
SUBSTITUTE SENATE BILL 6515

State of Washington

61st Legislature

2010 Regular Session

By Senate Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Kilmer, and Shin; by request of Washington State Department of Commerce)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to refocusing the mission of the department of
2 commerce, including transferring programs; amending RCW 43.330.005,
3 43.330.007, 70.05.125, 43.270.020, 43.270.070, 43.270.080, 43.330.210,
4 43.330.240, 82.14.400, 43.63A.305, 43.63A.307, 43.63A.311, 43.63A.313,
5 9.94A.8673, 43.63A.720, 43.63A.735, 43.280.011, 43.280.020, 43.280.060,
6 43.280.070, 43.280.080, 43.280.090, 74.14B.060, 80.50.030, 43.190.030,
7 43.190.120, 19.27.070, 19.27.097, 19.27.150, 19.27A.020, 19.27A.140,
8 19.27A.150, 19.27A.180, 43.21F.010, 43.21F.025, 43.21F.090, 43.21F.055,
9 36.27.100, 43.110.030, 43.110.060, 43.110.080, 43.15.020, 35.21.185,
10 35.102.040, and 36.70B.220; reenacting and amending RCW 70.125.030 and
11 41.06.070; adding new sections to chapter 43.70 RCW; adding new
12 sections to chapter 43.20A RCW; adding new sections to chapter 43.22
13 RCW; adding a new section to chapter 43.21F RCW; creating new sections;
14 recodifying RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210,
15 43.330.220, 43.330.225, 43.330.230, 43.330.240, 43.63A.305, 43.63A.307,
16 43.63A.309, 43.63A.311, 43.63A.313, 43.63A.315, 43.63A.720, 43.63A.725,
17 43.63A.730, 43.63A.735, and 43.63A.740; decodifying RCW 43.280.081 and
18 43.63A.150; repealing RCW 43.21F.015, 43.110.010, 43.110.040, and
19 43.110.070; and providing an effective date.

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

1 NEW SECTION. **Sec. 1.** In 2009, the legislature changed the name of
2 the department of community, trade, and economic development to the
3 department of commerce and directed the agency to, among other things,
4 develop a report with recommendations on statutory changes to ensure
5 that the department's efforts: Are organized around a concise core
6 mission and aligned with the state's comprehensive plan for economic
7 development; generate greater local capacity; maximize results through
8 partnerships and the use of intermediaries; and provide transparency
9 and increased accountability. Recommendations for creating or
10 consolidating programs deemed important to meeting the department's
11 core mission and recommendations for terminating or transferring
12 specific programs if they are not consistent with the department's core
13 mission were to be included in the report.

14 In accordance with that legislation, chapter 565, Laws of 2009, in
15 November 2009 the department of commerce submitted a plan that
16 establishes a mission of growing and improving jobs in the state and
17 recognizes the need for an innovation-driven economy. The plan also
18 outlines agency priorities, efficiencies, and program transfers that
19 will help to advance the new mission.

20 The primary purpose of this act is to implement portions of the
21 department of commerce plan by transferring certain programs from the
22 department of commerce to other state agencies whose missions are more
23 closely aligned with the core functions of those programs. This act
24 also directs additional efficiencies in state government and directs
25 development of a statewide clean energy strategy, which will better
26 enable the department of commerce to focus on its new mission.

27 **Sec. 2.** RCW 43.330.005 and 1993 c 280 s 1 are each amended to read
28 as follows:

29 The legislature finds that the long-term economic health of the
30 state and its citizens depends upon the strength and vitality of its
31 communities and businesses. It is the intent of this chapter to create
32 a ((merged)) department of ((community, trade, and economic
33 development)) commerce that fosters new partnerships for strong and
34 sustainable communities. ((The consolidation of the department of
35 trade and economic development and the department of community
36 development into one department will)) The mission of the department is
37 to grow and improve jobs in Washington and facilitate innovation. To

1 carry out its mission, the department will bring together focused
2 efforts to: Streamline access to business assistance and economic
3 development services by providing (~~(a simpler point of entry for state~~
4 ~~programs)) them thorough sector-based, cluster-based, and regional~~
5 partners; provide focused and flexible responses to changing economic
6 conditions; generate greater local capacity to respond to both economic
7 growth and environmental challenges; (~~and~~) increase accountability to
8 the public, the executive branch, and the legislature(~~(-~~

9 ~~A new department can bring together a focused effort to:))~~; manage
10 growth and achieve sustainable development; diversify the state's
11 economy and export goods and services; provide greater access to
12 economic opportunity; stimulate private sector investment and
13 entrepreneurship; provide stable family-wage jobs and meet the diverse
14 needs of families; provide affordable housing and housing services; and
15 construct public infrastructure(~~(; protect our cultural heritage; and~~
16 ~~promote the health and safety of the state's citizens))~~.

17 The legislature further finds that as a result of the rapid pace of
18 global social and economic change, the state and local communities will
19 require coordinated and creative responses by every segment of the
20 community. The state can play a role in assisting such local efforts
21 by reorganizing state assistance efforts to promote such partnerships.
22 The department has a primary responsibility to provide financial and
23 technical assistance to the communities of the state, to assist in
24 improving the delivery of federal, state, and local programs, and to
25 provide communities with opportunities for productive and coordinated
26 development beneficial to the well-being of communities and their
27 residents. It is the intent of the legislature in (~~this~~
28 ~~consolidation)) creating the department to maximize the use of local
29 expertise and resources in the delivery of community and economic
30 development services.~~

31 **Sec. 3.** RCW 43.330.007 and 2009 c 565 s 1 are each amended to read
32 as follows:

33 (1) The purpose of this chapter is to establish the broad outline
34 of the structure of the department of commerce, leaving specific
35 details of its internal organization and management to those charged
36 with its administration. This chapter identifies the broad functions
37 and responsibilities of the department and is intended to provide

1 flexibility to the director to reorganize these functions to more
2 closely reflect its customers, its mission, and its priorities, and to
3 make recommendations for changes.

4 (2) In order to generate greater local capacity, maximize results
5 through partnerships and the use of intermediaries, and leverage the
6 use of state resources, the department shall, in carrying out its
7 business assistance and economic development functions, provide
8 business and economic development services primarily through sector-
9 based, cluster-based, and regionally based organizations rather than
10 providing assistance directly to individual firms.

11 NEW SECTION. Sec. 4. The department shall examine the functions
12 and operations of agricultural commodity commissions in the state and
13 collaborate with industry sector and cluster associations on
14 legislation that would enable industries to develop self-financing
15 systems for addressing industry-identified issues such as workforce
16 training, international marketing, quality improvement, and technology
17 deployment. By December 1, 2010, the department shall report to the
18 governor and the legislature on its findings and proposed legislation.

19 NEW SECTION. Sec. 5. (1) For those programs the department of
20 commerce has identified as being appropriate for placement in a
21 different agency because they do not have a close tie to the
22 department's mission but which remain in the department, the department
23 shall:

24 (a) Prioritize their placement in a separate division;

25 (b) Examine mechanisms by which the separate division can operate
26 as an independent division with a semiautonomous division director and
27 a policy-making oversight board; and

28 (c) Examine whether the separate division could operate as a
29 separate agency and the process by which this could best occur.

30 (2) By December 1, 2010, the department of commerce shall make
31 recommendations and suggestions for legislation to appropriate
32 committees of the legislature and the governor based on the
33 department's examinations pursuant to subsections (1)(b) and (c) of
34 this section.

1 **PART I**

2 **DEPARTMENT OF HEALTH--PUBLIC HEALTH**

3 **Sec. 101.** RCW 70.05.125 and 2009 c 479 s 48 are each amended to
4 read as follows:

5 (1) The county public health account is created in the state
6 treasury. Funds deposited in the county public health account shall be
7 distributed by the state treasurer to each local public health
8 jurisdiction based upon amounts certified to it by the department of
9 (~~community, trade, and economic development~~) health in consultation
10 with the Washington state association of counties. The account shall
11 include funds distributed under RCW 82.14.200(8) and such funds as are
12 appropriated to the account from the state general fund, the public
13 health services account under RCW 43.72.902, and such other funds as
14 the legislature may appropriate to it.

15 (2)(a) The (~~director~~) secretary of the department of (~~community,~~
16 ~~trade, and economic development~~) health shall certify the amounts to
17 be distributed to each local public health jurisdiction using 1995 as
18 the base year of actual city contributions to local public health.

19 (b) Only if funds are available and in an amount no greater than
20 available funds under RCW 82.14.200(8), the department of community,
21 trade, and economic development shall adjust the amount certified under
22 (a) of this subsection to compensate for any annexation of an area with
23 fifty thousand residents or more to any city as a result of a petition
24 during calendar year 1996 or 1997, or for any city that became newly
25 incorporated as a result of an election during calendar year 1994 or
26 1995. The amount to be adjusted shall be equal to the amount which
27 otherwise would have been lost to the health jurisdiction due to the
28 annexation or incorporation as calculated using the jurisdiction's 1995
29 funding formula.

30 (c) The county treasurer shall certify the actual 1995 city
31 contribution to the department. Funds in excess of the base shall be
32 distributed proportionately among the health jurisdictions based on
33 incorporated population figures as last determined by the office of
34 financial management.

35 (3) Moneys distributed under this section shall be expended
36 exclusively for local public health purposes.

1 NEW SECTION. **Sec. 102.** (1) All powers, duties, and functions of
2 the department of commerce pertaining to county public health
3 assistance are transferred to the department of health. All references
4 to the director or the department of commerce in the Revised Code of
5 Washington shall be construed to mean the secretary or the department
6 of health when referring to the functions transferred in this section.

7 (2)(a) All reports, documents, surveys, books, records, files,
8 papers, or written material in the possession of the department of
9 commerce pertaining to the powers, functions, and duties transferred
10 shall be delivered to the custody of the department of health. All
11 cabinets, furniture, office equipment, motor vehicles, and other
12 tangible property employed by the department of commerce in carrying
13 out the powers, functions, and duties transferred shall be made
14 available to the department of health. All funds, credits, or other
15 assets held in connection with the powers, functions, and duties
16 transferred shall be assigned to the department of health.

17 (b) Any appropriations made to the department of commerce for
18 carrying out the powers, functions, and duties transferred shall, on
19 the effective date of this section, be transferred and credited to the
20 department of health.

21 (c) Whenever any question arises as to the transfer of any
22 personnel, funds, books, documents, records, papers, files, equipment,
23 or other tangible property used or held in the exercise of the powers
24 and the performance of the duties and functions transferred, the
25 director of financial management shall make a determination as to the
26 proper allocation and certify the same to the state agencies concerned.

27 (3) All employees of the department of commerce engaged in
28 performing the powers, functions, and duties transferred are
29 transferred to the jurisdiction of the department of health. All
30 employees classified under chapter 41.06 RCW, the state civil service
31 law, are assigned to the department of health to perform their usual
32 duties upon the same terms as formerly, without any loss of rights,
33 subject to any action that may be appropriate thereafter in accordance
34 with the laws and rules governing state civil service.

35 (4) All rules and all pending business before the department of
36 commerce pertaining to the powers, functions, and duties transferred
37 shall be continued and acted upon by the department of health. All

1 existing contracts and obligations shall remain in full force and shall
2 be performed by the department of health.

3 (5) The transfer of the powers, duties, functions, and personnel of
4 the department of commerce shall not affect the validity of any act
5 performed before the effective date of this section.

6 (6) If apportionments of budgeted funds are required because of the
7 transfers directed by this section, the director of financial
8 management shall certify the apportionments to the agencies affected,
9 the state auditor, and the state treasurer. Each of these shall make
10 the appropriate transfer and adjustments in funds and appropriation
11 accounts and equipment records in accordance with the certification.

12 (7) All classified employees of the department of commerce assigned
13 to the department of health under this section whose positions are
14 within an existing bargaining unit description at the department of
15 health shall become a part of the existing bargaining unit at the
16 department of health and shall be considered an appropriate inclusion
17 or modification of the existing bargaining unit under the provisions of
18 chapter 41.80 RCW.

19 PART II

20 DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SUBSTANCE ABUSE PROGRAMS

21 **Sec. 201.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
22 read as follows:

23 (1) There is established in the department of (~~community, trade,~~
24 ~~and economic development~~) social and health services a grant program
25 to provide incentive for and support for communities to develop
26 targeted and coordinated strategies to reduce the incidence and impact
27 of alcohol, tobacco, or other drug abuse, or violence. This program is
28 known as the community mobilization program.

29 (2) The department (~~of community, trade, and economic~~
30 ~~development~~) shall make awards, subject to funds appropriated by the
31 legislature, under the following terms:

32 (a) Starting July 1, 2001, funds will be available to countywide
33 programs through a formula developed by the department (~~of community,~~
34 ~~trade, and economic development~~) in consultation with program
35 contractors, which will take into consideration county population size.

1 (b) In order to be eligible for consideration, applicants must
2 demonstrate, at a minimum:

3 (i) That the community has developed and is committed to carrying
4 out a coordinated strategy of prevention, treatment, and law
5 enforcement activities;

6 (ii) That the community has considered research-based theory when
7 developing its strategy;

8 (iii) That proposals submitted for funding are based on a local
9 assessment of need and address specific objectives contained in a
10 coordinated strategy of prevention, treatment, and law enforcement
11 against alcohol, tobacco, or other drug abuse, or violence;

12 (iv) Evidence of active participation in preparation of the
13 proposal and specific commitments to implementing the community-wide
14 agenda by leadership from education, law enforcement, local government,
15 tribal government, and treatment entities in the community, and the
16 opportunity for meaningful involvement from others such as neighborhood
17 and citizen groups, businesses, human service, health and job training
18 organizations, and other key elements of the community, particularly
19 those whose responsibilities in law enforcement, treatment, prevention,
20 education, or other community efforts provide direct, ongoing contact
21 with substance abusers or those who exhibit violent behavior, or those
22 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

23 (v) Evidence of additional local resources committed to the
24 applicant's strategy totaling at least twenty-five percent of funds
25 awarded under this section. These resources may consist of public or
26 private funds, donated goods or services, and other measurable
27 commitments, including in-kind contributions such as volunteer
28 services, materials, supplies, physical facilities, or a combination
29 thereof; and

30 (vi) That the funds applied for, if received, will not be used to
31 replace funding for existing activities.

32 (c) At a minimum, grant applications must include the following:

33 (i) A definition of geographic area;

34 (ii) A needs assessment describing the extent and impact of
35 alcohol, tobacco, or other drug abuse, and violence in the community,
36 including an explanation of those who are most severely impacted and
37 those most at risk of substance abuse or violent behavior;

1 (iii) An explanation of the community-wide strategy for prevention,
2 treatment, and law enforcement activities related to alcohol, tobacco,
3 or other drug abuse, or violence, with particular attention to those
4 who are most severely impacted and/or those most at risk of alcohol,
5 tobacco, or other drug abuse, or violent behavior;

6 (iv) An explanation of who was involved in development of the
7 strategy and what specific commitments have been made to carry it out;

8 (v) Identification of existing prevention, education, treatment,
9 and law enforcement resources committed by the applicant, including
10 financial and other support, and an explanation of how the applicant's
11 strategy involves and builds on the efforts of existing organizations
12 or coalitions that have been carrying out community efforts against
13 alcohol, tobacco, or other drug abuse, or violence;

14 (vi) Identification of activities that address specific objectives
15 in the strategy for which additional resources are needed;

16 (vii) Identification of additional local resources, including
17 public or private funds, donated goods or services, and other
18 measurable commitments, that have been committed to the activities
19 identified in (c)(vi) of this subsection;

20 (viii) Identification of activities that address specific
21 objectives in the strategy for which funding is requested;

22 (ix) For each activity for which funding is requested, an
23 explanation in sufficient detail to demonstrate:

24 (A) Feasibility through deliberative design, specific objectives,
25 and a realistic plan for implementation;

26 (B) A rationale for how this activity will achieve measurable
27 results and how it will be evaluated;

28 (C) That funds requested are necessary and appropriate to
29 effectively carry out the activity; and

30 (x) Identification of a contracting agent meeting state
31 requirements for each activity proposed for funding.

32 Each contracting agent must execute a written agreement with its
33 local community mobilization advisory board that reflects the duties
34 and powers of each party.

35 (3) Activities that may be funded through this grant program
36 include those that:

37 (a) Prevent alcohol, tobacco, or other drug abuse, or violence

1 through educational efforts, development of positive alternatives,
2 intervention with high-risk groups, and other prevention strategies;

3 (b) Support effective treatment by increasing access to and
4 availability of treatment opportunities, particularly for underserved
5 or highly impacted populations, developing aftercare and support
6 mechanisms, and other strategies to increase the availability and
7 effectiveness of treatment;

8 (c) Provide meaningful consequences for participation in illegal
9 activity and promote safe and healthy communities through support of
10 law enforcement strategies;

11 (d) Create or build on efforts by existing community programs,
12 coordinate their efforts, and develop cooperative efforts or other
13 initiatives to make most effective use of resources to carry out the
14 community's strategy against alcohol, tobacco, or other drug abuse, or
15 violence; and

16 (e) Other activities that demonstrate both feasibility and a
17 rationale for how the activity will achieve measurable results in the
18 strategy against alcohol, tobacco, or other drug abuse, or violence.

19 **Sec. 202.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
20 read as follows:

21 The department of (~~community, trade, and economic development~~)
22 social and health services shall ask communities for suggestions on
23 state practices, policies, and priorities that would help communities
24 implement their strategies against alcohol, tobacco, or other drug
25 abuse, or violence. The department of (~~community, trade, and economic~~
26 ~~development~~) social and health services shall review and respond to
27 those suggestions making necessary changes where feasible, making
28 recommendations to the legislature where appropriate, and providing an
29 explanation as to why suggested changes cannot be accomplished, if the
30 suggestions cannot be acted upon.

31 **Sec. 203.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
32 read as follows:

33 The department of (~~community, trade, and economic development~~)
34 social and health services may receive such gifts, grants, and
35 endowments from public or private sources as may be made from time to

1 time, in trust or otherwise, for the use and benefit of the purposes of
2 RCW 43.270.010 through 43.270.080 and expend the same or any income
3 therefrom according to the terms of the gifts, grants, or endowments.

4 NEW SECTION. **Sec. 204.** (1) All powers, duties, and functions of
5 the department of commerce pertaining to the community mobilization
6 against substance abuse program are transferred to the department of
7 social and health services. All references to the director or the
8 department of commerce in the Revised Code of Washington shall be
9 construed to mean the secretary or the department of social and health
10 services when referring to the functions transferred in this section.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the department of
13 commerce pertaining to the powers, functions, and duties transferred
14 shall be delivered to the custody of the department of social and
15 health services. All cabinets, furniture, office equipment, motor
16 vehicles, and other tangible property employed by the department of
17 commerce in carrying out the powers, functions, and duties transferred
18 shall be made available to the department of social and health
19 services. All funds, credits, or other assets held in connection with
20 the powers, functions, and duties transferred shall be assigned to the
21 department of social and health services.

22 (b) Any appropriations made to the department of commerce for
23 carrying out the powers, functions, and duties transferred shall, on
24 the effective date of this section, be transferred and credited to the
25 department of social and health services.

26 (c) Whenever any question arises as to the transfer of any
27 personnel, funds, books, documents, records, papers, files, equipment,
28 or other tangible property used or held in the exercise of the powers
29 and the performance of the duties and functions transferred, the
30 director of financial management shall make a determination as to the
31 proper allocation and certify the same to the state agencies concerned.

32 (3) All employees of the department of commerce engaged in
33 performing the powers, functions, and duties transferred are
34 transferred to the jurisdiction of the department of social and health
35 services. All employees classified under chapter 41.06 RCW, the state
36 civil service law, are assigned to the department of social and health
37 services to perform their usual duties upon the same terms as formerly,

1 without any loss of rights, subject to any action that may be
2 appropriate thereafter in accordance with the laws and rules governing
3 state civil service.

4 (4) All rules and all pending business before the department of
5 commerce pertaining to the powers, functions, and duties transferred
6 shall be continued and acted upon by the department of social and
7 health services. All existing contracts and obligations shall remain
8 in full force and shall be performed by the department of social and
9 health services.

10 (5) The transfer of the powers, duties, functions, and personnel of
11 the department of commerce shall not affect the validity of any act
12 performed before the effective date of this section.

13 (6) If apportionments of budgeted funds are required because of the
14 transfers directed by this section, the director of financial
15 management shall certify the apportionments to the agencies affected,
16 the state auditor, and the state treasurer. Each of these shall make
17 the appropriate transfer and adjustments in funds and appropriation
18 accounts and equipment records in accordance with the certification.

19 (7) All classified employees of the department of commerce assigned
20 to the department of social and health services under this section
21 whose positions are within an existing bargaining unit description at
22 the department of social and health services shall become a part of the
23 existing bargaining unit at the department of social and health
24 services and shall be considered an appropriate inclusion or
25 modification of the existing bargaining unit under the provisions of
26 chapter 41.80 RCW.

27 PART III

28 DEPARTMENT OF HEALTH--DEVELOPMENTAL DISABILITIES

29 **Sec. 301.** RCW 43.330.210 and 2009 c 565 s 11 are each amended to
30 read as follows:

31 The developmental disabilities endowment governing board is
32 established to design and administer the developmental disabilities
33 endowment. To the extent funds are appropriated for this purpose, the
34 director of the department (~~(of commerce)~~) shall provide staff and
35 administrative support to the governing board.

36 (1) The governing board shall consist of seven members as follows:

1 (a) Three of the members, who shall be appointed by the governor,
2 shall be persons who have demonstrated expertise and leadership in
3 areas such as finance, actuarial science, management, business, or
4 public policy.

5 (b) Three members of the board, who shall be appointed by the
6 governor, shall be persons who have demonstrated expertise and
7 leadership in areas such as business, developmental disabilities
8 service design, management, or public policy, and shall be family
9 members of persons with developmental disabilities.

10 (c) The seventh member of the board, who shall serve as chair of
11 the board, shall be appointed by the remaining six members of the
12 board.

13 (2) Members of the board shall serve terms of four years and may be
14 appointed for successive terms of four years at the discretion of the
15 appointing authority. However, the governor may stagger the terms of
16 the initial six members of the board so that approximately one-fourth
17 of the members' terms expire each year.

18 (3) Members of the board shall be compensated for their service
19 under RCW 43.03.240 and shall be reimbursed for travel expenses as
20 provided in RCW 43.03.050 and 43.03.060.

21 (4) The board shall meet periodically as specified by the call of
22 the chair, or a majority of the board.

23 (5) Members of the governing board and the state investment board
24 shall not be considered an insurer of the funds or assets of the
25 endowment trust fund or the individual trust accounts. Neither of
26 these two boards or their members shall be liable for the action or
27 inaction of the other.

28 (6) Members of the governing board and the state investment board
29 are not liable to the state, to the fund, or to any other person as a
30 result of their activities as members, whether ministerial or
31 discretionary, except for willful dishonesty or intentional violations
32 of law. The department and the state investment board, respectively,
33 may purchase liability insurance for members.

34 **Sec. 302.** RCW 43.330.240 and 2009 c 565 s 12 are each amended to
35 read as follows:

36 The department (~~(of commerce)~~) shall adopt rules for the

1 implementation of policies established by the governing board in RCW
2 43.330.200 through 43.330.230 (as recodified by this act). Such rules
3 will be consistent with those statutes and chapter 34.05 RCW.

4 NEW SECTION. **Sec. 303.** The following sections are each recodified
5 as sections in chapter 43.70 RCW:

6 RCW 43.330.195

7 RCW 43.330.200

8 RCW 43.330.205

9 RCW 43.330.210

10 RCW 43.330.220

11 RCW 43.330.225

12 RCW 43.330.230

13 RCW 43.330.240

14 NEW SECTION. **Sec. 304.** (1) All powers, duties, and functions of
15 the department of commerce pertaining to the developmental disabilities
16 endowment are transferred to the department of health. All references
17 to the director or the department of commerce in the Revised Code of
18 Washington shall be construed to mean the secretary or the department
19 of health when referring to the functions transferred in this section.

20 (2)(a) All reports, documents, surveys, books, records, files,
21 papers, or written material in the possession of the department of
22 commerce pertaining to the powers, functions, and duties transferred
23 shall be delivered to the custody of the department of health. All
24 cabinets, furniture, office equipment, motor vehicles, and other
25 tangible property employed by the department of commerce in carrying
26 out the powers, functions, and duties transferred shall be made
27 available to the department of health. All funds, credits, or other
28 assets held in connection with the powers, functions, and duties
29 transferred shall be assigned to the department of health.

30 (b) Any appropriations made to the department of commerce for
31 carrying out the powers, functions, and duties transferred shall, on
32 the effective date of this section, be transferred and credited to the
33 department of health.

34 (c) Whenever any question arises as to the transfer of any
35 personnel, funds, books, documents, records, papers, files, equipment,
36 or other tangible property used or held in the exercise of the powers

1 and the performance of the duties and functions transferred, the
2 director of financial management shall make a determination as to the
3 proper allocation and certify the same to the state agencies concerned.

4 (3) All employees of the department of commerce engaged in
5 performing the powers, functions, and duties transferred are
6 transferred to the jurisdiction of the department of health. All
7 employees classified under chapter 41.06 RCW, the state civil service
8 law, are assigned to the department of health to perform their usual
9 duties upon the same terms as formerly, without any loss of rights,
10 subject to any action that may be appropriate thereafter in accordance
11 with the laws and rules governing state civil service.

12 (4) All rules and all pending business before the department of
13 commerce pertaining to the powers, functions, and duties transferred
14 shall be continued and acted upon by the department of health. All
15 existing contracts and obligations shall remain in full force and shall
16 be performed by the department of health.

17 (5) The transfer of the powers, duties, functions, and personnel of
18 the department of commerce shall not affect the validity of any act
19 performed before the effective date of this section.

20 (6) If apportionments of budgeted funds are required because of the
21 transfers directed by this section, the director of financial
22 management shall certify the apportionments to the agencies affected,
23 the state auditor, and the state treasurer. Each of these shall make
24 the appropriate transfer and adjustments in funds and appropriation
25 accounts and equipment records in accordance with the certification.

26 (7) All classified employees of the department of commerce assigned
27 to the department of health under this section whose positions are
28 within an existing bargaining unit description at the department of
29 health shall become a part of the existing bargaining unit at the
30 department of health and shall be considered an appropriate inclusion
31 or modification of the existing bargaining unit under the provisions of
32 chapter 41.80 RCW.

33 **PART IV**
34 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL NEEDS**
35 **HOUSING ASSISTANCE**

1 **Sec. 401.** RCW 82.14.400 and 2000 c 240 s 1 are each amended to
2 read as follows:

3 (1) Upon the joint request of a metropolitan park district, a city
4 with a population of more than one hundred fifty thousand, and a county
5 legislative authority in a county with a national park and a population
6 of more than five hundred thousand and less than one million five
7 hundred thousand, the county shall submit an authorizing proposition to
8 the county voters, fixing and imposing a sales and use tax in
9 accordance with this chapter for the purposes designated in subsection
10 (4) of this section and identified in the joint request. Such
11 proposition must be placed on a ballot for a special or general
12 election to be held no later than one year after the date of the joint
13 request.

14 (2) The proposition is approved if it receives the votes of a
15 majority of those voting on the proposition.

16 (3) The tax authorized in this section is in addition to any other
17 taxes authorized by law and shall be collected from those persons who
18 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
19 occurrence of any taxable event within the county. The rate of tax
20 shall equal no more than one-tenth of one percent of the selling price
21 in the case of a sales tax, or value of the article used, in the case
22 of a use tax.

23 (4) Moneys received from any tax imposed under this section shall
24 be used solely for the purpose of providing funds for:

25 (a) Costs associated with financing, design, acquisition,
26 construction, equipping, operating, maintaining, remodeling, repairing,
27 reequipping, or improvement of zoo, aquarium, and wildlife preservation
28 and display facilities that are currently accredited by the American
29 zoo and aquarium association; or

30 (b) Those costs associated with (a) of this subsection and costs
31 related to parks located within a county described in subsection (1) of
32 this section.

33 (5) The department of revenue shall perform the collection of such
34 taxes on behalf of the county at no cost to the county. In lieu of the
35 charge for the administration and collection of local sales and use
36 taxes under RCW 82.14.050 from which the county is exempt under this
37 subsection (5), a percentage of the tax revenues authorized by this
38 section equal to one-half of the maximum percentage provided in RCW

1 82.14.050 shall be transferred annually to the department of
2 (~~community, trade, and economic development, or its successor~~
3 ~~agency,~~) social and health services from the funds allocated under
4 subsection (6)(b) of this section for a period of twelve years from the
5 first date of distribution of funds under subsection (6)(b) of this
6 section. The department of (~~community, trade, and economic~~
7 ~~development, or its successor agency,~~) social and health services
8 shall use funds transferred to it pursuant to this subsection (5) to
9 provide, operate, and maintain community-based housing (~~under chapter~~
10 ~~43.185 RCW~~) for persons who are mentally ill.

11 (6) If the joint request and the authorizing proposition include
12 provisions for funding those costs included within subsection (4)(b) of
13 this section, the tax revenues authorized by this section shall be
14 allocated annually as follows:

- 15 (a) Fifty percent to the zoo and aquarium advisory authority; and
- 16 (b) Fifty percent to be distributed on a per capita basis as set
17 out in the most recent population figures for unincorporated and
18 incorporated areas only within that county, as determined by the office
19 of financial management, solely for parks, as follows: To any
20 metropolitan park district, to cities and towns not contained within a
21 metropolitan park district, and the remainder to the county. Moneys
22 received under this subsection (6)(b) by a county may not be used to
23 replace or supplant existing per capita funding.

24 (7) Funds shall be distributed annually by the county treasurer to
25 the county, and cities and towns located within the county, in the
26 manner set out in subsection (6)(b) of this section.

27 (8) Prior to expenditure of any funds received by the county under
28 subsection (6)(b) of this section, the county shall establish a process
29 which considers needs throughout the unincorporated areas of the county
30 in consultation with community advisory councils established by
31 ordinance.

32 (9) By December 31, 2005, and thereafter, the county or any city
33 with a population greater than eighty thousand must provide at least
34 one dollar match for every two dollars received under this section.

35 (10) Properties subject to a memorandum of agreement between the
36 federal bureau of land management, the advisory council on historic
37 preservation, and the Washington state historic preservation officer

1 have priority for funding from money received under subsection (6)(b)
2 of this section for implementation of the stipulations in the
3 memorandum of agreement.

4 (a) At least one hundred thousand dollars of the first four years
5 of allocations under subsection (6)(b) of this section, to be matched
6 by the county or city with one dollar for every two dollars received,
7 shall be used to implement the stipulations of the memorandum of
8 agreement and for other historical, archaeological, architectural, and
9 cultural preservation and improvements related to the properties.

10 (b) The amount in (a) of this subsection shall come equally from
11 the allocations to the county and to the city in which the properties
12 are located, unless otherwise agreed to by the county and the city.

13 (c) The amount in (a) of this subsection shall not be construed to
14 displace or be offered in lieu of any lease payment from a county or
15 city to the state for the properties in question.

16 NEW SECTION. **Sec. 402.** (1) Powers, duties, and functions of the
17 department of commerce pertaining to housing assistance for persons
18 with mental illness, that are transferred in this act, are transferred
19 to the department of social and health services. All references to the
20 director or the department of commerce in the Revised Code of
21 Washington shall be construed to mean the secretary or the department
22 of social and health services when referring to the functions
23 transferred in this section.

24 (2)(a) All reports, documents, surveys, books, records, files,
25 papers, or written material in the possession of the department of
26 commerce pertaining to the powers, functions, and duties transferred
27 shall be delivered to the custody of the department of social and
28 health services. All cabinets, furniture, office equipment, motor
29 vehicles, and other tangible property employed by the department of
30 commerce in carrying out the powers, functions, and duties transferred
31 shall be made available to the department of social and health
32 services. All funds, credits, or other assets held in connection with
33 the powers, functions, and duties transferred shall be assigned to the
34 department of social and health services.

35 (b) Any appropriations made to the department of commerce for
36 carrying out the powers, functions, and duties transferred shall, on

1 the effective date of this section, be transferred and credited to the
2 department of social and health services.

3 (c) Whenever any question arises as to the transfer of any
4 personnel, funds, books, documents, records, papers, files, equipment,
5 or other tangible property used or held in the exercise of the powers
6 and the performance of the duties and functions transferred, the
7 director of financial management shall make a determination as to the
8 proper allocation and certify the same to the state agencies concerned.

9 (3) All employees of the department of commerce engaged in
10 performing the powers, functions, and duties transferred are
11 transferred to the jurisdiction of the department of social and health
12 services. All employees classified under chapter 41.06 RCW, the state
13 civil service law, are assigned to the department of social and health
14 services to perform their usual duties upon the same terms as formerly,
15 without any loss of rights, subject to any action that may be
16 appropriate thereafter in accordance with the laws and rules governing
17 state civil service.

18 (4) All rules and all pending business before the department of
19 commerce pertaining to the powers, functions, and duties transferred
20 shall be continued and acted upon by the department of social and
21 health services. All existing contracts and obligations shall remain
22 in full force and shall be performed by the department of social and
23 health services.

24 (5) The transfer of the powers, duties, functions, and personnel of
25 the department of commerce shall not affect the validity of any act
26 performed before the effective date of this section.

27 (6) If apportionments of budgeted funds are required because of the
28 transfers directed by this section, the director of financial
29 management shall certify the apportionments to the agencies affected,
30 the state auditor, and the state treasurer. Each of these shall make
31 the appropriate transfer and adjustments in funds and appropriation
32 accounts and equipment records in accordance with the certification.

33 (7) All classified employees of the department of commerce assigned
34 to the department of social and health services under this section
35 whose positions are within an existing bargaining unit description at
36 the department of social and health services shall become a part of the
37 existing bargaining unit at the department of social and health

1 services and shall be considered an appropriate inclusion or
2 modification of the existing bargaining unit under the provisions of
3 chapter 41.80 RCW.

4 **Sec. 403.** RCW 43.63A.305 and 2009 c 148 s 1 are each amended to
5 read as follows:

6 (1) The independent youth housing program is created in the
7 department to provide housing stipends to eligible youth to be used for
8 independent housing. In developing a plan for the design,
9 implementation, and operation of the independent youth housing program,
10 the department shall:

11 (a) Adopt policies, requirements, and procedures necessary to
12 administer the program;

13 (b) Contract with one or more eligible organizations (~~described~~)
14 listed under RCW 43.185A.040 to provide services and conduct
15 administrative activities as described in subsection (3) of this
16 section;

17 (c) Establish eligibility criteria for youth to participate in the
18 independent youth housing program, giving priority to youth who have
19 been dependents of the state for at least one year;

20 (d) Refer interested youth to the designated subcontractor
21 organization administering the program in the area in which the youth
22 intends to reside;

23 (e) Develop a method for determining the amount of the housing
24 stipend, first and last month's rent, and security deposit, where
25 applicable, to be dedicated to participating youth. The method for
26 determining a housing stipend must take into account a youth's age, the
27 youth's total income from all sources, the fair market rent for the
28 area in which the youth lives or intends to live, and a variety of
29 possible living situations for the youth. The amount of housing
30 stipends must be adjusted, by a method and formula established by the
31 department, to promote the successful transition for youth to complete
32 housing self-sufficiency over time;

33 (f) Ensure that the independent youth housing program is integrated
34 and aligned with other state rental assistance and case management
35 programs operated by the department of commerce, as well as case
36 management and supportive services programs, including the independent

1 living program, the transitional living program, and other related
2 programs offered by the department (~~of social and health services~~);
3 and

4 (g) Consult with (~~the department of social and health services and~~
5 ~~other~~) stakeholders involved with dependent youth, homeless youth, and
6 homeless young adults, as appropriate.

7 (2) The department (~~of social and health services~~) shall
8 collaborate with the department of commerce in implementing and
9 operating the independent youth housing program including, but not
10 limited to, the following:

11 (a) Refer potential eligible youth to the department before the
12 youth's eighteenth birthday, if feasible, to include an indication, if
13 known, of where the youth plans to reside after aging out of foster
14 care;

15 (b) Provide information to all youth aged fifteen or older, who are
16 dependents of the state under chapter 13.34 RCW, about the independent
17 youth housing program, encouraging dependents nearing their eighteenth
18 birthday to consider applying for enrollment in the program;

19 (c) Encourage organizations participating in the independent living
20 program and the transitional living program to collaborate with
21 independent youth housing program providers whenever possible to
22 capitalize on resources and provide the greatest amount and variety of
23 services to eligible youth;

24 (d) Annually provide to the department of commerce data reflecting
25 changes in the percentage of youth aging out of the state dependency
26 system each year who are eligible for state assistance, as well as any
27 other data and performance measures that may assist the department of
28 commerce to measure program success; and

29 (e) Annually, beginning by December 31, 2007, provide to the
30 appropriate committees of the legislature and the interagency council
31 on homelessness as described under RCW 43.185C.170 recommendations of
32 strategies to reach the goals described in RCW 43.63A.311(2)(g) (as
33 recodified by this act).

34 (3) Under the independent youth housing program, subcontractor
35 organizations shall:

36 (a) Use moneys awarded to the organizations for housing stipends,
37 security deposits, first and last month's rent stipends, case
38 management program costs, and administrative costs. When subcontractor

1 organizations determine that it is necessary to assist participating
2 youth in accessing and maintaining independent housing, subcontractor
3 organizations may also use moneys awarded to pay for professional
4 mental health services and tuition costs for court-ordered classes and
5 programs;

6 (i) Administrative costs for each subcontractor organization may
7 not exceed twelve percent of the estimated total annual grant amount to
8 the subcontractor organization;

9 (ii) All housing stipends, security deposits, and first and last
10 month's rent stipends must be payable only to a landlord or housing
11 manager of any type of independent housing;

12 (b) Enroll eligible youth who are referred by the department and
13 who choose to reside in their assigned service area;

14 (c) Enter eligible youth program participants into the homeless
15 client management information system as described in RCW 43.185C.180;

16 (d) Monitor participating youth's housing status;

17 (e) Evaluate participating youth's eligibility and compliance with
18 department policies and procedures at least twice a year;

19 (f) Assist participating youth to develop or update an independent
20 living plan focused on obtaining and retaining independent housing or
21 collaborate with a case manager with whom the youth is already involved
22 to ensure that the youth has an independent living plan;

23 (g) Educate participating youth on tenant rights and
24 responsibilities;

25 (h) Provide support to participating youth in the form of general
26 case management and information and referral services, when necessary,
27 or collaborate with a case manager with whom the youth is already
28 involved to ensure that the youth is receiving the case management and
29 information and referral services needed;

30 (i) Connect participating youth, when possible, with individual
31 development account programs, other financial literacy programs, and
32 other programs that are designed to help young people acquire economic
33 independence and self-sufficiency, or collaborate with a case manager
34 with whom the youth is already involved to ensure that the youth is
35 receiving information and referrals to these programs, when
36 appropriate;

37 (j) Submit expenditure and performance reports, including

1 information related to the performance measures in RCW 43.63A.311 (as
2 recodified by this act), to the department on a time schedule
3 determined by the department; and

4 (k) Provide recommendations to the department regarding program
5 improvements and strategies that might assist the state to reach its
6 goals as described in RCW 43.63A.311(2)(g) (as recodified by this act).

7 **Sec. 404.** RCW 43.63A.307 and 2009 c 148 s 2 are each amended to
8 read as follows:

9 The definitions in this section apply throughout (~~this chapter~~)
10 RCW 43.63A.305 through 43.63A.315 (as recodified by this act) unless
11 the context clearly requires otherwise.

12 (1) (~~"Department" means the department of community, trade, and~~
13 ~~economic development.~~

14 ~~(2)~~) "Eligible youth" means an individual who:

15 (a) On or after September 1, 2006, is at least eighteen, was a
16 dependent of the state under chapter 13.34 RCW at any time during the
17 four-month period before his or her eighteenth birthday, and has not
18 yet reached the age of twenty-three;

19 (b) Except as provided in RCW 43.63A.309(2)(a) (as recodified by
20 this act), has a total income from all sources, except for temporary
21 sources that include, but are not limited to, overtime wages, bonuses,
22 or short-term temporary assignments, that does not exceed fifty percent
23 of the area median income;

24 (c) Is not receiving services under RCW 74.13.031(10)(b);

25 (d) Complies with other eligibility requirements the department may
26 establish.

27 (~~(3)~~) (2) "Fair market rent" means the fair market rent in each
28 county of the state, as determined by the United States department of
29 housing and urban development.

30 (~~(4)~~) (3) "Independent housing" means a housing unit that is not
31 owned by or located within the home of the eligible youth's biological
32 parents or any of the eligible youth's former foster care families or
33 dependency guardians. "Independent housing" may include a unit in a
34 transitional or other supportive housing facility.

35 (~~(5)~~) (4) "Individual development account" or "account" means an
36 account established by contract between a low-income individual and a
37 sponsoring organization for the benefit of the low-income individual

1 and funded through periodic contributions by the low-income individual
2 that are matched with contributions by or through the sponsoring
3 organization.

4 ~~((+6))~~ (5) "Subcontractor organization" means an eligible
5 organization described under RCW 43.185A.040 that contracts with the
6 department to administer the independent youth housing program.

7 **Sec. 405.** RCW 43.63A.311 and 2007 c 316 s 5 are each amended to
8 read as follows:

9 Beginning in 2007, the department must annually review and report
10 on the performance of subcontractor organizations participating in the
11 independent youth housing program, as well as the performance of the
12 program as a whole.

13 (1) Reporting should be within the context of the state homeless
14 housing strategic plan under RCW 43.185C.040 and any other relevant
15 state or local homeless or affordable housing plans. The outcomes of
16 the independent youth housing program must be included in the
17 measurement of any performance measures described in chapter 43.185C
18 RCW.

19 (2) The independent youth housing program report must include, at
20 a minimum, an update on the following program performance measures, as
21 well as any other performance measures the department may establish,
22 for enrolled youth (~~(in consultation with the department of social and~~
23 ~~health services))), to be measured statewide and by county:~~

- 24 (a) Increases in housing stability;
- 25 (b) Increases in economic self-sufficiency;
- 26 (c) Increases in independent living skills;
- 27 (d) Increases in education and job training attainment;
- 28 (e) Decreases in the use of all state-funded services over time;
- 29 (f) Decreases in the percentage of youth aging out of the state
30 dependency system each year who are eligible for state assistance (~~(as~~
31 ~~reported to the department by the department of social and health~~
32 ~~services))~~); and

33 (g) Recommendations to the legislature and to the interagency
34 council on homelessness as described under RCW 43.185C.170 on program
35 improvements and on departmental strategies that might assist the state
36 to reach its goals of:

1 (i) Ensuring that all youth aging out of the state dependency
2 system have access to a decent, appropriate, and affordable home in a
3 healthy safe environment to prevent such youth from experiencing
4 homelessness; and

5 (ii) Reducing each year the percentage of young people eligible for
6 state assistance upon aging out of the state dependency system.

7 **Sec. 406.** RCW 43.63A.313 and 2007 c 316 s 6 are each amended to
8 read as follows:

9 Chapter 316, Laws of 2007 does not create:

- 10 (1) An entitlement to services;
- 11 (2) Judicial authority to (a) extend the jurisdiction of juvenile
12 court in a proceeding under chapter 13.34 RCW to a youth who has
13 reached the age of eighteen or (b) order the provision of services to
14 the youth; or
- 15 (3) A private right of action or claim on the part of any
16 individual, entity, or agency against the department(~~(, the department~~
17 ~~of social and health services,)~~) or any contractor of the
18 department(~~(s)~~).

19 NEW SECTION. **Sec. 407.** The following sections are each recodified
20 as sections in chapter 43.20A RCW:

- 21 RCW 43.63A.305
- 22 RCW 43.63A.307
- 23 RCW 43.63A.309
- 24 RCW 43.63A.311
- 25 RCW 43.63A.313
- 26 RCW 43.63A.315

27 NEW SECTION. **Sec. 408.** (1) All powers, duties, and functions of
28 the department of commerce pertaining to the independent youth housing
29 program are transferred to the department of social and health
30 services. All references to the director or the department of commerce
31 in the Revised Code of Washington shall be construed to mean the
32 secretary or the department of social and health services when
33 referring to the functions transferred in this section.

34 (2)(a) All reports, documents, surveys, books, records, files,
35 papers, or written material in the possession of the department of

1 commerce pertaining to the powers, functions, and duties transferred
2 shall be delivered to the custody of the department of social and
3 health services. All cabinets, furniture, office equipment, motor
4 vehicles, and other tangible property employed by the department of
5 commerce in carrying out the powers, functions, and duties transferred
6 shall be made available to the department of social and health
7 services. All funds, credits, or other assets held in connection with
8 the powers, functions, and duties transferred shall be assigned to the
9 department of social and health services.

10 (b) Any appropriations made to the department of commerce for
11 carrying out the powers, functions, and duties transferred shall, on
12 the effective date of this section, be transferred and credited to the
13 department of social and health services.

14 (c) Whenever any question arises as to the transfer of any
15 personnel, funds, books, documents, records, papers, files, equipment,
16 or other tangible property used or held in the exercise of the powers
17 and the performance of the duties and functions transferred, the
18 director of financial management shall make a determination as to the
19 proper allocation and certify the same to the state agencies concerned.

20 (3) All employees of the department of commerce engaged in
21 performing the powers, functions, and duties transferred are
22 transferred to the jurisdiction of the department of social and health
23 services. All employees classified under chapter 41.06 RCW, the state
24 civil service law, are assigned to the department of social and health
25 services to perform their usual duties upon the same terms as formerly,
26 without any loss of rights, subject to any action that may be
27 appropriate thereafter in accordance with the laws and rules governing
28 state civil service.

29 (4) All rules and all pending business before the department of
30 commerce pertaining to the powers, functions, and duties transferred
31 shall be continued and acted upon by the department of social and
32 health services. All existing contracts and obligations shall remain
33 in full force and shall be performed by the department of social and
34 health services.

35 (5) The transfer of the powers, duties, functions, and personnel of
36 the department of commerce shall not affect the validity of any act
37 performed before the effective date of this section.

1 (6) If apportionments of budgeted funds are required because of the
2 transfers directed by this section, the director of financial
3 management shall certify the apportionments to the agencies affected,
4 the state auditor, and the state treasurer. Each of these shall make
5 the appropriate transfer and adjustments in funds and appropriation
6 accounts and equipment records in accordance with the certification.

7 (7) All classified employees of the department of commerce assigned
8 to the department of social and health services under this section
9 whose positions are within an existing bargaining unit description at
10 the department of social and health services shall become a part of the
11 existing bargaining unit at the department of social and health
12 services and shall be considered an appropriate inclusion or
13 modification of the existing bargaining unit under the provisions of
14 chapter 41.80 RCW.

15 **PART V**

16 **DEPARTMENT OF LABOR AND INDUSTRIES--CRIME VICTIMS' PROGRAMS**

17 **Sec. 501.** RCW 9.94A.8673 and 2008 c 249 s 3 are each amended to
18 read as follows:

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

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

23 (b) The Washington association of prosecuting attorneys;

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

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

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

28 (f) The secretary of the department of corrections or his or her
29 designee;

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

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

33 (i) The office of crime victims advocacy in the department of
34 (~~community, trade, and economic development~~) labor and industries;

35 (j) The Washington state association of counties;

36 (k) The association of Washington cities;

1 (1) The Washington association of sexual assault programs; and
2 (m) The director of the special commitment center or his or her
3 designee.

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

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

8 (a) Two members of the sentencing guidelines commission chosen by
9 the chair of the commission; and

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

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

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

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

18 **Sec. 502.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to
19 read as follows:

20 There is established in the department (~~of community, trade, and~~
21 ~~economic development~~) a grant program to enhance funding for
22 prostitution prevention and intervention services. Activities that can
23 be funded through this grant program shall provide effective
24 prostitution prevention and intervention services, such as counseling,
25 parenting, housing relief, education, and vocational training, that:

26 (1) Comprehensively address the problems of persons who are
27 prostitutes; and

28 (2) Enhance the ability of persons to leave or avoid prostitution.

29 **Sec. 503.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended to
30 read as follows:

31 (1) Subject to funds appropriated by the legislature, including
32 funds in the prostitution prevention and intervention account, the
33 department (~~of community, trade, and economic development~~) shall make
34 awards under the grant program established by RCW 43.63A.720 (as
35 recodified by this act).

1 (2) Awards shall be made competitively based on the purposes of and
2 criteria in RCW 43.63A.720 through 43.63A.730 (as recodified by this
3 act).

4 (3) Activities funded under this section may be considered for
5 funding in future years, but shall be considered under the same terms
6 and criteria as new activities. Funding of a program or activity under
7 this chapter shall not constitute an obligation by the state of
8 Washington to provide ongoing funding.

9 (4) The department (~~(of community, trade, and economic~~
10 ~~development))~~ may receive such gifts, grants, and endowments from
11 public or private sources as may be made from time to time, in trust or
12 otherwise, for the use and benefit of the purposes of the grant program
13 established under RCW 43.63A.720 (as recodified by this act) and expend
14 the same or any income from these sources according to the terms of the
15 gifts, grants, or endowments.

16 (5) The department (~~(of community, trade, and economic~~
17 ~~development))~~ may expend up to five percent of the funds appropriated
18 for the grant program for administrative costs and grant supervision.

19 **Sec. 504.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to
20 read as follows:

21 The Washington state sexual assault services advisory committee
22 issued a report to the department of community, trade, and economic
23 development and the department of social and health services in June of
24 1995. The committee made several recommendations to improve the
25 delivery of services to victims of sexual abuse and assault: (1)
26 Consolidate the administration and funding of sexual assault and abuse
27 services in one agency instead of splitting those functions between the
28 department of social and health services and the department of
29 community, trade, and economic development; (2) adopt a funding
30 allocation plan to pool all funds for sexual assault services and to
31 distribute them across the state to ensure the delivery of core and
32 specialized services; (3) establish service, data collection, and
33 management standards and outcome measurements for recipients of grants;
34 and (4) create a data collection system to gather pertinent data
35 concerning the delivery of sexual assault services to victims.

36 The legislature approves the recommendations of the advisory
37 committee and consolidates the functions and funding for sexual assault

1 services in the department of (~~community, trade, and economic~~
2 ~~development~~) labor and industries to implement the advisory
3 committee's recommendations.

4 (~~The legislature does not intend to effect a reduction in service~~
5 ~~levels within available funding by transferring department of social~~
6 ~~and health services' powers and duties to the department of community,~~
7 ~~trade, and economic development.~~) At a minimum, the department of
8 (~~community, trade, and economic development~~) social and health
9 services shall distribute the same percentage of the services it
10 provides victims of sexual assault and abuse, pursuant to RCW
11 43.280.020, 70.125.080, and 74.14B.060, to children as were distributed
12 to children through these programs in fiscal year 1996.

13 **Sec. 505.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to
14 read as follows:

15 There is established in the department of (~~community, trade, and~~
16 ~~economic development~~) labor and industries a grant program to enhance
17 the funding for treating the victims of sex offenders. Activities that
18 can be funded through this grant program are limited to those that:

- 19 (1) Provide effective treatment to victims of sex offenders;
- 20 (2) Increase access to and availability of treatment for victims of
21 sex offenders, particularly if from underserved populations; and
- 22 (3) Create or build on efforts by existing community programs,
23 coordinate those efforts, or develop cooperative efforts or other
24 initiatives to make the most effective use of resources to provide
25 treatment services to these victims.

26 Funding shall be given to those applicants that emphasize providing
27 stable, victim-focused sexual abuse services and possess the
28 qualifications to provide core services, as defined in RCW 70.125.030.
29 Funds for specialized services, as defined in RCW 70.125.030, shall be
30 disbursed through the request for proposal or request for
31 qualifications process.

32 **Sec. 506.** RCW 43.280.060 and 1996 c 123 s 5 are each amended to
33 read as follows:

- 34 (1) Subject to funds appropriated by the legislature, the
35 department of (~~community, trade, and economic development~~) labor and

1 industries shall make awards under the grant program established by RCW
2 43.280.020.

3 (2) To aid the department of (~~community, trade, and economic~~
4 ~~development~~) labor and industries in making its funding
5 determinations, the department shall form a peer review committee
6 comprised of individuals who are knowledgeable or experienced in the
7 management or delivery of treatment services to victims of sex
8 offenders. The peer review committee shall advise the department on
9 the extent to which each eligible applicant meets the treatment and
10 management standards, as developed by the department. The department
11 shall consider this advice in making awards.

12 (3) Activities funded under this section may be considered for
13 funding in future years, but shall be considered under the same terms
14 and criteria as new activities. Funding under this chapter shall not
15 constitute an obligation by the state of Washington to provide ongoing
16 funding.

17 **Sec. 507.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to
18 read as follows:

19 The department of (~~community, trade, and economic development~~)
20 labor and industries may receive such gifts, grants, and endowments
21 from public or private sources as may be made from time to time, in
22 trust or otherwise, for the use and benefit of the purposes of this
23 chapter and expend the same or any income therefrom according to the
24 terms of the gifts, grants, or endowments.

25 **Sec. 508.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to
26 read as follows:

27 The office of crime victims advocacy is established in the
28 department of (~~community, trade, and economic development~~) labor and
29 industries. The office shall assist communities in planning and
30 implementing services for crime victims, advocate on behalf of crime
31 victims in obtaining needed services and resources, and advise local
32 and state governments on practices, policies, and priorities that
33 impact crime victims. In addition, the office shall administer grant
34 programs for sexual assault treatment and prevention services, as
35 authorized in this chapter.

1 **Sec. 509.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to
2 read as follows:

3 The director of the department of (~~community, trade, and economic~~
4 ~~development~~) labor and industries may establish ad hoc advisory
5 committees, as necessary, to obtain advice and guidance regarding the
6 office of crime victims advocacy program.

7 **Sec. 510.** RCW 70.125.030 and 2009 c 565 s 50 are each reenacted
8 and amended to read as follows:

9 As used in this chapter and unless the context indicates otherwise:

10 (1) "Community sexual assault program" means a community-based
11 social service agency that is qualified to provide and provides core
12 services to victims of sexual assault.

13 (2) "Core services" means treatment services for victims of sexual
14 assault including information and referral, crisis intervention,
15 medical advocacy, legal advocacy, support, system coordination, and
16 prevention for potential victims of sexual assault.

17 (3) "Department" means the department of (~~commerce~~) labor and
18 industries.

19 (4) "Law enforcement agencies" means police and sheriff's
20 departments of this state.

21 (5) "Personal representative" means a friend, relative, attorney,
22 or employee or volunteer from a community sexual assault program or
23 specialized treatment service provider.

24 (6) "Rape crisis center" means a community-based social service
25 agency which provides services to victims of sexual assault.

26 (7) "Sexual assault" means one or more of the following:

- 27 (a) Rape or rape of a child;
- 28 (b) Assault with intent to commit rape or rape of a child;
- 29 (c) Incest or indecent liberties;
- 30 (d) Child molestation;
- 31 (e) Sexual misconduct with a minor;
- 32 (f) Custodial sexual misconduct;
- 33 (g) Crimes with a sexual motivation; or
- 34 (h) An attempt to commit any of the aforementioned offenses.

35 (8) "Specialized services" means treatment services for victims of
36 sexual assault including support groups, therapy, and specialized
37 sexual assault medical examination.

1 (9) "Victim" means any person who suffers physical and/or mental
2 anguish as a proximate result of a sexual assault.

3 **Sec. 511.** RCW 74.14B.060 and 1996 c 123 s 8 are each amended to
4 read as follows:

5 (1) Treatment services for children who have been sexually
6 assaulted must be designed and delivered in a manner that accommodates
7 their unique developmental needs and also considers the impact of
8 family dynamics on treatment issues. In addition, the complexity of
9 the civil and criminal justice systems requires that children who are
10 involved receive appropriate consideration and attention that
11 recognizes their unique vulnerability in a system designed primarily
12 for adults.

13 (2) The department of (~~community, trade, and economic~~
14 ~~development~~) labor and industries shall provide, subject to available
15 funds, comprehensive sexual assault services to sexually abused
16 children and their families. The department shall provide treatment
17 services by qualified, registered, certified, or licensed professionals
18 on a one-to-one or group basis as may be deemed appropriate.

19 (3) Funds appropriated under this section shall be provided solely
20 for contracts or direct purchase of specific treatment services from
21 community organizations and private service providers for child victims
22 of sexual assault and sexual abuse. Funds shall be disbursed through
23 the request for proposal or request for qualifications process.

24 (4) As part of the request for proposal or request for
25 qualifications process the department of (~~community, trade, and~~
26 ~~economic development~~) labor and industries shall ensure that there be
27 no duplication of services with existing programs including the crime
28 victims' compensation program as provided in chapter 7.68 RCW. The
29 department shall also ensure that victims exhaust private insurance
30 benefits available to the child victim before providing services to the
31 child victim under this section.

32 NEW SECTION. **Sec. 512.** The following sections are each recodified
33 as sections in chapter 43.22 RCW:

- 34 RCW 43.63A.720
- 35 RCW 43.63A.725
- 36 RCW 43.63A.730

1 RCW 43.63A.735

2 RCW 43.63A.740

3 NEW SECTION. **Sec. 513.** (1) All powers, duties, and functions of
4 the department of commerce pertaining to the office of crime victims
5 advocacy are transferred to the department of labor and industries.
6 All references to the director or the department of commerce in the
7 Revised Code of Washington shall be construed to mean the director or
8 the department of labor and industries when referring to the functions
9 transferred in this section.

10 (2)(a) All reports, documents, surveys, books, records, files,
11 papers, or written material in the possession of the department of
12 commerce pertaining to the powers, functions, and duties transferred
13 shall be delivered to the custody of the department of labor and
14 industries. All cabinets, furniture, office equipment, motor vehicles,
15 and other tangible property employed by the department of commerce in
16 carrying out the powers, functions, and duties transferred shall be
17 made available to the department of labor and industries. All funds,
18 credits, or other assets held in connection with the powers, functions,
19 and duties transferred shall be assigned to the department of labor and
20 industries.

21 (b) Any appropriations made to the department of commerce for
22 carrying out the powers, functions, and duties transferred shall, on
23 the effective date of this section, be transferred and credited to the
24 department of labor and industries.

25 (c) Whenever any question arises as to the transfer of any
26 personnel, funds, books, documents, records, papers, files, equipment,
27 or other tangible property used or held in the exercise of the powers
28 and the performance of the duties and functions transferred, the
29 director of financial management shall make a determination as to the
30 proper allocation and certify the same to the state agencies concerned.

31 (3) All employees of the department of commerce engaged in
32 performing the powers, functions, and duties transferred are
33 transferred to the jurisdiction of the department of labor and
34 industries. All employees classified under chapter 41.06 RCW, the
35 state civil service law, are assigned to the department of labor and
36 industries to perform their usual duties upon the same terms as

1 formerly, without any loss of rights, subject to any action that may be
2 appropriate thereafter in accordance with the laws and rules governing
3 state civil service.

4 (4) All rules and all pending business before the department of
5 commerce pertaining to the powers, functions, and duties transferred
6 shall be continued and acted upon by the department of labor and
7 industries. All existing contracts and obligations shall remain in
8 full force and shall be performed by the department of labor and
9 industries.

10 (5) The transfer of the powers, duties, functions, and personnel of
11 the department of commerce shall not affect the validity of any act
12 performed before the effective date of this section.

13 (6) If apportionments of budgeted funds are required because of the
14 transfers directed by this section, the director of financial
15 management shall certify the apportionments to the agencies affected,
16 the state auditor, and the state treasurer. Each of these shall make
17 the appropriate transfer and adjustments in funds and appropriation
18 accounts and equipment records in accordance with the certification.

19 (7) All classified employees of the department of commerce assigned
20 to the department of labor and industries under this section whose
21 positions are within an existing bargaining unit description at the
22 department of labor and industries shall become a part of the existing
23 bargaining unit at the department of labor and industries and shall be
24 considered an appropriate inclusion or modification of the existing
25 bargaining unit under the provisions of chapter 41.80 RCW.

26 NEW SECTION. **Sec. 514.** RCW 43.280.081 is decodified.

27 **PART VI**

28 **WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION--ENERGY**

29 **Sec. 601.** RCW 80.50.030 and 2001 c 214 s 4 are each amended to
30 read as follows:

31 (1) There is created and established the energy facility site
32 evaluation council.

33 (2)(a) The chair of the council shall be appointed by the governor
34 with the advice and consent of the senate, shall have a vote on matters
35 before the council, shall serve for a term coextensive with the term of

1 the governor, and is removable for cause. The chair may designate a
2 member of the council to serve as acting chair in the event of the
3 chair's absence. The salary of the chair shall be determined under RCW
4 43.03.040. The chair is a "state employee" for the purposes of chapter
5 42.52 RCW. As applicable, when attending meetings of the council,
6 members may receive reimbursement for travel expenses in accordance
7 with RCW 43.03.050 and 43.03.060, and are eligible for compensation
8 under RCW 43.03.250.

9 (b) The chair or a designee shall execute all official documents,
10 contracts, and other materials on behalf of the council. The
11 Washington (~~state department of community, trade, and economic~~
12 ~~development~~) utilities and transportation commission shall provide all
13 administrative and staff support for the council. The (~~director of~~
14 ~~the department of community, trade, and economic development~~) chair of
15 the commission has supervisory authority over the staff of the council
16 and shall employ such personnel as are necessary to implement this
17 chapter. Not more than three such employees may be exempt from chapter
18 41.06 RCW.

19 (3)(a) The council shall consist of the directors, administrators,
20 or their designees, of the following departments, agencies,
21 commissions, and committees or their statutory successors:

- 22 (i) Department of ecology;
- 23 (ii) Department of fish and wildlife;
- 24 (iii) Department of (~~community, trade, and economic development~~)
25 commerce;
- 26 (iv) Utilities and transportation commission; and
- 27 (v) Department of natural resources.

28 (b) The directors, administrators, or their designees, of the
29 following departments, agencies, and commissions, or their statutory
30 successors, may participate as councilmembers at their own discretion
31 provided they elect to participate no later than sixty days after an
32 application is filed:

- 33 (i) Department of agriculture;
- 34 (ii) Department of health;
- 35 (iii) Military department; and
- 36 (iv) Department of transportation.

37 (c) Council membership is discretionary for agencies that choose to
38 participate under (b) of this subsection only for applications that are

1 filed with the council on or after May 8, 2001. For applications filed
2 before May 8, 2001, council membership is mandatory for those agencies
3 listed in (b) of this subsection.

4 (4)(a) The appropriate county legislative authority of every county
5 wherein an application for a proposed site is filed shall appoint a
6 member or designee as a voting member to the council. The member or
7 designee so appointed shall sit with the council only at such times as
8 the council considers the proposed site for the county which he or she
9 represents, and such member or designee shall serve until there has
10 been a final acceptance or rejection of the proposed site.

11 (b) The council shall otherwise retain its independence in
12 exercising its powers, functions, and duties and its supervisory
13 control over nonadministrative staff support. Membership, powers,
14 functions, and duties of the Washington state utilities and
15 transportation commission and the council shall otherwise remain as
16 provided by law.

17 (5) The city legislative authority of every city within whose
18 corporate limits an energy plant is proposed to be located shall
19 appoint a member or designee as a voting member to the council. The
20 member or designee so appointed shall sit with the council only at such
21 times as the council considers the proposed site for the city which he
22 or she represents, and such member or designee shall serve until there
23 has been a final acceptance or rejection of the proposed site.

24 (6) For any port district wherein an application for a proposed
25 port facility is filed subject to this chapter, the port district shall
26 appoint a member or designee as a nonvoting member to the council. The
27 member or designee so appointed shall sit with the council only at such
28 times as the council considers the proposed site for the port district
29 which he or she represents, and such member or designee shall serve
30 until there has been a final acceptance or rejection of the proposed
31 site. The provisions of this subsection shall not apply if the port
32 district is the applicant, either singly or in partnership or
33 association with any other person.

34 NEW SECTION. Sec. 602. (1) All administrative powers, duties, and
35 functions of the department of commerce pertaining to the energy
36 facility site evaluation council are transferred to the Washington
37 utilities and transportation commission. All references to the

1 director or the department of commerce in the Revised Code of
2 Washington shall be construed to mean the chair or the Washington
3 utilities and transportation commission when referring to the functions
4 transferred in this section.

5 (2)(a) All reports, documents, surveys, books, records, files,
6 papers, or written material in the possession of the department of
7 commerce pertaining to the powers, functions, and duties transferred
8 shall be delivered to the custody of the Washington utilities and
9 transportation commission. All cabinets, furniture, office equipment,
10 motor vehicles, and other tangible property employed by the department
11 of commerce in carrying out the powers, functions, and duties
12 transferred shall be made available to the Washington utilities and
13 transportation commission. All funds, credits, or other assets held in
14 connection with the powers, functions, and duties transferred shall be
15 assigned to the Washington utilities and transportation commission.

16 (b) Any appropriations made to the department of commerce for
17 carrying out the powers, functions, and duties transferred shall, on
18 the effective date of this section, be transferred and credited to the
19 Washington utilities and transportation commission.

20 (c) Whenever any question arises as to the transfer of any
21 personnel, funds, books, documents, records, papers, files, equipment,
22 or other tangible property used or held in the exercise of the powers
23 and the performance of the duties and functions transferred, the
24 director of financial management shall make a determination as to the
25 proper allocation and certify the same to the state agencies concerned.

26 (3) All employees of the department of commerce engaged in
27 performing the powers, functions, and duties transferred are
28 transferred to the jurisdiction of the Washington utilities and
29 transportation commission. All employees classified under chapter
30 41.06 RCW, the state civil service law, are assigned to the Washington
31 utilities and transportation commission to perform their usual duties
32 upon the same terms as formerly, without any loss of rights, subject to
33 any action that may be appropriate thereafter in accordance with the
34 laws and rules governing state civil service.

35 (4) All rules and all pending business before the department of
36 commerce pertaining to the powers, functions, and duties transferred
37 shall be continued and acted upon by the Washington utilities and

1 transportation commission. All existing contracts and obligations
2 shall remain in full force and shall be performed by the Washington
3 utilities and transportation commission.

4 (5) The transfer of the powers, duties, functions, and personnel of
5 the department of commerce shall not affect the validity of any act
6 performed before the effective date of this section.

7 (6) If apportionments of budgeted funds are required because of the
8 transfers directed by this section, the director of financial
9 management shall certify the apportionments to the agencies affected,
10 the state auditor, and the state treasurer. Each of these shall make
11 the appropriate transfer and adjustments in funds and appropriation
12 accounts and equipment records in accordance with the certification.

13 (7) All classified employees of the department of commerce assigned
14 to the Washington utilities and transportation commission under this
15 section whose positions are within an existing bargaining unit
16 description at the Washington utilities and transportation commission
17 shall become a part of the existing bargaining unit at the Washington
18 utilities and transportation commission and shall be considered an
19 appropriate inclusion or modification of the existing bargaining unit
20 under the provisions of chapter 41.80 RCW.

21 **PART VII**

22 **OFFICE OF FINANCIAL MANAGEMENT--LONG-TERM CARE OMBUDSMAN**

23 **Sec. 701.** RCW 43.190.030 and 1997 c 194 s 1 are each amended to
24 read as follows:

25 There is created the office of the state long-term care ombudsman.
26 The (~~department of community, trade, and economic development~~) office
27 of financial management shall contract with a private nonprofit
28 organization to provide long-term care ombudsman services as specified
29 under, and consistent with, the federal older Americans act as amended,
30 federal mandates, the goals of the state, and the needs of its
31 citizens. The (~~department of community, trade, and economic~~
32 ~~development~~) office of financial management shall ensure that all
33 program and staff support necessary to enable the ombudsman to
34 effectively protect the interests of residents, patients, and clients
35 of all long-term care facilities is provided by the nonprofit
36 organization that contracts to provide long-term care ombudsman

1 services. The (~~department of community, trade, and economic~~
2 ~~development~~) office of financial management shall adopt rules to carry
3 out this chapter and the long-term care ombudsman provisions of the
4 federal older Americans act, as amended, and applicable federal
5 regulations. The long-term care ombudsman program shall have the
6 following powers and duties:

7 (1) To provide services for coordinating the activities of long-
8 term care ombudsmen throughout the state;

9 (2) Carry out such other activities as the (~~department of~~
10 ~~community, trade, and economic development~~) office of financial
11 management deems appropriate;

12 (3) Establish procedures consistent with RCW 43.190.110 for
13 appropriate access by long-term care ombudsmen to long-term care
14 facilities and patients' records, including procedures to protect the
15 confidentiality of the records and ensure that the identity of any
16 complainant or resident will not be disclosed without the written
17 consent of the complainant or resident, or upon court order;

18 (4) Establish a statewide uniform reporting system to collect and
19 analyze data relating to complaints and conditions in long-term care
20 facilities for the purpose of identifying and resolving significant
21 problems, with provision for submission of such data to the department
22 of social and health services and to the federal department of health
23 and human services, or its successor agency, on a regular basis; and

24 (5) Establish procedures to assure that any files maintained by
25 ombudsman programs shall be disclosed only at the discretion of the
26 ombudsman having authority over the disposition of such files, except
27 that the identity of any complainant or resident of a long-term care
28 facility shall not be disclosed by such ombudsman unless:

29 (a) Such complainant or resident, or the complainant's or
30 resident's legal representative, consents in writing to such
31 disclosure; or

32 (b) Such disclosure is required by court order.

33 **Sec. 702.** RCW 43.190.120 and 1983 c 290 s 12 are each amended to
34 read as follows:

35 It is the intent that federal requirements be complied with and the
36 (~~department~~) office of financial management annually expend at least
37 one percent of the state's allotment of social services funds from

1 Title III B of the Older Americans Act of 1965, as it exists as of July
2 24, 1983, or twenty thousand dollars, whichever is greater to establish
3 the state long-term care ombudsman program established by this chapter
4 if funds are appropriated by the legislature.

5 NEW SECTION. **Sec. 703.** (1) All powers, duties, and functions of
6 the department of commerce pertaining to the long-term care ombudsman
7 program are transferred to the office of financial management. All
8 references to the director or the department of commerce in the Revised
9 Code of Washington shall be construed to mean the director or the
10 office of financial management when referring to the functions
11 transferred in this section.

12 (2)(a) All reports, documents, surveys, books, records, files,
13 papers, or written material in the possession of the department of
14 commerce pertaining to the powers, functions, and duties transferred
15 shall be delivered to the custody of the office of financial
16 management. All cabinets, furniture, office equipment, motor vehicles,
17 and other tangible property employed by the department of commerce in
18 carrying out the powers, functions, and duties transferred shall be
19 made available to the office of financial management. All funds,
20 credits, or other assets held in connection with the powers, functions,
21 and duties transferred shall be assigned to the office of financial
22 management.

23 (b) Any appropriations made to the department of commerce for
24 carrying out the powers, functions, and duties transferred shall, on
25 the effective date of this section, be transferred and credited to the
26 office of financial management.

27 (c) Whenever any question arises as to the transfer of any
28 personnel, funds, books, documents, records, papers, files, equipment,
29 or other tangible property used or held in the exercise of the powers
30 and the performance of the duties and functions transferred, the
31 director of financial management shall make a determination as to the
32 proper allocation and certify the same to the state agencies concerned.

33 (3) All employees of the department of commerce engaged in
34 performing the powers, functions, and duties transferred are
35 transferred to the jurisdiction of the office of financial management.
36 All employees classified under chapter 41.06 RCW, the state civil
37 service law, are assigned to the office of financial management to

1 perform their usual duties upon the same terms as formerly, without any
2 loss of rights, subject to any action that may be appropriate
3 thereafter in accordance with the laws and rules governing state civil
4 service.

5 (4) All rules and all pending business before the department of
6 commerce pertaining to the powers, functions, and duties transferred
7 shall be continued and acted upon by the office of financial
8 management. All existing contracts and obligations shall remain in
9 full force and shall be performed by the office of financial
10 management.

11 (5) The transfer of the powers, duties, functions, and personnel of
12 the department of commerce shall not affect the validity of any act
13 performed before the effective date of this section.

14 (6) If apportionments of budgeted funds are required because of the
15 transfers directed by this section, the director of financial
16 management shall certify the apportionments to the agencies affected,
17 the state auditor, and the state treasurer. Each of these shall make
18 the appropriate transfer and adjustments in funds and appropriation
19 accounts and equipment records in accordance with the certification.

20 (7) All classified employees of the department of commerce assigned
21 to the office of financial management under this section whose
22 positions are within an existing bargaining unit description at the
23 office of financial management shall become a part of the existing
24 bargaining unit at the office of financial management and shall be
25 considered an appropriate inclusion or modification of the existing
26 bargaining unit under the provisions of chapter 41.80 RCW.

27 **PART VIII**
28 **BUILDING CODE COUNCIL**

29 **Sec. 801.** RCW 19.27.070 and 1995 c 399 s 8 are each amended to
30 read as follows:

31 There is hereby established a state building code council to be
32 appointed by the governor.

33 (1) The state building code council shall consist of fifteen
34 members, two of whom shall be county elected legislative body members
35 or elected executives and two of whom shall be city elected legislative
36 body members or mayors. One of the members shall be a local government

1 building code enforcement official and one of the members shall be a
2 local government fire service official. Of the remaining nine members,
3 one member shall represent general construction, specializing in
4 commercial and industrial building construction; one member shall
5 represent general construction, specializing in residential and
6 multifamily building construction; one member shall represent the
7 architectural design profession; one member shall represent the
8 structural engineering profession; one member shall represent the
9 mechanical engineering profession; one member shall represent the
10 construction building trades; one member shall represent manufacturers,
11 installers, or suppliers of building materials and components; one
12 member shall be a person with a physical disability and shall represent
13 the disability community; and one member shall represent the general
14 public. At least six of these fifteen members shall reside east of the
15 crest of the Cascade mountains. The council shall include: Two
16 members of the house of representatives appointed by the speaker of the
17 house, one from each caucus; two members of the senate appointed by the
18 president of the senate, one from each caucus; and an employee of the
19 electrical division of the department of labor and industries, as ex
20 officio, nonvoting members with all other privileges and rights of
21 membership. Terms of office shall be for three years. The council
22 shall elect a member to serve as chair of the council for one-year
23 terms of office. Any member who is appointed by virtue of being an
24 elected official or holding public employment shall be removed from the
25 council if he or she ceases being such an elected official or holding
26 such public employment. Before making any appointments to the building
27 code council, the governor shall seek nominations from recognized
28 organizations which represent the entities or interests listed in this
29 subsection. Members serving on the council on July 28, 1985, may
30 complete their terms of office. Any vacancy shall be filled by
31 alternating appointments from governmental and nongovernmental entities
32 or interests until the council is constituted as required by this
33 subsection.

34 (2) Members shall not be compensated but shall receive
35 reimbursement for travel expenses in accordance with RCW 43.03.050 and
36 43.03.060.

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

1 development)) general administration shall provide administrative and
2 clerical assistance to the building code council.

3 **Sec. 802.** RCW 19.27.097 and 1995 c 399 s 9 are each amended to
4 read as follows:

5 (1) Each applicant for a building permit of a building
6 necessitating potable water shall provide evidence of an adequate water
7 supply for the intended use of the building. Evidence may be in the
8 form of a water right permit from the department of ecology, a letter
9 from an approved water purveyor stating the ability to provide water,
10 or another form sufficient to verify the existence of an adequate water
11 supply. In addition to other authorities, the county or city may
12 impose conditions on building permits requiring connection to an
13 existing public water system where the existing system is willing and
14 able to provide safe and reliable potable water to the applicant with
15 reasonable economy and efficiency. An application for a water right
16 shall not be sufficient proof of an adequate water supply.

17 (2) Within counties not required or not choosing to plan pursuant
18 to RCW 36.70A.040, the county and the state may mutually determine
19 those areas in the county in which the requirements of subsection (1)
20 of this section shall not apply. The departments of health and ecology
21 shall coordinate on the implementation of this section. Should the
22 county and the state fail to mutually determine those areas to be
23 designated pursuant to this subsection, the county may petition the
24 department of (~~community, trade, and economic development~~) general
25 administration to mediate or, if necessary, make the determination.

26 (3) Buildings that do not need potable water facilities are exempt
27 from the provisions of this section. The department of ecology, after
28 consultation with local governments, may adopt rules to implement this
29 section, which may recognize differences between high-growth and low-
30 growth counties.

31 **Sec. 803.** RCW 19.27.150 and 1995 c 399 s 10 are each amended to
32 read as follows:

33 Every month a copy of the United States department of commerce,
34 bureau of the census' "report of building or zoning permits issued and
35 local public construction" or equivalent report shall be transmitted by

1 the governing bodies of counties and cities to the department of
2 (~~community, trade, and economic development~~) general administration.

3 **Sec. 804.** RCW 19.27A.020 and 2009 c 423 s 4 are each amended to
4 read as follows:

5 (1) The state building code council shall adopt rules to be known
6 as the Washington state energy code as part of the state building code.

7 (2) The council shall follow the legislature's standards set forth
8 in this section to adopt rules to be known as the Washington state
9 energy code. The Washington state energy code shall be designed to:

10 (a) Construct increasingly energy efficient homes and buildings
11 that help achieve the broader goal of building zero fossil-fuel
12 greenhouse gas emission homes and buildings by the year 2031;

13 (b) Require new buildings to meet a certain level of energy
14 efficiency, but allow flexibility in building design, construction, and
15 heating equipment efficiencies within that framework; and

16 (c) Allow space heating equipment efficiency to offset or
17 substitute for building envelope thermal performance.

18 (3) The Washington state energy code shall take into account
19 regional climatic conditions. Climate zone 1 shall include all
20 counties not included in climate zone 2. Climate zone 2 includes:
21 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
22 Oreille, Spokane, Stevens, and Whitman counties.

23 (4) The Washington state energy code for residential buildings
24 shall be the 2006 edition of the Washington state energy code, or as
25 amended by rule by the council.

26 (5) The minimum state energy code for new nonresidential buildings
27 shall be the Washington state energy code, 2006 edition, or as amended
28 by the council by rule.

29 (6)(a) Except as provided in (b) of this subsection, the Washington
30 state energy code for residential structures shall preempt the
31 residential energy code of each city, town, and county in the state of
32 Washington.

33 (b) The state energy code for residential structures does not
34 preempt a city, town, or county's energy code for residential
35 structures which exceeds the requirements of the state energy code and
36 which was adopted by the city, town, or county prior to March 1, 1990.

1 Such cities, towns, or counties may not subsequently amend their energy
2 code for residential structures to exceed the requirements adopted
3 prior to March 1, 1990.

4 (7) The state building code council shall consult with the
5 department of (~~community, trade, and economic development~~) general
6 administration as provided in RCW 34.05.310 prior to publication of
7 proposed rules. The director of the department of (~~community, trade,~~
8 ~~and economic development~~) general administration shall recommend to
9 the state building code council any changes necessary to conform the
10 proposed rules to the requirements of this section.

11 (8) The state building code council shall evaluate and consider
12 adoption of the international energy conservation code in Washington
13 state in place of the existing state energy code.

14 (9) The definitions in RCW 19.27A.140 apply throughout this
15 section.

16 **Sec. 805.** RCW 19.27A.140 and 2009 c 423 s 2 are each amended to
17 read as follows:

18 The definitions in this section apply to RCW 19.27A.130 through
19 19.27A.190 and 19.27A.020 unless the context clearly requires
20 otherwise.

21 (1) "Benchmark" means the energy used by a facility as recorded
22 monthly for at least one year and the facility characteristics
23 information inputs required for a portfolio manager.

24 (2) "Conditioned space" means conditioned space, as defined in the
25 Washington state energy code.

26 (3) "Consumer-owned utility" includes a municipal electric utility
27 formed under Title 35 RCW, a public utility district formed under Title
28 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
29 cooperative formed under chapter 23.86 RCW, a mutual corporation or
30 association formed under chapter 24.06 RCW, a port district formed
31 under Title 53 RCW, or a water-sewer district formed under Title 57
32 RCW, that is engaged in the business of distributing electricity to one
33 or more retail electric customers in the state.

34 (4) "Cost-effectiveness" means that a project or resource is
35 forecast:

36 (a) To be reliable and available within the time it is needed; and

1 (b) To meet or reduce the power demand of the intended consumers at
2 an estimated incremental system cost no greater than that of the least-
3 cost similarly reliable and available alternative project or resource,
4 or any combination thereof.

5 (5) "Council" means the state building code council.

6 (6) (~~"Department" means the department of community, trade, and~~
7 ~~economic development.~~

8 ~~(7))~~ "Embodied energy" means the total amount of fossil fuel
9 energy consumed to extract raw materials and to manufacture, assemble,
10 transport, and install the materials in a building and the life-cycle
11 cost benefits including the recyclability and energy efficiencies with
12 respect to building materials, taking into account the total sum of
13 current values for the costs of investment, capital, installation,
14 operating, maintenance, and replacement as estimated for the lifetime
15 of the product or project.

16 ~~((8))~~ (7) "Energy consumption data" means the monthly amount of
17 energy consumed by a customer as recorded by the applicable energy
18 meter for the most recent twelve-month period.

19 ~~((9))~~ (8) "Energy service company" has the same meaning as in RCW
20 43.19.670.

21 ~~((10))~~ (9) "General administration" means the department of
22 general administration.

23 ~~((11))~~ (10) "Greenhouse gas" and "greenhouse gases" includes
24 carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,
25 perfluorocarbons, and sulfur hexafluoride.

26 ~~((12))~~ (11) "Investment grade energy audit" means an intensive
27 engineering analysis of energy efficiency and management measures for
28 the facility, net energy savings, and a cost-effectiveness
29 determination.

30 ~~((13))~~ (12) "Investor-owned utility" means a corporation owned by
31 investors that meets the definition of "corporation" as defined in RCW
32 80.04.010 and is engaged in distributing either electricity or natural
33 gas, or both, to more than one retail electric customer in the state.

34 ~~((14))~~ (13) "Major facility" means any publicly owned or leased
35 building, or a group of such buildings at a single site, having ten
36 thousand square feet or more of conditioned floor space.

37 ~~((15))~~ (14) "National energy performance rating" means the score
38 provided by the energy star program, to indicate the energy efficiency

1 performance of the building compared to similar buildings in that
2 climate as defined in the United States environmental protection agency
3 "ENERGY STAR® Performance Ratings Technical Methodology."

4 ~~((+16))~~ (15) "Net zero energy use" means a building with net
5 energy consumption of zero over a typical year.

6 ~~((+17))~~ (16) "Portfolio manager" means the United States
7 environmental protection agency's energy star portfolio manager or an
8 equivalent tool adopted by the department of general administration.

9 ~~((+18))~~ (17) "Preliminary energy audit" means a quick evaluation
10 by an energy service company of the energy savings potential of a
11 building.

12 ~~((+19))~~ (18) "Qualifying public agency" includes all state
13 agencies, colleges, and universities.

14 ~~((+20))~~ (19) "Qualifying utility" means a consumer-owned or
15 investor-owned gas or electric utility that serves more than twenty-
16 five thousand customers in the state of Washington.

17 ~~((+21))~~ (20) "Reporting public facility" means any of the
18 following:

19 (a) A building or structure, or a group of buildings or structures
20 at a single site, owned by a qualifying public agency, that exceed ten
21 thousand square feet of conditioned space;

22 (b) Buildings, structures, or spaces leased by a qualifying public
23 agency that exceeds ten thousand square feet of conditioned space,
24 where the qualifying public agency purchases energy directly from the
25 investor-owned or consumer-owned utility;

26 (c) A wastewater treatment facility owned by a qualifying public
27 agency; or

28 (d) Other facilities selected by the qualifying public agency.

29 ~~((+22))~~ (21) "State portfolio manager master account" means a
30 portfolio manager account established to provide a single shared
31 portfolio that includes reports for all the reporting public
32 facilities.

33 **Sec. 806.** RCW 19.27A.150 and 2009 c 423 s 3 are each amended to
34 read as follows:

35 (1) To the extent that funding is appropriated specifically for the
36 purposes of this section, the department of commerce shall develop and
37 implement a strategic plan for enhancing energy efficiency in and

1 reducing greenhouse gas emissions from homes, buildings, districts, and
2 neighborhoods. The strategic plan must be used to help direct the
3 future code increases in RCW 19.27A.020, with targets for new buildings
4 consistent with RCW 19.27A.160. The strategic plan will identify
5 barriers to achieving net zero energy use in homes and buildings and
6 identify how to overcome these barriers in future energy code updates
7 and through complementary policies.

8 (2) The department of commerce must complete and release the
9 strategic plan to the legislature and the council by December 31, 2010,
10 and update the plan every three years.

11 (3) The strategic plan must include recommendations to the council
12 on energy code upgrades. At a minimum, the strategic plan must:

13 (a) Consider development of aspirational codes separate from the
14 state energy code that contain economically and technically feasible
15 optional standards that could achieve higher energy efficiency for
16 those builders that elected to follow the aspirational codes in lieu of
17 or in addition to complying with the standards set forth in the state
18 energy code;

19 (b) Determine the appropriate methodology to measure achievement of
20 state energy code targets using the United States environmental
21 protection agency's target finder program or equivalent methodology;

22 (c) Address the need for enhanced code training and enforcement;

23 (d) Include state strategies to support research, demonstration,
24 and education programs designed to achieve a seventy percent reduction
25 in annual net energy consumption as specified in RCW 19.27A.160 and
26 enhance energy efficiency and on-site renewable energy production in
27 buildings;

28 (e) Recommend incentives, education, training programs and
29 certifications, particularly state-approved training or certification
30 programs, joint apprenticeship programs, or labor-management
31 partnership programs that train workers for energy-efficiency projects
32 to ensure proposed programs are designed to increase building
33 professionals' ability to design, construct, and operate buildings that
34 will meet the seventy percent reduction in annual net energy
35 consumption as specified in RCW 19.27A.160;

36 (f) Address barriers for utilities to serve net zero energy homes
37 and buildings and policies to overcome those barriers;

1 (g) Address the limits of a prescriptive code in achieving net zero
2 energy use homes and buildings and propose a transition to performance-
3 based codes;

4 (h) Identify financial mechanisms such as tax incentives, rebates,
5 and innovative financing to motivate energy consumers to take action to
6 increase energy efficiency and their use of on-site renewable energy.
7 Such incentives, rebates, or financing options may consider the role of
8 government programs as well as utility-sponsored programs;

9 (i) Address the adequacy of education and technical assistance,
10 including school curricula, technical training, and peer-to-peer
11 exchanges for professional and trade audiences;

12 (j) Develop strategies to develop and install district and
13 neighborhood-wide energy systems that help meet net zero energy use in
14 homes and buildings;

15 (k) Identify costs and benefits of energy efficiency measures on
16 residential and nonresidential construction; and

17 (l) Investigate methodologies and standards for the measurement of
18 the amount of embodied energy used in building materials.

19 (4) The department of commerce and the council shall convene a work
20 group with the affected parties to inform the initial development of
21 the strategic plan.

22 **Sec. 807.** RCW 19.27A.180 and 2009 c 423 s 7 are each amended to
23 read as follows:

24 By December 31, 2009, to the extent that funding is appropriated
25 specifically for the purposes of this section, the department of
26 commerce shall develop and recommend to the legislature a methodology
27 to determine an energy performance score for residential buildings and
28 an implementation strategy to use such information to improve the
29 energy efficiency of the state's existing housing supply. In
30 developing its strategy, the department of commerce shall seek input
31 from providers of residential energy audits, utilities, building
32 contractors, mixed use developers, the residential real estate
33 industry, and real estate listing and form providers.

34 NEW SECTION. **Sec. 808.** (1) All powers, duties, and functions of
35 the department of commerce pertaining to administrative and support
36 services for the state building code council are transferred to the

1 department of general administration. All references to the director
2 or the department of commerce in the Revised Code of Washington shall
3 be construed to mean the director or the department of general
4 administration when referring to the functions transferred in this
5 section. Policy and planning assistance functions performed by the
6 department of commerce remain with the department of commerce.

7 (2)(a) All reports, documents, surveys, books, records, files,
8 papers, or written material in the possession of the department of
9 commerce pertaining to the powers, functions, and duties transferred
10 shall be delivered to the custody of the department of general
11 administration. All cabinets, furniture, office equipment, motor
12 vehicles, and other tangible property employed by the department of
13 commerce in carrying out the powers, functions, and duties transferred
14 shall be made available to the department of general administration.
15 All funds, credits, or other assets held in connection with the powers,
16 functions, and duties transferred shall be assigned to the department
17 of general administration.

18 (b) Any appropriations made to the department of commerce for
19 carrying out the powers, functions, and duties transferred shall, on
20 the effective date of this section, be transferred and credited to the
21 department of general administration.

22 (c) Whenever any question arises as to the transfer of any
23 personnel, funds, books, documents, records, papers, files, equipment,
24 or other tangible property used or held in the exercise of the powers
25 and the performance of the duties and functions transferred, the
26 director of financial management shall make a determination as to the
27 proper allocation and certify the same to the state agencies concerned.

28 (3) All employees of the department of commerce engaged in
29 performing the powers, functions, and duties transferred are
30 transferred to the jurisdiction of the department of general
31 administration. All employees classified under chapter 41.06 RCW, the
32 state civil service law, are assigned to the department of general
33 administration to perform their usual duties upon the same terms as
34 formerly, without any loss of rights, subject to any action that may be
35 appropriate thereafter in accordance with the laws and rules governing
36 state civil service.

37 (4) All rules and all pending business before the department of
38 commerce pertaining to the powers, functions, and duties transferred

1 shall be continued and acted upon by the department of general
2 administration. All existing contracts and obligations shall remain in
3 full force and shall be performed by the department of general
4 administration.

5 (5) The transfer of the powers, duties, functions, and personnel of
6 the department of commerce shall not affect the validity of any act
7 performed before the effective date of this section.

8 (6) If apportionments of budgeted funds are required because of the
9 transfers directed by this section, the director of financial
10 management shall certify the apportionments to the agencies affected,
11 the state auditor, and the state treasurer. Each of these shall make
12 the appropriate transfer and adjustments in funds and appropriation
13 accounts and equipment records in accordance with the certification.

14 (7) All classified employees of the department of commerce assigned
15 to the department of general administration under this section whose
16 positions are within an existing bargaining unit description at the
17 department of general administration shall become a part of the
18 existing bargaining unit at the department of general administration
19 and shall be considered an appropriate inclusion or modification of the
20 existing bargaining unit under the provisions of chapter 41.80 RCW.

21 **PART IX**

22 **DEPARTMENT OF COMMERCE--ENERGY POLICY**

23 **Sec. 901.** RCW 43.21F.010 and 1975-'76 2nd ex.s. c 108 s 1 are each
24 amended to read as follows:

25 (1) The legislature finds that energy drives the entire modern
26 economy from petroleum for vehicles to electricity to light homes and
27 businesses. The legislature further finds that the nation and the
28 world have started the transition to a clean energy economy, with
29 significant improvements in energy efficiency and investments in new
30 clean and renewable energy resources and technologies.

31 (2) The legislature finds and declares that it is the continuing
32 purpose of state government, consistent with other essential
33 considerations of state policy, to foster wise and efficient energy use
34 and to promote energy self-sufficiency through the use of indigenous
35 and renewable energy sources, consistent with the promotion of reliable

1 energy sources, the general welfare, and the protection of
2 environmental quality.

3 (3) The legislature further declares that the goals of the state's
4 energy strategy are to:

5 (a) Maintain competitive energy prices that are fair and reasonable
6 for consumers and globally competitive in support of our state's
7 continued economic success;

8 (b) Increase competitiveness by fostering a clean energy economy
9 and jobs through business and workforce development;

10 (c) Meet the state's obligations to reduce greenhouse gas
11 emissions; and

12 (d) Align state governing systems and practices in support of the
13 state being the best place to develop, build, and deploy clean
14 technology to serve the world.

15 **Sec. 902.** RCW 43.21F.025 and 2009 c 565 s 27 are each reenacted
16 and amended to read as follows:

17 (1) "Assistant director" means the assistant director of the
18 department of commerce responsible for energy policy activities;

19 (2) "Department" means the department of commerce;

20 (3) "Director" means the director of the department of commerce;

21 (4) "Distributor" means any person, private corporation,
22 partnership, individual proprietorship, utility, including investor-
23 owned utilities, municipal utility, public utility district, joint
24 operating agency, or cooperative, which engages in or is authorized to
25 engage in the activity of generating, transmitting, or distributing
26 energy in this state;

27 (5) "Energy" means petroleum or other liquid fuels; natural or
28 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear
29 material; electricity; solar radiation; geothermal resources;
30 hydropower; organic waste products; wind; tidal activity; any other
31 substance or process used to produce heat, light, or motion; or the
32 savings from nongeneration technologies, including conservation or
33 improved efficiency in the usage of any of the sources described in
34 this subsection;

35 (6) "Person" means an individual, partnership, joint venture,
36 private or public corporation, association, firm, public service

1 company, political subdivision, municipal corporation, government
2 agency, public utility district, joint operating agency, or any other
3 entity, public or private, however organized; and

4 (7) "State energy strategy" means the document (~~(and energy policy~~
5 ~~direction)) developed ((under section 1, chapter 201, Laws of 1991~~
6 ~~including any related appendices)) and updated by the department as
7 required in RCW 43.21F.090.~~

8 NEW SECTION. Sec. 903. A new section is added to chapter 43.21F
9 RCW to read as follows:

10 To meet the state energy strategy goals as specified in RCW
11 43.21F.010, it is the policy of the state of Washington to:

12 (1) Pursue all cost-effective energy efficiency and conservation as
13 the state's preferred energy resource;

14 (2) Ensure that the state's energy system meets the health,
15 welfare, and economic needs of its citizens with particular emphasis on
16 meeting the needs of low-income and vulnerable populations;

17 (3) Maintain and enhance economic competitiveness by ensuring an
18 affordable and reliable supply of energy resources and by supporting
19 clean energy technology innovation, access to clean energy markets
20 worldwide, and clean energy business and workforce development;

21 (4) Reduce dependence on fossil fuel energy sources through
22 improved efficiency and development of cleaner energy sources, such as
23 bioenergy, natural gas, and other low-carbon energy sources;

24 (5) Improve efficiency of transportation energy use through
25 advances in vehicle technology, increased system efficiencies,
26 development of electricity, biofuels, and other clean fuels, and land
27 use policies that improve transportation choices;

28 (6) Meet the state's statutory climate change goals and targets and
29 other environmental requirements as the state develops and uses energy
30 resources;

31 (7) Build on the advantage provided by the state's clean regional
32 electrical grid by expanding and integrating additional carbon-free
33 generation and improving the transmission capacity serving the state;

34 (8) Make state government a model for energy efficiency, use of
35 clean and renewable energy, and greenhouse gas-neutral operations;

36 (9) During energy shortage emergencies, give priority in the
37 allocation of energy resources to maintaining the public health,

1 safety, and welfare of the state's citizens and industry in order to
2 minimize adverse impacts on their physical, social, and economic well-
3 being;

4 (10) Develop and disseminate impartial and objective energy
5 information and analysis, while taking full advantage of the
6 capabilities of the state's institutions of higher education;

7 (11) Actively seek to maximize federal and other nonstate funding
8 and support to the state for energy efficiency, renewable energy,
9 emerging energy technologies, and other activities of benefit to the
10 state's overall energy future; and

11 (12) Ensure that the state energy strategy provides primary
12 guidance to inform the actions of all agencies of the state for
13 consistent implementation of the state's energy policy including
14 applicable statutory policies and goals relating to energy supply and
15 use.

16 **Sec. 904.** RCW 43.21F.090 and 1996 c 186 s 106 are each amended to
17 read as follows:

18 (1)(a)(i) By December 1, 2010, and every five years thereafter, the
19 department ((shall review the state energy strategy as developed under
20 section 1, chapter 201, Laws of 1991, periodically with the guidance of
21 an advisory committee. For each review, an advisory committee shall be
22 established with a membership resembling as closely as possible the
23 original energy strategy advisory committee specified under section 1,
24 chapter 201, Laws of 1991. Upon completion of a public hearing
25 regarding the advisory committee's advice and recommendations for
26 revisions to the energy strategy, a written report shall be conveyed by
27 the department to the governor and the appropriate legislative
28 committees. Any advisory committee established under this section
29 shall be dissolved within three months after their written report is
30 conveyed.)) of commerce shall produce a fully updated and revised state
31 energy strategy and implementation report with the guidance of an
32 advisory committee. The strategy shall, to the maximum extent
33 feasible, examine the state's entire energy system and provide specific
34 recommendations for both further development of state analytical
35 capabilities and policies as well as implementation recommendations.
36 The strategy may also provide recommendations for legislation necessary
37 to facilitate implementation of the strategy to the governor and

1 legislature. In addition, the department shall review related
2 processes and documents relevant to a state energy strategy including
3 but not limited to prior state energy strategies, the work of the clean
4 energy leadership council, the climate advisory and action teams, the
5 evergreen jobs committee, reports of state transportation planning
6 commission, economic development commission, and the northwest power
7 and conservation council. The strategy must build upon and be
8 consistent with all relevant and applicable statutorily authorized
9 energy and climate policies, goals, and programs, and may include
10 recommendations for legislation.

11 (ii) The legislature shall, by concurrent resolution, approve or
12 recommend changes to the initial energy strategy and implementation
13 report and five-year updates under this subsection (1)(a).

14 (b) The department may periodically review and update the state
15 energy strategy as necessary. The department shall engage an advisory
16 committee as required in this section when updating the strategy.

17 (c) The director shall appoint an advisory committee with a
18 membership reflecting a balance of the interests in energy generation,
19 distribution, and uses, including: Residential, commercial,
20 industrial, and agricultural users; electric and natural gas utilities,
21 both consumer-owned and investor-owned; petroleum and natural gas
22 industries; local governments; civic and environmental organizations;
23 key public agencies; and other interested stakeholders. Upon
24 completion of a public hearing regarding the advisory committee's
25 advice and recommendations for revisions to the energy strategy, a
26 written report must be conveyed by the department to the governor and
27 the appropriate legislative committees. Any advisory committee
28 established under this section must be dissolved within three months
29 after the written report is conveyed.

30 (2) To assist in updates of the state energy strategy, the
31 department of commerce shall actively seek both in-kind and financial
32 support for this process from the United States department of energy
33 and its national laboratories, other public agencies, private sector
34 entities, foundations, and other energy organizations. The department
35 of commerce shall develop a work plan for update of the strategy that
36 reflects the levels of activities and deliverables commensurate with
37 the level of funding and in-kind support available from state and
38 nonstate sources.

1 **Sec. 905.** RCW 43.21F.055 and 1996 c 186 s 104 are each amended to
2 read as follows:

3 (1)(a) The department shall not intervene in any ((regulatory))
4 adjudicative proceeding before the Washington utilities and
5 transportation commission ((or proceedings of utilities not regulated
6 by the commission. Nothing in this chapter abrogates or diminishes the
7 functions, powers, or duties of the energy facility site evaluation
8 council pursuant to chapter 80.50 RCW, the utilities and transportation
9 commission pursuant to Title 80 RCW, or other state or local agencies
10 established by law.

11 ~~The department shall avoid duplication of activity with other state~~
12 ~~agencies and officers and other persons)), but it may petition the~~
13 commission for permission to file an amicus curiae brief to raise a
14 specific issue pertaining to a state energy policy goal. The petition
15 filed with the commission must establish that: (i) The brief will
16 address a specific issue pertaining to a particular state energy policy
17 goal; (ii) the other parties consent to the amicus brief or the amicus
18 brief would assist the commission; (iii) the specific issue is one that
19 has been raised by the parties; and (iv) the department's position does
20 not rely on evidence outside of the existing record in the case.

21 (b) The commission may only accept a petition filed by the
22 department under this subsection upon a finding that the department is
23 uniquely qualified to raise the issue it has petitioned to present and
24 that no party to the proceeding can adequately represent the interests
25 of the department in the proceeding.

26 (c) Upon granting the department's petition, the commission shall
27 consider the department as a person with an indirect interest in the
28 outcome of the proceeding for purposes of RCW 34.05.455 and
29 administrative rules adopted by the commission to govern ex parte
30 communications.

31 (2) The department may participate in any public meeting conducted
32 by an electric utility in its development of an integrated resource
33 plan pursuant to chapter 19.280 RCW.

34 (3) The department may, upon written approval of the director of
35 the department and the governor, or a designee of the governor who is
36 employed in the office of the governor, submit comments in a public
37 proceeding before the governing body of a utility that is not regulated

1 by the commission to raise a specific issue pertaining to a state
2 energy policy goal.

3 NEW SECTION. Sec. 906. RCW 43.21F.015 (State policy) and 1994 c
4 207 s 3 & 1981 c 295 s 1 are each repealed.

5 **PART X**

6 **CRIMINAL JUSTICE TRAINING COMMISSION--SUBSTANCE ABUSE PROGRAM**

7 **Sec. 1001.** RCW 36.27.100 and 1995 c 399 s 41 are each amended to
8 read as follows:

9 The legislature recognizes that, due to the magnitude or volume of
10 offenses in a given area of the state, there is a recurring need for
11 supplemental assistance in the prosecuting of drug and drug-related
12 offenses that can be directed to the area of the state with the
13 greatest need for short-term assistance. A statewide drug prosecution
14 assistance program is created within the (~~department of community,~~
15 ~~trade, and economic development~~) criminal justice training commission
16 to assist county prosecuting attorneys in the prosecution of drug and
17 drug-related offenses.

18 NEW SECTION. Sec. 1002. (1) All powers, duties, and functions of
19 the department of commerce pertaining to the drug prosecution
20 assistance program are transferred to the criminal justice training
21 commission. All references to the director or the department of
22 commerce in the Revised Code of Washington shall be construed to mean
23 the director or the criminal justice training commission when referring
24 to the functions transferred in this section.

25 (2)(a) All reports, documents, surveys, books, records, files,
26 papers, or written material in the possession of the department of
27 commerce pertaining to the powers, functions, and duties transferred
28 shall be delivered to the custody of the criminal justice training
29 commission. All cabinets, furniture, office equipment, motor vehicles,
30 and other tangible property employed by the department of commerce in
31 carrying out the powers, functions, and duties transferred shall be
32 made available to the criminal justice training commission. All funds,
33 credits, or other assets held in connection with the powers, functions,

1 and duties transferred shall be assigned to the criminal justice
2 training commission.

3 (b) Any appropriations made to the department of commerce for
4 carrying out the powers, functions, and duties transferred shall, on
5 the effective date of this section, be transferred and credited to the
6 criminal justice training commission.

7 (c) Whenever any question arises as to the transfer of any
8 personnel, funds, books, documents, records, papers, files, equipment,
9 or other tangible property used or held in the exercise of the powers
10 and the performance of the duties and functions transferred, the
11 director of financial management shall make a determination as to the
12 proper allocation and certify the same to the state agencies concerned.

13 (3) All employees of the department of commerce engaged in
14 performing the powers, functions, and duties transferred are
15 transferred to the jurisdiction of the criminal justice training
16 commission. All employees classified under chapter 41.06 RCW, the
17 state civil service law, are assigned to the criminal justice training
18 commission to perform their usual duties upon the same terms as
19 formerly, without any loss of rights, subject to any action that may be
20 appropriate thereafter in accordance with the laws and rules governing
21 state civil service.

22 (4) All rules and all pending business before the department of
23 commerce pertaining to the powers, functions, and duties transferred
24 shall be continued and acted upon by the criminal justice training
25 commission. All existing contracts and obligations shall remain in
26 full force and shall be performed by the criminal justice training
27 commission.

28 (5) The transfer of the powers, duties, functions, and personnel of
29 the department of commerce shall not affect the validity of any act
30 performed before the effective date of this section.

31 (6) If apportionments of budgeted funds are required because of the
32 transfers directed by this section, the director of financial
33 management shall certify the apportionments to the agencies affected,
34 the state auditor, and the state treasurer. Each of these shall make
35 the appropriate transfer and adjustments in funds and appropriation
36 accounts and equipment records in accordance with the certification.

37 (7) All classified employees of the department of commerce assigned
38 to the criminal justice training commission under this section whose

1 positions are within an existing bargaining unit description at the
2 criminal justice training commission shall become a part of the
3 existing bargaining unit at the criminal justice training commission
4 and shall be considered an appropriate inclusion or modification of the
5 existing bargaining unit under the provisions of chapter 41.80 RCW.

6 **PART XI**
7 **MUNICIPAL RESEARCH COUNCIL**

8 **Sec. 1101.** RCW 43.110.030 and 2000 c 227 s 3 are each amended to
9 read as follows:

10 (1) The (~~municipal research council~~) department of commerce shall
11 contract for the provision of municipal research and services to
12 cities, towns, and counties. Contracts for municipal research and
13 services shall be made with state agencies, educational institutions,
14 or private consulting firms, that in the judgment of (~~council~~
15 ~~members~~) the department are qualified to provide such research and
16 services. Contracts for staff support may be made with state agencies,
17 educational institutions, or private consulting firms that in the
18 judgment of the (~~council members~~) department are qualified to provide
19 such support.

20 (2) Municipal research and services shall consist of:

21 (~~(+1)~~) (a) Studying and researching city, town, and county
22 government and issues relating to city, town, and county government;

23 (~~(+2)~~) (b) Acquiring, preparing, and distributing publications
24 related to city, town, and county government and issues relating to
25 city, town, and county government;

26 (~~(+3)~~) (c) Providing educational conferences relating to city,
27 town, and county government and issues relating to city, town, and
28 county government; and

29 (~~(+4)~~) (d) Furnishing legal, technical, consultative, and field
30 services to cities, towns, and counties concerning planning, public
31 health, utility services, fire protection, law enforcement, public
32 works, and other issues relating to city, town, and county government.

33 (3) Requests for legal services by county officials shall be sent
34 to the office of the county prosecuting attorney. Responses by the
35 (~~municipal research council~~) department of commerce to county

1 requests for legal services shall be provided to the requesting
2 official and the county prosecuting attorney.

3 ~~(4) The ((activities, programs, and services of the municipal~~
4 ~~research council shall be carried on in cooperation))~~ department of
5 commerce shall coordinate with the association of Washington cities and
6 the Washington state association of counties in carrying out the
7 activities in this section. Services to cities and towns shall be
8 based upon the moneys appropriated to the ~~((municipal research~~
9 ~~council))~~ department from the city and town research services account
10 under RCW 43.110.060. Services to counties shall be based upon the
11 moneys appropriated to the ~~((municipal research council))~~ department
12 from the county research services account under RCW 43.110.050.

13 **Sec. 1102.** RCW 43.110.060 and 2002 c 38 s 4 are each amended to
14 read as follows:

15 The city and town research services account is created in the state
16 treasury. Moneys in the account shall consist of amounts transferred
17 under RCW 66.08.190(2) and any other transfers or appropriations to the
18 account. Moneys in the account may be spent only after an
19 appropriation. Expenditures from the account may be used only for city
20 and town research.

21 All unobligated moneys remaining in the account at the end of the
22 fiscal biennium shall be distributed by the treasurer to the
23 incorporated cities and towns of the state in the same manner as the
24 distribution under RCW 66.08.190(1)(b)(iii).

25 ~~((The treasurer may disburse amounts appropriated to the municipal~~
26 ~~research council from the city and town research services account by~~
27 ~~warrant or check to the contracting parties on invoices or vouchers~~
28 ~~certified by the chair of the municipal research council or his or her~~
29 ~~designee.))~~ Payments to public agencies may be made in advance of
30 actual work contracted for, at the discretion of the ~~((council))~~
31 department of commerce.

32 **Sec. 1103.** RCW 43.110.080 and 2006 c 328 s 1 are each amended to
33 read as follows:

34 (1) The ~~((municipal research council))~~ department of commerce shall
35 contract for the provision of research and services to special purpose
36 districts. A contract shall be made with a state agency, educational

1 institution, or private consulting firm, that in the judgment of
2 (~~council members~~) the department is qualified to provide such
3 research and services.

4 (2) Research and services to special purpose districts shall
5 consist of:

6 (a) Studying and researching issues relating to special purpose
7 district government;

8 (b) Acquiring, preparing, and distributing publications related to
9 special purpose districts; and

10 (c) Furnishing legal, technical, consultative, and field services
11 to special purpose districts concerning issues relating to special
12 purpose district government.

13 (3) The (~~activities, programs, and services of the municipal~~
14 ~~research council to special purpose districts shall be carried on in~~
15 ~~cooperation~~) department of commerce shall coordinate with the
16 associations representing the various special purpose districts with
17 respect to carrying out the activities in this section. Services to
18 special purpose districts shall be based upon the moneys appropriated
19 to the (~~municipal research council~~) department of commerce from the
20 special purpose district research services account under RCW
21 43.110.090.

22 **Sec. 1104.** RCW 43.15.020 and 2009 c 560 s 27 are each amended to
23 read as follows:

24 The lieutenant governor serves as president of the senate and is
25 responsible for making appointments to, and serving on, the committees
26 and boards as set forth in this section.

27 (1) The lieutenant governor serves on the following boards and
28 committees:

29 (a) Capitol furnishings preservation committee, RCW 27.48.040;

30 (b) Washington higher education facilities authority, RCW
31 28B.07.030;

32 (c) Productivity board, also known as the employee involvement and
33 recognition board, RCW 41.60.015;

34 (d) State finance committee, RCW 43.33.010;

35 (e) State capitol committee, RCW 43.34.010;

36 (f) Washington health care facilities authority, RCW 70.37.030;

37 (g) State medal of merit nominating committee, RCW 1.40.020;

1 (h) Medal of valor committee, RCW 1.60.020; and
2 (i) Association of Washington generals, RCW 43.15.030.
3 (2) The lieutenant governor, and when serving as president of the
4 senate, appoints members to the following boards and committees:
5 (a) Civil legal aid oversight committee, RCW 2.53.010;
6 (b) Office of public defense advisory committee, RCW 2.70.030;
7 (c) Washington state gambling commission, RCW 9.46.040;
8 (d) Sentencing guidelines commission, RCW 9.94A.860;
9 (e) State building code council, RCW 19.27.070;
10 (f) Women's history consortium board of advisors, RCW 27.34.365;
11 (g) Financial (~~literacy~~) education public-private partnership,
12 RCW 28A.300.450;
13 (h) Joint administrative rules review committee, RCW 34.05.610;
14 (i) Capital projects advisory review board, RCW 39.10.220;
15 (j) Select committee on pension policy, RCW 41.04.276;
16 (k) Legislative ethics board, RCW 42.52.310;
17 (l) Washington citizens' commission on salaries, RCW 43.03.305;
18 (m) Legislative oral history committee, RCW 44.04.325;
19 (n) State council on aging, RCW 43.20A.685;
20 (o) State investment board, RCW 43.33A.020;
21 (p) Capitol campus design advisory committee, RCW 43.34.080;
22 (q) Washington state arts commission, RCW 43.46.015;
23 (r) Information services board, RCW 43.105.032;
24 (s) K-20 educational network board, RCW 43.105.800;
25 (~~(t) ((Municipal research council, RCW 43.110.010;~~
26 ~~(u))~~) Council for children and families, RCW 43.121.020;
27 (~~(v))~~) (u) PNWER-Net working subgroup under chapter 43.147 RCW;
28 (~~(w))~~) (v) Community economic revitalization board, RCW
29 43.160.030;
30 (~~(x))~~) (w) Washington economic development finance authority, RCW
31 43.163.020;
32 (~~(y))~~) (x) Life sciences discovery fund authority, RCW 43.350.020;
33 (~~(z))~~) (y) Legislative children's oversight committee, RCW
34 44.04.220;
35 (~~(aa))~~) (z) Joint legislative audit and review committee, RCW
36 44.28.010;
37 (~~(bb))~~) (aa) Joint committee on energy supply and energy
38 conservation, RCW 44.39.015;

1 ~~((+ee+))~~ (bb) Legislative evaluation and accountability program
2 committee, RCW 44.48.010;
3 ~~((+dd+))~~ (cc) Agency council on coordinated transportation, RCW
4 47.06B.020;
5 ~~((+ee+))~~ (dd) Manufactured housing task force, RCW 59.22.090;
6 ~~((+ff+))~~ (ee) Washington horse racing commission, RCW 67.16.014;
7 ~~((+gg+))~~ (ff) Correctional industries board of directors, RCW
8 72.09.080;
9 ~~((+hh+))~~ (gg) Joint committee on veterans' and military affairs,
10 RCW 73.04.150;
11 ~~((+ii+))~~ (hh) Joint legislative committee on water supply during
12 drought, RCW 90.86.020;
13 ~~((+jj+))~~ (ii) Statute law committee, RCW 1.08.001; and
14 ~~((+kk+))~~ (jj) Joint legislative oversight committee on trade
15 policy, RCW 44.55.020.

16 **Sec. 1105.** RCW 35.21.185 and 1995 c 21 s 1 are each amended to
17 read as follows:

18 (1) It is the purpose of this section to provide a means whereby
19 all cities and towns may obtain, through a single source, information
20 regarding ordinances of other cities and towns that may be of
21 assistance to them in enacting appropriate local legislation.

22 (2) For the purposes of this section, (a) "clerk" means the city or
23 town clerk or other person who is lawfully designated to perform the
24 recordkeeping function of that office, and (b) "~~((municipal research
25 council))~~ department" means the ~~((municipal research council created by
26 chapter 43.110 RCW))~~ department of commerce.

27 (3) The clerk of every city and town is directed to provide to the
28 ~~((municipal research council))~~ department or its designee, promptly
29 after adoption, a copy of each of its regulatory ordinances and such
30 other ordinances or kinds of ordinances as may be described in a list
31 or lists promulgated by the ~~((municipal research council))~~ department
32 or its designee from time to time, and may provide such copies without
33 charge. The ~~((municipal research council))~~ department may provide that
34 information to the entity with which it contracts for the provision of
35 municipal research and services, in order to provide a pool of
36 information for all cities and towns in the state of Washington.

37 (4) This section is intended to be directory and not mandatory.

1 **Sec. 1106.** RCW 35.102.040 and 2006 c 301 s 7 are each amended to
2 read as follows:

3 (1)(a) The cities, working through the association of Washington
4 cities, shall form a model ordinance development committee made up of
5 a representative sampling of cities that as of July 27, 2003, impose a
6 business and occupation tax. This committee shall work through the
7 association of Washington cities to adopt a model ordinance on
8 municipal gross receipts business and occupation tax. The model
9 ordinance and subsequent amendments shall be adopted using a process
10 that includes opportunity for substantial input from business
11 stakeholders and other members of the public. Input shall be solicited
12 from statewide business associations and from local chambers of
13 commerce and downtown business associations in cities that levy a
14 business and occupation tax.

15 (b) The (~~municipal research council~~) department of commerce shall
16 contract to post the model ordinance on an internet web site and to
17 make paper copies available for inspection upon request. The
18 department of revenue and the department of licensing shall post copies
19 of or links to the model ordinance on their internet web sites.
20 Additionally, a city that imposes a business and occupation tax must
21 make copies of its ordinance available for inspection and copying as
22 provided in chapter 42.56 RCW.

23 (c) The definitions and tax classifications in the model ordinance
24 may not be amended more frequently than once every four years, however
25 the model ordinance may be amended at any time to comply with changes
26 in state law. Any amendment to a mandatory provision of the model
27 ordinance must be adopted with the same effective date by all cities.

28 (2) A city that imposes a business and occupation tax must adopt
29 the mandatory provisions of the model ordinance. The following
30 provisions are mandatory:

31 (a) A system of credits that meets the requirements of RCW
32 35.102.060 and a form for such use;

33 (b) A uniform, minimum small business tax threshold of at least the
34 equivalent of twenty thousand dollars in gross income annually. A city
35 may elect to deviate from this requirement by creating a higher
36 threshold or exemption but it shall not deviate lower than the level
37 required in this subsection. If a city has a small business threshold
38 or exemption in excess of that provided in this subsection as of

1 January 1, 2003, and chooses to deviate below the threshold or
2 exemption level that was in place as of January 1, 2003, the city must
3 notify all businesses licensed to do business within the city at least
4 one hundred twenty days prior to the potential implementation of a
5 lower threshold or exemption amount;

6 (c) Tax reporting frequencies that meet the requirements of RCW
7 35.102.070;

8 (d) Penalty and interest provisions that meet the requirements of
9 RCW 35.102.080 and 35.102.090;

10 (e) Claim periods that meet the requirements of RCW 35.102.100;

11 (f) Refund provisions that meet the requirements of RCW 35.102.110;

12 and

13 (g) Definitions, which at a minimum, must include the definitions
14 enumerated in RCW 35.102.030 and 35.102.120. The definitions in
15 chapter 82.04 RCW shall be used as the baseline for all definitions in
16 the model ordinance, and any deviation in the model ordinance from
17 these definitions must be described by a comment in the model
18 ordinance.

19 (3) Except for the deduction required by RCW 35.102.160 and the
20 system of credits developed to address multiple taxation under
21 subsection (2)(a) of this section, a city may adopt its own provisions
22 for tax exemptions, tax credits, and tax deductions.

23 (4) Any city that adopts an ordinance that deviates from the
24 nonmandatory provisions of the model ordinance shall make a description
25 of such differences available to the public, in written and electronic
26 form.

27 **Sec. 1107.** RCW 36.70B.220 and 2005 c 274 s 272 are each amended to
28 read as follows:

29 (1) Each county and city having populations of ten thousand or more
30 that plan under RCW 36.70A.040 shall designate permit assistance staff
31 whose function it is to assist permit applicants. An existing employee
32 may be designated as the permit assistance staff.

33 (2) Permit assistance staff designated under this section shall:

34 (a) Make available to permit applicants all current local
35 government regulations and adopted policies that apply to the subject
36 application. The local government shall provide counter copies thereof
37 and, upon request, provide copies according to chapter 42.56 RCW. The

1 staff shall also publish and keep current one or more handouts
2 containing lists and explanations of all local government regulations
3 and adopted policies;

4 (b) Establish and make known to the public the means of obtaining
5 the handouts and related information; and

6 (c) Provide assistance regarding the application of the local
7 government's regulations in particular cases.

8 (3) Permit assistance staff designated under this section may
9 obtain technical assistance and support in the compilation and
10 production of the handouts under subsection (2) of this section from
11 the (~~municipal research council and the department of community,
12 trade, and economic development~~) department of commerce.

13 NEW SECTION. Sec. 1108. The following acts or parts of acts are
14 each repealed:

15 (1) RCW 43.110.010 (Council created--Membership--Terms--Travel
16 expenses) and 2001 c 290 s 1, 1997 c 437 s 1, 1990 c 104 s 1, 1983 c 22
17 s 1, 1975-'76 2nd ex.s. c 34 s 129, 1975 1st ex.s. c 218 s 1, & 1969 c
18 108 s 2;

19 (2) RCW 43.110.040 (Local government regulation and policy
20 handouts--Technical assistance) and 1996 c 206 s 10; and

21 (3) RCW 43.110.070 (Hazardous liquid and gas pipeline--Model
22 ordinance and franchise agreement) and 2000 c 191 s 8.

23 NEW SECTION. Sec. 1109. (1) The municipal research council is
24 hereby abolished and its powers, duties, and functions are hereby
25 transferred to the department of commerce. All references to the
26 municipal research council in the Revised Code of Washington shall be
27 construed to mean the department of commerce.

28 (2)(a) All reports, documents, surveys, books, records, files,
29 papers, or written material in the possession of the municipal research
30 council shall be delivered to the custody of the department of
31 commerce. All cabinets, furniture, office equipment, motor vehicles,
32 and other tangible property employed by the municipal research council
33 shall be made available to the department of commerce. All funds,
34 credits, or other assets held by the municipal research council shall
35 be assigned to the department of commerce.

1 (b) Any appropriations made to the municipal research council
2 shall, on the effective date of this section, be transferred and
3 credited to the department of commerce.

4 (c) If any question arises as to the transfer of any funds, books,
5 documents, records, papers, files, equipment, or other tangible
6 property used or held in the exercise of the powers and the performance
7 of the duties and functions transferred, the director of financial
8 management shall make a determination as to the proper allocation and
9 certify the same to the state agencies concerned.

10 (3) All rules and all pending business before the municipal
11 research council shall be continued and acted upon by the department of
12 commerce. All existing contracts and obligations shall remain in full
13 force and shall be performed by the department of commerce.

14 (4) The transfer of the powers, duties, and functions of the
15 municipal research council shall not affect the validity of any act
16 performed before the effective date of this section.

17 (5) If apportionments of budgeted funds are required because of the
18 transfers directed by this section, the director of financial
19 management shall certify the apportionments to the agencies affected,
20 the state auditor, and the state treasurer. Each of these shall make
21 the appropriate transfer and adjustments in funds and appropriation
22 accounts and equipment records in accordance with the certification.

23 PART XII

24 MISCELLANEOUS PROVISIONS

25 **Sec. 1201.** RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are
26 each reenacted and amended to read as follows:

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

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

33 (b) The justices of the supreme court, judges of the court of
34 appeals, judges of the superior courts or of the inferior courts, or to
35 any employee of, or position in the judicial branch of state
36 government;

1 (c) Officers, academic personnel, and employees of technical
2 colleges;

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

4 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

31 (j) Assistant attorneys general;

32 (k) Commissioned and enlisted personnel in the military service of
33 the state;

34 (l) Inmate, student, part-time, or temporary employees, and part-
35 time professional consultants, as defined by the Washington personnel
36 resources board;

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

1 (n) Officers and employees of the Washington state fruit
2 commission;

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

4 (p) Officers and employees of the Washington state dairy products
5 commission;

6 (q) Officers and employees of the Washington tree fruit research
7 commission;

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

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

10 (t) Officers and employees of any commission formed under chapter
11 15.66 RCW;

12 (u) Officers and employees of agricultural commissions formed under
13 chapter 15.65 RCW;

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

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

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

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

27 (z) Staff employed by the department of ~~((community, trade, and
28 economic development))~~ commerce to administer ~~((energy))~~ innovation and
29 policy functions ~~((and manage))~~;

30 (aa) The manager of the energy site evaluation council ~~((activities
31 under RCW 43.21F.045(2)(m)))~~; and

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

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

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

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

27 (c) Printing craft employees in the department of printing at the
28 University of Washington.

29 (3) In addition to the exemptions specifically provided by this
30 chapter, the director of personnel may provide for further exemptions
31 pursuant to the following procedures. The governor or other
32 appropriate elected official may submit requests for exemption to the
33 director of personnel stating the reasons for requesting such
34 exemptions. The director of personnel shall hold a public hearing,
35 after proper notice, on requests submitted pursuant to this subsection.
36 If the director determines that the position for which exemption is
37 requested is one involving substantial responsibility for the
38 formulation of basic agency or executive policy or one involving

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

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

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

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

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

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

1 NEW SECTION. **Sec. 1202.** RCW 43.63A.150 is decodified.

2 NEW SECTION. **Sec. 1203.** This act takes effect July 1, 2010.

--- END ---