

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5186

Chapter 360, Laws of 2005

59th Legislature
2005 Regular Session

PHYSICAL ACTIVITY PROMOTION

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 18, 2005
YEAS 42 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 6, 2005
YEAS 93 NAYS 2

FRANK CHOPP

Speaker of the House of Representatives

Approved May 10, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5186** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 10, 2005 - 9:29 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5186

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Kohl-Welles, Keiser, Rockefeller, Doumit, Kline, Regala, McAuliffe, Poulsen, Fraser and Jacobsen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to increasing the physical activity of Washington
2 citizens; amending RCW 36.70A.070, 36.81.121, 28A.300.040, and
3 28A.320.015; reenacting and amending RCW 35.77.010 and 79A.05.030; and
4 creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that regular physical
7 activity is essential to maintaining good health and reducing the rates
8 of chronic disease. The legislature further finds that providing
9 opportunities for walking, biking, horseback riding, and other regular
10 forms of exercise is best accomplished through collaboration between
11 the private sector and local, state, and institutional policymakers.
12 This collaboration can build communities where people find it easy and
13 safe to be physically active. It is the intent of the legislature to
14 promote policy and planning efforts that increase access to inexpensive
15 or free opportunities for regular exercise in all communities around
16 the state.

17 **Sec. 2.** RCW 36.70A.070 and 2004 c 196 s 1 are each amended to read
18 as follows:

1 The comprehensive plan of a county or city that is required or
2 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
3 and descriptive text covering objectives, principles, and standards
4 used to develop the comprehensive plan. The plan shall be an
5 internally consistent document and all elements shall be consistent
6 with the future land use map. A comprehensive plan shall be adopted
7 and amended with public participation as provided in RCW 36.70A.140.

8 Each comprehensive plan shall include a plan, scheme, or design for
9 each of the following:

10 (1) A land use element designating the proposed general
11 distribution and general location and extent of the uses of land, where
12 appropriate, for agriculture, timber production, housing, commerce,
13 industry, recreation, open spaces, general aviation airports, public
14 utilities, public facilities, and other land uses. The land use
15 element shall include population densities, building intensities, and
16 estimates of future population growth. The land use element shall
17 provide for protection of the quality and quantity of ground water used
18 for public water supplies. Wherever possible, the land use element
19 should consider utilizing urban planning approaches that promote
20 physical activity. Where applicable, the land use element shall review
21 drainage, flooding, and storm water run-off in the area and nearby
22 jurisdictions and provide guidance for corrective actions to mitigate
23 or cleanse those discharges that pollute waters of the state, including
24 Puget Sound or waters entering Puget Sound.

25 (2) A housing element ensuring the vitality and character of
26 established residential neighborhoods that: (a) Includes an inventory
27 and analysis of existing and projected housing needs that identifies
28 the number of housing units necessary to manage projected growth; (b)
29 includes a statement of goals, policies, objectives, and mandatory
30 provisions for the preservation, improvement, and development of
31 housing, including single-family residences; (c) identifies sufficient
32 land for housing, including, but not limited to, government-assisted
33 housing, housing for low-income families, manufactured housing,
34 multifamily housing, and group homes and foster care facilities; and
35 (d) makes adequate provisions for existing and projected needs of all
36 economic segments of the community.

37 (3) A capital facilities plan element consisting of: (a) An
38 inventory of existing capital facilities owned by public entities,

1 showing the locations and capacities of the capital facilities; (b) a
2 forecast of the future needs for such capital facilities; (c) the
3 proposed locations and capacities of expanded or new capital
4 facilities; (d) at least a six-year plan that will finance such capital
5 facilities within projected funding capacities and clearly identifies
6 sources of public money for such purposes; and (e) a requirement to
7 reassess the land use element if probable funding falls short of
8 meeting existing needs and to ensure that the land use element, capital
9 facilities plan element, and financing plan within the capital
10 facilities plan element are coordinated and consistent. Park and
11 recreation facilities shall be included in the capital facilities plan
12 element.

13 (4) A utilities element consisting of the general location,
14 proposed location, and capacity of all existing and proposed utilities,
15 including, but not limited to, electrical lines, telecommunication
16 lines, and natural gas lines.

17 (5) Rural element. Counties shall include a rural element
18 including lands that are not designated for urban growth, agriculture,
19 forest, or mineral resources. The following provisions shall apply to
20 the rural element:

21 (a) Growth management act goals and local circumstances. Because
22 circumstances vary from county to county, in establishing patterns of
23 rural densities and uses, a county may consider local circumstances,
24 but shall develop a written record explaining how the rural element
25 harmonizes the planning goals in RCW 36.70A.020 and meets the
26 requirements of this chapter.

27 (b) Rural development. The rural element shall permit rural
28 development, forestry, and agriculture in rural areas. The rural
29 element shall provide for a variety of rural densities, uses, essential
30 public facilities, and rural governmental services needed to serve the
31 permitted densities and uses. To achieve a variety of rural densities
32 and uses, counties may provide for clustering, density transfer, design
33 guidelines, conservation easements, and other innovative techniques
34 that will accommodate appropriate rural densities and uses that are not
35 characterized by urban growth and that are consistent with rural
36 character.

37 (c) Measures governing rural development. The rural element shall

1 include measures that apply to rural development and protect the rural
2 character of the area, as established by the county, by:

3 (i) Containing or otherwise controlling rural development;

4 (ii) Assuring visual compatibility of rural development with the
5 surrounding rural area;

6 (iii) Reducing the inappropriate conversion of undeveloped land
7 into sprawling, low-density development in the rural area;

8 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
9 surface water and ground water resources; and

10 (v) Protecting against conflicts with the use of agricultural,
11 forest, and mineral resource lands designated under RCW 36.70A.170.

12 (d) Limited areas of more intensive rural development. Subject to
13 the requirements of this subsection and except as otherwise
14 specifically provided in this subsection (5)(d), the rural element may
15 allow for limited areas of more intensive rural development, including
16 necessary public facilities and public services to serve the limited
17 area as follows:

18 (i) Rural development consisting of the infill, development, or
19 redevelopment of existing commercial, industrial, residential, or
20 mixed-use areas, whether characterized as shoreline development,
21 villages, hamlets, rural activity centers, or crossroads developments.

22 (A) A commercial, industrial, residential, shoreline, or mixed-use
23 area shall be subject to the requirements of (d)(iv) of this
24 subsection, but shall not be subject to the requirements of (c)(ii) and
25 (iii) of this subsection.

26 (B) Any development or redevelopment other than an industrial area
27 or an industrial use within a mixed-use area or an industrial area
28 under this subsection (5)(d)(i) must be principally designed to serve
29 the existing and projected rural population.

30 (C) Any development or redevelopment in terms of building size,
31 scale, use, or intensity shall be consistent with the character of the
32 existing areas. Development and redevelopment may include changes in
33 use from vacant land or a previously existing use so long as the new
34 use conforms to the requirements of this subsection (5);

35 (ii) The intensification of development on lots containing, or new
36 development of, small-scale recreational or tourist uses, including
37 commercial facilities to serve those recreational or tourist uses, that
38 rely on a rural location and setting, but that do not include new

1 residential development. A small-scale recreation or tourist use is
2 not required to be principally designed to serve the existing and
3 projected rural population. Public services and public facilities
4 shall be limited to those necessary to serve the recreation or tourist
5 use and shall be provided in a manner that does not permit low-density
6 sprawl;

7 (iii) The intensification of development on lots containing
8 isolated nonresidential uses or new development of isolated cottage
9 industries and isolated small-scale businesses that are not principally
10 designed to serve the existing and projected rural population and
11 nonresidential uses, but do provide job opportunities for rural
12 residents. Rural counties may allow the expansion of small-scale
13 businesses as long as those small-scale businesses conform with the
14 rural character of the area as defined by the local government
15 according to RCW 36.70A.030(14). Rural counties may also allow new
16 small-scale businesses to utilize a site previously occupied by an
17 existing business as long as the new small-scale business conforms to
18 the rural character of the area as defined by the local government
19 according to RCW 36.70A.030(14). Public services and public facilities
20 shall be limited to those necessary to serve the isolated
21 nonresidential use and shall be provided in a manner that does not
22 permit low-density sprawl;

23 (iv) A county shall adopt measures to minimize and contain the
24 existing areas or uses of more intensive rural development, as
25 appropriate, authorized under this subsection. Lands included in such
26 existing areas or uses shall not extend beyond the logical outer
27 boundary of the existing area or use, thereby allowing a new pattern of
28 low-density sprawl. Existing areas are those that are clearly
29 identifiable and contained and where there is a logical boundary
30 delineated predominately by the built environment, but that may also
31 include undeveloped lands if limited as provided in this subsection.
32 The county shall establish the logical outer boundary of an area of
33 more intensive rural development. In establishing the logical outer
34 boundary the county shall address (A) the need to preserve the
35 character of existing natural neighborhoods and communities, (B)
36 physical boundaries such as bodies of water, streets and highways, and
37 land forms and contours, (C) the prevention of abnormally irregular

1 boundaries, and (D) the ability to provide public facilities and public
2 services in a manner that does not permit low-density sprawl;

3 (v) For purposes of (d) of this subsection, an existing area or
4 existing use is one that was in existence:

5 (A) On July 1, 1990, in a county that was initially required to
6 plan under all of the provisions of this chapter;

7 (B) On the date the county adopted a resolution under RCW
8 36.70A.040(2), in a county that is planning under all of the provisions
9 of this chapter under RCW 36.70A.040(2); or

10 (C) On the date the office of financial management certifies the
11 county's population as provided in RCW 36.70A.040(5), in a county that
12 is planning under all of the provisions of this chapter pursuant to RCW
13 36.70A.040(5).

14 (e) Exception. This subsection shall not be interpreted to permit
15 in the rural area a major industrial development or a master planned
16 resort unless otherwise specifically permitted under RCW 36.70A.360 and
17 36.70A.365.

18 (6) A transportation element that implements, and is consistent
19 with, the land use element.

20 (a) The transportation element shall include the following
21 subelements:

22 (i) Land use assumptions used in estimating travel;

23 (ii) Estimated traffic impacts to state-owned transportation
24 facilities resulting from land use assumptions to assist the department
25 of transportation in monitoring the performance of state facilities, to
26 plan improvements for the facilities, and to assess the impact of land-
27 use decisions on state-owned transportation facilities;

28 (iii) Facilities and services needs, including:

29 (A) An inventory of air, water, and ground transportation
30 facilities and services, including transit alignments and general
31 aviation airport facilities, to define existing capital facilities and
32 travel levels as a basis for future planning. This inventory must
33 include state-owned transportation facilities within the city or
34 county's jurisdictional boundaries;

35 (B) Level of service standards for all locally owned arterials and
36 transit routes to serve as a gauge to judge performance of the system.
37 These standards should be regionally coordinated;

1 (C) For state-owned transportation facilities, level of service
2 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
3 to gauge the performance of the system. The purposes of reflecting
4 level of service standards for state highways in the local
5 comprehensive plan are to monitor the performance of the system, to
6 evaluate improvement strategies, and to facilitate coordination between
7 the county's or city's six-year street, road, or transit program and
8 the department of transportation's six-year investment program. The
9 concurrency requirements of (b) of this subsection do not apply to
10 transportation facilities and services of statewide significance except
11 for counties consisting of islands whose only connection to the
12 mainland are state highways or ferry routes. In these island counties,
13 state highways and ferry route capacity must be a factor in meeting the
14 concurrency requirements in (b) of this subsection;

15 (D) Specific actions and requirements for bringing into compliance
16 locally owned transportation facilities or services that are below an
17 established level of service standard;

18 (E) Forecasts of traffic for at least ten years based on the
19 adopted land use plan to provide information on the location, timing,
20 and capacity needs of future growth;

21 (F) Identification of state and local system needs to meet current
22 and future demands. Identified needs on state-owned transportation
23 facilities must be consistent with the statewide multimodal
24 transportation plan required under chapter 47.06 RCW;

25 (iv) Finance, including:

26 (A) An analysis of funding capability to judge needs against
27 probable funding resources;

28 (B) A multiyear financing plan based on the needs identified in the
29 comprehensive plan, the appropriate parts of which shall serve as the
30 basis for the six-year street, road, or transit program required by RCW
31 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
32 for public transportation systems. The multiyear financing plan should
33 be coordinated with the six-year improvement program developed by the
34 department of transportation as required by RCW 47.05.030;

35 (C) If probable funding falls short of meeting identified needs, a
36 discussion of how additional funding will be raised, or how land use
37 assumptions will be reassessed to ensure that level of service
38 standards will be met;

1 (v) Intergovernmental coordination efforts, including an assessment
2 of the impacts of the transportation plan and land use assumptions on
3 the transportation systems of adjacent jurisdictions;

4 (vi) Demand-management strategies;

5 (vii) Pedestrian and bicycle component to include collaborative
6 efforts to identify and designate planned improvements for pedestrian
7 and bicycle facilities and corridors that address and encourage
8 enhanced community access and promote healthy lifestyles.

9 (b) After adoption of the comprehensive plan by jurisdictions
10 required to plan or who choose to plan under RCW 36.70A.040, local
11 jurisdictions must adopt and enforce ordinances which prohibit
12 development approval if the development causes the level of service on
13 a locally owned transportation facility to decline below the standards
14 adopted in the transportation element of the comprehensive plan, unless
15 transportation improvements or strategies to accommodate the impacts of
16 development are made concurrent with the development. These strategies
17 may include increased public transportation service, ride sharing
18 programs, demand management, and other transportation systems
19 management strategies. For the purposes of this subsection (6)
20 "concurrent with the development" shall mean that improvements or
21 strategies are in place at the time of development, or that a financial
22 commitment is in place to complete the improvements or strategies
23 within six years.

24 (c) The transportation element described in this subsection (6),
25 and the six-year plans required by RCW 35.77.010 for cities, RCW
26 36.81.121 for counties, RCW 35.58.2795 for public transportation
27 systems, and RCW 47.05.030 for the state, must be consistent.

28 (7) An economic development element establishing local goals,
29 policies, objectives, and provisions for economic growth and vitality
30 and a high quality of life. The element shall include: (a) A summary
31 of the local economy such as population, employment, payroll, sectors,
32 businesses, sales, and other information as appropriate; (b) a summary
33 of the strengths and weaknesses of the local economy defined as the
34 commercial and industrial sectors and supporting factors such as land
35 use, transportation, utilities, education, work force, housing, and
36 natural/cultural resources; and (c) an identification of policies,
37 programs, and projects to foster economic growth and development and to

1 address future needs. A city that has chosen to be a residential
2 community is exempt from the economic development element requirement
3 of this subsection.

4 (8) A park and recreation element that implements, and is
5 consistent with, the capital facilities plan element as it relates to
6 park and recreation facilities. The element shall include: (a)
7 Estimates of park and recreation demand for at least a ten-year period;
8 (b) an evaluation of facilities and service needs; and (c) an
9 evaluation of intergovernmental coordination opportunities to provide
10 regional approaches for meeting park and recreational demand.

11 (9) It is the intent that new or amended elements required after
12 January 1, 2002, be adopted concurrent with the scheduled update
13 provided in RCW 36.70A.130. Requirements to incorporate any such new
14 or amended elements shall be null and void until funds sufficient to
15 cover applicable local government costs are appropriated and
16 distributed by the state at least two years before local government
17 must update comprehensive plans as required in RCW 36.70A.130.

18 **Sec. 3.** RCW 36.81.121 and 1997 c 188 s 1 are each amended to read
19 as follows:

20 (1) At any time before adoption of the budget, the legislative
21 authority of each county, after one or more public hearings thereon,
22 shall prepare and adopt a comprehensive transportation program for the
23 ensuing six calendar years. If the county has adopted a comprehensive
24 plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of
25 a charter county derived from its charter, or chapter 36.70A RCW, the
26 program shall be consistent with this comprehensive plan.

27 The program shall include proposed road and bridge construction
28 work and other transportation facilities and programs deemed
29 appropriate, and for those counties operating ferries shall also
30 include a separate section showing proposed capital expenditures for
31 ferries, docks, and related facilities. The program shall include any
32 new or enhanced bicycle or pedestrian facilities identified pursuant to
33 RCW 36.70A.070(6) or other applicable changes that promote nonmotorized
34 transit. Copies of the program shall be filed with the county road
35 administration board and with the state secretary of transportation not
36 more than thirty days after its adoption by the legislative authority.
37 The purpose of this section is to assure that each county shall

1 perpetually have available advanced plans looking to the future for not
2 less than six years as a guide in carrying out a coordinated
3 transportation program. The program may at any time be revised by a
4 majority of the legislative authority but only after a public hearing
5 thereon.

6 (2) Each six-year transportation program forwarded to the secretary
7 in compliance with subsection (1) of this section shall contain
8 information as to how a county will expend its moneys, including funds
9 made available pursuant to chapter 47.30 RCW, for nonmotorized
10 transportation purposes.

11 (3) Each six-year transportation program forwarded to the secretary
12 in compliance with subsection (1) of this section shall contain
13 information as to how a county shall act to preserve railroad right-of-
14 way in the event the railroad ceases to operate in the county's
15 jurisdiction.

16 (4) The six-year plan for each county shall specifically set forth
17 those projects and programs of regional significance for inclusion in
18 the transportation improvement program within that region.

19 **Sec. 4.** RCW 35.77.010 and 1994 c 179 s 1 and 1994 c 158 s 7 are
20 each reenacted and amended to read as follows:

21 (1) The legislative body of each city and town, pursuant to one or
22 more public hearings thereon, shall prepare and adopt a comprehensive
23 transportation program for the ensuing six calendar years. If the city
24 or town has adopted a comprehensive plan pursuant to chapter 35.63 or
25 35A.63 RCW, the inherent authority of a first class city derived from
26 its charter, or chapter 36.70A RCW, the program shall be consistent
27 with this comprehensive plan. The program shall include any new or
28 enhanced bicycle or pedestrian facilities identified pursuant to RCW
29 36.70A.070(6) or other applicable changes that promote nonmotorized
30 transit.

31 The program shall be filed with the secretary of transportation not
32 more than thirty days after its adoption. Annually thereafter the
33 legislative body of each city and town shall review the work
34 accomplished under the program and determine current city
35 transportation needs. Based on these findings each such legislative
36 body shall prepare and after public hearings thereon adopt a revised
37 and extended comprehensive transportation program before July 1st of

1 each year, and each one-year extension and revision shall be filed with
2 the secretary of transportation not more than thirty days after its
3 adoption. The purpose of this section is to assure that each city and
4 town shall perpetually have available advanced plans looking to the
5 future for not less than six years as a guide in carrying out a
6 coordinated transportation program. The program may at any time be
7 revised by a majority of the legislative body of a city or town, but
8 only after a public hearing.

9 The six-year plan for each city or town shall specifically set
10 forth those projects and programs of regional significance for
11 inclusion in the transportation improvement program within that region.

12 (2) Each six-year transportation program forwarded to the secretary
13 in compliance with subsection (1) of this section shall contain
14 information as to how a city or town will expend its moneys, including
15 funds made available pursuant to chapter 47.30 RCW, for nonmotorized
16 transportation purposes.

17 (3) Each six-year transportation program forwarded to the secretary
18 in compliance with subsection (1) of this section shall contain
19 information as to how a city or town shall act to preserve railroad
20 right-of-way in the event the railroad ceases to operate in the city's
21 or town's jurisdiction.

22 **Sec. 5.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and
23 1999 c 59 s 1 are each reenacted and amended to read as follows:

24 The commission shall:

25 (1) Have the care, charge, control, and supervision of all parks
26 and parkways acquired or set aside by the state for park or parkway
27 purposes.

28 (2) Adopt policies, and adopt, issue, and enforce rules pertaining
29 to the use, care, and administration of state parks and parkways. The
30 commission shall cause a copy of the rules to be kept posted in a
31 conspicuous place in every state park to which they are applicable, but
32 failure to post or keep any rule posted shall be no defense to any
33 prosecution for the violation thereof.

34 (3) Permit the use of state parks and parkways by the public under
35 such rules as shall be adopted.

36 (4) Clear, drain, grade, seed, and otherwise improve or beautify

1 parks and parkways, and erect structures, buildings, fireplaces, and
2 comfort stations and build and maintain paths, trails, and roadways
3 through or on parks and parkways.

4 (5) Grant concessions or leases in state parks and parkways, upon
5 such rentals, fees, or percentage of income or profits and for such
6 terms, in no event longer than fifty years, and upon such conditions as
7 shall be approved by the commission: PROVIDED, That leases exceeding
8 a twenty-year term shall require a unanimous vote of the commission:
9 PROVIDED FURTHER, That if, during the term of any concession or lease,
10 it is the opinion of the commission that it would be in the best
11 interest of the state, the commission may, with the consent of the
12 concessionaire or lessee, alter and amend the terms and conditions of
13 such concession or lease: PROVIDED FURTHER, That television station
14 leases shall be subject to the provisions of RCW 79A.05.085, only:
15 PROVIDED FURTHER, That the rates of such concessions or leases shall be
16 renegotiated at five-year intervals. No concession shall be granted
17 which will prevent the public from having free access to the scenic
18 attractions of any park or parkway.

19 (6) Employ such assistance as it deems necessary. Commission
20 expenses relating to its use of volunteer assistance shall be limited
21 to premiums or assessments for the insurance of volunteers by the
22 department of labor and industries, compensation of staff who assist
23 volunteers, materials and equipment used in authorized volunteer
24 projects, training, reimbursement of volunteer travel as provided in
25 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to
26 volunteer recognition. The commission, at its discretion, may waive
27 commission fees otherwise applicable to volunteers. The commission
28 shall not use volunteers to replace or supplant classified positions.
29 The use of volunteers may not lead to the elimination of any employees
30 or permanent positions in the bargaining unit.

31 (7) By majority vote of its authorized membership select and
32 purchase or obtain options upon, lease, or otherwise acquire for and in
33 the name of the state such tracts of land, including shore and tide
34 lands, for park and parkway purposes as it deems proper. If the
35 commission cannot acquire any tract at a price it deems reasonable, it
36 may, by majority vote of its authorized membership, obtain title
37 thereto, or any part thereof, by condemnation proceedings conducted by

1 the attorney general as provided for the condemnation of rights of way
2 for state highways. Option agreements executed under authority of this
3 subsection shall be valid only if:

4 (a) The cost of the option agreement does not exceed one dollar;
5 and

6 (b) Moneys used for the purchase of the option agreement are from
7 (i) funds appropriated therefor, or (ii) funds appropriated for
8 undesignated land acquisitions, or (iii) funds deemed by the commission
9 to be in excess of the amount necessary for the purposes for which they
10 were appropriated; and

11 (c) The maximum amount payable for the property upon exercise of
12 the option does not exceed the appraised value of the property.

13 (8) Cooperate with the United States, or any county or city of this
14 state, in any matter pertaining to the acquisition, development,
15 redevelopment, renovation, care, control, or supervision of any park or
16 parkway, and enter into contracts in writing to that end. All parks or
17 parkways, to which the state contributed or in whose care, control, or
18 supervision the state participated pursuant to the provisions of this
19 section, shall be governed by the provisions hereof.

20 (9) Within allowable resources, maintain policies that increase the
21 number of people who have access to free or low-cost recreational
22 opportunities for physical activity, including noncompetitive physical
23 activity.

24 **Sec. 6.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
25 read as follows:

26 In addition to any other powers and duties as provided by law, the
27 powers and duties of the superintendent of public instruction shall be:

28 (1) To have supervision over all matters pertaining to the public
29 schools of the state;

30 (2) To report to the governor and the legislature such information
31 and data as may be required for the management and improvement of the
32 schools;

33 (3) To prepare and have printed such forms, registers, courses of
34 study, rules for the government of the common schools, and such other
35 material and books as may be necessary for the discharge of the duties
36 of teachers and officials charged with the administration of the laws

1 relating to the common schools, and to distribute the same to
2 educational service district superintendents;

3 (4) To travel, without neglecting his or her other official duties
4 as superintendent of public instruction, for the purpose of attending
5 educational meetings or conventions, of visiting schools, of consulting
6 educational service district superintendents or other school officials;

7 (5) To prepare and from time to time to revise a manual of the
8 Washington state common school code, copies of which shall be provided
9 in such numbers as determined by the superintendent of public
10 instruction at no cost to those public agencies within the common
11 school system and which shall be sold at approximate actual cost of
12 publication and distribution per volume to all other public and
13 nonpublic agencies or individuals, said manual to contain Titles 28A
14 and 28C RCW, rules related to the common schools, and such other matter
15 as the state superintendent or the state board of education shall
16 determine. Proceeds of the sale of such code shall be transmitted to
17 the public printer who shall credit the state superintendent's account
18 within the state printing plant revolving fund by a like amount;

19 (6) To act as ex officio member and the chief executive officer of
20 the state board of education;

21 (7) To file all papers, reports and public documents transmitted to
22 the superintendent by the school officials of the several counties or
23 districts of the state, each year separately. Copies of all papers
24 filed in the superintendent's office, and the superintendent's official
25 acts, may, or upon request, shall be certified by the superintendent
26 and attested by the superintendent's official seal, and when so
27 certified shall be evidence of the papers or acts so certified to;

28 (8) To require annually, on or before the 15th day of August, of
29 the president, manager, or principal of every educational institution
30 in this state, a report as required by the superintendent of public
31 instruction; and it is the duty of every president, manager or
32 principal, to complete and return such forms within such time as the
33 superintendent of public instruction shall direct;

34 (9) To keep in the superintendent's office a record of all teachers
35 receiving certificates to teach in the common schools of this state;

36 (10) To issue certificates as provided by law;

37 (11) To keep in the superintendent's office at the capital of the
38 state, all books and papers pertaining to the business of the

1 superintendent's office, and to keep and preserve in the
2 superintendent's office a complete record of statistics, as well as a
3 record of the meetings of the state board of education;

4 (12) With the assistance of the office of the attorney general, to
5 decide all points of law which may be submitted to the superintendent
6 in writing by any educational service district superintendent, or that
7 may be submitted to the superintendent by any other person, upon appeal
8 from the decision of any educational service district superintendent;
9 and the superintendent shall publish his or her rulings and decisions
10 from time to time for the information of school officials and teachers;
11 and the superintendent's decision shall be final unless set aside by a
12 court of competent jurisdiction;

13 (13) To administer oaths and affirmations in the discharge of the
14 superintendent's official duties;

15 (14) To deliver to his or her successor, at the expiration of the
16 superintendent's term of office, all records, books, maps, documents
17 and papers of whatever kind belonging to the superintendent's office or
18 which may have been received by the superintendent's for the use of the
19 superintendent's office;

20 (15) To administer family services and programs to promote the
21 state's policy as provided in RCW 74.14A.025;

22 (16) To promote the adoption of school-based curricula and policies
23 that provide quality, daily physical education for all students, and to
24 encourage policies that provide all students with opportunities for
25 physical activity outside of formal physical education classes;

26 (17) To perform such other duties as may be required by law.

27 **Sec. 7.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to
28 read as follows:

29 (1) The board of directors of each school district may exercise the
30 following:

31 (a) The broad discretionary power to determine and adopt written
32 policies not in conflict with other law that provide for the
33 development and implementation of programs, activities, services, or
34 practices that the board determines will:

35 (i) Promote the education and daily physical activity of
36 kindergarten through twelfth grade students in the public schools; or

1 (ii) Promote the effective, efficient, or safe management and
2 operation of the school district;

3 (b) Such powers as are expressly authorized by law; and

4 (c) Such powers as are necessarily or fairly implied in the powers
5 expressly authorized by law.

6 (2) Before adopting a policy under subsection (1)(a) of this
7 section, the school district board of directors shall comply with the
8 notice requirements of the open public meetings act, chapter 42.30 RCW,
9 and shall in addition include in that notice a statement that sets
10 forth or reasonably describes the proposed policy. The board of
11 directors shall provide a reasonable opportunity for public written and
12 oral comment and consideration of the comment by the board of
13 directors.

14 NEW SECTION. **Sec. 8.** (1) The health care authority, in
15 coordination with the department of personnel, the department of
16 health, health plans participating in public employees' benefits board
17 programs, and the University of Washington's center for health
18 promotion, may create a worksite health promotion program to develop
19 and implement initiatives designed to increase physical activity and
20 promote improved self-care and engagement in health care decision-
21 making among state employees.

22 (2) The health care authority shall report to the governor and the
23 legislature by December 1, 2006, on progress in implementing, and
24 evaluating the results of, the worksite health promotion program.

Passed by the Senate April 18, 2005.

Passed by the House April 6, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.