

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1014

Chapter 399, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC
DEVELOPMENT--OBSOLETE REFERENCES UPDATED

EFFECTIVE DATE: 7/23/95

Passed by the House January 27, 1995
Yeas 93 Nays 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 7, 1995
Yeas 40 Nays 0

JOEL PRITCHARD

President of the Senate

Approved May 16, 1995, with the exception of sections 1-6, 11, 19, 22-24, 42, 46-53, 73, 118, 119, 125-141, 143, 152, 153, 164, 165, 169-187, 195, 198, 201, 205, 206, and 217, which are vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1014** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 16, 1995 - 9:30 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1014

Passed Legislature - 1995 Regular Session

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. 1 was vetoed. See message at end of chapter.*

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

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

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

21 **Sec. 2 was vetoed. See message at end of chapter.*

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

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

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

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

32 *Sec. 3 was vetoed. See message at end of chapter.

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

35 Fire protection with respect to all maternity homes to be licensed
36 hereunder, shall be the responsibility of the director of community,
37 trade, and economic development, through the director of fire
38 protection, who shall adopt by reference, such recognized standards as

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

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

38 In cities where such building codes are in force, the director of
39 community, trade, and economic development, through the director of

1 fire protection, may, upon request by the chief fire official, or the
2 local governing body, or of a taxpayer of such city, assist in the
3 enforcement of any such code pertaining to maternity homes.

4 *Sec. 4 was vetoed. See message at end of chapter.

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

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

1 fire protection, shall make or cause to be made inspections of such
2 nursing homes at least annually.

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

14 *Sec. 5 was vetoed. See message at end of chapter.

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

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

26 *Sec. 6 was vetoed. See message at end of chapter.

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

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

36 (2) Every real estate broker shall also deliver or cause to be
37 delivered to all parties signing the same, at the time of signing,
38 conformed copies of all earnest money receipts, listing agreements and

1 all other like or similar instruments signed by the parties, including
2 the closing statement.

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

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

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

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

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

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

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

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

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

6 (a) Remit interest or dividends, net of any reasonable and
7 appropriate service charges or fees, on the average monthly balance in
8 the account, or as otherwise computed in accordance with an
9 institution's standard accounting practice, at least quarterly, to the
10 state treasurer for deposit in the housing trust fund created by RCW
11 43.185.030 and the real estate education account created in RCW
12 18.85.317; and

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

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

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

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

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

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

33 (1) The state building code council shall consist of fifteen
34 members, two of whom shall be county elected legislative body members
35 or elected executives and two of whom shall be city elected legislative
36 body members or mayors. One of the members shall be a local government
37 building code enforcement official and one of the members shall be a
38 local government fire service official. Of the remaining nine members,

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

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

35 (3) The department of community, trade, and economic development
36 shall provide administrative and clerical assistance to the building
37 code council.

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

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

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

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

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

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

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

1 *The director of community, trade, and economic development, through*
2 *the director of fire protection, is the only authority having*
3 *jurisdiction over the approval of portable oil-fueled heaters. The*
4 *sale and use of portable oil-fueled heaters is governed exclusively by*
5 *RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties*
6 *may adopt local standards as provided in RCW 19.27.040.*

7 *Sec. 11 was vetoed. See message at end of chapter.

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

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

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

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter:

21 (1) "Advisory council" means the advisory council on historic
22 preservation.

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

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

27 (4) "Federal act" means the national historic preservation act of
28 1966 (Public Law 89-655; 80 Stat. 915).

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

30 (6) "Historic preservation" includes the protection,
31 rehabilitation, restoration, identification, scientific excavation, and
32 reconstruction of districts, sites, buildings, structures, and objects
33 significant in American and Washington state history, architecture,
34 archaeology, or culture.

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

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

3 (9) "Project" means programs leading to the preservation for public
4 benefit of historical properties, whether by state and local
5 governments or other public bodies, or private organizations or
6 individuals, including the acquisition of title or interests in, and
7 the development of, any district, site, building, structure, or object
8 that is significant in American and Washington state history,
9 architecture, archaeology, or culture, and property used in connection
10 therewith, or for its development.

11 (10) "State historical agencies" means the state historical
12 societies and the office of archaeology and historic preservation
13 within the department (~~(of community development)~~).

14 (11) "State historical societies" means the Washington state
15 historical society and the eastern Washington state historical society.

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

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

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

26 The director shall appoint the preservation officer to assist the
27 director in implementing this chapter. The preservation officer shall
28 have a background in program administration, an active involvement in
29 historic preservation, and a knowledge of the national, state, and
30 local preservation programs as they affect the state of Washington.

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

33 Unless the context clearly requires otherwise, the following
34 definitions apply throughout RCW 27.34.320.

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

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

4 (3) "Office" means the office of archaeology and historic
5 preservation within the department of community, trade, and economic
6 development.

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

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

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

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

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

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

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

25 (6) "Historic" means peoples and cultures who are known through
26 written documents in their own or other languages. As applied to
27 underwater archaeological resources, the term historic shall include
28 only those properties which are listed in or eligible for listing in
29 the Washington State Register of Historic Places (RCW 27.34.220) or the
30 National Register of Historic Places as defined in the National
31 Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-
32 665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

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

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

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

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

9 (11) "Historic archaeological resources" means those properties
10 which are listed in or eligible for listing in the Washington State
11 Register of Historic Places (RCW 27.34.220) or the National Register of
12 Historic Places as defined in the National Historic Preservation Act of
13 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.
14 Sec. 470) as now or hereafter amended.

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

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

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

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

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

27 *The 1989 Washington centennial commission shall develop a*
28 *comprehensive program for celebrating the centennial of Washington's*
29 *admission to the union in 1889. The program shall be developed to*
30 *represent the contributions of all peoples and cultures to Washington*
31 *state history and to the maximum feasible extent shall be designed to*
32 *encourage and support participation in the centennial by all interested*
33 *communities in the state. Program elements shall include:*

34 *(1) An annual report to the governor and the legislature*
35 *incorporating the commission's specific recommendations for the*

1 centennial celebration. The report shall recommend projects and
2 activities including, but not limited to:

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

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

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

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

8 (e) Bibliographical and documentary projects;

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

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

12 (h) Destination tourism attractions. Such destination tourism
13 attractions (i) shall be based upon the heritage of the state, (ii)
14 shall be sponsored and owned by the state, a municipal corporation
15 thereof, or a nonprofit corporation which has qualified under section
16 501(c)(3) of the federal internal revenue code, and (iii) shall satisfy
17 economic development criteria established in cooperation with the
18 director of community, trade, and economic development in accordance
19 with the administrative procedure act, chapter 34.05 RCW; and

20 (i) Ceremonies and celebrations.

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

26 *Sec. 19 was vetoed. See message at end of chapter.

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

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

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

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

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

8 (1) The office of the superintendent of public instruction shall be
9 the lead agency and shall assist the department of social and health
10 services, the department of community, trade, and economic development,
11 and school districts in establishing a coordinated primary prevention
12 program for child abuse and neglect.

13 (2) In developing the program, consideration shall be given to the
14 following:

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

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

19 (ii) Culturally and linguistically appropriate to the population
20 served;

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

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

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

26 (i) Physical and behavioral indicators of abuse;

27 (ii) Crisis counseling techniques;

28 (iii) Community resources;

29 (iv) Rights and responsibilities regarding reporting;

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

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

33 (c) Training for licensed day care providers and parents that
34 includes:

35 (i) Positive child guidance techniques;

36 (ii) Physical and behavioral indicators of abuse;

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

38 (iv) Community resources;

- 1 (v) Rights and responsibilities regarding reporting; and
- 2 (vi) Caring for the abused or neglected child;
- 3 (d) Training for children that includes:
- 4 (i) The right of every child to live free of abuse;
- 5 (ii) How to disclose incidents of abuse and neglect;
- 6 (iii) The availability of support resources and how to obtain help;
- 7 (iv) Child safety training and age-appropriate self-defense
- 8 techniques; and

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

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

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

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

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

21 *(1) Approve or disapprove the program of courses leading to*
22 *teacher, school administrator, and school specialized personnel*
23 *certification offered by all institutions of higher education within*
24 *the state which may be accredited and whose graduates may become*
25 *entitled to receive such certification.*

26 *(2) Conduct every five years a review of the program approval*
27 *standards, including the minimum standards for teachers,*
28 *administrators, and educational staff associates, to reflect research*
29 *findings and assure continued improvement of preparation programs for*
30 *teachers, administrators, and educational staff associates.*

31 *(3) Investigate the character of the work required to be performed*
32 *as a condition of entrance to and graduation from any institution of*
33 *higher education in this state relative to such certification as*
34 *provided for in subsection (1) above, and prepare a list of accredited*
35 *institutions of higher education of this and other states whose*
36 *graduates may be awarded such certificates.*

37 *(4)(a) The state board of education shall adopt rules to allow a*
38 *teacher certification candidate to fulfill, in part, teacher*

1 preparation program requirements through work experience as a
2 noncertificated teacher's aide in a public school or private school
3 meeting the requirements of RCW 28A.195.010. The rules shall include,
4 but are not limited to, limitations based upon the recency of the
5 teacher preparation candidate's teacher aide work experience, and
6 limitations based on the amount of work experience that may apply
7 toward teacher preparation program requirements under this chapter.

8 (b) The state board of education shall require that at the time of
9 the individual's enrollment in a teacher preparation program, the
10 supervising teacher and the building principal shall jointly provide to
11 the teacher preparation program of the higher education institution at
12 which the teacher candidate is enrolled, a written assessment of the
13 performance of the teacher candidate. The assessment shall contain
14 such information as determined by the state board of education and
15 shall include: Evidence that at least fifty percent of the candidate's
16 work as a noncertificated teacher's aide was involved in instructional
17 activities with children under the supervision of a certificated
18 teacher and that the candidate worked a minimum of six hundred thirty
19 hours for one school year; the type of work performed by the candidate;
20 and a recommendation of whether the candidate's work experience as a
21 noncertificated teacher's aide should be substituted for teacher
22 preparation program requirements. In compliance with such rules as may
23 be established by the state board of education under this section, the
24 teacher preparation programs of the higher education institution where
25 the candidate is enrolled shall make the final determination as to what
26 teacher preparation program requirements may be fulfilled by teacher
27 aide work experience.

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

32 (6) Accredite, subject to such accreditation standards and
33 procedures as may be established by the state board of education, all
34 schools that apply for accreditation, and approve, subject to the
35 provisions of RCW 28A.195.010, private schools carrying out a program
36 for any or all of the grades one through twelve: PROVIDED, That no
37 public or private schools shall be placed upon the list of accredited
38 schools so long as secret societies are knowingly allowed to exist
39 among its students by school officials: PROVIDED FURTHER, That the

1 state board may elect to require all or certain classifications of the
2 public schools to conduct and participate in such pre-accreditation
3 examination and evaluation processes as may now or hereafter be
4 established by the board.

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

10 (8) Prepare such outline of study for the common schools as the
11 board shall deem necessary, and prescribe such rules for the general
12 government of the common schools, as shall seek to secure regularity of
13 attendance, prevent truancy, secure efficiency, and promote the true
14 interest of the common schools.

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

19 (10) Carry out board powers and duties relating to the organization
20 and reorganization of school districts under RCW 28A.315.010 through
21 28A.315.680 and 28A.315.900.

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

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

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

37 *Sec. 22 was vetoed. See message at end of chapter.

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

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

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

18 *Sec. 23 was vetoed. See message at end of chapter.

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

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

30 (2) In addition to providing basic skills instruction to eligible
31 parents, the program may include other program components which may
32 include transportation, child care, and such other directly necessary
33 activities as may be necessary to accomplish the purposes of RCW
34 28A.610.020 through 28A.610.060.

35 (3) Parents who elect to participate in training or work programs,
36 as a condition of receiving public assistance, shall have the hours
37 spent in parent participation programs, conducted as part of a federal
38 head start program, or the state early childhood education and

1 assistance program under RCW 28A.215.100 through 28A.215.200 and
2 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
3 28A.610.020 through 28A.610.060, counted toward the fulfillment of
4 their work and training obligation for the receipt of public
5 assistance.

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

9 (5) The superintendent of public instruction shall adopt rules as
10 necessary to carry out the purposes of RCW 28A.610.020 through
11 28A.610.060.

12 *Sec. 24 was vetoed. See message at end of chapter.

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

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

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

23 It is the intent of the legislature that the University of
24 Washington, the Washington State University, and the department of
25 community, trade, and economic development work cooperatively with the
26 private sector in the development and implementation of a world class
27 technology transfer program.

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

30 (1) The technology center shall be administered by the board of
31 directors of the technology center.

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

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

18 (3) The duties of the board include:

19 (a) Developing the general operating policies for the technology
20 center;

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

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

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

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

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

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

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

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

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

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

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

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

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

29 The IMPACT center shall:

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

33 (a) The design and development of information and strategies to
34 expand the long-term international markets for Washington agricultural
35 products; and

1 (b) The dissemination of such information and strategies to
2 Washington exporters, overseas users, and public and private trade
3 organizations;

4 (2) Research and identify current impediments to increased exports
5 of Washington agricultural products, and determine methods of
6 surmounting those impediments and opportunities for exporting new
7 agricultural products and commodities to foreign markets;

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

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

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

18 (6) Link itself through cooperative agreements with the center for
19 international trade in forest products at the University of Washington,
20 the state department of agriculture, the ((state)) department of
21 community, trade, and economic development, Washington's agriculture
22 businesses and associations, and other state agency data collection,
23 processing, and dissemination efforts; and

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

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

30 (1) The Washington high-technology coordinating board is hereby
31 created.

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

33 (a) Eleven shall be citizen members appointed by the governor, with
34 the consent of the senate, for four-year terms. In making the
35 appointments the governor shall ensure that a balanced geographic
36 representation of the state is achieved and shall attempt to choose
37 persons experienced in high-technology fields, including at least one
38 representative of labor. Any person appointed to fill a vacancy

1 occurring before a term expires shall be appointed only for the
2 remainder of that term; and

3 (b) Seven of the members shall be as follows: One representative
4 from each of the state's two research universities, one representative
5 of the state college and regional universities, the director for the
6 state system of community and technical colleges or the director's
7 designee, the superintendent of public instruction or the
8 superintendent's designee, a representative of the higher education
9 coordinating board, and the director of the department of community,
10 trade, and economic development or the director's designee.

11 (3) Members of the board shall not receive any salary for their
12 services, but shall be reimbursed for travel expenses under RCW
13 43.03.050 and 43.03.060 for each day actually spent in attending to
14 duties as a member of the board.

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

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

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

22 (2) The board shall:

23 (a) Determine the specific high-technology occupational fields in
24 which technical training is needed and advise the institutions of
25 higher education and the higher education coordinating board on their
26 findings;

27 (b) Identify economic areas and high-technology industries in need
28 of technical training and research and development critical to economic
29 development and advise the institutions of higher education and the
30 higher education coordinating board on their findings;

31 (c) Oversee and coordinate the Washington high-technology education
32 and training program to insure high standards, efficiency, and
33 effectiveness;

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

37 (e) Work cooperatively with and provide any information or advice
38 which may be requested by the higher education coordinating board

1 during the board's review of new baccalaureate degree program proposals
2 which are submitted under this chapter. Nothing in this chapter shall
3 be construed as altering or superseding the powers or prerogatives of
4 the higher education coordinating board over the review of new degree
5 programs as established in ((RCW 28B.80.035)) section 6(2) of this 1985
6 act;

7 (f) Work cooperatively with the department of community, trade, and
8 economic development to identify the high-technology education and
9 training needs of existing Washington businesses and businesses with
10 the potential to locate in Washington;

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

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

15 (i) Establish and maintain a plan, including priorities, to guide
16 high-technology program development in public institutions of higher
17 education, which plan shall include an assessment of current high-
18 technology programs, steps to increase existing programs, new
19 initiatives and programs necessary to promote high technology, and
20 methods to coordinate and target high-technology programs to changing
21 market opportunities in business and industry; and

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

25 (i) An evaluation of each program;

26 (ii) A determination of the feasibility of expanding the program;
27 and

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

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

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

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

36 Staff support for the high-technology coordinating board shall be
37 provided by the department of community, trade, and economic
38 development.

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

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

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

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

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

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

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

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

21 The department of community, trade, and economic development shall
22 identify federal, state, and local agencies that should receive
23 notification that a new city or town is about to incorporate and shall
24 assist newly formed cities and towns during the interim period before
25 the official date of incorporation in providing such notification to
26 the identified agencies.

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

29 Within thirty days after the filing of a city's or town's
30 annexation resolution pursuant to RCW 35.13.015 with the board of
31 county commissioners or within thirty days after filing with the county
32 commissioners a petition calling for an election on annexation, as
33 provided in RCW 35.13.020, or within thirty days after approval by the
34 legislative body of a city or town of a petition of property owners
35 calling for annexation, as provided in RCW 35.13.130, the mayor of the
36 city or town concerned that is not subject to the jurisdiction of a

1 boundary review board under chapter 36.93 RCW, shall convene a review
2 board composed of the following persons:

3 (1) The mayor of the city or town initiating the annexation by
4 resolution, or the mayor in the event of a twenty percent annexation
5 petition pursuant to RCW 35.13.020, or an alternate designated by
6 ((him)) the mayor;

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

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

12 Two additional members to be designated, one by the mayor of the
13 annexing city, which member shall be a resident property owner of the
14 city, and one by the chairman of the county legislative authority,
15 which member shall be a resident of and a property owner or a resident
16 or a property owner if there be no resident property owner in the area
17 proposed to be annexed, shall be added to the original membership and
18 the full board thereafter convened upon call of the mayor: PROVIDED
19 FURTHER, That three members of the board shall constitute a quorum.

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

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

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

34 (a) Notifies the utility of the inability to pay the bill,
35 including a security deposit. This notice should be provided within
36 five business days of receiving a payment overdue notice unless there
37 are extenuating circumstances. If the customer fails to notify the
38 utility within five business days and service is terminated, the

1 customer can, by paying reconnection charges, if any, and fulfilling
2 the requirements of this section, receive the protections of this
3 chapter;

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

12 (c) Has applied for home heating assistance from applicable
13 government and private sector organizations and certifies that any
14 assistance received will be applied to the current bill and future
15 utility bills;

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

19 (e) Agrees to a payment plan and agrees to maintain the payment
20 plan. The plan will be designed both to pay the past due bill by the
21 following October 15 and to pay for continued utility service. If the
22 past due bill is not paid by the following October 15, the customer
23 shall not be eligible for protections under this chapter until the past
24 due bill is paid. The plan shall not require monthly payments in
25 excess of seven percent of the customer's monthly income plus one-
26 twelfth of any arrearage accrued from the date application is made and
27 thereafter during November 15 through March 15. A customer may agree
28 to pay a higher percentage during this period, but shall not be in
29 default unless payment during this period is less than seven percent of
30 monthly income plus one-twelfth of any arrearage accrued from the date
31 application is made and thereafter. If assistance payments are
32 received by the customer subsequent to implementation of the plan, the
33 customer shall contact the utility to reformulate the plan; and

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

35 (3) The utility shall:

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

1 (b) Assist the customer in fulfilling the requirements under this
2 section;

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

6 (d) Be permitted to disconnect service if the customer fails to
7 honor the payment program. Utilities may continue to disconnect
8 service for those practices authorized by law other than for nonpayment
9 as provided for in this section. Customers who qualify for payment
10 plans under this section who default on their payment plans and are
11 disconnected can be reconnected and maintain the protections afforded
12 under this chapter by paying reconnection charges, if any, and by
13 paying all amounts that would have been due and owing under the terms
14 of the applicable payment plan, absent default, on the date on which
15 service is reconnected; and

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

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

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

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

32 (1) Every city and town, including every code city operating under
33 Title 35A RCW, shall identify and catalog real property owned by the
34 city or town that is no longer required for its purposes and is
35 suitable for the development of affordable housing for very low-income,
36 low-income, and moderate-income households as defined in RCW
37 43.63A.510. The inventory shall include the location, approximate
38 size, and current zoning classification of the property. Every city

1 and town shall provide a copy of the inventory to the department of
2 community, trade, and economic development by November 1, 1993, with
3 inventory revisions each November 1 thereafter.

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

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

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

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

11 (2) As used in this section:

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

14 (b) "Area median income" means:

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

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

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

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

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

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

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

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

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

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

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

37 (8) The provisions of this section do not apply to cities and towns
38 not meeting the conditions in subsection (1) of this section. Cities

1 and towns not meeting the conditions of subsection (1) of this section
2 may enter into contracts pursuant to RCW 35.21.775.

3 **Sec. 40.** RCW 36.01.120 and 1985 c 466 s 44 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. 41.** RCW 36.27.100 and 1989 c 271 s 236 are each amended to
13 read as follows:

14 The legislature recognizes that, due to the magnitude or volume of
15 offenses in a given area of the state, there is a recurring need for
16 supplemental assistance in the prosecuting of drug and drug-related
17 offenses that can be directed to the area of the state with the
18 greatest need for short-term assistance. A state-wide drug prosecution
19 assistance program is created within the department of community,
20 trade, and economic development to assist county prosecuting attorneys
21 in the prosecution of drug and drug-related offenses.

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

24 *(1) Each county that has both a population of fifty thousand or*
25 *more and has had its population increase by more than ten percent in*
26 *the previous ten years, and the cities located within such county, and*
27 *any other county regardless of its population that has had its*
28 *population increase by more than twenty percent in the previous ten*
29 *years, and the cities located within such county, shall conform with*
30 *all of the requirements of this chapter. However, the county*
31 *legislative authority of such a county with a population of less than*
32 *fifty thousand population may adopt a resolution removing the county,*
33 *and the cities located within the county, from the requirements of*
34 *adopting comprehensive land use plans and development regulations under*
35 *this chapter if this resolution is adopted and filed with the*
36 *department by December 31, 1990, for counties initially meeting this*

1 set of criteria, or within sixty days of the date the office of
2 financial management certifies that a county meets this set of criteria
3 under subsection (5) of this section.

4 Once a county meets either of these sets of criteria, the
5 requirement to conform with all of the requirements of this chapter
6 remains in effect, even if the county no longer meets one of these sets
7 of criteria.

8 (2) The county legislative authority of any county that does not
9 meet either of the sets of criteria established under subsection (1) of
10 this section may adopt a resolution indicating its intention to have
11 subsection (1) of this section apply to the county. Each city, located
12 in a county that chooses to plan under this subsection, shall conform
13 with all of the requirements of this chapter. Once such a resolution
14 has been adopted, the county and the cities located within the county
15 remain subject to all of the requirements of this chapter.

16 (3) Any county or city that is initially required to conform with
17 all of the requirements of this chapter under subsection (1) of this
18 section shall take actions under this chapter as follows: (a) The
19 county legislative authority shall adopt a county-wide planning policy
20 under RCW 36.70A.210; (b) the county and each city located within the
21 county shall designate critical areas, agricultural lands, forest
22 lands, and mineral resource lands, and adopt development regulations
23 conserving these designated agricultural lands, forest lands, and
24 mineral resource lands and protecting these designated critical areas,
25 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
26 take other actions related to urban growth areas under RCW 36.70A.110;
27 (d) if the county has a population of fifty thousand or more, the
28 county and each city located within the county shall adopt a
29 comprehensive plan under this chapter and development regulations that
30 are consistent with and implement the comprehensive plan on or before
31 July 1, 1994, and if the county has a population of less than fifty
32 thousand, the county and each city located within the county shall
33 adopt a comprehensive plan under this chapter and development
34 regulations that are consistent with and implement the comprehensive
35 plan by January 1, 1995, but if the governor makes written findings
36 that a county with a population of less than fifty thousand or a city
37 located within such a county is not making reasonable progress toward
38 adopting a comprehensive plan and development regulations the governor
39 may reduce this deadline for such actions to be taken by no more than

1 one hundred eighty days. Any county or city subject to this subsection
2 may obtain an additional six months before it is required to have
3 adopted its development regulations by submitting a letter notifying
4 the department (~~(of community development)~~) of its need prior to the
5 deadline for adopting both a comprehensive plan and development
6 regulations.

7 (4) Any county or city that is required to conform with all the
8 requirements of this chapter, as a result of the county legislative
9 authority adopting its resolution of intention under subsection (2) of
10 this section, shall take actions under this chapter as follows: (a)
11 The county legislative authority shall adopt a county-wide planning
12 policy under RCW 36.70A.210; (b) the county and each city that is
13 located within the county shall adopt development regulations
14 conserving agricultural lands, forest lands, and mineral resource lands
15 it designated under RCW 36.70A.060 within one year of the date the
16 county legislative authority adopts its resolution of intention; (c)
17 the county shall designate and take other actions related to urban
18 growth areas under RCW 36.70A.110; and (d) the county and each city
19 that is located within the county shall adopt a comprehensive plan and
20 development regulations that are consistent with and implement the
21 comprehensive plan not later than four years from the date the county
22 legislative authority adopts its resolution of intention, but a county
23 or city may obtain an additional six months before it is required to
24 have adopted its development regulations by submitting a letter
25 notifying the department (~~(of community development)~~) of its need prior
26 to the deadline for adopting both a comprehensive plan and development
27 regulations.

28 (5) If the office of financial management certifies that the
29 population of a county that previously had not been required to plan
30 under subsection (1) or (2) of this section has changed sufficiently to
31 meet either of the sets of criteria specified under subsection (1) of
32 this section, and where applicable, the county legislative authority
33 has not adopted a resolution removing the county from these
34 requirements as provided in subsection (1) of this section, the county
35 and each city within such county shall take actions under this chapter
36 as follows: (a) The county legislative authority shall adopt a county-
37 wide planning policy under RCW 36.70A.210; (b) the county and each city
38 located within the county shall adopt development regulations under RCW
39 36.70A.060 conserving agricultural lands, forest lands, and mineral

1 resource lands it designated within one year of the certification by
2 the office of financial management; (c) the county shall designate and
3 take other actions related to urban growth areas under RCW 36.70A.110;
4 and (d) the county and each city located within the county shall adopt
5 a comprehensive land use plan and development regulations that are
6 consistent with and implement the comprehensive plan within four years
7 of the certification by the office of financial management, but a
8 county or city may obtain an additional six months before it is
9 required to have adopted its development regulations by submitting a
10 letter notifying the department (~~of community development~~) of its
11 need prior to the deadline for adopting both a comprehensive plan and
12 development regulations.

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

15 *Sec. 42 was vetoed. See message at end of chapter.

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

18 (1) The legislature intends to determine whether the environmental
19 review process mandated under chapter 43.21C RCW may be enhanced and
20 simplified, and coordination improved, when applied to comprehensive
21 plans mandated by this chapter. The department (~~of community
22 development~~) shall undertake pilot projects on environmental review to
23 determine if the review process can be improved by fostering more
24 coordination and eliminating duplicative environmental analysis which
25 is made to assist decision makers approving comprehensive plans
26 pursuant to this chapter. Such pilot projects should be designed and
27 scoped to consider cumulative impacts resulting from plan decisions,
28 plan impacts on environmental quality, impacts on adjacent
29 jurisdictions, and similar factors in sufficient depth to simplify the
30 analysis of subsequent specific projects being carried out pursuant to
31 the approved plan.

32 (2) The legislature hereby authorizes the department (~~of community
33 development~~) to establish, in cooperation with business, industry,
34 cities, counties, and other interested parties, at least two but not
35 more than four pilot projects, one of which shall be with a county, on
36 enhanced draft and final nonproject environmental analysis of
37 comprehensive plans prepared pursuant to this chapter, for the purposes
38 outlined in subsection (1) of this section. The department (~~of~~

1 ~~community development~~) may select appropriate geographic subareas
2 within a comprehensive plan if that will best serve the purposes of
3 this section and meet the requirements of chapter 43.21C RCW.

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

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

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

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

18 (c) Prepare and circulate to counties and cities such instructional
19 manuals or other information derived from the pilot projects as will
20 assist all counties and cities in meeting the requirements and
21 objectives of chapter 43.21C RCW in the most expeditious and efficient
22 manner in the process of considering comprehensive plans pursuant to
23 this chapter.

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

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

28 Expenditures by the board shall be subject to the provisions of
29 chapter 36.40 RCW and other statutes relating to expenditures by
30 counties. The department of community, trade, and economic development
31 shall on a quarterly basis remit to each county one-half of the actual
32 costs incurred by the county for the operation of the boundary review
33 board within individual counties as provided for in this chapter.
34 However, in the event no funds are appropriated to the said agency for
35 this purpose, this shall not in any way affect the operation of the
36 boundary review board.

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

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

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

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

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

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

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

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

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

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

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

28 (10) The governor's representative from the employment security
29 department;

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

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

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

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

38 (15) The governor's representative from the correctional industries
39 division of the state department of corrections shall be an ex officio

1 member for the purpose of coordination and cooperation between prison
2 and jail industries and to further a positive relationship between
3 state and local government offender programs.

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

6 *The department of community, trade, and economic development shall*
7 *administer the comprehensive emergency management program of the state*
8 *of Washington as provided for in this chapter. All local*
9 *organizations, organized and performing emergency management functions*
10 *pursuant to RCW 38.52.070, may change their name and be called the*
11 *. department/division of emergency management.*

12 **Sec. 46 was vetoed. See message at end of chapter.*

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

15 *As used in this chapter:*

16 *(1) "Emergency management" or "comprehensive emergency management"*
17 *means the preparation for and the carrying out of all emergency*
18 *functions, other than functions for which the military forces are*
19 *primarily responsible, to mitigate, prepare for, respond to, and*
20 *recover from emergencies and disasters, and to aid victims suffering*
21 *from injury or damage, resulting from disasters caused by all hazards,*
22 *whether natural or man-made, and to provide support for search and*
23 *rescue operations for persons and property in distress. However,*
24 *"emergency management" or "comprehensive emergency management" does not*
25 *mean preparation for emergency evacuation or relocation of residents in*
26 *anticipation of nuclear attack.*

27 *(2) "Local organization for emergency services or management" means*
28 *an organization created in accordance with the provisions of this*
29 *chapter by state or local authority to perform local emergency*
30 *management functions.*

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

32 *(4) "Emergency worker" means any person, including but not limited*
33 *to an architect registered under chapter 18.08 RCW or a professional*
34 *engineer registered under chapter 18.43 RCW, who is registered with a*
35 *local emergency management organization or the department of community,*
36 *trade, and economic development and holds an identification card issued*
37 *by the local emergency management director or the department of*

1 community, trade, and economic development for the purpose of engaging
2 in authorized emergency management activities or is an employee of the
3 state of Washington or any political subdivision thereof who is called
4 upon to perform emergency management activities.

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

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

15 (b) "Emergency" as used in RCW 38.52.430 means an incident that
16 requires a normal police, coroner, fire, rescue, emergency medical
17 services, or utility response as a result of a violation of one of the
18 statutes enumerated in RCW 38.52.430.

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

26 (8) "Executive head" and "executive heads" means the county
27 executive in those charter counties with an elective office of county
28 executive, however designated, and, in the case of other counties, the
29 county legislative authority. In the case of cities and towns, it
30 means the mayor.

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

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

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

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

1 (13) "Expense of an emergency response" as used in RCW 38.52.430
2 means reasonable costs incurred by a public agency in reasonably making
3 an appropriate emergency response to the incident, but shall only
4 include those costs directly arising from the response to the
5 particular incident. Reasonable costs shall include the costs of
6 providing police, coroner, fire fighting, rescue, emergency medical
7 services, or utility response at the scene of the incident, as well as
8 the salaries of the personnel responding to the incident.

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

13 *Sec. 47 was vetoed. See message at end of chapter.

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

16 (1) The director of each local organization for emergency
17 management may, in collaboration with other public and private agencies
18 within this state, develop or cause to be developed mutual aid
19 arrangements for reciprocal emergency management aid and assistance in
20 case of disaster too great to be dealt with unassisted. Such
21 arrangements shall be consistent with the state emergency management
22 plan and program, and in time of emergency it shall be the duty of each
23 local organization for emergency management to render assistance in
24 accordance with the provisions of such mutual aid arrangements. The
25 director (~~of community development~~) shall adopt and distribute a
26 standard form of contract for use by local organizations in
27 understanding and carrying out said mutual aid arrangements.

28 (2) The director (~~of community development~~) and the director of
29 each local organization for emergency management may, subject to the
30 approval of the governor, enter into mutual aid arrangements with
31 emergency management agencies or organizations in other states for
32 reciprocal emergency management aid and assistance in case of disaster
33 too great to be dealt with unassisted. All such arrangements shall be
34 pursuant to either of the compacts contained in subsection (2) (a) or
35 (b) of this section.

36 (a) The legislature recognizes that the compact language contained
37 in this subsection is inadequate to meet many forms of emergencies.

1 *For this reason, after June 7, 1984, the state may not enter into any*
2 *additional compacts under this subsection (2)(a).*

3 *INTERSTATE CIVIL DEFENSE*
4 *AND DISASTER COMPACT*

5 *The contracting States solemnly agree:*

6 *Article 1. The purpose of this compact is to provide mutual aid*
7 *among the States in meeting any emergency or disaster from enemy attack*
8 *or other cause (natural or otherwise) including sabotage and subversive*
9 *acts and direct attacks by bombs, shellfire, and atomic, radiological,*
10 *chemical, bacteriological means, and other weapons. The prompt, full*
11 *and effective utilization of the resources of the respective States,*
12 *including such resources as may be available from the United States*
13 *Government or any other source, are essential to the safety, care and*
14 *welfare of the people thereof in the event of enemy action or other*
15 *emergency, and any other resources, including personnel, equipment or*
16 *supplies, shall be incorporated into a plan or plans of mutual aid to*
17 *be developed among the civil defense agencies or similar bodies of the*
18 *States that are parties hereto. The Directors of Civil Defense*
19 *(Emergency Services) of all party States shall constitute a committee*
20 *to formulate plans and take all necessary steps for the implementation*
21 *of this compact.*

22 *Article 2. It shall be the duty of each party State to formulate*
23 *civil defense plans and programs for application within such State.*
24 *There shall be frequent consultation between the representatives of the*
25 *States and with the United States Government and the free exchange of*
26 *information and plans, including inventories of any materials and*
27 *equipment available for civil defense. In carrying out such civil*
28 *defense plans and programs the party States shall so far as possible*
29 *provide and follow uniform standards, practices and rules and*
30 *regulations including:*

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

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

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

37 *(d) The effective screening or extinguishing of all lights and*
38 *lighting devices and appliances;*

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

3 (f) All materials or equipment used or to be used for civil defense
4 purposes in order to assure that such materials and equipment will be
5 easily and freely interchangeable when used in or by any other party
6 State;

7 (g) The conduct of civilians and the movement and cessation of
8 movement of pedestrians and vehicular traffic, prior, during, and
9 subsequent to drills or attacks;

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

11 (i) Mobile support units.

12 Article 3. Any party State requested to render mutual aid shall
13 take such action as is necessary to provide and make available the
14 resources covered by this compact in accordance with the terms hereof;
15 provided that it is understood that the State rendering aid may
16 withhold resources to the extent necessary to provide reasonable
17 protection for such State. Each party State shall extend to the civil
18 defense forces of any other party State, while operating within its
19 State limits under the terms and conditions of this compact, the same
20 powers (except that of arrest unless specifically authorized by the
21 receiving State), duties, rights, privileges and immunities as if they
22 were performing their duties in the State in which normally employed or
23 rendering services. Civil defense forces will continue under the
24 command and control of their regular leaders but the organizational
25 units will come under the operational control of the civil defense
26 authorities of the State receiving assistance.

27 Article 4. Whenever any person holds a license, certificate or
28 other permit issued by any State evidencing the meeting of
29 qualifications for professional, mechanical or other skills, such
30 person may render aid involving such skill in any party State to meet
31 an emergency or disaster and such State shall give due recognition to
32 such license, certificate or other permit as if issued in the State in
33 which aid is rendered.

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

1 Article 6. Inasmuch as it is probable that the pattern and detail
2 of the machinery for mutual aid among two or more states may differ
3 from that appropriate among other States party hereto, this instrument
4 contains elements of a broad base common to all States, and nothing
5 herein contained shall preclude any State from entering into
6 supplementary agreements with another State or States. Such
7 supplementary agreements may comprehend, but shall not be limited to,
8 provisions for evacuation and reception of injured and other persons,
9 and the exchange of medical, fire, police, public utility,
10 reconnaissance, welfare, transportation and communications personnel,
11 equipment and supplies.

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

18 Article 8. Any party State rendering aid in another State pursuant
19 to this compact shall be reimbursed by the party State receiving such
20 aid for any loss or damage to, or expense incurred in the operation of
21 any equipment answering a request for aid, and for the cost incurred in
22 connection with such requests; provided, that any aiding State may
23 assume in whole or in part such loss, damage, expense, or other cost,
24 or may loan such equipment or donate such services to the receiving
25 party State without charge or cost; and provided further that any two
26 or more party States may enter into supplementary agreements
27 establishing a different allocation of costs as among those States.
28 The United States Government may relieve the party State receiving aid
29 from any liability and reimburse the party State supplying civil
30 defense forces for the compensation paid to and the transportation,
31 subsistence and maintenance expenses of such forces during the time of
32 the rendition of such aid or assistance outside the State and may also
33 pay fair and reasonable compensation for the use or utilization of the
34 supplies, materials, equipment or facilities so utilized or consumed.

35 Article 9. Plans for the orderly evacuation and reception of the
36 civilian population as the result of an emergency or disaster shall be
37 worked out from time to time between representatives of the party
38 States and the various local civil defense areas thereof. Such plans
39 shall include the manner of transporting such evacuees, the number of

1 evacuees to be received in different areas, the manner in which food,
2 clothing, housing, and medical care will be provided, the registration
3 of the evacuees, the providing of facilities for the notification of
4 relatives or friends and the forwarding of such evacuees to other areas
5 or the bringing in of additional materials, supplies, and all other
6 relevant factors. Such plans shall provide that the party State
7 receiving evacuees shall be reimbursed generally for the out-of-pocket
8 expenses incurred in receiving and caring for such evacuees, for
9 expenditures for transportation, food, clothing, medicines and medical
10 care and like items. Such expenditures shall be reimbursed by the
11 party State of which the evacuees are residents, or by the United
12 States Government under plans approved by it. After the termination of
13 the emergency or disaster the party State of which the evacuees are
14 resident shall assume the responsibility for the ultimate support or
15 repatriation of such evacuees.

16 Article 10. This compact shall be available to any State,
17 territory or possession of the United States, and the District of
18 Columbia. The term "State" may also include any neighboring foreign
19 country or province or state thereof.

20 Article 11. The committee established pursuant to Article 1 of
21 this compact may request the Civil Defense Agency of the United States
22 Government to act as an informational and coordinating body under this
23 compact, and representatives of such agency of the United States
24 Government may attend meetings of such committee.

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

33 Article 13. This compact shall continue in force and remain
34 binding on each party State until the legislature or the Governor of
35 such party State takes action to withdraw therefrom. Such action shall
36 not be effective until 30 days after notice thereof has been sent by
37 the Governor of the party State desiring to withdraw to the Governors
38 of all other party States.

1 Article 14. This compact shall be construed to effectuate the
2 purposes stated in Article 1 hereof. If any provision of this compact
3 is declared unconstitutional, or the applicability thereof to any
4 person or circumstance is held invalid, the constitutionality of the
5 remainder of this compact and the applicability thereof to other
6 persons and circumstances shall not be effected thereby.

7 Article 15. (a) This Article shall be in effect only as among
8 those states which have enacted it into law or in which the Governors
9 have adopted it pursuant to constitutional or statutory authority
10 sufficient to give it the force of law as part of this compact.
11 Nothing contained in this Article or in any supplementary agreement
12 made in implementation thereof shall be construed to abridge, impair or
13 supersede any other provision of this compact or any obligation
14 undertaken by a State pursuant thereto, except that if its terms so
15 provide, a supplementary agreement in implementation of this Article
16 may modify, expand or add to any such obligation as among the parties
17 to the supplementary agreement.

18 (b) In addition to the occurrences, circumstances and subject
19 matters to which preceding articles of this compact make it applicable,
20 this compact and the authorizations, entitlements and procedures
21 thereof shall apply to:

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

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

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

30 4. The giving and receiving of aid by subdivisions of party
31 States.

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

35 (c) Except as expressly limited by this compact or a supplementary
36 agreement in force pursuant thereto, any aid authorized by this compact
37 or such supplementary agreement may be furnished by any agency of a
38 party State, a subdivision of such State, or by a joint agency
39 providing such aid shall be entitled to reimbursement therefor to the

1 same extent and in the same manner as a State. The personnel of such
2 a joint agency, when rendering aid pursuant to this compact shall have
3 the same rights, authority and immunity as personnel of party States.

4 (d) Nothing in this Article shall be construed to exclude from the
5 coverage of Articles 1-15 of this compact any matter which, in the
6 absence of this Article, could reasonably be construed to be covered
7 thereby.

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

11 INTERSTATE MUTUAL AID COMPACT

12 Purpose

13 The purpose of this Compact is to provide voluntary assistance among
14 participating states in responding to any disaster or imminent
15 disaster, that over extends the ability of local and state governments
16 to reduce, counteract or remove the danger. Assistance may include,
17 but not be limited to, rescue, fire, police, medical, communication,
18 transportation services and facilities to cope with problems which
19 require use of special equipment, trained personnel or personnel in
20 large numbers not locally available.

21 Authorization

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

29 Implementation

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

32 1. Participating states through their designated officials are
33 authorized to request and to receive assistance from a participating
34 state. Requests will be granted only if the requesting state is
35 committed to the mitigation of the emergency, and other resources are
36 not immediately available.

1 officers, agents, or employees when performing their respective
2 functions within the territorial limits of their respective political
3 subdivisions, shall apply to them to the same degree and extent while
4 engaged in the performance of any of their functions and duties extra-
5 territorially under the provisions of this Agreement.

6 2. All privileges and immunities from liability, exemptions from
7 law, ordinances, and rules, workers' compensation and other benefits
8 which apply to duly enrolled or registered volunteers when performing
9 their respective functions at the request of their state and within its
10 territorial limits, shall apply to the same degree and extent while
11 performing their functions extra-territorially under the provisions of
12 this Agreement. Volunteers may include, but not be limited to,
13 physicians, surgeons, nurses, dentists, structural engineers, and
14 trained search and rescue volunteers.

15 3. The signatory states, their political subdivisions, municipal
16 corporations and other public agencies shall hold harmless the
17 corresponding entities and personnel thereof from the other state with
18 respect to the acts and omissions of its own agents and employees that
19 occur while providing assistance pursuant to the common plan.

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

22 5. Upon enactment of this Agreement by two or more states, and by
23 January 1, annually thereafter, the participating states will exchange
24 with each other the names of officials designated to request and/or
25 provide services under this arrangement. In accordance with the
26 cooperative nature of this arrangement, it shall be permissible and
27 desirable for the parties to exchange operational procedures to be
28 followed in requesting assistance and reimbursing expenses.

29 6. This compact shall enter into force and become effective and
30 binding upon the states so acting when it has been enacted into law by
31 any two states. Thereafter, this compact shall enter into force and
32 become effective and binding as to any other of said states upon
33 similar action by such state.

34 7. This compact shall continue in force and remain binding upon a
35 party state until it shall have enacted a statute repealing the same
36 and providing for the sending of formal written notice of withdrawal
37 from the compact to the appropriate official of all other party states.
38 An actual withdrawal shall not take effect until the thirtieth
39 consecutive day after the notice provided in the statute has been sent.

1 Such withdrawal shall not relieve the withdrawing state from its
2 obligations assumed hereunder prior to the effective date of
3 withdrawal.

4 *Sec. 48 was vetoed. See message at end of chapter.

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

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

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

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

13 (3) "State fire marshal" means the assistant director of the
14 division of fire protection services in the department (~~(of community~~
15 ~~development)~~).

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

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

23 (6) "Mobilization" means that fire fighting resources beyond those
24 available through existing agreements will be requested and, when
25 available, sent to fight a fire that has or soon will exceed the
26 capabilities of available local resources. During a large scale fire
27 emergency, mobilization includes redistribution of regional or state-
28 wide fire fighting resources to either direct fire fighting assignments
29 or to assignment in communities where fire fighting resources are
30 needed. This chapter shall not reduce or suspend the authority or
31 responsibility of the department of natural resources under chapter
32 76.04 RCW.

33 (7) "Mutual aid" means emergency interagency assistance provided
34 without compensation under (~~(and—[an])~~) an agreement between
35 jurisdictions under chapter 39.34 RCW.

36 *Sec. 49 was vetoed. See message at end of chapter.

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

1 Because of the possibility of the occurrence of disastrous fires or
2 other disasters of unprecedented size and destructiveness, the need to
3 insure that the state is adequately prepared to respond to such a fire
4 or disaster, the need to establish a mechanism and a procedure to
5 provide for reimbursement to fire fighting agencies that respond to
6 help others in time of need, and generally to protect the public peace,
7 health, safety, lives, and property of the people of Washington, it is
8 hereby declared necessary to:

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

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

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

17 *Sec. 50 was vetoed. See message at end of chapter.

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

20 There is created the state fire defense board consisting of the
21 state fire marshal, a representative from the department of natural
22 resources appointed by the commissioner of public lands, the assistant
23 director of the emergency management division of the department (~~of~~
24 ~~community development~~), and one representative selected by each
25 regional fire defense board in the state. Members of the state fire
26 defense board shall select from among themselves a chairperson.
27 Members serving on the board do so in a voluntary capacity and are not
28 eligible for reimbursement for meeting-related expenses from the state.

29 The state fire defense board shall develop and maintain the
30 Washington state fire services mobilization plan, which shall include
31 the procedures to be used during fire emergencies for coordinating
32 local, regional, and state fire jurisdiction resources. The Washington
33 state fire services mobilization plan shall be consistent with, and
34 made part of, the Washington state comprehensive emergency management
35 plan. The director shall review the fire services mobilization plan as
36 submitted by the state fire defense board and after consultation with
37 the fire protection policy board, recommend changes that may be

1 necessary, and approve the fire services mobilization plan for
2 inclusion within the state comprehensive emergency management plan.

3 It is the responsibility of the director to mobilize jurisdictions
4 under the Washington state fire services mobilization plan. The state
5 fire marshal shall serve as the state fire resources coordinator when
6 the Washington state fire services mobilization plan is mobilized.

7 *Sec. 51 was vetoed. See message at end of chapter.

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

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

15 *Sec. 52 was vetoed. See message at end of chapter.

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

18 (1) There is hereby created an advisory committee on minority and
19 women's business enterprises to assist the director with the
20 development of policies to carry out this chapter, consisting of the
21 director of the office of financial management as a voting member and
22 the following nonvoting members: The executive director of the human
23 rights commission, a representative of the council of state college and
24 university presidents, the commissioner of employment security, the
25 secretary of social and health services, the secretary of
26 transportation, the director of general administration, and the
27 director of community, trade, and economic development. The president
28 of the senate and the speaker of the house shall appoint two members
29 each, one from the majority, and one from the minority party of each
30 body. The governor shall appoint nine voting members from the private
31 sector who shall be representative of both sexes and who shall also be
32 ethnically and geographically diverse. Six of the private sector
33 members shall represent minority and women-owned businesses; three
34 members shall be from the business community.

35 (2) The initial terms of the private sector members shall commence
36 on July 1, 1983. Five private sector members shall be appointed for an
37 initial term of two years; four private sector members shall be
38 appointed for an initial term of four years. Thereafter, all private

1 *sector members shall be appointed for four years or until their*
2 *respective successors are appointed. Appointments to fill vacancies*
3 *shall be for the balance of any unexpired term, and shall be filled in*
4 *the same manner as the original appointments.*

5 (3) *Private sector members shall serve without pay, but all*
6 *committee members shall be entitled to reimbursement for travel*
7 *expenses incurred in performance of their duties as members of the*
8 *committee under RCW 43.03.050 and 43.03.060, except that legislative*
9 *members shall be entitled to reimbursement under RCW 44.04.120.*

10 (4) *Six voting members constitute a quorum for the conduct of*
11 *official business. The advisory committee shall elect a chairperson*
12 *from among the private sector members.*

13 *Sec. 53 was vetoed. See message at end of chapter.

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

16 For each state or local government bond issued, the underwriter of
17 the issue shall supply the department of community, trade, and economic
18 development with information on the bond issue within twenty days of
19 its issuance. In cases where the issuer of the bond makes a direct or
20 private sale to a purchaser without benefit of an underwriter, the
21 issuer shall supply the required information. The bond issue
22 information shall be provided on a form prescribed by the department of
23 community, trade, and economic development and shall include but is not
24 limited to: (1) The par value of the bond issue; (2) the effective
25 interest rates; (3) a schedule of maturities; (4) the purposes of the
26 bond issue; (5) cost of issuance information; and (6) the type of bonds
27 that are issued. A copy of the bond covenants shall be supplied with
28 this information.

29 For each state or local government bond issued, the issuer's bond
30 counsel promptly shall provide to the underwriter or to the department
31 of community, trade, and economic development information on the amount
32 of any fees charged for services rendered with regard to the bond
33 issue.

34 Each local government that issues any type of bond shall make a
35 report annually to the department of community, trade, and economic
36 development that includes a summary of all the outstanding bonds of the
37 local government as of the first day of January in that year. Such
38 report shall distinguish the outstanding bond issues on the basis of

1 the type of bond, as defined in RCW 39.44.200, and shall report the
2 local government's outstanding indebtedness compared to any applicable
3 limitations on indebtedness, including RCW 35.42.200, 39.30.010, and
4 39.36.020.

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

7 The department of community, trade, and economic development may
8 adopt rules and regulations pursuant to the administrative procedure
9 act to require (1) the submission of bond issuance information by
10 underwriters and bond counsel to the department of community, trade,
11 and economic development in a timely manner and (2) the submission of
12 additional information on bond issues by state and local governments,
13 including summaries of outstanding bond issues.

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

16 (1) Prior to issuance of any revenue bonds, each public corporation
17 shall submit a copy of its enabling ordinance and charter, a
18 description of any industrial development facility proposed to be
19 undertaken, and the basis for its qualification as an industrial
20 development facility to the department of community, trade, and
21 economic development.

22 (2) If the industrial development facility is not eligible under
23 this chapter, the department of community, trade, and economic
24 development shall give notice to the public corporation, in writing and
25 by certified mail, within twelve working days of receipt of the
26 description.

27 (3) The department of trade and economic development shall report
28 annually through 1989 to the chairs of the committees on ways and means
29 of the senate and house of representatives, including one copy to the
30 staff of each of the committees, and to the governor on the amount of
31 capital investment undertaken under this chapter and the amount of
32 permanent employment reasonably related to the existence of such
33 industrial development facilities.

34 (4) The department of community, trade, and economic development
35 shall provide such advice and assistance to public corporations and
36 municipalities which have created or may wish to create public
37 corporations as the public corporations or municipalities request and

1 the department of community, trade, and economic development considers
2 appropriate.

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

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

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

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

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

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

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

19 (6) "Code" means the federal internal revenue code of 1986 as it
20 exists on May 8, 1987. It also means the code as amended after May 8,
21 1987, but only if the amendments are approved by the agency under RCW
22 39.86.180.

23 (7) "Director" means the director of the agency or the director's
24 designee.

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

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

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

36 (11) "Initial allocation" means the portion or dollar value of the
37 state ceiling which initially in each calendar year is allocated to a

1 bond use category for the issuance of private activity bonds, in
2 accordance with RCW 39.86.120.

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

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

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

11 (15) "Public utility" means the bond use category which includes
12 those bonds described in section 1317(25) of the tax reform act of
13 1986.

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

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

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

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

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

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

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

29 The state archivist is authorized to reproduce those documents
30 designated as essential records by the several elected and appointed
31 officials of the state and local government by microfilm or other
32 miniature photographic process and to assist and cooperate in the
33 storage and safeguarding of such reproductions in such place as is
34 recommended by the state archivist with the advice of the director of
35 community, trade, and economic development. The state archivist shall
36 coordinate the essential records protection program and shall carry out
37 the provisions of the state emergency plan as they relate to the
38 preservation of essential records. The state archivist is authorized

1 to charge the several departments of the state and local government the
2 actual cost incurred in reproducing, storing and safeguarding such
3 documents: PROVIDED, That nothing herein shall authorize the
4 destruction of the originals of such documents after reproduction
5 thereof.

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

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

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

16 For the purposes of RCW 42.17.240, the term "executive state
17 officer" includes:

18 (1) The chief administrative law judge, the director of
19 agriculture, the administrator of the office of marine safety, the
20 administrator of the Washington basic health plan, the director of the
21 department of services for the blind, the director of the state system
22 of community and technical colleges, the director of community, trade,
23 and economic development, the secretary of corrections, the director of
24 ecology, the commissioner of employment security, the chairman of the
25 energy facility site evaluation council, the director of the energy
26 office, the secretary of the state finance committee, the director of
27 financial management, the director of fish and wildlife, the executive
28 secretary of the forest practices appeals board, the director of the
29 gambling commission, the director of general administration, the
30 secretary of health, the administrator of the Washington state health
31 care authority, the executive secretary of the health care facilities
32 authority, the executive secretary of the higher education facilities
33 authority, the executive secretary of the horse racing commission, the
34 executive secretary of the human rights commission, the executive
35 secretary of the indeterminate sentence review board, the director of
36 the department of information services, the director of the interagency
37 committee for outdoor recreation, the executive director of the state

1 investment board, the director of labor and industries, the director of
2 licensing, the director of the lottery commission, the director of the
3 office of minority and women's business enterprises, the director of
4 parks and recreation, the director of personnel, the executive director
5 of the public disclosure commission, the director of retirement
6 systems, the director of revenue, the secretary of social and health
7 services, the chief of the Washington state patrol, the executive
8 secretary of the board of tax appeals, (~~the director of trade and~~
9 ~~economic development,~~) the secretary of transportation, the secretary
10 of the utilities and transportation commission, the director of
11 veterans affairs, the president of each of the regional and state
12 universities and the president of The Evergreen State College, each
13 district and each campus president of each state community college;

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

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

16 (4) Central Washington University board of trustees, board of
17 trustees of each community college, each member of the state board for
18 community and technical colleges, state convention and trade center
19 board of directors, committee for deferred compensation, Eastern
20 Washington University board of trustees, Washington economic
21 development finance authority, The Evergreen State College board of
22 trustees, forest practices appeals board, forest practices board,
23 gambling commission, Washington health care facilities authority, each
24 member of the Washington health services commission, higher education
25 coordinating board, higher education facilities authority, horse racing
26 commission, state housing finance commission, human rights commission,
27 indeterminate sentence review board, board of industrial insurance
28 appeals, information services board, interagency committee for outdoor
29 recreation, state investment board, liquor control board, lottery
30 commission, marine oversight board, oil and gas conservation committee,
31 Pacific Northwest electric power and conservation planning council,
32 parks and recreation commission, personnel appeals board, board of
33 pilotage commissioners, pollution control hearings board, public
34 disclosure commission, public pension commission, shorelines hearing
35 board, public employees' benefits board, board of tax appeals,
36 transportation commission, University of Washington board of regents,
37 utilities and transportation commission, Washington state maritime
38 commission, Washington personnel resources board, Washington public
39 power supply system executive board, Washington State University board

1 of regents, Western Washington University board of trustees, and fish
2 and wildlife commission.

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

5 (1) The governor may, by executive order, after consultation with
6 or notification of the executive-legislative committee on economic
7 development created by chapter . . . (Senate Bill No. 5300), Laws of
8 1993, declare a community to be a "military impacted area." A
9 "military impacted area" means a community or communities, as
10 identified in the executive order, that experience serious social and
11 economic hardships because of a change in defense spending by the
12 federal government in that community or communities.

13 (2) If the governor executes an order under subsection (1) of this
14 section, the governor shall establish a response team to coordinate
15 state efforts to assist the military impacted community. The response
16 team may include, but not be limited to, one member from each of the
17 following agencies: (a) The department of community, trade, and
18 economic development; (b) ~~((the department of trade and economic~~
19 ~~development;—(e)))~~ the department of social and health services;
20 ~~((+d))~~ (c) the employment security department; ~~((+e))~~ (d) the state
21 board for community and technical colleges; ~~((+f))~~ (e) the higher
22 education coordinating board; ~~((+g))~~ (f) the department of
23 transportation; and ~~((+h))~~ (g) the Washington energy office. The
24 governor may appoint a response team coordinator. The governor shall
25 seek to actively involve the impacted community or communities in
26 planning and implementing a response to the crisis. The governor may
27 seek input or assistance from the community diversification advisory
28 committee, and the governor may establish task forces in the community
29 or communities to assist in the coordination and delivery of services
30 to the local community. The state and community response shall
31 consider economic development, human service, and training needs of the
32 community or communities impacted.

33 (3) The governor shall report at the beginning of the next
34 legislative session to the legislature and the executive-legislative
35 committee on economic development created by chapter . . . (Senate Bill
36 No. 5300), Laws of 1993, as to the designation of a military impacted
37 area. The report shall include recommendations regarding whether a
38 military impacted area should become eligible for (a) funding provided

1 by the community economic revitalization board, public facilities
2 construction loan revolving account, Washington state development loan
3 fund, basic health plan, the public works assistance account,
4 department of community, trade, and economic development, employment
5 security department, and department of transportation; (b) training for
6 dislocated defense workers; or (c) services for dislocated defense
7 workers.

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

10 (1) Any money appropriated from the public safety and education
11 account pursuant to RCW 43.08.250 for civil representation of indigent
12 persons shall be used solely for the purpose of contracting with
13 qualified legal aid programs for legal representation of indigent
14 persons in matters relating to: (a) Domestic relations and family law
15 matters, (b) public assistance, health care, and entitlement programs,
16 (c) public housing and utilities, and (d) unemployment compensation.
17 For purposes of this section, a "qualified legal aid program" means a
18 not-for-profit corporation incorporated and operating exclusively in
19 Washington which has received basic field funding for the provision of
20 civil legal services to indigents under Public Law 101-515.

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

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

35 (b)(i) For purposes of this section, "lobbying" means any personal
36 service, advertisement, telegram, telephone communication, letter,
37 printed or written matter, or other device directly or indirectly

1 intended to influence any member of congress or any other federal,
2 state, or local nonjudicial official, whether elected or appointed:

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

7 (B) In connection with any referendum, initiative, constitutional
8 amendment, or any similar procedure of the congress, any state
9 legislature, any local council, or any similar governing body acting in
10 a legislative capacity; or

11 (C) In connection with inclusion of any provision in a legislative
12 measure appropriating funds to, or defining or limiting the functions
13 or authority of, the recipient of funds pursuant to chapter 54, Laws of
14 1992.

15 (ii) "Lobbying" does not include the response of an employee of a
16 legal aid program to a written request from a governmental agency, an
17 elected or appointed official, or committee on a specific matter. This
18 exception does not authorize communication with anyone other than the
19 requesting party, or agent or employee of such agency, official, or
20 committee.

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

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

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

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

37 (3) The nature and quantity of the property in question is directly
38 germane to the needs of the homeless persons served by the shelter and

1 the purpose for which the shelter exists and the shelter agrees to use
2 the property for such needs and purposes; and

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

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

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

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

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

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

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

1 available since the last update. As used in this section, "real
2 property" means buildings, land, or buildings and land.

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

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

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

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

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

27 Before the director shall construct said steam generating facility
28 within the state, or make application for any permit, license or other
29 right necessary thereto, ((he)) the director shall give notice thereof
30 by publishing once a week for four consecutive weeks in a newspaper of
31 general circulation in the county or counties in which such project is
32 located a statement of intention setting forth the general nature,
33 extent and location of the project. If any public utility in the state
34 or any operating agency desires to construct such facility, such
35 utility or operating agency shall notify the director thereof within
36 ten days after the last date of publication of such notice. If the

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

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

32 Beginning on July 1, 1991, the department of community, trade, and
33 economic development shall be responsible for performing all the
34 consumer complaint and related functions of the state administrative
35 agency that are required for purposes of complying with the regulations
36 established by the federal department of housing and urban development
37 for manufactured housing, including the preparation and submission of
38 the state administrative plan.

1 The department of community, trade, and economic development may
2 enter into state or local interagency agreements to coordinate site
3 inspection activities with record monitoring and complaint handling.
4 The interagency agreement may also provide for the reimbursement for
5 cost of work that an agency performs. The department may include other
6 related areas in any interagency agreements which are necessary for the
7 efficient provision of services.

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

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

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

17 The department of agriculture is hereby designated as the agency of
18 state government for the administration and implementation of state
19 agricultural market development programs and activities, both domestic
20 and foreign, and shall, in addition to the powers and duties otherwise
21 imposed by law, have the following powers and duties:

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

24 (2) To collect, prepare, and analyze foreign and domestic market
25 data;

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

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

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

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

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

7 (8) To publish and disseminate to interested citizens and others
8 information which will aid in carrying out the purposes of chapters
9 43.23, 15.64, 15.65, and 15.66 RCW;

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

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

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

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

21 (13) To develop a coordinated marketing program with the department
22 of community, trade, and economic development, utilizing existing trade
23 offices and participating in mutual trade missions and activities.

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

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

28 The department of community, trade, and economic development shall
29 contract with public and private agencies, institutions, and
30 organizations to conduct entrepreneurial training courses for minority
31 and women-owned small businesses. The instruction shall be intensive,
32 practical training courses in financing, marketing, managing,
33 accounting, and recordkeeping for a small business, with an emphasis on
34 federal, state, local, or private programs available to assist small
35 businesses. The business assistance center may recommend professional
36 instructors, with practical knowledge and experience on how to start
37 and operate a business, to teach the courses. Instruction shall be
38 offered in major population centers throughout the state at times and

1 locations which are convenient for minority and women small business
2 owners and entrepreneurs.

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

5 The principal proceeds from the sale of the bonds authorized in RCW
6 43.31.956 shall be administered by the director of community, trade,
7 and economic development.

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

10 *Information contained in the files and records of the section*
11 *relative to the commission of any crime by any person shall be*
12 *considered privileged and shall not be made public or disclosed for any*
13 *personal purpose or in any civil court proceedings except upon a*
14 *written order of the judge of a court wherein such civil proceedings*
15 *are had. All information contained in the files of the section*
16 *relative to criminal records and personal histories of persons arrested*
17 *for the commission of a crime shall be available to all criminal*
18 *justice agencies and, for the sole purpose of investigating the cause*
19 *of fires under RCW 48.48.060(2) where the cause is suspected to be*
20 *arson, to the director of community, trade, and economic development,*
21 *through the director of fire protection, upon the filing of an*
22 *application as provided in RCW 43.43.705.*

23 *Although no application for information has been made to the*
24 *section as provided in RCW 43.43.705, the section may transmit such*
25 *information in the chief's discretion, to such agencies as are*
26 *authorized by RCW 43.43.705 to make application for it.*

27 ***Sec. 73** was vetoed. See message at end of chapter.

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

30 The director of the department of community, trade, and economic
31 development shall enforce manufactured housing safety and construction
32 standards adopted by the secretary of housing and urban development
33 under the National Manufactured Housing Construction and Safety
34 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).
35 Furthermore, the director may make agreements with the United States
36 government, state agencies, or private inspection organizations to

1 implement the development and enforcement of applicable provisions of
2 this chapter and the National Manufactured Housing Construction and
3 Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
4 regarding the state administrative agency program.

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

7 (1) The department of health shall be the primary inspector of
8 labor camps and farmworker housing for the state of Washington:
9 PROVIDED, That the department of labor and industries shall be the
10 inspector for all farmworker housing not covered by the authority of
11 the state board of health.

12 (2) The department of health, the department of labor and
13 industries, the department of community, trade, and economic
14 development, the state board of health, and the employment security
15 department shall develop an interagency agreement defining the rules
16 and responsibilities for the inspection of farmworker housing. This
17 agreement shall recognize the department of health as the primary
18 inspector of labor camps for the state, and shall further be designed
19 to provide a central information center for public information and
20 education regarding farmworker housing. The agencies shall provide the
21 legislature with a report on the results of this agreement by January
22 1, 1991.

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

25 The legislature recognizes that the state patrol, the office of the
26 administrator for the courts, the sheriffs' and police chiefs'
27 association, the department of social and health services, the
28 department of community, trade, and economic development, the
29 sentencing guidelines commission, the department of corrections, and
30 the superintendent of public instruction each have comprehensive data
31 and analysis capabilities that have contributed greatly to our current
32 understanding of crime and violence, and their causes.

33 The legislature finds, however, that a single health-oriented
34 agency must be designated to provide consistent guidelines to all these
35 groups regarding the way in which their data systems collect this
36 important data. It is not the intent of the legislature by RCW
37 43.70.545 to transfer data collection requirements from existing

1 agencies or to require the addition of major new data systems. It is
2 rather the intent to make only the minimum required changes in existing
3 data systems to increase compatibility and comparability, reduce
4 duplication, and to increase the usefulness of data collected by these
5 agencies in developing more accurate descriptions of violence.

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

8 (1) The charitable, educational, penal and reformatory institutions
9 account is hereby created, in the state treasury, into which account
10 there shall be deposited all moneys arising from the sale, lease or
11 transfer of the land granted by the United States government to the
12 state for charitable, educational, penal and reformatory institutions
13 by section 17 of the enabling act, or otherwise set apart for such
14 institutions, except all moneys arising from the sale, lease, or
15 transfer of that certain one hundred thousand acres of such land
16 assigned for the support of the University of Washington by chapter 91,
17 Laws of 1903 and section 9, chapter 122, Laws of 1893.

18 (2) If feasible, not less than one-half of all income to the
19 charitable, educational, penal, and reformatory institutions account
20 shall be appropriated for the purpose of providing housing, including
21 repair and renovation of state institutions, for persons who are
22 mentally ill, developmentally disabled, or youth who are blind, deaf,
23 or otherwise disabled. If moneys are appropriated for community-based
24 housing, the moneys shall be appropriated to the department of
25 community, trade, and economic development for the housing assistance
26 program under chapter 43.185 RCW.

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

29 For the purpose of acquiring land and providing needed capital
30 improvements consisting of the planning, acquisition, construction,
31 remodeling, and furnishing, together with all improvements,
32 enhancements, fixed equipment facilities of office buildings, parking
33 facilities, and such other buildings, facilities, and utilities as are
34 determined to be necessary to provide space including offices,
35 committee rooms, hearing rooms, work rooms, and industrial-related
36 space for the legislature, for other elective officials, and such other
37 state agencies as may be necessary, and for the purpose of land

1 acquisitions by the department of transportation, grants and loans by
2 the department of community, trade, and economic development, and
3 facilities of the department of corrections and other state agencies,
4 the state finance committee is authorized to issue general obligation
5 bonds of the state of Washington in the sum of sixty-four million two
6 hundred seventy thousand dollars, or so much thereof as may be
7 required, to finance these projects and all costs incidental thereto.
8 No bonds authorized in this section may be offered for sale without
9 prior legislative appropriation.

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

12 The director of financial management or the director's designee
13 shall, in cooperation with appropriate legislative committees and
14 legislative staff, establish a mechanism for the determination of the
15 fiscal impact of proposed legislation which if enacted into law would
16 directly or indirectly increase or decrease revenues received or
17 expenditures incurred by counties, cities, towns, or any other
18 political subdivisions of the state. The office of financial
19 management shall, when requested by a member of the state legislature,
20 report in writing as to such fiscal impact and said report shall be
21 known as a "fiscal note".

22 Such fiscal notes shall indicate by fiscal year the total impact on
23 the subdivisions involved for the first two years the legislation would
24 be in effect and also a cumulative six year forecast of the fiscal
25 impact. Where feasible and applicable, the fiscal note also shall
26 indicate the fiscal impact on each individual county or on a
27 representative sampling of cities, towns, or other political
28 subdivisions.

29 A fiscal note as defined in this section shall be provided only
30 upon request of any member of the state legislature. A legislator also
31 may request that such a fiscal note be revised to reflect the impact of
32 proposed amendments or substitute bills. Fiscal notes shall be
33 completed within seventy-two hours of the request unless a longer time
34 period is allowed by the requesting legislator. In the event a fiscal
35 note has not been completed within seventy-two hours of a request, a
36 daily report shall be prepared for the requesting legislator by the
37 director of financial management which report summarizes the progress
38 in preparing the fiscal note. If the request is referred to the

1 director of community, trade, and economic development, the daily
2 report shall also include the date and time such referral was made.

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

5 The director of financial management is hereby empowered to
6 designate the director of community, trade, and economic development as
7 the official responsible for the preparation of fiscal notes authorized
8 and required by this chapter. It is the intent of the legislature that
9 when necessary the resources of other state agencies, appropriate
10 legislative staffs, and the various associations of local government
11 may be employed in the development of such fiscal notes.

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

14 The office of financial management and the department of community,
15 trade, and economic development shall, in cooperation with appropriate
16 legislative committees and legislative staff, establish a procedure for
17 the provision of sunrise notes on the expected impact of bills and
18 resolutions that authorize the creation of new boards and new types of
19 special purpose districts.

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

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

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

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

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

33 Prior to September 1, 1994, the department of natural resources and
34 the department of ecology, working together and at the direction of the
35 joint select committee on marine and ocean resources, shall complete an

1 analysis of the potential positive and negative impacts of the leasing
2 of state-owned lands which is described in RCW 43.143.010(2). The
3 department shall consult with the departments of (~~fisheries, wildlife,~~
4 ~~community development, and~~) fish and wildlife and community, trade,
5 and economic development, and with the public, when preparing this
6 analysis. The analysis shall be presented to the legislature no later
7 than September 1, 1994. This analysis shall be used by the legislature
8 in determining whether the oil and gas leasing moratorium contained in
9 RCW 43.143.010 should be extended.

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

12 The governor may establish a state-wide center for volunteerism and
13 citizen service within the department of community, trade, and economic
14 development and appoint an executive administrator, who may employ such
15 staff as necessary to carry out the purposes of this chapter. The
16 provisions of chapter 41.06 RCW do not apply to the executive
17 administrator and the staff.

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

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

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

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

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

30 (4) "Local governments" means cities, towns, counties, special
31 purpose districts, and any other municipal corporations or quasi-
32 municipal corporations in the state excluding school districts and port
33 districts.

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

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

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

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

11 (2) The board shall consist of the chairman of and one minority
12 member appointed by the speaker of the house of representatives from
13 the committee (~~(on trade, economic development, and housing)~~) of the
14 house of representatives that deals with issues of economic
15 development, the chairman of and one minority member appointed by the
16 president of the senate from the committee (~~(on trade, technology, and~~
17 ~~economic development)~~) of the senate that deals with issues of economic
18 development, and the following members appointed by the governor: A
19 recognized private or public sector economist; one port district
20 official; one county official; one city official; one representative of
21 the public; one representative of small businesses each from: (a) The
22 area west of Puget Sound, (b) the area east of Puget Sound and west of
23 the Cascade range, (c) the area east of the Cascade range and west of
24 the Columbia river, and (d) the area east of the Columbia river; one
25 executive from large businesses each from the area west of the Cascades
26 and the area east of the Cascades. The appointive members shall
27 initially be appointed to terms as follows: Three members for one-year
28 terms, three members for two-year terms, and three members for three-
29 year terms which shall include the chair. Thereafter each succeeding
30 term shall be for three years. The chair of the board shall be
31 selected by the governor. The members of the board shall elect one of
32 their members to serve as vice-chair. The director of community,
33 trade, and economic development, (~~(the director of community~~
34 ~~development,~~) the director of revenue, the commissioner of employment
35 security, and the secretary of transportation shall serve as nonvoting
36 advisory members of the board.

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

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

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

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

14 In addition to its powers and duties under this chapter, the
15 community economic revitalization board shall cooperate with the
16 Washington state development loan fund committee in order to provide
17 for coordination of their very similar programs. Under this chapter,
18 it is the duty of the department of community, trade, and economic
19 development and the board to financially assist the committee to the
20 extent required by law. Funds appropriated to the board or the
21 department of community, trade, and economic development for the use of
22 the board shall be transferred to the department of community, trade,
23 and economic development to the extent required by law.

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

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

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

32 (3) The subcommittee shall consist of the following members: Six
33 members of the board including: (a) The chair; (b) the county
34 official; (c) the city official; (d) the port district official; (e) a
35 legislator, appointed by the chair; and (f) the representative of the
36 public. The members' terms shall coincide with their terms of
37 appointment to the board.

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

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

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

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

12 The Washington economic development finance authority is
13 established as a public body corporate and politic, with perpetual
14 corporate succession, constituting an instrumentality of the state of
15 Washington exercising essential governmental functions. The authority
16 is a public body within the meaning of RCW 39.53.010.

17 The authority shall consist of eighteen members as follows: The
18 director of the department of community, trade, and economic
19 development, (~~the director of the department of community~~
20 ~~development,~~) the director of the department of agriculture, the state
21 treasurer, one member from each caucus in the house of representatives
22 appointed by the speaker of the house, one member from each caucus in
23 the senate appointed by the president of the senate, and ten public
24 members with one representative of women-owned businesses and one
25 representative of minority-owned businesses and with at least three of
26 the members residing east of the Cascades. The public members shall be
27 residents of the state appointed by the governor on the basis of their
28 interest or expertise in trade, agriculture or business finance or jobs
29 creation and development. One of the public members shall be appointed
30 by the governor as chair of the authority and shall serve as chair of
31 the authority at the pleasure of the governor. The authority may
32 select from its membership such other officers as it deems appropriate.

33 The term of the persons appointed by the governor as public members
34 of the authority, including the public member appointed as chair, shall
35 be four years from the date of appointment, except that the term of
36 three of the initial appointees shall be for two years from the date of
37 appointment and the term of four of the initial appointees shall be for

1 three years from the date of appointment. The governor shall designate
2 the appointees who will serve the two-year and three-year terms.

3 In the event of a vacancy on the authority due to death,
4 resignation or removal of one of the public members, or upon the
5 expiration of the term of one of the public members, the governor shall
6 appoint a successor for the remainder of the unexpired term. If either
7 of the state offices is abolished, the resulting vacancy on the
8 authority shall be filled by the state officer who shall succeed
9 substantially to the power and duties of the abolished office.

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

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

19 The members of the authority shall serve without compensation but
20 shall be entitled to reimbursement, solely from the funds of the
21 authority, for expenses incurred in the discharge of their duties under
22 this chapter. The authority may borrow funds from the department for
23 the purpose of reimbursing members for expenses; however, the authority
24 shall repay the department as soon as practicable.

25 A majority of the authority shall constitute a quorum.

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

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

33 (2) The authority shall coordinate its programs with those
34 contributing to a common purpose found elsewhere in the departments of
35 community, trade, and economic development, (~~community development,~~)
36 agriculture or employment security, or any other department or
37 organization of, or affiliated with, the state or federal government,
38 and shall avoid any duplication of such activities or programs provided

1 elsewhere. The departments of community, trade, and economic
2 development, (~~community development,~~) agriculture, employment
3 security and other relevant state agencies shall provide to the
4 authority all reports prepared in the course of their ongoing
5 activities which may assist in the identification of unmet capital
6 financing needs by small-sized and medium-sized businesses in the
7 state.

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

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

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

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

15 (3) "Distressed area" means: (a) A county that has an unemployment
16 rate that is twenty percent above the state-wide average for the
17 previous three years; or (b) a community or area that has experienced
18 sudden and severe or long-term and severe loss of employment, or
19 erosion of its economic base due to decline of its dominant industries;
20 or (c) an area within a county which area: (i) Is composed of
21 contiguous census tracts; (ii) has a minimum population of five
22 thousand persons; (iii) has at least seventy percent of its families
23 and unrelated individuals with incomes below eighty percent of the
24 county's median income for families and unrelated individuals; and (iv)
25 has an unemployment rate which is at least forty percent higher than
26 the county's unemployment rate. For purposes of this definition,
27 "families and unrelated individuals" has the same meaning that is
28 ascribed to that term by the federal department of housing and urban
29 development in its regulations authorizing action grants for economic
30 development and neighborhood revitalization projects.

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

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

34 (6) "Technical assistance" includes, but is not limited to,
35 assistance with strategic planning, market research, business plan
36 development review, organization and management development, accounting
37 and legal services, grant and loan packaging, and other assistance

1 which may be expected to contribute to the redevelopment and economic
2 well-being of a distressed area.

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

5 The Washington state development loan fund committee shall be
6 terminated on June 30, 1994, and its powers and duties transferred to
7 the director of the department of community, trade, and economic
8 development.

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

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

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

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

17 (3) "Program" means the small business innovators' opportunity
18 program.

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

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

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

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

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

34 The composition and organizational structure of the program shall
35 be determined by the department in a manner which will foster the
36 continuation of the program without state funding at the end of the

1 pilot project established by this chapter. The department shall
2 provide staff support for the program for the duration of the pilot
3 project. The program shall:

4 (1) Receive proposals from inventors and innovators;

5 (2) Review proposals for accuracy and evaluate their prospects for
6 marketability;

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

10 (4) Provide assistance to the innovators and inventors as
11 appropriate; and

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

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

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

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

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

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

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

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

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

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

35 (5) "Qualified contractor" means any resident minority business
36 enterprise or women's business enterprise, as determined by the
37 department to be consistent with the requirements of chapter 39.19 RCW

1 and engaged in the contracting business, which has obtained a
2 certificate of accreditation from the Washington state small business
3 bonding assistance program.

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

6 There is established within the department (~~of trade and economic~~
7 ~~development~~) the Washington state small business bonding assistance
8 program to assist resident minority and women-owned small contracting
9 businesses to acquire the managerial and financial skills, standards,
10 and assistance necessary to enable them to obtain bid, payment, and
11 performance bonds from surety companies for either advertised or
12 designated contracts. The department shall implement the program by
13 establishing a course of instruction as set forth in RCW 43.172.040.
14 The department shall encourage surety companies and other private
15 interests to help implement this course of instruction to assist
16 minority and women-owned small contracting businesses. The department
17 shall adopt rules to ensure the proper implementation of the program
18 set forth in this chapter.

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

21 (1) There is hereby established a public body corporate and
22 politic, with perpetual corporate succession, to be known as the
23 Washington state housing finance commission. The commission is an
24 instrumentality of the state exercising essential government functions
25 and, for purposes of the code, acts as a constituted authority on
26 behalf of the state when it issues bonds pursuant to this chapter. The
27 commission is a "public body" within the meaning of RCW 39.53.010.

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

29 (a) The state treasurer, ex officio;

30 (b) The director of community, trade, and economic development, ex
31 officio;

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

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

1 (e) A representative of labor interests, appointed by the governor,
2 with the consent of the senate, after consultation with representatives
3 of organized labor;

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

6 (g) Five members of the public appointed by the governor, with the
7 consent of the senate, on the basis of geographic distribution and
8 their expertise in housing, real estate, finance, energy efficiency, or
9 construction, one of whom shall be appointed by the governor as chair
10 of the commission and who shall serve on the commission and as chair of
11 the commission at the pleasure of the governor.

12 The term of the persons appointed by the governor, other than the
13 chair, shall be four years from the date of their appointment, except
14 that the terms of three of the initial appointees shall be for two
15 years from the date of their appointment. The governor shall designate
16 the appointees who will serve the two-year terms. An appointee may be
17 removed by the governor for cause pursuant to RCW 43.06.070 and
18 43.06.080. The governor shall fill any vacancy in an appointed
19 position by appointment for the remainder of the unexpired term. If
20 the department of community development is abolished, the resulting
21 vacancy shall be filled by a state official who shall be appointed to
22 the commission by the governor. If this official occupies an office or
23 position for which senate confirmation is not required, then his or her
24 appointment to the commission shall be subject to the consent of the
25 senate. The members of the commission shall be compensated in
26 accordance with RCW 43.03.240 and may be reimbursed, solely from the
27 funds of the commission, for expenses incurred in the discharge of
28 their duties under this chapter, subject to the provisions of RCW
29 43.03.050 and 43.03.060. A majority of the commission constitutes a
30 quorum. Designees shall be appointed in such manner and shall exercise
31 such powers as are specified by the rules of the commission.

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

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

1 For purposes of the code:

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

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

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

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

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

17 (a) Eighty percent of the state ceiling shall be allocated to the
18 commission and twenty percent shall be allocated to the other issuing
19 authorities in the state.

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

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

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

29 (iv) the likelihood of implementing the proposed financing during that
30 year; and (v) consistency with the plan of the commission. On or
31 before February 1 of each year, the department of community, trade, and

32 economic development shall distribute the state ceiling allocation
33 among such issuing authorities and any unused portion shall be added to
34 the allocation of the commission. Each issuing authority other than

35 the commission shall confirm its allocation distribution by providing
36 to the department of community, trade, and economic development no
37 later than June 1 a copy of an executed bond purchase contract or
38 alternative documentation deemed sufficient by the commission to

39 evidence the reasonable likelihood of the allocation distribution being

1 fully used. Any portion of such allocation not so confirmed shall be
2 added to the allocation of the commission on July 1. Prior to July 1,
3 the commission shall provide written notice of the allocation decrease
4 to the affected issuing authority. The reallocation shall not limit
5 the authority of the commission to assign a portion of its allocation
6 pursuant to subsection (5)(c) of this section.

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

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

11 There is created within the department (~~(of community development)~~)
12 the housing assistance program to carry out the purposes of this
13 chapter.

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

16 "Department" means the department of community, trade, and economic
17 development. "Director" means the director of the department of
18 community, trade, and economic development.

19 **Sec. 102.** RCW 43.185A.010 and 1991 c 356 s 10 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) "Affordable housing" means residential housing for rental or
24 private individual ownership which, as long as the same is occupied by
25 low-income households, requires payment of monthly housing costs,
26 including utilities other than telephone, of no more than thirty
27 percent of the family's income.

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

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

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

35 (5) "Low-income household" means a single person, family or
36 unrelated persons living together whose adjusted income is less than

1 eighty percent of the median family income, adjusted for household
2 size, for the county where the project is located.

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

5 The affordable housing program is created in the department (~~of~~
6 ~~community development~~) for the purpose of developing and coordinating
7 public and private resources targeted to meet the affordable housing
8 needs of low-income households in the state of Washington. The program
9 shall be developed and administered by the department with advice and
10 input from the affordable housing advisory board established in RCW
11 43.185B.020.

12 **Sec. 104.** RCW 43.185B.010 and 1993 c 478 s 4 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) "Affordable housing" means residential housing that is rented
17 or owned by a person or household whose monthly housing costs,
18 including utilities other than telephone, do not exceed thirty percent
19 of the household's monthly income.

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

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

24 (4) "Nonprofit organization" means any public or private nonprofit
25 organization that: (a) Is organized under federal, state, or local
26 laws; (b) has no part of its net earnings inuring to the benefit of any
27 member, founder, contributor, or individual; and (c) has among its
28 purposes significant activities related to the provision of decent
29 housing that is affordable to very low-income, low-income, or moderate-
30 income households and special needs populations.

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

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

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

6 There is created the office of the state long-term care ombudsman.
7 The department of community, trade, and economic development shall
8 contract with a private nonprofit organization to provide long-term
9 care ombudsman services as specified under, and consistent with, the
10 federal older Americans act as amended, federal mandates, the goals of
11 the state, and the needs of its citizens. The department of community,
12 trade, and economic development shall ensure that all program and staff
13 support necessary to enable the ombudsman to effectively protect the
14 interests of residents, patients, and clients of all long-term care
15 facilities is provided by the nonprofit organization that contracts to
16 provide long-term care ombudsman services. The long-term care
17 ombudsman program shall have the following powers and duties:

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

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

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

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

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

1 (a) Such complainant or resident, or the complainant's or
2 resident's legal representative, consents in writing to such
3 disclosure; or

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

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

7 The small business export finance assistance center and its
8 branches shall be governed and managed by a board of nineteen directors
9 appointed by the governor and confirmed by the senate. The directors
10 shall serve terms of six years except that two of the original
11 directors shall serve for two years and two of the original directors
12 shall serve for four years. The directors may provide for the payment
13 of their expenses. The directors shall include a representative of a
14 not-for-profit corporation formed for the purpose of facilitating
15 economic development, at least two representatives of state financial
16 institutions engaged in the financing of export transactions, a
17 representative of a port district, and a representative of organized
18 labor. Of the remaining board members, there shall be one
19 representative of business from the area west of Puget Sound, one
20 representative of business from the area east of Puget Sound and west
21 of the Cascade range, one representative of business from the area east
22 of the Cascade range and west of the Columbia river, one representative
23 of business from the area east of the Columbia river, the director of
24 the department of community, trade, and economic development, and the
25 director of the department of agriculture. One of the directors shall
26 be a representative of the public selected from the area in the state
27 west of the Cascade mountain range and one director shall be a
28 representative of the public selected from that area of the state east
29 of the Cascade mountain range. One director shall be a representative
30 of the public at large. The directors shall be broadly representative
31 of geographic areas of the state, and the representatives of businesses
32 shall represent at least four different industries in different sized
33 businesses as follows: (a) One representative of a company employing
34 fewer than one hundred persons; (b) one representative of a company
35 employing between one hundred and five hundred persons; (c) one
36 representative of a company employing more than five hundred persons;
37 (d) one representative from an export management company; and (e) one
38 representative from an agricultural or food processing company. Any

1 vacancies on the board due to the expiration of a term or for any other
2 reason shall be filled by appointment by the governor for the unexpired
3 term.

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

6 The small business export finance assistance center formed under
7 RCW 43.210.020 and 43.210.030 shall enter into a contract under this
8 chapter with the department of community, trade, and economic
9 development or its statutory successor. The contract shall require the
10 center to provide export assistance services, consistent with RCW
11 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of
12 two years, and shall require the center to aggressively seek to fund
13 its continued operation from nonstate funds. The contract shall also
14 require the center to report annually to the department on its success
15 in obtaining nonstate funding. Upon expiration of the contract, any
16 provisions within the contract applicable to the Pacific Northwest
17 export assistance project shall be automatically renewed without change
18 provided the legislature appropriates funds for administration of the
19 small business export assistance center and the Pacific Northwest
20 export assistance project. The provisions of the contract related to
21 the Pacific Northwest export assistance project may be changed at any
22 time if the director of the department of community, trade, and
23 economic development or the president of the small business export
24 finance assistance center present compelling reasons supporting the
25 need for a contract change to the board of directors and a majority of
26 the board of directors agrees to the changes. The department of
27 agriculture shall be included in the contracting negotiations with the
28 department of community, trade, and economic development and the small
29 business export finance assistance center when the Pacific Northwest
30 export assistance project provides export services to industrial
31 sectors within the administrative domain of the Washington state
32 department of agriculture. The department of community, trade, and
33 economic development, the small business export finance assistance
34 center, and, if appropriate, the department of agriculture, shall
35 report annually, as one group, to the appropriate legislative oversight
36 committees on the progress of the Pacific Northwest export assistance
37 project.

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

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

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

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

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

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

27 (a) To assist manufacturers relatively new to exporting with gross
28 annual revenues less than twenty-five million dollars with
29 comprehensive services for designing and managing introductory export
30 strategies and in securing financing and credit guarantees for export
31 transactions;

32 (b) To provide, in cooperation with the export promotion services
33 offered by the department of community, trade, and economic development
34 and the Washington state department of agriculture, information and
35 assistance to manufacturers with gross annual revenues less than
36 twenty-five million dollars about the methods and procedures of

1 structuring company specific export financing and credit guarantee
2 alternatives; or

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

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

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

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

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

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

22 (1) Conservation corps members shall be unemployed residents of the
23 state between eighteen and twenty-five years of age at the time of
24 enrollment who are citizens or lawful permanent residents of the United
25 States. The age requirements may be waived for corps leaders and
26 specialists with special leadership or occupational skills; such
27 members shall be given special responsibility for providing leadership,
28 character development, and sense of community responsibility to the
29 corps members, groups, and work crews to which they are assigned. The
30 upper age requirement may be waived for residents who have a sensory or
31 mental handicap. Special effort shall be made to recruit minority and
32 disadvantaged youth who meet selection criteria of the conservation
33 corps. Preference shall be given to youths residing in areas, both
34 urban and rural, in which there exists substantial unemployment
35 exceeding the state average unemployment rate.

36 (2) The legislature finds that people with developmental
37 disabilities would benefit from experiencing a meaningful work

1 experience, and learning the value of labor and of membership in a
2 productive society.

3 The legislature urges state agencies that are participating in the
4 Washington conservation corps program to consider for enrollment in the
5 program people who have developmental disabilities, as defined in RCW
6 71A.10.020.

7 If an agency chooses to enroll people with developmental
8 disabilities in its Washington conservation corps program, the agency
9 may apply to the United States department of labor, employment
10 standards administration for a special subminimum wage certificate in
11 order to be allowed to pay enrollees with developmental disabilities
12 according to their individual levels of productivity.

13 (3) Corps members shall not be considered state employees. Other
14 provisions of law relating to civil service, hours of work, rate of
15 compensation, sick leave, unemployment compensation, state retirement
16 plans, and vacation leave do not apply to the Washington conservation
17 corps except for the crew leaders, who shall be project employees, and
18 the administrative and supervisory personnel.

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

26 (5) Corps members are to be available at all times for emergency
27 response services coordinated through the department of community,
28 trade, and economic development or other public agency. Duties may
29 include sandbagging and flood cleanup, search and rescue, and other
30 functions in response to emergencies.

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

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

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

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

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

7 Funding priority shall be given to those applicants that represent
8 well-established existing programs and applicants that represent new
9 programs that are being created in geographic areas where no programs
10 presently exist.

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

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

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

18 (3) To aid the department of community, trade, and economic
19 development in making its determination, the department shall form a
20 peer review committee comprised of the executive administrator for the
21 crime victims' advocacy office and individuals who have experience in
22 the treatment of victims of predatory violent sex offenders. The peer
23 review committee shall advise the department on the extent to which
24 each eligible applicant meets the purposes and criteria of this
25 chapter. The department shall consider this advice in making awards.

26 (4) Activities funded under this section may be considered for
27 funding in future years, but shall be considered under the same terms
28 and criteria as new activities. Funding under this chapter shall not
29 constitute an obligation by the state of Washington to provide ongoing
30 funding.

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

33 The department of community, trade, and economic development may
34 receive such gifts, grants, and endowments from public or private
35 sources as may be made from time to time, in trust or otherwise, for
36 the use and benefit of the purposes of this chapter and expend the same

1 or any income therefrom according to the terms of the gifts, grants, or
2 endowments.

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

5 (1) The department of community, trade, and economic development
6 may recommend existing programs or contract with either school
7 districts or community organizations, or both, through a request for
8 proposal process for the development, administration, and
9 implementation in the county of community-based gang risk prevention
10 and intervention pilot programs.

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

15 (3) The school district or community organization proposal shall
16 include:

17 (a) A description of the program goals, activities, and curriculum.
18 The description of the program goals shall include a list of measurable
19 objectives for the purpose of evaluation by the department of
20 community, trade, and economic development. To the extent possible,
21 proposals shall contain empirical data on current problems, such as
22 drop-out rates and occurrences of violence on and off campus by school-
23 age individuals.

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

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

28 (d) A clear description of the experience, expertise, and other
29 qualifications of the community organizations to conduct an effective
30 prevention and intervention program in cooperation with a school or a
31 group of schools.

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

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

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

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

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

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

19 *Sec. 118 was vetoed. See message at end of chapter.

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

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

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

30 (3) If a placard for a specific alternative fuel source has not
31 been issued by the national fire protection association, a placard
32 issued by the director of community, trade, and economic development,
33 through the director of fire protection, shall be required. The
34 director of community, trade, and economic development, through the
35 director of fire protection, shall develop rules for the design, size,

1 *and placement of the placard which shall remain effective until a*
2 *specific placard is issued by the national fire protection association.*
3 *Sec. 119 was vetoed. See message at end of chapter.

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

6 The state-interest component of the state-wide multimodal
7 transportation plan shall include a state public transportation plan
8 that:

9 (1) Articulates the state vision of an interest in public
10 transportation and provides quantifiable objectives, including benefits
11 indicators;

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

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

16 (4) Recommends mechanisms for coordinating public transportation
17 with other transportation services and modes;

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

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

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

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

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

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

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

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

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

33 Responsibility for construction and maintenance is hereby
34 established between the department and the parks and recreation
35 commission with the department responsible for activities financed with
36 funds provided for under RCW 47.39.030(1) and the parks and recreation
37 commission responsible for activities financed from other sources of

1 funds. By mutual consent, responsibility for development and/or
2 maintenance may be transferred between the two agencies.

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

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

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

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

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

26 (3) The control classification system shall be developed consistent
27 with the following:

28 (a) The department shall, no later than January 1, 1993, adopt
29 rules setting forth procedures governing the implementation of the
30 access control classification system required by this chapter. The
31 rule shall provide for input from the entities described in (b) of this
32 subsection as well as for public meetings to discuss the access control
33 classification system. Nothing in this chapter shall affect the
34 validity of the department's existing or subsequently adopted rules
35 concerning access to the state highway system. Such rules shall remain
36 in effect until repealed or replaced by the rules required by this
37 chapter.

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

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

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

13 (ii) The current functional classification as well as potential
14 future functional classification of each road on the state highway
15 system;

16 (iii) Existing and projected traffic volumes;

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

19 (v) Drainage requirements;

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

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

22 (viii) Other operational aspects of access;

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

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

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

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

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

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

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

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

13 (a) Abandonment cost-benefit analyses, to include the public and
14 private costs and benefits of maintaining the service, providing
15 alternative service including necessary road improvement costs, or of
16 taking no action;

17 (b) Assistance in the formation of county rail districts and port
18 districts; and

19 (c) Feasibility studies for rail service continuation and/or rail
20 service assistance.

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

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

28 (b) Local jurisdictions and local economic development agencies;
29 and

30 (c) Other interested public and private organizations.

31 *Sec. 125 was vetoed. See message at end of chapter.

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

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

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

6 *Sec. 126 was vetoed. See message at end of chapter.

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

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

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

20 *Sec. 127 was vetoed. See message at end of chapter.

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

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

32 (2) *The director of community, trade, and economic development,*
33 *through the director of fire protection or his or her authorized*
34 *deputy, may, upon request by the chief fire official or the local*
35 *governing body or of taxpayers of such area, assist in the enforcement*
36 *of any such code.*

37 *Sec. 128 was vetoed. See message at end of chapter.

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

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

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

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

20 **Sec. 129 was vetoed. See message at end of chapter.*

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

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

1 imposed by this subsection. For the purposes of this subsection,
2 county officials shall be designated by the county legislative
3 authority, and city or town officials shall be designated by the
4 appropriate city or town legislative or executive authority. In
5 addition to the responsibility imposed by this subsection, any sheriff
6 or chief of police may assist in the investigation of the cause,
7 origin, and extent of loss of all fires occurring within his or her
8 respective jurisdiction.

9 (2) The director of community, trade, and economic development,
10 through the director of fire protection or his or her deputy, may
11 investigate any fire for the purpose of determining its cause, origin,
12 and the extent of the loss. The director of community, trade, and
13 economic development, through the director of fire protection or his or
14 her deputy, shall assist in the investigation of those fires of
15 criminal, suspected, or undetermined cause when requested by the
16 reporting agency. In the investigation of any fire of criminal,
17 suspected, or undetermined cause, the director of community, trade, and
18 economic development and the director of fire protection or his or her
19 deputy, are vested with police powers to enforce the laws of this
20 state. To exercise these powers, authorized deputies must receive
21 prior written authorization from the director of community, trade, and
22 economic development, through the director of fire protection, and
23 shall have completed a course of training prescribed by the Washington
24 state criminal justice training commission.

25 *Sec. 130 was vetoed. See message at end of chapter.

26 *Sec. 131. RCW 48.48.065 and 1986 c 266 s 72 are each amended to
27 read as follows:

28 (1) The chief of each organized fire department, or the sheriff or
29 other designated county official having jurisdiction over areas not
30 within the jurisdiction of any fire department, shall report
31 statistical information and data to the director of community, trade,
32 and economic development, through the director of fire protection, on
33 each fire occurring within the official's jurisdiction. Reports shall
34 be consistent with the national fire incident reporting system
35 developed by the United States fire administration and rules
36 established by the director of community, trade, and economic
37 development, through the director of fire protection. The director of
38 community, trade, and economic development, through the director of

1 fire protection, and the department of natural resources shall jointly
2 determine the statistical information to be reported on fires on land
3 under the jurisdiction of the department of natural resources.

4 (2) The director of community, trade, and economic development,
5 through the director of fire protection, shall analyze the information
6 and data reported, compile a report, and distribute a copy annually by
7 January 31 to each chief fire official in the state. Upon request, the
8 director of community, trade, and economic development, through the
9 director of fire protection, shall also furnish a copy of the report to
10 any other interested person at cost.

11 *Sec. 131 was vetoed. See message at end of chapter.

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. 132 was vetoed. See message at end of chapter.

23 *Sec. 133. RCW 48.48.080 and 1986 c 266 s 74 are each amended to
24 read as follows:

25 If as the result of any such investigation, or because of any
26 information received, the director of community, trade, and economic
27 development, through the director of fire protection, is of the opinion
28 that there is evidence sufficient to charge any person with any crime,
29 he or she may cause such person to be arrested and charged with such
30 offense, and shall furnish to the prosecuting attorney of the county in
31 which the offense was committed, the names of witnesses and all
32 pertinent and material evidence and testimony within his or her
33 possession relative to the offense.

34 *Sec. 133 was vetoed. See message at end of chapter.

35 *Sec. 134. RCW 48.48.090 and 1986 c 266 s 75 are each amended to
36 read as follows:

1 *The director of community, trade, and economic development, through*
2 *the director of fire protection, shall keep on file all reports of*
3 *fires made to him or her pursuant to this code. Such records shall at*
4 *all times during business hours be open to public inspection; except,*
5 *that any testimony taken in a fire investigation may, in the discretion*
6 *of the director of community, trade, and economic development, through*
7 *the director of fire protection, be withheld from public scrutiny. The*
8 *director of community, trade, and economic development, through the*
9 *director of fire protection, may destroy any such report after five*
10 *years from its date.*

11 *Sec. 134 was vetoed. See message at end of chapter.

12 *Sec. 135. RCW 48.48.110 and 1986 c 266 s 76 are each amended to
13 read as follows:

14 *The director of community, trade, and economic development, through*
15 *the director of fire protection, shall submit annually a report to the*
16 *governor of this state. The report shall contain a statement of his or*
17 *her official acts pursuant to this chapter.*

18 *Sec. 135 was vetoed. See message at end of chapter.

19 *Sec. 136. RCW 48.48.140 and 1991 c 154 s 1 are each amended to
20 read as follows:

21 (1) *Smoke detection devices shall be installed inside all dwelling*
22 *units:*

23 (a) *Occupied by persons other than the owner on and after December*
24 *31, 1981; or*

25 (b) *Built or manufactured in this state after December 31, 1980.*

26 (2) *The smoke detection devices shall be designed, manufactured,*
27 *and installed inside dwelling units in conformance with:*

28 (a) *Nationally accepted standards; and*

29 (b) *As provided by the administrative procedure act, chapter 34.05*
30 *RCW, rules and regulations promulgated by the director of community,*
31 *trade, and economic development, through the director of fire*
32 *protection.*

33 (3) *Installation of smoke detection devices shall be the*
34 *responsibility of the owner. Maintenance of smoke detection devices,*
35 *including the replacement of batteries where required for the proper*
36 *operation of the smoke detection device, shall be the responsibility of*
37 *the tenant, who shall maintain the device as specified by the*
38 *manufacturer. At the time of a vacancy, the owner shall insure that*

1 the smoke detection device is operational prior to the reoccupancy of
2 the dwelling unit.

3 (4) Any owner or tenant failing to comply with this section shall
4 be punished by a fine of not more than two hundred dollars.

5 (5) For the purposes of this section:

6 (a) "Dwelling unit" means a single unit providing complete,
7 independent living facilities for one or more persons including
8 permanent provisions for living, sleeping, eating, cooking, and
9 sanitation; and

10 (b) "Smoke detection device" means an assembly incorporating in one
11 unit a device which detects visible or invisible particles of
12 combustion, the control equipment, and the alarm-sounding device,
13 operated from a power supply either in the unit or obtained at the
14 point of installation.

15 *Sec. 136 was vetoed. See message at end of chapter.

16 *Sec. 137. RCW 48.48.150 and 1986 c 266 s 90 are each amended to
17 read as follows:

18 (1) All premises guarded by guard animals, which are animals
19 professionally trained to defend and protect premises or the occupants
20 of the premises, shall be registered with the local fire department.
21 Front entrances to residences and all entrances to business premises
22 shall be posted in a visible location with signs approved by the
23 director of community, trade, and economic development, through the
24 director of fire protection, indicating that guard animals are present.

25 (2) A fire fighter, who reasonably believes that his or her safety
26 is endangered by the presence of a guard animal, may without liability:

27 (a) Refuse to enter the premises, or (b) take any reasonable action
28 necessary to protect himself or herself from attack by the guard
29 animal.

30 (3) If the person responsible for the guard animal being on the
31 premises does not comply with subsection (1) of this section, that
32 person may be held liable for any injury to the fire fighter caused by
33 the presence of the guard animal.

34 *Sec. 137 was vetoed. See message at end of chapter.

35 *Sec. 138. RCW 48.50.020 and 1986 c 266 s 77 are each amended to
36 read as follows:

37 As used in this chapter the following terms have the meanings
38 indicated unless the context clearly requires otherwise.

1 (1) "Authorized agency" means a public agency or its official
2 representative having legal authority to investigate the cause of a
3 fire and to initiate criminal proceedings or further investigations if
4 the cause was not accidental, including the following persons and
5 agencies:

6 (a) The director of community, trade, and economic development and
7 the director of fire protection;

8 (b) The prosecuting attorney of the county where the fire occurred;

9 (c) The state attorney general, when engaged in a prosecution which
10 is or may be connected with the fire;

11 (d) The Federal Bureau of Investigation, or any other federal
12 agency; and

13 (e) The United States attorney's office when authorized or charged
14 with investigation or prosecution concerning the fire.

15 (2) "Insurer" means any insurer, as defined in RCW 48.01.050, which
16 insures against loss by fire, and includes insurers under the
17 Washington F.A.I.R. plan.

18 (3) "Relevant information" means information having any tendency to
19 make the existence of any fact that is of consequence to the
20 investigation or determination of the cause of any fire more probable
21 or less probable than it would be without the information.

22 *Sec. 138 was vetoed. See message at end of chapter.

23 *Sec. 139. RCW 48.50.040 and 1986 c 266 s 91 are each amended to
24 read as follows:

25 (1) When an insurer has reason to believe that a fire loss reported
26 to the insurer may be of other than accidental cause, the insurer shall
27 notify the director of community, trade, and economic development,
28 through the director of fire protection, in the manner prescribed under
29 RCW 48.05.320 concerning the circumstances of the fire loss, including
30 any and all relevant material developed from the insurer's inquiry into
31 the fire loss.

32 (2) Notification of the director of community, trade, and economic
33 development, through the director of fire protection, under subsection
34 (1) of this section does not relieve the insurer of the duty to respond
35 to a request for information from any other authorized agency.

36 *Sec. 139 was vetoed. See message at end of chapter.

37 *Sec. 140. RCW 48.53.020 and 1986 c 266 s 92 are each amended to
38 read as follows:

1 (1) *The director of community, trade, and economic development,*
2 *through the director of fire protection, may designate certain classes*
3 *of occupancy within a geographic area or may designate geographic areas*
4 *as having an abnormally high incidence of arson. This designation*
5 *shall not be a valid reason for cancellation, refusal to issue or*
6 *renew, modification, or increasing the premium for any fire insurance*
7 *policy.*

8 (2) *A fire insurance policy may not be issued to insure any*
9 *property within a class of occupancy within a geographic area or within*
10 *a geographic area designated by the director of community, trade, and*
11 *economic development, through the director of fire protection, as*
12 *having an abnormally high incidence of arson until the applicant has*
13 *submitted an anti-arson application and the insurer or the insurer's*
14 *representative has inspected the property. The application shall be*
15 *prescribed by the director of community, trade, and economic*
16 *development, through the director of fire protection, and shall contain*
17 *but not be limited to the following:*

18 (a) *The name and address of the prospective insured and any*
19 *mortgagees or other parties having an ownership interest in the*
20 *property to be insured;*

21 (b) *The amount of insurance requested and the method of valuation*
22 *used to establish the amount of insurance;*

23 (c) *The dates and selling prices of the property, if any, during*
24 *the previous three years;*

25 (d) *Fire losses exceeding one thousand dollars during the previous*
26 *five years for property in which the prospective insured held an equity*
27 *interest or mortgage;*

28 (e) *Current corrective orders pertaining to fire, safety, health,*
29 *building, or construction codes that have not been complied with within*
30 *the time period or any extension of such time period authorized by the*
31 *authority issuing such corrective order applicable to the property to*
32 *be insured;*

33 (f) *Present or anticipated occupancy of the structure, and whether*
34 *a certificate of occupancy has been issued;*

35 (g) *Signature and title, if any, of the person submitting the*
36 *application.*

37 (3) *If the facts required to be reported by subsection (2) of this*
38 *section materially change, the insured shall notify the insurer of any*
39 *such change within fourteen days.*

1 (4) An anti-arson application is not required for: (a) Fire
2 insurance policies covering one to four-unit owner-occupied residential
3 dwellings; (b) policies existing as of June 10, 1982; or (c) the
4 renewal of these policies.

5 (5) An anti-arson application shall contain a notice stating:
6 "Designation of a class of occupancy within a geographic area or
7 geographic areas as having an abnormally high incidence of arson shall
8 not be a valid reason for cancellation, refusal to issue or renew,
9 modification, or increasing the premium for any fire insurance policy."

10 *Sec. 140 was vetoed. See message at end of chapter.

11 *Sec. 141. RCW 48.53.060 and 1986 c 266 s 93 are each amended to
12 read as follows:

13 Rules designating geographic areas or classes of occupancy as
14 having an abnormally high incidence of arson, and any other rules
15 necessary to implement this chapter shall be adopted by the director of
16 community, trade, and economic development, through the director of
17 fire protection, under chapter 34.05 RCW.

18 *Sec. 141 was vetoed. See message at end of chapter.

19 **Sec. 142.** RCW 50.38.030 and 1993 c 62 s 3 are each amended to read
20 as follows:

21 The employment security department shall consult with the following
22 agencies prior to the issuance of the state occupational forecast:

- 23 (1) Office of financial management;
- 24 (2) Department of community, trade, and economic development;
- 25 (3) Department of labor and industries;
- 26 (4) State board for community and technical colleges;
- 27 (5) Superintendent of public instruction;
- 28 (6) Department of social and health services;
- 29 (~~(7) ((Department of community development;~~
- 30 ~~(8)))~~ Work force training and education coordinating board; and
- 31 ~~((9)))~~ (8) Other state and local agencies as deemed appropriate by
- 32 the commissioner of the employment security department.

33 These agencies shall cooperate with the employment security
34 department, submitting information relevant to the generation of
35 occupational forecasts.

36 *Sec. 143. RCW 53.36.030 and 1991 c 314 s 29 are each amended to
37 read as follows:

1 (1)(a) Except as provided in (b) of this subsection, a port
2 district may at any time contract indebtedness or borrow money for
3 district purposes and may issue general obligation bonds therefor not
4 exceeding an amount, together with any existing indebtedness of the
5 district not authorized by the voters, of one-fourth of one percent of
6 the value of the taxable property in the district.

7 (b) Port districts having less than eight hundred million dollars
8 in value of taxable property may at any time contract indebtedness or
9 borrow money for port district purposes and may issue general
10 obligation bonds therefor not exceeding an amount, combined with
11 existing indebtedness of the district not authorized by the voters, of
12 three-eighths of one percent of the value of the taxable property in
13 the district. Prior to contracting for any indebtedness authorized by
14 this subsection (1)(b), the port district must have a comprehensive
15 plan for harbor improvements or industrial development and a long-term
16 financial plan approved by the department of community, trade, and
17 economic development. The department of community, trade, and economic
18 development is immune from any liability for its part in reviewing or
19 approving port district's improvement or development plans, or
20 financial plans. Any indebtedness authorized by this subsection (1)(b)
21 may be used only to acquire or construct a facility, and, prior to
22 contracting for such indebtedness, the port district must have a lease
23 contract for a minimum of five years for the facility to be acquired or
24 constructed by the debt.

25 (2) With the assent of three-fifths of the voters voting thereon at
26 a general or special port election called for that purpose, a port
27 district may contract indebtedness or borrow money for district
28 purposes and may issue general obligation bonds therefor provided the
29 total indebtedness of the district at any such time shall not exceed
30 three-fourths of one percent of the value of the taxable property in
31 the district.

32 (3) In addition to the indebtedness authorized under subsections
33 (1) and (2) of this section, port districts having less than two
34 hundred million dollars in value of taxable property and operating a
35 municipal airport may at any time contract indebtedness or borrow money
36 for airport capital improvement purposes and may issue general
37 obligation bonds therefor not exceeding an additional one-eighth of one
38 percent of the value of the taxable property in the district without
39 authorization by the voters; and, with the assent of three-fifths of

1 the voters voting thereon at a general or special port election called
2 for that purpose, may contract indebtedness or borrow money for airport
3 capital improvement purposes and may issue general obligation bonds
4 therefor for an additional three-eighths of one percent provided the
5 total indebtedness of the district for all port purposes at any such
6 time shall not exceed one and one-fourth percent of the value of the
7 taxable property in the district.

8 (4) Any port district may issue general district bonds evidencing
9 any indebtedness, payable at any time not exceeding fifty years from
10 the date of the bonds. Any contract for indebtedness or borrowed money
11 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.
12 The bonds shall be issued and sold in accordance with chapter 39.46
13 RCW.

14 (5) Elections required under this section shall be held as provided
15 in RCW 39.36.050.

16 (6) For the purpose of this section, "indebtedness of the district"
17 shall not include any debt of a county-wide district with a population
18 less than twenty-five hundred people when the debt is secured by a
19 mortgage on property leased to the federal government; and the term
20 "value of the taxable property" shall have the meaning set forth in RCW
21 39.36.015.

22 *Sec. 143 was vetoed. See message at end of chapter.

23 **Sec. 144.** RCW 54.16.285 and 1991 c 165 s 3 are each amended to
24 read as follows:

25 (1) A district providing utility service for residential space
26 heating shall not terminate such utility service between November 15
27 through March 15 if the customer:

28 (a) Notifies the utility of the inability to pay the bill,
29 including a security deposit. This notice should be provided within
30 five business days of receiving a payment overdue notice unless there
31 are extenuating circumstances. If the customer fails to notify the
32 utility within five business days and service is terminated, the
33 customer can, by paying reconnection charges, if any, and fulfilling
34 the requirements of this section, receive the protections of this
35 chapter;

36 (b) Provides self-certification of household income for the prior
37 twelve months to a grantee of the department of community, trade, and
38 economic development which administers federally funded energy

1 assistance programs. The grantee shall determine that the household
2 income does not exceed the maximum allowed for eligibility under the
3 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
4 shall provide a dollar figure that is seven percent of household
5 income. The grantee may verify information provided in the self-
6 certification;

7 (c) Has applied for home heating assistance from applicable
8 government and private sector organizations and certifies that any
9 assistance received will be applied to the current bill and future
10 utility bills;

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

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

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

30 (2) The utility shall:

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

34 (b) Assist the customer in fulfilling the requirements under this
35 section;

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

1 (d) Be permitted to disconnect service if the customer fails to
2 honor the payment program. Utilities may continue to disconnect
3 service for those practices authorized by law other than for nonpayment
4 as provided for in this section. Customers who qualify for payment
5 plans under this section who default on their payment plans and are
6 disconnected can be reconnected and maintain the protections afforded
7 under this chapter by paying reconnection charges, if any, and by
8 paying all amounts that would have been due and owing under the terms
9 of the applicable payment plan, absent default, on the date on which
10 service is reconnected; and

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

14 (3) All districts providing utility service for residential space
15 heating shall offer residential customers the option of a budget
16 billing or equal payment plan. The budget billing or equal payment
17 plan shall be offered low-income customers eligible under the state's
18 plan for low-income energy assistance prepared in accordance with 42
19 U.S.C. 8624(C)(1) without limiting availability to certain months of
20 the year, without regard to the length of time the customer has
21 occupied the premises, and without regard to whether the customer is
22 the tenant or owner of the premises occupied.

23 (4) An agreement between the customer and the utility, whether oral
24 or written, shall not waive the protections afforded under this
25 chapter.

26 **Sec. 145.** RCW 54.52.010 and 1985 c 6 s 20 are each amended to read
27 as follows:

28 A public utility district may include along with, or as part of its
29 regular customer billings, a request for voluntary contributions to
30 assist qualified low-income residential customers of the district in
31 paying their electricity bills. All funds received by the district in
32 response to such requests shall be transmitted to the grantee of the
33 department of community, trade, and economic development which
34 administers federally funded energy assistance programs for the state
35 in the district's service area or to a charitable organization within
36 the district's service area. All such funds shall be used solely to
37 supplement assistance to low-income residential customers of the
38 district in paying their electricity bills. The grantee or charitable

1 organization shall be responsible to determine which of the district's
2 customers are qualified for low-income assistance and the amount of
3 assistance to be provided to those who are qualified.

4 **Sec. 146.** RCW 54.52.020 and 1985 c 6 s 21 are each amended to read
5 as follows:

6 All assistance provided under this chapter shall be disbursed by
7 the grantee or charitable organization. Where possible the public
8 utility district will be paid on behalf of the customer by the grantee
9 or the charitable organization. When direct vendor payment is not
10 feasible, a check will be issued jointly payable to the customer and
11 the public utility district. The availability of funds for assistance
12 to a district's low-income customers as a result of voluntary
13 contributions shall not reduce the amount of assistance for which the
14 district's customers are eligible under the federally funded energy
15 assistance programs administered by the grantee of the department of
16 community, trade, and economic development within the district's
17 service area. The grantee or charitable organization shall provide the
18 district with a quarterly report on January 15th, April 15th, July
19 15th, and October 15th which includes information concerning the total
20 amount of funds received from the district, the names of all recipients
21 of assistance from these funds, the amount received by each recipient,
22 and the amount of funds received from the district currently on hand
23 and available for future low-income assistance.

24 **Sec. 147.** RCW 56.40.010 and 1993 c 45 s 1 are each amended to read
25 as follows:

26 A sewer district may include along with, or as part of its regular
27 customer billings, a request for voluntary contributions to assist
28 qualified low-income residential customers of the district in paying
29 their sewer district bills. All funds received by the district in
30 response to such requests shall be transmitted to the grantee of the
31 department of community, trade, and economic development which
32 administers federally funded energy assistance programs for the state
33 in the district's service area or to a charitable organization within
34 the district's service area. All such funds shall be used solely to
35 supplement assistance to low-income residential customers of the
36 district in paying their sewer district bills. The grantee or
37 charitable organization shall be responsible to determine which of the

1 district's customers are qualified for low-income assistance and the
2 amount of assistance to be provided to those who are qualified.

3 **Sec. 148.** RCW 56.40.020 and 1993 c 45 s 2 are each amended to read
4 as follows:

5 All assistance provided under this chapter shall be disbursed by
6 the grantee or charitable organization. Where possible the sewer
7 district will be paid on behalf of the customer by the grantee or the
8 charitable organization. When direct vendor payment is not feasible,
9 a check will be issued jointly payable to the customer and the sewer
10 district. The availability of funds for assistance to a district's
11 low-income customers as a result of voluntary contributions shall not
12 reduce the amount of assistance for which the district's customers are
13 eligible under the federally funded energy assistance programs
14 administered by the grantee of the department of community, trade, and
15 economic development within the district's service area. The grantee
16 or charitable organization shall provide the district with a quarterly
17 report on January 15th, April 15th, July 15th, and October 15th which
18 includes information concerning the total amount of funds received from
19 the district, the names of all recipients of assistance from these
20 funds, the amount received by each recipient, and the amount of funds
21 received from the district currently on hand and available for future
22 low-income assistance.

23 **Sec. 149.** RCW 57.46.010 and 1993 c 45 s 5 are each amended to read
24 as follows:

25 A water district may include along with, or as part of its regular
26 customer billings, a request for voluntary contributions to assist
27 qualified low-income residential customers of the district in paying
28 their water district bills. All funds received by the district in
29 response to such requests shall be transmitted to the grantee of the
30 department of community, trade, and economic development which
31 administers federally funded energy assistance programs for the state
32 in the district's service area or to a charitable organization within
33 the district's service area. All such funds shall be used solely to
34 supplement assistance to low-income residential customers of the
35 district in paying their water district bills. The grantee or
36 charitable organization shall be responsible to determine which of the

1 district's customers are qualified for low-income assistance and the
2 amount of assistance to be provided to those who are qualified.

3 **Sec. 150.** RCW 57.46.020 and 1993 c 45 s 6 are each amended to read
4 as follows:

5 All assistance provided under this chapter shall be disbursed by
6 the grantee or charitable organization. Where possible the water
7 district will be paid on behalf of the customer by the grantee or the
8 charitable organization. When direct vendor payment is not feasible,
9 a check will be issued jointly payable to the customer and the water
10 district. The availability of funds for assistance to a district's
11 low-income customers as a result of voluntary contributions shall not
12 reduce the amount of assistance for which the district's customers are
13 eligible under the federally funded energy assistance programs
14 administered by the grantee of the department of community, trade, and
15 economic development within the district's service area. The grantee
16 or charitable organization shall provide the district with a quarterly
17 report on January 15th, April 15th, July 15th, and October 15th which
18 includes information concerning the total amount of funds received from
19 the district, the names of all recipients of assistance from these
20 funds, the amount received by each recipient, and the amount of funds
21 received from the district currently on hand and available for future
22 low-income assistance.

23 **Sec. 151.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each
24 amended to read as follows:

25 (1) Any city, town, county, or municipal corporation that is
26 required to develop a comprehensive plan under RCW 36.70A.040(1) is
27 authorized to require, after reasonable notice to the public and a
28 public hearing, property owners to provide their portion of reasonable
29 relocation assistance to low-income tenants upon the demolition,
30 substantial rehabilitation whether due to code enforcement or any other
31 reason, or change of use of residential property, or upon the removal
32 of use restrictions in an assisted-housing development. No city, town,
33 county, or municipal corporation may require property owners to provide
34 relocation assistance to low-income tenants, as defined in this
35 chapter, upon the demolition, substantial rehabilitation, upon the
36 change of use of residential property, or upon the removal of use
37 restrictions in an assisted-housing development, except as expressly

1 authorized herein or when authorized or required by state or federal
2 law. As used in this section, "assisted housing development" means a
3 multifamily rental housing development that either receives government
4 assistance and is defined as federally assisted housing in RCW
5 59.28.020, or that receives other federal, state, or local government
6 assistance and is subject to use restrictions.

7 (2) As used in this section, "low-income tenants" means tenants
8 whose combined total income per dwelling unit is at or below fifty
9 percent of the median income, adjusted for family size, in the county
10 where the tenants reside.

11 The department of community, trade, and economic development shall
12 adopt rules defining county median income in accordance with the
13 definitions promulgated by the federal department of housing and urban
14 development.

15 (3) A requirement that property owners provide relocation
16 assistance shall include the amounts of such assistance to be provided
17 to low-income tenants. In determining such amounts, the jurisdiction
18 imposing the requirement shall evaluate, and receive public testimony
19 on, what relocation expenses displaced tenants would reasonably incur
20 in that jurisdiction including:

21 (a) Actual physical moving costs and expenses;

22 (b) Advance payments required for moving into a new residence such
23 as the cost of first and last month's rent and security and damage
24 deposits;

25 (c) Utility connection fees and deposits; and

26 (d) Anticipated additional rent and utility costs in the residence
27 for one year after relocation.

28 (4)(a) Relocation assistance provided to low-income tenants under
29 this section shall not exceed two thousand dollars for each dwelling
30 unit displaced by actions of the property owner under subsection (1) of
31 this section. A city, town, county, or municipal corporation may make
32 future annual adjustments to the maximum amount of relocation
33 assistance required under this subsection in order to reflect any
34 changes in the housing component of the consumer price index as
35 published by the United States department of labor, bureau of labor
36 statistics.

37 (b) The property owner's portion of any relocation assistance
38 provided to low-income tenants under this section shall not exceed one-

1 half of the required relocation assistance under (a) of this subsection
2 in cash or services.

3 (c) The portion of relocation assistance not covered by the
4 property owner under (b) of this subsection shall be paid by the city,
5 town, county, or municipal corporation authorized to require relocation
6 assistance under subsection (1) of this section. The relocation
7 assistance may be paid from proceeds collected from the excise tax
8 imposed under RCW 82.46.010.

9 (5) A city, town, county, or municipal corporation requiring the
10 provision of relocation assistance under this section shall adopt
11 policies, procedures, or regulations to implement such requirement.
12 Such policies, procedures, or regulations shall include provisions for
13 administrative hearings to resolve disputes between tenants and
14 property owners relating to relocation assistance or unlawful detainer
15 actions during relocation, and shall require a decision within thirty
16 days of a request for a hearing by either a tenant or property owner.

17 Judicial review of an administrative hearing decision relating to
18 relocation assistance may be had by filing a petition, within ten days
19 of the decision, in the superior court in the county where the
20 residential property is located. Judicial review shall be confined to
21 the record of the administrative hearing and the court may reverse the
22 decision only if the administrative findings, inferences, conclusions,
23 or decision is:

24 (a) In violation of constitutional provisions;

25 (b) In excess of the authority or jurisdiction of the
26 administrative hearing officer;

27 (c) Made upon unlawful procedure or otherwise is contrary to law;
28 or

29 (d) Arbitrary and capricious.

30 (6) Any city, town, county, or municipal corporation may require
31 relocation assistance, under the terms of this section, for otherwise
32 eligible tenants whose living arrangements are exempted from the
33 provisions of this chapter under RCW 59.18.040(3) and if the living
34 arrangement is considered to be a rental or lease pursuant to RCW
35 67.28.180(1).

36 (7)(a) Persons who move from a dwelling unit prior to the
37 application by the owner of the dwelling unit for any governmental
38 permit necessary for the demolition, substantial rehabilitation, or
39 change of use of residential property or prior to any notification or

1 filing required for condominium conversion shall not be entitled to the
2 assistance authorized by this section.

3 (b) Persons who move into a dwelling unit after the application for
4 any necessary governmental permit or after any required condominium
5 conversion notification or filing shall not be entitled to the
6 assistance authorized by this section if such persons receive written
7 notice from the property owner prior to taking possession of the
8 dwelling unit that specifically describes the activity or condition
9 that may result in their temporary or permanent displacement and
10 advises them of their ineligibility for relocation assistance.

11 **Sec. 152. RCW 59.21.010 and 1991 c 327 s 10 are each amended to*
12 *read as follows:*

13 *Unless the context clearly requires otherwise, the definitions in*
14 *this section apply throughout this chapter.*

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

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

19 (3) *"Fund" means the mobile home park relocation fund established*
20 *under RCW 59.21.050 consisting of park-owner fee payments under RCW*
21 *59.21.095 as well as park-owner payments when there are insufficient*
22 *moneys in its fund.*

23 (4) *"Low-income" means at or below eighty percent of median*
24 *household income as defined by the United States department of housing*
25 *and urban development, for the county or standard metropolitan*
26 *statistical area where the park is located.*

27 (5) *"Mobile home park" or "park" means real property that is rented*
28 *or held out for rent to others for the placement of two or more mobile*
29 *homes for the primary purpose of production of income, except where the*
30 *real property is rented or held out for rent for seasonal recreational*
31 *purpose only and is not intended for year-round occupancy.*

32 (6) *"Landlord" or "park-owner" means the owner of the mobile home*
33 *park that is being closed at the time relocation assistance is*
34 *provided.*

35 (7) *"Relocate" means to remove the mobile home from the mobile home*
36 *park being closed.*

1 (8) "Relocation assistance" means the monetary assistance provided
2 under RCW 59.21.020.

3 *Sec. 152 was vetoed. See message at end of chapter.

4 *Sec. 153. RCW 59.21.050 and 1991 sp.s. c 13 s 74 are each amended
5 to read as follows:

6 (1) The mobile home park relocation fund is created in the custody
7 of the state treasurer. All legislative appropriations for mobile home
8 relocation assistance, receipts from fees collected under this chapter,
9 and amounts required to be paid by park-owners to low-income park
10 tenants when there are insufficient moneys in the fund shall be
11 deposited into the fund. Expenditures from the fund may be used only
12 for relocation assistance under RCW 59.21.020, or transfer to the
13 mobile home park purchase fund under subsection (2) of this section.
14 Only the director (~~of community development~~) or the director's
15 designee may authorize expenditures from the fund. All relocation
16 payments to low-income park tenants, including those due from the park-
17 owner shall be made from the fund. The fund is subject to allotment
18 procedures under chapter 43.88 RCW, but no appropriation is required
19 for expenditures.

20 (2) Unexpended and unencumbered moneys that remain in the fund at
21 the end of the fiscal year do not revert to the state general fund but
22 remain in the fund, separately accounted for, as a contingency reserve,
23 or if the director determines at the end of any fiscal year beginning
24 after December 31, 1991, that the fund contains a surplus over the
25 projected amount needed for relocation during the upcoming year(s), any
26 surplus may be transferred to the mobile home park purchase fund
27 created by chapter 59.22 RCW. However, the director may cause any
28 uncommitted funds in the mobile home park purchase fund which were
29 transferred from the mobile home park relocation fund to be transferred
30 back to the mobile home park relocation fund if that fund cannot
31 otherwise meet its current obligations.

32 (3) A low-income park tenant who is entitled to relocation
33 assistance under this chapter is entitled to payment only after
34 submitting an application which includes: (a) A copy of the notice
35 from the park-owner that the tenancy is terminated due to closure of
36 the park; (b) a copy of the rental agreement currently in force; and
37 (c) a copy of the contract entered into for the purpose of relocating
38 the mobile home, which includes the date of relocation.

1 (4) *The director may adopt rules for the administration of the*
2 *fund.*

3 *Sec. 153 was vetoed. See message at end of chapter.

4 **Sec. 154.** RCW 59.22.010 and 1987 c 482 s 1 are each amended to
5 read as follows:

6 (1) The legislature finds:

7 (a) That manufactured housing and mobile home parks provide a
8 source of low-cost housing to the low income, elderly, poor and
9 infirmed, without which they could not afford private housing; but
10 rising costs of mobile home park development and operation, as well as
11 turnover in ownership, has resulted in mobile home park living becoming
12 unaffordable to the low income, elderly, poor and infirmed, resulting
13 in increased numbers of homeless persons, and persons who must look to
14 public housing and public programs, increasing the burden on the state
15 to meet the housing needs of its residents;

16 (b) That state government can play a vital role in addressing the
17 problems confronted by mobile home park residents by providing
18 assistance which makes it possible for mobile home park residents to
19 acquire the mobile home parks in which they reside and convert them to
20 resident ownership; and

21 (c) That to accomplish this purpose, information and technical
22 support shall be made available through the department (~~(of community~~
23 ~~development)~~).

24 (2) Therefore, it is the intent of the legislature, in order to
25 maintain low-cost housing in mobile home parks to benefit the low
26 income, elderly, poor and infirmed, to encourage and facilitate the
27 conversion of mobile home parks to resident ownership, to protect low-
28 income mobile home park residents from both physical and economic
29 displacement, to obtain a high level of private financing for mobile
30 home park conversions, and to help establish acceptance for resident-
31 owned mobile home parks in the private market.

32 **Sec. 155.** RCW 59.22.020 and 1993 c 66 s 9 are each amended to read
33 as follows:

34 The following definitions shall apply throughout this chapter
35 unless the context clearly requires otherwise:

36 (1) "Account" means the mobile home affairs account created under
37 RCW 59.22.070.

1 (2) "Affordable" means that, where feasible, low-income residents
2 should not pay more than thirty percent of their monthly income for
3 housing costs.

4 (3) "Conversion costs" includes the cost of acquiring the mobile
5 home park, the costs of planning and processing the conversion, the
6 costs of any needed repairs or rehabilitation, and any expenditures
7 required by a government agency or lender for the project.

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

10 (5) "Fee" means the mobile home title transfer fee imposed under
11 RCW 59.22.080.

12 (6) "Fund" or "park purchase account" means the mobile home park
13 purchase account created pursuant to RCW 59.22.030.

14 (7) "Housing costs" means the total cost of owning, occupying, and
15 maintaining a mobile home and a lot or space in a mobile home park.

16 (8) "Individual interest in a mobile home park" means any interest
17 which is fee ownership or a lesser interest which entitles the holder
18 to occupy a lot or space in a mobile home park for a period of not less
19 than either fifteen years or the life of the holder. Individual
20 interests in a mobile home park include, but are not limited to, the
21 following:

22 (a) Ownership of a lot or space in a mobile home park or
23 subdivision;

24 (b) A membership or shares in a stock cooperative, or a limited
25 equity housing cooperative; or

26 (c) Membership in a nonprofit mutual benefit corporation which
27 owns, operates, or owns and operates the mobile home park.

28 (9) "Low-income resident" means an individual or household who
29 resided in the mobile home park prior to application for a loan
30 pursuant to this chapter and with an annual income at or below eighty
31 percent of the median income for the county of standard metropolitan
32 statistical area of residence. Net worth shall be considered in the
33 calculation of income with the exception of the resident's mobile/
34 manufactured home which is used as their primary residence.

35 (10) "Low-income spaces" means those spaces in a mobile home park
36 operated by a resident organization which are occupied by low-income
37 residents.

38 (11) "Mobile home park" means a mobile home park, as defined in RCW
39 59.20.030(4), or a manufactured home park subdivision as defined by RCW

1 59.20.030(6) created by the conversion to resident ownership of a
2 mobile home park.

3 (12) "Resident organization" means a group of mobile home park
4 residents who have formed a nonprofit corporation, cooperative
5 corporation, or other entity or organization for the purpose of
6 acquiring the mobile home park in which they reside and converting the
7 mobile home park to resident ownership. The membership of a resident
8 organization shall include at least two-thirds of the households
9 residing in the mobile home park at the time of application for
10 assistance from the department.

11 (13) "Resident ownership" means, depending on the context, either
12 the ownership, by a resident organization, as defined in this section,
13 of an interest in a mobile home park which entitles the resident
14 organization to control the operations of the mobile home park for a
15 term of no less than fifteen years, or the ownership of individual
16 interests in a mobile home park, or both.

17 (14) "Landlord" shall have the same meaning as it does in RCW
18 59.20.030.

19 (15) "Manufactured housing" means residences constructed on one or
20 more chassis for transportation, and which bear an insignia issued by
21 a state or federal regulatory agency indication compliance with all
22 applicable construction standards of the United States department of
23 housing and urban development.

24 (16) "Mobile home" shall have the same meaning as it does in RCW
25 46.04.302.

26 (17) "Mobile home lot" shall have the same meaning as it does in
27 RCW 59.20.030.

28 (18) "Tenant" means a person who rents a mobile home lot for a term
29 of one month or longer and owns the mobile home on the lot.

30 **Sec. 156.** RCW 59.22.070 and 1989 c 201 s 8 are each amended to
31 read as follows:

32 There is created in the custody of the state treasurer a special
33 account known as the mobile home affairs account.

34 Disbursements from this special account shall be as follows:

35 (1) For the two-year period beginning July 1, 1988, forty thousand
36 dollars, or so much thereof as may be necessary for costs incurred in
37 registering landlords and collecting fees, and thereafter five thousand
38 dollars per year for that purpose.

1 (2) All remaining amounts shall be remitted to the department ((of
2 ~~community development~~)) for the purpose of implementing RCW 59.22.050
3 and 59.22.060.

4 **Sec. 157.** RCW 59.24.020 and 1988 c 237 s 2 are each amended to
5 read as follows:

6 (1) The department of community, trade, and economic development
7 shall establish the rental security deposit guarantee program. Through
8 this program the department of community, trade, and economic
9 development shall provide grants and technical assistance to local
10 governments or nonprofit corporations, including local housing
11 authorities as defined in RCW 35.82.030, who operate emergency housing
12 shelters or transitional housing programs. The grants are to be used
13 for the payment of residential rental security deposits under this
14 chapter. The technical assistance is to help the local government or
15 nonprofit corporation apply for grants and carry out the program. In
16 order to be eligible for grants under this program, the recipient local
17 government or nonprofit corporation shall provide fifteen percent of
18 the total amount needed for the security deposit. The security deposit
19 may include last month's rent where such rent is required as a normal
20 practice by the landlord.

21 (2) The grants and matching funds shall be placed by the recipient
22 local government or nonprofit corporation in a revolving loan fund and
23 deposited in a bank or savings institution in an account that is
24 separate from all other funds of the recipient. The funds and interest
25 earned on these funds shall be utilized only as collateral to guarantee
26 the payment of a security deposit required by a residential rental
27 property owner as a condition for entering into a rental agreement with
28 a prospective tenant.

29 (3) Prospective tenants who are eligible to participate in the
30 rental security deposit guarantee program shall be limited to homeless
31 persons or families who are residing in an emergency shelter or
32 transitional housing operated by a local government or a nonprofit
33 corporation, or to families who are temporarily residing in a park,
34 car, or are otherwise without adequate shelter. The local government
35 or nonprofit corporation shall make a determination regarding the
36 person's or family's eligibility to participate in this program and a
37 determination that a local rental unit is available for occupation. A
38 determination of eligibility shall include, but is not limited to: (a)

1 A determination that the person or family is homeless or is in
2 transitional housing; (b) a verification of income and that the person
3 or family can reasonably make the monthly rental payment; and (c) a
4 determination that the person or family does not have the financial
5 resources to make the rental security deposit.

6 **Sec. 158.** RCW 59.24.050 and 1988 c 237 s 5 are each amended to
7 read as follows:

8 The department of community, trade, and economic development may
9 adopt rules to implement this chapter, including but not limited to:
10 (1) The eligibility of and the application process for local
11 governments and nonprofit corporations; (2) the criteria by which
12 grants and technical assistance shall be provided to local governments
13 and nonprofit corporations; and (3) the criteria local governments and
14 nonprofit corporations shall use in entering into contracts with
15 tenants and rental property owners.

16 **Sec. 159.** RCW 59.24.060 and 1988 c 237 s 6 are each amended to
17 read as follows:

18 The department of community, trade, and economic development may
19 receive such gifts, grants, or endowments from public or private
20 sources, as may be made from time to time, in trust or otherwise, to be
21 used by the department of community, trade, and economic development
22 for its programs, including the rental security deposit guarantee
23 program. Funds from the housing trust fund, chapter 43.185 RCW, up to
24 one hundred thousand dollars, may be used for the rental security
25 deposit guarantee program by the department of community, trade, and
26 economic development, local governments, and nonprofit organizations,
27 provided all the requirements of this chapter and chapter 43.185 RCW
28 are met.

29 **Sec. 160.** RCW 59.28.040 and 1989 c 188 s 4 are each amended to
30 read as follows:

31 All owners of federally assisted housing shall, at least twelve
32 months before the expiration of the rental assistance contract or
33 prepayment of a mortgage or loan, serve a written notice of the
34 anticipated expiration or prepayment date on each tenant household
35 residing in the housing, on the clerk of the city, or county if in an
36 unincorporated area, in which the property is located, and on the

1 ((state)) department of community, trade, and economic development, by
2 regular and certified mail.

3 **Sec. 161.** RCW 59.28.050 and 1989 c 188 s 5 are each amended to
4 read as follows:

5 This chapter shall not in any way prohibit an owner of federally
6 assisted housing from terminating a rental assistance contract or
7 prepaying a mortgage or loan. The requirement in this chapter for
8 notice shall not be construed as conferring any new or additional
9 regulatory power upon the city or county clerk or upon the ((state))
10 department of community, trade, and economic development.

11 **Sec. 162.** RCW 59.28.060 and 1989 c 188 s 6 are each amended to
12 read as follows:

13 The notice to tenants required by RCW 59.28.040 shall state the
14 date of expiration or prepayment and the effect, if any, that the
15 expiration or prepayment will have upon the tenants' rent and other
16 terms of their rental agreement.

17 The notice to the city or county clerk and to the ((state))
18 department of community, trade, and economic development required by
19 RCW 59.28.040 shall state: (1) The name, location, and project number
20 of the federally assisted housing and the type of assistance received
21 from the federal government; (2) the number and size of units; (3) the
22 age, race, family size, and estimated incomes of the tenants who will
23 be affected by the prepayment of the loan or mortgage or expiration of
24 the federal assistance contract; (4) the projected rent increases for
25 each affected tenant; and (5) the anticipated date of prepayment of the
26 loan or mortgage or expiration of the federal assistance contract.

27 **Sec. 163.** RCW 59.28.110 and 1989 c 188 s 11 are each amended to
28 read as follows:

29 The director of the department of community, trade, and economic
30 development shall prepare an annual report on the preservation and loss
31 of federally assisted housing in the state of Washington. The director
32 shall include in this report recommendations for preserving federally
33 assisted housing and for minimizing the involuntary displacement of
34 tenants residing in such housing. The director shall provide a copy of
35 this report to the house of representatives committee on housing and

1 the senate committee on trade, technology, and economic development
2 (~~and labor~~)).

3 **Sec. 164. RCW 66.08.190 and 1991 sp.s. c 32 s 34 are each amended*
4 *to read as follows:*

5 *When excess funds are distributed, all moneys subject to*
6 *distribution shall be disbursed as follows:*

7 *(1) Three-tenths of one percent to the department of community,*
8 *trade, and economic development to be allocated to border areas under*
9 *RCW 66.08.195; and*

10 *(2) From the amount remaining after distribution under subsection*
11 *(1) of this section, fifty percent to the general fund of the state,*
12 *ten percent to the counties of the state, and forty percent to the*
13 *incorporated cities and towns of the state.*

14 *(3) The governor may notify and direct the state treasurer to*
15 *withhold the revenues to which the counties and cities are entitled*
16 *under this section if the counties or cities are found to be in*
17 *noncompliance pursuant to RCW 36.70A.340.*

18 **Sec. 164 was vetoed. See message at end of chapter.*

19 **Sec. 165. RCW 66.08.195 and 1988 c 229 s 3 are each amended to*
20 *read as follows:*

21 *For the purposes of this section, the term "border area" means*
22 *Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville,*
23 *Port Angeles, Sumas, and that area of Whatcom county commonly referred*
24 *to as Point Roberts.*

25 *Funds allocable to border areas under RCW 66.08.190 shall be*
26 *distributed pursuant to a formula developed by the department of*
27 *community, trade, and economic development, by rule, based on border*
28 *traffic and historical public impacts of law enforcement problems*
29 *caused by the border on local budgets. All such funds received by*
30 *Whatcom county pursuant to this allocation shall be spent within the*
31 *Point Roberts area.*

32 **Sec. 165 was vetoed. See message at end of chapter.*

33 **Sec. 166.** RCW 67.16.100 and 1991 c 270 s 4 are each amended to
34 read as follows:

35 (1) All sums paid to the commission under this chapter, including
36 those sums collected for license fees and excluding those sums

1 collected under RCW 67.16.102, 67.16.105(3), and 67.16.105(4), shall be
2 disposed of by the commission as follows:

3 (a) Fifty percent thereof shall be retained by the commission for
4 the payment of the salaries of its members, secretary, clerical,
5 office, and other help and all expenses incurred in carrying out the
6 provisions of this chapter. No salary, wages, expenses, or
7 compensation of any kind shall be paid by the state in connection with
8 the work of the commission.

9 (b) One percent shall, on the next business day following the
10 receipt thereof, be paid to the state treasurer to be deposited in the
11 general fund.

12 (c) Three percent shall, on the next business day following the
13 receipt thereof, be paid to the state treasurer, who is hereby made ex
14 officio treasurer of a fund to be known as the "state trade fair fund"
15 which shall be maintained as a separate and independent fund, and made
16 available to the director of community, trade, and economic development
17 for the sole purpose of assisting state trade fairs.

18 (d) Forty-six percent shall be paid to the state treasurer, who is
19 hereby made ex officio treasurer of a fund to be known as the "fair
20 fund," which shall be maintained as a separate and independent fund
21 outside of the state treasury, and made available to the director of
22 agriculture for the sole purpose of assisting fairs in the manner
23 provided in Title 15 RCW.

24 (2) Any moneys collected or paid to the commission under the terms
25 of this chapter and not expended at the close of the fiscal biennium
26 shall be paid to the state treasurer and be placed in the general fund.
27 The commission may, with the approval of the office of financial
28 management, retain any sum required for working capital.

29 **Sec. 167.** RCW 67.38.070 and 1985 c 6 s 22 are each amended to read
30 as follows:

31 The comprehensive cultural arts, stadium and convention plan
32 adopted by the district shall be reviewed by the ((state)) department
33 of community, trade, and economic development to determine:

34 (1) Whether the plan will enhance the progress of the state and
35 provide for the general welfare of the population; and

36 (2) Whether such plan is eligible for matching federal funds.

37 After reviewing the comprehensive cultural arts, stadium and
38 convention plan, the ((state)) department of community, trade, and

1 economic development shall have sixty days in which to approve such
2 plan and to certify to the state treasurer that such district shall be
3 eligible to receive funds. To be approved a plan shall provide for
4 coordinated cultural arts, stadium and convention planning, and be
5 consistent with the public cultural arts, stadium and convention
6 coordination criteria in a manner prescribed by chapter 35.60 RCW. In
7 the event such comprehensive plan is disapproved and ruled ineligible
8 to receive funds, the ((state)) department of community, trade, and
9 economic development shall provide written notice to the district
10 within thirty days as to the reasons for such plan's disapproval and
11 such ineligibility. The district may resubmit such plan upon
12 reconsideration and correction of such deficiencies cited in such
13 notice of disapproval.

14 **Sec. 168.** RCW 68.60.030 and 1993 c 67 s 1 are each amended to read
15 as follows:

16 (1)(a) The archaeological and historical division of the department
17 of community, trade, and economic development may grant by
18 nontransferable certificate authority to maintain and protect an
19 abandoned cemetery upon application made by a preservation organization
20 which has been incorporated for the purpose of restoring, maintaining,
21 and protecting an abandoned cemetery. Such authority shall be limited
22 to the care, maintenance, restoration, protection, and historical
23 preservation of the abandoned cemetery, and shall not include authority
24 to make burials, unless specifically granted by the cemetery board.

25 (b) Those preservation and maintenance corporations that are
26 granted authority to maintain and protect an abandoned cemetery shall
27 be entitled to hold and possess burial records, maps, and other
28 historical documents as may exist. Maintenance and preservation
29 corporations that are granted authority to maintain and protect an
30 abandoned cemetery shall not be liable to those claiming burial rights,
31 ancestral ownership, or to any other person or organization alleging to
32 have control by any form of conveyance not previously recorded at the
33 county auditor's office within the county in which the abandoned
34 cemetery exists. Such organizations shall not be liable for any
35 reasonable alterations made during restoration work on memorials,
36 roadways, walkways, features, plantings, or any other detail of the
37 abandoned cemetery.

1 (c) Should the maintenance and preservation corporation be
2 dissolved, the archaeological and historical division of the department
3 of community, trade, and economic development shall revoke the
4 certificate of authority.

5 (d) Maintenance and preservation corporations that are granted
6 authority to maintain and protect an abandoned cemetery may establish
7 care funds pursuant to chapter 68.44 RCW, and shall report in
8 accordance with chapter 68.44 RCW to the state cemetery board.

9 (2) Except as provided in subsection (1) of this section, the
10 department of community, trade, and economic development may, in its
11 sole discretion, authorize any Washington nonprofit corporation that is
12 not expressly incorporated for the purpose of restoring, maintaining,
13 and protecting an abandoned cemetery, to restore, maintain, and protect
14 one or more abandoned cemeteries. The authorization may include the
15 right of access to any burial records, maps, and other historical
16 documents, but shall not include the right to be the permanent
17 custodian of original records, maps, or documents. This authorization
18 shall be granted by a nontransferable certificate of authority. Any
19 nonprofit corporation authorized and acting under this subsection is
20 immune from liability to the same extent as if it were a preservation
21 organization holding a certificate of authority under subsection (1) of
22 this section.

23 (3) The department of community, trade, and economic development
24 shall establish standards and guidelines for granting certificates of
25 authority under subsections (1) and (2) of this section to assure that
26 any restoration, maintenance, and protection activities authorized
27 under this subsection are conducted and supervised in an appropriate
28 manner.

29 **Sec. 169. RCW 70.41.080 and 1986 c 266 s 94 are each amended to*
30 *read as follows:*

31 *Standards for fire protection and the enforcement thereof, with*
32 *respect to all hospitals to be licensed hereunder shall be the*
33 *responsibility of the director of community, trade, and economic*
34 *development, through the director of fire protection, who shall adopt,*
35 *after approval by the department, such recognized standards as may be*
36 *applicable to hospitals for the protection of life against the cause*
37 *and spread of fire and fire hazards. The department upon receipt of an*
38 *application for a license, shall submit to the (~~state fire marshal~~)*

1 director of fire protection in writing, a request for an inspection,
2 giving the applicant's name and the location of the premises to be
3 licensed. Upon receipt of such a request, the director of community,
4 trade, and economic development, through the director of fire
5 protection, or his or her deputy, shall make an inspection of the
6 hospital to be licensed, and if it is found that the premises do not
7 comply with the required safety standards and fire regulations as
8 adopted pursuant to this chapter, he or she shall promptly make a
9 written report to the hospital and to the department listing the
10 corrective actions required and the time allowed for accomplishing such
11 corrections. The applicant or licensee shall notify the director of
12 community, trade, and economic development, through the director of
13 fire protection, upon completion of any corrections required by him or
14 her, and the director of community, trade, and economic development,
15 through the director of fire protection, or his or her deputy, shall
16 make a reinspection of such premises. Whenever the hospital to be
17 licensed meets with the approval of the director of community, trade,
18 and economic development, through the director of fire protection, he
19 or she shall submit to the department a written report approving the
20 hospital with respect to fire protection, and such report is required
21 before a full license can be issued. The director of community, trade,
22 and economic development, through the director of fire protection,
23 shall make or cause to be made inspections of such hospitals at least
24 once a year.

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

36 *Sec. 169 was vetoed. See message at end of chapter.

37 *Sec. 170. RCW 70.75.020 and 1986 c 266 s 96 are each amended to
38 read as follows:

1 The standardization of existing fire protection equipment in this
2 state shall be arranged for and carried out by or under the direction
3 of the director of community, trade, and economic development, through
4 the director of fire protection. He or she shall provide the
5 appliances necessary for carrying on this work, shall proceed with such
6 standardization as rapidly as possible, and shall require the
7 completion of such work within a period of five years from June 8,
8 1967: PROVIDED, That the director of community, trade, and economic
9 development, through the director of fire protection, may exempt
10 special purpose fire equipment and existing fire protection equipment
11 from standardization when it is established that such equipment is not
12 essential to the coordination of public fire protection operations.

13 *Sec. 170 was vetoed. See message at end of chapter.

14 *Sec. 171. RCW 70.75.030 and 1986 c 266 s 97 are each amended to
15 read as follows:

16 The director of community, trade, and economic development, through
17 the director of fire protection, shall notify industrial establishments
18 and property owners having equipment, which may be necessary for fire
19 department use in protecting the property or putting out fire, of any
20 changes necessary to bring their equipment up to the requirements of
21 the standard established by RCW 70.75.020, and shall render such
22 assistance as may be available for converting substandard equipment to
23 meet standard specifications and requirements.

24 *Sec. 171 was vetoed. See message at end of chapter.

25 *Sec. 172. RCW 70.75.040 and 1986 c 266 s 98 are each amended to
26 read as follows:

27 Any person who, without approval of the director of community,
28 trade, and economic development, through the director of fire
29 protection, sells or offers for sale in Washington any fire hose, fire
30 engine or other equipment for fire protection purposes which is fitted
31 or equipped with other than the standard thread is guilty of a
32 misdemeanor: PROVIDED, That fire equipment for special purposes,
33 research, programs, forest fire fighting, or special features of fire
34 protection equipment found appropriate for uniformity within a
35 particular protection area may be specifically exempted from this

1 *requirement by order of the director of community, trade, and economic*
2 *development, through the director of fire protection.*

3 **Sec. 172 was vetoed. See message at end of chapter.*

4 **Sec. 173. RCW 70.77.170 and 1986 c 266 s 99 are each amended to*
5 *read as follows:*

6 *"License" means a nontransferable formal authorization which the*
7 *director of community, trade, and economic development and the director*
8 *of fire protection are permitted to issue under this chapter to engage*
9 *in the act specifically designated therein.*

10 **Sec. 173 was vetoed. See message at end of chapter.*

11 **Sec. 174. RCW 70.77.250 and 1986 c 266 s 100 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, shall enforce and administer*
15 *this chapter.*

16 *(2) The director of community, trade, and economic development,*
17 *through the director of fire protection, shall appoint such deputies*
18 *and employees as may be necessary and required to carry out the*
19 *provisions of this chapter.*

20 *(3) The director of community, trade, and economic development,*
21 *through the director of fire protection, may prescribe such rules*
22 *relating to fireworks as may be necessary for the protection of life*
23 *and property and for the implementation of this chapter.*

24 *(4) The director of community, trade, and economic development,*
25 *through the director of fire protection, shall prescribe such rules as*
26 *may be necessary to ensure state-wide minimum standards for the*
27 *enforcement of this chapter. Counties, cities, and towns shall comply*
28 *with such state rules. Any local rules adopted by local authorities*
29 *that are more restrictive than state law as to the types of fireworks*
30 *that may be sold shall have an effective date no sooner than one year*
31 *after their adoption.*

32 *(5) The director of community, trade, and economic development,*
33 *through the director of fire protection, may exercise the necessary*
34 *police powers to enforce the criminal provisions of this chapter. This*
35 *grant of police powers does not prevent any other state agency or local*

1 government agency having general law enforcement powers from enforcing
2 this chapter within the jurisdiction of the agency or local government.
3 *Sec. 174 was vetoed. See message at end of chapter.

4 *Sec. 175. RCW 70.77.305 and 1986 c 266 s 101 are each amended to
5 read as follows:

6 The director of community, trade, and economic development, through
7 the director of fire protection, has the power to issue licenses for
8 the manufacture, importation, sale, and use of all fireworks in this
9 state. A person may be licensed as a manufacturer, importer, or
10 wholesaler under this chapter only if the person has a designated agent
11 in this state who is registered with the director of community, trade,
12 and economic development, through the director of fire protection.

13 *Sec. 175 was vetoed. See message at end of chapter.

14 *Sec. 176. RCW 70.77.315 and 1986 c 266 s 102 are each amended to
15 read as follows:

16 Any person who desires to engage in the manufacture, importation,
17 sale, or use of fireworks shall make a written application to the
18 director of community, trade, and economic development, through the
19 director of fire protection, on forms provided by him or her. Such
20 application shall be accompanied by the annual license fee as
21 prescribed in this chapter.

22 *Sec. 176 was vetoed. See message at end of chapter.

23 *Sec. 177. RCW 70.77.330 and 1986 c 266 s 104 are each amended to
24 read as follows:

25 If the director of community, trade, and economic development,
26 through the director of fire protection, finds that the granting of
27 such license would not be contrary to public safety or welfare, he or
28 she shall issue a license authorizing the applicant to engage in the
29 particular act or acts upon the payment of the license fee specified in
30 this chapter. Licensees may transport the class of fireworks for which
31 they hold a valid license.

32 *Sec. 177 was vetoed. See message at end of chapter.

33 *Sec. 178. RCW 70.77.360 and 1986 c 266 s 106 are each amended to
34 read as follows:

35 If the director of community, trade, and economic development,
36 through the director of fire protection, finds that an application for

1 any license under this chapter contains a material misrepresentation or
2 that the granting of any license would be contrary to the public safety
3 or welfare, the director of community, trade, and economic development,
4 through the director of fire protection, may deny the application for
5 the license.

6 *Sec. 178 was vetoed. See message at end of chapter.

7 *Sec. 179. RCW 70.77.365 and 1986 c 266 s 107 are each amended to
8 read as follows:

9 A written report by the director of community, trade, and economic
10 development, through the director of fire protection, or a local fire
11 official, or any of their authorized representatives, disclosing that
12 the applicant for a license, or the premises for which a license is to
13 apply, do not meet the qualifications or conditions for a license
14 constitutes grounds for the denial by the director of community, trade,
15 and economic development, through the director of fire protection, of
16 any application for a license.

17 *Sec. 179 was vetoed. See message at end of chapter.

18 *Sec. 180. RCW 70.77.375 and 1986 c 266 s 108 are each amended to
19 read as follows:

20 The director of community, trade, and economic development, through
21 the director of fire protection, upon reasonable opportunity to be
22 heard, shall revoke any license issued pursuant to this chapter, if he
23 or she finds that:

24 (1) The licensee has violated any provisions of this chapter or any
25 rule or regulations made by the director of community, trade, and
26 economic development, through the director of fire protection, under
27 and with the authority of this chapter;

28 (2) The licensee has created or caused a fire nuisance;

29 (3) Any licensee has failed or refused to file any required
30 reports; or

31 (4) Any fact or condition exists which, if it had existed at the
32 time of the original application for such license, reasonably would
33 have warranted the director of community, trade, and economic
34 development, through the director of fire protection, in refusing
35 originally to issue such license.

36 *Sec. 180 was vetoed. See message at end of chapter.

1 **Sec. 181. RCW 70.77.415 and 1986 c 266 s 109 are each amended to*
2 *read as follows:*

3 *Every public display of fireworks shall be handled or supervised by*
4 *a pyrotechnic operator licensed by the director of community, trade,*
5 *and economic development, through the director of fire protection,*
6 *under RCW 70.77.255.*

7 **Sec. 181 was vetoed. See message at end of chapter.*

8 **Sec. 182. RCW 70.77.430 and 1986 c 266 s 110 are each amended to*
9 *read as follows:*

10 *Notwithstanding RCW 70.77.255, following the revocation or*
11 *expiration of a license, a licensee in lawful possession of a lawfully*
12 *acquired stock of fireworks may sell such fireworks, but only under*
13 *supervision of the director of community, trade, and economic*
14 *development, through the director of fire protection. Any sale under*
15 *this section shall be solely to persons who are authorized to buy,*
16 *possess, sell, or use such fireworks.*

17 **Sec. 182 was vetoed. See message at end of chapter.*

18 **Sec. 183. RCW 70.77.455 and 1986 c 266 s 114 are each amended to*
19 *read as follows:*

20 *All licensees shall maintain and make available to the director of*
21 *community, trade, and economic development, through the director of*
22 *fire protection, full and complete records showing all production,*
23 *imports, exports, purchases, sales, and consumption of fireworks items*
24 *by kind and class.*

25 **Sec. 183 was vetoed. See message at end of chapter.*

26 **Sec. 184. RCW 70.77.460 and 1986 c 266 s 115 are each amended to*
27 *read as follows:*

28 *When reports on fireworks transactions or the payments of license*
29 *fees or penalties are required to be made on or by specified dates,*
30 *they shall be deemed to have been made at the time they are filed with*
31 *or paid to the director of community, trade, and economic development,*
32 *through the director of fire protection, or, if sent by mail, on the*
33 *date shown by the United States postmark on the envelope containing the*
34 *report or payment.*

35 **Sec. 184 was vetoed. See message at end of chapter.*

1 **Sec. 185. RCW 70.77.465 and 1986 c 266 s 116 are each amended to*
2 *read as follows:*

3 *In addition to any other reports required under this chapter, the*
4 *director of community, trade, and economic development, through the*
5 *director of fire protection, may, by rule or otherwise, require*
6 *additional, other, or supplemental reports from licensees and other*
7 *persons and prescribe the form, including verification, of the*
8 *information to be given when filing such additional, other or*
9 *supplemental reports.*

10 **Sec. 185 was vetoed. See message at end of chapter.*

11 **Sec. 186. RCW 70.77.575 and 1986 c 266 s 117 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, shall adopt by rule a list of*
15 *the fireworks that may be sold to the public in this state pursuant to*
16 *this chapter. The director of community, trade, and economic*
17 *development, through the director of fire protection, shall file the*
18 *list by October 1st of each year with the code reviser for publication,*
19 *unless the previously published list has remained current.*

20 *(2) The director of community, trade, and economic development,*
21 *through the director of fire protection, shall provide the list adopted*
22 *under subsection (1) of this section by November 1st of each year to*
23 *all manufacturers, wholesalers, and importers licensed under this*
24 *chapter, unless the previously distributed list has remained current.*

25 **Sec. 186 was vetoed. See message at end of chapter.*

26 **Sec. 187. RCW 70.77.580 and 1986 c 266 s 118 are each amended to*
27 *read as follows:*

28 *Retailers required to be licensed under this chapter shall post*
29 *prominently at each retail outlet a list of the fireworks that may be*
30 *sold to the public in this state pursuant to this chapter. The posted*
31 *list shall be in a form approved by the director of community, trade,*
32 *and economic development, through the director of fire protection. The*
33 *director of community, trade, and economic development, through the*
34 *director of fire protection, shall make available the list.*

35 **Sec. 187 was vetoed. See message at end of chapter.*

36 **Sec. 188.** RCW 70.94.537 and 1991 c 202 s 15 are each amended to
37 read as follows:

1 (1) A twenty-three member state commute trip reduction task force
2 shall be established as follows:

3 (a) The director of the state energy office or the director's
4 designee who shall serve as chair;

5 (b) The secretary of the department of transportation or the
6 secretary's designee;

7 (c) The director of the department of ecology or the director's
8 designee;

9 (d) The director of the department of community, trade, and
10 economic development or the director's designee;

11 (e) The director of the department of general administration or the
12 director's designee;

13 (f) Three representatives from counties appointed by the governor
14 from a list of at least six recommended by the Washington state
15 association of counties;

16 (g) Three representatives from cities and towns appointed by the
17 governor from a list of at least six recommended by the association of
18 Washington cities;

19 (h) Three representatives from transit agencies appointed by the
20 governor from a list of at least six recommended by the Washington
21 state transit association;

22 (i) Six representatives of employers at or owners of major
23 worksites in Washington appointed by the governor from a list of at
24 least twelve recommended by the association of Washington business; and

25 (j) Three citizens appointed by the governor.

26 Members of the commute trip reduction task force shall serve
27 without compensation but shall be reimbursed for travel expenses as
28 provided in RCW 43.03.050 and 43.03.060. Members appointed by the
29 governor shall be compensated in accordance with RCW 43.03.220. The
30 task force has all powers necessary to carry out its duties as
31 prescribed by this chapter. The task force shall be dissolved on July
32 1, 2000.

33 (2) By March 1, 1992, the commute trip reduction task force shall
34 establish guidelines for commute trip reduction plans. The guidelines
35 are intended to ensure consistency in commute trip reduction plans and
36 goals among jurisdictions while fairly taking into account differences
37 in employment and housing density, employer size, existing and
38 anticipated levels of transit service, special employer circumstances,

1 and other factors the task force determines to be relevant. The
2 guidelines shall include:

3 (a) Criteria for establishing commute trip reduction zones;

4 (b) Methods and information requirements for determining base year
5 values of the proportion of single-occupant vehicle commute trips and
6 the commute trip vehicle miles traveled per employee and progress
7 toward meeting commute trip reduction plan goals;

8 (c) Model commute trip reduction ordinances;

9 (d) Methods for assuring consistency in the treatment of employers
10 who have worksites subject to the requirements of this chapter in more
11 than one jurisdiction;

12 (e) An appeals process by which major employers, who as a result of
13 special characteristics of their business or its locations would be
14 unable to meet the requirements of a commute trip reduction plan, may
15 obtain a waiver or modification of those requirements and criteria for
16 determining eligibility for waiver or modification;

17 (f) Methods to ensure that employers shall receive full credit for
18 the results of transportation demand management efforts and commute
19 trip reduction programs which have been implemented by major employers
20 prior to the base year;

21 (g) Alternative commute trip reduction goals for major employers
22 which cannot meet the goals of this chapter because of the unique
23 nature of their business; and

24 (h) Alternative commute trip reduction goals for major employers
25 whose worksites change and who contribute substantially to traffic
26 congestion in a trip reduction zone.

27 (3) The task force shall assess the commute trip reduction options
28 available to employers other than major employers and make
29 recommendations to the legislature by October 1, 1992. The
30 recommendations shall include the minimum size of employer who shall be
31 required to implement trip reduction programs and the appropriate
32 methods those employers can use to accomplish trip reduction goals.

33 (4) The task force shall review progress toward implementing
34 commute trip reduction plans and programs and the costs and benefits of
35 commute trip reduction plans and programs and shall make
36 recommendations to the legislature by December 1, 1995, and December 1,
37 1999. In assessing the costs and benefits, the task force shall
38 consider the costs of not having implemented commute trip reduction
39 plans and programs. The task force shall examine other transportation

1 demand management programs nationally and incorporate its findings into
2 its recommendations to the legislature. The recommendations shall
3 address the need for continuation, modification, or termination or any
4 or all requirements of this chapter. The recommendations made December
5 1, 1995, shall include recommendations regarding extension of the
6 requirements of this chapter to employers with fifty or more full-time
7 employees at a single worksite who begin their regular work day between
8 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous
9 months.

10 **Sec. 189.** RCW 70.95.260 and 1989 c 431 s 9 are each amended to
11 read as follows:

12 The department shall in addition to its other powers and duties:

13 (1) Cooperate with the appropriate federal, state, interstate and
14 local units of government and with appropriate private organizations in
15 carrying out the provisions of this chapter.

16 (2) Coordinate the development of a solid waste management plan for
17 all areas of the state in cooperation with local government, the
18 department of community, trade, and economic development, and other
19 appropriate state and regional agencies. The plan shall relate to
20 solid waste management for twenty years in the future and shall be
21 reviewed biennially, revised as necessary, and extended so that
22 perpetually the plan shall look to the future for twenty years as a
23 guide in carrying out a state coordinated solid waste management
24 program. The plan shall be developed into a single integrated document
25 and shall be adopted no later than October 1990. The plan shall be
26 revised regularly after its initial completion so that local
27 governments revising local comprehensive solid waste management plans
28 can take advantage of the data and analysis in the state plan.

29 (3) Provide technical assistance to any person as well as to
30 cities, counties, and industries.

31 (4) Initiate, conduct, and support research, demonstration
32 projects, and investigations, and coordinate research programs
33 pertaining to solid waste management systems.

34 (5) Develop state-wide programs to increase public awareness of and
35 participation in tire recycling, and to stimulate and encourage local
36 private tire recycling centers and public participation in tire
37 recycling.

1 (6) May, under the provisions of the Administrative Procedure Act,
2 chapter 34.05 RCW, as now or hereafter amended, from time to time
3 promulgate such rules and regulations as are necessary to carry out the
4 purposes of this chapter.

5 **Sec. 190.** RCW 70.95.265 and 1985 c 466 s 69 are each amended to
6 read as follows:

7 The department shall work closely with the department of community,
8 trade, and economic development, the department of general
9 administration, and with other state departments and agencies, the
10 Washington state association of counties, the association of Washington
11 cities, and business associations, to carry out the objectives and
12 purposes of this 1976 amendatory act.

13 **Sec. 191.** RCW 70.95.810 and 1989 c 431 s 97 are each amended to
14 read as follows:

15 (1) In order to establish the feasibility of composting food and
16 yard wastes, the department shall provide funds, as available, to local
17 governments submitting a proposal to compost such wastes.

18 (2) The department, in cooperation with the department of
19 community, trade, and economic development, may approve an application
20 if the project can demonstrate the essential parameters for successful
21 composting, including, but not limited to, cost-effectiveness, handling
22 and safety requirements, and current and potential markets.

23 (3) The department shall periodically report to the appropriate
24 standing committees of the legislature on the need for, and feasibility
25 of, composting systems for food and yard wastes.

26 **Sec. 192.** RCW 70.95H.007 and 1991 c 319 s 202 are each amended to
27 read as follows:

28 There is created the clean Washington center within the department
29 of community, trade, and economic development. As used in this
30 chapter, "center" means the clean Washington center.

31 **Sec. 193.** RCW 70.95H.020 and 1991 c 319 s 204 are each amended to
32 read as follows:

33 (1) The center's activities shall be conducted with the assistance
34 of a policy board. Except as otherwise provided, policy board members

1 shall be appointed by the directors of the department of community,
2 trade, and economic development and department of ecology as follows:

3 (a) Two representatives of the legislature, one appointed by the
4 speaker of the house of representatives and one appointed by the
5 president of the senate;

6 (b) One member to represent cities;

7 (c) One member to represent counties;

8 (d) Five private sector members to represent the end users and
9 marketers of postconsumer recovered materials, including one member to
10 represent recycling businesses;

11 (e) The directors of the departments of community, trade, and
12 economic development and ecology shall represent the executive branch
13 as nonvoting members; and

14 (f) Nonvoting, temporary appointments to the board can be made by
15 the chair where specific expertise is needed.

16 (2) The initial appointments of the five private sector members
17 will be two members with three-year terms and three members with two-
18 year terms. Thereafter, members shall serve two-year renewable terms.
19 Vacancies shall be filled by the chair with majority consent from the
20 members.

21 (3) Members of the board, exclusive of those representing the
22 legislative or executive branches, shall be reimbursed for travel
23 expenses as provided in RCW 43.03.050 and 43.03.060.

24 (4) The board shall meet at least quarterly.

25 (5) The chair shall be elected from among the members by a simple
26 majority vote.

27 (6) The board may adopt and exercise bylaws for the regulation of
28 its business for the purposes of this chapter.

29 **Sec. 194.** RCW 70.95H.050 and 1991 c 319 s 207 are each amended to
30 read as follows:

31 The center shall solicit financial contributions and support from
32 manufacturing industries and other private sector sources, foundations,
33 and grants from governmental sources to assist in conducting its
34 activities. It may also use separately appropriated funds of the
35 department of community, trade, and economic development for the
36 center's activities.

1 **Sec. 195. RCW 70.108.040 and 1986 c 266 s 120 are each amended to*
2 *read as follows:*

3 *Application for an outdoor music festival permit shall be in*
4 *writing and filed with the clerk of the issuing authority wherein the*
5 *festival is to be held. Said application shall be filed not less than*
6 *ninety days prior to the first scheduled day of the festival and shall*
7 *be accompanied with a permit fee in the amount of two thousand five*
8 *hundred dollars. Said application shall include:*

9 *(1) The name of the person or other legal entity on behalf of whom*
10 *said application is made: PROVIDED, That a natural person applying for*
11 *such permit shall be eighteen years of age or older;*

12 *(2) A financial statement of the applicant;*

13 *(3) The nature of the business organization of the applicant;*

14 *(4) Names and addresses of all individuals or other entities having*
15 *a ten percent or more proprietary interest in the festival;*

16 *(5) The principal place of business of applicant;*

17 *(6) A legal description of the land to be occupied, the name and*
18 *address of the owner thereof, together with a document showing the*
19 *consent of said owner to the issuance of a permit, if the land be owned*
20 *by a person other than the applicant;*

21 *(7) The scheduled performances and program;*

22 *(8) Written confirmation from the local health officer that he or*
23 *she has reviewed and approved plans for site and development in*
24 *accordance with rules, regulations and standards adopted by the state*
25 *board of health. Such rules and regulations shall include criteria as*
26 *to the following and such other matters as the state board of health*
27 *deems necessary to protect the public's health:*

28 *(a) Submission of plans*

29 *(b) Site*

30 *(c) Water supply*

31 *(d) Sewage disposal*

32 *(e) Food preparation facilities*

33 *(f) Toilet facilities*

34 *(g) Solid waste*

35 *(h) Insect and rodent control*

36 *(i) Shelter*

37 *(j) Dust control*

38 *(k) Lighting*

39 *(l) Emergency medical facilities*

1 (m) Emergency air evacuation

2 (n) Attendant physicians

3 (o) Communication systems

4 (9) A written confirmation from the appropriate law enforcement
5 agency from the area where the outdoor music festival is to take place,
6 showing that traffic control and crowd protection policing have been
7 contracted for or otherwise provided by the applicant meeting the
8 following conditions:

9 (a) One person for each two hundred persons reasonably expected to
10 be in attendance at any time during the event for purposes of traffic
11 and crowd control.

12 (b) The names and addresses of all traffic and crowd control
13 personnel shall be provided to the appropriate law enforcement
14 authority: PROVIDED, That not less than twenty percent of the traffic
15 and crowd control personnel shall be commissioned police officers or
16 deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972
17 any commissioned police officer or deputy sheriff who is employed and
18 compensated by the promoter of an outdoor music festival shall not be
19 eligible and shall not receive any benefits whatsoever from any public
20 pension or disability plan of which he or she is a member for the time
21 he or she is so employed or for any injuries received during the course
22 of such employment.

23 (c) During the hours that the festival site shall be open to the
24 public there shall be at least one regularly commissioned police
25 officer employed by the jurisdiction wherein the festival site is
26 located for every one thousand persons in attendance and said officer
27 shall be on duty within the confines of the actual outdoor music
28 festival site.

29 (d) All law enforcement personnel shall be charged with enforcing
30 the provisions of this chapter and all existing statutes, ordinances
31 and regulations.

32 (10) A written confirmation from the appropriate law enforcement
33 authority that sufficient access roads are available for ingress and
34 egress to the parking areas of the outdoor music festival site and that
35 parking areas are available on the actual site of the festival or
36 immediately adjacent thereto which are capable of accommodating one
37 auto for every four persons in estimated attendance at the outdoor
38 music festival site.

1 (11) A written confirmation from the department of natural
2 resources, where applicable, and the director of community, trade, and
3 economic development, through the director of fire protection, that all
4 fire prevention requirements have been complied with.

5 (12) A written statement of the applicant that all state and local
6 law enforcement officers, fire control officers and other necessary
7 governmental personnel shall have free access to the site of the
8 outdoor music festival.

9 (13) A statement that the applicant will abide by the provisions of
10 this chapter.

11 (14) The verification of the applicant warranting the truth of the
12 matters set forth in the application to the best of the applicant's
13 knowledge, under the penalty of perjury.

14 *Sec. 195 was vetoed. See message at end of chapter.

15 **Sec. 196.** RCW 70.128.180 and 1989 c 427 s 41 are each amended to
16 read as follows:

17 The department of community, trade, and economic development shall:

18 (1) Report to the appropriate committees of the legislature the
19 results of the local reviews provided for in RCW 35.63.140, 35A.63.149,
20 36.70.755, 35.22.680, and 36.32.560 by December 31, 1990.

21 (2) In consultation with the association of Washington cities, the
22 Washington association of counties, and the long-term care commission,
23 develop a model ordinance for the siting of residential care
24 facilities. The model ordinance shall be developed by December 31,
25 1990.

26 **Sec. 197.** RCW 70.136.030 and 1987 c 238 s 2 are each amended to
27 read as follows:

28 The governing body of each applicable political subdivision of this
29 state shall designate a hazardous materials incident command agency
30 within its respective boundaries, and file this designation with the
31 director of community, trade, and economic development. In designating
32 an incident command agency, the political subdivision shall consider
33 the training, manpower, expertise, and equipment of various available
34 agencies as well as the Uniform Fire Code and other existing codes and
35 regulations. Along state and interstate highway corridors, the
36 Washington state patrol shall be the designated incident command agency
37 unless by mutual agreement that role has been assumed by another

1 designated incident command agency. If a political subdivision has not
2 designated an incident command agency within six months after July 26,
3 1987, the Washington state patrol shall then assume the role of
4 incident command agency by action of the chief until a designation has
5 been made.

6 **Sec. 198. RCW 70.160.060 and 1986 c 266 s 121 are each amended to*
7 *read as follows:*

8 *This chapter is not intended to regulate smoking in a private*
9 *enclosed workplace, within a public place, even though such workplace*
10 *may be visited by nonsmokers, excepting places in which smoking is*
11 *prohibited by the director of community, trade, and economic*
12 *development, through the director of fire protection, or by other law,*
13 *ordinance, or regulation.*

14 **Sec. 198 was vetoed. See message at end of chapter.*

15 **Sec. 199.** RCW 70.164.020 and 1987 c 36 s 2 are each amended to
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

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

21 (2) "Energy assessment" means an analysis of a dwelling unit to
22 determine the need for cost-effective energy conservation measures as
23 determined by the department.

24 (3) "Household" means an individual or group of individuals living
25 in a dwelling unit as defined by the department.

26 (4) "Low income" means household income that is at or below one
27 hundred twenty-five percent of the federally established poverty level.

28 (5) "Nonutility sponsor" means any sponsor other than a public
29 service company, municipality, public utility district, mutual or
30 cooperative, furnishing gas or electricity used to heat low-income
31 residences.

32 (6) "Residence" means a dwelling unit as defined by the department.

33 (7) "Sponsor" means any entity that submits a proposal under RCW
34 70.164.040, including but not limited to any local community action
35 agency, community service agency, or any other participating agency or
36 any public service company, municipality, public utility district,

1 mutual or cooperative, or any combination of such entities that jointly
2 submits a proposal.

3 (8) "Sponsor match" means the share, if any, of the cost of
4 weatherization to be paid by the sponsor.

5 (9) "Weatherization" means materials or measures, and their
6 installation, that are used to improve the thermal efficiency of a
7 residence.

8 (10) "Weatherizing agency" means any approved department grantee or
9 any public service company, municipality, public utility district,
10 mutual or cooperative, or other entity that bears the responsibility
11 for ensuring the performance of weatherization of residences under this
12 chapter and has been approved by the department.

13 **Sec. 200.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Comprehensive plan" means a two-year plan that examines
18 available resources and unmet needs for a county or multicounty area,
19 barriers that limit the effective use of resources, and a plan to
20 address these issues that is broadly supported.

21 (2) "Participating state agencies" means the office of the
22 superintendent of public instruction, the department of social and
23 health services, the department of health, the employment security
24 department, the department of community, trade, and economic
25 development, and such other departments as may be specifically
26 designated by the governor.

27 (3) "Family policy council" or "council" means the superintendent
28 of public instruction, the secretary of social and health services, the
29 secretary of health, the commissioner of the employment security
30 department, and the director of the department of community, trade, and
31 economic development or their designees, one legislator from each
32 caucus of the senate and house of representatives, and one
33 representative of the governor.

34 (4) "Outcome based" means defined and measurable outcomes and
35 indicators that make it possible for communities to evaluate progress
36 in meeting their goals and whether systems are fulfilling their
37 responsibilities.

1 (5) "Matching funds" means an amount no less than twenty-five
2 percent of the amount budgeted for a consortium's project. Up to half
3 of the consortium's matching funds may be in-kind goods and services.
4 Funding sources allowable for match include appropriate federal or
5 local levy funds, private charitable funding, and other charitable
6 giving. Basic education funds shall not be used as a match.

7 (6) "Consortium" means a diverse group of individuals that includes
8 at least representatives of local service providers, service
9 recipients, local government administering or funding children or
10 family service programs, participating state agencies, school
11 districts, existing children's commissions, ethnic and racial minority
12 populations, and other interested persons organized for the purpose of
13 designing and providing collaborative and coordinated services under
14 this chapter. Consortiums shall represent a county, multicounty, or
15 municipal service area. In addition, consortiums may represent Indian
16 tribes applying either individually or collectively.

17 *Sec. 201. RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each
18 amended to read as follows:

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

1 license and set forth the conditions to be remedied with respect to
2 fire regulations. The department of health, applicant or licensee
3 shall notify the director of community, trade, and economic
4 development, through the director of fire protection, upon completion
5 of any requirements made by him or her, and the ~~((state fire marshal))~~
6 director of fire protection or his or her deputy shall make a
7 reinspection of such premises. Whenever the establishment to be
8 licensed meets with the approval of the director of community, trade,
9 and economic development, through the director of fire protection, he
10 or she shall submit to the department of health a written report
11 approving same with respect to fire protection before a full license
12 can be issued. The director of community, trade, and economic
13 development, through the director of fire protection, shall make or
14 cause to be made inspections of such establishments at least annually.
15 The department of health shall not license or continue the license of
16 any establishment unless and until it shall be approved by the director
17 of community, trade, and economic development, through the director of
18 fire protection, as herein provided.

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 director of community, trade,
23 and economic development, through the director of fire protection, for
24 such establishments, the chief of the fire department, provided the
25 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. 201 was vetoed. See message at end of chapter.

31 **Sec. 202.** RCW 72.09.055 and 1993 c 461 s 12 are each amended to
32 read as follows:

33 (1) The department shall identify and catalog real property that is
34 no longer required for department purposes and is suitable for the
35 development of affordable housing for very low-income, low-income, and
36 moderate-income households as defined ~~((in))~~ in RCW 43.63A.510. The
37 inventory shall include the location, approximate size, and current
38 zoning classification of the property. The department shall provide a

1 copy of the inventory to the department of community, trade, and
2 economic development by November 1, 1993, and every November 1
3 thereafter.

4 (2) By November 1 of each year, beginning in 1994, the department
5 shall purge the inventory of real property of sites that are no longer
6 available for the development of affordable housing. The department
7 shall include an updated listing of real property that has become
8 available since the (~~least~~~~[last]~~) last update. As used in this
9 section, "real property" means buildings, land, or buildings and land.

10 **Sec. 203.** RCW 72.65.210 and 1989 c 89 s 1 are each amended to read
11 as follows:

12 (1) The department shall establish, by rule, inmate eligibility
13 standards for participation in the work release program.

14 (2) The department shall:

15 (a) Conduct an annual examination of each work release facility and
16 its security procedures;

17 (b) Investigate and set standards for the inmate supervision
18 policies of each work release facility;

19 (c) Establish physical standards for future work release structures
20 to ensure the safety of inmates, employees, and the surrounding
21 communities;

22 (d) Evaluate its recordkeeping of serious infractions to determine
23 if infractions are properly and consistently assessed against inmates
24 eligible for work release;

25 (e) Report to the legislature on a case management procedure to
26 evaluate and determine those inmates on work release who are in need of
27 treatment. The department shall establish in the report a written
28 treatment plan best suited to the inmate's needs, cost, and the
29 relationship of community placement and community corrections officers
30 to a system of case management;

31 (f) Adopt a policy to encourage businesses employing work release
32 inmates to contact the appropriate work release facility whenever an
33 inmate is absent from his or her work schedule. The department of
34 corrections shall provide each employer with written information and
35 instructions on who should be called if a work release employee is
36 absent from work or leaves the job site without authorization; and

37 (g) Develop a siting policy, in conjunction with cities, counties,
38 community groups, and the department of community, trade, and economic

1 development for the establishment of additional work release
2 facilities. Such policy shall include at least the following elements:
3 (i) Guidelines for appropriate site selection of work-release
4 facilities; (ii) notification requirements to local government and
5 community groups of intent to site a work release facility; and (iii)
6 guidelines for effective community relations by the work release
7 program operator.

8 The department shall comply with the requirements of this section
9 by July 1, 1990.

10 **Sec. 204.** RCW 74.13.090 and 1993 c 194 s 7 are each amended to
11 read as follows:

12 (1) There is established a child care coordinating committee to
13 provide coordination and communication between state agencies
14 responsible for child care and early childhood education services. The
15 child care coordinating committee shall be composed of not less than
16 seventeen nor more than thirty-three members who shall include:

17 (a) One representative each from the department of social and
18 health services, the department of community, trade, and economic
19 development, the office of the superintendent of public instruction,
20 and any other agency having responsibility for regulation, provision,
21 or funding of child care services in the state;

22 (b) One representative from the department of labor and industries;

23 ~~(c) ((One representative from the department of trade and economic~~
24 ~~development;~~

25 ~~(d))~~ One representative from the department of revenue;

26 ~~((e))~~ (d) One representative from the employment security
27 department;

28 ~~((f))~~ (e) One representative from the department of personnel;

29 ~~((g))~~ (f) One representative from the department of health;

30 ~~((h))~~ (g) At least one representative of family home child care
31 providers and one representative of center care providers;

32 ~~((i))~~ (h) At least one representative of early childhood
33 development experts;

34 ~~((j))~~ (i) At least one representative of school districts and
35 teachers involved in the provision of child care and preschool
36 programs;

37 ~~((k))~~ (j) At least one parent education specialist;

1 (~~(l)~~) (k) At least one representative of resource and referral
2 programs;

3 (~~(m)~~) (l) One pediatric or other health professional;

4 (~~(n)~~) (m) At least one representative of college or university
5 child care providers;

6 (~~(o)~~) (n) At least one representative of a citizen group
7 concerned with child care;

8 (~~(p)~~) (o) At least one representative of a labor organization;

9 (~~(q)~~) (p) At least one representative of a head start - early
10 childhood education assistance program agency;

11 (~~(r)~~) (q) At least one employer who provides child care
12 assistance to employees;

13 (~~(s)~~) (r) Parents of children receiving, or in need of, child
14 care, half of whom shall be parents needing or receiving subsidized
15 child care and half of whom shall be parents who are able to pay for
16 child care.

17 The named state agencies shall select their representative to the
18 child care coordinating committee. The department of social and health
19 services shall select the remaining members, considering
20 recommendations from lists submitted by professional associations and
21 other interest groups until such time as the committee adopts a member
22 selection process. The department shall use any federal funds which
23 may become available to accomplish the purposes of RCW 74.13.085
24 through 74.13.095.

25 The committee shall elect officers from among its membership and
26 shall adopt policies and procedures specifying the lengths of terms,
27 methods for filling vacancies, and other matters necessary to the
28 ongoing functioning of the committee. The secretary of social and
29 health services shall appoint a temporary chair until the committee has
30 adopted policies and elected a chair accordingly. Child care
31 coordinating committee members shall be reimbursed for travel expenses
32 as provided in RCW 43.03.050 and 43.03.060.

33 (2) To the extent possible within available funds, the child care
34 coordinating committee shall:

35 (a) Serve as an advisory coordinator for all state agencies
36 responsible for early childhood or child care programs for the purpose
37 of improving communication and interagency coordination;

38 (b) Annually review state programs and make recommendations to the
39 agencies and the legislature which will maximize funding and promote

1 furtherance of the policies set forth in RCW 74.13.085. Reports shall
2 be provided to all appropriate committees of the legislature by
3 December 1 of each year. At a minimum the committee shall:

4 (i) Review and propose changes to the child care subsidy system in
5 its December 1989 report;

6 (ii) Review alternative models for child care service systems, in
7 the context of the policies set forth in RCW 74.13.085, and recommend
8 to the legislature a new child care service structure; and

9 (iii) Review options and make recommendations on the feasibility of
10 establishing an allocation for day care facilities when constructing
11 state buildings;

12 (c) Review department of social and health services administration
13 of the child care expansion grant program described in RCW 74.13.095;

14 (d) Review rules regarding child care facilities and services for
15 the purpose of identifying those which unnecessarily obstruct the
16 availability and affordability of child care in the state;

17 (e) Advise and assist the office of child care (~~resource~~
18 ~~coordinator~~) policy in implementing his or her duties under RCW
19 74.13.0903;

20 (f) Perform other functions to improve the quantity and quality of
21 child care in the state, including compliance with existing and future
22 prerequisites for federal funding; and

23 (g) Advise and assist the department of personnel in its
24 responsibility for establishing policies and procedures that provide
25 for the development of quality child care programs for state employees.

26 **Sec. 205. RCW 74.15.050 and 1986 c 266 s 123 are each amended to*
27 *read as follows:*

28 *The director of community, trade, and economic development, through*
29 *the director of fire protection, shall have the power and it shall be*
30 *his or her duty:*

31 *(1) In consultation with the children's services advisory committee*
32 *and with the advice and assistance of persons representative of the*
33 *various type agencies to be licensed, to adopt recognized minimum*
34 *standard requirements pertaining to each category of agency established*
35 *pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family*
36 *homes and child-placing agencies, necessary to protect all persons*
37 *residing therein from fire hazards;*

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

4 (3) To make a periodic review of requirements under RCW
5 ((74.15.030(6))) 74.15.030(7) and to adopt necessary changes after
6 consultation as required in subsection (1) of this section;

7 (4) To issue to applicants for licenses hereunder, other than
8 foster-family homes or child-placing agencies, who comply with the
9 requirements, a certificate of compliance, a copy of which shall be
10 presented to the department of social and health services before a
11 license shall be issued, except that a provisional license may be
12 issued as provided in RCW 74.15.120.

13 *Sec. 205 was vetoed. See message at end of chapter.

14 *Sec. 206. RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each
15 amended to read as follows:

16 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
17 accord the department of social and health services, the secretary of
18 health, the director of community, trade, and economic development, and
19 the director of fire protection, or their designees, the right of
20 entrance and the privilege of access to and inspection of records for
21 the purpose of determining whether or not there is compliance with the
22 provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements
23 adopted thereunder.

24 *Sec. 206 was vetoed. See message at end of chapter.

25 **Sec. 207.** RCW 76.09.030 and 1993 c 257 s 1 are each amended to
26 read as follows:

27 (1) There is hereby created the forest practices board of the state
28 of Washington as an agency of state government consisting of members as
29 follows:

30 (a) The commissioner of public lands or ((his)) the commissioner's
31 designee;

32 (b) The director of the department of community, trade, and
33 economic development or ((his)) the director's designee;

34 (c) The director of the department of agriculture or ((his)) the
35 director's designee;

36 (d) The director of the department of ecology or ((his)) the
37 director's designee;

1 (e) An elected member of a county legislative authority appointed
2 by the governor: PROVIDED, That such member's service on the board
3 shall be conditioned on (~~his~~) the member's continued service as an
4 elected county official; and

5 (f) Six members of the general public appointed by the governor,
6 one of whom shall be an owner of not more than five hundred acres of
7 forest land, and one of whom shall be an independent logging
8 contractor.

9 (2) The members of the initial board appointed by the governor
10 shall be appointed so that the term of one member shall expire December
11 31, 1975, the term of one member shall expire December 31, 1976, the
12 term of one member shall expire December 31, 1977, the terms of two
13 members shall expire December 31, 1978, and the terms of two members
14 shall expire December 31, 1979. Thereafter, each member shall be
15 appointed for a term of four years. Vacancies on the board shall be
16 filled in the same manner as the original appointments. Each member of
17 the board shall continue in office until his or her successor is
18 appointed and qualified. The commissioner of public lands or (~~his~~)
19 the commissioner's designee shall be the chairman of the board.

20 (3) The board shall meet at such times and places as shall be
21 designated by the chairman or upon the written request of the majority
22 of the board. The principal office of the board shall be at the state
23 capital.

24 (4) Members of the board, except public employees and elected
25 officials, shall be compensated in accordance with RCW 43.03.250. Each
26 member shall be entitled to reimbursement for travel expenses incurred
27 in the performance of their duties as provided in RCW 43.03.050 and
28 43.03.060.

29 (5) The board may employ such clerical help and staff pursuant to
30 chapter 41.06 RCW as is necessary to carry out its duties.

31 **Sec. 208.** RCW 77.12.710 and 1993 sp.s. c 2 s 70 are each amended
32 to read as follows:

33 The legislature hereby directs the department to determine the
34 feasibility and cost of doubling the state-wide game fish production by
35 the year 2000. The department shall seek to equalize the effort and
36 investment expended on anadromous and resident game fish programs. The
37 department shall provide the legislature with a specific plan for
38 legislative approval that will outline the feasibility of increasing

1 game fish production by one hundred percent over current levels by the
2 year 2000. The plan shall contain specific provisions to increase both
3 hatchery and naturally spawning game fish to a level that will support
4 the production goal established in this section consistent with
5 department policies. Steelhead trout, searun cutthroat trout, resident
6 trout, and warmwater fish producing areas of the state shall be
7 included in the plan. The department shall provide the plan to the
8 house of representatives and senate ways and means, environment and
9 natural resources, environmental affairs, fisheries and wildlife, and
10 natural resources committees by December 31, 1990.

11 The plan shall include the following critical elements:

12 (1) Methods of determining current catch and production, and catch
13 and production in the year 2000;

14 (2) Methods of involving fishing groups, including Indian tribes,
15 in a cooperative manner;

16 (3) Methods for using low capital cost projects to produce game
17 fish as inexpensively as possible;

18 (4) Methods for renovating and modernizing all existing hatcheries
19 and rearing ponds to maximize production capability;

20 (5) Methods for increasing the productivity of natural spawning
21 game fish;

22 (6) Application of new technology to increase hatchery and natural
23 productivity;

24 (7) Analysis of the potential for private contractors to produce
25 game fish for public fisheries;

26 (8) Methods to optimize public volunteer efforts and cooperative
27 projects for maximum efficiency;

28 (9) Methods for development of trophy game fish fisheries;

29 (10) Elements of coordination with the Pacific Northwest Power
30 Council programs to ensure maximum Columbia river benefits;

31 (11) The role that should be played by private consulting companies
32 in developing and implementing the plan;

33 (12) Coordination with federal fish and wildlife agencies, Indian
34 tribes, and department fish production programs;

35 (13) Future needs for game fish predator control measures;

36 (14) Development of disease control measures;

37 (15) Methods for obtaining access to waters currently not available
38 to anglers; and

1 (16) Development of research programs to support game fish
2 management and enhancement programs.

3 The department, in cooperation with the department of revenue,
4 shall assess various funding mechanisms and make recommendations to the
5 legislature in the plan. The department, in cooperation with the
6 department of community, trade, and economic development, shall prepare
7 an analysis of the economic benefits to the state that will occur when
8 the game fish production is increased by one hundred percent in the
9 year 2000.

10 **Sec. 209.** RCW 79.08.1078 and 1985 c 6 s 24 are each amended to
11 read as follows:

12 (1) A public hearing may be held prior to any withdrawal of state
13 trust lands and shall be held prior to any revocation of withdrawal or
14 modification of withdrawal of state trust lands used for recreational
15 purposes by the department of natural resources or by other state
16 agencies.

17 (2) The department shall cause notice of the withdrawal, revocation
18 of withdrawal or modification of withdrawal of state trust lands as
19 described in subsection (1) of this section to be published by
20 advertisement once a week for four weeks prior to the public hearing in
21 at least one newspaper published and of general circulation in the
22 county or counties in which the state trust lands are situated, and by
23 causing a copy of said notice to be posted in a conspicuous place in
24 the department's Olympia office, in the district office in which the
25 land is situated, and in the office of the county auditor in the county
26 where the land is situated thirty days prior to the public hearing.
27 The notice shall specify the time and place of the public hearing and
28 shall describe with particularity each parcel of state trust lands
29 involved in said hearing.

30 (3) The board of natural resources shall administer the hearing
31 according to its prescribed rules and regulations.

32 (4) The board of natural resources shall determine the most
33 beneficial use or combination of uses of the state trust lands. Its
34 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
35 said decisions as to uses shall conform to applicable state plans and
36 policy guidelines adopted by the department of community, trade, and
37 economic development.

1 **Sec. 210.** RCW 79.90.565 and 1988 c 124 s 9 are each amended to
2 read as follows:

3 After consultation with the director of community, trade, and
4 economic development, the department of natural resources may enter
5 into agreements, leases, or other conveyances for archaeological
6 activities on state-owned aquatic lands. Such agreements, leases, or
7 other conveyances may contain such conditions as are required for the
8 department of natural resources to comply with its legal rights and
9 duties. All such agreements, leases, or other conveyances, shall be
10 issued in accordance with the terms of chapters 79.90 through 79.96
11 RCW.

12 **Sec. 211.** RCW 80.28.010 and 1991 c 347 s 22 and 1991 c 165 s 4 are
13 each reenacted and amended to read as follows:

14 (1) All charges made, demanded or received by any gas company,
15 electrical company or water company for gas, electricity or water, or
16 for any service rendered or to be rendered in connection therewith,
17 shall be just, fair, reasonable and sufficient.

18 (2) Every gas company, electrical company and water company shall
19 furnish and supply such service, instrumentalities and facilities as
20 shall be safe, adequate and efficient, and in all respects just and
21 reasonable.

22 (3) All rules and regulations issued by any gas company, electrical
23 company or water company, affecting or pertaining to the sale or
24 distribution of its product, shall be just and reasonable.

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

27 (a) Notifies the utility of the inability to pay the bill,
28 including a security deposit. This notice should be provided within
29 five business days of receiving a payment overdue notice unless there
30 are extenuating circumstances. If the customer fails to notify the
31 utility within five business days and service is terminated, the
32 customer can, by paying reconnection charges, if any, and fulfilling
33 the requirements of this section, receive the protections of this
34 chapter;

35 (b) Provides self-certification of household income for the prior
36 twelve months to a grantee of the department of community, trade, and
37 economic development which administers federally funded energy
38 assistance programs. The grantee shall determine that the household

1 income does not exceed the maximum allowed for eligibility under the
2 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
3 shall provide a dollar figure that is seven percent of household
4 income. The grantee may verify information provided in the self-
5 certification;

6 (c) Has applied for home heating assistance from applicable
7 government and private sector organizations and certifies that any
8 assistance received will be applied to the current bill and future
9 utility bills;

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

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

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

29 (5) The utility shall:

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

33 (b) Assist the customer in fulfilling the requirements under this
34 section;

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

38 (d) Be permitted to disconnect service if the customer fails to
39 honor the payment program. Utilities may continue to disconnect

1 service for those practices authorized by law other than for nonpayment
2 as provided for in this subsection. Customers who qualify for payment
3 plans under this section who default on their payment plans and are
4 disconnected can be reconnected and maintain the protections afforded
5 under this chapter by paying reconnection charges, if any, and by
6 paying all amounts that would have been due and owing under the terms
7 of the applicable payment plan, absent default, on the date on which
8 service is reconnected; and

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

12 (6) A payment plan implemented under this section is consistent
13 with RCW 80.28.080.

14 (7) Every gas company and electrical company shall offer
15 residential customers the option of a budget billing or equal payment
16 plan. The budget billing or equal payment plan shall be offered low-
17 income customers eligible under the state's plan for low-income energy
18 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
19 limiting availability to certain months of the year, without regard to
20 the length of time the customer has occupied the premises, and without
21 regard to whether the customer is the tenant or owner of the premises
22 occupied.

23 (8) Every gas company, electrical company and water company shall
24 construct and maintain such facilities in connection with the
25 manufacture and distribution of its product as will be efficient and
26 safe to its employees and the public.

27 (9) An agreement between the customer and the utility, whether oral
28 or written, shall not waive the protections afforded under this
29 chapter.

30 (10) In establishing rates or charges for water service, water
31 companies as defined in RCW 80.04.010 may consider the achievement of
32 water conservation goals and the discouragement of wasteful water use
33 practices.

34 **Sec. 212.** RCW 81.80.450 and 1990 c 123 s 2 are each amended to
35 read as follows:

36 (1) The department of community, trade, and economic development,
37 in conjunction with the utilities and transportation commission and the
38 department of ecology, shall evaluate the effect of exempting motor

1 vehicles transporting recovered materials from rate regulation as
2 provided under RCW 81.80.440. The evaluation shall, at a minimum,
3 describe the effect of such exemption on:

4 (a) The cost and timeliness of transporting recovered materials
5 within the state;

6 (b) The volume of recovered materials transported within the state;

7 (c) The number of safety violations and traffic accidents related
8 to transporting recovered materials within the state; and

9 (d) The availability of service related to transporting recovered
10 materials from rural areas of the state.

11 (2) The department shall report the results of its evaluation to
12 the appropriate standing committees of the legislature by October 1,
13 1993.

14 (3) The commission shall adopt rules requiring persons transporting
15 recovered materials to submit information required under RCW 70.95.280.
16 In adopting such rules, the commission shall include procedures to
17 ensure the confidentiality of proprietary information.

18 **Sec. 213.** RCW 82.14.335 and 1993 sp.s. c 21 s 4 are each amended
19 to read as follows:

20 The department of community, trade, and economic development shall
21 adopt criteria to be used in making grants to cities under RCW
22 82.14.330(2). In developing the criteria, the department shall create
23 a temporary advisory committee consisting of the director of community,
24 trade, and economic development, two representatives nominated by the
25 association of Washington cities, and two representatives nominated by
26 the Washington association of sheriffs and police chiefs.

27 **Sec. 214.** RCW 82.23B.020 and 1992 c 73 s 7 are each amended to
28 read as follows:

29 (1) An oil spill response tax is imposed on the privilege of
30 receiving crude oil or petroleum products at a marine terminal within
31 this state from a waterborne vessel or barge operating on the navigable
32 waters of this state. The tax imposed in this section is levied upon
33 the owner of the crude oil or petroleum products immediately after
34 receipt of the same into the storage tanks of a marine terminal from a
35 waterborne vessel or barge at the rate of two cents per barrel of crude
36 oil or petroleum product received.

1 (2) In addition to the tax imposed in subsection (1) of this
2 section, an oil spill administration tax is imposed on the privilege of
3 receiving crude oil or petroleum products at a marine terminal within
4 this state from a waterborne vessel or barge operating on the navigable
5 waters of this state. The tax imposed in this section is levied upon
6 the owner of the crude oil or petroleum products immediately after
7 receipt of the same into the storage tanks of a marine terminal from a
8 waterborne vessel or barge at the rate of three cents per barrel of
9 crude oil or petroleum product.

10 (3) The taxes imposed by this chapter shall be collected by the
11 marine terminal operator from the taxpayer. If any person charged with
12 collecting the taxes fails to bill the taxpayer for the taxes, or in
13 the alternative has not notified the taxpayer in writing of the
14 imposition of the taxes, or having collected the taxes, fails to pay
15 them to the department in the manner prescribed by this chapter,
16 whether such failure is the result of the person's own acts or the
17 result of acts or conditions beyond the person's control, he or she
18 shall, nevertheless, be personally liable to the state for the amount
19 of the taxes. Payment of the taxes by the owner to a marine terminal
20 operator shall relieve the owner from further liability for the taxes.

21 (4) Taxes collected under this chapter shall be held in trust until
22 paid to the department. Any person collecting the taxes who
23 appropriates or converts the taxes collected shall be guilty of a gross
24 misdemeanor if the money required to be collected is not available for
25 payment on the date payment is due. The taxes required by this chapter
26 to be collected shall be stated separately from other charges made by
27 the marine terminal operator in any invoice or other statement of
28 account provided to the taxpayer.

29 (5) If a taxpayer fails to pay the taxes imposed by this chapter to
30 the person charged with collection of the taxes and the person charged
31 with collection fails to pay the taxes to the department, the
32 department may, in its discretion, proceed directly against the
33 taxpayer for collection of the taxes.

34 (6) The taxes shall be due from the marine terminal operator, along
35 with reports and returns on forms prescribed by the department, within
36 twenty-five days after the end of the month in which the taxable
37 activity occurs.

38 (7) The amount of taxes, until paid by the taxpayer to the marine
39 terminal operator or to the department, shall constitute a debt from

1 the taxpayer to the marine terminal operator. Any person required to
2 collect the taxes under this chapter who, with intent to violate the
3 provisions of this chapter, fails or refuses to do so as required and
4 any taxpayer who refuses to pay any taxes due under this chapter, shall
5 be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

6 (8) Upon prior approval of the department, the taxpayer may pay the
7 taxes imposed by this chapter directly to the department. The
8 department shall give its approval for direct payment under this
9 section whenever it appears, in the department's judgment, that direct
10 payment will enhance the administration of the taxes imposed under this
11 chapter. The department shall provide by rule for the issuance of a
12 direct payment certificate to any taxpayer qualifying for direct
13 payment of the taxes. Good faith acceptance of a direct payment
14 certificate by a terminal operator shall relieve the marine terminal
15 operator from any liability for the collection or payment of the taxes
16 imposed under this chapter.

17 (9) All receipts from the tax imposed in subsection (1) of this
18 section shall be deposited into the state oil spill response account.
19 All receipts from the tax imposed in subsection (2) of this section
20 shall be deposited into the ((state)) oil spill administration account.

21 (10) Within forty-five days after the end of each calendar quarter,
22 the office of financial management shall determine the balance of the
23 oil spill response account as of the last day of that calendar quarter.
24 Balance determinations by the office of financial management under this
25 section are final and shall not be used to challenge the validity of
26 any tax imposed under this chapter. The office of financial management
27 shall promptly notify the departments of revenue and ecology of the
28 account balance once a determination is made. For each subsequent
29 calendar quarter, the tax imposed by subsection (1) of this section
30 shall be imposed during the entire calendar quarter unless:

31 (a) Tax was imposed under subsection (1) of this section during the
32 immediately preceding calendar quarter, and the most recent quarterly
33 balance is more than twenty-five million dollars; or

34 (b) Tax was not imposed under subsection (1) of this section during
35 the immediately preceding calendar quarter, and the most recent
36 quarterly balance is more than fifteen million dollars.

37 (11) The office of marine safety, the department of revenue, and
38 the department of community, trade, and economic development shall
39 study tax credits for taxpayers employing vessels with the best

1 achievable technology and the best available protection to reduce the
2 risk of oil spills to the navigable waters of the state and submit the
3 study to the appropriate standing committees of the legislature by
4 December 1, 1992.

5 **Sec. 215.** RCW 82.61.070 and 1993 sp.s. c 25 s 409 are each amended
6 to read as follows:

7 The department and the department of community, trade, and economic
8 development shall jointly report to the legislature about the effects
9 of this chapter on new manufacturing and research and development
10 activities in this state. The report shall contain information
11 concerning the number of deferral certificates granted, the amount of
12 sales tax deferred, the number of jobs created and other information
13 useful in measuring such effects. Reports shall be submitted by
14 January 1, 1986, and by January 1 of each year through 1999.

15 **Sec. 216.** RCW 88.12.275 and 1986 c 217 s 11 are each amended to
16 read as follows:

17 (1) Any person carrying passengers for hire on whitewater river
18 sections in this state may register with the department of licensing.
19 Each registration application shall be submitted annually on a form
20 provided by the department of licensing and shall include the following
21 information:

22 (a) The name, residence address, and residence telephone number,
23 and the business name, address, and telephone number of the registrant;

24 (b) Proof that the registrant has liability insurance for a minimum
25 of three hundred thousand dollars per claim for occurrences by the
26 registrant and the registrant's employees that result in bodily injury
27 or property damage; and

28 (c) Certification that the registrant will maintain the insurance
29 for a period of not less than one year from the date of registration.

30 (2) The department of licensing shall charge a fee for each
31 application, to be set in accordance with RCW 43.24.086.

32 (3) Any person advertising or representing themselves as having
33 registered under this section who is not currently registered is guilty
34 of a gross misdemeanor.

35 (4) The department of licensing shall submit annually a list of
36 registered persons and companies to the department of community, trade,
37 and economic development, tourism promotion division.

1 (5) If an insurance company cancels or refuses to renew insurance
2 for a registrant during the period of registration, the insurance
3 company shall notify the department of licensing in writing of the
4 termination of coverage and its effective date not less than thirty
5 days before the effective date of termination.

6 (a) Upon receipt of an insurance company termination notice, the
7 department of licensing shall send written notice to the registrant
8 that on the effective date of termination the department of licensing
9 will suspend the registration unless proof of insurance as required by
10 this section is filed with the department of licensing before the
11 effective date of the termination.

12 (b) If an insurance company fails to give notice of coverage
13 termination, this failure shall not have the effect of continuing the
14 coverage.

15 (c) The department of licensing may suspend or revoke registration
16 under this section if the registrant fails to maintain in full force
17 and effect the insurance required by this section.

18 (6) The state of Washington shall be immune from any civil action
19 arising from a registration under this section.

20 **Sec. 217. RCW 88.46.100 and 1991 c 200 s 423 are each amended to*
21 *read as follows:*

22 *(1) In order to assist the state in identifying areas of the*
23 *navigable waters of the state needing special attention, the owner or*
24 *operator of a covered vessel shall notify the coast guard within one*
25 *hour:*

26 *(a) Of the disability of the covered vessel if the disabled vessel*
27 *is within twelve miles of the shore of the state; and*

28 *(b) Of a collision or a near miss incident within twelve miles of*
29 *the shore of the state.*

30 *(2) The division of emergency management of the department of*
31 *community, trade, and economic development and the office shall request*
32 *the coast guard to notify the division of emergency management as soon*
33 *as possible after the coast guard receives notice of a disabled covered*
34 *vessel or of a collision or near miss incident within twelve miles of*
35 *the shore of the state. The office shall negotiate an agreement with*
36 *the coast guard governing procedures for coast guard notification to*
37 *the state regarding disabled covered vessels and collisions and near*
38 *miss incidents.*

1 (3) *The office shall prepare a summary of the information collected*
2 *under this section and provide the summary to the regional marine*
3 *safety committees, the coast guard, and others in order to identify*
4 *problems with the marine transportation system.*

5 (4) *For the purposes of this section:*

6 (a) *A tank vessel or cargo vessel is considered disabled if any of*
7 *the following occur:*

8 (i) *Any accidental or intentional grounding;*

9 (ii) *The total or partial failure of the main propulsion or primary*
10 *steering or any component or control system that causes a reduction in*
11 *the maneuvering capabilities of the vessel;*

12 (iii) *An occurrence materially and adversely affecting the vessel's*
13 *seaworthiness or fitness for service, including but not limited to,*
14 *fire, flooding, or collision with another vessel;*

15 (iv) *Any other occurrence that creates the serious possibility of*
16 *an oil spill or an occurrence that may result in such a spill.*

17 (b) *A barge is considered disabled if any of the following occur:*

18 (i) *The towing mechanism becomes disabled;*

19 (ii) *The towboat towing the barge becomes disabled through*
20 *occurrences defined in (a) of this subsection.*

21 (c) *A near miss incident is an incident that requires the pilot or*
22 *master of a covered vessel to take evasive actions or make significant*
23 *course corrections in order to avoid a collision with another ship or*
24 *to avoid a grounding as required by the international rules of the*
25 *road.*

26 (5) *Failure of any person to make a report under this section shall*
27 *not be used as the basis for the imposition of any fine or penalty.*

28 **Sec. 217 was vetoed. See message at end of chapter.*

29 **Sec. 218.** *RCW 90.56.280 and 1990 c 116 s 24 are each amended to*
30 *read as follows:*

31 *It shall be the duty of any person discharging oil or hazardous*
32 *substances or otherwise causing, permitting, or allowing the same to*
33 *enter the waters of the state, unless the discharge or entry was*
34 *expressly authorized by the department prior thereto or authorized by*
35 *operation of law under RCW 90.48.200, to immediately notify the coast*
36 *guard and the division of emergency management. The notice to the*
37 *division of emergency management within the department of community,*
38 *trade, and economic development shall be made to the division's twenty-*

1 four hour state-wide toll-free number established for reporting
2 emergencies.

3 NEW SECTION. **Sec. 219.** The 1995 amendments to RCW 43.63A.465
4 (section 74 of this act) shall expire and be of no force and effect on
5 January 1 in any year following the failure of the United States
6 department of housing and urban development to reimburse the state for
7 the duties described in chapter 124, Laws of 1993.

8 NEW SECTION. **Sec. 220.** RCW 41.06.089 is decodified.

Passed the House January 27, 1995.

Passed the Senate April 7, 1995.

Approved by the Governor May 16, 1995, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 1-6,
3 11, 19, 22-24, 42, 46-53, 73, 118, 119, 125-141, 143, 152, 153, 164,
4 165, 169-187, 195, 198, 201, 205, 206, and 217, Engrossed House Bill
5 No. 1014 entitled:

6 "AN ACT Relating to obsolete references;"

7 Engrossed House Bill No. 1014 is an important effort to clarify the
8 Revised Code of Washington (RCW) following the merger of the
9 authorities of the former departments of Community Development and
10 Trade and Economic Development into the new Department of Community,
11 Trade, and Economic Development. It is necessary to update the RCW to
12 reflect this change.

13 However, a number of sections in the bill conflict with changes in
14 numerous other bills already enacted by the 1995 Legislature and signed
15 into law. I am, therefore, vetoing these sections to provide technical
16 clarification and to ensure that the intent of the most recent
17 legislation is reflected in law.

18 For these reasons, I have vetoed sections 1-6, 11, 19, 22-24, 42,
19 46-53, 73, 118, 119, 125-141, 143, 152, 153, 164, 165, 169-187, 195,
20 198, 201, 205, 206, and 217 of Engrossed House Bill No. 1014.

21 With the exception of sections 1-6, 11, 19, 22-24, 42, 46-53, 73,
22 118, 119, 125-141, 143, 152, 153, 164, 165, 169-187, 195, 198, 201,
23 205, 206, and 217, Engrossed House Bill No. 1014 is approved."