RCW 46.48.170 through (~~(46.48.190)~~) 46.48.185.~~

28 **Emergency Medical Services Licensing and Certification Advisory**
29 **Committee**

30 NEW SECTION. **Sec. 56.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 18.73.040 (Emergency medical services licensing and
33 certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55,

1 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, &
2 1973 1st ex.s. c 208 s 4; and

3 (2) RCW 18.73.050 (Committee--Duties--Review of rules) and 1990 c
4 269 s 7, 1987 c 214 s 3, 1979 ex.s. c 261 s 3, & 1973 1st ex.s. c 208
5 s 5.

6 **Sec. 57.** RCW 18.71.205 and 1996 c 191 s 55 and 1996 c 178 s 6 are
7 each reenacted and amended to read as follows:

8 (1) The secretary of the department of health(~~(, in conjunction~~
9 ~~with the advice and assistance of the emergency medical services~~
10 ~~licensing and certification advisory committee as prescribed in RCW~~
11 ~~18.73.050, and the commission,)~~) shall prescribe:

12 (a) Practice parameters, training standards for, and levels of,
13 physician trained emergency medical service intermediate life support
14 technicians and paramedics;

15 (b) Minimum standards and performance requirements for the
16 certification and recertification of physician's trained emergency
17 medical service intermediate life support technicians and paramedics;
18 and

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

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

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

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

29 (a) Is licensed to practice medicine and surgery pursuant to
30 chapter 18.71 RCW or osteopathic medicine and surgery pursuant to
31 chapter 18.57 RCW; and

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

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

1 (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
2 uncertified practice, the issuance and denial of certificates, and the
3 disciplining of certificate holders under this section. The secretary
4 shall be the disciplining authority under this section. Disciplinary
5 action shall be initiated against a person credentialed under this
6 chapter in a manner consistent with the responsibilities and duties of
7 the medical program director under whom such person is responsible.

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

14 **Sec. 58.** RCW 18.73.030 and 2005 c 193 s 2 are each amended to read
15 as follows:

16 Unless a different meaning is plainly required by the context, the
17 following words and phrases as used in this chapter shall have the
18 meanings indicated.

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

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

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

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

26 ~~((+5))~~ (4) "Aid vehicle" means a vehicle used to carry aid
27 equipment and individuals trained in first aid or emergency medical
28 procedure.

29 ~~((+6))~~ (5) "Emergency medical technician" means a person who is
30 authorized by the secretary to render emergency medical care pursuant
31 to RCW 18.73.081.

32 ~~((+7))~~ (6) "Ambulance service" means an organization that operates
33 one or more ambulances.

34 ~~((+8))~~ (7) "Aid service" means an organization that operates one
35 or more aid vehicles.

36 ~~((+9))~~ (8) "Emergency medical service" means medical treatment and
37 care which may be rendered at the scene of any medical emergency or

1 while transporting any patient in an ambulance to an appropriate
2 medical facility, including ambulance transportation between medical
3 facilities.

4 ~~((+10+))~~ (9) "Communications system" means a radio and landline
5 network which provides rapid public access, coordinated central
6 dispatching of services, and coordination of personnel, equipment, and
7 facilities in an emergency medical services and trauma care system.

8 ~~((+11+))~~ (10) "Prehospital patient care protocols" means the
9 written procedure adopted by the emergency medical services medical
10 program director which direct the out-of-hospital emergency care of the
11 emergency patient which includes the trauma care patient. These
12 procedures shall be based upon the assessment of the patient's medical
13 needs and what treatment will be provided for emergency conditions.
14 The protocols shall meet or exceed statewide minimum standards
15 developed by the department in rule as authorized in chapter 70.168
16 RCW.

17 ~~((+12+))~~ (11) "Patient care procedures" means written operating
18 guidelines adopted by the regional emergency medical services and
19 trauma care council, in consultation with the local emergency medical
20 services and trauma care councils, emergency communication centers, and
21 the emergency medical services medical program director, in accordance
22 with statewide minimum standards. The patient care procedures shall
23 identify the level of medical care personnel to be dispatched to an
24 emergency scene, procedures for triage of patients, the level of trauma
25 care facility to first receive the patient, and the name and location
26 of other trauma care facilities to receive the patient should an
27 interfacility transfer be necessary. Procedures on interfacility
28 transfer of patients shall be consistent with the transfer procedures
29 in chapter 70.170 RCW.

30 ~~((+13+))~~ (12) "Emergency medical services medical program director"
31 means a person who is an approved medical program director as defined
32 by RCW 18.71.205(4).

33 ~~((+14+))~~ (13) "Council" means the local or regional emergency
34 medical services and trauma care council as authorized under chapter
35 70.168 RCW.

36 ~~((+15+))~~ (14) "Basic life support" means noninvasive emergency
37 medical services requiring basic medical treatment skills as defined in
38 chapter 18.73 RCW.

1 ((+16+)) (15) "Advanced life support" means invasive emergency
2 medical services requiring advanced medical treatment skills as defined
3 by chapter 18.71 RCW.

4 ((+17+)) (16) "First responder" means a person who is authorized by
5 the secretary to render emergency medical care as defined by RCW
6 18.73.081.

7 ((+18+)) (17) "Stretcher" means a cart designed to serve as a
8 litter for the transportation of a patient in a prone or supine
9 position as is commonly used in the ambulance industry, such as wheeled
10 stretchers, portable stretchers, stair chairs, solid backboards, scoop
11 stretchers, basket stretchers, or flexible stretchers. The term does
12 not include personal mobility aids that recline at an angle or remain
13 at a flat position, that are owned or leased for a period of at least
14 one week by the individual using the equipment or the individual's
15 guardian or representative, such as wheelchairs, personal gurneys, or
16 banana carts.

17 **Sec. 59.** RCW 18.73.101 and 2000 c 93 s 17 are each amended to read
18 as follows:

19 The secretary may grant a variance from a provision of this chapter
20 and RCW 18.71.200 through 18.71.220 if no detriment to health and
21 safety would result from the variance and compliance is expected to
22 cause reduction or loss of existing emergency medical services.
23 Variances may be granted for a period of no more than one year. A
24 variance may be renewed by the secretary (~~upon approval of the~~
25 ~~committee~~)).

26 **Fairs Commission**

27 NEW SECTION. **Sec. 60.** RCW 15.76.170 (Fairs commission--Creation,
28 terms, compensation, powers and duties) and 1984 c 287 s 18, 1975-'76
29 2nd ex.s. c 34 s 21, 1975 1st ex.s. c 7 s 11, & 1961 c 61 s 8 are each
30 repealed.

31 **Sec. 61.** RCW 15.76.110 and 1961 c 61 s 2 are each amended to read
32 as follows:

1 "Director" shall mean the director of agriculture. (~~"Commission"~~
2 ~~shall mean the fairs commission created by this chapter.~~) "State
3 allocations" shall mean allocations from the state fair fund.

4 **Sec. 62.** RCW 15.76.150 and 2002 c 313 s 113 are each amended to
5 read as follows:

6 The director shall have the authority to make allocations from the
7 state fair fund, including interest income under RCW 43.79A.040,
8 exclusively as follows: Eighty-five percent to participating
9 agricultural fairs, distributed according to the merit of such fairs
10 measured by a merit rating to be set up by the director. This merit
11 rating shall take into account such factors as area and population
12 served, open and/or youth participation, attendance, gate receipts,
13 number and type of exhibits, premiums and prizes paid, community
14 support, evidence of successful achievement of the aims and purposes of
15 the fair, extent of improvements made to grounds and facilities from
16 year to year, and overall condition and appearance of grounds and
17 facilities. The remaining fifteen percent of money in the state fair
18 fund may be used for special assistance to any participating fair or
19 fairs and for administrative expenses incurred in the administration of
20 this chapter only(~~, including expenses incurred by the fair commission
21 as may be approved by the director~~): PROVIDED, That not more than
22 five percent of the state fair fund may be used for such expenses.

23 The division and payment of funds authorized in this section shall
24 occur at such times as the director may prescribe.

25 **Family Practice Education Advisory Board**

26 NEW SECTION. **Sec. 63.** The following acts or parts of acts are
27 each repealed:

- 28 (1) RCW 70.112.030 (Family practice education advisory board--
29 Chairman--Membership) and 1975 1st ex.s. c 108 s 3;
- 30 (2) RCW 70.112.040 (Advisory board--Terms of members--Filling
31 vacancies) and 1975 1st ex.s. c 108 s 4; and
- 32 (3) RCW 70.112.050 (Advisory board--Duties) and 1998 c 245 s 111 &
33 1975 1st ex.s. c 108 s 5.

1 **Sec. 64.** RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each
2 amended to read as follows:

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

5 (2) "Residency programs" mean community based family practice
6 residency educational programs either in existence or established under
7 this chapter;

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

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

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

15 **Sec. 65.** RCW 70.112.020 and 1975 1st ex.s. c 108 s 2 are each
16 amended to read as follows:

17 There is established a statewide medical education system for the
18 purpose of training resident physicians in family practice. The dean
19 of the school of medicine shall be responsible for implementing the
20 development and expansion of residency programs in cooperation with the
21 medical profession, hospitals, and clinics located throughout the
22 state. The chairman of the department of family medicine in the school
23 of medicine(~~(, with the consent of the advisory board,)~~) shall
24 determine where affiliated residency programs shall exist; giving
25 consideration to communities in the state where the population,
26 hospital facilities, number of physicians, and interest in medical
27 education indicate the potential success of the residency program. The
28 medical education system shall provide financial support for residents
29 in training for those programs which are affiliated with the school of
30 medicine and shall establish positions for appropriate faculty to staff
31 these programs. The number of programs shall be determined by the
32 board and be in keeping with the needs of the state.

1 **Fire Protection Policy Board**

2 NEW SECTION. **Sec. 66.** The following acts or parts of acts are
3 each repealed:

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

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

8 **Sec. 67.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read
9 as follows:

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

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

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

32 (~~e~~) Cooperate with the common schools, technical and community
33 colleges, institutions of higher education, and any department or
34 division of the state, or of any county or municipal corporation in
establishing and maintaining instruction in fire service training and

1 education in accordance with any act of congress and legislation
2 enacted by the legislature in pursuance thereof and in establishing,
3 building, and operating training and education facilities.

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

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

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

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

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

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

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

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

37 ~~(d) Provide representation for local fire protection services to~~

1 ~~the governor in state level fire protection planning matters such as,~~
2 ~~but not limited to, hazardous materials control;~~

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

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

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

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

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

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

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

33 **Sec. 68.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read
34 as follows:

35 The ~~((state fire protection policy board shall review and make~~
36 ~~recommendations to the chief on the refinement and maintenance of the))~~
37 Washington state fire services mobilization plan(~~(, which))~~) shall

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

14 It is the responsibility of the chief to mobilize jurisdictions
15 under the Washington state fire services mobilization plan. The state
16 fire marshal shall serve as the state fire resources coordinator when
17 the Washington state fire services mobilization plan is mobilized.

18 **Sec. 69.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
19 as follows:

20 The enhanced 911 advisory committee is created to advise and assist
21 the state enhanced 911 coordinator in coordinating and facilitating the
22 implementation and operation of enhanced 911 throughout the state. The
23 director shall appoint members of the committee who represent diverse
24 geographical areas of the state and include state residents who are
25 members of the national emergency number association, the associated
26 public communications officers Washington chapter, the Washington state
27 fire chiefs association, the Washington association of sheriffs and
28 police chiefs, the Washington state council of firefighters, the
29 Washington state council of police officers, the Washington ambulance
30 association, (~~the state fire protection policy board,~~) the Washington
31 state firefighters association, the Washington state association of
32 fire marshals, the Washington fire commissioners association, the
33 Washington state patrol, the association of Washington cities, the
34 Washington state association of counties, the utilities and
35 transportation commission or commission staff, a representative of a
36 voice over internet protocol company, and an equal number of
37 representatives of large and small local exchange telephone companies

1 and large and small radio communications service companies offering
2 commercial mobile radio service in the state. This section expires
3 December 31, 2011.

4 **Sec. 70.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read
5 as follows:

6 (1) No person may assign any employee, contract with, or permit any
7 individual or person to remove or encapsulate asbestos in any facility
8 unless performed by a certified asbestos worker and under the direct,
9 on-site supervision of a certified asbestos supervisor. In cases in
10 which an employer conducts an asbestos abatement project in its own
11 facility and by its own employees, supervision can be performed in the
12 regular course of a certified asbestos supervisor's duties. Asbestos
13 workers must have access to certified asbestos supervisors throughout
14 the duration of the project.

15 (2) The department shall require persons undertaking asbestos
16 projects to provide written notice to the department before the
17 commencement of the project except as provided in RCW 49.26.125. The
18 notice shall include a written description containing such information
19 as the department requires by rule. The department may by rule allow
20 a person to report multiple projects at one site in one report. The
21 department shall by rule establish the procedure and criteria by which
22 a person will be considered to have attempted to meet the
23 prenotification requirement.

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

30 **Hazardous Substance Mixed Waste Advisory Board**

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

33 (1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and
34 2005 c 1 s 7; and

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

3 **Health and Welfare Advisory Board**
4 **and Property and Liability Advisory Board**

5 NEW SECTION. **Sec. 72.** The following acts or parts of acts are
6 each repealed:

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

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

11 **Sec. 73.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to
12 read as follows:

13 The state risk manager(~~(, in consultation with the property and~~
14 ~~liability advisory board,~~)) shall adopt rules governing the management
15 and operation of both individual and joint local government self-
16 insurance programs covering property or liability risks. The state
17 risk manager shall also adopt rules governing the management and
18 operation of both individual and joint local government self-insured
19 health and welfare benefits programs (~~(in consultation with the health~~
20 ~~and welfare benefits advisory board)~~). All rules shall be appropriate
21 for the type of program and class of risk covered. The state risk
22 manager's rules shall include:

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

26 (2) Standards for claims management procedures; and

27 (3) Standards for contracts between self-insurance programs and
28 private businesses including standards for contracts between third-
29 party administrators and programs.

1 **Health Information Infrastructure Advisory Board**

2 **Sec. 74.** RCW 41.05.035 and 2007 c 259 s 10 are each amended to
3 read as follows:

4 (1) The administrator shall design and pilot a consumer-centric
5 health information infrastructure and the first health record banks
6 that will facilitate the secure exchange of health information when and
7 where needed and shall:

8 (a) Complete the plan of initial implementation, including but not
9 limited to determining the technical infrastructure for health record
10 banks and the account locator service, setting criteria and standards
11 for health record banks, and determining oversight of health record
12 banks;

13 (b) Implement the first health record banks in pilot sites as
14 funding allows;

15 (c) Involve health care consumers in meaningful ways in the design,
16 implementation, oversight, and dissemination of information on the
17 health record bank system; and

18 (d) Promote adoption of electronic medical records and health
19 information exchange through continuation of the Washington health
20 information collaborative, and by working with private payors and other
21 organizations in restructuring reimbursement to provide incentives for
22 providers to adopt electronic medical records in their practices.

23 ~~(2) ((The administrator may establish an advisory board, a~~
24 ~~stakeholder committee, and subcommittees to assist in carrying out the~~
25 ~~duties under this section. The administrator may reappoint health~~
26 ~~information infrastructure advisory board members to assure continuity~~
27 ~~and shall appoint any additional representatives that may be required~~
28 ~~for their expertise and experience.~~

29 ~~(a) The administrator shall appoint the chair of the advisory~~
30 ~~board, chairs, and cochairs of the stakeholder committee, if formed;~~

31 ~~(b) Meetings of the board, stakeholder committee, and any advisory~~
32 ~~group are subject to chapter 42.30 RCW, the open public meetings act,~~
33 ~~including RCW 42.30.110(1)(1), which authorizes an executive session~~
34 ~~during a regular or special meeting to consider proprietary or~~
35 ~~confidential nonpublished information; and~~

1 ~~(c) The members of the board, stakeholder committee, and any~~
2 ~~advisory group:~~

3 ~~(i) Shall agree to the terms and conditions imposed by the~~
4 ~~administrator regarding conflicts of interest as a condition of~~
5 ~~appointment;~~

6 ~~(ii) Are immune from civil liability for any official acts~~
7 ~~performed in good faith as members of the board, stakeholder committee,~~
8 ~~or any advisory group.~~

9 ~~(3) Members of the board may be compensated for participation in~~
10 ~~accordance with a personal services contract to be executed after~~
11 ~~appointment and before commencement of activities related to the work~~
12 ~~of the board. Members of the stakeholder committee shall not receive~~
13 ~~compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.~~

14 ~~(4))~~ The administrator may work with public and private entities
15 to develop and encourage the use of personal health records which are
16 portable, interoperable, secure, and respectful of patients' privacy.

17 ~~((5))~~ (3) The administrator may enter into contracts to issue,
18 distribute, and administer grants that are necessary or proper to carry
19 out this section.

20 **Higher Education Coordinating Board Advisory Council**

21 NEW SECTION. **Sec. 75.** RCW 28B.76.100 (Advisory council) and 2007
22 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

23 **Sec. 76.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
24 read as follows:

25 (1) In consultation with the institutions of higher education and
26 state education agencies, the board shall identify the data needed to
27 carry out its responsibilities for policy analysis, accountability,
28 program improvements, and public information. The primary goals of the
29 board's data collection and research are to describe how students and
30 other beneficiaries of higher education are being served; to support
31 higher education accountability; and to assist state policymakers and
32 institutions in making policy decisions.

33 (2) The board shall ~~((convene a research advisory group and shall~~
34 ~~collaborate with the group to))~~ identify the most cost-effective manner

1 for the board to collect data or access existing data. The board shall
2 (~~work with the advisory group to~~) develop research priorities,
3 policies, and common definitions to maximize the reliability and
4 consistency of data across institutions. (~~The advisory group shall~~
5 ~~include representatives of public and independent higher education~~
6 ~~institutions and other state agencies, including the state board for~~
7 ~~community and technical colleges, the office of the superintendent of~~
8 ~~public instruction, the office of financial management, the employment~~
9 ~~security department, the workforce training and education coordinating~~
10 ~~board, and other agencies as appropriate.~~)

11 (3) Specific protocols shall be developed by the board (~~and the~~
12 ~~advisory group~~) to protect the privacy of individual student records
13 while ensuring the availability of student data for legitimate research
14 purposes.

15 **Home Inspector Advisory Licensing Board**

16 NEW SECTION. **Sec. 77.** RCW 18.280.040 (Home inspector advisory
17 licensing board) and 2008 c 119 s 4 are each repealed.

18 **Sec. 78.** RCW 18.280.010 and 2008 c 119 s 1 are each amended to
19 read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) (~~"Board" means the home inspector advisory licensing board.~~
23 ~~(2)~~) "Department" means the department of licensing.

24 (~~(3)~~) (2) "Director" means the director of the department of
25 licensing.

26 (~~(4)~~) (3) "Entity" or "entities" means educational groups or
27 organizations, national organizations or associations, or a national
28 test organization.

29 (~~(5)~~) (4) "Home inspection" means a professional examination of
30 the current condition of a house.

31 (~~(6)~~) (5) "Home inspector" means a person who carries out a
32 noninvasive examination of the condition of a home, often in connection
33 with the sale of that home, using special training and education to
34 carry out the inspection.

1 ((+7)) (6) "Report" means a written report prepared and issued
2 after a home inspection.

3 ((+8)) (7) "Wood destroying organism" means insects or fungi that
4 consume, excavate, develop in, or otherwise modify the integrity of
5 wood or wood products. "Wood destroying organism" includes but is not
6 limited to carpenter ants, moisture ants, subterranean termites,
7 dampwood termites, beetles in the family Anobiidae, and wood decay
8 fungi, known as wood rot.

9 **Sec. 79.** RCW 18.280.030 and 2008 c 119 s 3 are each amended to
10 read as follows:

11 A person licensed under this chapter is responsible for performing
12 a visual and noninvasive inspection of the following readily accessible
13 systems and components of a home and reporting on the general condition
14 of those systems and components at the time of the inspection in his or
15 her written report: The roof, foundation, exterior, heating system,
16 air-conditioning system, structure, plumbing and electrical systems,
17 and other aspects of the home as may be identified by the ((board))
18 director. The inspection must include looking for certain fire and
19 safety hazards as defined by the ((board)) director. The standards of
20 practice to be developed by the ((board)) director will be used as the
21 minimum standards for an inspection. The duties of the home inspector
22 with regard to wood destroying organisms are provided in RCW
23 18.280.190.

24 **Sec. 80.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to
25 read as follows:

26 The director has the following authority in administering this
27 chapter:

28 (1) To adopt, amend, and rescind rules ((approved by the board)) as
29 deemed necessary to carry out this chapter;

30 (2) To administer licensing examinations ((approved by the board))
31 and to adopt or recognize examinations prepared by other entities ((as
32 approved by the board));

33 (3) To adopt standards of professional conduct, practice, and
34 ethics ((as approved by the board)); and

35 (4) To adopt fees as provided in RCW 43.24.086.

1 **Sec. 81.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to
2 read as follows:

3 The ((~~board~~)) director has the following authority in administering
4 this chapter:

5 (1) ~~((To establish rules, including board organization and
6 assignment of terms, and meeting frequency and timing, for adoption by
7 the director;~~

8 (2)) To establish the minimum qualifications for licensing
9 applicants as provided in this chapter;

10 ((3)) (2) To approve the method of administration of examinations
11 required by this chapter ~~((or by rule as established by the director));~~

12 ((4)) (3) To approve the content of or recognition of
13 examinations prepared by other entities ~~((for adoption by the
14 director));~~

15 ((5)) (4) To set the time and place of examinations ~~((with the
16 approval of the director)); and~~

17 ((6)) (5) To establish and review standards of professional
18 conduct, practice, and ethics ~~((for adoption by the director. These)),
19 which standards must address what constitutes certain fire and safety
20 hazards as used in RCW 18.280.030.~~

21 **Sec. 82.** RCW 18.280.070 and 2008 c 119 s 7 are each amended to
22 read as follows:

23 In order to become licensed as a home inspector, an applicant must
24 submit the following to the department:

25 (1) An application on a form developed by the department;

26 (2) Proof of a minimum of one hundred twenty hours of classroom
27 instruction approved by the ((~~board~~)) director;

28 (3) Proof of up to forty hours of field training supervised by a
29 licensed home inspector;

30 (4) Evidence of successful passage of the written exam as required
31 in RCW 18.280.080; and

32 (5) The fee in the amount set by the department.

33 **Sec. 83.** RCW 18.280.080 and 2008 c 119 s 8 are each amended to
34 read as follows:

35 Applicants for licensure must pass an exam that is psychometrically
36 valid, reliable, and legally defensible by the state. The exam is to

1 be developed, maintained, and administered by the department. The
2 ((~~board shall recommend to the~~)) director shall determine whether to
3 use an exam that is prepared by a national entity. If an exam prepared
4 by a national entity is used, a section specific to Washington shall be
5 developed by the director and included as part of the entire exam.

6 **Sec. 84.** RCW 18.280.110 and 2008 c 119 s 11 are each amended to
7 read as follows:

8 (1) As a condition of renewing a license under this chapter, a
9 licensed home inspector shall present satisfactory evidence to the
10 ((~~board~~)) director of having completed the continuing education
11 requirements provided for in this section.

12 (2) Each applicant for license renewal shall complete at least
13 twenty-four hours of instruction in courses approved by the ((~~board~~))
14 director every two years.

15 **Sec. 85.** RCW 18.280.120 and 2008 c 119 s 12 are each amended to
16 read as follows:

17 (1) A licensed home inspector shall provide a written report of the
18 home inspection to each person for whom the inspector performs a home
19 inspection within a time period set by the ((~~board~~)) director in rule.
20 The issues to be addressed in the report shall be set by the ((~~board~~))
21 director in rule.

22 (2) A licensed home inspector, or other licensed home inspectors or
23 employees who work for the same company or for any company in which the
24 home inspector has a financial interest, shall not, from the time of
25 the inspection until one year from the date of the report, perform any
26 work other than home inspection-related consultation on the home upon
27 which he or she has performed a home inspection.

28 **Sec. 86.** RCW 18.280.130 and 2008 c 119 s 13 are each amended to
29 read as follows:

30 (1) The director shall immediately suspend the license of a person
31 who has been certified pursuant to RCW 74.20A.320 by the department of
32 social and health services as a person who is not in compliance with a
33 child support order. If the person has continued to meet all other
34 requirements for a license under this chapter during the suspension,
35 reissuance of the license is automatic upon the ((~~board's~~)) director's

1 receipt of a release issued by the department of social and health
2 services stating that the licensee is in compliance with the child
3 support order. The procedure in RCW 74.20A.320 is the exclusive
4 administrative remedy for contesting the establishment of noncompliance
5 with a child support order, and suspension of a license under this
6 subsection, and satisfies the requirements of RCW 34.05.422.

7 (2) The director(~~(, with the assistance of the board,)~~) shall
8 establish by rule under what circumstances a home inspector license may
9 be suspended or revoked. These circumstances shall be based upon
10 accepted industry standards (~~(and the board's cumulative experience)~~).

11 (3) Any person aggrieved by a decision of the director under this
12 section may appeal the decision as provided in chapter 34.05 RCW. The
13 adjudicative proceeding shall be conducted under chapter 34.05 RCW by
14 an administrative law judge appointed pursuant to RCW 34.12.030.

15 **Industry Cluster Advisory Committee**

16 **Sec. 87.** RCW 43.330.090 and 2007 c 228 s 201 are each amended to
17 read as follows:

18 (1) The department shall work with private sector organizations,
19 industry and cluster associations, federal agencies, state agencies
20 that use a cluster-based approach to service delivery, local
21 governments, local associate development organizations, and higher
22 education and training institutions in the development of industry
23 cluster-based strategies to diversify the economy, facilitate
24 technology transfer and diffusion, and increase value-added production.
25 The industry clusters targeted by the department may include, but are
26 not limited to, aerospace, agriculture, food processing, forest
27 products, marine services, health and biomedical, software, digital and
28 interactive media, transportation and distribution, and
29 microelectronics. The department shall, on a continuing basis,
30 evaluate the potential return to the state from devoting additional
31 resources to an industry cluster-based approach to economic development
32 and identifying and assisting additional clusters. The department
33 shall use information gathered in each service delivery region in

1 formulating its industry cluster-based strategies and shall assist
2 local communities in identifying regional industry clusters and
3 developing industry cluster-based strategies.

4 (2)(a) The department shall promote, market, and encourage growth
5 in the production of films and videos, as well as television
6 commercials within the state; to this end the department is directed to
7 assist in the location of a film and video production studio within the
8 state.

9 (b) The department may, in carrying out its efforts to encourage
10 film and video production in the state, solicit and receive gifts,
11 grants, funds, fees, and endowments, in trust or otherwise, from
12 tribal, local, or other governmental entities, as well as private
13 sources, and may expend the same or any income therefrom for the
14 encouragement of film and video production. All revenue received for
15 such purposes shall be deposited into the film and video promotion
16 account created in RCW 43.330.092.

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

20 (a) Facilitating regional focus group discussions and conducting
21 studies to identify industry clusters, appraise the current information
22 linkages within a cluster, and identify issues of common concern within
23 a cluster;

24 (b) Supporting industry and cluster associations, publications of
25 association and cluster directories, and related efforts to create or
26 expand the activities of industry and cluster associations;

27 (c) Administering a competitive grant program to fund activities
28 designed to further regional cluster growth. In administering the
29 program, the department shall work with (~~(an industry cluster advisory~~
30 ~~committee with equal representation from)) the workforce training and
31 education coordinating board, the state board for community and
32 technical colleges, the employment security department, business, and
33 labor.~~

34 (i) The (~~(industry cluster advisory committee))~~ department shall
35 (~~(recommend))~~ seek recommendations on criteria for evaluating
36 applications for grant funds and recommend applicants for receipt of
37 grant funds.

1 (ii) Applicants must include organizations from at least two
2 counties and participants from the local business community. Eligible
3 organizations include, but are not limited to, local governments,
4 economic development councils, chambers of commerce, federally
5 recognized Indian tribes, workforce development councils, and
6 educational institutions.

7 (iii) Applications must evidence financial participation of the
8 partner organizations.

9 (iv) Priority shall be given to applicants which will use the grant
10 funds to build linkages and joint projects, to develop common resources
11 and common training, and to develop common research and development
12 projects or facilities.

13 (v) The maximum amount of a grant is one hundred thousand dollars.

14 (vi) A maximum of one hundred thousand dollars total can go to
15 King, Pierce, Kitsap, and Snohomish counties combined.

16 (vii) No more than ten percent of funds received for the grant
17 program may be used by the department for administrative costs.

18 (4) As used in subsection (3) of this section, "industry cluster"
19 means a geographic concentration of interdependent competitive firms
20 that do business with each other. "Industry cluster" also includes
21 firms that sell inside and outside of the geographic region as well as
22 support firms that supply raw materials, components, and business
23 services.

24 **Integrated Justice Information Board**

25 NEW SECTION. **Sec. 88.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
28 104 s 1;

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

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

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

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

3 **K-12 Educational Network Board**

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

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

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

9 (2) RCW 43.105.810 (K-20 network technical steering committee) and
10 1999 c 285 s 6.

11 **Sec. 90.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
12 as follows:

13 As used in this chapter, unless the context indicates otherwise,
14 the following definitions shall apply:

15 (1) "Department" means the department of information services;

16 (2) "Board" means the information services board;

17 (3) "Committee" means the state interoperability executive
18 committee;

19 (4) "Local governments" includes all municipal and quasi municipal
20 corporations and political subdivisions, and all agencies of such
21 corporations and subdivisions authorized to contract separately;

22 (5) "Director" means the director of the department;

23 (6) "Purchased services" means services provided by a vendor to
24 accomplish routine, continuing, and necessary functions. This term
25 includes, but is not limited to, services acquired for equipment
26 maintenance and repair, operation of a physical plant, security,
27 computer hardware and software installation and maintenance,
28 telecommunications installation and maintenance, data entry, keypunch
29 services, programming services, and computer time-sharing;

30 (7) "Backbone network" means the shared high-density portions of
31 the state's telecommunications transmission facilities. It includes
32 specially conditioned high-speed communications carrier lines,
33 multiplexors, switches associated with such communications lines, and

1 any equipment and software components necessary for management and
2 control of the backbone network;

3 (8) "Telecommunications" means the transmission of information by
4 wire, radio, optical cable, electromagnetic, or other means;

5 (9) "Information" includes, but is not limited to, data, text,
6 voice, and video;

7 (10) "Information processing" means the electronic capture,
8 collection, storage, manipulation, transmission, retrieval, and
9 presentation of information in the form of data, text, voice, or image
10 and includes telecommunications and office automation functions;

11 (11) "Information services" means data processing,
12 telecommunications, office automation, and computerized information
13 systems;

14 (12) "Equipment" means the machines, devices, and transmission
15 facilities used in information processing, such as computers, word
16 processors, terminals, telephones, wireless communications system
17 facilities, cables, and any physical facility necessary for the
18 operation of such equipment;

19 (13) "Information technology portfolio" or "portfolio" means a
20 strategic management process documenting relationships between agency
21 missions and information technology and telecommunications investments;

22 (14) "Oversight" means a process of comprehensive risk analysis and
23 management designed to ensure optimum use of information technology
24 resources and telecommunications;

25 (15) "Proprietary software" means that software offered for sale or
26 license;

27 (16) "Video telecommunications" means the electronic
28 interconnection of two or more sites for the purpose of transmitting
29 and/or receiving visual and associated audio information. Video
30 telecommunications shall not include existing public television
31 broadcast stations as currently designated by the department of
32 community, trade, and economic development under chapter 43.330 RCW;

33 ~~(17) ("K-20 educational network board" or "K-20 board" means the~~
34 ~~K-20 educational network board created in RCW 43.105.800;~~

35 ~~(18) "K-20 network technical steering committee" or "committee"~~
36 ~~means the K-20 network technical steering committee created in RCW~~
37 ~~43.105.810;~~

1 ~~(19)~~) "K-20 network" means the network established in RCW
2 43.105.820;

3 ~~((20))~~ (18) "Educational sectors" means those institutions of
4 higher education, school districts, and educational service districts
5 that use the network for distance education, data transmission, and
6 other uses permitted by the ~~((K-20))~~ board.

7 **Sec. 91.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to read
8 as follows:

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

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

15 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
16 maintain equipment, proprietary software, and purchased services, or to
17 delegate to other agencies and institutions of state government, under
18 appropriate standards, the authority to purchase, lease, rent, or
19 otherwise acquire, dispose of, and maintain equipment, proprietary
20 software, and purchased services: PROVIDED, That, agencies and
21 institutions of state government are expressly prohibited from
22 acquiring or disposing of equipment, proprietary software, and
23 purchased services without such delegation of authority. The
24 acquisition and disposition of equipment, proprietary software, and
25 purchased services is exempt from RCW 43.19.1919 and, as provided in
26 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
27 This subsection (1)(b) does not apply to the legislative branch;

28 (c) To develop statewide or interagency technical policies,
29 standards, and procedures;

30 (d) To review and approve standards and common specifications for
31 new or expanded telecommunications networks proposed by agencies,
32 public postsecondary education institutions, educational service
33 districts, or statewide or regional providers of K-12 information
34 technology services, and to assure the cost-effective development and
35 incremental implementation of a statewide video telecommunications
36 system to serve: Public schools; educational service districts;

1 vocational-technical institutes; community colleges; colleges and
2 universities; state and local government; and the general public
3 through public affairs programming;

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

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

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

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

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

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

17 (ii) Training and education; and

18 (iii) Project management;

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

22 (i) To review and approve that portion of the department's budget
23 requests that provides for support to the board.

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

28 (a) Establish technical standards to facilitate electronic access
29 to government information and interoperability of information systems,
30 including wireless communications systems. Local governments are
31 strongly encouraged to follow the standards established by the board;
32 and

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

35 In developing these standards, the board is encouraged to include
36 the state library, state archives, and appropriate representatives of
37 state and local government.

1 (3)(a) The board(~~(, in consultation with the K-20 board,)~~) has the
2 duty to govern, operate, and oversee the technical design,
3 implementation, and operation of the K-20 network including, but not
4 limited to, the following duties: Establishment and implementation of
5 K-20 network technical policy, including technical standards and
6 conditions of use; review and approval of network design; procurement
7 of shared network services and equipment; and resolving user/provider
8 disputes concerning technical matters. The board shall delegate
9 general operational and technical oversight to the (~~K-20 network~~
10 ~~technical steering committee~~) department as appropriate.

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

14 **Sec. 92.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
15 read as follows:

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

17 (1) In cooperation with the educational sectors and other
18 interested parties, to establish goals and measurable objectives for
19 the network;

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

23 (3) To adopt, modify, and implement policies to facilitate network
24 development, operation, and expansion. Such policies may include but
25 need not be limited to the following issues: Quality of educational
26 services; access to the network by recognized organizations and
27 accredited institutions that deliver educational programming, including
28 public libraries; prioritization of programming within limited
29 resources; prioritization of access to the system and the sharing of
30 technological advances; network security; identification and evaluation
31 of emerging technologies for delivery of educational programs; future
32 expansion or redirection of the system; network fee structures; and
33 costs for the development and operation of the network;

34 (4) To prepare and submit to the governor and the legislature a
35 coordinated budget for network development, operation, and expansion.
36 The budget shall include the recommendations of the (~~K-20~~) board on
37 (a) any state funding requested for network transport and equipment,

1 distance education facilities and hardware or software specific to the
2 use of the network, and proposed new network end sites, (b) annual
3 copayments to be charged to public educational sector institutions and
4 other public entities connected to the network, and (c) charges to
5 nongovernmental entities connected to the network;

6 (5) To adopt and monitor the implementation of a methodology to
7 evaluate the effectiveness of the network in achieving the educational
8 goals and measurable objectives;

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

11 (7) To establish by rule acceptable use policies governing user
12 eligibility for participation in the K-20 network, acceptable uses of
13 network resources, and procedures for enforcement of such policies.
14 The ((K-20)) board shall set forth appropriate procedures for
15 enforcement of acceptable use policies, that may include suspension of
16 network connections and removal of shared equipment for violations of
17 network conditions or policies. ((However, the information services))
18 The board shall have sole responsibility for the implementation of
19 enforcement procedures relating to technical conditions of use.

20 **Sec. 93.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
21 read as follows:

22 The information services board shall prepare a technical plan for
23 the design and construction of the K-20 telecommunication system. The
24 board shall ensure that the technical plan adheres to the goals and
25 objectives established under RCW 43.105.041. The board shall provide
26 formal project approval and oversight during the development and
27 implementation of the K-20 telecommunications network. In approving
28 the plan, the board shall conduct a request for proposal process. The
29 technical plan shall be developed in phases as follows:

30 (1) Phase one shall provide a telecommunication backbone connecting
31 educational service districts, the main campuses of public
32 baccalaureate institutions, the branch campuses of public research
33 institutions, and the main campuses of community colleges and technical
34 colleges.

35 (2) Phase two shall provide for (a) connection to the network by
36 entities that include, but need not be limited to: School districts,
37 public higher education off-campus and extension centers, and branch

1 campuses of community colleges and technical colleges, as prioritized
2 by the K-20 telecommunications oversight and policy committee, or as
3 modified by the board; (b) distance education facilities and components
4 for entities listed in subsections (1) and (2) of this section; and (c)
5 connection for independent nonprofit institutions of higher education,
6 provided that:

7 (i) The ((K-20)) board and each independent nonprofit institution
8 of higher education to be connected agree in writing to terms and
9 conditions of connectivity. The terms and conditions shall ensure,
10 among other things, that the provision of K-20 services does not
11 violate Article VIII, section 5 of the state Constitution and that the
12 institution shall adhere to network policies; and

13 (ii) The ((K-20)) board determines that inclusion of the
14 independent nonprofit institutions of higher education will not
15 significantly affect the network's eligibility for federal universal
16 service fund discounts or subsidies.

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

20 **Mental Health Counselors, Marriage and Family**
21 **Therapists, and Social Workers Advisory Committee**

22 NEW SECTION. **Sec. 94.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 18.225.060 (Washington state mental health counselors,
25 marriage and family therapists, and social workers advisory committee--
26 Established--Composition) and 2001 c 251 s 6; and

27 (2) RCW 18.225.070 (Department of health--Advice/assistance of
28 advisory committee) and 2001 c 251 s 7.

29 **Sec. 95.** RCW 18.225.010 and 2008 c 135 s 11 are each amended to
30 read as follows:

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

33 (1) "Advanced social work" means the application of social work
34 theory and methods including emotional and biopsychosocial assessment,

1 psychotherapy under the supervision of a licensed independent clinical
2 social worker, case management, consultation, advocacy, counseling, and
3 community organization.

4 (2) "Applicant" means a person who completes the required
5 application, pays the required fee, is at least eighteen years of age,
6 and meets any background check requirements and uniform disciplinary
7 act requirements.

8 (3) "Associate" means a prelicensure candidate who has a graduate
9 degree in a mental health field under RCW 18.225.090 and is gaining the
10 supervision and supervised experience necessary to become a licensed
11 independent clinical social worker, a licensed advanced social worker,
12 a licensed mental health counselor, or a licensed marriage and family
13 therapist.

14 (~~(4) ("Committee" means the Washington state mental health~~
15 ~~counselors, marriage and family therapists, and social workers advisory~~
16 ~~committee.~~

17 ~~(5))~~) "Department" means the department of health.

18 ~~((6))~~) (5) "Disciplining authority" means the department.

19 ~~((7))~~) (6) "Independent clinical social work" means the diagnosis
20 and treatment of emotional and mental disorders based on knowledge of
21 human development, the causation and treatment of psychopathology,
22 psychotherapeutic treatment practices, and social work practice as
23 defined in advanced social work. Treatment modalities include but are
24 not limited to diagnosis and treatment of individuals, couples,
25 families, groups, or organizations.

26 ~~((8))~~) (7) "Marriage and family therapy" means the diagnosis and
27 treatment of mental and emotional disorders, whether cognitive,
28 affective, or behavioral, within the context of relationships,
29 including marriage and family systems. Marriage and family therapy
30 involves the professional application of psychotherapeutic and family
31 systems theories and techniques in the delivery of services to
32 individuals, couples, and families for the purpose of treating such
33 diagnosed nervous and mental disorders. The practice of marriage and
34 family therapy means the rendering of professional marriage and family
35 therapy services to individuals, couples, and families, singly or in
36 groups, whether such services are offered directly to the general
37 public or through organizations, either public or private, for a fee,
38 monetary or otherwise.

1 ~~((+9))~~ (8) "Mental health counseling" means the application of
2 principles of human development, learning theory, psychotherapy, group
3 dynamics, and etiology of mental illness and dysfunctional behavior to
4 individuals, couples, families, groups, and organizations, for the
5 purpose of treatment of mental disorders and promoting optimal mental
6 health and functionality. Mental health counseling also includes, but
7 is not limited to, the assessment, diagnosis, and treatment of mental
8 and emotional disorders, as well as the application of a wellness model
9 of mental health.

10 ~~((+10))~~ (9) "Secretary" means the secretary of health or the
11 secretary's designee.

12 **Sec. 96.** RCW 18.225.040 and 2001 c 251 s 4 are each amended to
13 read as follows:

14 In addition to any other authority provided by law, the secretary
15 has the authority to:

16 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
17 chapter(~~(. Any rules adopted shall be in consultation with the~~
18 ~~committee));~~

19 (2) Establish all licensing, examination, and renewal fees in
20 accordance with RCW 43.70.250;

21 (3) Establish forms and procedures necessary to administer this
22 chapter;

23 (4) Issue licenses to applicants who have met the education,
24 training, and examination requirements for licensure and to deny a
25 license to applicants who do not meet the requirements;

26 (5) Hire clerical, administrative, investigative, and other staff
27 as needed to implement this chapter, and hire individuals licensed
28 under this chapter to serve as examiners for any practical
29 examinations;

30 (6) Administer and supervise the grading and taking of examinations
31 for applicants for licensure;

32 (7) Determine which states have credentialing requirements
33 substantially equivalent to those of this state, and issue licenses to
34 individuals credentialed in those states without examinations;

35 (8) Implement and administer a program for consumer education (~~in~~
36 ~~consultation with the committee));~~

- 1 (9) Adopt rules implementing a continuing education program (~~in~~
2 ~~consultation with the committee~~);
- 3 (10) Maintain the official record of all applicants and licensees;
4 and
- 5 (11) Establish by rule the procedures for an appeal of an
6 examination failure.

7 **Livestock Identification Advisory Board**

8 NEW SECTION. **Sec. 97.** RCW 16.57.015 (Livestock identification
9 advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c
10 354 s 10 are each repealed.

11 **Sec. 98.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read
12 as follows:

- 13 (1) The director may adopt rules:
 - 14 (a) To support the agriculture industry in meeting federal
15 requirements for the country-of-origin labeling of meat. Any
16 requirements established under this subsection for country of origin
17 labeling purposes shall be substantially consistent with and shall not
18 exceed the requirements established by the United States department of
19 agriculture; and
 - 20 (b) (~~In consultation with the livestock identification advisory~~
21 ~~board under RCW 16.57.015,~~) To implement federal requirements for
22 animal identification needed to trace the source of livestock for
23 disease control and response purposes.
- 24 (2) The director may cooperate with and enter into agreements with
25 other states and agencies of federal government to carry out such
26 systems and to promote consistency of regulation.

27 **McNeil Island Secure Community Transition**
28 **Facility Operational Advisory Board**

29 NEW SECTION. **Sec. 99.** RCW 71.09.320 (Transition facilities--
30 Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each
31 repealed.

1 **Midwifery Advisory Committee**

2 NEW SECTION. **Sec. 100.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 18.50.140 (Midwifery advisory committee--Generally) and
5 1994 sp.s. c 9 s 706, 1991 c 3 s 114, 1987 c 467 s 5, & 1981 c 53 s 3;
6 and

7 (2) RCW 18.50.150 (Midwifery advisory committee--Advice and
8 recommendations) and 1998 c 245 s 6, 1991 c 3 s 115, & 1981 c 53 s 4.

9 **Sec. 101.** RCW 18.50.045 and 1991 c 3 s 107 are each amended to
10 read as follows:

11 The secretary shall (~~promulgate~~) adopt standards by rule under
12 chapter 34.05 RCW for accrediting midwifery educational programs. The
13 standards shall cover the provision of adequate clinical and didactic
14 instruction in all subjects and noncurriculum matters under this
15 section including, but not limited to, staffing and teacher
16 qualifications. (~~In developing the standards, the secretary shall be
17 advised by and receive the recommendations of the midwifery advisory
18 committee.~~)

19 **Sec. 102.** RCW 18.50.060 and 1991 c 3 s 109 are each amended to
20 read as follows:

21 (1) The secretary is hereby authorized and empowered to execute the
22 provisions of this chapter and shall offer examinations in midwifery at
23 least twice a year at such times and places as the secretary may
24 select. The examinations shall be written and shall be in the English
25 language.

26 (2) The secretary(~~, with the assistance of the midwifery advisory
27 committee,~~) shall develop or approve a licensure examination in the
28 subjects that the secretary determines are within the scope of and
29 commensurate with the work performed by a licensed midwife. The
30 examination shall be sufficient to test the scientific and practical
31 fitness of candidates to practice midwifery. All application papers
32 shall be deposited with the secretary and there retained for at least
33 one year, when they may be destroyed.

34 (3) If the examination is satisfactorily completed, the secretary
35 shall issue to such candidate a license entitling the candidate to
36 practice midwifery in the state of Washington.

1 fund were not used for (a) original construction or reconstruction in
2 the last twenty-five years; or (b) maintenance in the last four years.

3 ~~((+8))~~ (7) "Nonhighway road recreation facilities" means
4 recreational facilities that are adjacent to, or accessed by, a
5 nonhighway road and intended primarily for nonhighway road recreational
6 users.

7 ~~((+9))~~ (8) "Nonhighway road recreational user" means a person
8 whose purpose for consuming fuel on a nonhighway road or off-road is
9 primarily for nonhighway road recreational purposes, including, but not
10 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
11 picnicking, driving for pleasure, kayaking/canoeing, and gathering
12 berries, firewood, mushrooms, and other natural products.

13 ~~((+10))~~ (9) "Nonhighway vehicle" means any motorized vehicle
14 including an ORV when used for recreational purposes on nonhighway
15 roads, trails, or a variety of other natural terrain.

16 Nonhighway vehicle does not include:

17 (a) Any vehicle designed primarily for travel on, over, or in the
18 water;

19 (b) Snowmobiles or any military vehicles; or

20 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
21 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
22 This exemption includes but is not limited to farm, construction, and
23 logging vehicles.

24 ~~((+11))~~ (10) "Nonmotorized recreational facilities" means
25 recreational trails and facilities that are adjacent to, or accessed
26 by, a nonhighway road and intended primarily for nonmotorized
27 recreational users.

28 ~~((+12))~~ (11) "Nonmotorized recreational user" means a person whose
29 purpose for consuming fuel on a nonhighway road or off-road is
30 primarily for nonmotorized recreational purposes including, but not
31 limited to, walking, hiking, backpacking, climbing, cross-country
32 skiing, snowshoeing, mountain biking, horseback riding, and pack animal
33 activities.

34 ~~((+13))~~ (12) "Off-road vehicle" or "ORV" means any nonstreet
35 licensed vehicle when used for recreational purposes on nonhighway
36 roads, trails, or a variety of other natural terrain. Such vehicles
37 include, but are not limited to, all-terrain vehicles, motorcycles,
38 four-wheel drive vehicles, and dune buggies.

1 ~~((14))~~ (13) "Operator" means each person who operates, or is in
2 physical control of, any nonhighway vehicle.

3 ~~((15))~~ (14) "Organized competitive event" means any competition,
4 advertised in advance through written notice to organized clubs or
5 published in local newspapers, sponsored by recognized clubs, and
6 conducted at a predetermined time and place.

7 ~~((16))~~ (15) "ORV recreation facilities" include, but are not
8 limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and
9 ORV use areas, designated for ORV use by the managing authority that
10 are intended primarily for ORV recreational users.

11 ~~((17))~~ (16) "ORV recreational user" means a person whose purpose
12 for consuming fuel on nonhighway roads or off-road is primarily for ORV
13 recreational purposes, including but not limited to riding an all-
14 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
15 dune buggy.

16 ~~((18))~~ (17) "ORV sports park" means a facility designed to
17 accommodate competitive ORV recreational uses including, but not
18 limited to, motocross racing, four-wheel drive competitions, and flat
19 track racing. Use of ORV sports parks can be competitive or
20 noncompetitive in nature.

21 ~~((19))~~ (18) "ORV trail" means a multiple-use corridor designated
22 by the managing authority and maintained for recreational use by
23 motorized vehicles.

24 ~~((20))~~ (19) "ORV use permit" means a permit issued for operation
25 of an off-road vehicle under this chapter.

26 ~~((21))~~ (20) "Owner" means the person other than the lienholder,
27 having an interest in or title to a nonhighway vehicle, and entitled to
28 the use or possession thereof.

29 ~~((22))~~ (21) "Person" means any individual, firm, partnership,
30 association, or corporation.

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

32 **Sec. 106.** RCW 43.30.820 and 1991 c 316 s 3 are each amended to
33 read as follows:

34 The Olympic natural resources center shall operate under the
35 authority of the board of regents of the University of Washington. It

1 shall be administered by a director appointed jointly by the deans of
2 the college of forest resources and the college of ocean and fishery
3 sciences. The director shall be a member of the faculty of one of
4 those colleges. The director shall appoint and maintain a scientific
5 or technical committee, and other committees as necessary, to advise
6 the director on the efficiency, effectiveness, and quality of the
7 center's activities.

8 ~~((A policy advisory board consisting of eleven members shall be
9 appointed by the governor to advise the deans and the director on
10 policies for the center that are consistent with the purposes of the
11 center. Membership on the policy advisory board shall broadly
12 represent the various interests concerned with the purposes of the
13 center, including state and federal government, environmental
14 organizations, local community, timber industry, and Indian tribes.~~

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

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

20 NEW SECTION. **Sec. 107.** The following acts or parts of acts are
21 each repealed:

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

24 **Sec. 108.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to
25 read as follows:

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

28 (1) ~~(("Advisory committee" means a group of individuals with broad
29 knowledge and experience in the design, construction, and regulation of
30 on-site wastewater treatment systems, appointed under this chapter to
31 offer recommendations to the board and the director on the
32 administration of the program established under this chapter.~~

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

1 ~~((3))~~ (2) "Designer," "licensee," or "permit holder" means an
2 individual authorized under this chapter to perform design services for
3 on-site wastewater treatment systems.

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

6 ~~((5))~~ (4) "Engineer" means a professional engineer licensed under
7 chapter 18.43 RCW.

8 ~~((6))~~ (5) "Practice of engineering" has the meaning set forth in
9 RCW 18.43.020(5).

10 ~~((7))~~ (6) "On-site wastewater treatment system" means an
11 integrated system of components that: Convey, store, treat, and/or
12 provide subsurface soil treatment and disposal of wastewater effluent
13 on the property where it originates or on adjacent or other property
14 and includes piping, treatment devices, other accessories, and soil
15 underlying the disposal component of the initial and reserve areas, for
16 on-site wastewater treatment under three thousand five hundred gallons
17 per day when not connected to a public sewer system.

18 ~~((8))~~ (7) "On-site wastewater design" means the development of
19 plans, details, specifications, instructions, or inspections by
20 application of specialized knowledge in analysis of soils, on-site
21 wastewater treatment systems, disposal methods, and technologies to
22 create an integrated system of collection, transport, distribution,
23 treatment, and disposal of on-site wastewater.

24 ~~((9))~~ (8) "Local health jurisdiction" or "jurisdictional health
25 department" means an administrative agency created under chapter 70.05,
26 70.08, or 70.46 RCW, that administers the regulation and codes
27 regarding on-site wastewater treatment systems.

28 ~~((10))~~ (9) "Practice permit" means an authorization to practice
29 granted to an individual who designs on-site wastewater treatment
30 systems and who has been authorized by a local health jurisdiction to
31 practice on or before July 1, 2000.

32 ~~((11))~~ (10) "License" means a license to design on-site
33 wastewater treatment systems under this chapter.

34 ~~((12))~~ (11) "Certificate of competency" means a certificate
35 issued to employees of local health jurisdictions indicating that the
36 certificate holder has passed the licensing examination required under
37 this chapter.

1 **Sec. 109.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
2 read as follows:

- 3 The director may:
- 4 (1) ~~((Appoint and reappoint members to the advisory committee,~~
5 ~~including temporary additional members, and remove committee members~~
6 ~~for just cause;~~
 - 7 (2) Employ administrative, clerical, and investigative staff as
8 necessary to administer and enforce this chapter;
 - 9 (3) Establish fees for applications, examinations, and
10 renewals in accordance with chapter 43.24 RCW;
 - 11 (4) Issue practice permits and licenses to applicants who
12 meet the requirements of this chapter; and
 - 13 (5) Exercise rule-making authority to implement this
14 section.

15 **Sec. 110.** RCW 18.210.060 and 2002 c 86 s 258 are each amended to
16 read as follows:

- 17 (1) The board may:
- 18 (a) (1) Adopt rules to implement this chapter including, but
19 not limited to, evaluation of experience, examinations, and scope and
20 standards of practice;
 - 21 (b) (2) Administer licensing examinations; and
 - 22 (c) (3) Review and approve or deny initial and renewal license
23 applications.
- 24 ~~((2) The board shall consider recommendations of the advisory
25 committee made in accordance with this chapter.))~~

26 **On-site Sewage Disposal Systems Alternative Systems**
27 **Technical Review Committee**

28 NEW SECTION. **Sec. 111.** RCW 70.118.100 (Alternative systems--
29 Technical review committee) and 1997 c 447 s 3 are each repealed.

30 **Sec. 112.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to
31 read as follows:

32 In order to assure that technical guidelines and standards keep
33 pace with advancing technologies, the department of health in

1 collaboration with (~~the technical review committee,~~) local health
2 departments(~~(7)~~) and other interested parties, must review and update
3 as appropriate, the state guidelines and standards for alternative on-
4 site sewage disposal every three years. The first review and update
5 must be completed by January 1, 1999.

6 **Organized Crime Advisory Board**

7 NEW SECTION. **Sec. 113.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 43.43.858 (Organized crime advisory board--Created--
10 Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s
11 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c
12 202 s 5;

13 (2) RCW 43.43.860 (Organized crime advisory board--Terms of
14 members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s
15 6;

16 (3) RCW 43.43.862 (Organized crime advisory board--Powers and
17 duties) and 1973 1st ex.s. c 202 s 7;

18 (4) RCW 43.43.864 (Information to be furnished board--Security--
19 Confidentiality) and 1973 1st ex.s. c 202 s 8;

20 (5) RCW 10.29.030 (Appointment of statewide special inquiry judge--
21 Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s
22 3;

23 (6) RCW 10.29.040 (Scope of investigation and proceeding--Request
24 for additional authority) and 1980 c 146 s 4;

25 (7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--
26 Removal) and 1980 c 146 s 8; and

27 (8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c
28 274 s 205 & 1980 c 146 s 9.

29 **Sec. 114.** RCW 43.43.866 and 1980 c 146 s 16 are each amended to
30 read as follows:

31 There shall be a fund known as the organized crime prosecution
32 revolving fund which shall consist of such moneys as may be
33 appropriated by law. The state treasurer shall be custodian of the
34 revolving fund. Disbursements from the revolving fund shall be subject

1 to budget approval given by the (~~organized crime advisory board~~
2 ~~pursuant to RCW 10.29.090~~) chief of the Washington state patrol, and
3 may be made either on authorization of the governor or the governor's
4 designee, or upon request of (~~a majority of the members of the~~
5 ~~organized crime advisory board~~) the chief of the Washington state
6 patrol. In order to maintain an effective expenditure and revenue
7 control, the organized crime prosecution revolving fund shall be
8 subject in all respects to chapter 43.88 RCW but no appropriation shall
9 be required to permit expenditures and payment of obligations from the
10 fund.

11 **Sec. 115.** RCW 43.10.240 and 1985 c 251 s 1 are each amended to
12 read as follows:

13 The attorney general shall annually report to the (~~organized crime~~
14 ~~advisory board~~) chief of the Washington state patrol a summary of the
15 attorney general's investigative and criminal prosecution activity
16 conducted pursuant to this chapter. Except to the extent the summary
17 describes information that is a matter of public record, the
18 information made available to the (~~board~~) chief of the Washington
19 state patrol shall be given all necessary security protection in
20 accordance with the terms and provisions of applicable laws and rules
21 and shall not be revealed or divulged publicly or privately (~~by~~
22 ~~members of the board~~)).

23 **Orthotic and Prosthetics Advisory Committee**

24 NEW SECTION. **Sec. 116.** RCW 18.200.060 (Advisory committee--
25 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

26 **Sec. 117.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
27 read as follows:

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

30 (1) (~~"Advisory committee" means the orthotics and prosthetics~~
31 ~~advisory committee.~~

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

1 ~~((+3))~~ (2) "Secretary" means the secretary of health or the
2 secretary's designee.

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

17 ~~((+5))~~ (4) "Orthotist" means a person licensed to practice
18 orthotics under this chapter.

19 ~~((+6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace
20 or support that is designed for long-term use. Except for the
21 treatment of scoliosis, orthosis does not include prefabricated or
22 direct-formed orthotic devices, as defined in this section, or any of
23 the following assistive technology devices: Commercially available
24 knee orthoses used following injury or surgery; spastic muscle tone-
25 inhibiting orthoses; upper extremity adaptive equipment; finger
26 splints; hand splints; custom-made, leather wrist gauntlets; face masks
27 used following burns; wheelchair seating that is an integral part of
28 the wheelchair and not worn by the patient independent of the
29 wheelchair; fabric or elastic supports; corsets; arch supports, also
30 known as foot orthotics; low-temperature formed plastic splints;
31 trusses; elastic hose; canes; crutches; cervical collars; dental
32 appliances; and other similar devices as determined by the secretary,
33 such as those commonly carried in stock by a pharmacy, department
34 store, corset shop, or surgical supply facility. Prefabricated
35 orthoses, also known as custom-fitted, or off-the-shelf, are devices
36 that are manufactured as commercially available stock items for no
37 specific patient. Direct-formed orthoses are devices formed or shaped
38 during the molding process directly on the patient's body or body

1 segment. Custom-fabricated orthoses, also known as custom-made
2 orthoses, are devices designed and fabricated, in turn, from raw
3 materials for a specific patient and require the generation of an
4 image, form, or mold that replicates the patient's body or body segment
5 and, in turn, involves the rectification of dimensions, contours, and
6 volumes to achieve proper fit, comfort, and function for that specific
7 patient.

8 ((+7)) (6) "Prosthetics" means the science and practice of
9 evaluating, measuring, designing, fabricating, assembling, fitting,
10 aligning, adjusting, or servicing, as well as providing the initial
11 training necessary to accomplish the fitting of, a prosthesis through
12 the replacement of external parts of a human body lost due to
13 amputation or congenital deformities or absences. The practice of
14 prosthetics also includes the generation of an image, form, or mold
15 that replicates the patient's body or body segment and that requires
16 rectification of dimensions, contours, and volumes for use in the
17 design and fabrication of a socket to accept a residual anatomic limb
18 to, in turn, create an artificial appendage that is designed either to
19 support body weight or to improve or restore function or cosmesis, or
20 both. Involved in the practice of prosthetics is observational gait
21 analysis and clinical assessment of the requirements necessary to
22 refine and mechanically fix the relative position of various parts of
23 the prosthesis to maximize the function, stability, and safety of the
24 patient. The practice of prosthetics includes providing continuing
25 patient care in order to assess the prosthetic device's effect on the
26 patient's tissues and to assure proper fit and function of the
27 prosthetic device by periodic evaluation.

28 ((+8)) (7) "Prosthetist" means a person who is licensed to
29 practice prosthetics under this chapter.

30 ((+9)) (8) "Prosthesis" means a definitive artificial limb that is
31 alignable or articulated, or, in lower extremity applications, capable
32 of weight bearing. Prosthesis means an artificial medical device that
33 is not surgically implanted and that is used to replace a missing limb,
34 appendage, or other external human body part including an artificial
35 limb, hand, or foot. The term does not include artificial eyes, ears,
36 fingers or toes, dental appliances, ostomy products, devices such as
37 artificial breasts, eyelashes, wigs, or other devices as determined by
38 the secretary that do not have a significant impact on the

1 musculoskeletal functions of the body. In the lower extremity of the
2 body, the term prosthesis does not include prostheses required for
3 amputations distal to and including the transmetatarsal level. In the
4 upper extremity of the body, the term prosthesis does not include
5 prostheses that are provided to restore function for amputations distal
6 to and including the carpal level.

7 ~~((10))~~ (9) "Authorized health care practitioner" means licensed
8 physicians, physician's assistants, osteopathic physicians,
9 chiropractors, naturopaths, podiatric physicians and surgeons,
10 dentists, and advanced registered nurse practitioners.

11 **Sec. 118.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
12 read as follows:

13 In addition to other authority provided by law, the secretary has
14 the authority to:

15 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
16 chapter;

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

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

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

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

34 (6) Establish the standards and procedures for revocation of
35 approval of education programs;

36 (7) Utilize or contract with individuals or organizations having

1 expertise in the profession or in education to assist in the
2 evaluations;

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

5 (9) Determine whether alternative methods of training are
6 equivalent to formal education, and establish forms, procedures, and
7 criteria for evaluation of an applicant's alternative training to
8 determine the applicant's eligibility to take any qualifying
9 examination;

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

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

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

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

17 (14) Maintain the official department records of all applicants and
18 licensees;

19 (15) Establish by rule the procedures for an appeal of an
20 examination failure;

21 (16) Establish requirements and procedures for an inactive license;
22 and

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

26 **Sec. 119.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
27 read as follows:

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

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

36 (b) The applicant has the amount of formal training, including the

1 hours of classroom education and clinical practice, in areas of study
2 as the secretary deems necessary and appropriate;

3 (c) The applicant has completed a clinical internship or residency
4 in the professional area for which a license is sought in accordance
5 with the standards, guidelines, or procedures for clinical internships
6 or residencies inside or outside the state as established by the
7 secretary, or that are otherwise substantially equivalent to the
8 standards commonly accepted in the fields of orthotics and prosthetics
9 as determined by the secretary pursuant to subsections (3) and (5) of
10 this section. The secretary must set the internship as at least one
11 year.

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

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

19 (4) An applicant failing to make the required grade in the first
20 examination may take up to three subsequent examinations as the
21 applicant desires upon prepaying a fee, determined by the secretary
22 under RCW 43.70.250, for each subsequent examination. Upon failing
23 four examinations, the secretary may invalidate the original
24 application and require remedial education before the person may take
25 future examinations.

26 (5) The secretary may waive some of the education, examination, or
27 experience requirements of this section if the secretary determines
28 that the applicant meets alternative standards, established by the
29 secretary through rule, that are substantially equivalent to the
30 requirements in subsections (1) and (2) of this section.

31 **Oversight Committee on Character-Building**
32 **Residential Services in Prisons**

33 NEW SECTION. **Sec. 120.** RCW 72.09.800 (Comprehensive plan for
34 character-building residential services in prisons--Establishment of
35 oversight committee) and 2008 c 104 s 2 are each repealed.

1 **Advisory Board on Missing and Exploited Children**

2 NEW SECTION. **Sec. 121.** RCW 13.60.120 (Task force on missing and
3 exploited children--Advisory board) and 1999 c 168 s 3 are each
4 repealed.

5 **Sec. 122.** RCW 13.60.110 and 1999 c 168 s 2 are each amended to
6 read as follows:

7 (1) A task force on missing and exploited children is established
8 in the Washington state patrol. The task force shall be under the
9 direction of the chief of the state patrol.

10 (2) The task force is authorized to assist law enforcement
11 agencies, upon request, in cases involving missing or exploited
12 children by:

13 (a) Direct assistance and case management;

14 (b) Technical assistance;

15 (c) Personnel training;

16 (d) Referral for assistance from local, state, national, and
17 international agencies; and

18 (e) Coordination and information sharing among local, state,
19 interstate, and federal law enforcement and social service agencies.

20 (3) To maximize the efficiency and effectiveness of state resources
21 and to improve interagency cooperation, the task force shall, where
22 feasible, use existing facilities, systems, and staff made available by
23 the state patrol and other local, state, interstate, and federal law
24 enforcement and social service agencies. The chief of the state patrol
25 may employ such additional personnel as are necessary for the work of
26 the task force and may share personnel costs with other agencies.

27 (4) The chief of the state patrol shall seek public and private
28 grants and gifts to support the work of the task force.

29 (5) By December 1, 2001, and annually thereafter, the chief of the
30 state patrol shall submit a report to the appropriate committees of the
31 legislature. The report shall establish performance measurements and
32 objectives for the task force and assess the accomplishments of the
33 task force.

34 (6) For the purposes of RCW 13.60.100 (~~(through 13.60.120)~~) and
35 13.60.110, "exploited children" means children under the age of
36 eighteen who are employed, used, persuaded, induced, enticed, or
37 coerced to engage in, or assist another person to engage in, sexually

1 explicit conduct. "Exploited children" also means the rape,
2 molestation, or use for prostitution of children under the age of
3 eighteen.

4 **Public Records Exemptions Accountability Committee**

5 NEW SECTION. **Sec. 123.** RCW 42.56.140 (Public records exemptions
6 accountability committee) and 2007 c 198 s 2 are each repealed.

7 **Puget Sound Partnership--Ecosystems Coordination Board**

8 NEW SECTION. **Sec. 124.** RCW 90.71.250 (Ecosystem coordination
9 board--Membership--Duties) and 2007 c 341 s 7 are each repealed.

10 **Sec. 125.** RCW 90.71.010 and 2007 c 341 s 2 are each amended to
11 read as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Action agenda" means the comprehensive schedule of projects,
15 programs, and other activities designed to achieve a healthy Puget
16 Sound ecosystem that is authorized and further described in RCW
17 90.71.300 and 90.71.310.

18 (2) "Action area" means the geographic areas delineated as provided
19 in RCW 90.71.260.

20 (3) "Benchmarks" means measurable interim milestones or
21 achievements established to demonstrate progress towards a goal,
22 objective, or outcome.

23 (4) (~~("Board" means the ecosystem coordination board.~~

24 ~~+5+)) "Council" means the leadership council.~~

25 ~~((+6+))~~ (5) "Environmental indicator" means a physical, biological,
26 or chemical measurement, statistic, or value that provides a proximate
27 gauge, or evidence of, the state or condition of Puget Sound.

28 ~~((+7+))~~ (6) "Implementation strategies" means the strategies
29 incorporated on a biennial basis in the action agenda developed under
30 RCW 90.71.310.

1 ((+8)) (7) "Nearshore" means the area beginning at the crest of
2 coastal bluffs and extending seaward through the marine photics zone,
3 and to the head of tide in coastal rivers and streams. "Nearshore"
4 also means both shoreline and estuaries.

5 ((+9)) (8) "Panel" means the Puget Sound science panel.

6 ((+10)) (9) "Partnership" means the Puget Sound partnership.

7 ((+11)) (10) "Puget Sound" means Puget Sound and related inland
8 marine waters, including all salt waters of the state of Washington
9 inside the international boundary line between Washington and British
10 Columbia, and lying east of the junction of the Pacific Ocean and the
11 Strait of Juan de Fuca, and the rivers and streams draining to Puget
12 Sound as mapped by water resource inventory areas 1 through 19 in WAC
13 173-500-040 as it exists on July 1, 2007.

14 ((+12)) (11) "Puget Sound partner" means an entity that has been
15 recognized by the partnership, as provided in RCW 90.71.340, as having
16 consistently achieved outstanding progress in implementing the 2020
17 action agenda.

18 ((+13)) (12) "Watershed groups" means all groups sponsoring or
19 administering watershed programs, including but not limited to local
20 governments, private sector entities, watershed planning units,
21 watershed councils, shellfish protection areas, regional fishery
22 enhancement groups, marine ~~((resource[s]))~~ resources committees
23 including those working with the Northwest straits commission,
24 nearshore groups, and watershed lead entities.

25 ((+14)) (13) "Watershed programs" means and includes all
26 watershed-level plans, programs, projects, and activities that relate
27 to or may contribute to the protection or restoration of Puget Sound
28 waters. Such programs include jurisdiction-wide programs regardless of
29 whether more than one watershed is addressed.

30 **Sec. 126.** RCW 90.71.210 and 2007 c 341 s 3 are each amended to
31 read as follows:

32 An agency of state government, to be known as the Puget Sound
33 partnership, is created to oversee the restoration of the environmental
34 health of Puget Sound by 2020. The agency shall consist of a
35 leadership council, an executive director, ~~((an ecosystem coordination
36 board,))~~ and a Puget Sound science panel.

1 **Sec. 127.** RCW 90.71.230 and 2007 c 341 s 5 are each amended to
2 read as follows:

3 (1) The leadership council shall have the power and duty to:

4 (a) Provide leadership and have responsibility for the functions of
5 the partnership, including adopting, revising, and guiding the
6 implementation of the action agenda, allocating funds for Puget Sound
7 recovery, providing progress and other reports, setting strategic
8 priorities and benchmarks, adopting and applying accountability
9 measures, and making appointments to the ((~~board and~~)) panel;

10 (b) Adopt rules, in accordance with chapter 34.05 RCW;

11 (c) Create subcommittees and advisory committees as appropriate to
12 assist the council;

13 (d) Enter into, amend, and terminate contracts with individuals,
14 corporations, or research institutions to effectuate the purposes of
15 this chapter;

16 (e) Make grants to governmental and nongovernmental entities to
17 effectuate the purposes of this chapter;

18 (f) Receive such gifts, grants, and endowments, in trust or
19 otherwise, for the use and benefit of the partnership to effectuate the
20 purposes of this chapter;

21 (g) Promote extensive public awareness, education, and
22 participation in Puget Sound protection and recovery;

23 (h) Work collaboratively with the Hood Canal coordinating council
24 established in chapter 90.88 RCW on Hood Canal-specific issues;

25 (i) Maintain complete and consolidated financial information to
26 ensure that all funds received and expended to implement the action
27 agenda have been accounted for; and

28 (j) Exercise such other powers and duties as are necessary and
29 appropriate to carry out the provisions of this chapter.

30 (2) The council may delegate functions to the chair and to the
31 executive director, however the council may not delegate its decisional
32 authority regarding developing or amending the action agenda.

33 (3) The council shall work closely with existing organizations and
34 all levels of government to ensure that the action agenda and its
35 implementation are scientifically sound, efficient, and achieve
36 necessary results to accomplish recovery of Puget Sound to health by
37 2020.

1 (4) The council shall support, engage, and foster collaboration
2 among watershed groups to assist in the recovery of Puget Sound.

3 (5) When working with federally recognized Indian tribes to develop
4 and implement the action agenda, the council shall conform to the
5 procedures and standards required in a government-to-governmental
6 relationship with tribes under the 1989 Centennial Accord between the
7 state of Washington and the sovereign tribal governments in the state
8 of Washington.

9 (6) Members of the council shall be compensated in accordance with
10 RCW 43.03.220 and be reimbursed for travel expenses in accordance with
11 RCW 43.03.050 and 43.03.060.

12 **Sec. 128.** RCW 90.71.240 and 2007 c 341 s 6 are each amended to
13 read as follows:

14 (1) The partnership shall be administered by an executive director
15 who serves as a communication link between all levels of government,
16 the private sector, tribes, nongovernmental organizations, the council,
17 (~~the board,~~) and the panel. The executive director shall be
18 accountable to the council and the governor for effective
19 communication, actions, and results.

20 (2) The executive director shall be appointed by and serve at the
21 pleasure of the governor, in consultation with the council. The
22 governor shall consider the recommendations of the council when
23 appointing the executive director.

24 (3) The executive director shall have complete charge of and
25 supervisory powers over the partnership, subject to the guidance from
26 the council.

27 (4) The executive director shall employ a staff, who shall be state
28 employees under Title 41 RCW.

29 (5) Upon approval of the council, the executive director may take
30 action to create a private nonprofit entity, which may take the form of
31 a nonprofit corporation, to assist the partnership in restoring Puget
32 Sound by:

33 (a) Raising money and other resources through charitable giving,
34 donations, and other appropriate mechanisms;

35 (b) Engaging and educating the public regarding Puget Sound's
36 health, including efforts and opportunities to restore Puget Sound
37 ecosystems; and

1 (c) Performing other similar activities as directed by the
2 partnership.

3 **Sec. 129.** RCW 90.71.270 and 2007 c 341 s 9 are each amended to
4 read as follows:

5 (1) The council shall appoint a nine-member Puget Sound science
6 panel to provide independent, nonrepresentational scientific advice to
7 the council and expertise in identifying environmental indicators and
8 benchmarks for incorporation into the action agenda.

9 (2) In establishing the panel, the council shall request the
10 Washington academy of sciences, created in chapter 70.220 RCW, to
11 nominate fifteen scientists with recognized expertise in fields of
12 science essential to the recovery of Puget Sound. Nominees should
13 reflect the full range of scientific and engineering disciplines
14 involved in Puget Sound recovery. At a minimum, the Washington academy
15 of sciences shall consider making nominations from scientists
16 associated with federal, state, and local agencies, tribes, the
17 business and environmental communities, and members of the K-12,
18 college, and university communities(~~(, and members of the board)~~). The
19 solicitation should be to all sectors, and candidates may be from all
20 public and private sectors. Persons nominated by the Washington
21 academy of sciences must disclose any potential conflicts of interest,
22 and any financial relationship with any leadership councilmember, and
23 disclose sources of current financial support and contracts relating to
24 Puget Sound recovery.

25 (3) The panel shall select a chair and a vice-chair. Panel members
26 shall serve four-year terms, except that the council shall determine
27 initial terms of two, three, and four years to provide for staggered
28 terms. The council shall determine reappointments and select
29 replacements or additional members of the panel. No panel member may
30 serve longer than twelve years.

31 (4) The executive director shall designate a lead staff scientist
32 to coordinate panel actions, and administrative staff to support panel
33 activities. The legislature intends to provide ongoing funding for
34 staffing of the panel to ensure that it has sufficient capacity to
35 provide independent scientific advice.

36 (5) The executive director of the partnership and the science panel
37 shall explore a shared state and federal responsibility for the

1 staffing and administration of the panel. In the event that a
2 federally sponsored Puget Sound recovery office is created, the council
3 may propose that such office provide for staffing and administration of
4 the panel.

5 (6) The panel shall assist the council in developing and revising
6 the action agenda, making recommendations to the action agenda, and
7 making recommendations to the council for updates or revisions.

8 (7) Members of the panel shall be reimbursed for travel expenses
9 under RCW 43.03.050 and 43.03.060, and based upon the availability of
10 funds, the council may contract with members of the panel for
11 compensation for their services under chapter 39.29 RCW. If appointees
12 to the panel are employed by the federal, state, tribal, or local
13 governments, the council may enter into interagency personnel
14 agreements.

15 **Sec. 130.** RCW 90.71.310 and 2008 c 329 s 926 are each amended to
16 read as follows:

17 (1) The council shall develop a science-based action agenda that
18 leads to the recovery of Puget Sound by 2020 and achievement of the
19 goals and objectives established in RCW 90.71.300. The action agenda
20 shall:

21 (a) Address all geographic areas of Puget Sound including upland
22 areas and tributary rivers and streams that affect Puget Sound;

23 (b) Describe the problems affecting Puget Sound's health using
24 supporting scientific data, and provide a summary of the historical
25 environmental health conditions of Puget Sound so as to determine past
26 levels of pollution and restorative actions that have established the
27 current health conditions of Puget Sound;

28 (c) Meet the goals and objectives described in RCW 90.71.300,
29 including measurable outcomes for each goal and objective specifically
30 describing what will be achieved, how it will be quantified, and how
31 progress towards outcomes will be measured. The action agenda shall
32 include near-term and long-term benchmarks designed to ensure
33 continuous progress needed to reach the goals, objectives, and
34 designated outcomes by 2020. The council shall consult with the panel
35 in developing these elements of the plan;

36 (d) Identify and prioritize the strategies and actions necessary to

1 restore and protect Puget Sound and to achieve the goals and objectives
2 described in RCW 90.71.300;

3 (e) Identify the agency, entity, or person responsible for
4 completing the necessary strategies and actions, and potential sources
5 of funding;

6 (f) Include prioritized actions identified through the assembled
7 proposals from each of the seven action areas and the identification
8 and assessment of ecosystem scale programs as provided in RCW
9 90.71.260;

10 (g) Include specific actions to address aquatic rehabilitation zone
11 one, as defined in RCW 90.88.010;

12 (h) Incorporate any additional goals adopted by the council; and

13 (i) Incorporate appropriate actions to carry out the biennial
14 science work plan created in RCW 90.71.290.

15 (2) In developing the action agenda and any subsequent revisions,
16 the council shall, when appropriate, incorporate the following:

17 (a) Water quality, water quantity, sediment quality, watershed,
18 marine resource, and habitat restoration plans created by governmental
19 agencies, watershed groups, and marine and shoreline groups(~~(.---The~~
20 ~~council shall consult with the board in incorporating these plans))~~);

21 (b) Recovery plans for salmon, orca, and other species in Puget
22 Sound listed under the federal endangered species act;

23 (c) Existing plans and agreements signed by the governor, the
24 commissioner of public lands, other state officials, or by federal
25 agencies;

26 (d) Appropriate portions of the Puget Sound water quality
27 management plan existing on July 1, 2007.

28 (3) Until the action agenda is adopted, the existing Puget Sound
29 management plan and the 2007-09 Puget Sound biennial plan shall remain
30 in effect. The existing Puget Sound management plan shall also
31 continue to serve as the comprehensive conservation and management plan
32 for the purposes of the national estuary program described in section
33 320 of the federal clean water act, until replaced by the action agenda
34 and approved by the United States environmental protection agency as
35 the new comprehensive conservation and management plan.

36 (4) The council shall adopt the action agenda by December 1, 2008.
37 The council shall revise the action agenda as needed, and revise the
38 implementation strategies every two years using an adaptive management

1 process informed by tracking actions and monitoring results in Puget
2 Sound. In revising the action agenda and the implementation
3 strategies, the council shall consult the panel (~~and the board~~) and
4 provide opportunity for public review and comment. Biennial updates
5 shall:

6 (a) Contain a detailed description of prioritized actions necessary
7 in the biennium to achieve the goals, objectives, outcomes, and
8 benchmarks of progress identified in the action agenda;

9 (b) Identify the agency, entity, or person responsible for
10 completing the necessary action; and

11 (c) Establish biennial benchmarks for near-term actions.

12 (5) The action agenda shall be organized and maintained in a single
13 document to facilitate public accessibility to the plan.

14 **Real Estate Appraiser Commission**

15 NEW SECTION. **Sec. 131.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 18.140.230 (Real estate appraiser commission--
18 Establishment--Composition) and 2005 c 339 s 19 & 2000 c 249 s 3;

19 (2) RCW 18.140.240 (Commission/members--Duties and
20 responsibilities) and 2000 c 249 s 4; and

21 (3) RCW 18.140.250 (Commission member's compensation) and 2000 c
22 249 s 5.

23 **Sec. 132.** RCW 18.140.010 and 2005 c 339 s 2 are each amended to
24 read as follows:

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

27 (1) "Appraisal" means the act or process of estimating value; an
28 estimate of value; or of or pertaining to appraising and related
29 functions.

30 (2) "Appraisal report" means any communication, written or oral, of
31 an appraisal, review, or consulting service in accordance with the
32 standards of professional conduct or practice, adopted by the director,
33 that is transmitted to the client upon completion of an assignment.

1 (3) "Appraisal assignment" means an engagement for which an
2 appraiser is employed or retained to act, or would be perceived by
3 third parties or the public as acting, as a disinterested third party
4 in rendering an unbiased analysis, opinion, or conclusion relating to
5 the value of specified interests in, or aspects of, identified real
6 estate. The term "appraisal assignment" may apply to valuation work
7 and analysis work.

8 (4) "Brokers price opinion" means an oral or written report of
9 property value that is prepared by a real estate broker or salesperson
10 licensed under chapter 18.85 RCW.

11 (5) "Client" means any party for whom an appraiser performs a
12 service.

13 ~~(6) ("Commission" means the real estate appraiser commission of
14 the state of Washington.~~

15 ~~(7))~~ "Comparative market analysis" means a brokers price opinion.

16 ~~((8))~~ (7) "Department" means the department of licensing.

17 ~~((9))~~ (8) "Director" means the director of the department of
18 licensing.

19 ~~((10))~~ (9) "Expert review appraiser" means a state-certified or
20 state-licensed real estate appraiser chosen by the director for the
21 purpose of providing appraisal review assistance to the director.

22 ~~((11))~~ (10) "Federal department" means an executive department of
23 the United States of America specifically concerned with housing
24 finance issues, such as the department of housing and urban
25 development, the department of veterans affairs, or their legal federal
26 successors.

27 ~~((12))~~ (11) "Federal financial institutions regulatory agency"
28 means the board of governors of the federal reserve system, the federal
29 deposit insurance corporation, the office of the comptroller of the
30 currency, the office of thrift supervision, the national credit union
31 administration, their successors and/or such other agencies as may be
32 named in future amendments to 12 U.S.C. Sec. 3350(6).

33 ~~((13))~~ (12) "Federal secondary mortgage marketing agency" means
34 the federal national mortgage association, the government national
35 mortgage association, the federal home loan mortgage corporation, their
36 successors and/or such other similarly functioning housing finance
37 agencies as may be federally chartered in the future.

1 ~~((14))~~ (13) "Federally related transaction" means any real
2 estate-related financial transaction that the federal financial
3 institutions regulatory agency or the resolution trust corporation
4 engages in, contracts for, or regulates; and that requires the services
5 of an appraiser.

6 ~~((15))~~ (14) "Financial institution" means any person doing
7 business under the laws of this state or the United States relating to
8 banks, bank holding companies, savings banks, trust companies, savings
9 and loan associations, credit unions, consumer loan companies, and the
10 affiliates, subsidiaries, and service corporations thereof.

11 ~~((16))~~ (15) "Mortgage broker" for the purpose of this chapter
12 means a mortgage broker licensed under chapter 19.146 RCW, any mortgage
13 broker approved and subject to audit by the federal national mortgage
14 association, the government national mortgage association, or the
15 federal home loan mortgage corporation as provided in RCW 19.146.020,
16 any mortgage broker approved by the United States secretary of housing
17 and urban development for participation in any mortgage insurance under
18 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,
19 subsidiaries, and service corporations thereof.

20 ~~((17))~~ (16) "Real estate" means an identified parcel or tract of
21 land, including improvements, if any.

22 ~~((18))~~ (17) "Real estate-related financial transaction" means any
23 transaction involving:

24 (a) The sale, lease, purchase, investment in, or exchange of real
25 property, including interests in property, or the financing thereof;

26 (b) The refinancing of real property or interests in real property;
27 and

28 (c) The use of real property or interests in property as security
29 for a loan or investment, including mortgage-backed securities.

30 ~~((19))~~ (18) "Real property" means one or more defined interests,
31 benefits, or rights inherent in the ownership of real estate.

32 ~~((20))~~ (19) "Review" means the act or process of critically
33 studying an appraisal report prepared by another.

34 ~~((21))~~ (20) "Specialized appraisal services" means all appraisal
35 services that do not fall within the definition of appraisal
36 assignment. The term "specialized appraisal service" may apply to
37 valuation work and to analysis work. Regardless of the intention of
38 the client or employer, if the appraiser would be perceived by third

1 parties or the public as acting as a disinterested third party in
2 rendering an unbiased analysis, opinion, or conclusion, the work is
3 classified as an appraisal assignment and not a specialized appraisal
4 service.

5 ~~((+22))~~ (21) "State-certified general real estate appraiser" means
6 a person certified by the director to develop and communicate real
7 estate appraisals of all types of property. A state-certified general
8 real estate appraiser may designate or identify an appraisal rendered
9 by him or her as a "certified appraisal."

10 ~~((+23))~~ (22) "State-certified residential real estate appraiser"
11 means a person certified by the director to develop and communicate
12 real estate appraisals of all types of residential property of one to
13 four units without regard to transaction value or complexity and
14 nonresidential property having a transaction value as specified in
15 rules adopted by the director. A state certified residential real
16 estate appraiser may designate or identify an appraisal rendered by him
17 or her as a "certified appraisal."

18 ~~((+24))~~ (23) "State-licensed real estate appraiser" means a person
19 licensed by the director to develop and communicate real estate
20 appraisals of noncomplex one to four residential units and complex one
21 to four residential units and nonresidential property having
22 transaction values as specified in rules adopted by the director.

23 ~~((+25))~~ (24) "State-registered appraiser trainee," "trainee," or
24 "trainee real estate appraiser" means a person registered by the
25 director under RCW 18.140.280 to develop and communicate real estate
26 appraisals under the immediate and personal direction of a state-
27 certified real estate appraiser. Appraisals are limited to those types
28 of properties that the supervisory appraiser is permitted by their
29 current credential, and that the supervisory appraiser is competent and
30 qualified to appraise. By signing the appraisal report, or being
31 identified in the certification or addenda as having lent significant
32 professional assistance, the state-registered appraiser trainee accepts
33 total and complete individual responsibility for all content, analyses,
34 and conclusions in the report.

35 ~~((+26))~~ (25) "Supervisory appraiser" means a person holding a
36 currently valid certificate issued by the director as a state-certified
37 real estate appraiser providing direct supervision to another state-
38 certified, state-licensed, or state-registered appraiser trainee. The

1 supervisory appraiser must be in good standing in each jurisdiction
2 that he or she is credentialed. The supervisory appraiser must sign
3 all appraisal reports. By signing the appraisal report, the
4 supervisory appraiser accepts full responsibility for all content,
5 analyses, and conclusions in the report.

6 **Sec. 133.** RCW 18.140.030 and 2005 c 339 s 4 are each amended to
7 read as follows:

8 The director shall have the following powers and duties:

9 (1) To adopt rules in accordance with chapter 34.05 RCW necessary
10 to implement this chapter and chapter 18.235 RCW(~~(, with the advice and~~
11 ~~approval of the commission))~~);

12 (2) To receive and approve or deny applications for certification
13 or licensure as a state-certified or state-licensed real estate
14 appraiser and for registration as a state-registered appraiser trainee
15 under this chapter; to establish appropriate administrative procedures
16 for the processing of such applications; to issue certificates,
17 licenses, or registrations to qualified applicants pursuant to the
18 provisions of this chapter; and to maintain a roster of the names and
19 addresses of individuals who are currently certified, licensed, or
20 registered under this chapter;

21 (~~(3) ((To provide administrative assistance to the members of and to~~
22 ~~keep records for the real estate appraiser commission;~~

23 ~~(4))~~) To solicit bids and enter into contracts with educational
24 testing services or organizations for the preparation of questions and
25 answers for certification or licensure examinations;

26 ~~((+5))~~ (4) To administer or contract for administration of
27 certification or licensure examinations at locations and times as may
28 be required to carry out the responsibilities under this chapter;

29 ~~((+6))~~ (5) To enter into contracts for professional services
30 determined to be necessary for adequate enforcement of this chapter;

31 ~~((+7) To consider recommendations by the real estate appraiser~~
32 ~~commission relating to the experience, education, and examination~~
33 ~~requirements for each classification of state-certified appraiser and~~
34 ~~for licensure;~~

35 ~~(8) To consider recommendations by the real estate appraiser~~
36 ~~commission relating to the educational requirements for the state-~~
37 ~~registered appraiser trainee classification;~~

1 ~~(9) To consider recommendations by the real estate appraiser~~
2 ~~commission relating to the maximum number of state-registered appraiser~~
3 ~~trainees that each supervisory appraiser will be permitted to~~
4 ~~supervise;~~

5 ~~(10) To consider recommendations by the real estate appraiser~~
6 ~~commission relating to continuing education requirements as a~~
7 ~~prerequisite to renewal of certification or licensure;~~

8 ~~(11) To consider recommendations by the real estate appraiser~~
9 ~~commission relating to standards of professional appraisal conduct or~~
10 ~~practice in the enforcement of this chapter;~~

11 ~~(12))~~ (6) To employ such professional, clerical, and technical
12 assistance as may be necessary to properly administer the work of the
13 director;

14 ~~((13))~~ (7) To establish forms necessary to administer this
15 chapter;

16 ~~((14))~~ (8) To establish an expert review appraiser roster
17 comprised of state-certified or licensed real estate appraisers whose
18 purpose is to assist the director by applying their individual
19 expertise by reviewing real estate appraisals for compliance with this
20 chapter. Qualifications to act as an expert review appraiser shall be
21 established by the director ~~((with the advice of the commission))~~. An
22 application to serve as an expert review appraiser shall be submitted
23 to the real estate appraiser program, and the roster of accepted expert
24 review appraisers shall be maintained by the department. An expert
25 review appraiser may be added to or deleted from that roster by the
26 director. The expert review appraiser shall be reimbursed for expenses
27 ~~((in the same manner as))~~ by the department ~~((reimburses the~~
28 ~~commission))~~; and

29 ~~((15))~~ (9) To do all other things necessary to carry out the
30 provisions of this chapter and minimally meet the requirements of
31 federal guidelines regarding state certification or licensure of
32 appraisers and registration of state-registered appraiser trainees that
33 the director determines are appropriate for state-certified and state-
34 licensed appraisers and state-registered appraiser trainees in this
35 state.

36 **Sec. 134.** RCW 18.140.160 and 2007 c 256 s 1 are each amended to
37 read as follows:

1 In addition to the unprofessional conduct described in RCW
2 18.235.130, the director may take disciplinary action for the following
3 conduct, acts, or conditions:

4 (1) Failing to meet the minimum qualifications for state
5 certification, licensure, or registration established by or pursuant to
6 this chapter;

7 (2) Paying money other than the fees provided for by this chapter
8 to any employee of the director (~~(or the commission)~~) to procure state
9 certification, licensure, or registration under this chapter;

10 (3) Continuing to act as a state-certified real estate appraiser,
11 state-licensed real estate appraiser, or state-registered appraiser
12 trainee when his or her certificate, license, or registration is on an
13 expired status;

14 (4) Violating any provision of this chapter or any lawful rule made
15 by the director pursuant thereto;

16 (5) Issuing an appraisal report on any real property in which the
17 appraiser has an interest unless his or her interest is clearly stated
18 in the appraisal report;

19 (6) Being affiliated as an employer, independent contractor, or
20 supervisory appraiser of a state-certified real estate appraiser,
21 state-licensed real estate appraiser, or state-registered appraiser
22 trainee whose certification, license, or registration is currently in
23 a suspended or revoked status;

24 (7) Failure or refusal without good cause to exercise reasonable
25 diligence in performing an appraisal practice under this chapter,
26 including preparing an oral or written report to communicate
27 information concerning an appraisal practice; and

28 (8) Negligence or incompetence in performing an appraisal practice
29 under this chapter, including preparing an oral or written report to
30 communicate information concerning an appraisal practice.

31 **Sec. 135.** RCW 18.140.170 and 2005 c 339 s 15 are each amended to
32 read as follows:

33 The director may investigate the actions of a state-certified or
34 state-licensed real estate appraiser or a state-registered appraiser
35 trainee or an applicant for certification, licensure, or registration
36 or recertification, relicensure, or reregistration. Upon receipt of
37 information indicating that a state-certified or state-licensed real

1 estate appraiser or state-registered appraiser trainee under this
2 chapter may have violated this chapter, the director may cause one or
3 more of the staff investigators to make an investigation of the facts
4 to determine whether or not there is admissible evidence of any such
5 violation. (~~(If technical assistance is required, a staff investigator~~
6 ~~may consult with one or more of the members of the commission.))~~)

7 **Regional Fisheries Enhancement Group Advisory Board**

8 NEW SECTION. **Sec. 136.** The following acts or parts of acts are
9 each repealed:

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

12 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
13 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
14 1995 c 367 s 6.

15 **Sec. 137.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
16 read as follows:

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

22 **Sec. 138.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to
23 read as follows:

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

1 that the barrier removal projects have been identified as a priority by
2 the department of fish and wildlife and the department of
3 transportation has received an appropriation to continue the fish
4 barrier removal program.

5 **Sec. 139.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to
6 read as follows:

7 The department shall ~~((coordinate with the regional fisheries~~
8 ~~enhancement group advisory board to))~~ field test coho and chinook
9 salmon remote site incubators. The purpose of field testing efforts
10 shall be to gather conclusive scientific data on the effectiveness of
11 coho and chinook remote site incubators.

12 **Revenue-Simplified Sales and Use Tax Admin Advisory Group**

13 **Sec. 140.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to
14 read as follows:

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

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

1 **State Solid Waste Advisory Committee**

2 NEW SECTION. **Sec. 141.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 70.95.040 (Solid waste advisory committee--Members--
5 Meetings--Travel expenses--"Governor's award of excellence.") and 1991
6 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

7 (2) RCW 70.95.050 (Solid waste advisory committee--Staff services
8 and facilities) and 1969 ex.s. c 134 s 5;

9 (3) RCW 70.95.070 (Review of standards prior to adoption--
10 Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s.
11 c 41 s 4 & 1969 ex.s. c 134 s 7; and

12 (4) RCW 70.105.060 (Review of rules, regulations, criteria and fee
13 schedules) and 1975-'76 2nd ex.s. c 101 s 6.

14 **Sec. 142.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to
15 read as follows:

16 As used in this chapter, unless the context indicates otherwise:

17 (1) "City" means every incorporated city and town.

18 (2) "Commission" means the utilities and transportation commission.

19 (3) (~~"Committee" means the state solid waste advisory committee.~~

20 ~~(4)~~) "Composted material" means organic solid waste that has been
21 subjected to controlled aerobic degradation at a solid waste facility
22 in compliance with the requirements of this chapter. Natural decay of
23 organic solid waste under uncontrolled conditions does not result in
24 composted material.

25 ~~((+5))~~ (4) "Department" means the department of ecology.

26 ~~((+6))~~ (5) "Director" means the director of the department of
27 ecology.

28 ~~((+7))~~ (6) "Disposal site" means the location where any final
29 treatment, utilization, processing, or deposit of solid waste occurs.

30 ~~((+8))~~ (7) "Energy recovery" means a process operating under
31 federal and state environmental laws and regulations for converting
32 solid waste into usable energy and for reducing the volume of solid
33 waste.

34 ~~((+9))~~ (8) "Functional standards" means criteria for solid waste
35 handling expressed in terms of expected performance or solid waste
36 handling functions.

1 ~~((+10+))~~ (9) "Incineration" means a process of reducing the volume
2 of solid waste operating under federal and state environmental laws and
3 regulations by use of an enclosed device using controlled flame
4 combustion.

5 ~~((+11+))~~ (10) "Inert waste landfill" means a landfill that receives
6 only inert waste, as determined under RCW 70.95.065, and includes
7 facilities that use inert wastes as a component of fill.

8 ~~((+12+))~~ (11) "Jurisdictional health department" means city,
9 county, city-county, or district public health department.

10 ~~((+13+))~~ (12) "Landfill" means a disposal facility or part of a
11 facility at which solid waste is placed in or on land and which is not
12 a land treatment facility.

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

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

18 ~~((+16+))~~ (15) "Multiple family residence" means any structure
19 housing two or more dwelling units.

20 ~~((+17+))~~ (16) "Person" means individual, firm, association,
21 copartnership, political subdivision, government agency, municipality,
22 industry, public or private corporation, or any other entity
23 whatsoever.

24 ~~((+18+))~~ (17) "Recyclable materials" means those solid wastes that
25 are separated for recycling or reuse, such as papers, metals, and
26 glass, that are identified as recyclable material pursuant to a local
27 comprehensive solid waste plan. Prior to the adoption of the local
28 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
29 local governments may identify recyclable materials by ordinance from
30 July 23, 1989.

31 ~~((+19+))~~ (18) "Recycling" means transforming or remanufacturing
32 waste materials into usable or marketable materials for use other than
33 landfill disposal or incineration.

34 ~~((+20+))~~ (19) "Residence" means the regular dwelling place of an
35 individual or individuals.

36 ~~((+21+))~~ (20) "Sewage sludge" means a semisolid substance
37 consisting of settled sewage solids combined with varying amounts of

1 water and dissolved materials, generated from a wastewater treatment
2 system, that does not meet the requirements of chapter 70.95J RCW.

3 ((+22+)) (21) "Soil amendment" means any substance that is intended
4 to improve the physical characteristics of the soil, except composted
5 material, commercial fertilizers, agricultural liming agents,
6 unmanipulated animal manures, unmanipulated vegetable manures, food
7 wastes, food processing wastes, and materials exempted by rule of the
8 department, such as biosolids as defined in chapter 70.95J RCW and
9 wastewater as regulated in chapter 90.48 RCW.

10 ((+23+)) (22) "Solid waste" or "wastes" means all putrescible and
11 nonputrescible solid and semisolid wastes including, but not limited
12 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
13 demolition and construction wastes, abandoned vehicles or parts
14 thereof, and recyclable materials.

15 ((+24+)) (23) "Solid waste handling" means the management, storage,
16 collection, transportation, treatment, utilization, processing, and
17 final disposal of solid wastes, including the recovery and recycling of
18 materials from solid wastes, the recovery of energy resources from
19 solid wastes or the conversion of the energy in solid wastes to more
20 useful forms or combinations thereof.

21 ((+25+)) (24) "Source separation" means the separation of different
22 kinds of solid waste at the place where the waste originates.

23 ((+26+)) (25) "Vehicle" includes every device physically capable of
24 being moved upon a public or private highway, road, street, or
25 watercourse and in, upon, or by which any person or property is or may
26 be transported or drawn upon a public or private highway, road, street,
27 or watercourse, except devices moved by human or animal power or used
28 exclusively upon stationary rails or tracks.

29 ((+27+)) (26) "Waste-derived soil amendment" means any soil
30 amendment as defined in this chapter that is derived from solid waste
31 as defined in ((~~RCW 70.95.030~~)) this section, but does not include
32 biosolids or biosolids products regulated under chapter 70.95J RCW or
33 wastewaters regulated under chapter 90.48 RCW.

34 ((+28+)) (27) "Waste reduction" means reducing the amount or
35 toxicity of waste generated or reusing materials.

36 ((+29+)) (28) "Yard debris" means plant material commonly created
37 in the course of maintaining yards and gardens, and through
38 horticulture, gardening, landscaping, or similar activities. Yard

1 debris includes but is not limited to grass clippings, leaves,
2 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
3 garden debris, holiday trees, and tree prunings four inches or less in
4 diameter.

5 **Sec. 143.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
6 read as follows:

7 (1) The department of ecology shall develop and implement an
8 environmental excellence awards program that recognizes products that
9 are produced, labeled, or packaged in a manner that helps ensure
10 environmental protection. The award shall be in recognition of
11 products that are made from recycled materials, easy to recycle,
12 substitute for more hazardous products, or otherwise help protect the
13 environment. Application for the award shall be voluntary. The awards
14 may be made in a variety of product categories including, but not
15 limited to:

- 16 (a) Paint products;
- 17 (b) Cleaning products;
- 18 (c) Pest control products;
- 19 (d) Automotive, marine, and related maintenance products;
- 20 (e) Hobby and recreation products; and
- 21 (f) Any other product available for retail or wholesale sale.

22 ~~(2) ((The state solid waste advisory committee shall establish an
23 environmental excellence product award subcommittee to develop and
24 recommend criteria for awarding environmental excellence awards for
25 products. The subcommittee shall also review award applications and
26 make recommendations to the department. The subcommittee shall consist
27 of equal representation of: (a) Product manufacturing or other
28 business representatives; (b) environmental representatives; (c) labor
29 or consumer representatives; and (d) independent technical experts.
30 Members of the subcommittee need not necessarily be regular members of
31 the state solid waste advisory committee.~~

32 ~~(3))~~ Products receiving an environmental excellence award pursuant
33 to this section shall be entitled to display a logo or other symbol
34 developed by the department to signify the award. Awards shall be
35 given each year to as many products as qualify. The award logo may be
36 displayed for a period to be determined by the department.

1 **Sec. 144.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to
2 read as follows:

3 The words and phrases defined in this section shall have the
4 meanings indicated when used in this chapter unless the context clearly
5 requires otherwise.

6 (1) "Department" means the department of ecology.

7 (2) "Director" means the director of the department of ecology or
8 the director's designee.

9 (3) "Disposal site" means a geographical site in or upon which
10 hazardous wastes are disposed of in accordance with the provisions of
11 this chapter.

12 (4) "Dispose or disposal" means the discarding or abandoning of
13 hazardous wastes or the treatment, decontamination, or recycling of
14 such wastes once they have been discarded or abandoned.

15 (5) "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 (6) "Extremely hazardous waste" means any dangerous waste which

27 (a) will persist in a hazardous form for several years or more at
28 a disposal site and which in its persistent form

29 (i) presents a significant environmental hazard and may be
30 concentrated by living organisms through a food chain or may affect the
31 genetic make-up of man or wildlife, and

32 (ii) is highly toxic to man or wildlife

33 (b) if disposed of at a disposal site in such quantities as would
34 present an extreme hazard to man or the environment.

35 (7) "Person" means any person, firm, association, county, public or
36 municipal or private corporation, agency, or other entity whatsoever.

37 (8) "Pesticide" shall have the meaning of the term as defined in
38 RCW 15.58.030 as now or hereafter amended.

1 (9) (~~"Solid waste advisory committee" means the same advisory~~
2 ~~committee as per RCW 70.95.040 through 70.95.070.~~

3 ~~(10))~~ (10) "Designated zone facility" means any facility that requires
4 an interim or final status permit under rules adopted under this
5 chapter and that is not a preempted facility as defined in this
6 section.

7 ~~((11))~~ (11) "Facility" means all contiguous land and structures,
8 other appurtenances, and improvements on the land used for recycling,
9 storing, treating, incinerating, or disposing of hazardous waste.

10 ~~((12))~~ (12) "Preempted facility" means any facility that includes
11 as a significant part of its activities any of the following
12 operations: (a) Landfill, (b) incineration, (c) land treatment, (d)
13 surface impoundment to be closed as a landfill, or (e) waste pile to be
14 closed as a landfill.

15 ~~((13))~~ (13) "Hazardous household substances" means those
16 substances identified by the department as hazardous household
17 substances in the guidelines developed under RCW 70.105.220.

18 ~~((14))~~ (14) "Hazardous substances" means any liquid, solid, gas,
19 or sludge, including any material, substance, product, commodity, or
20 waste, regardless of quantity, that exhibits any of the characteristics
21 or criteria of hazardous waste as described in rules adopted under this
22 chapter.

23 ~~((15))~~ (15) "Hazardous waste" means and includes all dangerous
24 and extremely hazardous waste, including substances composed of both
25 radioactive and hazardous components.

26 ~~((16))~~ (16) "Local government" means a city, town, or county.

27 ~~((17))~~ (17) "Moderate-risk waste" means (a) any waste that
28 exhibits any of the properties of hazardous waste but is exempt from
29 regulation under this chapter solely because the waste is generated in
30 quantities below the threshold for regulation, and (b) any household
31 wastes which are generated from the disposal of substances identified
32 by the department as hazardous household substances.

33 ~~((18))~~ (18) "Service charge" means an assessment imposed under
34 RCW 70.105.280 against those facilities that store, treat, incinerate,
35 or dispose of dangerous or extremely hazardous waste that contains both
36 a nonradioactive hazardous component and a radioactive component.
37 Service charges shall also apply to facilities undergoing closure under
38 this chapter in those instances where closure entails the physical

1 characterization of remaining wastes which contain both a
2 nonradioactive hazardous component and a radioactive component or the
3 management of such wastes through treatment or removal, except any
4 commercial low-level radioactive waste facility.

5 **Sec. 145.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
6 read as follows:

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

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

27 **Unemployment Insurance State Advisory Council**

28 NEW SECTION. **Sec. 146.** RCW 50.12.200 (State advisory council--
29 Committees and councils) and 1982 1st ex.s. c 18 s 1, 1975-'76 2nd
30 ex.s. c 34 s 149, 1953 ex.s. c 8 s 4, 1947 c 215 s 12, & 1945 c 35 s 59
31 are each repealed.

1 **Water Supply Advisory Committee**

2 NEW SECTION. **Sec. 147.** RCW 70.119A.160 (Water supply advisory
3 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

4 **Sec. 148.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each
5 amended to read as follows:

6 (1) It is the intent of the legislature that the department
7 establish water use efficiency requirements designed to ensure
8 efficient use of water while maintaining water system financial
9 viability, improving affordability of supplies, and enhancing system
10 reliability.

11 (2) The requirements of this section shall apply to all municipal
12 water suppliers and shall be tailored to be appropriate to system size,
13 forecasted system demand, and system supply characteristics.

14 (3) For the purposes of this section:

15 (a) Water use efficiency includes conservation planning
16 requirements, water distribution system leakage standards, and water
17 conservation performance reporting requirements; and

18 (b) "Municipal water supplier" and "municipal water supply
19 purposes" have the meanings provided by RCW 90.03.015.

20 (4) To accomplish the purposes of this section, the department
21 shall adopt rules necessary to implement this section by December 31,
22 2005. The department shall:

23 (a) Develop conservation planning requirements that ensure
24 municipal water suppliers are: (i) Implementing programs to integrate
25 conservation with water system operation and management; and (ii)
26 identifying how to appropriately fund and implement conservation
27 activities. Requirements shall apply to the conservation element of
28 water system plans and small water system management programs developed
29 pursuant to chapter 43.20 RCW. In establishing the conservation
30 planning requirements the department shall review the current
31 department conservation planning guidelines and include those elements
32 that are appropriate for rule. Conservation planning requirements
33 shall include but not be limited to:

34 (A) Selection of cost-effective measures to achieve a system's
35 water conservation objectives. Requirements shall allow the municipal
36 water supplier to select and schedule implementation of the best
37 methods for achieving its conservation objectives;

1 (B) Evaluation of the feasibility of adopting and implementing
2 water delivery rate structures that encourage water conservation;

3 (C) Evaluation of each system's water distribution system leakage
4 and, if necessary, identification of steps necessary for achieving
5 water distribution system leakage standards developed under (b) of this
6 subsection;

7 (D) Collection and reporting of water consumption and source
8 production and/or water purchase data. Data collection and reporting
9 requirements shall be sufficient to identify water use patterns among
10 utility customer classes, where applicable, and evaluate the
11 effectiveness of each system's conservation program. Requirements,
12 including reporting frequency, shall be appropriate to system size and
13 complexity. Reports shall be available to the public; and

14 (E) Establishment of minimum requirements for water demand forecast
15 methodologies such that demand forecasts prepared by municipal water
16 suppliers are sufficient for use in determining reasonably anticipated
17 future water needs;

18 (b) Develop water distribution system leakage standards to ensure
19 that municipal water suppliers are taking appropriate steps to reduce
20 water system leakage rates or are maintaining their water distribution
21 systems in a condition that results in leakage rates in compliance with
22 the standards. Limits shall be developed in terms of percentage of
23 total water produced and/or purchased and shall not be lower than ten
24 percent. The department may consider alternatives to the percentage of
25 total water supplied where alternatives provide a better evaluation of
26 the water system's leakage performance. The department shall institute
27 a graduated system of requirements based on levels of water system
28 leakage. A municipal water supplier shall select one or more control
29 methods appropriate for addressing leakage in its water system;

30 (c) Establish minimum requirements for water conservation
31 performance reporting to assure that municipal water suppliers are
32 regularly evaluating and reporting their water conservation
33 performance. The objective of setting conservation goals is to enhance
34 the efficient use of water by the water system customers. Performance
35 reporting shall include:

36 (i) Requirements that municipal water suppliers adopt and achieve
37 water conservation goals. The elected governing board or governing
38 body of the water system shall set water conservation goals for the

1 system. In setting water conservation goals the water supplier may
2 consider historic conservation performance and conservation investment,
3 customer base demographics, regional climate variations, forecasted
4 demand and system supply characteristics, system financial viability,
5 system reliability, and affordability of water rates. Conservation
6 goals shall be established by the municipal water supplier in an open
7 public forum;

8 (ii) Requirements that the municipal water supplier adopt schedules
9 for implementing conservation program elements and achieving
10 conservation goals to ensure that progress is being made toward adopted
11 conservation goals;

12 (iii) A reporting system for regular reviews of conservation
13 performance against adopted goals. Performance reports shall be
14 available to customers and the public. Requirements, including
15 reporting frequency, shall be appropriate to system size and
16 complexity;

17 (iv) Requirements that any system not meeting its water
18 conservation goals shall develop a plan for modifying its conservation
19 program to achieve its goals along with procedures for reporting
20 performance to the department;

21 (v) If a municipal water supplier determines that further
22 reductions in consumption are not reasonably achievable, it shall
23 identify how current consumption levels will be maintained;

24 (d) Adopt rules that, to the maximum extent practical, utilize
25 existing mechanisms and simplified procedures in order to minimize the
26 cost and complexity of implementation and to avoid placing unreasonable
27 financial burden on smaller municipal systems.

28 ~~(5) ((The department shall establish an advisory committee to
29 assist the department in developing rules for water use efficiency.
30 The advisory committee shall include representatives from public water
31 system customers, environmental interest groups, business interest
32 groups, a representative cross section of municipal water suppliers, a
33 water utility conservation professional, tribal governments, the
34 department of ecology, and any other members determined necessary by
35 the department. The department may use the water supply advisory
36 committee created pursuant to RCW 70.119A.160 augmented with additional
37 participants as necessary to comply with this subsection to assist the
38 department in developing rules.~~

1 ~~(6)~~) The department shall provide technical assistance upon
2 request to municipal water suppliers and local governments regarding
3 water conservation, which may include development of best management
4 practices for water conservation programs, conservation landscape
5 ordinances, conservation rate structures for public water systems, and
6 general public education programs on water conservation.

7 ~~((7))~~ (6) To ensure compliance with this section, the department
8 shall establish a compliance process that incorporates a graduated
9 approach employing the full range of compliance mechanisms available to
10 the department.

11 ~~((8))~~ (7) Prior to completion of rule making required in
12 subsection (4) of this section, municipal water suppliers shall
13 continue to meet the existing conservation requirements of the
14 department and shall continue to implement their current water
15 conservation programs.

16 **Sec. 149.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
17 as follows:

18 (1) The joint legislative committee on water supply during drought
19 shall convene from time to time at the call of the chair when a drought
20 conditions order under RCW 43.83B.405 is in effect, or when the chair
21 determines, in consultation with the department of ecology, that it is
22 likely that such an order will be issued within the next year.

23 (2) The committee may request and review information relating to
24 water supply conditions in the state, and economic, environmental, and
25 other impacts relating to decreased water supply being experienced or
26 anticipated. The governor's executive water emergency committee, the
27 department of ecology, ~~((the water supply advisory committee,))~~ and
28 other state agencies with water management or related responsibilities
29 shall cooperate in responding to requests from the committee.

30 (3) During drought conditions in which an order issued under RCW
31 43.83B.405 is in effect, the department of ecology shall provide to the
32 committee no less than monthly a report describing drought response
33 activities of the department and other state and federal agencies
34 participating on the water supply availability committee. The report
35 shall include information regarding applications for, and approvals and
36 denials of emergency water withdrawals and temporary changes or
37 transfers of, water rights under RCW 43.83B.410.

1 (4) The committee from time to time shall make recommendations to
2 the senate and house of representatives on budgetary and legislative
3 actions that will improve the state's drought response programs and
4 planning.

5 **Well Drilling Technical Advisory Group**

6 NEW SECTION. **Sec. 150.** RCW 18.104.190 (Technical advisory group)
7 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

8 **Sec. 151.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to
9 read as follows:

10 The department shall have the power:

11 (1) To issue, deny, suspend or revoke licenses pursuant to the
12 provisions of this chapter;

13 (2) At all reasonable times, to enter upon lands for the purpose of
14 inspecting, taking measurements from, or tagging any well, constructed
15 or being constructed;

16 (3) To call upon or receive professional or technical advice from
17 the department of health(~~(, the technical advisory group created in RCW~~
18 ~~18.104.190,)) or any other public agency or person;~~

19 (4) To adopt rules, in consultation with the department of health
20 (~~and the technical advisory group created in RCW 18.104.190, governing~~
21 ~~licensing and well construction)), as may be appropriate to carry out
22 the purposes of this chapter. The rules adopted by the department may
23 include, but are not limited to:~~

24 (a) Standards for the construction and maintenance of wells and
25 their casings;

26 (b) Methods of capping, sealing, and decommissioning wells to
27 prevent contamination of groundwater resources and to protect public
28 health and safety;

29 (c) Methods of artificial recharge of groundwater bodies and of
30 construction of wells which insure separation of individual water
31 bearing formations;

32 (d) The manner of conducting and the content of examinations
33 required to be taken by applicants for license hereunder;

1 (e) Requirements for the filing of notices of intent, well reports,
2 and the payment of fees;

3 (f) Reporting requirements of well contractors;

4 (g) Limitations on well construction in areas identified by the
5 department as requiring intensive control of withdrawals in the
6 interests of sound management of the groundwater resource;

7 (5) To require the operator in the construction of a well and the
8 property owner in the maintenance of a well to guard against waste and
9 contamination of the groundwater resources;

10 (6) To require the operator to place a well identification tag on
11 a new well and on an existing well on which work is performed after the
12 effective date of rules requiring well identification tags and to place
13 or require the owner to place a well identification tag on an existing
14 well;

15 (7) To require the well owner to repair or decommission any well:

16 (a) That is abandoned, unusable, or not intended for future use; or

17 (b) That is an environmental, safety, or public health hazard.

18 **Sec. 152.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to
19 read as follows:

20 (1) If requested in writing by the governing body of a local health
21 district or county, the department by memorandum of agreement may
22 delegate to the governing body the authority to administer and enforce
23 the well tagging, sealing, and decommissioning portions of the water
24 well construction program.

25 (2) The department shall determine whether a local health district
26 or county that seeks delegation under this section has the resources,
27 capability, and expertise, including qualified field inspectors, to
28 administer the delegated program. If the department determines the
29 local government has these resources, it shall notify well contractors
30 and operators of the proposal. The department shall accept written
31 comments on the proposal for sixty days after the notice is mailed.

32 (3) If the department determines that a delegation of authority to
33 a local health district or county to administer and enforce the well
34 sealing and decommissioning portions of the water well construction
35 program will enhance the public health and safety and the environment,
36 the department and the local governing body may enter into a memorandum
37 of agreement setting forth the specific authorities delegated by the

1 department to the local governing body. The memorandum of agreement
2 must be, at a minimum, reviewed annually. The department(~~(, in~~
3 ~~consultation with the technical advisory group, created under RCW~~
4 ~~18.104.190,)) shall adopt rules outlining the annual review and~~
5 reporting process. A detailed summary of the review must be made
6 available to well contractors and operators upon request and be
7 published on the department's web site.

8 (4) With regard to the portions of the water well construction
9 program delegated under this section, the local governing agency shall
10 exercise only the authority delegated to it under this section. If,
11 after a public hearing, the department determines that a local
12 governing body is not administering the program in accordance with this
13 chapter, it shall notify the local governing body of the deficiencies.
14 If corrective action is not taken within a reasonable time, not to
15 exceed sixty days, the department by order shall withdraw the
16 delegation of authority.

17 (5) The department shall promptly furnish the local governing body
18 with a copy of each water well report and notification of start cards
19 received in the area covered by a delegated program.

20 (6) The department and the local governing body shall coordinate to
21 reduce duplication of effort and shall share all appropriate
22 information including technical reports, violations, and well reports.

23 (7) Any person aggrieved by a decision of a local health district
24 or county under a delegated program may appeal the decision to the
25 department. The department's decision is subject to review by the
26 pollution control hearings board as provided in RCW 43.21B.110.

27 (8) The department shall not delegate the authority to license well
28 contractors, renew licenses, receive notices of intent to commence
29 constructing a well, receive well reports, or collect state fees
30 provided for in this chapter.

31 **Sec. 153.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to
32 read as follows:

33 The department by rule shall adopt procedures to permit a well
34 operator to modify construction standards to meet unforeseen
35 circumstances encountered during the construction of a well. (~~The~~
36 ~~procedures shall be developed in consultation with the technical~~
37 ~~advisory group established in RCW 18.104.190.))~~

1 **Sec. 154.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to
2 read as follows:

3 (1) Licenses issued pursuant to this chapter shall be renewed every
4 two years. A license shall be renewed upon payment of a renewal fee
5 and completion of continuing education requirements and receipt of a
6 completed license renewal application. If a licensee fails to submit
7 an application for renewal, the renewal fee, and proof of completion of
8 the required continuing education, the license shall be suspended at
9 the end of its effective term. The licensee is not allowed to perform
10 work authorized by their license during the time that it is suspended.
11 The licensee is allowed thirty days to submit an application for
12 renewal, the renewal fee, and proof of completion of the required
13 continuing education for the renewal period. Continuing education
14 obtained during the thirty-day suspension period may be applied only to
15 the next renewal period. If a licensee fails to submit an application
16 for renewal, the renewal fee, and proof of completion of the required
17 continuing education by the end of the thirty-day suspension period,
18 the license expires. The department shall adopt rules(~~(, in~~
19 ~~consultation with the technical advisory group created under RCW~~
20 ~~18.104.190,)~~) that allow for an extension of the thirty-day suspension
21 period for certain situations that are beyond the control of the
22 licensee. The rules must also allow for a retirement or inactive
23 license.

24 (2) A person whose license has expired must apply for a new license
25 as provided in this chapter. The department may waive the requirement
26 for a written examination and on-site testing for a person whose
27 license has expired.

28 (3) The department may refuse to renew a license if the licensee
29 has not complied with an order issued by the department or has not paid
30 a penalty imposed in accordance with this chapter, unless the order or
31 penalty is under appeal.

32 (4) The department may issue a conditional license to enable a
33 former licensee to comply with an order to correct problems with a
34 well.

35 **Sec. 155.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to
36 read as follows:

37 (1) A person seeking a new license or to renew an existing license

1 under this chapter must demonstrate a willingness to maintain a high
2 level of professional competency by completing continuing education
3 programs as required by the department by rule. The department shall
4 not approve any continuing education program unless: (a) It is offered
5 by an approved provider; (b) it is open to all persons licensed or
6 pursuing a license under this chapter; and (c) the fees charged are
7 reasonable for all persons desiring to attend the program.

8 (2) The department(~~(, in consultation with the technical advisory~~
9 ~~group created in RCW 18.104.190,)~~) shall adopt rules governing
10 continuing education programs. At a minimum, the rules must establish:
11 A method of approving providers of continuing education; a criteria to
12 evaluate the offerings, workshops, courses, classes, or programs; a
13 criteria for assigning credits; and a criteria for reporting and
14 verifying completion.

15 (3) The department shall support approved providers by providing,
16 upon request and at the department's discretion, technical assistance
17 and presenters for continuing education offerings.

18 (4) The department shall maintain a current list of all continuing
19 education offerings by approved providers and ensure that the list is
20 available to all licensees by request. The list must also be posted on
21 the department's web site.

22 **Workforce Training Customer Advisory Committee**

23 **Sec. 156.** RCW 28C.04.390 and 1999 c 121 s 1 are each amended to
24 read as follows:

25 (1) The college board worker retraining program funds shall be used
26 for training programs and related support services, including financial
27 aid, counseling, referral to training resources, job referral, and job
28 development that:

29 (a) Are consistent with the unified plan for workforce development;

30 (b) Provide increased enrollments for dislocated workers;

31 (c) Provide customized training opportunities for dislocated
32 workers; and

1 (d) Provide increased enrollments and support services, including
2 financial aid for those students not receiving unemployment insurance
3 benefits, that do not replace or supplant any existing enrollments,
4 programs, support services, or funding sources.

5 (2) The college board shall develop a plan for use of the worker
6 retraining program funds (~~(in conjunction with the workforce training~~
7 ~~customer advisory committee established in subsection (3) of this~~
8 ~~section)~~). In developing the plan the college board shall:

9 (a) Provide that applicants for worker retraining program funds
10 shall solicit financial support for training programs and give priority
11 in receipt of funds to those applicants which are most successful in
12 matching public dollars with financial support;

13 (b) Provide that applicants for worker retraining program funds
14 shall develop training programs in partnership with local businesses,
15 industry associations, labor, and other partners as appropriate and
16 give priority in receipt of funds to those applicants who develop
17 customized training programs in partnership with local businesses,
18 industry associations, and labor organizations;

19 (c) Give priority in receipt of funds to those applicants serving
20 rural areas;

21 (d) Ensure that applicants receiving worker retraining program
22 funds gather information from local workforce development councils on
23 employer workforce needs, including the needs of businesses with less
24 than twenty-five employees; and

25 (e) Provide for specialized vocational training at a private career
26 school or college at the request of a recipient eligible under
27 subsection (1)(b) of this section. Available tuition for the training
28 is limited to the amount that would otherwise be payable per enrolled
29 quarter to a public institution.

30 (~~(3) The executive director of the college board shall appoint a~~
31 ~~workforce training customer advisory committee by July 1, 1999, to:~~

32 ~~(a) Assist in the development of the plan for the use of the~~
33 ~~college board worker retraining program funds and recommend guidelines~~
34 ~~to the college board for the operation of worker retraining programs;~~

35 ~~(b) Recommend selection criteria for worker retraining programs and~~
36 ~~grant applicants for receipt of worker retraining program grants;~~

37 ~~(c) Provide advice to the college board on other workforce~~
38 ~~development activities of the community and technical colleges;~~

1 ~~(d) Recommend selection criteria for job skills grants, consistent~~
2 ~~with criteria established in this chapter and chapter 121, Laws of~~
3 ~~1999. Such criteria shall include a prioritization of job skills~~
4 ~~applicants in rural areas;~~

5 ~~(e) Recommend guidelines to the college board for the operation of~~
6 ~~the job skills program; and~~

7 ~~(f) Recommend grant applicants for receipt of job skills program~~
8 ~~grants.~~

9 ~~(4) Members of the workforce training customer advisory committee~~
10 ~~shall consist of three college system representatives selected by the~~
11 ~~executive director of the college board, three representatives of~~
12 ~~business selected from nominations provided by statewide business~~
13 ~~organizations, and three representatives of labor selected from~~
14 ~~nominations provided by a statewide labor organization representing a~~
15 ~~cross section of workers in the state.))~~

16 **Sec. 157.** RCW 28C.04.420 and 1999 c 121 s 3 are each amended to
17 read as follows:

18 The college board may, subject to appropriation from the
19 legislature or from funds made available from any other public or
20 private source and pursuant to rules adopted by the college board
21 ~~((with the advice of the workforce training customer advisory committee~~
22 ~~established in RCW 28C.04.390))~~, provide job skills grants to
23 educational institutions. The job skills grants shall be used
24 exclusively for programs which are consistent with the job skills
25 program. The college board shall work ~~((in collaboration with the~~
26 ~~workforce training customer advisory committee established in RCW~~
27 ~~28C.04.390))~~ to assure that:

28 (1) The program is within the scope of the job skills program under
29 this chapter and may reasonably be expected to succeed and thereby
30 increase employment within the state;

31 (2) Provision has been made to use any available alternative
32 funding from local, state, and federal sources;

33 (3) The job skills grant will only be used to cover the costs
34 associated with the program;

35 (4) The program will not unnecessarily duplicate existing programs
36 and could not be provided by another educational institution more
37 effectively or efficiently;

1 (5) The program involves an area of skills training and education
2 for which there is a demonstrable need;

3 (6) The applicant has made provisions for the use of existing
4 federal and state resources for student financial assistance;

5 (7) The job skills grant is essential to the success of the program
6 as the resources of the applicant are inadequate to attract the
7 technical assistance and financial support necessary for the program
8 from business and industry;

9 (8) The program represents a collaborative partnership between
10 business, industry, labor, educational institutions, and other
11 partners, as appropriate;

12 (9) The commitment of financial support from business and industry
13 shall be equal to or greater than the amount of the requested job
14 skills grant;

15 (10) Binding commitments have been made to the commission by the
16 applicant for adequate reporting of information and data regarding the
17 program to the commission, particularly information concerning the
18 recruitment and employment of trainees and students, and including a
19 requirement for an annual or other periodic audit of the books of the
20 applicant directly related to the program, and for such control on the
21 part of the commission as it considers prudent over the management of
22 the program, so as to protect the use of public funds, including, in
23 the discretion of the commission and without limitation, right of
24 access to financial and other records of the applicant directly related
25 to the programs; and

26 (11) A provision has been made by the applicant to work, in
27 cooperation with the employment security department, to identify and
28 screen potential trainees, and that provision has been made by the
29 applicant for the participation as trainees of low-income persons
30 including temporary assistance for needy families recipients,
31 dislocated workers, and persons from minority and economically
32 disadvantaged groups to participate in the program.

33 Beginning October 1, 1999, and every two years thereafter, the
34 college board shall provide the legislature and the governor with a
35 report describing the activities and outcomes of the state job skills
36 program.

1 **Lieutenant Governor Appointments and Assignments**

2 **Sec. 158.** RCW 43.15.020 and 2008 c 152 s 9 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)) Organized crime advisory board, RCW 43.43.858;~~

23 ~~((b))~~ Civil legal aid oversight committee, RCW 2.53.010;

24 ~~((c))~~ (b) Office of public defense advisory committee, RCW
25 2.70.030;

26 ~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;

27 ~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;

28 ~~((f))~~ (e) State building code council, RCW 19.27.070;

29 ~~((g))~~ (f) Women's history consortium board of advisors, RCW
30 27.34.365;

31 ~~((h))~~ (g) Financial literacy public-private partnership, RCW
32 28A.300.450;

33 ~~((i))~~ (h) Joint administrative rules review committee, RCW
34 34.05.610;

35 ~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;

36 ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;

37 ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;

38 ~~((m)) Washington citizens' commission on salaries, RCW 43.03.305;~~

1 ~~(n)~~) (l) Legislative oral history (~~(advisory)~~) committee, RCW
2 ~~((43.07.230))~~ 44.04.325;
3 ~~((o))~~) (m) State council on aging, RCW 43.20A.685;
4 ~~((p))~~) (n) State investment board, RCW 43.33A.020;
5 ~~((q))~~) (o) Capitol campus design advisory committee, RCW
6 43.34.080;
7 ~~((r))~~) (p) Washington state arts commission, RCW 43.46.015;
8 ~~((s))~~) (q) Information services board, RCW 43.105.032;
9 ~~((t) K-20 educational network board, RCW 43.105.800;~~
10 ~~(u))~~) (r) Municipal research council, RCW 43.110.010;
11 ~~((v) Council for children and families, RCW 43.121.020;~~
12 ~~(w))~~) (s) PNWER-Net working subgroup under chapter 43.147 RCW;
13 ~~((x))~~) (t) Community economic revitalization board, RCW
14 43.160.030;
15 ~~((y))~~) (u) Washington economic development finance authority, RCW
16 43.163.020;
17 ~~((z) Tourism development advisory committee, RCW 43.330.095;~~
18 ~~(aa))~~) (v) Life sciences discovery fund authority, RCW 43.350.020;
19 ~~((bb))~~) (w) Legislative children's oversight committee, RCW
20 44.04.220;
21 ~~((cc))~~) (x) Joint legislative audit and review committee, RCW
22 44.28.010;
23 ~~((dd))~~) (y) Joint committee on energy supply and energy
24 conservation, RCW 44.39.015;
25 ~~((ee))~~) (z) Legislative evaluation and accountability program
26 committee, RCW 44.48.010;
27 ~~((ff))~~) (aa) Agency council on coordinated transportation, RCW
28 47.06B.020;
29 ~~((gg))~~) (bb) Manufactured housing task force, RCW 59.22.090;
30 ~~((hh))~~) (cc) Washington horse racing commission, RCW 67.16.014;
31 ~~((ii))~~) (dd) Correctional industries board of directors, RCW
32 72.09.080;
33 ~~((jj))~~) (ee) Joint committee on veterans' and military affairs,
34 RCW 73.04.150;
35 ~~((kk) Washington state parks centennial advisory committee, RCW~~
36 ~~79A.75.010;~~
37 ~~(ll) Puget Sound council, RCW 90.71.030;~~

1 ~~(mm)~~) (ff) Joint legislative committee on water supply during
2 drought, RCW 90.86.020;
3 ~~((nn))~~ (gg) Statute law committee, RCW 1.08.001; and
4 ~~((oo))~~ (hh) Joint legislative oversight committee on trade
5 policy, RCW 44.55.020.

6 NEW SECTION. **Sec. 159.** (1) All documents and papers, equipment,
7 or other tangible property in the possession of the terminated entity
8 shall be delivered to the custody of the entity assuming the
9 responsibilities of the terminated entity or if such responsibilities
10 have been eliminated, documents and papers shall be delivered to the
11 state archivist and equipment or other tangible property to the
12 department of general administration.

13 (2) All funds held by, or other moneys due to, the terminated
14 entity shall revert to the fund from which they were appropriated, or
15 if that fund is abolished to the general fund.

16 (3) All contractual rights and duties of an entity shall be
17 assigned or delegated to the entity assuming the responsibilities of
18 the terminated entity, or if there is none to such entity as the
19 governor shall direct.

20 NEW SECTION. **Sec. 160.** Subheadings used in this act are not any
21 part of the law.

22 NEW SECTION. **Sec. 161.** This act takes effect June 30, 2010.

INDEX	PAGE #
Advisory Board of Plumbers	4
Advisory Board on Missing and Exploited Children	104
Advisory Council on Adult Education	3
Airport Impact Mitigation Advisory Board	16
Athletic Training Advisory Committee	18
Basic Health Advisory Committee	21
Boards of Law Enforcement and Correctional Training Standards	39
Breast and Cervical Cancer Medical Advisory Committee	22
Chemical Dependency Certification Advisory Committee	24
Children of Color	29
Children of Incarcerated Parents Advisory Committee	26
Children's Services Advisory Committee	30
Combined Fund Drive Committee	37
Customer Advisory Board--Department of Information Services	41
Early Intervention for Children--Deaf--Hearing Loss	44
Eastern State Hospital Board and Western State Hospital Board	44
Emergency Management Council	53
Emergency Medical Services Licensing and Certification Advisory Committee	58
Emergency Medical Services and Trauma Care Steering Committee	47
Fairs Commission	62
Family Practice Education Advisory Board	63
Fire Protection Policy Board	65
Hazardous Substance Mixed Waste Advisory Board	69
Health Information Infrastructure Advisory Board	71
Health and Welfare Advisory Board and Property and Liability Advisory Board	70
Higher Education Coordinating Board Advisory Council	72
Home Inspector Advisory Licensing Board	73
Industry Cluster Advisory Committee	77
Integrated Justice Information Board	79
K-12 Educational Network Board and K-20 Network Technical Steering Committee	80
Lieutenant Governor Appointments and Assignments	140
Livestock Identification Advisory Board	89
McNeil Island Secure Community Transition Facility	89
Mental Health Counselors, Marriage and Family Therapists, and Social Workers	86
Midwifery Advisory Committee	90
Nonhighway and Off-Road Vehicle Activities Advisory Committee	91

Olympic Natural Resources Center Policy Advisory Board 93

On-site Sewage Disposal Systems Alternative Systems Technical Review 96

On-site Wastewater Treatment Systems Advisory Committee 94

Organized Crime Advisory Board 97

Orthotic and Prosthetics Advisory Committee 98

Oversight Committee on Character-Building Residential Services in Prisons . . . 103

Public Records Exemptions Accountability Committee 105

Puget Sound Partnership--Ecosystems Coordination Board 105

Real Estate Appraiser Commission 112

Regional Fisheries Enhancement Group Advisory Board 119

Revenue-Simplified Sales and Use Tax Admin-Advisory Group 120

State Solid Waste Advisory Committee 121

Unemployment Insurance State Advisory Council 127

Water Supply Advisory Committee 128

Well Drilling Technical Advisory Group 132

Workforce Training Customer Advisory Committee 136

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