
HOUSE BILL 1014

State of Washington

54th Legislature

1995 Regular Session

By Representatives Padden, Dellwo, Costa, Appelwick and Silver; by request of Statute Law Committee

Prefiled 12/30/94. Read first time 01/09/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to obsolete references; amending RCW 4.24.400,
2 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 18.85.310,
3 19.27.070, 19.27.097, 19.27.150, 19.27A.110, 24.46.010, 27.34.020,
4 27.34.210, 27.34.310, 27.53.030, 27.53.130, 27.53.140, 27.60.040,
5 28A.160.090, 28A.300.160, 28A.305.130, 28A.335.310, 28A.610.030,
6 28B.20.283, 28B.20.289, 28B.20.293, 28B.65.060, 28C.04.440, 28C.04.460,
7 35.02.260, 35.13.171, 35.21.300, 35.21.687, 35.21.755, 35.21.779,
8 36.01.120, 36.27.100, 36.70A.040, 36.70A.385, 36.93.080, 36.110.030,
9 38.52.005, 38.52.090, 38.54.010, 38.54.020, 38.54.030, 38.54.050,
10 39.19.040, 39.44.210, 39.44.230, 39.84.090, 39.86.110, 40.10.020,
11 41.06.072, 43.06.115, 43.08.260, 43.19.1920, 43.19.19201, 43.20A.037,
12 43.21A.510, 43.21A.515, 43.21A.612, 43.22.495, 43.23.035, 43.31.093,
13 43.31.960, 43.43.710, 43.63A.465, 43.70.330, 43.70.540, 43.79.201,
14 43.83.184, 43.132.020, 43.132.030, 43.133.030, 43.133.050, 43.143.040,
15 43.150.040, 43.155.020, 43.160.030, 43.160.115, 43.160.180, 43.163.020,
16 43.163.060, 43.165.010, 43.168.031, 43.170.020, 43.170.030, 43.170.070,
17 43.172.011, 43.172.020, 43.180.040, 43.180.200, 43.185.015, 43.185.020,
18 43.185A.010, 43.185A.020, 43.185B.010, 43.190.030, 43.210.030,
19 43.210.050, 43.210.060, 43.210.070, 43.210.100, 43.210.120, 43.220.070,
20 43.280.020, 43.280.060, 43.280.070, 43.310.020, 46.12.295, 46.16.340,
21 46.37.467, 47.06.110, 47.12.064, 47.39.040, 47.39.090, 47.50.090,

1 47.76.230, 48.05.320, 48.48.030, 48.48.040, 48.48.050, 48.48.060,
2 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140,
3 48.48.150, 48.50.020, 48.50.040, 48.53.020, 48.53.060, 50.38.030,
4 53.36.030, 54.16.285, 54.52.010, 54.52.020, 56.40.010, 56.40.020,
5 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.21.050, 59.22.010,
6 59.22.020, 59.22.070, 59.24.020, 59.24.050, 59.24.060, 59.28.040,
7 59.28.050, 59.28.060, 59.28.110, 66.08.190, 66.08.195, 67.16.100,
8 67.38.070, 68.60.030, 70.41.080, 70.75.020, 70.75.030, 70.75.040,
9 70.77.170, 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360,
10 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460,
11 70.77.465, 70.77.575, 70.77.580, 70.94.537, 70.95.260, 70.95.265,
12 70.95.810, 70.95H.007, 70.95H.020, 70.95H.050, 70.108.040, 70.128.180,
13 70.136.030, 70.160.060, 70.164.020, 70.190.010, 71.12.485, 72.09.055,
14 72.65.210, 74.13.090, 74.15.050, 74.15.080, 76.09.030, 77.12.710,
15 79.08.1078, 79.90.565, 81.80.450, 82.14.335, 82.23B.020, 82.61.070,
16 88.12.275, 88.46.100, and 90.56.280; reenacting and amending RCW
17 28B.30.537, 28B.65.040, 28B.65.050, 38.52.010, 42.17.2401, and
18 80.28.010; decodifying RCW 41.06.089; and providing a contingent
19 expiration date.

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

21 **Sec. 1.** RCW 4.24.400 and 1986 c 266 s 79 are each amended to read
22 as follows:

23 No building warden, who acts in good faith, with or without
24 compensation, shall be personally liable for civil damages arising from
25 his or her negligent acts or omissions during the course of assigned
26 duties in assisting others to evacuate industrial, commercial,
27 governmental or multi-unit residential buildings or in attempting to
28 control or alleviate a hazard to the building or its occupants caused
29 by fire, earthquake or other threat to life or limb. The term
30 "building warden" means an individual who is assigned to take charge of
31 the occupants on a floor or in an area of a building during an
32 emergency in accordance with a predetermined fire safety or evacuation
33 plan; and/or an individual selected by a municipal fire chief or the
34 director of community, trade, and economic development, through the
35 director of fire protection, after an emergency is in progress to
36 assist in evacuating the occupants of such a building or providing for

1 their safety. This section shall not apply to any acts or omissions
2 constituting gross negligence or willful or wanton misconduct.

3 **Sec. 2.** RCW 9.40.100 and 1990 c 177 s 1 are each amended to read
4 as follows:

5 (1) Any person who willfully and without cause tampers with,
6 molests, injures or breaks any public or private fire alarm apparatus,
7 emergency phone, radio, or other wire or signal, or any fire fighting
8 equipment, or who willfully and without having reasonable grounds for
9 believing a fire exists, sends, gives, transmits, or sounds any false
10 alarm of fire, by shouting in a public place or by means of any public
11 or private fire alarm system or signal, or by telephone, is guilty of
12 a misdemeanor. This provision shall not prohibit the testing of fire
13 alarm systems by persons authorized to do so, by a fire department or
14 the director of community, trade, and economic development, through the
15 director of fire protection.

16 (2) Any person who willfully and without cause tampers with,
17 molests, injures, or breaks any public or private fire alarm apparatus,
18 emergency phone, radio, or other wire or signal, or any fire fighting
19 equipment with the intent to commit arson, is guilty of a felony.

20 **Sec. 3.** RCW 18.20.130 and 1986 c 266 s 81 are each amended to read
21 as follows:

22 Standards for fire protection and the enforcement thereof, with
23 respect to all boarding homes to be licensed hereunder, shall be the
24 responsibility of the director of community, trade, and economic
25 development, through the director of fire protection, who shall adopt
26 such recognized standards as may be applicable to boarding homes for
27 the protection of life against the cause and spread of fire and fire
28 hazards. The department upon receipt of an application for a license,
29 shall submit to the director of community, trade, and economic
30 development, through the director of fire protection, in writing, a
31 request for an inspection, giving the applicant's name and the location
32 of the premises to be licensed. Upon receipt of such a request, the
33 director of community, trade, and economic development, through the
34 director of fire protection, or his or her deputy, shall make an
35 inspection of the boarding home to be licensed, and if it is found that
36 the premises do not comply with the required safety standards and fire
37 regulations as promulgated by the director of community, trade, and

1 economic development, through the director of fire protection, he or
2 she shall promptly make a written report to the boarding home and the
3 department or authorized department as to the manner and time allowed
4 in which the premises must qualify for a license and set forth the
5 conditions to be remedied with respect to fire regulations. The
6 department, authorized department, applicant or licensee shall notify
7 the director of community, trade, and economic development, through the
8 director of fire protection, upon completion of any requirements made
9 by him or her, and the director of community, trade, and economic
10 development, through the director of fire protection, or his or her
11 deputy, shall make a reinspection of such premises. Whenever the
12 boarding home to be licensed meets with the approval of the director of
13 community, trade, and economic development, through the director of
14 fire protection, he or she shall submit to the department or authorized
15 department, a written report approving same with respect to fire
16 protection before a full license can be issued. The director of
17 community, trade, and economic development, through the director of
18 fire protection, shall make or cause to be made inspections of such
19 homes at least annually.

20 In cities which have in force a comprehensive building code, the
21 provisions of which are determined by the director of community, trade,
22 and economic development, through the director of fire protection, to
23 be equal to the minimum standards of the code for boarding homes
24 adopted by the director of community, trade, and economic development,
25 through the director of fire protection, the chief of the fire
26 department, provided the latter is a paid chief of a paid fire
27 department, shall make the inspection with the director of community,
28 trade, and economic development, through the director of fire
29 protection, or his or her deputy and they shall jointly approve the
30 premises before a full license can be issued.

31 **Sec. 4.** RCW 18.46.110 and 1986 c 266 s 82 are each amended to read
32 as follows:

33 Fire protection with respect to all maternity homes to be licensed
34 hereunder, shall be the responsibility of the director of community,
35 trade, and economic development, through the director of fire
36 protection, who shall adopt by reference, such recognized standards as
37 may be applicable to nursing homes, places of refuge, and maternity
38 homes for the protection of life against the cause and spread of fire

1 and fire hazards. The department upon receipt of an application for a
2 license, shall submit to the director of community, trade, and economic
3 development, through the director of fire protection, in writing, a
4 request for an inspection, giving the applicant's name and the location
5 of the premises to be licensed. Upon receipt of such a request, the
6 director of community, trade, and economic development, through the
7 director of fire protection, or his or her deputy, shall make an
8 inspection of the maternity home to be licensed, and if it is found
9 that the premises do not comply with the required safety standards and
10 fire regulations as promulgated by the director of community, trade,
11 and economic development, through the director of fire protection, he
12 or she shall promptly make a written report to the department as to the
13 manner in which the premises may qualify for a license and set forth
14 the conditions to be remedied with respect to fire regulations. The
15 department, applicant or licensee shall notify the director of
16 community, trade, and economic development, through the director of
17 fire protection, upon completion of any requirements made by him or
18 her, and the director of community, trade, and economic development,
19 through the director of fire protection, or his or her deputy, shall
20 make a reinspection of such premises. Whenever the maternity home to
21 be licensed meets with the approval of the director of community,
22 trade, and economic development, through the director of fire
23 protection, he or she shall submit to the department, a written report
24 approving same with respect to fire protection before a license can be
25 issued. The director of community, trade, and economic development,
26 through the director of fire protection, shall make or cause to be made
27 such inspection of such maternity homes as he or she deems necessary.

28 In cities which have in force a comprehensive building code, the
29 regulation of which is equal to the minimum standards of the code for
30 maternity homes adopted by the director of community, trade, and
31 economic development, through the director of fire protection, the
32 building inspector and the chief of the fire department, provided the
33 latter is a paid chief of a paid fire department, shall make the
34 inspection and shall approve the premises before a license can be
35 issued.

36 In cities where such building codes are in force, the director of
37 community, trade, and economic development, through the director of
38 fire protection, may, upon request by the chief fire official, or the

1 local governing body, or of a taxpayer of such city, assist in the
2 enforcement of any such code pertaining to maternity homes.

3 **Sec. 5.** RCW 18.51.140 and 1986 c 266 s 83 are each amended to read
4 as follows:

5 Standards for fire protection and the enforcement thereof, with
6 respect to all nursing homes to be licensed hereunder, shall be the
7 responsibility of the director of community, trade, and economic
8 development, through the director of fire protection, who shall adopt
9 such recognized standards as may be applicable to nursing homes for the
10 protection of life against the cause and spread of fire and fire
11 hazards. The department upon receipt of an application for a license,
12 shall submit to the director of community, trade, and economic
13 development, through the director of fire protection, in writing, a
14 request for an inspection, giving the applicant's name and the location
15 of the premises to be licensed. Upon receipt of such a request, the
16 director of community, trade, and economic development, through the
17 director of fire protection, or his or her deputy, shall make an
18 inspection of the nursing home to be licensed, and if it is found that
19 the premises do not comply with the required safety standards and fire
20 regulations as promulgated by the director of community, trade, and
21 economic development, through the director of fire protection, he or
22 she shall promptly make a written report to the nursing home and the
23 department as to the manner and time allowed in which the premises must
24 qualify for a license and set forth the conditions to be remedied with
25 respect to fire regulations. The department, applicant or licensee
26 shall notify the director of community, trade, and economic
27 development, through the director of fire protection, upon completion
28 of any requirements made by him or her, and the director of community,
29 trade, and economic development, through the director of fire
30 protection, or his or her deputy, shall make a reinspection of such
31 premises. Whenever the nursing home to be licensed meets with the
32 approval of the director of community, trade, and economic development,
33 through the director of fire protection, he or she shall submit to the
34 department, a written report approving same with respect to fire
35 protection before a full license can be issued. The director of
36 community, trade, and economic development, through the director of
37 fire protection, shall make or cause to be made inspections of such
38 nursing homes at least annually.

1 In cities which have in force a comprehensive building code, the
2 provisions of which are determined by the director of community, trade,
3 and economic development, through the director of fire protection, to
4 be equal to the minimum standards of the code for nursing homes adopted
5 by the director of community, trade, and economic development, through
6 the director of fire protection, the chief of the fire department,
7 provided the latter is a paid chief of a paid fire department, shall
8 make the inspection with the director of community, trade, and economic
9 development, through the director of fire protection, or his or her
10 deputy and they shall jointly approve the premises before a full
11 license can be issued.

12 **Sec. 6.** RCW 18.51.145 and 1986 c 266 s 84 are each amended to read
13 as follows:

14 Inspections of nursing homes by local authorities shall be
15 consistent with the requirements of chapter 19.27 RCW, the state
16 building code. Findings of a serious nature shall be coordinated with
17 the department and the director of community, trade, and economic
18 development, through the director of fire protection, for determination
19 of appropriate actions to ensure a safe environment for nursing home
20 residents. The director of community, trade, and economic development,
21 through the director of fire protection, shall have exclusive authority
22 to determine appropriate corrective action under this section.

23 **Sec. 7.** RCW 18.85.310 and 1993 c 50 s 2 are each amended to read
24 as follows:

25 (1) Every licensed real estate broker shall keep adequate records
26 of all real estate transactions handled by or through (~~him~~) the
27 broker. The records shall include, but are not limited to, a copy of
28 the earnest money receipt, and an itemization of the broker's receipts
29 and disbursements with each transaction. These records and all other
30 records hereinafter specified shall be open to inspection by the
31 director or (~~his~~) the director's authorized representatives.

32 (2) Every real estate broker shall also deliver or cause to be
33 delivered to all parties signing the same, at the time of signing,
34 conformed copies of all earnest money receipts, listing agreements and
35 all other like or similar instruments signed by the parties, including
36 the closing statement.

1 (3) Every real estate broker shall also keep separate real estate
2 fund accounts in a recognized Washington state depository authorized to
3 receive funds in which shall be kept separate and apart and physically
4 segregated from licensee broker's own funds, all funds or moneys of
5 clients which are being held by such licensee broker pending the
6 closing of a real estate sale or transaction, or which have been
7 collected for said client and are being held for disbursement for or to
8 said client and such funds shall be deposited not later than the first
9 banking day following receipt thereof.

10 (4) Separate accounts comprised of clients' funds required to be
11 maintained under this section, with the exception of property
12 management trust accounts, shall be interest-bearing accounts from
13 which withdrawals or transfers can be made without delay, subject only
14 to the notice period which the depository institution is required to
15 reserve by law or regulation.

16 (5) Every real estate broker shall maintain a pooled interest-
17 bearing escrow account for deposit of client funds, with the exception
18 of property management trust accounts, which are nominal. As used in
19 this section, a "nominal" deposit is a deposit of not more than five
20 thousand dollars.

21 The interest accruing on this account, net of any reasonable and
22 appropriate financial institution service charges or fees, shall be
23 paid to the state treasurer for deposit in the Washington housing trust
24 fund created in RCW 43.185.030 and the real estate education account
25 created in RCW 18.85.317. Appropriate service charges or fees are
26 those charges made by financial institutions on other demand deposit or
27 "now" accounts. An agent may, but shall not be required to, notify the
28 client of the intended use of such funds.

29 (6) All client funds not required to be deposited in the account
30 specified in subsection (5) of this section shall be deposited in:

31 (a) A separate interest-bearing trust account for the particular
32 client or client's matter on which the interest will be paid to the
33 client; or

34 (b) The pooled interest-bearing trust account specified in
35 subsection (5) of this section if the parties to the transaction agree.

36 The department of licensing shall promulgate regulations which will
37 serve as guidelines in the choice of an account specified in subsection
38 (5) of this section or an account specified in this subsection.

1 (7) For an account created under subsection (5) of this section, an
2 agent shall direct the depository institution to:

3 (a) Remit interest or dividends, net of any reasonable and
4 appropriate service charges or fees, on the average monthly balance in
5 the account, or as otherwise computed in accordance with an
6 institution's standard accounting practice, at least quarterly, to the
7 state treasurer for deposit in the housing trust fund created by RCW
8 43.185.030 and the real estate education account created in RCW
9 18.85.317; and

10 (b) Transmit to the director of community, trade, and economic
11 development a statement showing the name of the person or entity for
12 whom the remittance is spent, the rate of interest applied, and the
13 amount of service charges deducted, if any, and the account balance(s)
14 of the period in which the report is made, with a copy of such
15 statement to be transmitted to the depositing person or firm.

16 (8) The director shall forward a copy of the reports required by
17 subsection (7) of this section to the department of licensing to aid in
18 the enforcement of the requirements of this section consistent with the
19 normal enforcement and auditing practices of the department of
20 licensing.

21 (9) This section does not relieve any real estate broker from any
22 obligation with respect to the safekeeping of clients' funds.

23 (10) Any violation by a real estate broker of any of the provisions
24 of this section, or RCW 18.85.230, shall be grounds for revocation of
25 the licenses issued to the broker.

26 **Sec. 8.** RCW 19.27.070 and 1989 c 246 s 2 are each amended to read
27 as follows:

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

30 (1) The state building code council shall consist of fifteen
31 members, two of whom shall be county elected legislative body members
32 or elected executives and two of whom shall be city elected legislative
33 body members or mayors. One of the members shall be a local government
34 building code enforcement official and one of the members shall be a
35 local government fire service official. Of the remaining nine members,
36 one member shall represent general construction, specializing in
37 commercial and industrial building construction; one member shall
38 represent general construction, specializing in residential and

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

29 (2) Members shall not be compensated but shall receive
30 reimbursement for travel expenses in accordance with RCW 43.03.050 and
31 43.03.060.

32 (3) The department of community, trade, and economic development
33 shall provide administrative and clerical assistance to the building
34 code council.

35 **Sec. 9.** RCW 19.27.097 and 1991 sp.s. c 32 s 28 are each amended to
36 read as follows:

37 (1) Each applicant for a building permit of a building
38 necessitating potable water shall provide evidence of an adequate water

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

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

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

25 **Sec. 10.** RCW 19.27.150 and 1989 c 246 s 6 are each amended to read
26 as follows:

27 Every month a copy of the United States department of commerce,
28 bureau of the census' "report of building or zoning permits issued and
29 local public construction" or equivalent report shall be transmitted by
30 the governing bodies of counties and cities to the department of
31 community, trade, and economic development.

32 **Sec. 11.** RCW 19.27A.110 and 1986 c 266 s 85 are each amended to
33 read as follows:

34 The director of community, trade, and economic development, through
35 the director of fire protection, is the only authority having
36 jurisdiction over the approval of portable oil-fueled heaters. The
37 sale and use of portable oil-fueled heaters is governed exclusively by

1 RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties
2 may adopt local standards as provided in RCW 19.27.040.

3 **Sec. 12.** RCW 24.46.010 and 1985 c 466 s 39 are each amended to
4 read as follows:

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

12 **Sec. 13.** RCW 27.34.020 and 1993 c 101 s 10 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter:

16 (1) "Advisory council" means the advisory council on historic
17 preservation.

18 (2) "Department" means the department of community, trade, and
19 economic development.

20 (3) "Director" means the director of community, trade, and economic
21 development.

22 (4) "Federal act" means the national historic preservation act of
23 1966 (Public Law 89-655; 80 Stat. 915).

24 (5) "Heritage council" means the Washington state heritage council.

25 (6) "Historic preservation" includes the protection,
26 rehabilitation, restoration, identification, scientific excavation, and
27 reconstruction of districts, sites, buildings, structures, and objects
28 significant in American and Washington state history, architecture,
29 archaeology, or culture.

30 (7) "Office" means the office of archaeology and historic
31 preservation within the department (~~(of community development)~~).

32 (8) "Preservation officer" means the state historic preservation
33 officer as provided for in RCW 27.34.210.

34 (9) "Project" means programs leading to the preservation for public
35 benefit of historical properties, whether by state and local
36 governments or other public bodies, or private organizations or
37 individuals, including the acquisition of title or interests in, and

1 the development of, any district, site, building, structure, or object
2 that is significant in American and Washington state history,
3 architecture, archaeology, or culture, and property used in connection
4 therewith, or for its development.

5 (10) "State historical agencies" means the state historical
6 societies and the office of archaeology and historic preservation
7 within the department (~~(of community development)~~).

8 (11) "State historical societies" means the Washington state
9 historical society and the eastern Washington state historical society.

10 (12) "Cultural resource management plan" means a comprehensive plan
11 which identifies and organizes information on the state of Washington's
12 historic, archaeological, and architectural resources into a set of
13 management criteria, and which is to be used for producing reliable
14 decisions, recommendations, and advice relative to the identification,
15 evaluation, and protection of these resources.

16 **Sec. 14.** RCW 27.34.210 and 1986 c 266 s 10 are each amended to
17 read as follows:

18 There is hereby established the office of archaeology and historic
19 preservation within the department (~~(of community development)~~).

20 The director shall appoint the preservation officer to assist the
21 director in implementing this chapter. The preservation officer shall
22 have a background in program administration, an active involvement in
23 historic preservation, and a knowledge of the national, state, and
24 local preservation programs as they affect the state of Washington.

25 **Sec. 15.** RCW 27.34.310 and 1993 c 325 s 3 are each amended to read
26 as follows:

27 Unless the context clearly requires otherwise, the following
28 definitions apply throughout RCW 27.34.320.

29 (1) "Agency" means the state agency, department, or institution
30 that has ownership of historic property.

31 (2) "Historic properties" means those buildings, sites, objects,
32 structures, and districts that are listed in or eligible for listing in
33 the National Register of Historic Places.

34 (3) "Office" means the office of archaeology and historic
35 preservation within the department of community, trade, and economic
36 development.

1 **Sec. 16.** RCW 27.53.030 and 1989 c 44 s 6 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions
4 contained in this section shall apply throughout this chapter.

5 (1) "Archaeology" means systematic, scientific study of man's past
6 through material remains.

7 (2) "Archaeological object" means an object that comprises the
8 physical evidence of an indigenous and subsequent culture including
9 material remains of past human life including monuments, symbols,
10 tools, facilities, and technological by-products.

11 (3) "Archaeological site" means a geographic locality in
12 Washington, including but not limited to, submerged and submersible
13 lands and the bed of the sea within the state's jurisdiction, that
14 contains archaeological objects.

15 (4) "Department" means the department of community, trade, and
16 economic development.

17 (5) "Director" means the director of community, trade, and economic
18 development or the director's designee.

19 (6) "Historic" means peoples and cultures who are known through
20 written documents in their own or other languages. As applied to
21 underwater archaeological resources, the term historic shall include
22 only those properties which are listed in or eligible for listing in
23 the Washington State Register of Historic Places (RCW 27.34.220) or the
24 National Register of Historic Places as defined in the National
25 Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-
26 665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

27 (7) "Prehistoric" means peoples and cultures who are unknown
28 through contemporaneous written documents in any language.

29 (8) "Professional archaeologist" means a person who has met the
30 educational, training, and experience requirements of the society of
31 professional archaeologists.

32 (9) "Qualified archaeologist" means a person who has had formal
33 training and/or experience in archaeology over a period of at least
34 three years, and has been certified in writing to be a qualified
35 archaeologist by two professional archaeologists.

36 (10) "Amateur society" means any organization composed primarily of
37 persons who are not professional archaeologists, whose primary interest
38 is in the archaeological resources of the state, and which has been
39 certified in writing by two professional archaeologists.

1 (11) "Historic archaeological resources" means those properties
2 which are listed in or eligible for listing in the Washington State
3 Register of Historic Places (RCW 27.34.220) or the National Register of
4 Historic Places as defined in the National Historic Preservation Act of
5 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.
6 Sec. 470) as now or hereafter amended.

7 **Sec. 17.** RCW 27.53.130 and 1988 c 124 s 10 are each amended to
8 read as follows:

9 The department (~~(of community development)~~) shall publish annually
10 and update as necessary a list of those areas where permits are
11 required to protect historic archaeological sites on aquatic lands.

12 **Sec. 18.** RCW 27.53.140 and 1988 c 124 s 11 are each amended to
13 read as follows:

14 The department (~~(of community development)~~) shall have such rule-
15 making authority as is necessary to carry out the provisions of this
16 chapter.

17 **Sec. 19.** RCW 27.60.040 and 1987 c 195 s 1 are each amended to read
18 as follows:

19 The 1989 Washington centennial commission shall develop a
20 comprehensive program for celebrating the centennial of Washington's
21 admission to the union in 1889. The program shall be developed to
22 represent the contributions of all peoples and cultures to Washington
23 state history and to the maximum feasible extent shall be designed to
24 encourage and support participation in the centennial by all interested
25 communities in the state. Program elements shall include:

26 (1) An annual report to the governor and the legislature
27 incorporating the commission's specific recommendations for the
28 centennial celebration. The report shall recommend projects and
29 activities including, but not limited to:

30 (a) Restoration of historic properties, with emphasis on those
31 properties appropriate for use in the observance of the centennial;

32 (b) State and local historic preservation programs and activities;

33 (c) State and local archaeological programs and activities;

34 (d) Publications, films, and other educational materials;

35 (e) Bibliographical and documentary projects;

36 (f) Conferences, lectures, seminars, and other programs;

1 (g) Museum, library, cultural center, and park improvements,
2 services, and exhibits, including mobile exhibits;

3 (h) Destination tourism attractions. Such destination tourism
4 attractions (i) shall be based upon the heritage of the state, (ii)
5 shall be sponsored and owned by the state, a municipal corporation
6 thereof, or a nonprofit corporation which has qualified under section
7 501(c)(3) of the federal internal revenue code, and (iii) shall satisfy
8 economic development criteria established in cooperation with the
9 director of community, trade, and economic development in accordance
10 with the administrative procedure act, chapter 34.05 RCW; and

11 (i) Ceremonies and celebrations.

12 (2) The implementation of programs as supported by legislative
13 appropriation, gifts and grants provided for the purposes of this
14 chapter, and earned income as provided in RCW 27.60.060, for a Pacific
15 celebration, centennial games, centennial publications, audio-visual
16 productions, and local celebrations throughout the state.

17 **Sec. 20.** RCW 28A.160.090 and 1990 c 33 s 137 are each amended to
18 read as follows:

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

23 (1) Such renting or leasing may take place only after the ((state))
24 director of community, trade, and economic development or any of his or
25 her agents so authorized has, at the request of an involved
26 governmental agency, declared that an emergency exists in a designated
27 area insofar as the need for additional transport is concerned.

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

33 **Sec. 21.** RCW 28A.300.160 and 1987 c 489 s 3 are each amended to
34 read as follows:

35 (1) The office of the superintendent of public instruction shall be
36 the lead agency and shall assist the department of social and health
37 services, the department of community, trade, and economic development,

1 and school districts in establishing a coordinated primary prevention
2 program for child abuse and neglect.

3 (2) In developing the program, consideration shall be given to the
4 following:

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

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

9 (ii) Culturally and linguistically appropriate to the population
10 served;

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

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

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

16 (i) Physical and behavioral indicators of abuse;

17 (ii) Crisis counseling techniques;

18 (iii) Community resources;

19 (iv) Rights and responsibilities regarding reporting;

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

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

23 (c) Training for licensed day care providers and parents that
24 includes:

25 (i) Positive child guidance techniques;

26 (ii) Physical and behavioral indicators of abuse;

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

28 (iv) Community resources;

29 (v) Rights and responsibilities regarding reporting; and

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

31 (d) Training for children that includes:

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

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

34 (iii) The availability of support resources and how to obtain help;

35 (iv) Child safety training and age-appropriate self-defense
36 techniques; and

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

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

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

6 **Sec. 22.** RCW 28A.305.130 and 1991 c 116 s 11 are each amended to
7 read as follows:

8 In addition to any other powers and duties as provided by law, the
9 state board of education shall:

10 (1) Approve or disapprove the program of courses leading to
11 teacher, school administrator, and school specialized personnel
12 certification offered by all institutions of higher education within
13 the state which may be accredited and whose graduates may become
14 entitled to receive such certification.

15 (2) Conduct every five years a review of the program approval
16 standards, including the minimum standards for teachers,
17 administrators, and educational staff associates, to reflect research
18 findings and assure continued improvement of preparation programs for
19 teachers, administrators, and educational staff associates.

20 (3) Investigate the character of the work required to be performed
21 as a condition of entrance to and graduation from any institution of
22 higher education in this state relative to such certification as
23 provided for in subsection (1) above, and prepare a list of accredited
24 institutions of higher education of this and other states whose
25 graduates may be awarded such certificates.

26 (4)(a) The state board of education shall adopt rules to allow a
27 teacher certification candidate to fulfill, in part, teacher
28 preparation program requirements through work experience as a
29 noncertificated teacher's aide in a public school or private school
30 meeting the requirements of RCW 28A.195.010. The rules shall include,
31 but are not limited to, limitations based upon the recency of the
32 teacher preparation candidate's teacher aide work experience, and
33 limitations based on the amount of work experience that may apply
34 toward teacher preparation program requirements under this chapter.

35 (b) The state board of education shall require that at the time of
36 the individual's enrollment in a teacher preparation program, the
37 supervising teacher and the building principal shall jointly provide to
38 the teacher preparation program of the higher education institution at

1 which the teacher candidate is enrolled, a written assessment of the
2 performance of the teacher candidate. The assessment shall contain
3 such information as determined by the state board of education and
4 shall include: Evidence that at least fifty percent of the candidate's
5 work as a noncertificated teacher's aide was involved in instructional
6 activities with children under the supervision of a certificated
7 teacher and that the candidate worked a minimum of six hundred thirty
8 hours for one school year; the type of work performed by the candidate;
9 and a recommendation of whether the candidate's work experience as a
10 noncertificated teacher's aide should be substituted for teacher
11 preparation program requirements. In compliance with such rules as may
12 be established by the state board of education under this section, the
13 teacher preparation programs of the higher education institution where
14 the candidate is enrolled shall make the final determination as to what
15 teacher preparation program requirements may be fulfilled by teacher
16 aide work experience.

17 (5) Supervise the issuance of such certificates as provided for in
18 subsection (1) above and specify the types and kinds of certificates
19 necessary for the several departments of the common schools by rule or
20 regulation in accordance with RCW 28A.410.010.

21 (6) Accredite, subject to such accreditation standards and
22 procedures as may be established by the state board of education, all
23 schools that apply for accreditation, and approve, subject to the
24 provisions of RCW 28A.195.010, private schools carrying out a program
25 for any or all of the grades one through twelve: PROVIDED, That no
26 public or private schools shall be placed upon the list of accredited
27 schools so long as secret societies are knowingly allowed to exist
28 among its students by school officials: PROVIDED FURTHER, That the
29 state board may elect to require all or certain classifications of the
30 public schools to conduct and participate in such pre-accreditation
31 examination and evaluation processes as may now or hereafter be
32 established by the board.

33 (7) Make rules and regulations governing the establishment in any
34 existing nonhigh school district of any secondary program or any new
35 grades in grades nine through twelve. Before any such program or any
36 new grades are established the district must obtain prior approval of
37 the state board.

38 (8) Prepare such outline of study for the common schools as the
39 board shall deem necessary, and prescribe such rules for the general

1 government of the common schools, as shall seek to secure regularity of
2 attendance, prevent truancy, secure efficiency, and promote the true
3 interest of the common schools.

4 (9) Continuously reevaluate courses and adopt and enforce
5 regulations within the common schools so as to meet the educational
6 needs of students and articulate with the institutions of higher
7 education and unify the work of the public school system.

8 (10) Carry out board powers and duties relating to the organization
9 and reorganization of school districts under RCW 28A.315.010 through
10 28A.315.680 and 28A.315.900.

11 (11) By rule or regulation promulgated upon the advice of the
12 director of community, trade, and economic development, through the
13 director of fire protection, provide for instruction of pupils in the
14 public and private schools carrying out a K through 12 program, or any
15 part thereof, so that in case of sudden emergency they shall be able to
16 leave their particular school building in the shortest possible time or
17 take such other steps as the particular emergency demands, and without
18 confusion or panic; such rules and regulations shall be published and
19 distributed to certificated personnel throughout the state whose duties
20 shall include a familiarization therewith as well as the means of
21 implementation thereof at their particular school.

22 (12) Hear and decide appeals as otherwise provided by law.

23 The state board of education is given the authority to promulgate
24 information and rules dealing with the prevention of child abuse for
25 purposes of curriculum use in the common schools.

26 **Sec. 23.** RCW 28A.335.310 and 1993 c 461 s 3 are each amended to
27 read as follows:

28 (1) Every school district shall identify and catalog real property
29 of the district that is no longer required for school purposes and is
30 suitable for the development of affordable housing for very low-income,
31 low-income, and moderate-income households as defined in RCW
32 43.63A.510. The inventory shall include the location, approximate
33 size, and current zoning classification of the property. Every school
34 district shall provide a copy of the inventory to the department of
35 community, trade, and economic development by November 1, 1993, with
36 inventory revisions each November 1 thereafter.

37 (2) By November 1 of each year, beginning in 1994, every school
38 district shall purge the inventory of real property of sites that are

1 no longer available for the development of affordable housing. The
2 inventory revision shall include an updated listing of real property
3 that has become available since the last update. As used in this
4 section, "real property" means buildings, land, or buildings and land.

5 **Sec. 24.** RCW 28A.610.030 and 1990 c 33 s 507 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction, in consultation with
8 the department of community, trade, and economic development, the
9 department of social and health services, the state board for community
10 and technical colleges (~~(education)~~), and community-based, nonprofit
11 providers of adult literacy services, shall develop an adult literacy
12 program to serve eligible parents as defined under RCW 28A.610.020.
13 The program shall give priority to serving parents with children who
14 have not yet enrolled in school or are in grades kindergarten through
15 three.

16 (2) In addition to providing basic skills instruction to eligible
17 parents, the program may include other program components which may
18 include transportation, child care, and such other directly necessary
19 activities as may be necessary to accomplish the purposes of RCW
20 28A.610.020 through 28A.610.060.

21 (3) Parents who elect to participate in training or work programs,
22 as a condition of receiving public assistance, shall have the hours
23 spent in parent participation programs, conducted as part of a federal
24 head start program, or the state early childhood education and
25 assistance program under RCW 28A.215.100 through 28A.215.200 and
26 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
27 28A.610.020 through 28A.610.060, counted toward the fulfillment of
28 their work and training obligation for the receipt of public
29 assistance.

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

33 (5) The superintendent of public instruction shall adopt rules as
34 necessary to carry out the purposes of RCW 28A.610.020 through
35 28A.610.060.

36 **Sec. 25.** RCW 28B.20.283 and 1992 c 142 s 1 are each amended to
37 read as follows:

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

3 The legislature also finds that it is in the interests of the state
4 of Washington to provide a mechanism to transfer and apply research and
5 technology developed at the institutions of higher education to the
6 private sector in order to create new products and technologies which
7 provide job opportunities in advanced technology for the citizens of
8 this state.

9 It is the intent of the legislature that the University of
10 Washington, the Washington State University, and the department of
11 community, trade, and economic development work cooperatively with the
12 private sector in the development and implementation of a world class
13 technology transfer program.

14 **Sec. 26.** RCW 28B.20.289 and 1992 c 142 s 4 are each amended to
15 read as follows:

16 (1) The technology center shall be administered by the board of
17 directors of the technology center.

18 (2) The board shall consist of the following members: Fourteen
19 members from among individuals who are associated with or employed by
20 technology-based industries and have broad business experience and an
21 understanding of high technology; eight members from the state's
22 universities with graduate science and engineering programs; the
23 executive director of the Spokane Intercollegiate Research and
24 Technology Institute or his or her designated representative; the
25 provost of the University of Washington or his or her designated
26 representative; the provost of the Washington State University or his
27 or her designated representative; and the director of the ((state))
28 department of community, trade, and economic development or his or her
29 designated representative. The term of office for each board member,
30 excluding the executive director of the Spokane Intercollegiate
31 Research and Technology Institute, the provost of the University of
32 Washington, the provost of the Washington State University, and the
33 director of the ((state)) department of community, trade, and economic
34 development, shall be three years. The executive director of the
35 technology center shall be an ex officio, nonvoting member of the
36 board. The board shall meet at least quarterly. Board members shall
37 be appointed by the governor based on the recommendations of the
38 existing board of the technology center, and the research universities.

1 The governor shall stagger the terms of the first group of appointees
2 to ensure the long term continuity of the board.

3 (3) The duties of the board include:

4 (a) Developing the general operating policies for the technology
5 center;

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

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

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

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

14 (f) In cooperation with the department of community, trade, and
15 economic development, developing a biennial work plan and five-year
16 strategic plan for the technology center that are consistent with the
17 state-wide technology development and commercialization goals;

18 (g) Coordinating with the University of Washington, Washington
19 State University, and other participating institutions of higher
20 education in the development of training, research, and development
21 programs to be conducted at the technology center that shall be
22 targeted to meet industrial needs;

23 (h) Assisting the department of community, trade, and economic
24 development in the department's efforts to develop state science and
25 technology public policies and coordinate publicly funded programs;

26 (i) Reviewing annual progress reports on funded research projects
27 that are prepared by the advisory committees for each of the research
28 centers;

29 (j) Providing an annual report to the governor and the legislature
30 detailing the activities and performance of the technology center; and

31 (k) Submitting annually to the department of community, trade, and
32 economic development an updated strategic plan and a statement of
33 performance measured against the mission, roles, and contractual
34 obligations of the technology center.

35 **Sec. 27.** RCW 28B.20.293 and 1992 c 142 s 6 are each amended to
36 read as follows:

37 The department of community, trade, and economic development shall
38 contract with the University of Washington for the expenditure of

1 state-appropriated funds for the operation of the Washington technology
2 center. The department of community, trade, and economic development
3 shall provide guidance to the technology center regarding expenditure
4 of state-appropriated funds and the development of the center's
5 strategic plan. The director of the department of community, trade,
6 and economic development shall not withhold funds appropriated for the
7 technology center if the technology center complies with the provisions
8 of its contract with the department of community, trade, and economic
9 development. The department shall be responsible to the legislature
10 for the contractual performance of the center.

11 **Sec. 28.** RCW 28B.30.537 and 1987 c 505 s 14 and 1987 c 195 s 3 are
12 each reenacted and amended to read as follows:

13 The IMPACT center shall:

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

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

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

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

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

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

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

37 (6) Link itself through cooperative agreements with the center for
38 international trade in forest products at the University of Washington,

1 the state department of agriculture, the ((state)) department of
2 community, trade, and economic development, Washington's agriculture
3 businesses and associations, and other state agency data collection,
4 processing, and dissemination efforts; and

5 (7) Subject to RCW 40.07.040, report biennially to the governor and
6 the legislature on the IMPACT center, state agricultural commodities
7 marketing programs, and the center's success in obtaining nonstate
8 funding for its operation.

9 **Sec. 29.** RCW 28B.65.040 and 1985 c 381 s 1 and 1985 c 370 s 86 are
10 each reenacted and amended to read as follows:

11 (1) The Washington high-technology coordinating board is hereby
12 created.

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

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

22 (b) Seven of the members shall be as follows: One representative
23 from each of the state's two research universities, one representative
24 of the state college and regional universities, the director for the
25 state system of community and technical colleges or the director's
26 designee, the superintendent of public instruction or the
27 superintendent's designee, a representative of the higher education
28 coordinating board, and the director of the department of community,
29 trade, and economic development or the director's designee.

30 (3) Members of the board shall not receive any salary for their
31 services, but shall be reimbursed for travel expenses under RCW
32 43.03.050 and 43.03.060 for each day actually spent in attending to
33 duties as a member of the board.

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

1 **Sec. 30.** RCW 28B.65.050 and 1985 c 381 s 2 and 1985 c 370 s 87 are
2 each reenacted and amended to read as follows:

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

5 (2) The board shall:

6 (a) Determine the specific high-technology occupational fields in
7 which technical training is needed and advise the institutions of
8 higher education and the higher education coordinating board on their
9 findings;

10 (b) Identify economic areas and high-technology industries in need
11 of technical training and research and development critical to economic
12 development and advise the institutions of higher education and the
13 higher education coordinating board on their findings;

14 (c) Oversee and coordinate the Washington high-technology education
15 and training program to insure high standards, efficiency, and
16 effectiveness;

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

20 (e) Work cooperatively with and provide any information or advice
21 which may be requested by the higher education coordinating board
22 during the board's review of new baccalaureate degree program proposals
23 which are submitted under this chapter. Nothing in this chapter shall
24 be construed as altering or superseding the powers or prerogatives of
25 the higher education coordinating board over the review of new degree
26 programs as established in ((RCW-28B-80-035)) section 6(2) of this 1985
27 act;

28 (f) Work cooperatively with the department of community, trade, and
29 economic development to identify the high-technology education and
30 training needs of existing Washington businesses and businesses with
31 the potential to locate in Washington;

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

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

36 (i) Establish and maintain a plan, including priorities, to guide
37 high-technology program development in public institutions of higher
38 education, which plan shall include an assessment of current high-
39 technology programs, steps to increase existing programs, new

1 initiatives and programs necessary to promote high technology, and
2 methods to coordinate and target high-technology programs to changing
3 market opportunities in business and industry; and

4 (j) Prepare and submit to the legislature before the first day of
5 each regular session an annual report on Washington high-technology
6 programs including, but not limited to:

7 (i) An evaluation of each program;

8 (ii) A determination of the feasibility of expanding the program;
9 and

10 (iii) Recommendations, including recommendations for further
11 legislation as the board deems necessary.

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

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

16 **Sec. 31.** RCW 28B.65.060 and 1985 c 381 s 3 are each amended to
17 read as follows:

18 Staff support for the high-technology coordinating board shall be
19 provided by the department of community, trade, and economic
20 development.

21 **Sec. 32.** RCW 28C.04.440 and 1985 c 466 s 40 are each amended to
22 read as follows:

23 The department of community, trade, and economic development (~~or~~
24 ~~its successor~~) and the employment security department shall each enter
25 into an interagency agreement with the commission on vocational
26 education to establish cooperative working arrangements for the
27 purposes of RCW 28C.04.410 through 28C.04.480.

28 **Sec. 33.** RCW 28C.04.460 and 1985 c 466 s 41 are each amended to
29 read as follows:

30 The department of community, trade, and economic development or its
31 successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

32 (1) Work cooperatively with the commission on vocational education
33 to market the job skills program to business and economic development
34 agencies and other firms;

35 (2) Recruit industries from outside the state to participate in the
36 job skills training program; and

1 (3) Refer business and industry interested in developing a job
2 skills training program to the commission on vocational education.

3 **Sec. 34.** RCW 35.02.260 and 1991 c 360 s 6 are each amended to read
4 as follows:

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

11 **Sec. 35.** RCW 35.13.171 and 1985 c 6 s 2 are each amended to read
12 as follows:

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

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

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

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

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

1 the full board thereafter convened upon call of the mayor: PROVIDED
2 FURTHER, That three members of the board shall constitute a quorum.

3 **Sec. 36.** RCW 35.21.300 and 1991 c 165 s 2 are each amended to read
4 as follows:

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

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

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

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

33 (c) Has applied for home heating assistance from applicable
34 government and private sector organizations and certifies that any
35 assistance received will be applied to the current bill and future
36 utility bills;

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

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

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

20 (3) The utility shall:

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

24 (b) Assist the customer in fulfilling the requirements under this
25 section;

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

29 (d) Be permitted to disconnect service if the customer fails to
30 honor the payment program. Utilities may continue to disconnect
31 service for those practices authorized by law other than for nonpayment
32 as provided for in this section. Customers who qualify for payment
33 plans under this section who default on their payment plans and are
34 disconnected can be reconnected and maintain the protections afforded
35 under this chapter by paying reconnection charges, if any, and by
36 paying all amounts that would have been due and owing under the terms
37 of the applicable payment plan, absent default, on the date on which
38 service is reconnected; and

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

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

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

15 **Sec. 37.** RCW 35.21.687 and 1993 c 461 s 4 are each amended to read
16 as follows:

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

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

34 **Sec. 38.** RCW 35.21.755 and 1993 c 220 s 1 are each amended to read
35 as follows:

36 (1) A public corporation, commission, or authority created pursuant
37 to RCW 35.21.730 or 35.21.660 shall receive the same immunity or

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

35 (2) As used in this section:

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

38 (b) "Area median income" means:

1 (i) For an area within a standard metropolitan statistical area,
2 the area median income reported by the United States department of
3 housing and urban development for that standard metropolitan
4 statistical area; or

5 (ii) For an area not within a standard metropolitan statistical
6 area, the county median income reported by the department of community,
7 trade, and economic development.

8 **Sec. 39.** RCW 35.21.779 and 1992 c 117 s 6 are each amended to read
9 as follows:

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

17 (2) A city or town seeking to enter into fire protection contract
18 negotiations shall provide written notification to the department of
19 community, trade, and economic development and the state agencies or
20 institutions that own property within the jurisdiction, of its intent
21 to contract for fire protection services. Where there are multiple
22 state agencies located within a single jurisdiction, a city may choose
23 to notify only the department of community, trade, and economic
24 development, which in turn shall notify the agencies or institution
25 that own property within the jurisdiction of the city's intent to
26 contract for fire protection services. Any such notification shall be
27 based on the valuation procedures, based on commonly accepted
28 standards, adopted by the department of community, trade, and economic
29 development in consultation with the department of general
30 administration and the association of Washington cities.

31 (3) The department of community, trade, and economic development
32 shall review any such notification to ensure that the valuation
33 procedures and results are accurate. The department will notify each
34 affected city or town and state agency or institution of the results of
35 their review within thirty days of receipt of notification.

36 (4) The parties negotiating fire protection contracts under this
37 section shall conduct those negotiations in good faith. Whenever there
38 are multiple state agencies located within a single jurisdiction, every

1 effort shall be made by the state to consolidate negotiations on behalf
2 of all affected agencies.

3 (5) In the event of notification by one of the parties that an
4 agreement cannot be reached on the terms and conditions of a fire
5 protection contract, the director of the department of community,
6 trade, and economic development shall mediate a resolution of the
7 disagreement. In the event of a continued impasse, the director of the
8 department of community, trade, and economic development shall
9 recommend a resolution.

10 (6) If the parties reject the recommendation of the director and an
11 impasse continues, the director shall direct the parties to
12 arbitration. The parties shall agree on a neutral arbitrator, and the
13 fees and expenses of the arbitrator shall be shared equally between the
14 parties. The arbitration shall be a final offer, total arbitration,
15 with the arbitrator empowered only to pick the final offer of one of
16 the parties or the recommended resolution by the director of the
17 department of community, trade, and economic development. The decision
18 of the arbitrator shall be final, binding, and nonappealable on the
19 parties.

20 (7) The provisions of this section shall not apply if a city or
21 town and a state agency or institution have contracted pursuant to RCW
22 35.21.775.

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

27 **Sec. 40.** RCW 36.01.120 and 1985 c 466 s 44 are each amended to
28 read as follows:

29 It is the finding of the legislature that foreign trade zones serve
30 an important public purpose by the creation of employment opportunities
31 within the state and that the establishment of zones designed to
32 accomplish this purpose is to be encouraged. It is the further intent
33 of the legislature that the department of community, trade, and
34 economic development provide assistance to entities planning to apply
35 to the United States for permission to establish such zones.

36 **Sec. 41.** RCW 36.27.100 and 1989 c 271 s 236 are each amended to
37 read as follows:

1 The legislature recognizes that, due to the magnitude or volume of
2 offenses in a given area of the state, there is a recurring need for
3 supplemental assistance in the prosecuting of drug and drug-related
4 offenses that can be directed to the area of the state with the
5 greatest need for short-term assistance. A state-wide drug prosecution
6 assistance program is created within the department of community,
7 trade, and economic development to assist county prosecuting attorneys
8 in the prosecution of drug and drug-related offenses.

9 **Sec. 42.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
10 read as follows:

11 (1) Each county that has both a population of fifty thousand or
12 more and has had its population increase by more than ten percent in
13 the previous ten years, and the cities located within such county, and
14 any other county regardless of its population that has had its
15 population increase by more than twenty percent in the previous ten
16 years, and the cities located within such county, shall conform with
17 all of the requirements of this chapter. However, the county
18 legislative authority of such a county with a population of less than
19 fifty thousand population may adopt a resolution removing the county,
20 and the cities located within the county, from the requirements of
21 adopting comprehensive land use plans and development regulations under
22 this chapter if this resolution is adopted and filed with the
23 department by December 31, 1990, for counties initially meeting this
24 set of criteria, or within sixty days of the date the office of
25 financial management certifies that a county meets this set of criteria
26 under subsection (5) of this section.

27 Once a county meets either of these sets of criteria, the
28 requirement to conform with all of the requirements of this chapter
29 remains in effect, even if the county no longer meets one of these sets
30 of criteria.

31 (2) The county legislative authority of any county that does not
32 meet either of the sets of criteria established under subsection (1) of
33 this section may adopt a resolution indicating its intention to have
34 subsection (1) of this section apply to the county. Each city, located
35 in a county that chooses to plan under this subsection, shall conform
36 with all of the requirements of this chapter. Once such a resolution
37 has been adopted, the county and the cities located within the county
38 remain subject to all of the requirements of this chapter.

1 (3) Any county or city that is initially required to conform with
2 all of the requirements of this chapter under subsection (1) of this
3 section shall take actions under this chapter as follows: (a) The
4 county legislative authority shall adopt a county-wide planning policy
5 under RCW 36.70A.210; (b) the county and each city located within the
6 county shall designate critical areas, agricultural lands, forest
7 lands, and mineral resource lands, and adopt development regulations
8 conserving these designated agricultural lands, forest lands, and
9 mineral resource lands and protecting these designated critical areas,
10 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
11 take other actions related to urban growth areas under RCW 36.70A.110;
12 (d) if the county has a population of fifty thousand or more, the
13 county and each city located within the county shall adopt a
14 comprehensive plan under this chapter and development regulations that
15 are consistent with and implement the comprehensive plan on or before
16 July 1, 1994, and if the county has a population of less than fifty
17 thousand, the county and each city located within the county shall
18 adopt a comprehensive plan under this chapter and development
19 regulations that are consistent with and implement the comprehensive
20 plan by January 1, 1995, but if the governor makes written findings
21 that a county with a population of less than fifty thousand or a city
22 located within such a county is not making reasonable progress toward
23 adopting a comprehensive plan and development regulations the governor
24 may reduce this deadline for such actions to be taken by no more than
25 one hundred eighty days. Any county or city subject to this subsection
26 may obtain an additional six months before it is required to have
27 adopted its development regulations by submitting a letter notifying
28 the department ((of community development)) of its need prior to the
29 deadline for adopting both a comprehensive plan and development
30 regulations.

31 (4) Any county or city that is required to conform with all the
32 requirements of this chapter, as a result of the county legislative
33 authority adopting its resolution of intention under subsection (2) of
34 this section, shall take actions under this chapter as follows: (a)
35 The county legislative authority shall adopt a county-wide planning
36 policy under RCW 36.70A.210; (b) the county and each city that is
37 located within the county shall adopt development regulations
38 conserving agricultural lands, forest lands, and mineral resource lands
39 it designated under RCW 36.70A.060 within one year of the date the

1 county legislative authority adopts its resolution of intention; (c)
2 the county shall designate and take other actions related to urban
3 growth areas under RCW 36.70A.110; and (d) the county and each city
4 that is located within the county shall adopt a comprehensive plan and
5 development regulations that are consistent with and implement the
6 comprehensive plan not later than four years from the date the county
7 legislative authority adopts its resolution of intention, but a county
8 or city may obtain an additional six months before it is required to
9 have adopted its development regulations by submitting a letter
10 notifying the department ((of community development)) of its need prior
11 to the deadline for adopting both a comprehensive plan and development
12 regulations.

13 (5) If the office of financial management certifies that the
14 population of a county that previously had not been required to plan
15 under subsection (1) or (2) of this section has changed sufficiently to
16 meet either of the sets of criteria specified under subsection (1) of
17 this section, and where applicable, the county legislative authority
18 has not adopted a resolution removing the county from these
19 requirements as provided in subsection (1) of this section, the county
20 and each city within such county shall take actions under this chapter
21 as follows: (a) The county legislative authority shall adopt a county-
22 wide planning policy under RCW 36.70A.210; (b) the county and each city
23 located within the county shall adopt development regulations under RCW
24 36.70A.060 conserving agricultural lands, forest lands, and mineral
25 resource lands it designated within one year of the certification by
26 the office of financial management; (c) the county shall designate and
27 take other actions related to urban growth areas under RCW 36.70A.110;
28 and (d) the county and each city located within the county shall adopt
29 a comprehensive land use plan and development regulations that are
30 consistent with and implement the comprehensive plan within four years
31 of the certification by the office of financial management, but a
32 county or city may obtain an additional six months before it is
33 required to have adopted its development regulations by submitting a
34 letter notifying the department ((of community development)) of its
35 need prior to the deadline for adopting both a comprehensive plan and
36 development regulations.

37 (6) A copy of each document that is required under this section
38 shall be submitted to the department at the time of its adoption.

1 **Sec. 43.** RCW 36.70A.385 and 1991 sp.s. c 32 s 20 are each amended
2 to read as follows:

3 (1) The legislature intends to determine whether the environmental
4 review process mandated under chapter 43.21C RCW may be enhanced and
5 simplified, and coordination improved, when applied to comprehensive
6 plans mandated by this chapter. The department (~~of community~~
7 ~~development~~) shall undertake pilot projects on environmental review to
8 determine if the review process can be improved by fostering more
9 coordination and eliminating duplicative environmental analysis which
10 is made to assist decision makers approving comprehensive plans
11 pursuant to this chapter. Such pilot projects should be designed and
12 scoped to consider cumulative impacts resulting from plan decisions,
13 plan impacts on environmental quality, impacts on adjacent
14 jurisdictions, and similar factors in sufficient depth to simplify the
15 analysis of subsequent specific projects being carried out pursuant to
16 the approved plan.

17 (2) The legislature hereby authorizes the department (~~of community~~
18 ~~development~~) to establish, in cooperation with business, industry,
19 cities, counties, and other interested parties, at least two but not
20 more than four pilot projects, one of which shall be with a county, on
21 enhanced draft and final nonproject environmental analysis of
22 comprehensive plans prepared pursuant to this chapter, for the purposes
23 outlined in subsection (1) of this section. The department (~~of~~
24 ~~community development~~) may select appropriate geographic subareas
25 within a comprehensive plan if that will best serve the purposes of
26 this section and meet the requirements of chapter 43.21C RCW.

27 (3) An enhanced draft and final nonproject environmental analysis
28 prepared pursuant to this section shall follow the rules adopted
29 pursuant to chapter 43.21C RCW.

30 (4) Not later than December 31, 1993, the department (~~of community~~
31 ~~development~~) shall evaluate the overall effectiveness of the pilot
32 projects under this section regarding preparing enhanced nonproject
33 environmental analysis for the approval process of comprehensive plans
34 and shall:

35 (a) Provide an interim report of its findings to the legislature
36 with such recommendations as may be appropriate, including the need, if
37 any, for further legislation;

1 (b) Consider adoption of any further rules or guidelines as may be
2 appropriate to assist counties and cities in meeting requirements of
3 chapter 43.21C RCW when considering comprehensive plans; and

4 (c) Prepare and circulate to counties and cities such instructional
5 manuals or other information derived from the pilot projects as will
6 assist all counties and cities in meeting the requirements and
7 objectives of chapter 43.21C RCW in the most expeditious and efficient
8 manner in the process of considering comprehensive plans pursuant to
9 this chapter.

10 (5) The department (~~(of community development)~~) shall submit a
11 final report to the legislature no later than December 31, 1995.

12 **Sec. 44.** RCW 36.93.080 and 1985 c 6 s 7 are each amended to read
13 as follows:

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

23 **Sec. 45.** RCW 36.110.030 and 1993 c 285 s 3 are each amended to
24 read as follows:

25 A state-wide jail industries board of directors is established.
26 The board shall consist of the following members:

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

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

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

33 (4) Two jail administrators to be selected by the Washington state
34 jail association, one of whom shall be from a county or a city with an
35 established jail industries program;

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

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

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

5 (8) Three representatives from labor to be selected by the
6 governor. The representatives may be chosen from a list of nominations
7 provided by state-wide labor organizations representing a cross-section
8 of trade organizations;

9 (9) Three representatives from business to be selected by the
10 governor. The representatives may be chosen from a list of nominations
11 provided by state-wide business organizations representing a cross-
12 section of businesses, industries, and all sizes of employers;

13 (10) The governor's representative from the employment security
14 department;

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

17 (12) One member representing on-line law enforcement officers, to
18 be selected by the governor;

19 (13) One member from the department of community, trade, and
20 economic development to be selected by the governor;

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

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

28 **Sec. 46.** RCW 38.52.005 and 1986 c 266 s 22 are each amended to
29 read as follows:

30 The department of community, trade, and economic development shall
31 administer the comprehensive emergency management program of the state
32 of Washington as provided for in this chapter. All local
33 organizations, organized and performing emergency management functions
34 pursuant to RCW 38.52.070, may change their name and be called the
35 department/division of emergency management.

36 **Sec. 47.** RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are
37 each reenacted and amended to read as follows:

1 As used in this chapter:

2 (1) "Emergency management" or "comprehensive emergency management"
3 means the preparation for and the carrying out of all emergency
4 functions, other than functions for which the military forces are
5 primarily responsible, to mitigate, prepare for, respond to, and
6 recover from emergencies and disasters, and to aid victims suffering
7 from injury or damage, resulting from disasters caused by all hazards,
8 whether natural or man-made, and to provide support for search and
9 rescue operations for persons and property in distress. However,
10 "emergency management" or "comprehensive emergency management" does not
11 mean preparation for emergency evacuation or relocation of residents in
12 anticipation of nuclear attack.

13 (2) "Local organization for emergency services or management" means
14 an organization created in accordance with the provisions of this
15 chapter by state or local authority to perform local emergency
16 management functions.

17 (3) "Political subdivision" means any county, city or town.

18 (4) "Emergency worker" means any person, including but not limited
19 to an architect registered under chapter 18.08 RCW or a professional
20 engineer registered under chapter 18.43 RCW, who is registered with a
21 local emergency management organization or the department of community,
22 trade, and economic development and holds an identification card issued
23 by the local emergency management director or the department of
24 community, trade, and economic development for the purpose of engaging
25 in authorized emergency management activities or is an employee of the
26 state of Washington or any political subdivision thereof who is called
27 upon to perform emergency management activities.

28 (5) "Injury" as used in this chapter shall mean and include
29 accidental injuries and/or occupational diseases arising out of
30 emergency management activities.

31 (6)(a) "Emergency or disaster" as used in all sections of this
32 chapter except RCW 38.52.430 shall mean an event or set of
33 circumstances which: (i) Demands immediate action to preserve public
34 health, protect life, protect public property, or to provide relief to
35 any stricken community overtaken by such occurrences, or (ii) reaches
36 such a dimension or degree of destructiveness as to warrant the
37 governor declaring a state of emergency pursuant to RCW 43.06.010.

38 (b) "Emergency" as used in RCW 38.52.430 means an incident that
39 requires a normal police, coroner, fire, rescue, emergency medical

1 services, or utility response as a result of a violation of one of the
2 statutes enumerated in RCW 38.52.430.

3 (7) "Search and rescue" means the acts of searching for, rescuing,
4 or recovering by means of ground, marine, or air activity any person
5 who becomes lost, injured, or is killed while outdoors or as a result
6 of a natural or man-made disaster, including instances involving
7 searches for downed aircraft when ground personnel are used. Nothing
8 in this section shall affect appropriate activity by the department of
9 transportation under chapter 47.68 RCW.

10 (8) "Executive head" and "executive heads" means the county
11 executive in those charter counties with an elective office of county
12 executive, however designated, and, in the case of other counties, the
13 county legislative authority. In the case of cities and towns, it
14 means the mayor.

15 (9) "Director" means the director of community, trade, and economic
16 development.

17 (10) "Local director" means the director of a local organization of
18 emergency management or emergency services.

19 (11) "Department" means the department of community, trade, and
20 economic development.

21 (12) "Emergency response" as used in RCW 38.52.430 means a public
22 agency's use of emergency services during an emergency or disaster as
23 defined in subsection (6)(b) of this section.

24 (13) "Expense of an emergency response" as used in RCW 38.52.430
25 means reasonable costs incurred by a public agency in reasonably making
26 an appropriate emergency response to the incident, but shall only
27 include those costs directly arising from the response to the
28 particular incident. Reasonable costs shall include the costs of
29 providing police, coroner, fire fighting, rescue, emergency medical
30 services, or utility response at the scene of the incident, as well as
31 the salaries of the personnel responding to the incident.

32 (14) "Public agency" means the state, and a city, county, municipal
33 corporation, district, or public authority located, in whole or in
34 part, within this state which provides or may provide fire fighting,
35 police, ambulance, medical, or other emergency services.

36 **Sec. 48.** RCW 38.52.090 and 1987 c 185 s 6 are each amended to read
37 as follows:

1 (1) The director of each local organization for emergency
2 management may, in collaboration with other public and private agencies
3 within this state, develop or cause to be developed mutual aid
4 arrangements for reciprocal emergency management aid and assistance in
5 case of disaster too great to be dealt with unassisted. Such
6 arrangements shall be consistent with the state emergency management
7 plan and program, and in time of emergency it shall be the duty of each
8 local organization for emergency management to render assistance in
9 accordance with the provisions of such mutual aid arrangements. The
10 director ((of ~~community development~~)) shall adopt and distribute a
11 standard form of contract for use by local organizations in
12 understanding and carrying out said mutual aid arrangements.

13 (2) The director ((of ~~community development~~)) and the director of
14 each local organization for emergency management may, subject to the
15 approval of the governor, enter into mutual aid arrangements with
16 emergency management agencies or organizations in other states for
17 reciprocal emergency management aid and assistance in case of disaster
18 too great to be dealt with unassisted. All such arrangements shall be
19 pursuant to either of the compacts contained in subsection (2) (a) or
20 (b) of this section.

21 (a) The legislature recognizes that the compact language contained
22 in this subsection is inadequate to meet many forms of emergencies.
23 For this reason, after June 7, 1984, the state may not enter into any
24 additional compacts under this subsection (2)(a).

25 INTERSTATE CIVIL DEFENSE
26 AND DISASTER COMPACT

27 The contracting States solemnly agree:

28 Article 1. The purpose of this compact is to provide mutual aid
29 among the States in meeting any emergency or disaster from enemy attack
30 or other cause (natural or otherwise) including sabotage and subversive
31 acts and direct attacks by bombs, shellfire, and atomic, radiological,
32 chemical, bacteriological means, and other weapons. The prompt, full
33 and effective utilization of the resources of the respective States,
34 including such resources as may be available from the United States
35 Government or any other source, are essential to the safety, care and
36 welfare of the people thereof in the event of enemy action or other
37 emergency, and any other resources, including personnel, equipment or
38 supplies, shall be incorporated into a plan or plans of mutual aid to

1 be developed among the civil defense agencies or similar bodies of the
2 States that are parties hereto. The Directors of Civil Defense
3 (Emergency Services) of all party States shall constitute a committee
4 to formulate plans and take all necessary steps for the implementation
5 of this compact.

6 Article 2. It shall be the duty of each party State to formulate
7 civil defense plans and programs for application within such State.
8 There shall be frequent consultation between the representatives of the
9 States and with the United States Government and the free exchange of
10 information and plans, including inventories of any materials and
11 equipment available for civil defense. In carrying out such civil
12 defense plans and programs the party States shall so far as possible
13 provide and follow uniform standards, practices and rules and
14 regulations including:

15 (a) Insignia, arm bands and any other distinctive articles to
16 designate and distinguish the different civil defense services;

17 (b) Blackouts and practice blackouts, air raid drills, mobilization
18 of civil defense forces and other tests and exercises;

19 (c) Warnings and signals for drills or attacks and the mechanical
20 devices to be used in connection therewith;

21 (d) The effective screening or extinguishing of all lights and
22 lighting devices and appliances;

23 (e) Shutting off water mains, gas mains, electric power connections
24 and the suspension of all other utility services;

25 (f) All materials or equipment used or to be used for civil defense
26 purposes in order to assure that such materials and equipment will be
27 easily and freely interchangeable when used in or by any other party
28 State;

29 (g) The conduct of civilians and the movement and cessation of
30 movement of pedestrians and vehicular traffic, prior, during, and
31 subsequent to drills or attacks;

32 (h) The safety of public meetings or gatherings; and

33 (i) Mobile support units.

34 Article 3. Any party State requested to render mutual aid shall
35 take such action as is necessary to provide and make available the
36 resources covered by this compact in accordance with the terms hereof;
37 provided that it is understood that the State rendering aid may
38 withhold resources to the extent necessary to provide reasonable
39 protection for such State. Each party State shall extend to the civil

1 defense forces of any other party State, while operating within its
2 State limits under the terms and conditions of this compact, the same
3 powers (except that of arrest unless specifically authorized by the
4 receiving State), duties, rights, privileges and immunities as if they
5 were performing their duties in the State in which normally employed or
6 rendering services. Civil defense forces will continue under the
7 command and control of their regular leaders but the organizational
8 units will come under the operational control of the civil defense
9 authorities of the State receiving assistance.

10 Article 4. Whenever any person holds a license, certificate or
11 other permit issued by any State evidencing the meeting of
12 qualifications for professional, mechanical or other skills, such
13 person may render aid involving such skill in any party State to meet
14 an emergency or disaster and such State shall give due recognition to
15 such license, certificate or other permit as if issued in the State in
16 which aid is rendered.

17 Article 5. No party State or its officers or employees rendering
18 aid in another State pursuant to this compact shall be liable on
19 account of any act or omission in good faith on the part of such forces
20 while so engaged, or on account of the maintenance or use of any
21 equipment or supplies in connection therewith.

22 Article 6. Inasmuch as it is probable that the pattern and detail
23 of the machinery for mutual aid among two or more states may differ
24 from that appropriate among other States party hereto, this instrument
25 contains elements of a broad base common to all States, and nothing
26 herein contained shall preclude any State from entering into
27 supplementary agreements with another State or States. Such
28 supplementary agreements may comprehend, but shall not be limited to,
29 provisions for evacuation and reception of injured and other persons,
30 and the exchange of medical, fire, police, public utility,
31 reconnaissance, welfare, transportation and communications personnel,
32 equipment and supplies.

33 Article 7. Each party State shall provide for the payment of
34 compensation and death benefits to injured members of the civil defense
35 forces of that State and the representatives of deceased members of
36 such forces in case such members sustain injuries or are killed while
37 rendering aid pursuant to this compact, in the same manner and on the
38 same terms as if the injury or death were sustained within such State.

1 Article 8. Any party State rendering aid in another State pursuant
2 to this compact shall be reimbursed by the party State receiving such
3 aid for any loss or damage to, or expense incurred in the operation of
4 any equipment answering a request for aid, and for the cost incurred in
5 connection with such requests; provided, that any aiding State may
6 assume in whole or in part such loss, damage, expense, or other cost,
7 or may loan such equipment or donate such services to the receiving
8 party State without charge or cost; and provided further that any two
9 or more party States may enter into supplementary agreements
10 establishing a different allocation of costs as among those States.
11 The United States Government may relieve the party State receiving aid
12 from any liability and reimburse the party State supplying civil
13 defense forces for the compensation paid to and the transportation,
14 subsistence and maintenance expenses of such forces during the time of
15 the rendition of such aid or assistance outside the State and may also
16 pay fair and reasonable compensation for the use or utilization of the
17 supplies, materials, equipment or facilities so utilized or consumed.

18 Article 9. Plans for the orderly evacuation and reception of the
19 civilian population as the result of an emergency or disaster shall be
20 worked out from time to time between representatives of the party
21 States and the various local civil defense areas thereof. Such plans
22 shall include the manner of transporting such evacuees, the number of
23 evacuees to be received in different areas, the manner in which food,
24 clothing, housing, and medical care will be provided, the registration
25 of the evacuees, the providing of facilities for the notification of
26 relatives or friends and the forwarding of such evacuees to other areas
27 or the bringing in of additional materials, supplies, and all other
28 relevant factors. Such plans shall provide that the party State
29 receiving evacuees shall be reimbursed generally for the out-of-pocket
30 expenses incurred in receiving and caring for such evacuees, for
31 expenditures for transportation, food, clothing, medicines and medical
32 care and like items. Such expenditures shall be reimbursed by the
33 party State of which the evacuees are residents, or by the United
34 States Government under plans approved by it. After the termination of
35 the emergency or disaster the party State of which the evacuees are
36 resident shall assume the responsibility for the ultimate support or
37 repatriation of such evacuees.

38 Article 10. This compact shall be available to any State,
39 territory or possession of the United States, and the District of

1 Columbia. The term "State" may also include any neighboring foreign
2 country or province or state thereof.

3 Article 11. The committee established pursuant to Article 1 of
4 this compact may request the Civil Defense Agency of the United States
5 Government to act as an informational and coordinating body under this
6 compact, and representatives of such agency of the United States
7 Government may attend meetings of such committee.

8 Article 12. This compact shall become operative immediately upon
9 its ratification by any State as between it and any other State or
10 States so ratifying and shall be subject to approval by Congress unless
11 prior Congressional approval has been given. Duly authenticated copies
12 of this compact and of such supplementary agreements as may be entered
13 into shall, at the time of their approval, be deposited with each of
14 the party States and with the Civil Defense Agency and other
15 appropriate agencies of the United States Government.

16 Article 13. This compact shall continue in force and remain
17 binding on each party State until the legislature or the Governor of
18 such party State takes action to withdraw therefrom. Such action shall
19 not be effective until 30 days after notice thereof has been sent by
20 the Governor of the party State desiring to withdraw to the Governors
21 of all other party States.

22 Article 14. This compact shall be construed to effectuate the
23 purposes stated in Article 1 hereof. If any provision of this compact
24 is declared unconstitutional, or the applicability thereof to any
25 person or circumstance is held invalid, the constitutionality of the
26 remainder of this compact and the applicability thereof to other
27 persons and circumstances shall not be effected thereby.

28 Article 15. (a) This Article shall be in effect only as among
29 those states which have enacted it into law or in which the Governors
30 have adopted it pursuant to constitutional or statutory authority
31 sufficient to give it the force of law as part of this compact.
32 Nothing contained in this Article or in any supplementary agreement
33 made in implementation thereof shall be construed to abridge, impair or
34 supersede any other provision of this compact or any obligation
35 undertaken by a State pursuant thereto, except that if its terms so
36 provide, a supplementary agreement in implementation of this Article
37 may modify, expand or add to any such obligation as among the parties
38 to the supplementary agreement.

1 (b) In addition to the occurrences, circumstances and subject
2 matters to which preceding articles of this compact make it applicable,
3 this compact and the authorizations, entitlements and procedures
4 thereof shall apply to:

5 1. Searches for and rescue of person who are lost, marooned, or
6 otherwise in danger.

7 2. Action useful in coping with disasters arising from any cause
8 or designed to increase the capability to cope with any such disasters.

9 3. Incidents, or the imminence thereof, which endanger the health
10 or safety of the public and which require the use of special equipment,
11 trained personnel or personnel in larger numbers than are locally
12 available in order to reduce, counteract or remove the danger.

13 4. The giving and receiving of aid by subdivisions of party
14 States.

15 5. Exercises, drills or other training or practice activities
16 designed to aid personnel to prepare for, cope with or prevent any
17 disaster or other emergency to which this compact applies.

18 (c) Except as expressly limited by this compact or a supplementary
19 agreement in force pursuant thereto, any aid authorized by this compact
20 or such supplementary agreement may be furnished by any agency of a
21 party State, a subdivision of such State, or by a joint agency
22 providing such aid shall be entitled to reimbursement therefor to the
23 same extent and in the same manner as a State. The personnel of such
24 a joint agency, when rendering aid pursuant to this compact shall have
25 the same rights, authority and immunity as personnel of party States.

26 (d) Nothing in this Article shall be construed to exclude from the
27 coverage of Articles 1-15 of this compact any matter which, in the
28 absence of this Article, could reasonably be construed to be covered
29 thereby.

30 (b) The compact language contained in this subsection (2)(b) is
31 intended to deal comprehensively with emergencies requiring assistance
32 from other states.

33 INTERSTATE MUTUAL AID COMPACT

34 Purpose

35 The purpose of this Compact is to provide voluntary assistance among
36 participating states in responding to any disaster or imminent
37 disaster, that over extends the ability of local and state governments
38 to reduce, counteract or remove the danger. Assistance may include,

1 but not be limited to, rescue, fire, police, medical, communication,
2 transportation services and facilities to cope with problems which
3 require use of special equipment, trained personnel or personnel in
4 large numbers not locally available.

5 Authorization

6 Article I, Section 10 of the Constitution of the United States permits
7 a state to enter into an agreement or compact with another state,
8 subject to the consent of Congress. Congress, through enactment of
9 Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by
10 issuance of Executive Orders No. 10186 of December 1, 1950, encourages
11 the states to enter into emergency, disaster and civil defense mutual
12 aid agreements or pacts.

13 Implementation

14 It is agreed by participating states that the following conditions will
15 guide implementation of the Compact:

16 1. Participating states through their designated officials are
17 authorized to request and to receive assistance from a participating
18 state. Requests will be granted only if the requesting state is
19 committed to the mitigation of the emergency, and other resources are
20 not immediately available.

21 2. Requests for assistance may be verbal or in writing. If the
22 request is made by other than written communication, it shall be
23 confirmed in writing as soon as practical after the request. A written
24 request shall provide an itemization of equipment and operators, types
25 of expertise, personnel or other resources needed. Each request must
26 be signed by an authorized official.

27 3. Personnel and equipment of the aiding party made available to
28 the requesting party shall, whenever possible, remain under the control
29 and direction of the aiding party. The activities of personnel and
30 equipment of the aiding party must be coordinated by the requesting
31 party.

32 4. An aiding state shall have the right to withdraw some or all of
33 their personnel and/or equipment whenever the personnel or equipment
34 are needed by that state. Notice of intention to withdraw should be
35 communicated to the requesting party as soon as possible.

1 corresponding entities and personnel thereof from the other state with
2 respect to the acts and omissions of its own agents and employees that
3 occur while providing assistance pursuant to the common plan.

4 4. Nothing in this arrangement shall be construed as repealing or
5 impairing any existing Interstate Mutual Aid Agreements.

6 5. Upon enactment of this Agreement by two or more states, and by
7 January 1, annually thereafter, the participating states will exchange
8 with each other the names of officials designated to request and/or
9 provide services under this arrangement. In accordance with the
10 cooperative nature of this arrangement, it shall be permissible and
11 desirable for the parties to exchange operational procedures to be
12 followed in requesting assistance and reimbursing expenses.

13 6. This compact shall enter into force and become effective and
14 binding upon the states so acting when it has been enacted into law by
15 any two states. Thereafter, this compact shall enter into force and
16 become effective and binding as to any other of said states upon
17 similar action by such state.

18 7. This compact shall continue in force and remain binding upon a
19 party state until it shall have enacted a statute repealing the same
20 and providing for the sending of formal written notice of withdrawal
21 from the compact to the appropriate official of all other party states.
22 An actual withdrawal shall not take effect until the thirtieth
23 consecutive day after the notice provided in the statute has been sent.
24 Such withdrawal shall not relieve the withdrawing state from its
25 obligations assumed hereunder prior to the effective date of
26 withdrawal.

27 **Sec. 49.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read
28 as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

31 (1) "Department" means the department of community, trade, and
32 economic development.

33 (2) "Director" means the director of the department of community,
34 trade, and economic development.

35 (3) "State fire marshal" means the assistant director of the
36 division of fire protection services in the department (~~(of community~~
37 ~~development)~~).

1 (4) "Fire chief" includes the chief officer of a statutorily
2 authorized fire agency, or the fire chief's authorized representative.
3 Also included are the department of natural resources fire control
4 chief, and the department of natural resources regional managers.

5 (5) "Jurisdiction" means state, county, city, fire district, or
6 port district (~~(fire)~~) fire fighting units, or other units covered by
7 this chapter.

8 (6) "Mobilization" means that fire fighting resources beyond those
9 available through existing agreements will be requested and, when
10 available, sent to fight a fire that has or soon will exceed the
11 capabilities of available local resources. During a large scale fire
12 emergency, mobilization includes redistribution of regional or state-
13 wide fire fighting resources to either direct fire fighting assignments
14 or to assignment in communities where fire fighting resources are
15 needed. This chapter shall not reduce or suspend the authority or
16 responsibility of the department of natural resources under chapter
17 76.04 RCW.

18 (7) "Mutual aid" means emergency interagency assistance provided
19 without compensation under (~~and an~~) an agreement between
20 jurisdictions under chapter 39.34 RCW.

21 **Sec. 50.** RCW 38.54.020 and 1992 c 117 s 10 are each amended to
22 read as follows:

23 Because of the possibility of the occurrence of disastrous fires or
24 other disasters of unprecedented size and destructiveness, the need to
25 insure that the state is adequately prepared to respond to such a fire
26 or disaster, the need to establish a mechanism and a procedure to
27 provide for reimbursement to fire fighting agencies that respond to
28 help others in time of need, and generally to protect the public peace,
29 health, safety, lives, and property of the people of Washington, it is
30 hereby declared necessary to:

31 (1) Provide the policy and organizational structure for large scale
32 mobilization of fire fighting resources in the state through creation
33 of the Washington state fire services mobilization plan;

34 (2) Confer upon the director (~~of the department of community~~
35 ~~development~~) the powers provided herein; and

36 (3) Provide a means for reimbursement to fire jurisdictions that
37 incur expenses when mobilized by the director under the Washington
38 state fire services mobilization plan.

1 **Sec. 51.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to
2 read as follows:

3 There is created the state fire defense board consisting of the
4 state fire marshal, a representative from the department of natural
5 resources appointed by the commissioner of public lands, the assistant
6 director of the emergency management division of the department (~~of~~
7 ~~community development~~), and one representative selected by each
8 regional fire defense board in the state. Members of the state fire
9 defense board shall select from among themselves a chairperson.
10 Members serving on the board do so in a voluntary capacity and are not
11 eligible for reimbursement for meeting-related expenses from the state.

12 The state fire defense board shall develop and maintain the
13 Washington state fire services mobilization plan, which shall include
14 the procedures to be used during fire emergencies for coordinating
15 local, regional, and state fire jurisdiction resources. The Washington
16 state fire services mobilization plan shall be consistent with, and
17 made part of, the Washington state comprehensive emergency management
18 plan. The director shall review the fire services mobilization plan as
19 submitted by the state fire defense board and after consultation with
20 the fire protection policy board, recommend changes that may be
21 necessary, and approve the fire services mobilization plan for
22 inclusion within the state comprehensive emergency management plan.

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

27 **Sec. 52.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to
28 read as follows:

29 The department (~~of community development~~) in consultation with
30 the office of financial management shall develop procedures to
31 facilitate reimbursement to jurisdictions from appropriate federal and
32 state funds when jurisdictions are mobilized by the director under the
33 Washington state fire services mobilization plan.

34 **Sec. 53.** RCW 39.19.040 and 1985 c 466 s 45 are each amended to
35 read as follows:

36 (1) There is hereby created an advisory committee on minority and
37 women's business enterprises to assist the director with the

1 development of policies to carry out this chapter, consisting of the
2 director of the office of financial management as a voting member and
3 the following nonvoting members: The executive director of the human
4 rights commission, a representative of the council of state college and
5 university presidents, the commissioner of employment security, the
6 secretary of social and health services, the secretary of
7 transportation, the director of general administration, and the
8 director of community, trade, and economic development. The president
9 of the senate and the speaker of the house shall appoint two members
10 each, one from the majority, and one from the minority party of each
11 body. The governor shall appoint nine voting members from the private
12 sector who shall be representative of both sexes and who shall also be
13 ethnically and geographically diverse. Six of the private sector
14 members shall represent minority and women-owned businesses; three
15 members shall be from the business community.

16 (2) The initial terms of the private sector members shall commence
17 on July 1, 1983. Five private sector members shall be appointed for an
18 initial term of two years; four private sector members shall be
19 appointed for an initial term of four years. Thereafter, all private
20 sector members shall be appointed for four years or until their
21 respective successors are appointed. Appointments to fill vacancies
22 shall be for the balance of any unexpired term, and shall be filled in
23 the same manner as the original appointments.

24 (3) Private sector members shall serve without pay, but all
25 committee members shall be entitled to reimbursement for travel
26 expenses incurred in performance of their duties as members of the
27 committee under RCW 43.03.050 and 43.03.060, except that legislative
28 members shall be entitled to reimbursement under RCW 44.04.120.

29 (4) Six voting members constitute a quorum for the conduct of
30 official business. The advisory committee shall elect a chairperson
31 from among the private sector members.

32 **Sec. 54.** RCW 39.44.210 and 1990 c 220 s 2 are each amended to read
33 as follows:

34 For each state or local government bond issued, the underwriter of
35 the issue shall supply the department of community, trade, and economic
36 development with information on the bond issue within twenty days of
37 its issuance. In cases where the issuer of the bond makes a direct or
38 private sale to a purchaser without benefit of an underwriter, the

1 issuer shall supply the required information. The bond issue
2 information shall be provided on a form prescribed by the department of
3 community, trade, and economic development and shall include but is not
4 limited to: (1) The par value of the bond issue; (2) the effective
5 interest rates; (3) a schedule of maturities; (4) the purposes of the
6 bond issue; (5) cost of issuance information; and (6) the type of bonds
7 that are issued. A copy of the bond covenants shall be supplied with
8 this information.

9 For each state or local government bond issued, the issuer's bond
10 counsel promptly shall provide to the underwriter or to the department
11 of community, trade, and economic development information on the amount
12 of any fees charged for services rendered with regard to the bond
13 issue.

14 Each local government that issues any type of bond shall make a
15 report annually to the department of community, trade, and economic
16 development that includes a summary of all the outstanding bonds of the
17 local government as of the first day of January in that year. Such
18 report shall distinguish the outstanding bond issues on the basis of
19 the type of bond, as defined in RCW 39.44.200, and shall report the
20 local government's outstanding indebtedness compared to any applicable
21 limitations on indebtedness, including RCW 35.42.200, 39.30.010, and
22 39.36.020.

23 **Sec. 55.** RCW 39.44.230 and 1989 c 225 s 3 are each amended to read
24 as follows:

25 The department of community, trade, and economic development may
26 adopt rules and regulations pursuant to the administrative procedure
27 act to require (1) the submission of bond issuance information by
28 underwriters and bond counsel to the department of community, trade,
29 and economic development in a timely manner and (2) the submission of
30 additional information on bond issues by state and local governments,
31 including summaries of outstanding bond issues.

32 **Sec. 56.** RCW 39.84.090 and 1987 c 505 s 22 are each amended to
33 read as follows:

34 (1) Prior to issuance of any revenue bonds, each public corporation
35 shall submit a copy of its enabling ordinance and charter, a
36 description of any industrial development facility proposed to be
37 undertaken, and the basis for its qualification as an industrial

1 development facility to the department of community, trade, and
2 economic development.

3 (2) If the industrial development facility is not eligible under
4 this chapter, the department of community, trade, and economic
5 development shall give notice to the public corporation, in writing and
6 by certified mail, within twelve working days of receipt of the
7 description.

8 (3) The department of trade and economic development shall report
9 annually through 1989 to the chairs of the committees on ways and means
10 of the senate and house of representatives, including one copy to the
11 staff of each of the committees, and to the governor on the amount of
12 capital investment undertaken under this chapter and the amount of
13 permanent employment reasonably related to the existence of such
14 industrial development facilities.

15 (4) The department of community, trade, and economic development
16 shall provide such advice and assistance to public corporations and
17 municipalities which have created or may wish to create public
18 corporations as the public corporations or municipalities request and
19 the department of community, trade, and economic development considers
20 appropriate.

21 **Sec. 57.** RCW 39.86.110 and 1987 c 297 s 2 are each amended to read
22 as follows:

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

25 (1) "Agency" means the department of community, trade, and economic
26 development.

27 (2) "Board" means the community economic revitalization board
28 established under chapter 43.160 RCW.

29 (3) "Bonds" means bonds, notes, or other obligations of an issuer.

30 (4) "Bond use category" means any of the following categories of
31 bonds which are subject to the state ceiling: (a) Housing, (b) student
32 loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f)
33 public utility; and (g) remainder.

34 (5) "Carryforward" is an allocation or reallocation of the state
35 ceiling which is carried from one calendar year to a later year, in
36 accordance with the code.

37 (6) "Code" means the federal internal revenue code of 1986 as it
38 exists on May 8, 1987. It also means the code as amended after May 8,

1 1987, but only if the amendments are approved by the agency under RCW
2 39.86.180.

3 (7) "Director" means the director of the agency or the director's
4 designee.

5 (8) "Exempt facility" means the bond use category which includes
6 all bonds which are exempt facility bonds as described in the code,
7 except those for qualified residential rental projects.

8 (9) "Firm and convincing evidence" means documentation that
9 satisfies the director that the issuer is committed to the prompt
10 financing of, and will issue tax exempt bonds for, the project or
11 program for which it requests an allocation from the state ceiling.

12 (10) "Housing" means the bond use category which includes: (a)
13 Mortgage revenue bonds and mortgage credit certificates as described in
14 the code; and (b) exempt facility bonds for qualified residential
15 rental projects as described in the code.

16 (11) "Initial allocation" means the portion or dollar value of the
17 state ceiling which initially in each calendar year is allocated to a
18 bond use category for the issuance of private activity bonds, in
19 accordance with RCW 39.86.120.

20 (12) "Issuer" means the state, any agency or instrumentality of the
21 state, any political subdivision, or any other entity authorized to
22 issue private activity bonds under state law.

23 (13) "Private activity bonds" means obligations that are private
24 activity bonds as defined in the code or bonds for purposes described
25 in section 1317(25) of the tax reform act of 1986.

26 (14) "Program" means the activities for which housing bonds or
27 student loan bonds may be issued.

28 (15) "Public utility" means the bond use category which includes
29 those bonds described in section 1317(25) of the tax reform act of
30 1986.

31 (16) "Redevelopment" means the bond use category which includes
32 qualified redevelopment bonds as described in the code.

33 (17) "Remainder" means that portion of the state ceiling remaining
34 after initial allocations are made under RCW 39.86.120 for any other
35 bond use category.

36 (18) "Small issue" means the bond use category which includes all
37 industrial development bonds that constitute qualified small issue
38 bonds, as described in the code.

39 (19) "State" means the state of Washington.

1 (20) "State ceiling" means the volume limitation for each calendar
2 year on tax-exempt private activity bonds, as imposed by the code.

3 (21) "Student loans" means the bond use category which includes
4 qualified student loan bonds as described in the code.

5 **Sec. 58.** RCW 40.10.020 and 1986 c 266 s 45 are each amended to
6 read as follows:

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

22 **Sec. 59.** RCW 41.06.072 and 1986 c 266 s 8 are each amended to read
23 as follows:

24 In addition to the exemptions set forth in this chapter, this
25 chapter shall not apply within the department of community, trade, and
26 economic development to the director, one confidential secretary, the
27 deputy directors, all assistant directors, the state historic
28 preservation officer, and up to two professional staff members within
29 the emergency management program.

30 **Sec. 60.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488,
31 and 1993 c 281 s 43 are each reenacted and amended to read as follows:

32 For the purposes of RCW 42.17.240, the term "executive state
33 officer" includes:

34 (1) The chief administrative law judge, the director of
35 agriculture, the administrator of the office of marine safety, the
36 administrator of the Washington basic health plan, the director of the

1 department of services for the blind, the director of the state system
2 of community and technical colleges, the director of community, trade,
3 and economic development, the secretary of corrections, the director of
4 ecology, the commissioner of employment security, the chairman of the
5 energy facility site evaluation council, the director of the energy
6 office, the secretary of the state finance committee, the director of
7 financial management, the director of fish and wildlife, the executive
8 secretary of the forest practices appeals board, the director of the
9 gambling commission, the director of general administration, the
10 secretary of health, the administrator of the Washington state health
11 care authority, the executive secretary of the health care facilities
12 authority, the executive secretary of the higher education facilities
13 authority, the executive secretary of the horse racing commission, the
14 executive secretary of the human rights commission, the executive
15 secretary of the indeterminate sentence review board, the director of
16 the department of information services, the director of the interagency
17 committee for outdoor recreation, the executive director of the state
18 investment board, the director of labor and industries, the director of
19 licensing, the director of the lottery commission, the director of the
20 office of minority and women's business enterprises, the director of
21 parks and recreation, the director of personnel, the executive director
22 of the public disclosure commission, the director of retirement
23 systems, the director of revenue, the secretary of social and health
24 services, the chief of the Washington state patrol, the executive
25 secretary of the board of tax appeals, (~~the director of trade and~~
26 ~~economic development,~~) the secretary of transportation, the secretary
27 of the utilities and transportation commission, the director of
28 veterans affairs, the president of each of the regional and state
29 universities and the president of The Evergreen State College, each
30 district and each campus president of each state community college;

31 (2) Each professional staff member of the office of the governor;

32 (3) Each professional staff member of the legislature; and

33 (4) Central Washington University board of trustees, board of
34 trustees of each community college, each member of the state board for
35 community and technical colleges, state convention and trade center
36 board of directors, committee for deferred compensation, Eastern
37 Washington University board of trustees, Washington economic
38 development finance authority, The Evergreen State College board of
39 trustees, forest practices appeals board, forest practices board,

1 gambling commission, Washington health care facilities authority, each
2 member of the Washington health services commission, higher education
3 coordinating board, higher education facilities authority, horse racing
4 commission, state housing finance commission, human rights commission,
5 indeterminate sentence review board, board of industrial insurance
6 appeals, information services board, interagency committee for outdoor
7 recreation, state investment board, liquor control board, lottery
8 commission, marine oversight board, oil and gas conservation committee,
9 Pacific Northwest electric power and conservation planning council,
10 parks and recreation commission, personnel appeals board, board of
11 pilotage commissioners, pollution control hearings board, public
12 disclosure commission, public pension commission, shorelines hearing
13 board, public employees' benefits board, board of tax appeals,
14 transportation commission, University of Washington board of regents,
15 utilities and transportation commission, Washington state maritime
16 commission, Washington personnel resources board, Washington public
17 power supply system executive board, Washington State University board
18 of regents, Western Washington University board of trustees, and fish
19 and wildlife commission.

20 **Sec. 61.** RCW 43.06.115 and 1993 c 421 s 2 are each amended to read
21 as follows:

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

30 (2) If the governor executes an order under subsection (1) of this
31 section, the governor shall establish a response team to coordinate
32 state efforts to assist the military impacted community. The response
33 team may include, but not be limited to, one member from each of the
34 following agencies: (a) The department of community, trade, and
35 economic development; (b) (~~the department of trade and economic~~
36 ~~development; (c)~~) the department of social and health services;
37 (~~(d)~~) (c) the employment security department; (~~(e)~~) (d) the state
38 board for community and technical colleges; (~~(f)~~) (e) the higher

1 education coordinating board; ~~((g))~~ (f) the department of
2 transportation; and ~~((h))~~ (g) the Washington energy office. The
3 governor may appoint a response team coordinator. The governor shall
4 seek to actively involve the impacted community or communities in
5 planning and implementing a response to the crisis. The governor may
6 seek input or assistance from the community diversification advisory
7 committee, and the governor may establish task forces in the community
8 or communities to assist in the coordination and delivery of services
9 to the local community. The state and community response shall
10 consider economic development, human service, and training needs of the
11 community or communities impacted.

12 (3) The governor shall report at the beginning of the next
13 legislative session to the legislature and the executive-legislative
14 committee on economic development created by chapter . . . (Senate Bill
15 No. 5300), Laws of 1993, as to the designation of a military impacted
16 area. The report shall include recommendations regarding whether a
17 military impacted area should become eligible for (a) funding provided
18 by the community economic revitalization board, public facilities
19 construction loan revolving account, Washington state development loan
20 fund, basic health plan, the public works assistance account,
21 department of community, trade, and economic development, employment
22 security department, and department of transportation; (b) training for
23 dislocated defense workers; or (c) services for dislocated defense
24 workers.

25 **Sec. 62.** RCW 43.08.260 and 1992 c 54 s 4 are each amended to read
26 as follows:

27 (1) Any money appropriated from the public safety and education
28 account pursuant to RCW 43.08.250 for civil representation of indigent
29 persons shall be used solely for the purpose of contracting with
30 qualified legal aid programs for legal representation of indigent
31 persons in matters relating to: (a) Domestic relations and family law
32 matters, (b) public assistance, health care, and entitlement programs,
33 (c) public housing and utilities, and (d) unemployment compensation.
34 For purposes of this section, a "qualified legal aid program" means a
35 not-for-profit corporation incorporated and operating exclusively in
36 Washington which has received basic field funding for the provision of
37 civil legal services to indigents under Public Law 101-515.

1 (2) Funds distributed to qualified legal aid programs under this
2 section shall be distributed on a basis proportionate to the number of
3 individuals with incomes below the official federal poverty income
4 guidelines who reside within the counties in the geographic service
5 areas of such programs. The department of community, trade, and
6 economic development shall use the same formula for determining this
7 distribution as is used by the legal services corporation in allocating
8 funds for basic field services in the state of Washington.

9 (3)(a) Funds distributed to qualified legal aid programs under this
10 section may not be used directly or indirectly for lobbying or in class
11 action suits. Further, these funds are subject to all limitations and
12 conditions imposed on use of funds made available to legal aid programs
13 under the legal services corporation act of 1974 (P.L. 93-355; P.L. 95-
14 222) as currently in effect or hereafter amended.

15 (b)(i) For purposes of this section, "lobbying" means any personal
16 service, advertisement, telegram, telephone communication, letter,
17 printed or written matter, or other device directly or indirectly
18 intended to influence any member of congress or any other federal,
19 state, or local nonjudicial official, whether elected or appointed:

20 (A) In connection with any act, bill, resolution, or similar
21 legislation by the congress of the United States or by any state or
22 local legislative body, or any administrative rule, standard, rate, or
23 other enactment by any federal, state, or local administrative agency;

24 (B) In connection with any referendum, initiative, constitutional
25 amendment, or any similar procedure of the congress, any state
26 legislature, any local council, or any similar governing body acting in
27 a legislative capacity; or

28 (C) In connection with inclusion of any provision in a legislative
29 measure appropriating funds to, or defining or limiting the functions
30 or authority of, the recipient of funds pursuant to chapter 54, Laws of
31 1992.

32 (ii) "Lobbying" does not include the response of an employee of a
33 legal aid program to a written request from a governmental agency, an
34 elected or appointed official, or committee on a specific matter. This
35 exception does not authorize communication with anyone other than the
36 requesting party, or agent or employee of such agency, official, or
37 committee.

1 **Sec. 63.** RCW 43.19.1920 and 1991 c 216 s 3 are each amended to
2 read as follows:

3 The division of purchasing may donate state-owned, surplus,
4 tangible personal property to shelters that are: Participants in the
5 department of community, trade, and economic development's emergency
6 shelter assistance program; and operated by nonprofit organizations or
7 units of local government providing emergency or transitional housing
8 for homeless persons. A donation may be made only if all of the
9 following conditions have been met:

10 (1) The division of purchasing has made reasonable efforts to
11 determine if any state agency has a requirement for such personal
12 property and no such agency has been identified. Such determination
13 shall follow sufficient notice to all state agencies to allow adequate
14 time for them to make their needs known;

15 (2) The agency owning the property has authorized the division of
16 purchasing to donate the property in accordance with this section;

17 (3) The nature and quantity of the property in question is directly
18 germane to the needs of the homeless persons served by the shelter and
19 the purpose for which the shelter exists and the shelter agrees to use
20 the property for such needs and purposes; and

21 (4) The director of general administration has determined that the
22 donation of such property is in the best interest of the state.

23 **Sec. 64.** RCW 43.19.19201 and 1993 c 461 s 7 are each amended to
24 read as follows:

25 (1) The department of general administration shall identify and
26 catalog real property that is no longer required for department
27 purposes and is suitable for the development of affordable housing for
28 very low-income, low-income, and moderate-income households as defined
29 in RCW 43.63A.510. The inventory shall include the location,
30 approximate size, and current zoning classification of the property.
31 The department of general administration shall provide a copy of the
32 inventory to the department of community, trade, and economic
33 development by November 1, 1993, and every November 1 thereafter.

34 (2) By November 1 of each year, beginning in 1994, the department
35 of general administration shall purge the inventory of real property of
36 sites that are no longer available for the development of affordable
37 housing. The department shall include an updated listing of real
38 property that has become available since the last update. As used in

1 this section, "real property" means buildings, land, or buildings and
2 land.

3 **Sec. 65.** RCW 43.20A.037 and 1993 c 461 s 8 are each amended to
4 read as follows:

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

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

19 **Sec. 66.** RCW 43.21A.510 and 1985 c 466 s 51 are each amended to
20 read as follows:

21 In order to assist the department of community, trade, and economic
22 development in providing information to businesses interested in
23 locating in Washington state, the department shall develop an
24 environmental profile of the state. This profile shall identify the
25 state's natural resources and describe how these assets are valuable to
26 industry. Examples of information to be included are water resources
27 and quality, air quality, and recreational opportunities related to
28 natural resources.

29 **Sec. 67.** RCW 43.21A.515 and 1985 c 466 s 52 are each amended to
30 read as follows:

31 In order to emphasize the importance of the state's environmental
32 laws and regulations and to facilitate compliance with them, the
33 department of ecology shall provide assistance to businesses interested
34 in locating in Washington state. When the department of community,
35 trade, and economic development receives a query from an interested
36 business through its industrial marketing activities, it shall arrange

1 for the department of ecology to provide information on the state's
2 environmental laws and regulations and methods of compliance. This
3 section shall facilitate compliance with state environmental laws and
4 regulations and shall not weaken their application or effectiveness.

5 **Sec. 68.** RCW 43.21A.612 and 1988 c 127 s 11 are each amended to
6 read as follows:

7 Before the director shall construct said steam generating facility
8 within the state, or make application for any permit, license or other
9 right necessary thereto, ((he)) the director shall give notice thereof
10 by publishing once a week for four consecutive weeks in a newspaper of
11 general circulation in the county or counties in which such project is
12 located a statement of intention setting forth the general nature,
13 extent and location of the project. If any public utility in the state
14 or any operating agency desires to construct such facility, such
15 utility or operating agency shall notify the director thereof within
16 ten days after the last date of publication of such notice. If the
17 director determines that it is in the best public interest that the
18 director proceed with such construction rather than the public utility
19 or operating agency, ((he)) the director shall so notify the director
20 of community, trade, and economic development, who shall set a date for
21 hearing thereon. If after considering the evidence introduced the
22 director of community, trade, and economic development finds that the
23 public utility or operating agency making the request intends to
24 immediately proceed with such construction and is financially capable
25 of carrying out such construction and further finds that the plan of
26 such utility or operating agency is equally well adapted to serve the
27 public interest, ((he)) the director shall enter an order so finding
28 and such order shall divest the director of authority to proceed
29 further with such construction or acquisition until such time as the
30 other public utility or agency voluntarily causes an assignment of its
31 right or interest in the project to the director or fails to procure
32 any further required governmental permit, license or authority or
33 having procured such, has the same revoked or withdrawn, in accordance
34 with the laws and regulations of such governmental entity, in which
35 event the director shall have the same authority to proceed as though
36 the director had originally entered an order so authorizing the
37 director to proceed. If, after considering the evidence introduced,
38 the director of community, trade, and economic development finds that

1 the public utility or agency making the request does not intend to
2 immediately proceed with such construction or acquisition or is not
3 financially capable of carrying out such construction or acquisition,
4 or finds that the plan of such utility or operating agency is not
5 equally well adapted to serve the public interest, ((he)) the director
6 shall then enter an order so finding and authorizing the director to
7 proceed with the construction or acquisition of the facility.

8 **Sec. 69.** RCW 43.22.495 and 1990 c 176 s 1 are each amended to read
9 as follows:

10 Beginning on July 1, 1991, the department of community, trade, and
11 economic development shall be responsible for performing all the
12 consumer complaint and related functions of the state administrative
13 agency that are required for purposes of complying with the regulations
14 established by the federal department of housing and urban development
15 for manufactured housing, including the preparation and submission of
16 the state administrative plan.

17 The department of community, trade, and economic development may
18 enter into state or local interagency agreements to coordinate site
19 inspection activities with record monitoring and complaint handling.
20 The interagency agreement may also provide for the reimbursement for
21 cost of work that an agency performs. The department may include other
22 related areas in any interagency agreements which are necessary for the
23 efficient provision of services.

24 (~~The department of labor and industries shall transfer all~~
25 ~~records, files, books, and documents necessary for the department of~~
26 ~~community development to assume these new functions.))~~

27 The directors of the department of community, trade, and economic
28 development and the department of labor and industries shall
29 immediately take such steps as are necessary to ensure that ((~~this~~
30 ~~act~~)) chapter 176, Laws of 1990 is implemented on June 7, 1990.

31 **Sec. 70.** RCW 43.23.035 and 1986 c 202 s 1 are each amended to read
32 as follows:

33 The department of agriculture is hereby designated as the agency of
34 state government for the administration and implementation of state
35 agricultural market development programs and activities, both domestic
36 and foreign, and shall, in addition to the powers and duties otherwise
37 imposed by law, have the following powers and duties:

- 1 (1) To study the potential marketability of various agricultural
2 commodities of this state in foreign and domestic trade;
- 3 (2) To collect, prepare, and analyze foreign and domestic market
4 data;
- 5 (3) To establish a program to promote and assist in the marketing
6 of Washington-bred horses: PROVIDED, That the department shall present
7 a proposal to the legislature no later than December 1, 1986, that
8 provides for the elimination of all state funding for the program after
9 June 30, 1989;
- 10 (4) To encourage and promote the sale of Washington's agricultural
11 commodities and products at the site of their production through the
12 development and dissemination of referral maps and other means;
- 13 (5) To encourage and promote those agricultural industries, such as
14 the wine industry, which attract visitors to rural areas in which other
15 agricultural commodities and products are produced and are, or could
16 be, made available for sale;
- 17 (6) To encourage and promote the establishment and use of public
18 markets in this state for the sale of Washington's agricultural
19 products;
- 20 (7) To maintain close contact with foreign firms and governmental
21 agencies and to act as an effective intermediary between foreign
22 nations and Washington traders;
- 23 (8) To publish and disseminate to interested citizens and others
24 information which will aid in carrying out the purposes of chapters
25 43.23, 15.64, 15.65, and 15.66 RCW;
- 26 (9) To encourage and promote the movement of foreign and domestic
27 agricultural goods through the ports of Washington;
- 28 (10) To conduct an active program by sending representatives to, or
29 engaging representatives in, foreign countries to promote the state's
30 agricultural commodities and products;
- 31 (11) To assist and to make Washington agricultural concerns more
32 aware of the potentials of foreign trade and to encourage production of
33 those commodities that will have high export potential and appeal;
- 34 (12) To coordinate the trade promotional activities of appropriate
35 federal, state, and local public agencies, as well as civic
36 organizations; and
- 37 (13) To develop a coordinated marketing program with the department
38 of community, trade, and economic development, utilizing existing trade
39 offices and participating in mutual trade missions and activities.

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

3 **Sec. 71.** RCW 43.31.093 and 1993 c 512 s 6 are each amended to read
4 as follows:

5 The department of community, trade, and economic development shall
6 contract with public and private agencies, institutions, and
7 organizations to conduct entrepreneurial training courses for minority
8 and women-owned small businesses. The instruction shall be intensive,
9 practical training courses in financing, marketing, managing,
10 accounting, and recordkeeping for a small business, with an emphasis on
11 federal, state, local, or private programs available to assist small
12 businesses. The business assistance center may recommend professional
13 instructors, with practical knowledge and experience on how to start
14 and operate a business, to teach the courses. Instruction shall be
15 offered in major population centers throughout the state at times and
16 locations which are convenient for minority and women small business
17 owners and entrepreneurs.

18 **Sec. 72.** RCW 43.31.960 and 1987 c 195 s 10 are each amended to
19 read as follows:

20 The principal proceeds from the sale of the bonds authorized in RCW
21 43.31.956 shall be administered by the director of community, trade,
22 and economic development.

23 **Sec. 73.** RCW 43.43.710 and 1987 c 486 s 11 are each amended to
24 read as follows:

25 Information contained in the files and records of the section
26 relative to the commission of any crime by any person shall be
27 considered privileged and shall not be made public or disclosed for any
28 personal purpose or in any civil court proceedings except upon a
29 written order of the judge of a court wherein such civil proceedings
30 are had. All information contained in the files of the section
31 relative to criminal records and personal histories of persons arrested
32 for the commission of a crime shall be available to all criminal
33 justice agencies and, for the sole purpose of investigating the cause
34 of fires under RCW 48.48.060(2) where the cause is suspected to be
35 arson, to the director of community, trade, and economic development,

1 through the director of fire protection, upon the filing of an
2 application as provided in RCW 43.43.705.

3 Although no application for information has been made to the
4 section as provided in RCW 43.43.705, the section may transmit such
5 information in the chief's discretion, to such agencies as are
6 authorized by RCW 43.43.705 to make application for it.

7 **Sec. 74.** RCW 43.63A.465 and 1993 c 124 s 1 are each amended to
8 read as follows:

9 The director of the department of community, trade, and economic
10 development shall enforce manufactured housing safety and construction
11 standards adopted by the secretary of housing and urban development
12 under the National Manufactured Housing Construction and Safety
13 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).
14 Furthermore, the director may make agreements with the United States
15 government, state agencies, or private inspection organizations to
16 implement the development and enforcement of applicable provisions of
17 this chapter and the National Manufactured Housing Construction and
18 Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
19 regarding the state administrative agency program.

20 **Sec. 75.** RCW 43.70.330 and 1990 c 253 s 2 are each amended to read
21 as follows:

22 (1) The department of health shall be the primary inspector of
23 labor camps and farmworker housing for the state of Washington:
24 PROVIDED, That the department of labor and industries shall be the
25 inspector for all farmworker housing not covered by the authority of
26 the state board of health.

27 (2) The department of health, the department of labor and
28 industries, the department of community, trade, and economic
29 development, the state board of health, and the employment security
30 department shall develop an interagency agreement defining the rules
31 and responsibilities for the inspection of farmworker housing. This
32 agreement shall recognize the department of health as the primary
33 inspector of labor camps for the state, and shall further be designed
34 to provide a central information center for public information and
35 education regarding farmworker housing. The agencies shall provide the
36 legislature with a report on the results of this agreement by January
37 1, 1991.

1 **Sec. 76.** RCW 43.70.540 and 1994 1st sp.s. c 7 s 201 are each
2 amended to read as follows:

3 The legislature recognizes that the state patrol, the office of the
4 administrator for the courts, the sheriffs' and police chiefs'
5 association, the department of social and health services, the
6 department of community, trade, and economic development, the
7 sentencing guidelines commission, the department of corrections, and
8 the superintendent of public instruction each have comprehensive data
9 and analysis capabilities that have contributed greatly to our current
10 understanding of crime and violence, and their causes.

11 The legislature finds, however, that a single health-oriented
12 agency must be designated to provide consistent guidelines to all these
13 groups regarding the way in which their data systems collect this
14 important data. It is not the intent of the legislature by RCW
15 43.70.545 to transfer data collection requirements from existing
16 agencies or to require the addition of major new data systems. It is
17 rather the intent to make only the minimum required changes in existing
18 data systems to increase compatibility and comparability, reduce
19 duplication, and to increase the usefulness of data collected by these
20 agencies in developing more accurate descriptions of violence.

21 **Sec. 77.** RCW 43.79.201 and 1991 sp.s. c 13 s 39 are each amended
22 to read as follows:

23 (1) The charitable, educational, penal and reformatory institutions
24 account is hereby created, in the state treasury, into which account
25 there shall be deposited all moneys arising from the sale, lease or
26 transfer of the land granted by the United States government to the
27 state for charitable, educational, penal and reformatory institutions
28 by section 17 of the enabling act, or otherwise set apart for such
29 institutions, except all moneys arising from the sale, lease, or
30 transfer of that certain one hundred thousand acres of such land
31 assigned for the support of the University of Washington by chapter 91,
32 Laws of 1903 and section 9, chapter 122, Laws of 1893.

33 (2) If feasible, not less than one-half of all income to the
34 charitable, educational, penal, and reformatory institutions account
35 shall be appropriated for the purpose of providing housing, including
36 repair and renovation of state institutions, for persons who are
37 mentally ill, developmentally disabled, or youth who are blind, deaf,
38 or otherwise disabled. If moneys are appropriated for community-based

1 housing, the moneys shall be appropriated to the department of
2 community, trade, and economic development for the housing assistance
3 program under chapter 43.185 RCW.

4 **Sec. 78.** RCW 43.83.184 and 1985 c 466 s 54 are each amended to
5 read as follows:

6 For the purpose of acquiring land and providing needed capital
7 improvements consisting of the planning, acquisition, construction,
8 remodeling, and furnishing, together with all improvements,
9 enhancements, fixed equipment facilities of office buildings, parking
10 facilities, and such other buildings, facilities, and utilities as are
11 determined to be necessary to provide space including offices,
12 committee rooms, hearing rooms, work rooms, and industrial-related
13 space for the legislature, for other elective officials, and such other
14 state agencies as may be necessary, and for the purpose of land
15 acquisitions by the department of transportation, grants and loans by
16 the department of community, trade, and economic development, and
17 facilities of the department of corrections and other state agencies,
18 the state finance committee is authorized to issue general obligation
19 bonds of the state of Washington in the sum of sixty-four million two
20 hundred seventy thousand dollars, or so much thereof as may be
21 required, to finance these projects and all costs incidental thereto.
22 No bonds authorized in this section may be offered for sale without
23 prior legislative appropriation.

24 **Sec. 79.** RCW 43.132.020 and 1984 c 125 s 16 are each amended to
25 read as follows:

26 The director of financial management or the director's designee
27 shall, in cooperation with appropriate legislative committees and
28 legislative staff, establish a mechanism for the determination of the
29 fiscal impact of proposed legislation which if enacted into law would
30 directly or indirectly increase or decrease revenues received or
31 expenditures incurred by counties, cities, towns, or any other
32 political subdivisions of the state. The office of financial
33 management shall, when requested by a member of the state legislature,
34 report in writing as to such fiscal impact and said report shall be
35 known as a "fiscal note".

36 Such fiscal notes shall indicate by fiscal year the total impact on
37 the subdivisions involved for the first two years the legislation would

1 be in effect and also a cumulative six year forecast of the fiscal
2 impact. Where feasible and applicable, the fiscal note also shall
3 indicate the fiscal impact on each individual county or on a
4 representative sampling of cities, towns, or other political
5 subdivisions.

6 A fiscal note as defined in this section shall be provided only
7 upon request of any member of the state legislature. A legislator also
8 may request that such a fiscal note be revised to reflect the impact of
9 proposed amendments or substitute bills. Fiscal notes shall be
10 completed within seventy-two hours of the request unless a longer time
11 period is allowed by the requesting legislator. In the event a fiscal
12 note has not been completed within seventy-two hours of a request, a
13 daily report shall be prepared for the requesting legislator by the
14 director of financial management which report summarizes the progress
15 in preparing the fiscal note. If the request is referred to the
16 director of community, trade, and economic development, the daily
17 report shall also include the date and time such referral was made.

18 **Sec. 80.** RCW 43.132.030 and 1985 c 6 s 10 are each amended to read
19 as follows:

20 The director of financial management is hereby empowered to
21 designate the director of community, trade, and economic development as
22 the official responsible for the preparation of fiscal notes authorized
23 and required by this chapter. It is the intent of the legislature that
24 when necessary the resources of other state agencies, appropriate
25 legislative staffs, and the various associations of local government
26 may be employed in the development of such fiscal notes.

27 **Sec. 81.** RCW 43.133.030 and 1987 c 342 s 3 are each amended to
28 read as follows:

29 The office of financial management and the department of community,
30 trade, and economic development shall, in cooperation with appropriate
31 legislative committees and legislative staff, establish a procedure for
32 the provision of sunrise notes on the expected impact of bills and
33 resolutions that authorize the creation of new boards and new types of
34 special purpose districts.

35 **Sec. 82.** RCW 43.133.050 and 1987 c 342 s 5 are each amended to
36 read as follows:

1 (1) The office of financial management shall prepare sunrise notes
2 for legislation concerning the creation of new boards. The department
3 of community, trade, and economic development shall prepare sunrise
4 notes for legislation creating new types of special purpose districts.

5 (2) A sunrise note shall be prepared for all executive and agency
6 request legislation that creates a board or special purpose district.

7 (3) The office of financial management or the department of
8 community, trade, and economic development shall also provide a sunrise
9 note at the request of any committee of the legislature.

10 **Sec. 83.** RCW 43.143.040 and 1989 1st ex.s. c 2 s 12 are each
11 amended to read as follows:

12 Prior to September 1, 1994, the department of natural resources and
13 the department of ecology, working together and at the direction of the
14 joint select committee on marine and ocean resources, shall complete an
15 analysis of the potential positive and negative impacts of the leasing
16 of state-owned lands which is described in RCW 43.143.010(2). The
17 department shall consult with the departments of (~~fisheries, wildlife,~~
18 ~~community development, and~~) fish and wildlife and community, trade,
19 and economic development, and with the public, when preparing this
20 analysis. The analysis shall be presented to the legislature no later
21 than September 1, 1994. This analysis shall be used by the legislature
22 in determining whether the oil and gas leasing moratorium contained in
23 RCW 43.143.010 should be extended.

24 **Sec. 84.** RCW 43.150.040 and 1992 c 66 s 4 are each amended to read
25 as follows:

26 The governor may establish a state-wide center for volunteerism and
27 citizen service within the department of community, trade, and economic
28 development and appoint an executive administrator, who may employ such
29 staff as necessary to carry out the purposes of this chapter. The
30 provisions of chapter 41.06 RCW do not apply to the executive
31 administrator and the staff.

32 **Sec. 85.** RCW 43.155.020 and 1985 c 446 s 8 are each amended to
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section shall apply throughout this chapter.

36 (1) "Board" means the public works board created in RCW 43.155.030.

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

3 (3) "Financing guarantees" means the pledge of money in the public
4 works assistance account, or money to be received by the public works
5 assistance account, to the repayment of all or a portion of the
6 principal of or interest on obligations issued by local governments to
7 finance public works projects.

8 (4) "Local governments" means cities, towns, counties, special
9 purpose districts, and any other municipal corporations or quasi-
10 municipal corporations in the state excluding school districts and port
11 districts.

12 (5) "Public works project" means a project of a local government
13 for the planning, acquisition, construction, repair, reconstruction,
14 replacement, rehabilitation, or improvement of streets and roads,
15 bridges, water systems, or storm and sanitary sewage systems.

16 (6) "Technical assistance" means training and other services
17 provided to local governments to: (a) Help such local governments
18 plan, apply, and qualify for loans and financing guarantees from the
19 board, and (b) help local governments improve their ability to plan
20 for, finance, acquire, construct, repair, replace, rehabilitate, and
21 maintain public facilities.

22 **Sec. 86.** RCW 43.160.030 and 1993 c 320 s 2 are each amended to
23 read as follows:

24 (1) The community economic revitalization board is hereby created
25 to exercise the powers granted under this chapter.

26 (2) The board shall consist of the chairman of and one minority
27 member appointed by the speaker of the house of representatives from
28 the committee on trade, economic development, and housing of the house
29 of representatives, the chairman of and one minority member appointed
30 by the president of the senate from the committee on trade, technology,
31 and economic development of the senate, and the following members
32 appointed by the governor: A recognized private or public sector
33 economist; one port district official; one county official; one city
34 official; one representative of the public; one representative of small
35 businesses each from: (a) The area west of Puget Sound, (b) the area
36 east of Puget Sound and west of the Cascade range, (c) the area east of
37 the Cascade range and west of the Columbia river, and (d) the area east
38 of the Columbia river; one executive from large businesses each from

1 the area west of the Cascades and the area east of the Cascades. The
2 appointive members shall initially be appointed to terms as follows:
3 Three members for one-year terms, three members for two-year terms, and
4 three members for three-year terms which shall include the chair.
5 Thereafter each succeeding term shall be for three years. The chair of
6 the board shall be selected by the governor. The members of the board
7 shall elect one of their members to serve as vice-chair. The director
8 of community, trade, and economic development, (~~the director of~~
9 ~~community development,~~) the director of revenue, the commissioner of
10 employment security, and the secretary of transportation shall serve as
11 nonvoting advisory members of the board.

12 (3) Staff support shall be provided by the department of community,
13 trade, and economic development to assist the board in implementing
14 this chapter and the allocation of private activity bonds.

15 (4) All appointive members of the board shall be compensated in
16 accordance with RCW 43.03.240 and shall be reimbursed for travel
17 expenses as provided in RCW 43.03.050 and 43.03.060.

18 (5) If a vacancy occurs by death, resignation, or otherwise of
19 appointive members of the board, the governor shall fill the same for
20 the unexpired term. Any members of the board, appointive or otherwise,
21 may be removed for malfeasance or misfeasance in office, upon specific
22 written charges by the governor, under chapter 34.05 RCW.

23 **Sec. 87.** RCW 43.160.115 and 1987 c 422 s 7 are each amended to
24 read as follows:

25 In addition to its powers and duties under this chapter, the
26 community economic revitalization board shall cooperate with the
27 Washington state development loan fund committee in order to provide
28 for coordination of their very similar programs. Under this chapter,
29 it is the duty of the department of community, trade, and economic
30 development and the board to financially assist the committee to the
31 extent required by law. Funds appropriated to the board or the
32 department of community, trade, and economic development for the use of
33 the board shall be transferred to the department of community, trade,
34 and economic development to the extent required by law.

35 **Sec. 88.** RCW 43.160.180 and 1987 c 422 s 9 are each amended to
36 read as follows:

1 (1) There is hereby created the private activity bond subcommittee
2 of the board.

3 (2) The subcommittee shall be primarily responsible for reviewing
4 and making recommendations to the board on requests for certification
5 and allocation pursuant to the provisions of chapter 39.86 RCW and as
6 authorized by rules adopted by the board.

7 (3) The subcommittee shall consist of the following members: Six
8 members of the board including: (a) The chair; (b) the county
9 official; (c) the city official; (d) the port district official; (e) a
10 legislator, appointed by the chair; and (f) the representative of the
11 public. The members' terms shall coincide with their terms of
12 appointment to the board.

13 (4) Staff support to the subcommittee shall be provided by the
14 department of community, trade, and economic development.

15 (5) Members of the subcommittee shall receive no compensation but
16 shall be reimbursed for travel expenses under RCW 43.03.050 and
17 43.03.060.

18 (6) If a vacancy on the subcommittee occurs by death, resignation,
19 failure to hold the office from which the member was appointed, or
20 otherwise, the vacancy shall be filled through the procedures specified
21 for filling the corresponding vacancy on the board.

22 **Sec. 89.** RCW 43.163.020 and 1990 c 53 s 2 are each amended to read
23 as follows:

24 The Washington economic development finance authority is
25 established as a public body corporate and politic, with perpetual
26 corporate succession, constituting an instrumentality of the state of
27 Washington exercising essential governmental functions. The authority
28 is a public body within the meaning of RCW 39.53.010.

29 The authority shall consist of eighteen members as follows: The
30 director of the department of community, trade, and economic
31 development, (~~the director of the department of community~~
32 ~~development,~~) the director of the department of agriculture, the state
33 treasurer, one member from each caucus in the house of representatives
34 appointed by the speaker of the house, one member from each caucus in
35 the senate appointed by the president of the senate, and ten public
36 members with one representative of women-owned businesses and one
37 representative of minority-owned businesses and with at least three of
38 the members residing east of the Cascades. The public members shall be

1 residents of the state appointed by the governor on the basis of their
2 interest or expertise in trade, agriculture or business finance or jobs
3 creation and development. One of the public members shall be appointed
4 by the governor as chair of the authority and shall serve as chair of
5 the authority at the pleasure of the governor. The authority may
6 select from its membership such other officers as it deems appropriate.

7 The term of the persons appointed by the governor as public members
8 of the authority, including the public member appointed as chair, shall
9 be four years from the date of appointment, except that the term of
10 three of the initial appointees shall be for two years from the date of
11 appointment and the term of four of the initial appointees shall be for
12 three years from the date of appointment. The governor shall designate
13 the appointees who will serve the two-year and three-year terms.

14 In the event of a vacancy on the authority due to death,
15 resignation or removal of one of the public members, or upon the
16 expiration of the term of one of the public members, the governor shall
17 appoint a successor for the remainder of the unexpired term. If either
18 of the state offices is abolished, the resulting vacancy on the
19 authority shall be filled by the state officer who shall succeed
20 substantially to the power and duties of the abolished office.

21 Any public member of the authority may be removed by the governor
22 for misfeasance, malfeasance or willful neglect of duty after notice
23 and a public hearing, unless such notice and hearing shall be expressly
24 waived in writing by the affected public member.

25 The state officials serving in ex officio capacity may each
26 designate an employee of their respective departments to act on their
27 behalf in all respects with regard to any matter to come before the
28 authority. Such designations shall be made in writing in such manner
29 as is specified by the rules of the authority.

30 The members of the authority shall serve without compensation but
31 shall be entitled to reimbursement, solely from the funds of the
32 authority, for expenses incurred in the discharge of their duties under
33 this chapter. The authority may borrow funds from the department for
34 the purpose of reimbursing members for expenses; however, the authority
35 shall repay the department as soon as practicable.

36 A majority of the authority shall constitute a quorum.

37 **Sec. 90.** RCW 43.163.060 and 1989 c 279 s 7 are each amended to
38 read as follows:

1 (1) The authority is authorized to participate fully in federal and
2 other governmental economic development finance programs and to take
3 such actions as are necessary and consistent with this chapter to
4 secure to itself and the people of the state the benefits of those
5 programs and to meet their requirements.

6 (2) The authority shall coordinate its programs with those
7 contributing to a common purpose found elsewhere in the departments of
8 community, trade, and economic development, (~~community development,~~)
9 agriculture or employment security, or any other department or
10 organization of, or affiliated with, the state or federal government,
11 and shall avoid any duplication of such activities or programs provided
12 elsewhere. The departments of community, trade, and economic
13 development, (~~community development,~~) agriculture, employment
14 security and other relevant state agencies shall provide to the
15 authority all reports prepared in the course of their ongoing
16 activities which may assist in the identification of unmet capital
17 financing needs by small-sized and medium-sized businesses in the
18 state.

19 **Sec. 91.** RCW 43.165.010 and 1987 c 461 s 1 are each amended to
20 read as follows:

21 Unless the context clearly requires to the contrary, the
22 definitions in this section apply throughout this chapter.

23 (1) "Department" means the department of community, trade, and
24 economic development.

25 (2) "Director" means the director of the department.

26 (3) "Distressed area" means: (a) A county that has an unemployment
27 rate that is twenty percent above the state-wide average for the
28 previous three years; or (b) a community or area that has experienced
29 sudden and severe or long-term and severe loss of employment, or
30 erosion of its economic base due to decline of its dominant industries;
31 or (c) an area within a county which area: (i) Is composed of
32 contiguous census tracts; (ii) has a minimum population of five
33 thousand persons; (iii) has at least seventy percent of its families
34 and unrelated individuals with incomes below eighty percent of the
35 county's median income for families and unrelated individuals; and (iv)
36 has an unemployment rate which is at least forty percent higher than
37 the county's unemployment rate. For purposes of this definition,
38 "families and unrelated individuals" has the same meaning that is

1 ascribed to that term by the federal department of housing and urban
2 development in its regulations authorizing action grants for economic
3 development and neighborhood revitalization projects.

4 (4) "Economic development revolving loan funds" means a local, not-
5 for-profit or governmentally sponsored business loan program.

6 (5) "Team" means the community revitalization team.

7 (6) "Technical assistance" includes, but is not limited to,
8 assistance with strategic planning, market research, business plan
9 development review, organization and management development, accounting
10 and legal services, grant and loan packaging, and other assistance
11 which may be expected to contribute to the redevelopment and economic
12 well-being of a distressed area.

13 **Sec. 92.** RCW 43.168.031 and 1988 c 186 s 7 are each amended to
14 read as follows:

15 The Washington state development loan fund committee shall be
16 terminated on June 30, 1994, and its powers and duties transferred to
17 the director of the department of community, trade, and economic
18 development.

19 **Sec. 93.** RCW 43.170.020 and 1985 c 466 s 60 are each amended to
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 (1) "Department" means the department of community, trade, and
24 economic development.

25 (2) "Director" means the director of community, trade, and economic
26 development.

27 (3) "Program" means the small business innovators' opportunity
28 program.

29 (4) "Inventor" or "innovator" means one who thinks of, imagines, or
30 creates something new which may result in a device, contrivance, or
31 process for the first time, through the use of the imagination or
32 ingenious thinking and experimentation.

33 (5) "Proposal" means a plan provided by an inventor or innovator on
34 an idea for an invention or an improvement.

35 (6) "Higher education" means any university, college, community
36 college, or technical institute in this state.

1 **Sec. 94.** RCW 43.170.030 and 1985 c 466 s 61 are each amended to
2 read as follows:

3 The department (~~(of trade and economic development)~~), in
4 cooperation with institutions of higher education, shall establish as
5 a pilot project a small business innovators' opportunity program to
6 provide a professional research and counseling service on a user fee
7 basis to inventors, innovators, and the business community.

8 The composition and organizational structure of the program shall
9 be determined by the department in a manner which will foster the
10 continuation of the program without state funding at the end of the
11 pilot project established by this chapter. The department shall
12 provide staff support for the program for the duration of the pilot
13 project. The program shall:

14 (1) Receive proposals from inventors and innovators;

15 (2) Review proposals for accuracy and evaluate their prospects for
16 marketability;

17 (3) Cooperate with institutions of higher education to evaluate
18 proposals for marketability, suitability for patent rights, and for the
19 provision of professional research and counseling;

20 (4) Provide assistance to the innovators and inventors as
21 appropriate; and

22 (5) Have the power to receive funds, contract with institutions of
23 higher education, and carry out such other duties as are deemed
24 necessary to implement this chapter.

25 The user fee shall be set by the director in an amount which is
26 designed to recover the cost of the services provided.

27 **Sec. 95.** RCW 43.170.070 and 1989 c 312 s 9 are each amended to
28 read as follows:

29 Any innovation or inventor receiving assistance under this program
30 shall be referred to the investment opportunities office operated by
31 the department (~~(of trade and economic development)~~).

32 **Sec. 96.** RCW 43.172.011 and 1993 c 512 s 16 are each amended to
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout RCW 43.172.020 through 43.172.110.

1 (1) "Approved surety company" means a surety company approved by
2 the department for participation in providing direct bonding assistance
3 to qualified contractors.

4 (2) "Bond" means any bond or security required for bid, payment, or
5 performance of contracts.

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

8 (4) "Program" means the Washington state small business bonding
9 assistance program provided for in this chapter.

10 (5) "Qualified contractor" means any resident minority business
11 enterprise or women's business enterprise, as determined by the
12 department to be consistent with the requirements of chapter 39.19 RCW
13 and engaged in the contracting business, which has obtained a
14 certificate of accreditation from the Washington state small business
15 bonding assistance program.

16 **Sec. 97.** RCW 43.172.020 and 1993 c 512 s 17 are each amended to
17 read as follows:

18 There is established within the department (~~(of trade and economic~~
19 ~~development))~~ the Washington state small business bonding assistance
20 program to assist resident minority and women-owned small contracting
21 businesses to acquire the managerial and financial skills, standards,
22 and assistance necessary to enable them to obtain bid, payment, and
23 performance bonds from surety companies for either advertised or
24 designated contracts. The department shall implement the program by
25 establishing a course of instruction as set forth in RCW 43.172.040.
26 The department shall encourage surety companies and other private
27 interests to help implement this course of instruction to assist
28 minority and women-owned small contracting businesses. The department
29 shall adopt rules to ensure the proper implementation of the program
30 set forth in this chapter.

31 **Sec. 98.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to read
32 as follows:

33 (1) There is hereby established a public body corporate and
34 politic, with perpetual corporate succession, to be known as the
35 Washington state housing finance commission. The commission is an
36 instrumentality of the state exercising essential government functions
37 and, for purposes of the code, acts as a constituted authority on

1 behalf of the state when it issues bonds pursuant to this chapter. The
2 commission is a "public body" within the meaning of RCW 39.53.010.

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

4 (a) The state treasurer, ex officio;

5 (b) The director of community, trade, and economic development, ex
6 officio;

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

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

12 (e) A representative of labor interests, appointed by the governor,
13 with the consent of the senate, after consultation with representatives
14 of organized labor;

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

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

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

1 43.03.050 and 43.03.060. A majority of the commission constitutes a
2 quorum. Designees shall be appointed in such manner and shall exercise
3 such powers as are specified by the rules of the commission.

4 (3) The commission may adopt an official seal and may select from
5 its membership a vice chair, a secretary, and a treasurer. The
6 commission shall establish rules concerning its exercise of the powers
7 authorized by this chapter. The rules shall be adopted in conformance
8 with chapter 34.05 RCW.

9 **Sec. 99.** RCW 43.180.200 and 1986 c 264 s 3 are each amended to
10 read as follows:

11 For purposes of the code:

12 (1) The legislature reserves the right at any time to alter or
13 change the structure, organization, programs, or activities of the
14 commission and to terminate the commission, so long as the action does
15 not impair any outstanding contracts entered into by the commission;

16 (2) Any net earnings of the commission beyond that necessary to
17 retire its bonds and to carry out the purposes of this chapter shall
18 not inure to the benefit of any person other than the state;

19 (3) Upon dissolution of the commission, title to all of its
20 remaining property shall vest in the state;

21 (4) The commission constitutes the only housing finance agency of
22 the state of Washington; and

23 (5) In order to take advantage of the maximum amount of tax exempt
24 bonds for housing financing available pursuant to the code, any state
25 ceiling with respect to housing shall be allocated in accordance with
26 the following formula:

27 (a) Eighty percent of the state ceiling shall be allocated to the
28 commission and twenty percent shall be allocated to the other issuing
29 authorities in the state.

30 (b) The allocation to the issuing authorities other than the
31 commission shall be distributed to such issuing authorities in amounts
32 as determined following public notice by the department of community,
33 trade, and economic development pursuant to rules promulgated by it.

34 The distribution shall be in response to applications received from
35 such issuing authorities and shall be based on the following factors:

36 (i) The amount of housing to be made available by such applicant; (ii)
37 the population within the jurisdiction of the applicant; (iii)
38 coordination with other applicable federal and state housing programs;

1 (iv) the likelihood of implementing the proposed financing during that
2 year; and (v) consistency with the plan of the commission. On or
3 before February 1 of each year, the department of community, trade, and
4 economic development shall distribute the state ceiling allocation
5 among such issuing authorities and any unused portion shall be added to
6 the allocation of the commission. Each issuing authority other than
7 the commission shall confirm its allocation distribution by providing
8 to the department of community, trade, and economic development no
9 later than June 1 a copy of an executed bond purchase contract or
10 alternative documentation deemed sufficient by the commission to
11 evidence the reasonable likelihood of the allocation distribution being
12 fully used. Any portion of such allocation not so confirmed shall be
13 added to the allocation of the commission on July 1. Prior to July 1,
14 the commission shall provide written notice of the allocation decrease
15 to the affected issuing authority. The reallocation shall not limit
16 the authority of the commission to assign a portion of its allocation
17 pursuant to subsection (5)(c) of this section.

18 (c) The commission may assign a portion of its allocation to
19 another issuing agency.

20 **Sec. 100.** RCW 43.185.015 and 1991 c 356 s 2 are each amended to
21 read as follows:

22 There is created within the department (~~(of community development)~~)
23 the housing assistance program to carry out the purposes of this
24 chapter.

25 **Sec. 101.** RCW 43.185.020 and 1986 c 298 s 3 are each amended to
26 read as follows:

27 "Department" means the department of community, trade, and economic
28 development. "Director" means the director of the department of
29 community, trade, and economic development.

30 **Sec. 102.** RCW 43.185A.010 and 1991 c 356 s 10 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Affordable housing" means residential housing for rental or
35 private individual ownership which, as long as the same is occupied by
36 low-income households, requires payment of monthly housing costs,

1 including utilities other than telephone, of no more than thirty
2 percent of the family's income.

3 (2) "Department" means the department of community, trade, and
4 economic development.

5 (3) "Director" means the director of the department of community,
6 trade, and economic development.

7 (4) "First-time home buyer" means an individual or his or her
8 spouse who have not owned a home during the three-year period prior to
9 purchase of a home.

10 (5) "Low-income household" means a single person, family or
11 unrelated persons living together whose adjusted income is less than
12 eighty percent of the median family income, adjusted for household
13 size, for the county where the project is located.

14 **Sec. 103.** RCW 43.185A.020 and 1993 c 478 s 16 are each amended to
15 read as follows:

16 The affordable housing program is created in the department (~~of~~
17 ~~community development~~) for the purpose of developing and coordinating
18 public and private resources targeted to meet the affordable housing
19 needs of low-income households in the state of Washington. The program
20 shall be developed and administered by the department with advice and
21 input from the affordable housing advisory board established in RCW
22 43.185B.020.

23 **Sec. 104.** RCW 43.185B.010 and 1993 c 478 s 4 are each amended to
24 read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Affordable housing" means residential housing that is rented
28 or owned by a person or household whose monthly housing costs,
29 including utilities other than telephone, do not exceed thirty percent
30 of the household's monthly income.

31 (2) "Department" means the department of community, trade, and
32 economic development.

33 (3) "Director" means the director of community, trade, and economic
34 development.

35 (4) "Nonprofit organization" means any public or private nonprofit
36 organization that: (a) Is organized under federal, state, or local
37 laws; (b) has no part of its net earnings inuring to the benefit of any

1 member, founder, contributor, or individual; and (c) has among its
2 purposes significant activities related to the provision of decent
3 housing that is affordable to very low-income, low-income, or moderate-
4 income households and special needs populations.

5 (5) "Regulatory barriers to affordable housing" and "regulatory
6 barriers" mean any public policies (including those embodied in
7 statutes, ordinances, regulations, or administrative procedures or
8 processes) required to be identified by the state or local government
9 in connection with its strategy under section 105(b)(4) of the
10 Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et
11 seq.).

12 (6) "Tenant-based organization" means a nonprofit organization
13 whose governing body includes a majority of members who reside in the
14 housing development and are considered low-income households.

15 **Sec. 105.** RCW 43.190.030 and 1988 c 119 s 2 are each amended to
16 read as follows:

17 There is created the office of the state long-term care ombudsman.
18 The department of community, trade, and economic development shall
19 contract with a private nonprofit organization to provide long-term
20 care ombudsman services as specified under, and consistent with, the
21 federal older Americans act as amended, federal mandates, the goals of
22 the state, and the needs of its citizens. The department of community,
23 trade, and economic development shall ensure that all program and staff
24 support necessary to enable the ombudsman to effectively protect the
25 interests of residents, patients, and clients of all long-term care
26 facilities is provided by the nonprofit organization that contracts to
27 provide long-term care ombudsman services. The long-term care
28 ombudsman program shall have the following powers and duties:

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

31 (2) Carry out such other activities as the department of community,
32 trade, and economic development deems appropriate;

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

1 (4) Establish a state-wide uniform reporting system to collect and
2 analyze data relating to complaints and conditions in long-term care
3 facilities for the purpose of identifying and resolving significant
4 problems, with provision for submission of such data to the department
5 of social and health services and to the federal department of health
6 and human services, or its successor agency, on a regular basis; and

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

12 (a) Such complainant or resident, or the complainant's or
13 resident's legal representative, consents in writing to such
14 disclosure; or

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

16 **Sec. 106.** RCW 43.210.030 and 1991 c 314 s 15 are each amended to
17 read as follows:

18 The small business export finance assistance center and its
19 branches shall be governed and managed by a board of nineteen directors
20 appointed by the governor and confirmed by the senate. The directors
21 shall serve terms of six years except that two of the original
22 directors shall serve for two years and two of the original directors
23 shall serve for four years. The directors may provide for the payment
24 of their expenses. The directors shall include a representative of a
25 not-for-profit corporation formed for the purpose of facilitating
26 economic development, at least two representatives of state financial
27 institutions engaged in the financing of export transactions, a
28 representative of a port district, and a representative of organized
29 labor. Of the remaining board members, there shall be one
30 representative of business from the area west of Puget Sound, one
31 representative of business from the area east of Puget Sound and west
32 of the Cascade range, one representative of business from the area east
33 of the Cascade range and west of the Columbia river, one representative
34 of business from the area east of the Columbia river, the director of
35 the department of community, trade, and economic development, and the
36 director of the department of agriculture. One of the directors shall
37 be a representative of the public selected from the area in the state
38 west of the Cascade mountain range and one director shall be a

1 representative of the public selected from that area of the state east
2 of the Cascade mountain range. One director shall be a representative
3 of the public at large. The directors shall be broadly representative
4 of geographic areas of the state, and the representatives of businesses
5 shall represent at least four different industries in different sized
6 businesses as follows: (a) One representative of a company employing
7 fewer than one hundred persons; (b) one representative of a company
8 employing between one hundred and five hundred persons; (c) one
9 representative of a company employing more than five hundred persons;
10 (d) one representative from an export management company; and (e) one
11 representative from an agricultural or food processing company. Any
12 vacancies on the board due to the expiration of a term or for any other
13 reason shall be filled by appointment by the governor for the unexpired
14 term.

15 **Sec. 107.** RCW 43.210.050 and 1991 c 314 s 16 are each amended to
16 read as follows:

17 The small business export finance assistance center formed under
18 RCW 43.210.020 and 43.210.030 shall enter into a contract under this
19 chapter with the department of community, trade, and economic
20 development or its statutory successor. The contract shall require the
21 center to provide export assistance services, consistent with RCW
22 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of
23 two years, and shall require the center to aggressively seek to fund
24 its continued operation from nonstate funds. The contract shall also
25 require the center to report annually to the department on its success
26 in obtaining nonstate funding. Upon expiration of the contract, any
27 provisions within the contract applicable to the Pacific Northwest
28 export assistance project shall be automatically renewed without change
29 provided the legislature appropriates funds for administration of the
30 small business export assistance center and the Pacific Northwest
31 export assistance project. The provisions of the contract related to
32 the Pacific Northwest export assistance project may be changed at any
33 time if the director of the department of community, trade, and
34 economic development or the president of the small business export
35 finance assistance center present compelling reasons supporting the
36 need for a contract change to the board of directors and a majority of
37 the board of directors agrees to the changes. The department of
38 agriculture shall be included in the contracting negotiations with the

1 department of community, trade, and economic development and the small
2 business export finance assistance center when the Pacific Northwest
3 export assistance project provides export services to industrial
4 sectors within the administrative domain of the Washington state
5 department of agriculture. The department of community, trade, and
6 economic development, the small business export finance assistance
7 center, and, if appropriate, the department of agriculture, shall
8 report annually, as one group, to the appropriate legislative oversight
9 committees on the progress of the Pacific Northwest export assistance
10 project.

11 **Sec. 108.** RCW 43.210.060 and 1985 c 466 s 65 are each amended to
12 read as follows:

13 The department of community, trade, and economic development or its
14 statutory successor shall adopt rules under chapter 34.05 RCW as
15 necessary to carry out the purposes of this chapter.

16 **Sec. 109.** RCW 43.210.070 and 1991 c 314 s 14 are each amended to
17 read as follows:

18 The small business export finance assistance center fund is created
19 in the custody of the state treasurer. Expenditures from the fund may
20 be used only for the purposes of funding the services of the small
21 business export finance assistance center and its projects under this
22 chapter. Only the director of the department of community, trade, and
23 economic development or the director's designee may authorize
24 expenditures from the fund. The director of the department of
25 community, trade, and economic development shall not withhold funds
26 appropriated for the administration of the small business export
27 finance assistance center and its projects, if the small business
28 export finance assistance center complies with the provisions of its
29 contract under RCW 43.210.050 and 43.210.100. Funding appropriated by
30 the state of Washington shall not be used to provide services to other
31 states or provinces. The fund is subject to allotment procedures under
32 chapter 43.88 RCW, but no appropriation is required for expenditures.

33 **Sec. 110.** RCW 43.210.100 and 1991 c 314 s 11 are each amended to
34 read as follows:

35 (1) The Pacific Northwest export assistance project is hereby
36 created for the following purposes:

1 (a) To assist manufacturers relatively new to exporting with gross
2 annual revenues less than twenty-five million dollars with
3 comprehensive services for designing and managing introductory export
4 strategies and in securing financing and credit guarantees for export
5 transactions;

6 (b) To provide, in cooperation with the export promotion services
7 offered by the department of community, trade, and economic development
8 and the Washington state department of agriculture, information and
9 assistance to manufacturers with gross annual revenues less than
10 twenty-five million dollars about the methods and procedures of
11 structuring company specific export financing and credit guarantee
12 alternatives; or

13 (c) To provide information to their clients about opportunities in
14 organizing cooperative export networks, foreign sales corporations, or
15 export trading companies under the United States export trading company
16 act of 1982, for the purpose of increasing their comparative sales
17 volume and ability to export their products to foreign markets.

18 (2) The Pacific Northwest export assistance project is a separate
19 branch of the small business export finance assistance center for
20 accounting and auditing purposes.

21 (3) The Pacific Northwest export assistance project is subject to
22 the authority of the small business export finance assistance center,
23 under RCW 43.210.020, and shall be governed and managed by the board of
24 directors, under RCW 43.210.030.

25 **Sec. 111.** RCW 43.210.120 and 1991 c 314 s 13 are each amended to
26 read as follows:

27 The department of community, trade, and economic development shall
28 adopt rules under chapter 34.05 RCW as necessary to carry out the
29 purposes of RCW 43.210.070 and 43.210.100 through 43.210.120.

30 **Sec. 112.** RCW 43.220.070 and 1990 c 71 s 2 are each amended to
31 read as follows:

32 (1) Conservation corps members shall be unemployed residents of the
33 state between eighteen and twenty-five years of age at the time of
34 enrollment who are citizens or lawful permanent residents of the United
35 States. The age requirements may be waived for corps leaders and
36 specialists with special leadership or occupational skills; such
37 members shall be given special responsibility for providing leadership,

1 character development, and sense of community responsibility to the
2 corps members, groups, and work crews to which they are assigned. The
3 upper age requirement may be waived for residents who have a sensory or
4 mental handicap. Special effort shall be made to recruit minority and
5 disadvantaged youth who meet selection criteria of the conservation
6 corps. Preference shall be given to youths residing in areas, both
7 urban and rural, in which there exists substantial unemployment
8 exceeding the state average unemployment rate.

9 (2) The legislature finds that people with developmental
10 disabilities would benefit from experiencing a meaningful work
11 experience, and learning the value of labor and of membership in a
12 productive society.

13 The legislature urges state agencies that are participating in the
14 Washington conservation corps program to consider for enrollment in the
15 program people who have developmental disabilities, as defined in RCW
16 71A.10.020.

17 If an agency chooses to enroll people with developmental
18 disabilities in its Washington conservation corps program, the agency
19 may apply to the United States department of labor, employment
20 standards administration for a special subminimum wage certificate in
21 order to be allowed to pay enrollees with developmental disabilities
22 according to their individual levels of productivity.

23 (3) Corps members shall not be considered state employees. Other
24 provisions of law relating to civil service, hours of work, rate of
25 compensation, sick leave, unemployment compensation, state retirement
26 plans, and vacation leave do not apply to the Washington conservation
27 corps except for the crew leaders, who shall be project employees, and
28 the administrative and supervisory personnel.

29 (4) Enrollment shall be for a period of six months which may be
30 extended for an additional six months by mutual agreement of the corps
31 and the corps member. Corps members shall be reimbursed at the minimum
32 wage rate established by state or federal law, whichever is higher:
33 PROVIDED, That if agencies elect to run a residential program, the
34 appropriate costs for room and board shall be deducted from the corps
35 member's paycheck as provided in chapter 43.220 RCW.

36 (5) Corps members are to be available at all times for emergency
37 response services coordinated through the department of community,
38 trade, and economic development or other public agency. Duties may

1 include sandbagging and flood cleanup, search and rescue, and other
2 functions in response to emergencies.

3 **Sec. 113.** RCW 43.280.020 and 1990 c 3 s 1203 are each amended to
4 read as follows:

5 There is established in the department of community, trade, and
6 economic development a grant program to enhance the funding for
7 treating the victims of sex offenders. Activities that can be funded
8 through this grant program are limited to those that:

9 (1) Provide effective treatment to victims of sex offenders;

10 (2) Increase access to and availability of treatment for victims of
11 sex offenders, particularly if from underserved populations; and

12 (3) Create or build on efforts by existing community programs,
13 coordinate those efforts, or develop cooperative efforts or other
14 initiatives to make the most effective use of resources to provide
15 treatment services to these victims.

16 Funding priority shall be given to those applicants that represent
17 well-established existing programs and applicants that represent new
18 programs that are being created in geographic areas where no programs
19 presently exist.

20 **Sec. 114.** RCW 43.280.060 and 1990 c 3 s 1207 are each amended to
21 read as follows:

22 (1) Subject to funds appropriated by the legislature, the
23 department of community, trade, and economic development shall make
24 awards under the grant program established by RCW 43.280.020.

25 (2) Awards shall be made competitively based on the purposes of and
26 criteria in this chapter.

27 (3) To aid the department of community, trade, and economic
28 development in making its determination, the department shall form a
29 peer review committee comprised of the executive administrator for the
30 crime victims' advocacy office and individuals who have experience in
31 the treatment of victims of predatory violent sex offenders. The peer
32 review committee shall advise the department on the extent to which
33 each eligible applicant meets the purposes and criteria of this
34 chapter. The department shall consider this advice in making awards.

35 (4) Activities funded under this section may be considered for
36 funding in future years, but shall be considered under the same terms
37 and criteria as new activities. Funding under this chapter shall not

1 constitute an obligation by the state of Washington to provide ongoing
2 funding.

3 **Sec. 115.** RCW 43.280.070 and 1990 c 3 s 1208 are each amended to
4 read as follows:

5 The department of community, trade, and economic development may
6 receive such gifts, grants, and endowments from public or private
7 sources as may be made from time to time, in trust or otherwise, for
8 the use and benefit of the purposes of this chapter and expend the same
9 or any income therefrom according to the terms of the gifts, grants, or
10 endowments.

11 **Sec. 116.** RCW 43.310.020 and 1993 c 497 s 4 are each amended to
12 read as follows:

13 (1) The department of community, trade, and economic development
14 may recommend existing programs or contract with either school
15 districts or community organizations, or both, through a request for
16 proposal process for the development, administration, and
17 implementation in the county of community-based gang risk prevention
18 and intervention pilot programs.

19 (2) Proposals by the school district for gang risk prevention and
20 intervention pilot program grant funding shall begin with school years
21 no sooner than the 1994-95 session, and last for a duration of two
22 years.

23 (3) The school district or community organization proposal shall
24 include:

25 (a) A description of the program goals, activities, and curriculum.
26 The description of the program goals shall include a list of measurable
27 objectives for the purpose of evaluation by the department of
28 community, trade, and economic development. To the extent possible,
29 proposals shall contain empirical data on current problems, such as
30 drop-out rates and occurrences of violence on and off campus by school-
31 age individuals.

32 (b) A description of the individual school or schools and the
33 geographic area to be affected by the program.

34 (c) A demonstration of broad-based support for the program from
35 business and community organizations.

36 (d) A clear description of the experience, expertise, and other
37 qualifications of the community organizations to conduct an effective

1 prevention and intervention program in cooperation with a school or a
2 group of schools.

3 (e) A proposed budget for expenditure of the grant.

4 (4) Grants awarded under this section may not be used for the
5 administrative costs of the school district or the individual school.

6 **Sec. 117.** RCW 46.12.295 and 1990 c 176 s 3 are each amended to
7 read as follows:

8 The department of licensing shall transfer all titling functions
9 pertaining to mobile homes to the housing division of the department of
10 community, trade, and economic development by July 1, 1991. The
11 department of licensing shall transfer all books, records, files, and
12 documents pertaining to mobile home titling to the department of
13 community, trade, and economic development. The directors of the
14 departments may immediately take such steps as are necessary to ensure
15 that (~~this act~~) chapter 176, Laws of 1990 is implemented on June 7,
16 1990.

17 **Sec. 118.** RCW 46.16.340 and 1986 c 266 s 49 are each amended to
18 read as follows:

19 The director, from time to time, shall furnish the (~~state~~)
20 department of community, trade, and economic development, the
21 Washington state patrol, and all county sheriffs a list of the names,
22 addresses, and license plate or radio station call letters of each
23 person possessing the special amateur radio station license plates so
24 that the facilities of such radio stations may be utilized to the
25 fullest extent in the work of these governmental agencies.

26 **Sec. 119.** RCW 46.37.467 and 1986 c 266 s 88 are each amended to
27 read as follows:

28 (1) Every automobile, truck, motorcycle, motor home, or off-road
29 vehicle that is fueled by an alternative fuel source shall bear a
30 reflective placard issued by the national fire protection association
31 indicating that the vehicle is so fueled. Violation of this subsection
32 is a traffic infraction.

33 (2) As used in this section "alternative fuel source" includes
34 propane, compressed natural gas, liquid petroleum gas, or any
35 chemically similar gas but does not include gasoline or diesel fuel.

1 (3) If a placard for a specific alternative fuel source has not
2 been issued by the national fire protection association, a placard
3 issued by the director of community, trade, and economic development,
4 through the director of fire protection, shall be required. The
5 director of community, trade, and economic development, through the
6 director of fire protection, shall develop rules for the design, size,
7 and placement of the placard which shall remain effective until a
8 specific placard is issued by the national fire protection association.

9 **Sec. 120.** RCW 47.06.110 and 1993 c 446 s 11 are each amended to
10 read as follows:

11 The state-interest component of the state-wide multimodal
12 transportation plan shall include a state public transportation plan
13 that:

14 (1) Articulates the state vision of an interest in public
15 transportation and provides quantifiable objectives, including benefits
16 indicators;

17 (2) Identifies the goals for public transit and the roles of
18 federal, state, regional, and local entities in achieving those goals;

19 (3) Recommends mechanisms for coordinating state, regional, and
20 local planning for public transportation;

21 (4) Recommends mechanisms for coordinating public transportation
22 with other transportation services and modes;

23 (5) Recommends criteria, consistent with the goals identified in
24 subsection (2) of this section and with RCW 82.44.180 (2) and (3), for
25 existing federal authorizations administered by the department to
26 transit agencies; and

27 (6) Recommends a state-wide public transportation facilities and
28 equipment management system as required by federal law.

29 In developing the state public transportation plan, the department
30 shall involve local jurisdictions, public and private providers of
31 transportation services, nonmotorized interests, and state agencies
32 with an interest in public transportation, including but not limited to
33 the departments of community, trade, and economic development, social
34 and health services, and ecology, the state energy office, the office
35 of the superintendent of public instruction, the office of the
36 governor, and the office of financial management.

1 The department shall submit an initial report to the legislative
2 transportation committee by December 1, 1993, and shall provide annual
3 reports summarizing the plan's progress each year thereafter.

4 **Sec. 121.** RCW 47.12.064 and 1993 c 461 s 10 are each amended to
5 read as follows:

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

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

20 **Sec. 122.** RCW 47.39.040 and 1985 c 6 s 16 are each amended to read
21 as follows:

22 The establishment of planning and design standards for items
23 provided for in RCW 47.39.050 shall be coordinated by the ((state))
24 department of community, trade, and economic development. The
25 department of transportation, parks and recreation commission, and any
26 other departments or commissions whose interests are affected shall
27 prepare, submit, and file with the ((state)) department of community,
28 trade, and economic development standards relating to the scenic and
29 recreational highway system. If varying planning and design standards
30 are filed, the ((state)) department of community, trade, and economic
31 development shall consult with the submitting agencies on the merits of
32 the several proposals and, based upon such consultation, establish a
33 set of standards. Pursuant to the planning and design standards so
34 established, the department of transportation and the parks and
35 recreation commission shall develop the highways and areas adjacent
36 thereto to accomplish the purposes of this chapter, but the department
37 shall retain exclusive authority over the highway right of way.

1 Responsibility for construction and maintenance is hereby
2 established between the department and the parks and recreation
3 commission with the department responsible for activities financed with
4 funds provided for under RCW 47.39.030(1) and the parks and recreation
5 commission responsible for activities financed from other sources of
6 funds. By mutual consent, responsibility for development and/or
7 maintenance may be transferred between the two agencies.

8 **Sec. 123.** RCW 47.39.090 and 1993 c 430 s 9 are each amended to
9 read as follows:

10 In developing the scenic and recreational highways program, the
11 department shall consult with the department of community, trade, and
12 economic development, (~~(the department of community development,~~) the
13 department of natural resources, the parks and recreation commission,
14 affected cities, towns, and counties, regional transportation planning
15 organizations, state-wide bicycling organizations, and other interested
16 parties. The scenic and recreational highways program may identify
17 entire highway loops or similar tourist routes that could be developed
18 to promote tourist activity and provide concurrent economic growth
19 while protecting the scenic and recreational quality surrounding state
20 highways.

21 **Sec. 124.** RCW 47.50.090 and 1991 c 202 s 9 are each amended to
22 read as follows:

23 (1) The department shall develop, adopt, and maintain an access
24 control classification system for all routes on the state highway
25 system, the purpose of which shall be to provide for the implementation
26 and continuing applications of the provision of this chapter.

27 (2) The principal component of the access control classification
28 system shall be access management standards, the purpose of which shall
29 be to provide specific minimum standards to be adhered to in the
30 planning for and approval of access to state highways.

31 (3) The control classification system shall be developed consistent
32 with the following:

33 (a) The department shall, no later than January 1, 1993, adopt
34 rules setting forth procedures governing the implementation of the
35 access control classification system required by this chapter. The
36 rule shall provide for input from the entities described in (b) of this
37 subsection as well as for public meetings to discuss the access control

1 classification system. Nothing in this chapter shall affect the
2 validity of the department's existing or subsequently adopted rules
3 concerning access to the state highway system. Such rules shall remain
4 in effect until repealed or replaced by the rules required by this
5 chapter.

6 (b) The access control classification system shall be developed in
7 cooperation with counties, cities and towns, the ((state)) department
8 of community, trade, and economic development, regional transportation
9 planning organizations, and other local governmental entities, and for
10 city streets designated as state highways pursuant to chapter 47.24
11 RCW, adopted with the concurrence of the city design standards
12 committee.

13 (c) The rule required by this section shall provide that assignment
14 of a road segment to a specific access category be made in
15 consideration of the following criteria:

16 (i) Local land use plans and zoning, as set forth in comprehensive
17 plans;

18 (ii) The current functional classification as well as potential
19 future functional classification of each road on the state highway
20 system;

21 (iii) Existing and projected traffic volumes;

22 (iv) Existing and projected state, local, and metropolitan planning
23 organization transportation plans and needs;

24 (v) Drainage requirements;

25 (vi) The character of lands adjoining the highway;

26 (vii) The type and volume of traffic requiring access;

27 (viii) Other operational aspects of access;

28 (ix) The availability of reasonable access by way of county roads
29 and city streets to a state highway; and

30 (x) The cumulative effect of existing and projected connections on
31 the state highway system's ability to provide for the safe and
32 efficient movement of people and goods within the state.

33 (d) Access management standards shall include, but not be limited
34 to, connection location standards, safety factors, design and
35 construction standards, desired levels of service, traffic control
36 devices, and effective maintenance of the roads. The standards shall
37 also contain minimum requirements for the spacing of connections,
38 intersecting streets, roads, and highways.

1 (e) An access control category shall be assigned to each segment of
2 the state highway system by July 1, 1993.

3 **Sec. 125.** RCW 47.76.230 and 1990 c 43 s 3 are each amended to read
4 as follows:

5 (1) The department of transportation shall continue its
6 responsibility for the development and implementation of the state rail
7 plan and programs, and the utilities and transportation commission
8 shall continue its responsibility for intrastate rates, service, and
9 safety issues.

10 (2) The department of transportation shall maintain an enhanced
11 data file on the rail system. Proprietary annual station traffic data
12 from each railroad and the modal use of major shippers shall be
13 obtained to the extent that such information is available.

14 (3) The department of transportation shall provide technical
15 assistance, upon request, to state agencies and local interests.
16 Technical assistance includes, but is not limited to, the following:

17 (a) Abandonment cost-benefit analyses, to include the public and
18 private costs and benefits of maintaining the service, providing
19 alternative service including necessary road improvement costs, or of
20 taking no action;

21 (b) Assistance in the formation of county rail districts and port
22 districts; and

23 (c) Feasibility studies for rail service continuation and/or rail
24 service assistance.

25 (4) With funding authorized by the legislature, the department of
26 transportation shall develop a cooperative process to conduct community
27 and business information programs and to regularly disseminate
28 information on rail matters. The following agencies and jurisdictions
29 shall be involved in the process:

30 (a) The ~~((state departments))~~ department of community, trade, and
31 economic development ~~((and trade and economic development))~~;

32 (b) Local jurisdictions and local economic development agencies;
33 and

34 (c) Other interested public and private organizations.

35 **Sec. 126.** RCW 48.05.320 and 1986 c 266 s 66 are each amended to
36 read as follows:

1 (1) Each authorized insurer shall promptly report to the director
2 of community, trade, and economic development, through the director of
3 fire protection, upon forms as prescribed and furnished by him or her,
4 each fire loss of property in this state reported to it and whether the
5 loss is due to criminal activity or to undetermined causes.

6 (2) Each such insurer shall likewise report to the director of
7 community, trade, and economic development, through the director of
8 fire protection, upon claims paid by it for loss or damage by fire in
9 this state. Copies of all reports required by this section shall be
10 promptly transmitted to the state insurance commissioner.

11 **Sec. 127.** RCW 48.48.030 and 1986 c 266 s 67 are each amended to
12 read as follows:

13 (1) The director of community, trade, and economic development,
14 through the director of fire protection or his or her authorized
15 deputy, shall have authority at all times of day and night, in the
16 performance of duties imposed by this chapter, to enter upon and
17 examine any building or premises where any fire has occurred and other
18 buildings and premises adjoining or near thereto.

19 (2) The director of community, trade, and economic development,
20 through the director of fire protection or his or her authorized
21 deputy, shall have authority at any reasonable hour to enter into any
22 public building or premises or any building or premises used for public
23 purposes to inspect for fire hazards.

24 **Sec. 128.** RCW 48.48.040 and 1986 c 266 s 68 are each amended to
25 read as follows:

26 (1) The director of community, trade, and economic development,
27 through the director of fire protection or his or her authorized
28 deputy, shall have authority to enter upon all premises and into all
29 buildings except private dwellings for the purpose of inspection to
30 ascertain if any fire hazard exists, and to require conformance with
31 minimum standards for the prevention of fire and for the protection of
32 life and property against fire and panic as to use of premises, and may
33 adopt by reference nationally recognized standards applicable to local
34 conditions.

35 (2) The director of community, trade, and economic development,
36 through the director of fire protection or his or her authorized
37 deputy, may, upon request by the chief fire official or the local

1 governing body or of taxpayers of such area, assist in the enforcement
2 of any such code.

3 **Sec. 129.** RCW 48.48.050 and 1986 c 266 s 70 are each amended to
4 read as follows:

5 (1) If the director of community, trade, and economic development,
6 through the director of fire protection or his or her authorized
7 deputy, finds in any building or premises subject to their inspection
8 under this chapter, any combustible material or flammable conditions or
9 fire hazards dangerous to the safety of the building, premises, or to
10 the public, he or she shall by written order require such condition to
11 be remedied, and such order shall forthwith be complied with by the
12 owner or occupant of the building or premises.

13 (2) An owner or occupant aggrieved by any such order made by the
14 director of community, trade, and economic development, through the
15 director of fire protection or his or her deputy, may appeal such order
16 pursuant to chapter 34.05 RCW. If the order is confirmed, the order
17 shall remain in force and be complied with by the owner or occupant.

18 (3) Any owner or occupant failing to comply with any such order not
19 appealed from or with any order so confirmed shall be punishable by a
20 fine of not less than ten dollars nor more than fifty dollars for each
21 day such failure exists.

22 **Sec. 130.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to
23 read as follows:

24 (1) The chief of each organized fire department, the sheriff or
25 other designated county official, and the designated city or town
26 official shall investigate the cause, origin, and extent of loss of all
27 fires occurring within their respective jurisdictions, as determined by
28 this subsection, and shall forthwith notify the director of community,
29 trade, and economic development, through the director of fire
30 protection, of all fires of criminal, suspected, or undetermined cause
31 occurring within their respective jurisdictions. The county fire
32 marshal shall also be notified of and investigate all such fires
33 occurring in unincorporated areas of the county. Fire departments
34 shall have the responsibility imposed by this subsection for areas
35 within their jurisdictions. Sheriffs or other designated county
36 officials shall have responsibility imposed by this subsection for
37 county areas not within the jurisdiction of a fire department, unless

1 such areas are within the boundaries of a city or town, in which case
2 the designated city or town official shall have the responsibility
3 imposed by this subsection. For the purposes of this subsection,
4 county officials shall be designated by the county legislative
5 authority, and city or town officials shall be designated by the
6 appropriate city or town legislative or executive authority. In
7 addition to the responsibility imposed by this subsection, any sheriff
8 or chief of police may assist in the investigation of the cause,
9 origin, and extent of loss of all fires occurring within his or her
10 respective jurisdiction.

11 (2) The director of community, trade, and economic development,
12 through the director of fire protection or his or her deputy, may
13 investigate any fire for the purpose of determining its cause, origin,
14 and the extent of the loss. The director of community, trade, and
15 economic development, through the director of fire protection or his or
16 her deputy, shall assist in the investigation of those fires of
17 criminal, suspected, or undetermined cause when requested by the
18 reporting agency. In the investigation of any fire of criminal,
19 suspected, or undetermined cause, the director of community, trade, and
20 economic development and the director of fire protection or his or her
21 deputy, are vested with police powers to enforce the laws of this
22 state. To exercise these powers, authorized deputies must receive
23 prior written authorization from the director of community, trade, and
24 economic development, through the director of fire protection, and
25 shall have completed a course of training prescribed by the Washington
26 state criminal justice training commission.

27 **Sec. 131.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to
28 read as follows:

29 (1) The chief of each organized fire department, or the sheriff or
30 other designated county official having jurisdiction over areas not
31 within the jurisdiction of any fire department, shall report
32 statistical information and data to the director of community, trade,
33 and economic development, through the director of fire protection, on
34 each fire occurring within the official's jurisdiction. Reports shall
35 be consistent with the national fire incident reporting system
36 developed by the United States fire administration and rules
37 established by the director of community, trade, and economic
38 development, through the director of fire protection. The director of

1 community, trade, and economic development, through the director of
2 fire protection, and the department of natural resources shall jointly
3 determine the statistical information to be reported on fires on land
4 under the jurisdiction of the department of natural resources.

5 (2) The director of community, trade, and economic development,
6 through the director of fire protection, shall analyze the information
7 and data reported, compile a report, and distribute a copy annually by
8 January 31 to each chief fire official in the state. Upon request, the
9 director of community, trade, and economic development, through the
10 director of fire protection, shall also furnish a copy of the report to
11 any other interested person at cost.

12 **Sec. 132.** RCW 48.48.070 and 1986 c 266 s 73 are each amended to
13 read as follows:

14 In the conduct of any investigation into the cause, origin, or loss
15 resulting from any fire, the director of community, trade, and economic
16 development and the director of fire protection shall have the same
17 power and rights relative to securing the attendance of witnesses and
18 the taking of testimony under oath as is conferred upon the insurance
19 commissioner under RCW 48.03.070. False swearing by any such witness
20 shall be deemed to be perjury and shall be subject to punishment as
21 such.

22 **Sec. 133.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to
23 read as follows:

24 If as the result of any such investigation, or because of any
25 information received, the director of community, trade, and economic
26 development, through the director of fire protection, is of the opinion
27 that there is evidence sufficient to charge any person with any crime,
28 he or she may cause such person to be arrested and charged with such
29 offense, and shall furnish to the prosecuting attorney of the county in
30 which the offense was committed, the names of witnesses and all
31 pertinent and material evidence and testimony within his or her
32 possession relative to the offense.

33 **Sec. 134.** RCW 48.48.090 and 1986 c 266 s 75 are each amended to
34 read as follows:

35 The director of community, trade, and economic development, through
36 the director of fire protection, shall keep on file all reports of

1 fires made to him or her pursuant to this code. Such records shall at
2 all times during business hours be open to public inspection; except,
3 that any testimony taken in a fire investigation may, in the discretion
4 of the director of community, trade, and economic development, through
5 the director of fire protection, be withheld from public scrutiny. The
6 director of community, trade, and economic development, through the
7 director of fire protection, may destroy any such report after five
8 years from its date.

9 **Sec. 135.** RCW 48.48.110 and 1986 c 266 s 76 are each amended to
10 read as follows:

11 The director of community, trade, and economic development, through
12 the director of fire protection, shall submit annually a report to the
13 governor of this state. The report shall contain a statement of his or
14 her official acts pursuant to this chapter.

15 **Sec. 136.** RCW 48.48.140 and 1991 c 154 s 1 are each amended to
16 read as follows:

17 (1) Smoke detection devices shall be installed inside all dwelling
18 units:

19 (a) Occupied by persons other than the owner on and after December
20 31, 1981; or

21 (b) Built or manufactured in this state after December 31, 1980.

22 (2) The smoke detection devices shall be designed, manufactured,
23 and installed inside dwelling units in conformance with:

24 (a) Nationally accepted standards; and

25 (b) As provided by the administrative procedure act, chapter 34.05
26 RCW, rules and regulations promulgated by the director of community,
27 trade, and economic development, through the director of fire
28 protection.

29 (3) Installation of smoke detection devices shall be the
30 responsibility of the owner. Maintenance of smoke detection devices,
31 including the replacement of batteries where required for the proper
32 operation of the smoke detection device, shall be the responsibility of
33 the tenant, who shall maintain the device as specified by the
34 manufacturer. At the time of a vacancy, the owner shall insure that
35 the smoke detection device is operational prior to the reoccupancy of
36 the dwelling unit.

1 (4) Any owner or tenant failing to comply with this section shall
2 be punished by a fine of not more than two hundred dollars.

3 (5) For the purposes of this section:

4 (a) " Dwelling unit " means a single unit providing complete,
5 independent living facilities for one or more persons including
6 permanent provisions for living, sleeping, eating, cooking, and
7 sanitation; and

8 (b) " Smoke detection device " means an assembly incorporating in one
9 unit a device which detects visible or invisible particles of
10 combustion, the control equipment, and the alarm-sounding device,
11 operated from a power supply either in the unit or obtained at the
12 point of installation.

13 **Sec. 137.** RCW 48.48.150 and 1986 c 266 s 90 are each amended to
14 read as follows:

15 (1) All premises guarded by guard animals, which are animals
16 professionally trained to defend and protect premises or the occupants
17 of the premises, shall be registered with the local fire department.
18 Front entrances to residences and all entrances to business premises
19 shall be posted in a visible location with signs approved by the
20 director of community, trade, and economic development, through the
21 director of fire protection, indicating that guard animals are present.

22 (2) A fire fighter, who reasonably believes that his or her safety
23 is endangered by the presence of a guard animal, may without liability:

24 (a) Refuse to enter the premises, or (b) take any reasonable action
25 necessary to protect himself or herself from attack by the guard
26 animal.

27 (3) If the person responsible for the guard animal being on the
28 premises does not comply with subsection (1) of this section, that
29 person may be held liable for any injury to the fire fighter caused by
30 the presence of the guard animal.

31 **Sec. 138.** RCW 48.50.020 and 1986 c 266 s 77 are each amended to
32 read as follows:

33 As used in this chapter the following terms have the meanings
34 indicated unless the context clearly requires otherwise.

35 (1) " Authorized agency " means a public agency or its official
36 representative having legal authority to investigate the cause of a
37 fire and to initiate criminal proceedings or further investigations if

1 the cause was not accidental, including the following persons and
2 agencies:

3 (a) The director of community, trade, and economic development and
4 the director of fire protection;

5 (b) The prosecuting attorney of the county where the fire occurred;

6 (c) The state attorney general, when engaged in a prosecution which
7 is or may be connected with the fire;

8 (d) The Federal Bureau of Investigation, or any other federal
9 agency; and

10 (e) The United States attorney's office when authorized or charged
11 with investigation or prosecution concerning the fire.

12 (2) "Insurer" means any insurer, as defined in RCW 48.01.050, which
13 insures against loss by fire, and includes insurers under the
14 Washington F.A.I.R. plan.

15 (3) "Relevant information" means information having any tendency to
16 make the existence of any fact that is of consequence to the
17 investigation or determination of the cause of any fire more probable
18 or less probable than it would be without the information.

19 **Sec. 139.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to
20 read as follows:

21 (1) When an insurer has reason to believe that a fire loss reported
22 to the insurer may be of other than accidental cause, the insurer shall
23 notify the director of community, trade, and economic development,
24 through the director of fire protection, in the manner prescribed under
25 RCW 48.05.320 concerning the circumstances of the fire loss, including
26 any and all relevant material developed from the insurer's inquiry into
27 the fire loss.

28 (2) Notification of the director of community, trade, and economic
29 development, through the director of fire protection, under subsection
30 (1) of this section does not relieve the insurer of the duty to respond
31 to a request for information from any other authorized agency.

32 **Sec. 140.** RCW 48.53.020 and 1986 c 266 s 92 are each amended to
33 read as follows:

34 (1) The director of community, trade, and economic development,
35 through the director of fire protection, may designate certain classes
36 of occupancy within a geographic area or may designate geographic areas
37 as having an abnormally high incidence of arson. This designation

1 shall not be a valid reason for cancellation, refusal to issue or
2 renew, modification, or increasing the premium for any fire insurance
3 policy.

4 (2) A fire insurance policy may not be issued to insure any
5 property within a class of occupancy within a geographic area or within
6 a geographic area designated by the director of community, trade, and
7 economic development, through the director of fire protection, as
8 having an abnormally high incidence of arson until the applicant has
9 submitted an anti-arson application and the insurer or the insurer's
10 representative has inspected the property. The application shall be
11 prescribed by the director of community, trade, and economic
12 development, through the director of fire protection, and shall contain
13 but not be limited to the following:

14 (a) The name and address of the prospective insured and any
15 mortgagees or other parties having an ownership interest in the
16 property to be insured;

17 (b) The amount of insurance requested and the method of valuation
18 used to establish the amount of insurance;

19 (c) The dates and selling prices of the property, if any, during
20 the previous three years;

21 (d) Fire losses exceeding one thousand dollars during the previous
22 five years for property in which the prospective insured held an equity
23 interest or mortgage;

24 (e) Current corrective orders pertaining to fire, safety, health,
25 building, or construction codes that have not been complied with within
26 the time period or any extension of such time period authorized by the
27 authority issuing such corrective order applicable to the property to
28 be insured;

29 (f) Present or anticipated occupancy of the structure, and whether
30 a certificate of occupancy has been issued;

31 (g) Signature and title, if any, of the person submitting the
32 application.

33 (3) If the facts required to be reported by subsection (2) of this
34 section materially change, the insured shall notify the insurer of any
35 such change within fourteen days.

36 (4) An anti-arson application is not required for: (a) Fire
37 insurance policies covering one to four-unit owner-occupied residential
38 dwellings; (b) policies existing as of June 10, 1982; or (c) the
39 renewal of these policies.

1 (5) An anti-arson application shall contain a notice stating:
2 "Designation of a class of occupancy within a geographic area or
3 geographic areas as having an abnormally high incidence of arson shall
4 not be a valid reason for cancellation, refusal to issue or renew,
5 modification, or increasing the premium for any fire insurance policy."

6 **Sec. 141.** RCW 48.53.060 and 1986 c 266 s 93 are each amended to
7 read as follows:

8 Rules designating geographic areas or classes of occupancy as
9 having an abnormally high incidence of arson, and any other rules
10 necessary to implement this chapter shall be adopted by the director of
11 community, trade, and economic development, through the director of
12 fire protection, under chapter 34.05 RCW.

13 **Sec. 142.** RCW 50.38.030 and 1993 c 62 s 3 are each amended to read
14 as follows:

15 The employment security department shall consult with the following
16 agencies prior to the issuance of the state occupational forecast:

- 17 (1) Office of financial management;
- 18 (2) Department of community, trade, and economic development;
- 19 (3) Department of labor and industries;
- 20 (4) State board for community and technical colleges;
- 21 (5) Superintendent of public instruction;
- 22 (6) Department of social and health services;
- 23 (~~(7) (Department of community development;~~
- 24 ~~(8))~~) Work force training and education coordinating board; and
- 25 ~~((+9))~~) (8) Other state and local agencies as deemed appropriate by
26 the commissioner of the employment security department.

27 These agencies shall cooperate with the employment security
28 department, submitting information relevant to the generation of
29 occupational forecasts.

30 **Sec. 143.** RCW 53.36.030 and 1991 c 314 s 29 are each amended to
31 read as follows:

32 (1)(a) Except as provided in (b) of this subsection, a port
33 district may at any time contract indebtedness or borrow money for
34 district purposes and may issue general obligation bonds therefor not
35 exceeding an amount, together with any existing indebtedness of the

1 district not authorized by the voters, of one-fourth of one percent of
2 the value of the taxable property in the district.

3 (b) Port districts having less than eight hundred million dollars
4 in value of taxable property may at any time contract indebtedness or
5 borrow money for port district purposes and may issue general
6 obligation bonds therefor not exceeding an amount, combined with
7 existing indebtedness of the district not authorized by the voters, of
8 three-eighths of one percent of the value of the taxable property in
9 the district. Prior to contracting for any indebtedness authorized by
10 this subsection (1)(b), the port district must have a comprehensive
11 plan for harbor improvements or industrial development and a long-term
12 financial plan approved by the department of community, trade, and
13 economic development. The department of community, trade, and economic
14 development is immune from any liability for its part in reviewing or
15 approving port district's improvement or development plans, or
16 financial plans. Any indebtedness authorized by this subsection (1)(b)
17 may be used only to acquire or construct a facility, and, prior to
18 contracting for such indebtedness, the port district must have a lease
19 contract for a minimum of five years for the facility to be acquired or
20 constructed by the debt.

21 (2) With the assent of three-fifths of the voters voting thereon at
22 a general or special port election called for that purpose, a port
23 district may contract indebtedness or borrow money for district
24 purposes and may issue general obligation bonds therefor provided the
25 total indebtedness of the district at any such time shall not exceed
26 three-fourths of one percent of the value of the taxable property in
27 the district.

28 (3) In addition to the indebtedness authorized under subsections
29 (1) and (2) of this section, port districts having less than two
30 hundred million dollars in value of taxable property and operating a
31 municipal airport may at any time contract indebtedness or borrow money
32 for airport capital improvement purposes and may issue general
33 obligation bonds therefor not exceeding an additional one-eighth of one
34 percent of the value of the taxable property in the district without
35 authorization by the voters; and, with the assent of three-fifths of
36 the voters voting thereon at a general or special port election called
37 for that purpose, may contract indebtedness or borrow money for airport
38 capital improvement purposes and may issue general obligation bonds
39 therefor for an additional three-eighths of one percent provided the

1 total indebtedness of the district for all port purposes at any such
2 time shall not exceed one and one-fourth percent of the value of the
3 taxable property in the district.

4 (4) Any port district may issue general district bonds evidencing
5 any indebtedness, payable at any time not exceeding fifty years from
6 the date of the bonds. Any contract for indebtedness or borrowed money
7 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.
8 The bonds shall be issued and sold in accordance with chapter 39.46
9 RCW.

10 (5) Elections required under this section shall be held as provided
11 in RCW 39.36.050.

12 (6) For the purpose of this section, "indebtedness of the district"
13 shall not include any debt of a county-wide district with a population
14 less than twenty-five hundred people when the debt is secured by a
15 mortgage on property leased to the federal government; and the term
16 "value of the taxable property" shall have the meaning set forth in RCW
17 39.36.015.

18 **Sec. 144.** RCW 54.16.285 and 1991 c 165 s 3 are each amended to
19 read as follows:

20 (1) A district providing utility service for residential space
21 heating shall not terminate such utility service between November 15
22 through March 15 if the customer:

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

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

1 income. The grantee may verify information provided in the self-
2 certification;

3 (c) Has applied for home heating assistance from applicable
4 government and private sector organizations and certifies that any
5 assistance received will be applied to the current bill and future
6 utility bills;

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

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

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

26 (2) The utility shall:

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

30 (b) Assist the customer in fulfilling the requirements under this
31 section;

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

35 (d) Be permitted to disconnect service if the customer fails to
36 honor the payment program. Utilities may continue to disconnect
37 service for those practices authorized by law other than for nonpayment
38 as provided for in this section. Customers who qualify for payment
39 plans under this section who default on their payment plans and are

1 disconnected can be reconnected and maintain the protections afforded
2 under this chapter by paying reconnection charges, if any, and by
3 paying all amounts that would have been due and owing under the terms
4 of the applicable payment plan, absent default, on the date on which
5 service is reconnected; and

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

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

18 (4) An agreement between the customer and the utility, whether oral
19 or written, shall not waive the protections afforded under this
20 chapter.

21 **Sec. 145.** RCW 54.52.010 and 1985 c 6 s 20 are each amended to read
22 as follows:

23 A public utility district may include along with, or as part of its
24 regular customer billings, a request for voluntary contributions to
25 assist qualified low-income residential customers of the district in
26 paying their electricity bills. All funds received by the district in
27 response to such requests shall be transmitted to the grantee of the
28 department of community, trade, and economic development which
29 administers federally funded energy assistance programs for the state
30 in the district's service area or to a charitable organization within
31 the district's service area. All such funds shall be used solely to
32 supplement assistance to low-income residential customers of the
33 district in paying their electricity bills. The grantee or charitable
34 organization shall be responsible to determine which of the district's
35 customers are qualified for low-income assistance and the amount of
36 assistance to be provided to those who are qualified.

1 **Sec. 146.** RCW 54.52.020 and 1985 c 6 s 21 are each amended to read
2 as follows:

3 All assistance provided under this chapter shall be disbursed by
4 the grantee or charitable organization. Where possible the public
5 utility district will be paid on behalf of the customer by the grantee
6 or the charitable organization. When direct vendor payment is not
7 feasible, a check will be issued jointly payable to the customer and
8 the public utility district. The availability of funds for assistance
9 to a district's low-income customers as a result of voluntary
10 contributions shall not reduce the amount of assistance for which the
11 district's customers are eligible under the federally funded energy
12 assistance programs administered by the grantee of the department of
13 community, trade, and economic development within the district's
14 service area. The grantee or charitable organization shall provide the
15 district with a quarterly report on January 15th, April 15th, July
16 15th, and October 15th which includes information concerning the total
17 amount of funds received from the district, the names of all recipients
18 of assistance from these funds, the amount received by each recipient,
19 and the amount of funds received from the district currently on hand
20 and available for future low-income assistance.

21 **Sec. 147.** RCW 56.40.010 and 1993 c 45 s 1 are each amended to read
22 as follows:

23 A sewer district may include along with, or as part of its regular
24 customer billings, a request for voluntary contributions to assist
25 qualified low-income residential customers of the district in paying
26 their sewer district bills. All funds received by the district in
27 response to such requests shall be transmitted to the grantee of the
28 department of community, trade, and economic development which
29 administers federally funded energy assistance programs for the state
30 in the district's service area or to a charitable organization within
31 the district's service area. All such funds shall be used solely to
32 supplement assistance to low-income residential customers of the
33 district in paying their sewer district bills. The grantee or
34 charitable organization shall be responsible to determine which of the
35 district's customers are qualified for low-income assistance and the
36 amount of assistance to be provided to those who are qualified.

1 **Sec. 148.** RCW 56.40.020 and 1993 c 45 s 2 are each amended to read
2 as follows:

3 All assistance provided under this chapter shall be disbursed by
4 the grantee or charitable organization. Where possible the sewer
5 district will be paid on behalf of the customer by the grantee or the
6 charitable organization. When direct vendor payment is not feasible,
7 a check will be issued jointly payable to the customer and the sewer
8 district. The availability of funds for assistance to a district's
9 low-income customers as a result of voluntary contributions shall not
10 reduce the amount of assistance for which the district's customers are
11 eligible under the federally funded energy assistance programs
12 administered by the grantee of the department of community, trade, and
13 economic development within the district's service area. The grantee
14 or charitable organization shall provide the district with a quarterly
15 report on January 15th, April 15th, July 15th, and October 15th which
16 includes information concerning the total amount of funds received from
17 the district, the names of all recipients of assistance from these
18 funds, the amount received by each recipient, and the amount of funds
19 received from the district currently on hand and available for future
20 low-income assistance.

21 **Sec. 149.** RCW 57.46.010 and 1993 c 45 s 5 are each amended to read
22 as follows:

23 A water district may include along with, or as part of its regular
24 customer billings, a request for voluntary contributions to assist
25 qualified low-income residential customers of the district in paying
26 their water district bills. All funds received by the district in
27 response to such requests shall be transmitted to the grantee of the
28 department of community, trade, and economic development which
29 administers federally funded energy assistance programs for the state
30 in the district's service area or to a charitable organization within
31 the district's service area. All such funds shall be used solely to
32 supplement assistance to low-income residential customers of the
33 district in paying their water district bills. The grantee or
34 charitable organization shall be responsible to determine which of the
35 district's customers are qualified for low-income assistance and the
36 amount of assistance to be provided to those who are qualified.

1 **Sec. 150.** RCW 57.46.020 and 1993 c 45 s 6 are each amended to read
2 as follows:

3 All assistance provided under this chapter shall be disbursed by
4 the grantee or charitable organization. Where possible the water
5 district will be paid on behalf of the customer by the grantee or the
6 charitable organization. When direct vendor payment is not feasible,
7 a check will be issued jointly payable to the customer and the water
8 district. The availability of funds for assistance to a district's
9 low-income customers as a result of voluntary contributions shall not
10 reduce the amount of assistance for which the district's customers are
11 eligible under the federally funded energy assistance programs
12 administered by the grantee of the department of community, trade, and
13 economic development within the district's service area. The grantee
14 or charitable organization shall provide the district with a quarterly
15 report on January 15th, April 15th, July 15th, and October 15th which
16 includes information concerning the total amount of funds received from
17 the district, the names of all recipients of assistance from these
18 funds, the amount received by each recipient, and the amount of funds
19 received from the district currently on hand and available for future
20 low-income assistance.

21 **Sec. 151.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each
22 amended to read as follows:

23 (1) Any city, town, county, or municipal corporation that is
24 required to develop a comprehensive plan under RCW 36.70A.040(1) is
25 authorized to require, after reasonable notice to the public and a
26 public hearing, property owners to provide their portion of reasonable
27 relocation assistance to low-income tenants upon the demolition,
28 substantial rehabilitation whether due to code enforcement or any other
29 reason, or change of use of residential property, or upon the removal
30 of use restrictions in an assisted-housing development. No city, town,
31 county, or municipal corporation may require property owners to provide
32 relocation assistance to low-income tenants, as defined in this
33 chapter, upon the demolition, substantial rehabilitation, upon the
34 change of use of residential property, or upon the removal of use
35 restrictions in an assisted-housing development, except as expressly
36 authorized herein or when authorized or required by state or federal
37 law. As used in this section, "assisted housing development" means a
38 multifamily rental housing development that either receives government

1 assistance and is defined as federally assisted housing in RCW
2 59.28.020, or that receives other federal, state, or local government
3 assistance and is subject to use restrictions.

4 (2) As used in this section, "low-income tenants" means tenants
5 whose combined total income per dwelling unit is at or below fifty
6 percent of the median income, adjusted for family size, in the county
7 where the tenants reside.

8 The department of community, trade, and economic development shall
9 adopt rules defining county median income in accordance with the
10 definitions promulgated by the federal department of housing and urban
11 development.

12 (3) A requirement that property owners provide relocation
13 assistance shall include the amounts of such assistance to be provided
14 to low-income tenants. In determining such amounts, the jurisdiction
15 imposing the requirement shall evaluate, and receive public testimony
16 on, what relocation expenses displaced tenants would reasonably incur
17 in that jurisdiction including:

18 (a) Actual physical moving costs and expenses;

19 (b) Advance payments required for moving into a new residence such
20 as the cost of first and last month's rent and security and damage
21 deposits;

22 (c) Utility connection fees and deposits; and

23 (d) Anticipated additional rent and utility costs in the residence
24 for one year after relocation.

25 (4)(a) Relocation assistance provided to low-income tenants under
26 this section shall not exceed two thousand dollars for each dwelling
27 unit displaced by actions of the property owner under subsection (1) of
28 this section. A city, town, county, or municipal corporation may make
29 future annual adjustments to the maximum amount of relocation
30 assistance required under this subsection in order to reflect any
31 changes in the housing component of the consumer price index as
32 published by the United States department of labor, bureau of labor
33 statistics.

34 (b) The property owner's portion of any relocation assistance
35 provided to low-income tenants under this section shall not exceed one-
36 half of the required relocation assistance under (a) of this subsection
37 in cash or services.

38 (c) The portion of relocation assistance not covered by the
39 property owner under (b) of this subsection shall be paid by the city,

1 town, county, or municipal corporation authorized to require relocation
2 assistance under subsection (1) of this section. The relocation
3 assistance may be paid from proceeds collected from the excise tax
4 imposed under RCW 82.46.010.

5 (5) A city, town, county, or municipal corporation requiring the
6 provision of relocation assistance under this section shall adopt
7 policies, procedures, or regulations to implement such requirement.
8 Such policies, procedures, or regulations shall include provisions for
9 administrative hearings to resolve disputes between tenants and
10 property owners relating to relocation assistance or unlawful detainer
11 actions during relocation, and shall require a decision within thirty
12 days of a request for a hearing by either a tenant or property owner.

13 Judicial review of an administrative hearing decision relating to
14 relocation assistance may be had by filing a petition, within ten days
15 of the decision, in the superior court in the county where the
16 residential property is located. Judicial review shall be confined to
17 the record of the administrative hearing and the court may reverse the
18 decision only if the administrative findings, inferences, conclusions,
19 or decision is:

20 (a) In violation of constitutional provisions;

21 (b) In excess of the authority or jurisdiction of the
22 administrative hearing officer;

23 (c) Made upon unlawful procedure or otherwise is contrary to law;
24 or

25 (d) Arbitrary and capricious.

26 (6) Any city, town, county, or municipal corporation may require
27 relocation assistance, under the terms of this section, for otherwise
28 eligible tenants whose living arrangements are exempted from the
29 provisions of this chapter under RCW 59.18.040(3) and if the living
30 arrangement is considered to be a rental or lease pursuant to RCW
31 67.28.180(1).

32 (7)(a) Persons who move from a dwelling unit prior to the
33 application by the owner of the dwelling unit for any governmental
34 permit necessary for the demolition, substantial rehabilitation, or
35 change of use of residential property or prior to any notification or
36 filing required for condominium conversion shall not be entitled to the
37 assistance authorized by this section.

38 (b) Persons who move into a dwelling unit after the application for
39 any necessary governmental permit or after any required condominium

1 conversion notification or filing shall not be entitled to the
2 assistance authorized by this section if such persons receive written
3 notice from the property owner prior to taking possession of the
4 dwelling unit that specifically describes the activity or condition
5 that may result in their temporary or permanent displacement and
6 advises them of their ineligibility for relocation assistance.

7 **Sec. 152.** RCW 59.21.010 and 1991 c 327 s 10 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Director" means the director of the department of community,
12 trade, and economic development.

13 (2) "Department" means the department of community, trade, and
14 economic development.

15 (3) "Fund" means the mobile home park relocation fund established
16 under RCW 59.21.050 consisting of park-owner fee payments under RCW
17 59.21.095 as well as park-owner payments when there are insufficient
18 moneys in its fund.

19 (4) "Low-income" means at or below eighty percent of median
20 household income as defined by the United States department of housing
21 and urban development, for the county or standard metropolitan
22 statistical area where the park is located.

23 (5) "Mobile home park" or "park" means real property that is rented
24 or held out for rent to others for the placement of two or more mobile
25 homes for the primary purpose of production of income, except where the
26 real property is rented or held out for rent for seasonal recreational
27 purpose only and is not intended for year-round occupancy.

28 (6) "Landlord" or "park-owner" means the owner of the mobile home
29 park that is being closed at the time relocation assistance is
30 provided.

31 (7) "Relocate" means to remove the mobile home from the mobile home
32 park being closed.

33 (8) "Relocation assistance" means the monetary assistance provided
34 under RCW 59.21.020.

35 **Sec. 153.** RCW 59.21.050 and 1991 sp.s. c 13 s 74 are each amended
36 to read as follows:

1 (1) The mobile home park relocation fund is created in the custody
2 of the state treasurer. All legislative appropriations for mobile home
3 relocation assistance, receipts from fees collected under this chapter,
4 and amounts required to be paid by park-owners to low-income park
5 tenants when there are insufficient moneys in the fund shall be
6 deposited into the fund. Expenditures from the fund may be used only
7 for relocation assistance under RCW 59.21.020, or transfer to the
8 mobile home park purchase fund under subsection (2) of this section.
9 Only the director (~~of community development~~) or the director's
10 designee may authorize expenditures from the fund. All relocation
11 payments to low-income park tenants, including those due from the park-
12 owner shall be made from the fund. The fund is subject to allotment
13 procedures under chapter 43.88 RCW, but no appropriation is required
14 for expenditures.

15 (2) Unexpended and unencumbered moneys that remain in the fund at
16 the end of the fiscal year do not revert to the state general fund but
17 remain in the fund, separately accounted for, as a contingency reserve,
18 or if the director determines at the end of any fiscal year beginning
19 after December 31, 1991, that the fund contains a surplus over the
20 projected amount needed for relocation during the upcoming year(s), any
21 surplus may be transferred to the mobile home park purchase fund
22 created by chapter 59.22 RCW. However, the director may cause any
23 uncommitted funds in the mobile home park purchase fund which were
24 transferred from the mobile home park relocation fund to be transferred
25 back to the mobile home park relocation fund if that fund cannot
26 otherwise meet its current obligations.

27 (3) A low-income park tenant who is entitled to relocation
28 assistance under this chapter is entitled to payment only after
29 submitting an application which includes: (a) A copy of the notice
30 from the park-owner that the tenancy is terminated due to closure of
31 the park; (b) a copy of the rental agreement currently in force; and
32 (c) a copy of the contract entered into for the purpose of relocating
33 the mobile home, which includes the date of relocation.

34 (4) The director may adopt rules for the administration of the
35 fund.

36 **Sec. 154.** RCW 59.22.010 and 1987 c 482 s 1 are each amended to
37 read as follows:

38 (1) The legislature finds:

1 (a) That manufactured housing and mobile home parks provide a
2 source of low-cost housing to the low income, elderly, poor and
3 infirmed, without which they could not afford private housing; but
4 rising costs of mobile home park development and operation, as well as
5 turnover in ownership, has resulted in mobile home park living becoming
6 unaffordable to the low income, elderly, poor and infirmed, resulting
7 in increased numbers of homeless persons, and persons who must look to
8 public housing and public programs, increasing the burden on the state
9 to meet the housing needs of its residents;

10 (b) That state government can play a vital role in addressing the
11 problems confronted by mobile home park residents by providing
12 assistance which makes it possible for mobile home park residents to
13 acquire the mobile home parks in which they reside and convert them to
14 resident ownership; and

15 (c) That to accomplish this purpose, information and technical
16 support shall be made available through the department (~~of community~~
17 ~~development~~)).

18 (2) Therefore, it is the intent of the legislature, in order to
19 maintain low-cost housing in mobile home parks to benefit the low
20 income, elderly, poor and infirmed, to encourage and facilitate the
21 conversion of mobile home parks to resident ownership, to protect low-
22 income mobile home park residents from both physical and economic
23 displacement, to obtain a high level of private financing for mobile
24 home park conversions, and to help establish acceptance for resident-
25 owned mobile home parks in the private market.

26 **Sec. 155.** RCW 59.22.020 and 1993 c 66 s 9 are each amended to read
27 as follows:

28 The following definitions shall apply throughout this chapter
29 unless the context clearly requires otherwise:

30 (1) "Account" means the mobile home affairs account created under
31 RCW 59.22.070.

32 (2) "Affordable" means that, where feasible, low-income residents
33 should not pay more than thirty percent of their monthly income for
34 housing costs.

35 (3) "Conversion costs" includes the cost of acquiring the mobile
36 home park, the costs of planning and processing the conversion, the
37 costs of any needed repairs or rehabilitation, and any expenditures
38 required by a government agency or lender for the project.

1 (4) "Department" means the department of community, trade, and
2 economic development.

3 (5) "Fee" means the mobile home title transfer fee imposed under
4 RCW 59.22.080.

5 (6) "Fund" or "park purchase account" means the mobile home park
6 purchase account created pursuant to RCW 59.22.030.

7 (7) "Housing costs" means the total cost of owning, occupying, and
8 maintaining a mobile home and a lot or space in a mobile home park.

9 (8) "Individual interest in a mobile home park" means any interest
10 which is fee ownership or a lesser interest which entitles the holder
11 to occupy a lot or space in a mobile home park for a period of not less
12 than either fifteen years or the life of the holder. Individual
13 interests in a mobile home park include, but are not limited to, the
14 following:

15 (a) Ownership of a lot or space in a mobile home park or
16 subdivision;

17 (b) A membership or shares in a stock cooperative, or a limited
18 equity housing cooperative; or

19 (c) Membership in a nonprofit mutual benefit corporation which
20 owns, operates, or owns and operates the mobile home park.

21 (9) "Low-income resident" means an individual or household who
22 resided in the mobile home park prior to application for a loan
23 pursuant to this chapter and with an annual income at or below eighty
24 percent of the median income for the county of standard metropolitan
25 statistical area of residence. Net worth shall be considered in the
26 calculation of income with the exception of the resident's mobile/
27 manufactured home which is used as their primary residence.

28 (10) "Low-income spaces" means those spaces in a mobile home park
29 operated by a resident organization which are occupied by low-income
30 residents.

31 (11) "Mobile home park" means a mobile home park, as defined in RCW
32 59.20.030(4), or a manufactured home park subdivision as defined by RCW
33 59.20.030(6) created by the conversion to resident ownership of a
34 mobile home park.

35 (12) "Resident organization" means a group of mobile home park
36 residents who have formed a nonprofit corporation, cooperative
37 corporation, or other entity or organization for the purpose of
38 acquiring the mobile home park in which they reside and converting the
39 mobile home park to resident ownership. The membership of a resident

1 organization shall include at least two-thirds of the households
2 residing in the mobile home park at the time of application for
3 assistance from the department.

4 (13) "Resident ownership" means, depending on the context, either
5 the ownership, by a resident organization, as defined in this section,
6 of an interest in a mobile home park which entitles the resident
7 organization to control the operations of the mobile home park for a
8 term of no less than fifteen years, or the ownership of individual
9 interests in a mobile home park, or both.

10 (14) "Landlord" shall have the same meaning as it does in RCW
11 59.20.030.

12 (15) "Manufactured housing" means residences constructed on one or
13 more chassis for transportation, and which bear an insignia issued by
14 a state or federal regulatory agency indication compliance with all
15 applicable construction standards of the United States department of
16 housing and urban development.

17 (16) "Mobile home" shall have the same meaning as it does in RCW
18 46.04.302.

19 (17) "Mobile home lot" shall have the same meaning as it does in
20 RCW 59.20.030.

21 (18) "Tenant" means a person who rents a mobile home lot for a term
22 of one month or longer and owns the mobile home on the lot.

23 **Sec. 156.** RCW 59.22.070 and 1989 c 201 s 8 are each amended to
24 read as follows:

25 There is created in the custody of the state treasurer a special
26 account known as the mobile home affairs account.

27 Disbursements from this special account shall be as follows:

28 (1) For the two-year period beginning July 1, 1988, forty thousand
29 dollars, or so much thereof as may be necessary for costs incurred in
30 registering landlords and collecting fees, and thereafter five thousand
31 dollars per year for that purpose.

32 (2) All remaining amounts shall be remitted to the department (~~of~~
33 ~~community development~~) for the purpose of implementing RCW 59.22.050
34 and 59.22.060.

35 **Sec. 157.** RCW 59.24.020 and 1988 c 237 s 2 are each amended to
36 read as follows:

1 (1) The department of community, trade, and economic development
2 shall establish the rental security deposit guarantee program. Through
3 this program the department of community, trade, and economic
4 development shall provide grants and technical assistance to local
5 governments or nonprofit corporations, including local housing
6 authorities as defined in RCW 35.82.030, who operate emergency housing
7 shelters or transitional housing programs. The grants are to be used
8 for the payment of residential rental security deposits under this
9 chapter. The technical assistance is to help the local government or
10 nonprofit corporation apply for grants and carry out the program. In
11 order to be eligible for grants under this program, the recipient local
12 government or nonprofit corporation shall provide fifteen percent of
13 the total amount needed for the security deposit. The security deposit
14 may include last month's rent where such rent is required as a normal
15 practice by the landlord.

16 (2) The grants and matching funds shall be placed by the recipient
17 local government or nonprofit corporation in a revolving loan fund and
18 deposited in a bank or savings institution in an account that is
19 separate from all other funds of the recipient. The funds and interest
20 earned on these funds shall be utilized only as collateral to guarantee
21 the payment of a security deposit required by a residential rental
22 property owner as a condition for entering into a rental agreement with
23 a prospective tenant.

24 (3) Prospective tenants who are eligible to participate in the
25 rental security deposit guarantee program shall be limited to homeless
26 persons or families who are residing in an emergency shelter or
27 transitional housing operated by a local government or a nonprofit
28 corporation, or to families who are temporarily residing in a park,
29 car, or are otherwise without adequate shelter. The local government
30 or nonprofit corporation shall make a determination regarding the
31 person's or family's eligibility to participate in this program and a
32 determination that a local rental unit is available for occupation. A
33 determination of eligibility shall include, but is not limited to: (a)
34 A determination that the person or family is homeless or is in
35 transitional housing; (b) a verification of income and that the person
36 or family can reasonably make the monthly rental payment; and (c) a
37 determination that the person or family does not have the financial
38 resources to make the rental security deposit.

1 **Sec. 158.** RCW 59.24.050 and 1988 c 237 s 5 are each amended to
2 read as follows:

3 The department of community, trade, and economic development may
4 adopt rules to implement this chapter, including but not limited to:
5 (1) The eligibility of and the application process for local
6 governments and nonprofit corporations; (2) the criteria by which
7 grants and technical assistance shall be provided to local governments
8 and nonprofit corporations; and (3) the criteria local governments and
9 nonprofit corporations shall use in entering into contracts with
10 tenants and rental property owners.

11 **Sec. 159.** RCW 59.24.060 and 1988 c 237 s 6 are each amended to
12 read as follows:

13 The department of community, trade, and economic development may
14 receive such gifts, grants, or endowments from public or private
15 sources, as may be made from time to time, in trust or otherwise, to be
16 used by the department of community, trade, and economic development
17 for its programs, including the rental security deposit guarantee
18 program. Funds from the housing trust fund, chapter 43.185 RCW, up to
19 one hundred thousand dollars, may be used for the rental security
20 deposit guarantee program by the department of community, trade, and
21 economic development, local governments, and nonprofit organizations,
22 provided all the requirements of this chapter and chapter 43.185 RCW
23 are met.

24 **Sec. 160.** RCW 59.28.040 and 1989 c 188 s 4 are each amended to
25 read as follows:

26 All owners of federally assisted housing shall, at least twelve
27 months before the expiration of the rental assistance contract or
28 prepayment of a mortgage or loan, serve a written notice of the
29 anticipated expiration or prepayment date on each tenant household
30 residing in the housing, on the clerk of the city, or county if in an
31 unincorporated area, in which the property is located, and on the
32 ((state)) department of community, trade, and economic development, by
33 regular and certified mail.

34 **Sec. 161.** RCW 59.28.050 and 1989 c 188 s 5 are each amended to
35 read as follows:

1 This chapter shall not in any way prohibit an owner of federally
2 assisted housing from terminating a rental assistance contract or
3 prepaying a mortgage or loan. The requirement in this chapter for
4 notice shall not be construed as conferring any new or additional
5 regulatory power upon the city or county clerk or upon the ((state))
6 department of community, trade, and economic development.

7 **Sec. 162.** RCW 59.28.060 and 1989 c 188 s 6 are each amended to
8 read as follows:

9 The notice to tenants required by RCW 59.28.040 shall state the
10 date of expiration or prepayment and the effect, if any, that the
11 expiration or prepayment will have upon the tenants' rent and other
12 terms of their rental agreement.

13 The notice to the city or county clerk and to the ((state))
14 department of community, trade, and economic development required by
15 RCW 59.28.040 shall state: (1) The name, location, and project number
16 of the federally assisted housing and the type of assistance received
17 from the federal government; (2) the number and size of units; (3) the
18 age, race, family size, and estimated incomes of the tenants who will
19 be affected by the prepayment of the loan or mortgage or expiration of
20 the federal assistance contract; (4) the projected rent increases for
21 each affected tenant; and (5) the anticipated date of prepayment of the
22 loan or mortgage or expiration of the federal assistance contract.

23 **Sec. 163.** RCW 59.28.110 and 1989 c 188 s 11 are each amended to
24 read as follows:

25 The director of the department of community, trade, and economic
26 development shall prepare an annual report on the preservation and loss
27 of federally assisted housing in the state of Washington. The director
28 shall include in this report recommendations for preserving federally
29 assisted housing and for minimizing the involuntary displacement of
30 tenants residing in such housing. The director shall provide a copy of
31 this report to the house of representatives committee on housing and
32 the senate committee on trade, technology, and economic development
33 ((~~and labor~~)).

34 **Sec. 164.** RCW 66.08.190 and 1991 sp.s. c 32 s 34 are each amended
35 to read as follows:

1 When excess funds are distributed, all moneys subject to
2 distribution shall be disbursed as follows:

3 (1) Three-tenths of one percent to the department of community,
4 trade, and economic development to be allocated to border areas under
5 RCW 66.08.195; and

6 (2) From the amount remaining after distribution under subsection
7 (1) of this section, fifty percent to the general fund of the state,
8 ten percent to the counties of the state, and forty percent to the
9 incorporated cities and towns of the state.

10 (3) The governor may notify and direct the state treasurer to
11 withhold the revenues to which the counties and cities are entitled
12 under this section if the counties or cities are found to be in
13 noncompliance pursuant to RCW 36.70A.340.

14 **Sec. 165.** RCW 66.08.195 and 1988 c 229 s 3 are each amended to
15 read as follows:

16 For the purposes of this section, the term "border area" means
17 Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville,
18 Port Angeles, Sumas, and that area of Whatcom county commonly referred
19 to as Point Roberts.

20 Funds allocable to border areas under RCW 66.08.190 shall be
21 distributed pursuant to a formula developed by the department of
22 community, trade, and economic development, by rule, based on border
23 traffic and historical public impacts of law enforcement problems
24 caused by the border on local budgets. All such funds received by
25 Whatcom county pursuant to this allocation shall be spent within the
26 Point Roberts area.

27 **Sec. 166.** RCW 67.16.100 and 1991 c 270 s 4 are each amended to
28 read as follows:

29 (1) All sums paid to the commission under this chapter, including
30 those sums collected for license fees and excluding those sums
31 collected under RCW 67.16.102, 67.16.105(3), and 67.16.105(4), shall be
32 disposed of by the commission as follows:

33 (a) Fifty percent thereof shall be retained by the commission for
34 the payment of the salaries of its members, secretary, clerical,
35 office, and other help and all expenses incurred in carrying out the
36 provisions of this chapter. No salary, wages, expenses, or

1 compensation of any kind shall be paid by the state in connection with
2 the work of the commission.

3 (b) One percent shall, on the next business day following the
4 receipt thereof, be paid to the state treasurer to be deposited in the
5 general fund.

6 (c) Three percent shall, on the next business day following the
7 receipt thereof, be paid to the state treasurer, who is hereby made ex
8 officio treasurer of a fund to be known as the "state trade fair fund"
9 which shall be maintained as a separate and independent fund, and made
10 available to the director of community, trade, and economic development
11 for the sole purpose of assisting state trade fairs.

12 (d) Forty-six percent shall be paid to the state treasurer, who is
13 hereby made ex officio treasurer of a fund to be known as the "fair
14 fund," which shall be maintained as a separate and independent fund
15 outside of the state treasury, and made available to the director of
16 agriculture for the sole purpose of assisting fairs in the manner
17 provided in Title 15 RCW.

18 (2) Any moneys collected or paid to the commission under the terms
19 of this chapter and not expended at the close of the fiscal biennium
20 shall be paid to the state treasurer and be placed in the general fund.
21 The commission may, with the approval of the office of financial
22 management, retain any sum required for working capital.

23 **Sec. 167.** RCW 67.38.070 and 1985 c 6 s 22 are each amended to read
24 as follows:

25 The comprehensive cultural arts, stadium and convention plan
26 adopted by the district shall be reviewed by the ((state)) department
27 of community, trade, and economic development to determine:

28 (1) Whether the plan will enhance the progress of the state and
29 provide for the general welfare of the population; and

30 (2) Whether such plan is eligible for matching federal funds.

31 After reviewing the comprehensive cultural arts, stadium and
32 convention plan, the ((state)) department of community, trade, and
33 economic development shall have sixty days in which to approve such
34 plan and to certify to the state treasurer that such district shall be
35 eligible to receive funds. To be approved a plan shall provide for
36 coordinated cultural arts, stadium and convention planning, and be
37 consistent with the public cultural arts, stadium and convention
38 coordination criteria in a manner prescribed by chapter 35.60 RCW. In

1 the event such comprehensive plan is disapproved and ruled ineligible
2 to receive funds, the ((state)) department of community, trade, and
3 economic development shall provide written notice to the district
4 within thirty days as to the reasons for such plan's disapproval and
5 such ineligibility. The district may resubmit such plan upon
6 reconsideration and correction of such deficiencies cited in such
7 notice of disapproval.

8 **Sec. 168.** RCW 68.60.030 and 1993 c 67 s 1 are each amended to read
9 as follows:

10 (1)(a) The archaeological and historical division of the department
11 of community, trade, and economic development may grant by
12 nontransferable certificate authority to maintain and protect an
13 abandoned cemetery upon application made by a preservation organization
14 which has been incorporated for the purpose of restoring, maintaining,
15 and protecting an abandoned cemetery. Such authority shall be limited
16 to the care, maintenance, restoration, protection, and historical
17 preservation of the abandoned cemetery, and shall not include authority
18 to make burials, unless specifically granted by the cemetery board.

19 (b) Those preservation and maintenance corporations that are
20 granted authority to maintain and protect an abandoned cemetery shall
21 be entitled to hold and possess burial records, maps, and other
22 historical documents as may exist. Maintenance and preservation
23 corporations that are granted authority to maintain and protect an
24 abandoned cemetery shall not be liable to those claiming burial rights,
25 ancestral ownership, or to any other person or organization alleging to
26 have control by any form of conveyance not previously recorded at the
27 county auditor's office within the county in which the abandoned
28 cemetery exists. Such organizations shall not be liable for any
29 reasonable alterations made during restoration work on memorials,
30 roadways, walkways, features, plantings, or any other detail of the
31 abandoned cemetery.

32 (c) Should the maintenance and preservation corporation be
33 dissolved, the archaeological and historical division of the department
34 of community, trade, and economic development shall revoke the
35 certificate of authority.

36 (d) Maintenance and preservation corporations that are granted
37 authority to maintain and protect an abandoned cemetery may establish

1 care funds pursuant to chapter 68.44 RCW, and shall report in
2 accordance with chapter 68.44 RCW to the state cemetery board.

3 (2) Except as provided in subsection (1) of this section, the
4 department of community, trade, and economic development may, in its
5 sole discretion, authorize any Washington nonprofit corporation that is
6 not expressly incorporated for the purpose of restoring, maintaining,
7 and protecting an abandoned cemetery, to restore, maintain, and protect
8 one or more abandoned cemeteries. The authorization may include the
9 right of access to any burial records, maps, and other historical
10 documents, but shall not include the right to be the permanent
11 custodian of original records, maps, or documents. This authorization
12 shall be granted by a nontransferable certificate of authority. Any
13 nonprofit corporation authorized and acting under this subsection is
14 immune from liability to the same extent as if it were a preservation
15 organization holding a certificate of authority under subsection (1) of
16 this section.

17 (3) The department of community, trade, and economic development
18 shall establish standards and guidelines for granting certificates of
19 authority under subsections (1) and (2) of this section to assure that
20 any restoration, maintenance, and protection activities authorized
21 under this subsection are conducted and supervised in an appropriate
22 manner.

23 **Sec. 169.** RCW 70.41.080 and 1986 c 266 s 94 are each amended to
24 read as follows:

25 Standards for fire protection and the enforcement thereof, with
26 respect to all hospitals to be licensed hereunder shall be the
27 responsibility of the director of community, trade, and economic
28 development, through the director of fire protection, who shall adopt,
29 after approval by the department, such recognized standards as may be
30 applicable to hospitals for the protection of life against the cause
31 and spread of fire and fire hazards. The department upon receipt of an
32 application for a license, shall submit to the (~~state fire marshal~~)
33 director of fire protection in writing, a request for an inspection,
34 giving the applicant's name and the location of the premises to be
35 licensed. Upon receipt of such a request, the director of community,
36 trade, and economic development, through the director of fire
37 protection, or his or her deputy, shall make an inspection of the
38 hospital to be licensed, and if it is found that the premises do not

1 comply with the required safety standards and fire regulations as
2 adopted pursuant to this chapter, he or she shall promptly make a
3 written report to the hospital and to the department listing the
4 corrective actions required and the time allowed for accomplishing such
5 corrections. The applicant or licensee shall notify the director of
6 community, trade, and economic development, through the director of
7 fire protection, upon completion of any corrections required by him or
8 her, and the director of community, trade, and economic development,
9 through the director of fire protection, or his or her deputy, shall
10 make a reinspection of such premises. Whenever the hospital to be
11 licensed meets with the approval of the director of community, trade,
12 and economic development, through the director of fire protection, he
13 or she shall submit to the department a written report approving the
14 hospital with respect to fire protection, and such report is required
15 before a full license can be issued. The director of community, trade,
16 and economic development, through the director of fire protection,
17 shall make or cause to be made inspections of such hospitals at least
18 once a year.

19 In cities which have in force a comprehensive building code, the
20 provisions of which are determined by the director of community, trade,
21 and economic development, through the director of fire protection, to
22 be equal to the minimum standards of the code for hospitals adopted by
23 the director of community, trade, and economic development, through the
24 director of fire protection, the chief of the fire department, provided
25 the latter is a paid chief of a paid fire department, shall make the
26 inspection with the director of community, trade, and economic
27 development, through the director of fire protection, or his or her
28 deputy and they shall jointly approve the premises before a full
29 license can be issued.

30 **Sec. 170.** RCW 70.75.020 and 1986 c 266 s 96 are each amended to
31 read as follows:

32 The standardization of existing fire protection equipment in this
33 state shall be arranged for and carried out by or under the direction
34 of the director of community, trade, and economic development, through
35 the director of fire protection. He or she shall provide the
36 appliances necessary for carrying on this work, shall proceed with such
37 standardization as rapidly as possible, and shall require the
38 completion of such work within a period of five years from June 8,

1 1967: PROVIDED, That the director of community, trade, and economic
2 development, through the director of fire protection, may exempt
3 special purpose fire equipment and existing fire protection equipment
4 from standardization when it is established that such equipment is not
5 essential to the coordination of public fire protection operations.

6 **Sec. 171.** RCW 70.75.030 and 1986 c 266 s 97 are each amended to
7 read as follows:

8 The director of community, trade, and economic development, through
9 the director of fire protection, shall notify industrial establishments
10 and property owners having equipment, which may be necessary for fire
11 department use in protecting the property or putting out fire, of any
12 changes necessary to bring their equipment up to the requirements of
13 the standard established by RCW 70.75.020, and shall render such
14 assistance as may be available for converting substandard equipment to
15 meet standard specifications and requirements.

16 **Sec. 172.** RCW 70.75.040 and 1986 c 266 s 98 are each amended to
17 read as follows:

18 Any person who, without approval of the director of community,
19 trade, and economic development, through the director of fire
20 protection, sells or offers for sale in Washington any fire hose, fire
21 engine or other equipment for fire protection purposes which is fitted
22 or equipped with other than the standard thread is guilty of a
23 misdemeanor: PROVIDED, That fire equipment for special purposes,
24 research, programs, forest fire fighting, or special features of fire
25 protection equipment found appropriate for uniformity within a
26 particular protection area may be specifically exempted from this
27 requirement by order of the director of community, trade, and economic
28 development, through the director of fire protection.

29 **Sec. 173.** RCW 70.77.170 and 1986 c 266 s 99 are each amended to
30 read as follows:

31 "License" means a nontransferable formal authorization which the
32 director of community, trade, and economic development and the director
33 of fire protection are permitted to issue under this chapter to engage
34 in the act specifically designated therein.

1 **Sec. 174.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to
2 read as follows:

3 (1) The director of community, trade, and economic development,
4 through the director of fire protection, shall enforce and administer
5 this chapter.

6 (2) The director of community, trade, and economic development,
7 through the director of fire protection, shall appoint such deputies
8 and employees as may be necessary and required to carry out the
9 provisions of this chapter.

10 (3) The director of community, trade, and economic development,
11 through the director of fire protection, may prescribe such rules
12 relating to fireworks as may be necessary for the protection of life
13 and property and for the implementation of this chapter.

14 (4) The director of community, trade, and economic development,
15 through the director of fire protection, shall prescribe such rules as
16 may be necessary to ensure state-wide minimum standards for the
17 enforcement of this chapter. Counties, cities, and towns shall comply
18 with such state rules. Any local rules adopted by local authorities
19 that are more restrictive than state law as to the types of fireworks
20 that may be sold shall have an effective date no sooner than one year
21 after their adoption.

22 (5) The director of community, trade, and economic development,
23 through the director of fire protection, may exercise the necessary
24 police powers to enforce the criminal provisions of this chapter. This
25 grant of police powers does not prevent any other state agency or local
26 government agency having general law enforcement powers from enforcing
27 this chapter within the jurisdiction of the agency or local government.

28 **Sec. 175.** RCW 70.77.305 and 1986 c 266 s 101 are each amended to
29 read as follows:

30 The director of community, trade, and economic development, through
31 the director of fire protection, has the power to issue licenses for
32 the manufacture, importation, sale, and use of all fireworks in this
33 state. A person may be licensed as a manufacturer, importer, or
34 wholesaler under this chapter only if the person has a designated agent
35 in this state who is registered with the director of community, trade,
36 and economic development, through the director of fire protection.

1 **Sec. 176.** RCW 70.77.315 and 1986 c 266 s 102 are each amended to
2 read as follows:

3 Any person who desires to engage in the manufacture, importation,
4 sale, or use of fireworks shall make a written application to the
5 director of community, trade, and economic development, through the
6 director of fire protection, on forms provided by him or her. Such
7 application shall be accompanied by the annual license fee as
8 prescribed in this chapter.

9 **Sec. 177.** RCW 70.77.330 and 1986 c 266 s 104 are each amended to
10 read as follows:

11 If the director of community, trade, and economic development,
12 through the director of fire protection, finds that the granting of
13 such license would not be contrary to public safety or welfare, he or
14 she shall issue a license authorizing the applicant to engage in the
15 particular act or acts upon the payment of the license fee specified in
16 this chapter. Licensees may transport the class of fireworks for which
17 they hold a valid license.

18 **Sec. 178.** RCW 70.77.360 and 1986 c 266 s 106 are each amended to
19 read as follows:

20 If the director of community, trade, and economic development,
21 through the director of fire protection, finds that an application for
22 any license under this chapter contains a material misrepresentation or
23 that the granting of any license would be contrary to the public safety
24 or welfare, the director of community, trade, and economic development,
25 through the director of fire protection, may deny the application for
26 the license.

27 **Sec. 179.** RCW 70.77.365 and 1986 c 266 s 107 are each amended to
28 read as follows:

29 A written report by the director of community, trade, and economic
30 development, through the director of fire protection, or a local fire
31 official, or any of their authorized representatives, disclosing that
32 the applicant for a license, or the premises for which a license is to
33 apply, do not meet the qualifications or conditions for a license
34 constitutes grounds for the denial by the director of community, trade,
35 and economic development, through the director of fire protection, of
36 any application for a license.

1 **Sec. 180.** RCW 70.77.375 and 1986 c 266 s 108 are each amended to
2 read as follows:

3 The director of community, trade, and economic development, through
4 the director of fire protection, upon reasonable opportunity to be
5 heard, shall revoke any license issued pursuant to this chapter, if he
6 or she finds that:

7 (1) The licensee has violated any provisions of this chapter or any
8 rule or regulations made by the director of community, trade, and
9 economic development, through the director of fire protection, under
10 and with the authority of this chapter;

11 (2) The licensee has created or caused a fire nuisance;

12 (3) Any licensee has failed or refused to file any required
13 reports; or

14 (4) Any fact or condition exists which, if it had existed at the
15 time of the original application for such license, reasonably would
16 have warranted the director of community, trade, and economic
17 development, through the director of fire protection, in refusing
18 originally to issue such license.

19 **Sec. 181.** RCW 70.77.415 and 1986 c 266 s 109 are each amended to
20 read as follows:

21 Every public display of fireworks shall be handled or supervised by
22 a pyrotechnic operator licensed by the director of community, trade,
23 and economic development, through the director of fire protection,
24 under RCW 70.77.255.

25 **Sec. 182.** RCW 70.77.430 and 1986 c 266 s 110 are each amended to
26 read as follows:

27 Notwithstanding RCW 70.77.255, following the revocation or
28 expiration of a license, a licensee in lawful possession of a lawfully
29 acquired stock of fireworks may sell such fireworks, but only under
30 supervision of the director of community, trade, and economic
31 development, through the director of fire protection. Any sale under
32 this section shall be solely to persons who are authorized to buy,
33 possess, sell, or use such fireworks.

34 **Sec. 183.** RCW 70.77.455 and 1986 c 266 s 114 are each amended to
35 read as follows:

1 All licensees shall maintain and make available to the director of
2 community, trade, and economic development, through the director of
3 fire protection, full and complete records showing all production,
4 imports, exports, purchases, sales, and consumption of fireworks items
5 by kind and class.

6 **Sec. 184.** RCW 70.77.460 and 1986 c 266 s 115 are each amended to
7 read as follows:

8 When reports on fireworks transactions or the payments of license
9 fees or penalties are required to be made on or by specified dates,
10 they shall be deemed to have been made at the time they are filed with
11 or paid to the director of community, trade, and economic development,
12 through the director of fire protection, or, if sent by mail, on the
13 date shown by the United States postmark on the envelope containing the
14 report or payment.

15 **Sec. 185.** RCW 70.77.465 and 1986 c 266 s 116 are each amended to
16 read as follows:

17 In addition to any other reports required under this chapter, the
18 director of community, trade, and economic development, through the
19 director of fire protection, may, by rule or otherwise, require
20 additional, other, or supplemental reports from licensees and other
21 persons and prescribe the form, including verification, of the
22 information to be given when filing such additional, other or
23 supplemental reports.

24 **Sec. 186.** RCW 70.77.575 and 1986 c 266 s 117 are each amended to
25 read as follows:

26 (1) The director of community, trade, and economic development,
27 through the director of fire protection, shall adopt by rule a list of
28 the fireworks that may be sold to the public in this state pursuant to
29 this chapter. The director of community, trade, and economic
30 development, through the director of fire protection, shall file the
31 list by October 1st of each year with the code reviser for publication,
32 unless the previously published list has remained current.

33 (2) The director of community, trade, and economic development,
34 through the director of fire protection, shall provide the list adopted
35 under subsection (1) of this section by November 1st of each year to

1 all manufacturers, wholesalers, and importers licensed under this
2 chapter, unless the previously distributed list has remained current.

3 **Sec. 187.** RCW 70.77.580 and 1986 c 266 s 118 are each amended to
4 read as follows:

5 Retailers required to be licensed under this chapter shall post
6 prominently at each retail outlet a list of the fireworks that may be
7 sold to the public in this state pursuant to this chapter. The posted
8 list shall be in a form approved by the director of community, trade,
9 and economic development, through the director of fire protection. The
10 director of community, trade, and economic development, through the
11 director of fire protection, shall make available the list.

12 **Sec. 188.** RCW 70.94.537 and 1991 c 202 s 15 are each amended to
13 read as follows:

14 (1) A twenty-three member state commute trip reduction task force
15 shall be established as follows:

16 (a) The director of the state energy office or the director's
17 designee who shall serve as chair;

18 (b) The secretary of the department of transportation or the
19 secretary's designee;

20 (c) The director of the department of ecology or the director's
21 designee;

22 (d) The director of the department of community, trade, and
23 economic development or the director's designee;

24 (e) The director of the department of general administration or the
25 director's designee;

26 (f) Three representatives from counties appointed by the governor
27 from a list of at least six recommended by the Washington state
28 association of counties;

29 (g) Three representatives from cities and towns appointed by the
30 governor from a list of at least six recommended by the association of
31 Washington cities;

32 (h) Three representatives from transit agencies appointed by the
33 governor from a list of at least six recommended by the Washington
34 state transit association;

35 (i) Six representatives of employers at or owners of major
36 worksites in Washington appointed by the governor from a list of at
37 least twelve recommended by the association of Washington business; and

1 (j) Three citizens appointed by the governor.

2 Members of the commute trip reduction task force shall serve
3 without compensation but shall be reimbursed for travel expenses as
4 provided in RCW 43.03.050 and 43.03.060. Members appointed by the
5 governor shall be compensated in accordance with RCW 43.03.220. The
6 task force has all powers necessary to carry out its duties as
7 prescribed by this chapter. The task force shall be dissolved on July
8 1, 2000.

9 (2) By March 1, 1992, the commute trip reduction task force shall
10 establish guidelines for commute trip reduction plans. The guidelines
11 are intended to ensure consistency in commute trip reduction plans and
12 goals among jurisdictions while fairly taking into account differences
13 in employment and housing density, employer size, existing and
14 anticipated levels of transit service, special employer circumstances,
15 and other factors the task force determines to be relevant. The
16 guidelines shall include:

17 (a) Criteria for establishing commute trip reduction zones;

18 (b) Methods and information requirements for determining base year
19 values of the proportion of single-occupant vehicle commute trips and
20 the commute trip vehicle miles traveled per employee and progress
21 toward meeting commute trip reduction plan goals;

22 (c) Model commute trip reduction ordinances;

23 (d) Methods for assuring consistency in the treatment of employers
24 who have worksites subject to the requirements of this chapter in more
25 than one jurisdiction;

26 (e) An appeals process by which major employers, who as a result of
27 special characteristics of their business or its locations would be
28 unable to meet the requirements of a commute trip reduction plan, may
29 obtain a waiver or modification of those requirements and criteria for
30 determining eligibility for waiver or modification;

31 (f) Methods to ensure that employers shall receive full credit for
32 the results of transportation demand management efforts and commute
33 trip reduction programs which have been implemented by major employers
34 prior to the base year;

35 (g) Alternative commute trip reduction goals for major employers
36 which cannot meet the goals of this chapter because of the unique
37 nature of their business; and

1 (h) Alternative commute trip reduction goals for major employers
2 whose worksites change and who contribute substantially to traffic
3 congestion in a trip reduction zone.

4 (3) The task force shall assess the commute trip reduction options
5 available to employers other than major employers and make
6 recommendations to the legislature by October 1, 1992. The
7 recommendations shall include the minimum size of employer who shall be
8 required to implement trip reduction programs and the appropriate
9 methods those employers can use to accomplish trip reduction goals.

10 (4) The task force shall review progress toward implementing
11 commute trip reduction plans and programs and the costs and benefits of
12 commute trip reduction plans and programs and shall make
13 recommendations to the legislature by December 1, 1995, and December 1,
14 1999. In assessing the costs and benefits, the task force shall
15 consider the costs of not having implemented commute trip reduction
16 plans and programs. The task force shall examine other transportation
17 demand management programs nationally and incorporate its findings into
18 its recommendations to the legislature. The recommendations shall
19 address the need for continuation, modification, or termination or any
20 or all requirements of this chapter. The recommendations made December
21 1, 1995, shall include recommendations regarding extension of the
22 requirements of this chapter to employers with fifty or more full-time
23 employees at a single worksite who begin their regular work day between
24 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous
25 months.

26 **Sec. 189.** RCW 70.95.260 and 1989 c 431 s 9 are each amended to
27 read as follows:

28 The department shall in addition to its other powers and duties:

29 (1) Cooperate with the appropriate federal, state, interstate and
30 local units of government and with appropriate private organizations in
31 carrying out the provisions of this chapter.

32 (2) Coordinate the development of a solid waste management plan for
33 all areas of the state in cooperation with local government, the
34 department of community, trade, and economic development, and other
35 appropriate state and regional agencies. The plan shall relate to
36 solid waste management for twenty years in the future and shall be
37 reviewed biennially, revised as necessary, and extended so that
38 perpetually the plan shall look to the future for twenty years as a

1 guide in carrying out a state coordinated solid waste management
2 program. The plan shall be developed into a single integrated document
3 and shall be adopted no later than October 1990. The plan shall be
4 revised regularly after its initial completion so that local
5 governments revising local comprehensive solid waste management plans
6 can take advantage of the data and analysis in the state plan.

7 (3) Provide technical assistance to any person as well as to
8 cities, counties, and industries.

9 (4) Initiate, conduct, and support research, demonstration
10 projects, and investigations, and coordinate research programs
11 pertaining to solid waste management systems.

12 (5) Develop state-wide programs to increase public awareness of and
13 participation in tire recycling, and to stimulate and encourage local
14 private tire recycling centers and public participation in tire
15 recycling.

16 (6) May, under the provisions of the Administrative Procedure Act,
17 chapter 34.05 RCW, as now or hereafter amended, from time to time
18 promulgate such rules and regulations as are necessary to carry out the
19 purposes of this chapter.

20 **Sec. 190.** RCW 70.95.265 and 1985 c 466 s 69 are each amended to
21 read as follows:

22 The department shall work closely with the department of community,
23 trade, and economic development, the department of general
24 administration, and with other state departments and agencies, the
25 Washington state association of counties, the association of Washington
26 cities, and business associations, to carry out the objectives and
27 purposes of this 1976 amendatory act.

28 **Sec. 191.** RCW 70.95.810 and 1989 c 431 s 97 are each amended to
29 read as follows:

30 (1) In order to establish the feasibility of composting food and
31 yard wastes, the department shall provide funds, as available, to local
32 governments submitting a proposal to compost such wastes.

33 (2) The department, in cooperation with the department of
34 community, trade, and economic development, may approve an application
35 if the project can demonstrate the essential parameters for successful
36 composting, including, but not limited to, cost-effectiveness, handling
37 and safety requirements, and current and potential markets.

1 (3) The department shall periodically report to the appropriate
2 standing committees of the legislature on the need for, and feasibility
3 of, composting systems for food and yard wastes.

4 **Sec. 192.** RCW 70.95H.007 and 1991 c 319 s 202 are each amended to
5 read as follows:

6 There is created the clean Washington center within the department
7 of community, trade, and economic development. As used in this
8 chapter, "center" means the clean Washington center.

9 **Sec. 193.** RCW 70.95H.020 and 1991 c 319 s 204 are each amended to
10 read as follows:

11 (1) The center's activities shall be conducted with the assistance
12 of a policy board. Except as otherwise provided, policy board members
13 shall be appointed by the directors of the department of community,
14 trade, and economic development and department of ecology as follows:

15 (a) Two representatives of the legislature, one appointed by the
16 speaker of the house of representatives and one appointed by the
17 president of the senate;

18 (b) One member to represent cities;

19 (c) One member to represent counties;

20 (d) Five private sector members to represent the end users and
21 marketers of postconsumer recovered materials, including one member to
22 represent recycling businesses;

23 (e) The directors of the departments of community, trade, and
24 economic development and ecology shall represent the executive branch
25 as nonvoting members; and

26 (f) Nonvoting, temporary appointments to the board can be made by
27 the chair where specific expertise is needed.

28 (2) The initial appointments of the five private sector members
29 will be two members with three-year terms and three members with two-
30 year terms. Thereafter, members shall serve two-year renewable terms.
31 Vacancies shall be filled by the chair with majority consent from the
32 members.

33 (3) Members of the board, exclusive of those representing the
34 legislative or executive branches, shall be reimbursed for travel
35 expenses as provided in RCW 43.03.050 and 43.03.060.

36 (4) The board shall meet at least quarterly.

1 (5) The chair shall be elected from among the members by a simple
2 majority vote.

3 (6) The board may adopt and exercise bylaws for the regulation of
4 its business for the purposes of this chapter.

5 **Sec. 194.** RCW 70.95H.050 and 1991 c 319 s 207 are each amended to
6 read as follows:

7 The center shall solicit financial contributions and support from
8 manufacturing industries and other private sector sources, foundations,
9 and grants from governmental sources to assist in conducting its
10 activities. It may also use separately appropriated funds of the
11 department of community, trade, and economic development for the
12 center's activities.

13 **Sec. 195.** RCW 70.108.040 and 1986 c 266 s 120 are each amended to
14 read as follows:

15 Application for an outdoor music festival permit shall be in
16 writing and filed with the clerk of the issuing authority wherein the
17 festival is to be held. Said application shall be filed not less than
18 ninety days prior to the first scheduled day of the festival and shall
19 be accompanied with a permit fee in the amount of two thousand five
20 hundred dollars. Said application shall include:

21 (1) The name of the person or other legal entity on behalf of whom
22 said application is made: PROVIDED, That a natural person applying for
23 such permit shall be eighteen years of age or older;

24 (2) A financial statement of the applicant;

25 (3) The nature of the business organization of the applicant;

26 (4) Names and addresses of all individuals or other entities having
27 a ten percent or more proprietary interest in the festival;

28 (5) The principal place of business of applicant;

29 (6) A legal description of the land to be occupied, the name and
30 address of the owner thereof, together with a document showing the
31 consent of said owner to the issuance of a permit, if the land be owned
32 by a person other than the applicant;

33 (7) The scheduled performances and program;

34 (8) Written confirmation from the local health officer that he or
35 she has reviewed and approved plans for site and development in
36 accordance with rules, regulations and standards adopted by the state
37 board of health. Such rules and regulations shall include criteria as

1 to the following and such other matters as the state board of health
2 deems necessary to protect the public's health:

- 3 (a) Submission of plans
- 4 (b) Site
- 5 (c) Water supply
- 6 (d) Sewage disposal
- 7 (e) Food preparation facilities
- 8 (f) Toilet facilities
- 9 (g) Solid waste
- 10 (h) Insect and rodent control
- 11 (i) Shelter
- 12 (j) Dust control
- 13 (k) Lighting
- 14 (l) Emergency medical facilities
- 15 (m) Emergency air evacuation
- 16 (n) Attendant physicians
- 17 (o) Communication systems

18 (9) A written confirmation from the appropriate law enforcement
19 agency from the area where the outdoor music festival is to take place,
20 showing that traffic control and crowd protection policing have been
21 contracted for or otherwise provided by the applicant meeting the
22 following conditions:

23 (a) One person for each two hundred persons reasonably expected to
24 be in attendance at any time during the event for purposes of traffic
25 and crowd control.

26 (b) The names and addresses of all traffic and crowd control
27 personnel shall be provided to the appropriate law enforcement
28 authority: PROVIDED, That not less than twenty percent of the traffic
29 and crowd control personnel shall be commissioned police officers or
30 deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972
31 any commissioned police officer or deputy sheriff who is employed and
32 compensated by the promoter of an outdoor music festival shall not be
33 eligible and shall not receive any benefits whatsoever from any public
34 pension or disability plan of which he or she is a member for the time
35 he or she is so employed or for any injuries received during the course
36 of such employment.

37 (c) During the hours that the festival site shall be open to the
38 public there shall be at least one regularly commissioned police
39 officer employed by the jurisdiction wherein the festival site is

1 located for every one thousand persons in attendance and said officer
2 shall be on duty within the confines of the actual outdoor music
3 festival site.

4 (d) All law enforcement personnel shall be charged with enforcing
5 the provisions of this chapter and all existing statutes, ordinances
6 and regulations.

7 (10) A written confirmation from the appropriate law enforcement
8 authority that sufficient access roads are available for ingress and
9 egress to the parking areas of the outdoor music festival site and that
10 parking areas are available on the actual site of the festival or
11 immediately adjacent thereto which are capable of accommodating one
12 auto for every four persons in estimated attendance at the outdoor
13 music festival site.

14 (11) A written confirmation from the department of natural
15 resources, where applicable, and the director of community, trade, and
16 economic development, through the director of fire protection, that all
17 fire prevention requirements have been complied with.

18 (12) A written statement of the applicant that all state and local
19 law enforcement officers, fire control officers and other necessary
20 governmental personnel shall have free access to the site of the
21 outdoor music festival.

22 (13) A statement that the applicant will abide by the provisions of
23 this chapter.

24 (14) The verification of the applicant warranting the truth of the
25 matters set forth in the application to the best of the applicant's
26 knowledge, under the penalty of perjury.

27 **Sec. 196.** RCW 70.128.180 and 1989 c 427 s 41 are each amended to
28 read as follows:

29 The department of community, trade, and economic development shall:

30 (1) Report to the appropriate committees of the legislature the
31 results of the local reviews provided for in RCW 35.63.140, 35A.63.149,
32 36.70.755, 35.22.680, and 36.32.560 by December 31, 1990.

33 (2) In consultation with the association of Washington cities, the
34 Washington association of counties, and the long-term care commission,
35 develop a model ordinance for the siting of residential care
36 facilities. The model ordinance shall be developed by December 31,
37 1990.

1 **Sec. 197.** RCW 70.136.030 and 1987 c 238 s 2 are each amended to
2 read as follows:

3 The governing body of each applicable political subdivision of this
4 state shall designate a hazardous materials incident command agency
5 within its respective boundaries, and file this designation with the
6 director of community, trade, and economic development. In designating
7 an incident command agency, the political subdivision shall consider
8 the training, manpower, expertise, and equipment of various available
9 agencies as well as the Uniform Fire Code and other existing codes and
10 regulations. Along state and interstate highway corridors, the
11 Washington state patrol shall be the designated incident command agency
12 unless by mutual agreement that role has been assumed by another
13 designated incident command agency. If a political subdivision has not
14 designated an incident command agency within six months after July 26,
15 1987, the Washington state patrol shall then assume the role of
16 incident command agency by action of the chief until a designation has
17 been made.

18 **Sec. 198.** RCW 70.160.060 and 1986 c 266 s 121 are each amended to
19 read as follows:

20 This chapter is not intended to regulate smoking in a private
21 enclosed workplace, within a public place, even though such workplace
22 may be visited by nonsmokers, excepting places in which smoking is
23 prohibited by the director of community, trade, and economic
24 development, through the director of fire protection, or by other law,
25 ordinance, or regulation.

26 **Sec. 199.** RCW 70.164.020 and 1987 c 36 s 2 are each amended to
27 read as follows:

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

30 (1) "Department" means the department of community, trade, and
31 economic development.

32 (2) "Energy assessment" means an analysis of a dwelling unit to
33 determine the need for cost-effective energy conservation measures as
34 determined by the department.

35 (3) "Household" means an individual or group of individuals living
36 in a dwelling unit as defined by the department.

1 (4) "Low income" means household income that is at or below one
2 hundred twenty-five percent of the federally established poverty level.

3 (5) "Nonutility sponsor" means any sponsor other than a public
4 service company, municipality, public utility district, mutual or
5 cooperative, furnishing gas or electricity used to heat low-income
6 residences.

7 (6) "Residence" means a dwelling unit as defined by the department.

8 (7) "Sponsor" means any entity that submits a proposal under RCW
9 70.164.040, including but not limited to any local community action
10 agency, community service agency, or any other participating agency or
11 any public service company, municipality, public utility district,
12 mutual or cooperative, or any combination of such entities that jointly
13 submits a proposal.

14 (8) "Sponsor match" means the share, if any, of the cost of
15 weatherization to be paid by the sponsor.

16 (9) "Weatherization" means materials or measures, and their
17 installation, that are used to improve the thermal efficiency of a
18 residence.

19 (10) "Weatherizing agency" means any approved department grantee or
20 any public service company, municipality, public utility district,
21 mutual or cooperative, or other entity that bears the responsibility
22 for ensuring the performance of weatherization of residences under this
23 chapter and has been approved by the department.

24 **Sec. 200.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Comprehensive plan" means a two-year plan that examines
29 available resources and unmet needs for a county or multicounty area,
30 barriers that limit the effective use of resources, and a plan to
31 address these issues that is broadly supported.

32 (2) "Participating state agencies" means the office of the
33 superintendent of public instruction, the department of social and
34 health services, the department of health, the employment security
35 department, the department of community, trade, and economic
36 development, and such other departments as may be specifically
37 designated by the governor.

1 (3) "Family policy council" or "council" means the superintendent
2 of public instruction, the secretary of social and health services, the
3 secretary of health, the commissioner of the employment security
4 department, and the director of the department of community, trade, and
5 economic development or their designees, one legislator from each
6 caucus of the senate and house of representatives, and one
7 representative of the governor.

8 (4) "Outcome based" means defined and measurable outcomes and
9 indicators that make it possible for communities to evaluate progress
10 in meeting their goals and whether systems are fulfilling their
11 responsibilities.

12 (5) "Matching funds" means an amount no less than twenty-five
13 percent of the amount budgeted for a consortium's project. Up to half
14 of the consortium's matching funds may be in-kind goods and services.
15 Funding sources allowable for match include appropriate federal or
16 local levy funds, private charitable funding, and other charitable
17 giving. Basic education funds shall not be used as a match.

18 (6) "Consortium" means a diverse group of individuals that includes
19 at least representatives of local service providers, service
20 recipients, local government administering or funding children or
21 family service programs, participating state agencies, school
22 districts, existing children's commissions, ethnic and racial minority
23 populations, and other interested persons organized for the purpose of
24 designing and providing collaborative and coordinated services under
25 this chapter. Consortiums shall represent a county, multicounty, or
26 municipal service area. In addition, consortiums may represent Indian
27 tribes applying either individually or collectively.

28 **Sec. 201.** RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each
29 amended to read as follows:

30 Standards for fire protection and the enforcement thereof, with
31 respect to all establishments to be licensed hereunder, shall be the
32 responsibility of the director of community, trade, and economic
33 development, through the director of fire protection, who shall adopt
34 such recognized standards as may be applicable to such establishments
35 for the protection of life against the cause and spread of fire and
36 fire hazards. The department of health, upon receipt of an application
37 for a license, or renewal of a license, shall submit to the director of
38 community, trade, and economic development, through the director of

1 fire protection, in writing, a request for an inspection, giving the
2 applicant's name and the location of the premises to be licensed. Upon
3 receipt of such a request, the director of community, trade, and
4 economic development, through the director of fire protection, or his
5 or her deputy shall make an inspection of the establishment to be
6 licensed, and if it is found that the premises do not comply with the
7 required safety standards and fire regulations as promulgated by the
8 director of community, trade, and economic development, through the
9 director of fire protection, he or she shall promptly make a written
10 report to the establishment and the department of health as to the
11 manner and time allowed in which the premises must qualify for a
12 license and set forth the conditions to be remedied with respect to
13 fire regulations. The department of health, applicant or licensee
14 shall notify the director of community, trade, and economic
15 development, through the director of fire protection, upon completion
16 of any requirements made by him or her, and the ((~~state fire marshal~~))
17 director of fire protection or his or her deputy shall make a
18 reinspection of such premises. Whenever the establishment to be
19 licensed meets with the approval of the director of community, trade,
20 and economic development, through the director of fire protection, he
21 or she shall submit to the department of health a written report
22 approving same with respect to fire protection before a full license
23 can be issued. The director of community, trade, and economic
24 development, through the director of fire protection, shall make or
25 cause to be made inspections of such establishments at least annually.
26 The department of health shall not license or continue the license of
27 any establishment unless and until it shall be approved by the director
28 of community, trade, and economic development, through the director of
29 fire protection, as herein provided.

30 In cities which have in force a comprehensive building code, the
31 provisions of which are determined by the director of community, trade,
32 and economic development, through the director of fire protection, to
33 be equal to the minimum standards of the director of community, trade,
34 and economic development, through the director of fire protection, for
35 such establishments, the chief of the fire department, provided the
36 latter is a paid chief of a paid fire department, shall make the
37 inspection with the director of community, trade, and economic
38 development, through the director of fire protection, or his or her

1 deputy, and they shall jointly approve the premises before a full
2 license can be issued.

3 **Sec. 202.** RCW 72.09.055 and 1993 c 461 s 12 are each amended to
4 read as follows:

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

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

20 **Sec. 203.** RCW 72.65.210 and 1989 c 89 s 1 are each amended to read
21 as follows:

22 (1) The department shall establish, by rule, inmate eligibility
23 standards for participation in the work release program.

24 (2) The department shall:

25 (a) Conduct an annual examination of each work release facility and
26 its security procedures;

27 (b) Investigate and set standards for the inmate supervision
28 policies of each work release facility;

29 (c) Establish physical standards for future work release structures
30 to ensure the safety of inmates, employees, and the surrounding
31 communities;

32 (d) Evaluate its recordkeeping of serious infractions to determine
33 if infractions are properly and consistently assessed against inmates
34 eligible for work release;

35 (e) Report to the legislature on a case management procedure to
36 evaluate and determine those inmates on work release who are in need of
37 treatment. The department shall establish in the report a written

1 treatment plan best suited to the inmate's needs, cost, and the
2 relationship of community placement and community corrections officers
3 to a system of case management;

4 (f) Adopt a policy to encourage businesses employing work release
5 inmates to contact the appropriate work release facility whenever an
6 inmate is absent from his or her work schedule. The department of
7 corrections shall provide each employer with written information and
8 instructions on who should be called if a work release employee is
9 absent from work or leaves the job site without authorization; and

10 (g) Develop a siting policy, in conjunction with cities, counties,
11 community groups, and the department of community, trade, and economic
12 development for the establishment of additional work release
13 facilities. Such policy shall include at least the following elements:
14 (i) Guidelines for appropriate site selection of work-release
15 facilities; (ii) notification requirements to local government and
16 community groups of intent to site a work release facility; and (iii)
17 guidelines for effective community relations by the work release
18 program operator.

19 The department shall comply with the requirements of this section
20 by July 1, 1990.

21 **Sec. 204.** RCW 74.13.090 and 1993 c 194 s 7 are each amended to
22 read as follows:

23 (1) There is established a child care coordinating committee to
24 provide coordination and communication between state agencies
25 responsible for child care and early childhood education services. The
26 child care coordinating committee shall be composed of not less than
27 seventeen nor more than thirty-three members who shall include:

28 (a) One representative each from the department of social and
29 health services, the department of community, trade, and economic
30 development, the office of the superintendent of public instruction,
31 and any other agency having responsibility for regulation, provision,
32 or funding of child care services in the state;

33 (b) One representative from the department of labor and industries;

34 ~~(c) ((One representative from the department of trade and economic~~
35 ~~development;~~

36 ~~(d))~~ One representative from the department of revenue;

37 ~~((e))~~ (d) One representative from the employment security
38 department;

1 (~~(f)~~) (e) One representative from the department of personnel;
2 (~~(g)~~) (f) One representative from the department of health;
3 (~~(h)~~) (g) At least one representative of family home child care
4 providers and one representative of center care providers;
5 (~~(i)~~) (h) At least one representative of early childhood
6 development experts;
7 (~~(j)~~) (i) At least one representative of school districts and
8 teachers involved in the provision of child care and preschool
9 programs;
10 (~~(k)~~) (j) At least one parent education specialist;
11 (~~(l)~~) (k) At least one representative of resource and referral
12 programs;
13 (~~(m)~~) (l) One pediatric or other health professional;
14 (~~(n)~~) (m) At least one representative of college or university
15 child care providers;
16 (~~(o)~~) (n) At least one representative of a citizen group
17 concerned with child care;
18 (~~(p)~~) (o) At least one representative of a labor organization;
19 (~~(q)~~) (p) At least one representative of a head start - early
20 childhood education assistance program agency;
21 (~~(r)~~) (q) At least one employer who provides child care
22 assistance to employees;
23 (~~(s)~~) (r) Parents of children receiving, or in need of, child
24 care, half of whom shall be parents needing or receiving subsidized
25 child care and half of whom shall be parents who are able to pay for
26 child care.

27 The named state agencies shall select their representative to the
28 child care coordinating committee. The department of social and health
29 services shall select the remaining members, considering
30 recommendations from lists submitted by professional associations and
31 other interest groups until such time as the committee adopts a member
32 selection process. The department shall use any federal funds which
33 may become available to accomplish the purposes of RCW 74.13.085
34 through 74.13.095.

35 The committee shall elect officers from among its membership and
36 shall adopt policies and procedures specifying the lengths of terms,
37 methods for filling vacancies, and other matters necessary to the
38 ongoing functioning of the committee. The secretary of social and
39 health services shall appoint a temporary chair until the committee has

1 adopted policies and elected a chair accordingly. Child care
2 coordinating committee members shall be reimbursed for travel expenses
3 as provided in RCW 43.03.050 and 43.03.060.

4 (2) To the extent possible within available funds, the child care
5 coordinating committee shall:

6 (a) Serve as an advisory coordinator for all state agencies
7 responsible for early childhood or child care programs for the purpose
8 of improving communication and interagency coordination;

9 (b) Annually review state programs and make recommendations to the
10 agencies and the legislature which will maximize funding and promote
11 furtherance of the policies set forth in RCW 74.13.085. Reports shall
12 be provided to all appropriate committees of the legislature by
13 December 1 of each year. At a minimum the committee shall:

14 (i) Review and propose changes to the child care subsidy system in
15 its December 1989 report;

16 (ii) Review alternative models for child care service systems, in
17 the context of the policies set forth in RCW 74.13.085, and recommend
18 to the legislature a new child care service structure; and

19 (iii) Review options and make recommendations on the feasibility of
20 establishing an allocation for day care facilities when constructing
21 state buildings;

22 (c) Review department of social and health services administration
23 of the child care expansion grant program described in RCW 74.13.095;

24 (d) Review rules regarding child care facilities and services for
25 the purpose of identifying those which unnecessarily obstruct the
26 availability and affordability of child care in the state;

27 (e) Advise and assist the office of child care (~~resource~~
28 ~~coordinator~~) policy in implementing his or her duties under RCW
29 74.13.0903;

30 (f) Perform other functions to improve the quantity and quality of
31 child care in the state, including compliance with existing and future
32 prerequisites for federal funding; and

33 (g) Advise and assist the department of personnel in its
34 responsibility for establishing policies and procedures that provide
35 for the development of quality child care programs for state employees.

36 **Sec. 205.** RCW 74.15.050 and 1986 c 266 s 123 are each amended to
37 read as follows:

1 The director of community, trade, and economic development, through
2 the director of fire protection, shall have the power and it shall be
3 his or her duty:

4 (1) In consultation with the children's services advisory committee
5 and with the advice and assistance of persons representative of the
6 various type agencies to be licensed, to adopt recognized minimum
7 standard requirements pertaining to each category of agency established
8 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family
9 homes and child-placing agencies, necessary to protect all persons
10 residing therein from fire hazards;

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

14 (3) To make a periodic review of requirements under RCW
15 (~~74.15.030(6)~~) 74.15.030(7) and to adopt necessary changes after
16 consultation as required in subsection (1) of this section;

17 (4) To issue to applicants for licenses hereunder, other than
18 foster-family homes or child-placing agencies, who comply with the
19 requirements, a certificate of compliance, a copy of which shall be
20 presented to the department of social and health services before a
21 license shall be issued, except that a provisional license may be
22 issued as provided in RCW 74.15.120.

23 **Sec. 206.** RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each
24 amended to read as follows:

25 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
26 accord the department of social and health services, the secretary of
27 health, the director of community, trade, and economic development, and
28 the director of fire protection, or their designees, the right of
29 entrance and the privilege of access to and inspection of records for
30 the purpose of determining whether or not there is compliance with the
31 provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements
32 adopted thereunder.

33 **Sec. 207.** RCW 76.09.030 and 1993 c 257 s 1 are each amended to
34 read as follows:

35 (1) There is hereby created the forest practices board of the state
36 of Washington as an agency of state government consisting of members as
37 follows:

1 (a) The commissioner of public lands or (~~his~~) the commissioner's
2 designee;

3 (b) The director of the department of community, trade, and
4 economic development or (~~his~~) the director's designee;

5 (c) The director of the department of agriculture or (~~his~~) the
6 director's designee;

7 (d) The director of the department of ecology or (~~his~~) the
8 director's designee;

9 (e) An elected member of a county legislative authority appointed
10 by the governor: PROVIDED, That such member's service on the board
11 shall be conditioned on (~~his~~) the member's continued service as an
12 elected county official; and

13 (f) Six members of the general public appointed by the governor,
14 one of whom shall be an owner of not more than five hundred acres of
15 forest land, and one of whom shall be an independent logging
16 contractor.

17 (2) The members of the initial board appointed by the governor
18 shall be appointed so that the term of one member shall expire December
19 31, 1975, the term of one member shall expire December 31, 1976, the
20 term of one member shall expire December 31, 1977, the terms of two
21 members shall expire December 31, 1978, and the terms of two members
22 shall expire December 31, 1979. Thereafter, each member shall be
23 appointed for a term of four years. Vacancies on the board shall be
24 filled in the same manner as the original appointments. Each member of
25 the board shall continue in office until his or her successor is
26 appointed and qualified. The commissioner of public lands or (~~his~~)
27 the commissioner's designee shall be the chairman of the board.

28 (3) The board shall meet at such times and places as shall be
29 designated by the chairman or upon the written request of the majority
30 of the board. The principal office of the board shall be at the state
31 capital.

32 (4) Members of the board, except public employees and elected
33 officials, shall be compensated in accordance with RCW 43.03.250. Each
34 member shall be entitled to reimbursement for travel expenses incurred
35 in the performance of their duties as provided in RCW 43.03.050 and
36 43.03.060.

37 (5) The board may employ such clerical help and staff pursuant to
38 chapter 41.06 RCW as is necessary to carry out its duties.

1 **Sec. 208.** RCW 77.12.710 and 1993 sp.s. c 2 s 70 are each amended
2 to read as follows:

3 The legislature hereby directs the department to determine the
4 feasibility and cost of doubling the state-wide game fish production by
5 the year 2000. The department shall seek to equalize the effort and
6 investment expended on anadromous and resident game fish programs. The
7 department shall provide the legislature with a specific plan for
8 legislative approval that will outline the feasibility of increasing
9 game fish production by one hundred percent over current levels by the
10 year 2000. The plan shall contain specific provisions to increase both
11 hatchery and naturally spawning game fish to a level that will support
12 the production goal established in this section consistent with
13 department policies. Steelhead trout, searun cutthroat trout, resident
14 trout, and warmwater fish producing areas of the state shall be
15 included in the plan. The department shall provide the plan to the
16 house of representatives and senate ways and means, environment and
17 natural resources, environmental affairs, fisheries and wildlife, and
18 natural resources committees by December 31, 1990.

19 The plan shall include the following critical elements:

20 (1) Methods of determining current catch and production, and catch
21 and production in the year 2000;

22 (2) Methods of involving fishing groups, including Indian tribes,
23 in a cooperative manner;

24 (3) Methods for using low capital cost projects to produce game
25 fish as inexpensively as possible;

26 (4) Methods for renovating and modernizing all existing hatcheries
27 and rearing ponds to maximize production capability;

28 (5) Methods for increasing the productivity of natural spawning
29 game fish;

30 (6) Application of new technology to increase hatchery and natural
31 productivity;

32 (7) Analysis of the potential for private contractors to produce
33 game fish for public fisheries;

34 (8) Methods to optimize public volunteer efforts and cooperative
35 projects for maximum efficiency;

36 (9) Methods for development of trophy game fish fisheries;

37 (10) Elements of coordination with the Pacific Northwest Power
38 Council programs to ensure maximum Columbia river benefits;

1 (11) The role that should be played by private consulting companies
2 in developing and implementing the plan;

3 (12) Coordination with federal fish and wildlife agencies, Indian
4 tribes, and department fish production programs;

5 (13) Future needs for game fish predator control measures;

6 (14) Development of disease control measures;

7 (15) Methods for obtaining access to waters currently not available
8 to anglers; and

9 (16) Development of research programs to support game fish
10 management and enhancement programs.

11 The department, in cooperation with the department of revenue,
12 shall assess various funding mechanisms and make recommendations to the
13 legislature in the plan. The department, in cooperation with the
14 department of community, trade, and economic development, shall prepare
15 an analysis of the economic benefits to the state that will occur when
16 the game fish production is increased by one hundred percent in the
17 year 2000.

18 **Sec. 209.** RCW 79.08.1078 and 1985 c 6 s 24 are each amended to
19 read as follows:

20 (1) A public hearing may be held prior to any withdrawal of state
21 trust lands and shall be held prior to any revocation of withdrawal or
22 modification of withdrawal of state trust lands used for recreational
23 purposes by the department of natural resources or by other state
24 agencies.

25 (2) The department shall cause notice of the withdrawal, revocation
26 of withdrawal or modification of withdrawal of state trust lands as
27 described in subsection (1) of this section to be published by
28 advertisement once a week for four weeks prior to the public hearing in
29 at least one newspaper published and of general circulation in the
30 county or counties in which the state trust lands are situated, and by
31 causing a copy of said notice to be posted in a conspicuous place in
32 the department's Olympia office, in the district office in which the
33 land is situated, and in the office of the county auditor in the county
34 where the land is situated thirty days prior to the public hearing.
35 The notice shall specify the time and place of the public hearing and
36 shall describe with particularity each parcel of state trust lands
37 involved in said hearing.

1 (3) The board of natural resources shall administer the hearing
2 according to its prescribed rules and regulations.

3 (4) The board of natural resources shall determine the most
4 beneficial use or combination of uses of the state trust lands. Its
5 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
6 said decisions as to uses shall conform to applicable state plans and
7 policy guidelines adopted by the department of community, trade, and
8 economic development.

9 **Sec. 210.** RCW 79.90.565 and 1988 c 124 s 9 are each amended to
10 read as follows:

11 After consultation with the director of community, trade, and
12 economic development, the department of natural resources may enter
13 into agreements, leases, or other conveyances for archaeological
14 activities on state-owned aquatic lands. Such agreements, leases, or
15 other conveyances may contain such conditions as are required for the
16 department of natural resources to comply with its legal rights and
17 duties. All such agreements, leases, or other conveyances, shall be
18 issued in accordance with the terms of chapters 79.90 through 79.96
19 RCW.

20 **Sec. 211.** RCW 80.28.010 and 1991 c 347 s 22 and 1991 c 165 s 4 are
21 each reenacted and amended to read as follows:

22 (1) All charges made, demanded or received by any gas company,
23 electrical company or water company for gas, electricity or water, or
24 for any service rendered or to be rendered in connection therewith,
25 shall be just, fair, reasonable and sufficient.

26 (2) Every gas company, electrical company and water company shall
27 furnish and supply such service, instrumentalities and facilities as
28 shall be safe, adequate and efficient, and in all respects just and
29 reasonable.

30 (3) All rules and regulations issued by any gas company, electrical
31 company or water company, affecting or pertaining to the sale or
32 distribution of its product, shall be just and reasonable.

33 (4) Utility service for residential space heating shall not be
34 terminated between November 15 through March 15 if the customer:

35 (a) Notifies the utility of the inability to pay the bill,
36 including a security deposit. This notice should be provided within
37 five business days of receiving a payment overdue notice unless there

1 are extenuating circumstances. If the customer fails to notify the
2 utility within five business days and service is terminated, the
3 customer can, by paying reconnection charges, if any, and fulfilling
4 the requirements of this section, receive the protections of this
5 chapter;

6 (b) Provides self-certification of household income for the prior
7 twelve months to a grantee of the department of community, trade, and
8 economic development which administers federally funded energy
9 assistance programs. The grantee shall determine that the household
10 income does not exceed the maximum allowed for eligibility under the
11 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
12 shall provide a dollar figure that is seven percent of household
13 income. The grantee may verify information provided in the self-
14 certification;

15 (c) Has applied for home heating assistance from applicable
16 government and private sector organizations and certifies that any
17 assistance received will be applied to the current bill and future
18 utility bills;

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

22 (e) Agrees to a payment plan and agrees to maintain the payment
23 plan. The plan will be designed both to pay the past due bill by the
24 following October 15 and to pay for continued utility service. If the
25 past due bill is not paid by the following October 15, the customer
26 shall not be eligible for protections under this chapter until the past
27 due bill is paid. The plan shall not require monthly payments in
28 excess of seven percent of the customer's monthly income plus one-
29 twelfth of any arrearage accrued from the date application is made and
30 thereafter during November 15 through March 15. A customer may agree
31 to pay a higher percentage during this period, but shall not be in
32 default unless payment during this period is less than seven percent of
33 monthly income plus one-twelfth of any arrearage accrued from the date
34 application is made and thereafter. If assistance payments are
35 received by the customer subsequent to implementation of the plan, the
36 customer shall contact the utility to reformulate the plan; and

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

38 (5) The utility shall:

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

4 (b) Assist the customer in fulfilling the requirements under this
5 section;

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

9 (d) Be permitted to disconnect service if the customer fails to
10 honor the payment program. Utilities may continue to disconnect
11 service for those practices authorized by law other than for nonpayment
12 as provided for in this subsection. Customers who qualify for payment
13 plans under this section who default on their payment plans and are
14 disconnected can be reconnected and maintain the protections afforded
15 under this chapter by paying reconnection charges, if any, and by
16 paying all amounts that would have been due and owing under the terms
17 of the applicable payment plan, absent default, on the date on which
18 service is reconnected; and

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

22 (6) A payment plan implemented under this section is consistent
23 with RCW 80.28.080.

24 (7) Every gas company and electrical company shall offer
25 residential customers the option of a budget billing or equal payment
26 plan. The budget billing or equal payment plan shall be offered low-
27 income customers eligible under the state's plan for low-income energy
28 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
29 limiting availability to certain months of the year, without regard to
30 the length of time the customer has occupied the premises, and without
31 regard to whether the customer is the tenant or owner of the premises
32 occupied.

33 (8) Every gas company, electrical company and water company shall
34 construct and maintain such facilities in connection with the
35 manufacture and distribution of its product as will be efficient and
36 safe to its employees and the public.

37 (9) An agreement between the customer and the utility, whether oral
38 or written, shall not waive the protections afforded under this
39 chapter.

1 (10) In establishing rates or charges for water service, water
2 companies as defined in RCW 80.04.010 may consider the achievement of
3 water conservation goals and the discouragement of wasteful water use
4 practices.

5 **Sec. 212.** RCW 81.80.450 and 1990 c 123 s 2 are each amended to
6 read as follows:

7 (1) The department of community, trade, and economic development,
8 in conjunction with the utilities and transportation commission and the
9 department of ecology, shall evaluate the effect of exempting motor
10 vehicles transporting recovered materials from rate regulation as
11 provided under RCW 81.80.440. The evaluation shall, at a minimum,
12 describe the effect of such exemption on:

13 (a) The cost and timeliness of transporting recovered materials
14 within the state;

15 (b) The volume of recovered materials transported within the state;

16 (c) The number of safety violations and traffic accidents related
17 to transporting recovered materials within the state; and

18 (d) The availability of service related to transporting recovered
19 materials from rural areas of the state.

20 (2) The department shall report the results of its evaluation to
21 the appropriate standing committees of the legislature by October 1,
22 1993.

23 (3) The commission shall adopt rules requiring persons transporting
24 recovered materials to submit information required under RCW 70.95.280.
25 In adopting such rules, the commission shall include procedures to
26 ensure the confidentiality of proprietary information.

27 **Sec. 213.** RCW 82.14.335 and 1993 sp.s. c 21 s 4 are each amended
28 to read as follows:

29 The department of community, trade, and economic development shall
30 adopt criteria to be used in making grants to cities under RCW
31 82.14.330(2). In developing the criteria, the department shall create
32 a temporary advisory committee consisting of the director of community,
33 trade, and economic development, two representatives nominated by the
34 association of Washington cities, and two representatives nominated by
35 the Washington association of sheriffs and police chiefs.

1 **Sec. 214.** RCW 82.23B.020 and 1992 c 73 s 7 are each amended to
2 read as follows:

3 (1) An oil spill response tax is imposed on the privilege of
4 receiving crude oil or petroleum products at a marine terminal within
5 this state from a waterborne vessel or barge operating on the navigable
6 waters of this state. The tax imposed in this section is levied upon
7 the owner of the crude oil or petroleum products immediately after
8 receipt of the same into the storage tanks of a marine terminal from a
9 waterborne vessel or barge at the rate of two cents per barrel of crude
10 oil or petroleum product received.

11 (2) In addition to the tax imposed in subsection (1) of this
12 section, an oil spill administration tax is imposed on the privilege of
13 receiving crude oil or petroleum products at a marine terminal within
14 this state from a waterborne vessel or barge operating on the navigable
15 waters of this state. The tax imposed in this section is levied upon
16 the owner of the crude oil or petroleum products immediately after
17 receipt of the same into the storage tanks of a marine terminal from a
18 waterborne vessel or barge at the rate of three cents per barrel of
19 crude oil or petroleum product.

20 (3) The taxes imposed by this chapter shall be collected by the
21 marine terminal operator from the taxpayer. If any person charged with
22 collecting the taxes fails to bill the taxpayer for the taxes, or in
23 the alternative has not notified the taxpayer in writing of the
24 imposition of the taxes, or having collected the taxes, fails to pay
25 them to the department in the manner prescribed by this chapter,
26 whether such failure is the result of the person's own acts or the
27 result of acts or conditions beyond the person's control, he or she
28 shall, nevertheless, be personally liable to the state for the amount
29 of the taxes. Payment of the taxes by the owner to a marine terminal
30 operator shall relieve the owner from further liability for the taxes.

31 (4) Taxes collected under this chapter shall be held in trust until
32 paid to the department. Any person collecting the taxes who
33 appropriates or converts the taxes collected shall be guilty of a gross
34 misdemeanor if the money required to be collected is not available for
35 payment on the date payment is due. The taxes required by this chapter
36 to be collected shall be stated separately from other charges made by
37 the marine terminal operator in any invoice or other statement of
38 account provided to the taxpayer.

1 (5) If a taxpayer fails to pay the taxes imposed by this chapter to
2 the person charged with collection of the taxes and the person charged
3 with collection fails to pay the taxes to the department, the
4 department may, in its discretion, proceed directly against the
5 taxpayer for collection of the taxes.

6 (6) The taxes shall be due from the marine terminal operator, along
7 with reports and returns on forms prescribed by the department, within
8 twenty-five days after the end of the month in which the taxable
9 activity occurs.

10 (7) The amount of taxes, until paid by the taxpayer to the marine
11 terminal operator or to the department, shall constitute a debt from
12 the taxpayer to the marine terminal operator. Any person required to
13 collect the taxes under this chapter who, with intent to violate the
14 provisions of this chapter, fails or refuses to do so as required and
15 any taxpayer who refuses to pay any taxes due under this chapter, shall
16 be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

17 (8) Upon prior approval of the department, the taxpayer may pay the
18 taxes imposed by this chapter directly to the department. The
19 department shall give its approval for direct payment under this
20 section whenever it appears, in the department's judgment, that direct
21 payment will enhance the administration of the taxes imposed under this
22 chapter. The department shall provide by rule for the issuance of a
23 direct payment certificate to any taxpayer qualifying for direct
24 payment of the taxes. Good faith acceptance of a direct payment
25 certificate by a terminal operator shall relieve the marine terminal
26 operator from any liability for the collection or payment of the taxes
27 imposed under this chapter.

28 (9) All receipts from the tax imposed in subsection (1) of this
29 section shall be deposited into the state oil spill response account.
30 All receipts from the tax imposed in subsection (2) of this section
31 shall be deposited into the ((state)) oil spill administration account.

32 (10) Within forty-five days after the end of each calendar quarter,
33 the office of financial management shall determine the balance of the
34 oil spill response account as of the last day of that calendar quarter.
35 Balance determinations by the office of financial management under this
36 section are final and shall not be used to challenge the validity of
37 any tax imposed under this chapter. The office of financial management
38 shall promptly notify the departments of revenue and ecology of the
39 account balance once a determination is made. For each subsequent

1 calendar quarter, the tax imposed by subsection (1) of this section
2 shall be imposed during the entire calendar quarter unless:

3 (a) Tax was imposed under subsection (1) of this section during the
4 immediately preceding calendar quarter, and the most recent quarterly
5 balance is more than twenty-five million dollars; or

6 (b) Tax was not imposed under subsection (1) of this section during
7 the immediately preceding calendar quarter, and the most recent
8 quarterly balance is more than fifteen million dollars.

9 (11) The office of marine safety, the department of revenue, and
10 the department of community, trade, and economic development shall
11 study tax credits for taxpayers employing vessels with the best
12 achievable technology and the best available protection to reduce the
13 risk of oil spills to the navigable waters of the state and submit the
14 study to the appropriate standing committees of the legislature by
15 December 1, 1992.

16 **Sec. 215.** RCW 82.61.070 and 1993 sp.s. c 25 s 409 are each amended
17 to read as follows:

18 The department and the department of community, trade, and economic
19 development shall jointly report to the legislature about the effects
20 of this chapter on new manufacturing and research and development
21 activities in this state. The report shall contain information
22 concerning the number of deferral certificates granted, the amount of
23 sales tax deferred, the number of jobs created and other information
24 useful in measuring such effects. Reports shall be submitted by
25 January 1, 1986, and by January 1 of each year through 1999.

26 **Sec. 216.** RCW 88.12.275 and 1986 c 217 s 11 are each amended to
27 read as follows:

28 (1) Any person carrying passengers for hire on whitewater river
29 sections in this state may register with the department of licensing.
30 Each registration application shall be submitted annually on a form
31 provided by the department of licensing and shall include the following
32 information:

33 (a) The name, residence address, and residence telephone number,
34 and the business name, address, and telephone number of the registrant;

35 (b) Proof that the registrant has liability insurance for a minimum
36 of three hundred thousand dollars per claim for occurrences by the

1 registrant and the registrant's employees that result in bodily injury
2 or property damage; and

3 (c) Certification that the registrant will maintain the insurance
4 for a period of not less than one year from the date of registration.

5 (2) The department of licensing shall charge a fee for each
6 application, to be set in accordance with RCW 43.24.086.

7 (3) Any person advertising or representing themselves as having
8 registered under this section who is not currently registered is guilty
9 of a gross misdemeanor.

10 (4) The department of licensing shall submit annually a list of
11 registered persons and companies to the department of community, trade,
12 and economic development, tourism promotion division.

13 (5) If an insurance company cancels or refuses to renew insurance
14 for a registrant during the period of registration, the insurance
15 company shall notify the department of licensing in writing of the
16 termination of coverage and its effective date not less than thirty
17 days before the effective date of termination.

18 (a) Upon receipt of an insurance company termination notice, the
19 department of licensing shall send written notice to the registrant
20 that on the effective date of termination the department of licensing
21 will suspend the registration unless proof of insurance as required by
22 this section is filed with the department of licensing before the
23 effective date of the termination.

24 (b) If an insurance company fails to give notice of coverage
25 termination, this failure shall not have the effect of continuing the
26 coverage.

27 (c) The department of licensing may suspend or revoke registration
28 under this section if the registrant fails to maintain in full force
29 and effect the insurance required by this section.

30 (6) The state of Washington shall be immune from any civil action
31 arising from a registration under this section.

32 **Sec. 217.** RCW 88.46.100 and 1991 c 200 s 423 are each amended to
33 read as follows:

34 (1) In order to assist the state in identifying areas of the
35 navigable waters of the state needing special attention, the owner or
36 operator of a covered vessel shall notify the coast guard within one
37 hour:

1 (a) Of the disability of the covered vessel if the disabled vessel
2 is within twelve miles of the shore of the state; and

3 (b) Of a collision or a near miss incident within twelve miles of
4 the shore of the state.

5 (2) The division of emergency management of the department of
6 community, trade, and economic development and the office shall request
7 the coast guard to notify the division of emergency management as soon
8 as possible after the coast guard receives notice of a disabled covered
9 vessel or of a collision or near miss incident within twelve miles of
10 the shore of the state. The office shall negotiate an agreement with
11 the coast guard governing procedures for coast guard notification to
12 the state regarding disabled covered vessels and collisions and near
13 miss incidents.

14 (3) The office shall prepare a summary of the information collected
15 under this section and provide the summary to the regional marine
16 safety committees, the coast guard, and others in order to identify
17 problems with the marine transportation system.

18 (4) For the purposes of this section:

19 (a) A tank vessel or cargo vessel is considered disabled if any of
20 the following occur:

21 (i) Any accidental or intentional grounding;

22 (ii) The total or partial failure of the main propulsion or primary
23 steering or any component or control system that causes a reduction in
24 the maneuvering capabilities of the vessel;

25 (iii) An occurrence materially and adversely affecting the vessel's
26 seaworthiness or fitness for service, including but not limited to,
27 fire, flooding, or collision with another vessel;

28 (iv) Any other occurrence that creates the serious possibility of
29 an oil spill or an occurrence that may result in such a spill.

30 (b) A barge is considered disabled if any of the following occur:

31 (i) The towing mechanism becomes disabled;

32 (ii) The towboat towing the barge becomes disabled through
33 occurrences defined in (a) of this subsection.

34 (c) A near miss incident is an incident that requires the pilot or
35 master of a covered vessel to take evasive actions or make significant
36 course corrections in order to avoid a collision with another ship or
37 to avoid a grounding as required by the international rules of the
38 road.

1 (5) Failure of any person to make a report under this section shall
2 not be used as the basis for the imposition of any fine or penalty.

3 **Sec. 218.** RCW 90.56.280 and 1990 c 116 s 24 are each amended to
4 read as follows:

5 It shall be the duty of any person discharging oil or hazardous
6 substances or otherwise causing, permitting, or allowing the same to
7 enter the waters of the state, unless the discharge or entry was
8 expressly authorized by the department prior thereto or authorized by
9 operation of law under RCW 90.48.200, to immediately notify the coast
10 guard and the division of emergency management. The notice to the
11 division of emergency management within the department of community,
12 trade, and economic development shall be made to the division's twenty-
13 four hour state-wide toll-free number established for reporting
14 emergencies.

15 NEW SECTION. **Sec. 219.** The 1995 amendments to RCW 43.63A.465
16 (section 74 of this act) shall expire and be of no force and effect on
17 January 1 in any year following the failure of the United States
18 department of housing and urban development to reimburse the state for
19 the duties described in chapter 124, Laws of 1993.

20 NEW SECTION. **Sec. 220.** RCW 41.06.089 is decodified.

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