

E2SHB 2658 - S COMM AMD
By Committee on Ways & Means

NOT ADOPTED 03/04/2010

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

3 The legislature finds that the long-term economic health of the
4 state and its citizens depends upon the strength and vitality of its
5 communities and businesses. It is the intent of this chapter to create
6 a ~~((merged))~~ department of ~~((community, trade, and economic
7 development))~~ commerce that fosters new partnerships for strong and
8 sustainable communities. ~~((The consolidation of the department of
9 trade and economic development and the department of community
10 development into one department will))~~ The mission of the department is
11 to grow and improve jobs in Washington and facilitate innovation. To
12 carry out its mission, the department will bring together focused
13 efforts to: Streamline access to business assistance and economic
14 development services by providing ~~((a simpler point of entry for state
15 programs))~~ them thorough sector-based, cluster-based, and regional
16 partners; provide focused and flexible responses to changing economic
17 conditions; generate greater local capacity to respond to both economic
18 growth and environmental challenges; ~~((and))~~ increase accountability to
19 the public, the executive branch, and the legislature(~~(-~~

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

28 The legislature further finds that as a result of the rapid pace of
29 global social and economic change, the state and local communities will
30 require coordinated and creative responses by every segment of the
31 community. The state can play a role in assisting such local efforts
32 by reorganizing state assistance efforts to promote such partnerships.
33 The department has a primary responsibility to provide financial and
34 technical assistance to the communities of the state, to assist in
35 improving the delivery of federal, state, and local programs, and to
36 provide communities with opportunities for productive and coordinated
37 development beneficial to the well-being of communities and their
38 residents. It is the intent of the legislature in ~~((this~~

1 consolidation)) creating the department to maximize the use of local
2 expertise and resources in the delivery of community and economic
3 development services.

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

6 (1) The purpose of this chapter is to establish the broad outline
7 of the structure of the department of commerce, leaving specific
8 details of its internal organization and management to those charged
9 with its administration. This chapter identifies the broad functions
10 and responsibilities of the department and is intended to provide
11 flexibility to the director to reorganize these functions to more
12 closely reflect its customers, its mission, and its priorities, and to
13 make recommendations for changes.

14 (2) In order to generate greater local capacity, maximize results
15 through partnerships and the use of intermediaries, and leverage the
16 use of state resources, the department shall, in carrying out its
17 business assistance and economic development functions, provide
18 business and economic development services primarily through sector-
19 based, cluster-based, and regionally based organizations rather than
20 providing assistance directly to individual firms.

21 NEW SECTION. **Sec. 4.** The department shall examine the functions
22 and operations of agricultural commodity commissions in the state and
23 collaborate with industry sector and cluster associations on
24 legislation that would enable industries to develop self-financing
25 systems for addressing industry-identified issues such as workforce
26 training, international marketing, quality improvement, and technology
27 deployment. By December 1, 2010, the department shall report to the
28 governor and the legislature on its findings and proposed legislation.

29 NEW SECTION. **Sec. 5.** (1) The governor may, by executive order,
30 delay the transfer of programs and personnel related to independent
31 youth housing, housing assistance for persons with mental illness,
32 crime victims' advocacy and sexual assault services, community
33 mobilization against substance abuse and violence, and the long-term
34 care ombudsman, and may, by July 15, 2010, direct such personnel and
35 programs to be transferred to an agency or agencies other than the

1 agency or agencies specified in this act. In making any decision to
2 transfer programs and personnel, the governor shall rely on the
3 recommendations made by the department of commerce pursuant to
4 subsection (2) of this section.

5 (2) The department of commerce shall facilitate a stakeholder
6 process to develop recommendations on the transfer of programs and
7 personnel relating to the following: Independent youth housing,
8 housing assistance for persons with mental illness, crime victims'
9 advocacy and sexual assault services, community mobilization against
10 substance abuse and violence, and the long-term care ombudsman. The
11 department of commerce shall convene those parties with a direct
12 interest in such programs and the agencies that may be appropriate
13 recipients of the programs. The recommendations shall be delivered to
14 the governor by July 1, 2010.

15 **PART I**
16 **DEPARTMENT OF HEALTH--PUBLIC HEALTH**

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

19 (1) The county public health account is created in the state
20 treasury. Funds deposited in the county public health account shall be
21 distributed by the state treasurer to each local public health
22 jurisdiction based upon amounts certified to it by the department of
23 (~~community, trade, and economic development~~) health in consultation
24 with the Washington state association of counties. The account shall
25 include funds distributed under RCW 82.14.200(8) and such funds as are
26 appropriated to the account from the state general fund, the public
27 health services account under RCW 43.72.902, and such other funds as
28 the legislature may appropriate to it.

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

33 (b) Only if funds are available and in an amount no greater than
34 available funds under RCW 82.14.200(8), the department of community,
35 trade, and economic development shall adjust the amount certified under
36 (a) of this subsection to compensate for any annexation of an area with

1 fifty thousand residents or more to any city as a result of a petition
2 during calendar year 1996 or 1997, or for any city that became newly
3 incorporated as a result of an election during calendar year 1994 or
4 1995. The amount to be adjusted shall be equal to the amount which
5 otherwise would have been lost to the health jurisdiction due to the
6 annexation or incorporation as calculated using the jurisdiction's 1995
7 funding formula.

8 (c) The county treasurer shall certify the actual 1995 city
9 contribution to the department. Funds in excess of the base shall be
10 distributed proportionately among the health jurisdictions based on
11 incorporated population figures as last determined by the office of
12 financial management.

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

15 NEW SECTION. **Sec. 102.** (1) All powers, duties, and functions of
16 the department of commerce pertaining to county public health
17 assistance are transferred to the department of health. All references
18 to the director or the department of commerce in the Revised Code of
19 Washington shall be construed to mean the secretary or the department
20 of health when referring to the functions transferred in this section.

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

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

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

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

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

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

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

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

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

33 PART II

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

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

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

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

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

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

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

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

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

25 (iv) Evidence of active participation in preparation of the
26 proposal and specific commitments to implementing the community-wide
27 agenda by leadership from education, law enforcement, local government,
28 tribal government, and treatment entities in the community, and the
29 opportunity for meaningful involvement from others such as neighborhood
30 and citizen groups, businesses, human service, health and job training
31 organizations, and other key elements of the community, particularly
32 those whose responsibilities in law enforcement, treatment, prevention,
33 education, or other community efforts provide direct, ongoing contact
34 with substance abusers or those who exhibit violent behavior, or those
35 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

36 (v) Evidence of additional local resources committed to the
37 applicant's strategy totaling at least twenty-five percent of funds
38 awarded under this section. These resources may consist of public or

1 private funds, donated goods or services, and other measurable
2 commitments, including in-kind contributions such as volunteer
3 services, materials, supplies, physical facilities, or a combination
4 thereof; and

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

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

8 (i) A definition of geographic area;

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) Activities that may be funded through this grant program
11 include those that:

12 (a) Prevent alcohol, tobacco, or other drug abuse, or violence
13 through educational efforts, development of positive alternatives,
14 intervention with high-risk groups, and other prevention strategies;

15 (b) Support effective treatment by increasing access to and
16 availability of treatment opportunities, particularly for underserved
17 or highly impacted populations, developing aftercare and support
18 mechanisms, and other strategies to increase the availability and
19 effectiveness of treatment;

20 (c) Provide meaningful consequences for participation in illegal
21 activity and promote safe and healthy communities through support of
22 law enforcement strategies;

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

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

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

33 The department of (~~community, trade, and economic development~~)
34 social and health services shall ask communities for suggestions on
35 state practices, policies, and priorities that would help communities
36 implement their strategies against alcohol, tobacco, or other drug
37 abuse, or violence. The department of (~~community, trade, and economic~~

1 ~~development))~~ social and health services shall review and respond to
2 those suggestions making necessary changes where feasible, making
3 recommendations to the legislature where appropriate, and providing an
4 explanation as to why suggested changes cannot be accomplished, if the
5 suggestions cannot be acted upon.

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

8 The department of (~~community, trade, and economic development~~)
9 social and health services may receive such gifts, grants, and
10 endowments from public or private sources as may be made from time to
11 time, in trust or otherwise, for the use and benefit of the purposes of
12 RCW 43.270.010 through 43.270.080 and expend the same or any income
13 therefrom according to the terms of the gifts, grants, or endowments.

14 NEW SECTION. **Sec. 204.** (1) All powers, duties, and functions of
15 the department of commerce pertaining to the community mobilization
16 against substance abuse program are transferred to the department of
17 social and health services. All references to the director or the
18 department of commerce in the Revised Code of Washington shall be
19 construed to mean the secretary or the department of social and health
20 services when referring to the functions transferred in this section.

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

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

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

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

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

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

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

31 (7) All classified employees of the department of commerce assigned
32 to the department of social and health services under this section
33 whose positions are within an existing bargaining unit description at
34 the department of social and health services shall become a part of the
35 existing bargaining unit at the department of social and health
36 services and shall be considered an appropriate inclusion or
37 modification of the existing bargaining unit under the provisions of
38 chapter 41.80 RCW.

1 PART III

2 DEPARTMENT OF HEALTH--DEVELOPMENTAL DISABILITIES

3 Sec. 301. RCW 43.330.210 and 2009 c 565 s 11 are each amended to
4 read as follows:

5 The developmental disabilities endowment governing board is
6 established to design and administer the developmental disabilities
7 endowment. To the extent funds are appropriated for this purpose, the
8 director of the department (~~(of commerce)~~) shall provide staff and
9 administrative support to the governing board.

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

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

15 (b) Three members of the board, who shall be appointed by the
16 governor, shall be persons who have demonstrated expertise and
17 leadership in areas such as business, developmental disabilities
18 service design, management, or public policy, and shall be family
19 members of persons with developmental disabilities.

20 (c) The seventh member of the board, who shall serve as chair of
21 the board, shall be appointed by the remaining six members of the
22 board.

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

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

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

33 (5) Members of the governing board and the state investment board
34 shall not be considered an insurer of the funds or assets of the
35 endowment trust fund or the individual trust accounts. Neither of
36 these two boards or their members shall be liable for the action or
37 inaction of the other.

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

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

9 The department (~~(of commerce)~~) shall adopt rules for the
10 implementation of policies established by the governing board in RCW
11 43.330.200 through 43.330.230 (as recodified by this act). Such rules
12 will be consistent with those statutes and chapter 34.05 RCW.

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

- 15 RCW 43.330.195
- 16 RCW 43.330.200
- 17 RCW 43.330.205
- 18 RCW 43.330.210
- 19 RCW 43.330.220
- 20 RCW 43.330.225
- 21 RCW 43.330.230
- 22 RCW 43.330.240

23 NEW SECTION. **Sec. 304.** (1) All powers, duties, and functions of
24 the department of commerce pertaining to the developmental disabilities
25 endowment are transferred to the department of health. All references
26 to the director or the department of commerce in the Revised Code of
27 Washington shall be construed to mean the secretary or the department
28 of health when referring to the functions transferred in this section.

29 (2)(a) All reports, documents, surveys, books, records, files,
30 papers, or written material in the possession of the department of
31 commerce pertaining to the powers, functions, and duties transferred
32 shall be delivered to the custody of the department of health. All
33 cabinets, furniture, office equipment, motor vehicles, and other
34 tangible property employed by the department of commerce in carrying
35 out the powers, functions, and duties transferred shall be made

1 available to the department of health. All funds, credits, or other
2 assets held in connection with the powers, functions, and duties
3 transferred shall be assigned to the department of health.

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

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

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

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

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

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

36 (7) All classified employees of the department of commerce assigned
37 to the department of health under this section whose positions are
38 within an existing bargaining unit description at the department of

1 health shall become a part of the existing bargaining unit at the
2 department of health and shall be considered an appropriate inclusion
3 or modification of the existing bargaining unit under the provisions of
4 chapter 41.80 RCW.

5 **PART IV**

6 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL NEEDS**

7 **HOUSING ASSISTANCE**

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

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

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

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

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

32 (a) Costs associated with financing, design, acquisition,
33 construction, equipping, operating, maintaining, remodeling, repairing,
34 reequipping, or improvement of zoo, aquarium, and wildlife preservation
35 and display facilities that are currently accredited by the American
36 zoo and aquarium association; or

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

4 (5) The department of revenue shall perform the collection of such
5 taxes on behalf of the county at no cost to the county. In lieu of the
6 charge for the administration and collection of local sales and use
7 taxes under RCW 82.14.050 from which the county is exempt under this
8 subsection (5), a percentage of the tax revenues authorized by this
9 section equal to one-half of the maximum percentage provided in RCW
10 82.14.050 shall be transferred annually to the department of
11 (~~community, trade, and economic development, or its successor~~
12 ~~agency,~~) social and health services from the funds allocated under
13 subsection (6)(b) of this section for a period of twelve years from the
14 first date of distribution of funds under subsection (6)(b) of this
15 section. The department of (~~community, trade, and economic~~
16 ~~development, or its successor agency,~~) social and health services
17 shall use funds transferred to it pursuant to this subsection (5) to
18 provide, operate, and maintain community-based housing (~~under chapter~~
19 ~~43.185 RCW~~) for persons who are mentally ill.

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

24 (a) Fifty percent to the zoo and aquarium advisory authority; and

25 (b) Fifty percent to be distributed on a per capita basis as set
26 out in the most recent population figures for unincorporated and
27 incorporated areas only within that county, as determined by the office
28 of financial management, solely for parks, as follows: To any
29 metropolitan park district, to cities and towns not contained within a
30 metropolitan park district, and the remainder to the county. Moneys
31 received under this subsection (6)(b) by a county may not be used to
32 replace or supplant existing per capita funding.

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

36 (8) Prior to expenditure of any funds received by the county under
37 subsection (6)(b) of this section, the county shall establish a process

1 which considers needs throughout the unincorporated areas of the county
2 in consultation with community advisory councils established by
3 ordinance.

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

7 (10) Properties subject to a memorandum of agreement between the
8 federal bureau of land management, the advisory council on historic
9 preservation, and the Washington state historic preservation officer
10 have priority for funding from money received under subsection (6)(b)
11 of this section for implementation of the stipulations in the
12 memorandum of agreement.

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

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

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

25 NEW SECTION. **Sec. 402.** (1) Powers, duties, and functions of the
26 department of commerce pertaining to housing assistance for persons
27 with mental illness, that are transferred in this act, are transferred
28 to the department of social and health services. All references to the
29 director or the department of commerce in the Revised Code of
30 Washington shall be construed to mean the secretary or the department
31 of social and health services when referring to the functions
32 transferred in this section.

33 (2)(a) All reports, documents, surveys, books, records, files,
34 papers, or written material in the possession of the department of
35 commerce pertaining to the powers, functions, and duties transferred
36 shall be delivered to the custody of the department of social and
37 health services. All cabinets, furniture, office equipment, motor

1 vehicles, and other tangible property employed by the department of
2 commerce in carrying out the powers, functions, and duties transferred
3 shall be made available to the department of social and health
4 services. All funds, credits, or other assets held in connection with
5 the powers, functions, and duties transferred shall be assigned to the
6 department of social and health services.

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

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

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

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

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

35 (6) If apportionments of budgeted funds are required because of the
36 transfers directed by this section, the director of financial
37 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

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

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

14 (1) The independent youth housing program is created in the
15 department to provide housing stipends to eligible youth to be used for
16 independent housing. In developing a plan for the design,
17 implementation, and operation of the independent youth housing program,
18 the department shall:

19 (a) Adopt policies, requirements, and procedures necessary to
20 administer the program;

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

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

28 (d) Refer interested youth to the designated subcontractor
29 organization administering the program in the area in which the youth
30 intends to reside;

31 (e) Develop a method for determining the amount of the housing
32 stipend, first and last month's rent, and security deposit, where
33 applicable, to be dedicated to participating youth. The method for
34 determining a housing stipend must take into account a youth's age, the
35 youth's total income from all sources, the fair market rent for the
36 area in which the youth lives or intends to live, and a variety of
37 possible living situations for the youth. The amount of housing

1 stipends must be adjusted, by a method and formula established by the
2 department, to promote the successful transition for youth to complete
3 housing self-sufficiency over time;

4 (f) Ensure that the independent youth housing program is integrated
5 and aligned with other state rental assistance and case management
6 programs operated by the department of commerce, as well as case
7 management and supportive services programs, including the independent
8 living program, the transitional living program, and other related
9 programs offered by the department (~~of social and health services~~);
10 and

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

14 (2) The department (~~of social and health services~~) shall
15 collaborate with the department of commerce in implementing and
16 operating the independent youth housing program including, but not
17 limited to, the following:

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

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

26 (c) Encourage organizations participating in the independent living
27 program and the transitional living program to collaborate with
28 independent youth housing program providers whenever possible to
29 capitalize on resources and provide the greatest amount and variety of
30 services to eligible youth;

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

36 (e) Annually, beginning by December 31, 2007, provide to the
37 appropriate committees of the legislature and the interagency council

1 on homelessness as described under RCW 43.185C.170 recommendations of
2 strategies to reach the goals described in RCW 43.63A.311(2)(g) (as
3 recodified by this act).

4 (3) Under the independent youth housing program, subcontractor
5 organizations shall:

6 (a) Use moneys awarded to the organizations for housing stipends,
7 security deposits, first and last month's rent stipends, case
8 management program costs, and administrative costs. When subcontractor
9 organizations determine that it is necessary to assist participating
10 youth in accessing and maintaining independent housing, subcontractor
11 organizations may also use moneys awarded to pay for professional
12 mental health services and tuition costs for court-ordered classes and
13 programs;

14 (i) Administrative costs for each subcontractor organization may
15 not exceed twelve percent of the estimated total annual grant amount to
16 the subcontractor organization;

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

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

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

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

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

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

31 (g) Educate participating youth on tenant rights and
32 responsibilities;

33 (h) Provide support to participating youth in the form of general
34 case management and information and referral services, when necessary,
35 or collaborate with a case manager with whom the youth is already
36 involved to ensure that the youth is receiving the case management and
37 information and referral services needed;

1 (i) Connect participating youth, when possible, with individual
2 development account programs, other financial literacy programs, and
3 other programs that are designed to help young people acquire economic
4 independence and self-sufficiency, or collaborate with a case manager
5 with whom the youth is already involved to ensure that the youth is
6 receiving information and referrals to these programs, when
7 appropriate;

8 (j) Submit expenditure and performance reports, including
9 information related to the performance measures in RCW 43.63A.311 (as
10 recodified by this act), to the department on a time schedule
11 determined by the department; and

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

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

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

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

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

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

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

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

33 (d) Complies with other eligibility requirements the department may
34 establish.

35 (~~(3)~~) (2) "Fair market rent" means the fair market rent in each
36 county of the state, as determined by the United States department of
37 housing and urban development.

1 ((+4)) (3) "Independent housing" means a housing unit that is not
2 owned by or located within the home of the eligible youth's biological
3 parents or any of the eligible youth's former foster care families or
4 dependency guardians. "Independent housing" may include a unit in a
5 transitional or other supportive housing facility.

6 ((+5)) (4) "Individual development account" or "account" means an
7 account established by contract between a low-income individual and a
8 sponsoring organization for the benefit of the low-income individual
9 and funded through periodic contributions by the low-income individual
10 that are matched with contributions by or through the sponsoring
11 organization.

12 ((+6)) (5) "Subcontractor organization" means an eligible
13 organization described under RCW 43.185A.040 that contracts with the
14 department to administer the independent youth housing program.

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

17 Beginning in 2007, the department must annually review and report
18 on the performance of subcontractor organizations participating in the
19 independent youth housing program, as well as the performance of the
20 program as a whole.

21 (1) Reporting should be within the context of the state homeless
22 housing strategic plan under RCW 43.185C.040 and any other relevant
23 state or local homeless or affordable housing plans. The outcomes of
24 the independent youth housing program must be included in the
25 measurement of any performance measures described in chapter 43.185C
26 RCW.

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

- 32 (a) Increases in housing stability;
- 33 (b) Increases in economic self-sufficiency;
- 34 (c) Increases in independent living skills;
- 35 (d) Increases in education and job training attainment;
- 36 (e) Decreases in the use of all state-funded services over time;

1 (f) Decreases in the percentage of youth aging out of the state
2 dependency system each year who are eligible for state assistance ((~~as~~
3 ~~reported to the department by the department of social and health~~
4 ~~services~~)); and

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

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

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

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

17 Chapter 316, Laws of 2007 does not create:

18 (1) An entitlement to services;

19 (2) Judicial authority to (a) extend the jurisdiction of juvenile
20 court in a proceeding under chapter 13.34 RCW to a youth who has
21 reached the age of eighteen or (b) order the provision of services to
22 the youth; or

23 (3) A private right of action or claim on the part of any
24 individual, entity, or agency against the department(~~(, the department~~
25 ~~of social and health services,)~~) or any contractor of the
26 department(~~(s)~~).

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

29 RCW 43.63A.305

30 RCW 43.63A.307

31 RCW 43.63A.309

32 RCW 43.63A.311

33 RCW 43.63A.313

34 RCW 43.63A.315

1 NEW SECTION. **Sec. 408.** (1) All powers, duties, and functions of
2 the department of commerce pertaining to the independent youth housing
3 program are transferred to the department of social and health
4 services. All references to the director or the department of commerce
5 in the Revised Code of Washington shall be construed to mean the
6 secretary or the department of social and health services when
7 referring to the functions transferred in this section.

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

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

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

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

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

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

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

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

24 **PART V**

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

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

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

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

32 (b) The Washington association of prosecuting attorneys;

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

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

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

1 (f) The secretary of the department of corrections or his or her
2 designee;

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

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

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

8 (j) The Washington state association of counties;

9 (k) The association of Washington cities;

10 (l) The Washington association of sexual assault programs; and

11 (m) The director of the special commitment center or his or her
12 designee.

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

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

17 (a) Two members of the sentencing guidelines commission chosen by
18 the chair of the commission; and

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

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

23 (5) The chair of the sentencing guidelines commission shall convene
24 the first meeting.

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

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

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

35 (1) Comprehensively address the problems of persons who are
36 prostitutes; and

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

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

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

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

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

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

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

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

28 The Washington state sexual assault services advisory committee
29 issued a report to the department of community, trade, and economic
30 development and the department of social and health services in June of
31 1995. The committee made several recommendations to improve the
32 delivery of services to victims of sexual abuse and assault: (1)
33 Consolidate the administration and funding of sexual assault and abuse
34 services in one agency instead of splitting those functions between the
35 department of social and health services and the department of
36 community, trade, and economic development; (2) adopt a funding
37 allocation plan to pool all funds for sexual assault services and to

1 distribute them across the state to ensure the delivery of core and
2 specialized services; (3) establish service, data collection, and
3 management standards and outcome measurements for recipients of grants;
4 and (4) create a data collection system to gather pertinent data
5 concerning the delivery of sexual assault services to victims.

6 The legislature approves the recommendations of the advisory
7 committee and consolidates the functions and funding for sexual assault
8 services in the department of (~~community, trade, and economic~~
9 ~~development~~) labor and industries to implement the advisory
10 committee's recommendations.

11 (~~The legislature does not intend to effect a reduction in service~~
12 ~~levels within available funding by transferring department of social~~
13 ~~and health services' powers and duties to the department of community,~~
14 ~~trade, and economic development.~~) At a minimum, the department of
15 (~~community, trade, and economic development~~) social and health
16 services shall distribute the same percentage of the services it
17 provides victims of sexual assault and abuse, pursuant to RCW
18 43.280.020, 70.125.080, and 74.14B.060, to children as were distributed
19 to children through these programs in fiscal year 1996.

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

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

- 26 (1) Provide effective treatment to victims of sex offenders;
27 (2) Increase access to and availability of treatment for victims of
28 sex offenders, particularly if from underserved populations; and
29 (3) Create or build on efforts by existing community programs,
30 coordinate those efforts, or develop cooperative efforts or other
31 initiatives to make the most effective use of resources to provide
32 treatment services to these victims.

33 Funding shall be given to those applicants that emphasize providing
34 stable, victim-focused sexual abuse services and possess the
35 qualifications to provide core services, as defined in RCW 70.125.030.
36 Funds for specialized services, as defined in RCW 70.125.030, shall be

1 disbursed through the request for proposal or request for
2 qualifications process.

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

5 (1) Subject to funds appropriated by the legislature, the
6 department of (~~community, trade, and economic development~~) labor and
7 industries shall make awards under the grant program established by RCW
8 43.280.020.

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

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

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

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

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

33 The office of crime victims advocacy is established in the
34 department of (~~community, trade, and economic development~~) labor and
35 industries. The office shall assist communities in planning and

1 implementing services for crime victims, advocate on behalf of crime
2 victims in obtaining needed services and resources, and advise local
3 and state governments on practices, policies, and priorities that
4 impact crime victims. In addition, the office shall administer grant
5 programs for sexual assault treatment and prevention services, as
6 authorized in this chapter.

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

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

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

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

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

19 (2) "Core services" means treatment services for victims of sexual
20 assault including information and referral, crisis intervention,
21 medical advocacy, legal advocacy, support, system coordination, and
22 prevention for potential victims of sexual assault.

23 (3) "Department" means the department of (~~commerce~~) labor and
24 industries.

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

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

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

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

33 (a) Rape or rape of a child;

34 (b) Assault with intent to commit rape or rape of a child;

35 (c) Incest or indecent liberties;

36 (d) Child molestation;

- 1 (e) Sexual misconduct with a minor;
2 (f) Custodial sexual misconduct;
3 (g) Crimes with a sexual motivation; or
4 (h) An attempt to commit any of the aforementioned offenses.

5 (8) "Specialized services" means treatment services for victims of
6 sexual assault including support groups, therapy, and specialized
7 sexual assault medical examination.

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

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

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

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

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

31 (4) As part of the request for proposal or request for
32 qualifications process the department of (~~community, trade, and~~
33 ~~economic development~~) labor and industries shall ensure that there be
34 no duplication of services with existing programs including the crime
35 victims' compensation program as provided in chapter 7.68 RCW. The
36 department shall also ensure that victims exhaust private insurance

1 benefits available to the child victim before providing services to the
2 child victim under this section.

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

5 RCW 43.63A.720

6 RCW 43.63A.725

7 RCW 43.63A.730

8 RCW 43.63A.735

9 RCW 43.63A.740

10 NEW SECTION. **Sec. 513.** (1) All powers, duties, and functions of
11 the department of commerce pertaining to the office of crime victims
12 advocacy are transferred to the department of labor and industries.
13 All references to the director or the department of commerce in the
14 Revised Code of Washington shall be construed to mean the director or
15 the department of labor and industries when referring to the functions
16 transferred in this section.

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

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

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

1 director of financial management shall make a determination as to the
2 proper allocation and certify the same to the state agencies concerned.

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

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

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

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

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

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

35 **PART VI**

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

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

3 (1) There is created and established the energy facility site
4 evaluation council.

5 (2)(a) The chair of the council shall be appointed by the governor
6 with the advice and consent of the senate, shall have a vote on matters
7 before the council, shall serve for a term coextensive with the term of
8 the governor, and is removable for cause. The chair may designate a
9 member of the council to serve as acting chair in the event of the
10 chair's absence. The salary of the chair shall be determined under RCW
11 43.03.040. The chair is a "state employee" for the purposes of chapter
12 42.52 RCW. As applicable, when attending meetings of the council,
13 members may receive reimbursement for travel expenses in accordance
14 with RCW 43.03.050 and 43.03.060, and are eligible for compensation
15 under RCW 43.03.250.

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

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

29 (i) Department of ecology;

30 (ii) Department of fish and wildlife;

31 (iii) Department of (~~community, trade, and economic development~~)
32 commerce;

33 (iv) Utilities and transportation commission; and

34 (v) Department of natural resources.

35 (b) The directors, administrators, or their designees, of the
36 following departments, agencies, and commissions, or their statutory
37 successors, may participate as councilmembers at their own discretion

1 provided they elect to participate no later than sixty days after an
2 application is filed:

3 (i) Department of agriculture;

4 (ii) Department of health;

5 (iii) Military department; and

6 (iv) Department of transportation.

7 (c) Council membership is discretionary for agencies that choose to
8 participate under (b) of this subsection only for applications that are
9 filed with the council on or after May 8, 2001. For applications filed
10 before May 8, 2001, council membership is mandatory for those agencies
11 listed in (b) of this subsection.

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

19 (b) The council shall otherwise retain its independence in
20 exercising its powers, functions, and duties and its supervisory
21 control over nonadministrative staff support. Membership, powers,
22 functions, and duties of the Washington state utilities and
23 transportation commission and the council shall otherwise remain as
24 provided by law.

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

32 (6) For any port district wherein an application for a proposed
33 port facility is filed subject to this chapter, the port district shall
34 appoint a member or designee as a nonvoting member to the council. The
35 member or designee so appointed shall sit with the council only at such
36 times as the council considers the proposed site for the port district
37 which he or she represents, and such member or designee shall serve
38 until there has been a final acceptance or rejection of the proposed

1 site. The provisions of this subsection shall not apply if the port
2 district is the applicant, either singly or in partnership or
3 association with any other person.

4 NEW SECTION. **Sec. 602.** (1) All administrative powers, duties, and
5 functions of the department of commerce pertaining to the energy
6 facility site evaluation council are transferred to the Washington
7 utilities and transportation commission. All references to the
8 director or the department of commerce in the Revised Code of
9 Washington shall be construed to mean the chair or the Washington
10 utilities and transportation commission when referring to the functions
11 transferred in this section.

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

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

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

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

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

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

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

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

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

28 **PART VII**
29 **OFFICE OF FINANCIAL MANAGEMENT--LONG-TERM CARE OMBUDSMAN**

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

32 There is created the office of the state long-term care ombudsman.
33 The (~~department of community, trade, and economic development~~) office
34 of financial management shall contract with a private nonprofit
35 organization to provide long-term care ombudsman services as specified
36 under, and consistent with, the federal older Americans act as amended,

1 federal mandates, the goals of the state, and the needs of its
2 citizens. The (~~department of community, trade, and economic~~
3 ~~development~~) office of financial management shall ensure that all
4 program and staff support necessary to enable the ombudsman to
5 effectively protect the interests of residents, patients, and clients
6 of all long-term care facilities is provided by the nonprofit
7 organization that contracts to provide long-term care ombudsman
8 services. The (~~department of community, trade, and economic~~
9 ~~development~~) office of financial management shall adopt rules to carry
10 out this chapter and the long-term care ombudsman provisions of the
11 federal older Americans act, as amended, and applicable federal
12 regulations. The long-term care ombudsman program shall have the
13 following powers and duties:

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

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

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

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

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

36 (a) Such complainant or resident, or the complainant's or
37 resident's legal representative, consents in writing to such
38 disclosure; or

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

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

4 It is the intent that federal requirements be complied with and the
5 (~~department~~) office of financial management annually expend at least
6 one percent of the state's allotment of social services funds from
7 Title III B of the Older Americans Act of 1965, as it exists as of July
8 24, 1983, or twenty thousand dollars, whichever is greater to establish
9 the state long-term care ombudsman program established by this chapter
10 if funds are appropriated by the legislature.

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

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

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

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

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

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

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

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

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

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

35 **PART VIII**

36 **BUILDING CODE COUNCIL**

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

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

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

1 alternating appointments from governmental and nongovernmental entities
2 or interests until the council is constituted as required by this
3 subsection.

4 (2) Members shall not be compensated but shall receive
5 reimbursement for travel expenses in accordance with RCW 43.03.050 and
6 43.03.060.

7 (3) The department of (~~community, trade, and economic~~
8 ~~development~~) general administration shall provide administrative and
9 clerical assistance to the building code council.

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

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

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

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

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

3 Every month a copy of the United States department of commerce,
4 bureau of the census' "report of building or zoning permits issued and
5 local public construction" or equivalent report shall be transmitted by
6 the governing bodies of counties and cities to the department of
7 (~~community, trade, and economic development~~) general administration.

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

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

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

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

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

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

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

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

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

34 (6)(a) Except as provided in (b) of this subsection, the Washington
35 state energy code for residential structures shall preempt the
36 residential energy code of each city, town, and county in the state of
37 Washington.

1 (b) The state energy code for residential structures does not
2 preempt a city, town, or county's energy code for residential
3 structures which exceeds the requirements of the state energy code and
4 which was adopted by the city, town, or county prior to March 1, 1990.
5 Such cities, towns, or counties may not subsequently amend their energy
6 code for residential structures to exceed the requirements adopted
7 prior to March 1, 1990.

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

15 (8) The state building code council shall evaluate and consider
16 adoption of the international energy conservation code in Washington
17 state in place of the existing state energy code.

18 (9) The definitions in RCW 19.27A.140 apply throughout this
19 section.

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

22 The definitions in this section apply to RCW 19.27A.130 through
23 19.27A.190 and 19.27A.020 unless the context clearly requires
24 otherwise.

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

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

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

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

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

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

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

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

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

19 ~~((8))~~ (7) "Energy consumption data" means the monthly amount of
20 energy consumed by a customer as recorded by the applicable energy
21 meter for the most recent twelve-month period.

22 ~~((9))~~ (8) "Energy service company" has the same meaning as in RCW
23 43.19.670.

24 ~~((10))~~ (9) "General administration" means the department of
25 general administration.

26 ~~((11))~~ (10) "Greenhouse gas" and "greenhouse gases" includes
27 carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,
28 perfluorocarbons, and sulfur hexafluoride.

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

33 ~~((13))~~ (12) "Investor-owned utility" means a corporation owned by
34 investors that meets the definition of "corporation" as defined in RCW
35 80.04.010 and is engaged in distributing either electricity or natural
36 gas, or both, to more than one retail electric customer in the state.

37 ~~((14))~~ (13) "Major facility" means any publicly owned or leased

1 building, or a group of such buildings at a single site, having ten
2 thousand square feet or more of conditioned floor space.

3 ~~((+15+))~~ (14) "National energy performance rating" means the score
4 provided by the energy star program, to indicate the energy efficiency
5 performance of the building compared to similar buildings in that
6 climate as defined in the United States environmental protection agency
7 "ENERGY STAR® Performance Ratings Technical Methodology."

8 ~~((+16+))~~ (15) "Net zero energy use" means a building with net
9 energy consumption of zero over a typical year.

10 ~~((+17+))~~ (16) "Portfolio manager" means the United States
11 environmental protection agency's energy star portfolio manager or an
12 equivalent tool adopted by the department of general administration.

13 ~~((+18+))~~ (17) "Preliminary energy audit" means a quick evaluation
14 by an energy service company of the energy savings potential of a
15 building.

16 ~~((+19+))~~ (18) "Qualifying public agency" includes all state
17 agencies, colleges, and universities.

18 ~~((+20+))~~ (19) "Qualifying utility" means a consumer-owned or
19 investor-owned gas or electric utility that serves more than twenty-
20 five thousand customers in the state of Washington.

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

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

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

30 (c) A wastewater treatment facility owned by a qualifying public
31 agency; or

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

33 ~~((+22+))~~ (21) "State portfolio manager master account" means a
34 portfolio manager account established to provide a single shared
35 portfolio that includes reports for all the reporting public
36 facilities.

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

3 (1) To the extent that funding is appropriated specifically for the
4 purposes of this section, the department of commerce shall develop and
5 implement a strategic plan for enhancing energy efficiency in and
6 reducing greenhouse gas emissions from homes, buildings, districts, and
7 neighborhoods. The strategic plan must be used to help direct the
8 future code increases in RCW 19.27A.020, with targets for new buildings
9 consistent with RCW 19.27A.160. The strategic plan will identify
10 barriers to achieving net zero energy use in homes and buildings and
11 identify how to overcome these barriers in future energy code updates
12 and through complementary policies.

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

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

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

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

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

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

33 (e) Recommend incentives, education, training programs and
34 certifications, particularly state-approved training or certification
35 programs, joint apprenticeship programs, or labor-management
36 partnership programs that train workers for energy-efficiency projects
37 to ensure proposed programs are designed to increase building

1 professionals' ability to design, construct, and operate buildings that
2 will meet the seventy percent reduction in annual net energy
3 consumption as specified in RCW 19.27A.160;

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

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

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

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

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

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

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

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

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

29 By December 31, 2009, to the extent that funding is appropriated
30 specifically for the purposes of this section, the department of
31 commerce shall develop and recommend to the legislature a methodology
32 to determine an energy performance score for residential buildings and
33 an implementation strategy to use such information to improve the
34 energy efficiency of the state's existing housing supply. In
35 developing its strategy, the department of commerce shall seek input
36 from providers of residential energy audits, utilities, building

1 contractors, mixed use developers, the residential real estate
2 industry, and real estate listing and form providers.

3 NEW SECTION. **Sec. 808.** (1) All powers, duties, and functions of
4 the department of commerce pertaining to administrative and support
5 services for the state building code council are transferred to the
6 department of general administration. All references to the director
7 or the department of commerce in the Revised Code of Washington shall
8 be construed to mean the director or the department of general
9 administration when referring to the functions transferred in this
10 section. Policy and planning assistance functions performed by the
11 department of commerce remain with the department of commerce.

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

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

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

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

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

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

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

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

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

27 **PART IX**

28 **DEPARTMENT OF COMMERCE--ENERGY POLICY**

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

31 (1) The legislature finds that the state needs to implement a
32 comprehensive energy planning process that:

33 (a) Is based on high quality, unbiased analysis;

34 (b) Engages public agencies and stakeholders in a thoughtful,
35 deliberative process that creates a cohesive plan that earns sustained

1 support of the public and organizations and institutions that will
2 ultimately be responsible for implementation and execution of the plan;
3 and

4 (c) Establishes policies and practices needed to ensure the
5 effective implementation of the strategy.

6 (2) The legislature further finds that energy drives the entire
7 modern economy from petroleum for vehicles to electricity to light
8 homes and power businesses. The legislature further finds that the
9 nation and the world have started the transition to a clean energy
10 economy, with significant improvements in energy efficiency and
11 investments in new clean and renewable energy resources and
12 technologies. The legislature further finds this transition may
13 increase energy costs and it is imperative this increase be mitigated
14 for Washington's energy cost advantage.

15 (3) The legislature finds and declares that it is the continuing
16 purpose of state government, consistent with other essential
17 considerations of state policy, to foster wise and efficient energy use
18 and to promote energy self-sufficiency through the use of indigenous
19 and renewable energy sources, consistent with the promotion of reliable
20 energy sources, the general welfare, and the protection of
21 environmental quality.

22 (4) The legislature further declares that a successful state energy
23 strategy must balance three goals to:

24 (a) Maintain competitive energy prices that are fair and reasonable
25 for consumers and businesses and support our state's continued economic
26 success;

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

29 (c) Meet the state's obligations to reduce greenhouse gas
30 emissions.

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

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

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

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

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

7 (5) "Energy" means petroleum or other liquid fuels; natural or
8 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear
9 material; electricity; solar radiation; geothermal resources;
10 hydropower; organic waste products; wind; tidal activity; any other
11 substance or process used to produce heat, light, or motion; or the
12 savings from nongeneration technologies, including conservation or
13 improved efficiency in the usage of any of the sources described in
14 this subsection;

15 (6) "Person" means an individual, partnership, joint venture,
16 private or public corporation, association, firm, public service
17 company, political subdivision, municipal corporation, government
18 agency, public utility district, joint operating agency, or any other
19 entity, public or private, however organized; and

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

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

26 (1) The state shall use the following principles to guide
27 development and implementation of the state's energy strategy and to
28 meet the goals of RCW 43.21F.010:

29 (a) Pursue all cost-effective energy efficiency and conservation as
30 the state's preferred energy resource, consistent with state law;

31 (b) Ensure that the state's energy system meets the health,
32 welfare, and economic needs of its citizens with particular emphasis on
33 meeting the needs of low-income and vulnerable populations;

34 (c) Maintain and enhance economic competitiveness by ensuring an
35 affordable and reliable supply of energy resources and by supporting
36 clean energy technology innovation, access to clean energy markets
37 worldwide, and clean energy business and workforce development;

1 (d) Reduce dependence on fossil fuel energy sources through
2 improved efficiency and development of cleaner energy sources, such as
3 bioenergy, low-carbon energy sources, and natural gas, and leveraging
4 the indigenous resources of the state for the production of clean
5 energy;

6 (e) Improve efficiency of transportation energy use through
7 advances in vehicle technology, increased system efficiencies,
8 development of electricity, biofuels, and other clean fuels, and
9 regional transportation planning to improve transportation choices;

10 (f) Meet the state's statutory greenhouse gas limits and
11 environmental requirements as the state develops and uses energy
12 resources;

13 (g) Build on the advantage provided by the state's clean regional
14 electrical grid by expanding and integrating additional carbon-free and
15 carbon-neutral generation, and improving the transmission capacity
16 serving the state;

17 (h) Make state government a model for energy efficiency, use of
18 clean and renewable energy, and greenhouse gas-neutral operations; and

19 (i) Maintain and enhance our state's existing energy
20 infrastructure.

21 (2) The department shall:

22 (a) During energy shortage emergencies, give priority in the
23 allocation of energy resources to maintaining the public health,
24 safety, and welfare of the state's citizens and industry in order to
25 minimize adverse impacts on their physical, social, and economic well-
26 being;

27 (b) Develop and disseminate impartial and objective energy
28 information and analysis, while taking full advantage of the
29 capabilities of the state's institutions of higher education, national
30 laboratory, and other organizations with relevant expertise and
31 analytical capabilities;

32 (c) Actively seek to maximize federal and other nonstate funding
33 and support to the state for energy efficiency, renewable energy,
34 emerging energy technologies, and other activities of benefit to the
35 state's overall energy future; and

36 (d) Monitor the actions of all agencies of the state for consistent
37 implementation of the state's energy policy including applicable
38 statutory policies and goals relating to energy supply and use.

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

3 (1) By December 1, 2010, the department ((shall review the state
4 energy strategy as developed under section 1, chapter 201, Laws of
5 1991, periodically with the guidance of an advisory committee. For
6 each review, an advisory committee shall be established with a
7 membership resembling as closely as possible the original energy
8 strategy advisory committee specified under section 1, chapter 201,
9 Laws of 1991. Upon completion of a public hearing regarding the
10 advisory committee's advice and recommendations for revisions to the
11 energy strategy, a written report shall be conveyed by the department
12 to the governor and the appropriate legislative committees. Any
13 advisory committee established under this section shall be dissolved
14 within three months after their written report is conveyed.)) of
15 commerce shall update and revise the state energy strategy and
16 implementation report with the guidance of an advisory committee formed
17 under subsection (4) of this section. By December 1, 2011, and at
18 least every five years thereafter, the department shall produce a fully
19 updated state energy strategy and implementation report with the
20 guidance of an advisory committee formed under subsection (4) of this
21 section.

22 (2)(a) The strategy shall, to the maximum extent feasible, examine
23 the state's entire energy system.

24 (b) In producing and updating the energy strategy, the department
25 and advisory committee shall review related processes and documents
26 relevant to a state energy strategy including, but not limited to,
27 prior state energy strategies, the work of the clean energy leadership
28 council, the climate advisory and action teams, the evergreen jobs
29 committee, and reports of the state transportation planning commission,
30 the economic development commission, and the Northwest power and
31 conservation council.

32 (c) The strategy must build upon and be consistent with all
33 relevant and applicable statutorily authorized energy, environmental,
34 and other policies, goals, and programs.

35 (d) The strategy must identify administrative actions, regulatory
36 coordination, and legislative recommendations that need to be
37 undertaken to ensure that the energy strategy is implemented and

1 operationally supported by all state agencies, regulatory bodies, and
2 other organizations responsible for implementation of energy policy in
3 the state.

4 (3) In order to facilitate high quality decision making, the
5 director of the department shall engage a group of scientific,
6 engineering, economic, and other experts in energy analysis.

7 (a) This group shall be comprised of representatives from the
8 following institutions:

9 (i) Research institutions of higher education;

10 (ii) The Pacific Northwest national laboratory;

11 (iii) The Northwest power planning and conservation council;

12 and

13 (iv) Other private, public, and nonprofit organizations that have
14 a recognized expertise in engineering or economic analysis.

15 (b) This group will:

16 (i) Identify near and long-term analytical needs and capabilities
17 necessary to develop a state energy strategy;

18 (ii) Provide unbiased information about the state and region's
19 energy portfolio, future energy needs, scenarios for growth, and
20 improved productivity.

21 (c) The department and advisory committee shall use this
22 information in updating the state energy strategy.

23 (4)(a) In order to update the state strategy, the department shall
24 form an advisory committee. The director shall appoint the advisory
25 committee with a membership reflecting a balance of the interests in
26 energy generation, distribution, and consumption, and economic
27 development including: Residential, commercial, industrial, and
28 agricultural users; electric and natural gas utilities or
29 organizations, both consumer-owned and investor-owned; liquid fuel and
30 natural gas industries; local governments; civic and environmental
31 organizations; clean energy companies; energy research and development
32 organizations, economic development organizations, and key public
33 agencies; and other interested stakeholders. Any advisory committee
34 established under this section must be dissolved within three months
35 after the written report is conveyed. The department and advisory
36 committee shall work with stakeholders and other state agencies to
37 develop the strategy.

1 (b) Upon completion of a public hearing regarding the advisory
2 committee's advice and recommendations for revisions to the energy
3 strategy, the department shall present a written report to the governor
4 and legislature which may include specific actions that will be needed
5 to implement the strategy. The legislature shall, by concurrent
6 resolution, approve or recommend changes to the strategy and updates.

7 (5) The department may periodically review and update the state
8 energy strategy as necessary. The department shall engage an advisory
9 committee as required in this section when updating the strategy and
10 present any updates to the legislature for its approval.

11 (6) To assist in updates of the state energy strategy, the
12 department shall actively seek both in-kind and financial support for
13 this process from other nonstate sources. In order to avoid
14 competition among Washington state agencies, the department shall
15 coordinate the search for such external support. The department shall
16 develop a work plan for updating the energy strategy that reflects the
17 levels of activities and deliverables commensurate with the level of
18 funding and in-kind support available from state and nonstate sources.

19 NEW SECTION. Sec. 905. RCW 43.21F.015 (State policy) and 1994 c
20 207 s 3 & 1981 c 295 s 1 are each repealed.

21 PART X

22 CRIMINAL JUSTICE TRAINING COMMISSION--SUBSTANCE ABUSE PROGRAM

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

25 The legislature recognizes that, due to the magnitude or volume of
26 offenses in a given area of the state, there is a recurring need for
27 supplemental assistance in the prosecuting of drug and drug-related
28 offenses that can be directed to the area of the state with the
29 greatest need for short-term assistance. A statewide drug prosecution
30 assistance program is created within the (~~department of community,~~
31 ~~trade, and economic development~~) criminal justice training commission
32 to assist county prosecuting attorneys in the prosecution of drug and
33 drug-related offenses.

1 NEW SECTION. **Sec. 1002.** (1) All powers, duties, and functions of
2 the department of commerce pertaining to the drug prosecution
3 assistance program are transferred to the criminal justice training
4 commission. All references to the director or the department of
5 commerce in the Revised Code of Washington shall be construed to mean
6 the director or the criminal justice training commission when referring
7 to the functions transferred in this section.

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

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

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

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

1 (4) All rules and all pending business before the department of
2 commerce pertaining to the powers, functions, and duties transferred
3 shall be continued and acted upon by the criminal justice training
4 commission. All existing contracts and obligations shall remain in
5 full force and shall be performed by the criminal justice training
6 commission.

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

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

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

23 **PART XI**

24 **MUNICIPAL RESEARCH COUNCIL**

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

27 (1) The (~~municipal research council~~) department of commerce shall
28 contract for the provision of municipal research and services to
29 cities, towns, and counties. Contracts for municipal research and
30 services shall be made with state agencies, educational institutions,
31 or private consulting firms, that in the judgment of (~~council~~
32 ~~members~~) the department are qualified to provide such research and
33 services. Contracts for staff support may be made with state agencies,
34 educational institutions, or private consulting firms that in the
35 judgment of the (~~council members~~) department are qualified to provide
36 such support.

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

2 ~~((1))~~ (a) Studying and researching city, town, and county
3 government and issues relating to city, town, and county government;

4 ~~((2))~~ (b) Acquiring, preparing, and distributing publications
5 related to city, town, and county government and issues relating to
6 city, town, and county government;

7 ~~((3))~~ (c) Providing educational conferences relating to city,
8 town, and county government and issues relating to city, town, and
9 county government; and

10 ~~((4))~~ (d) Furnishing legal, technical, consultative, and field
11 services to cities, towns, and counties concerning planning, public
12 health, utility services, fire protection, law enforcement, public
13 works, and other issues relating to city, town, and county government.

14 (3) Requests for legal services by county officials shall be sent
15 to the office of the county prosecuting attorney. Responses by the
16 ~~((municipal research council))~~ department of commerce to county
17 requests for legal services shall be provided to the requesting
18 official and the county prosecuting attorney.

19 (4) The ~~((activities, programs, and services of the municipal
20 research council shall be carried on in cooperation))~~ department of
21 commerce shall coordinate with the association of Washington cities and
22 the Washington state association of counties in carrying out the
23 activities in this section. Services to cities and towns shall be
24 based upon the moneys appropriated to the ~~((municipal research
25 council))~~ department from the city and town research services account
26 under RCW 43.110.060. Services to counties shall be based upon the
27 moneys appropriated to the ~~((municipal research council))~~ department
28 from the county research services account under RCW 43.110.050.

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

31 The city and town research services account is created in the state
32 treasury. Moneys in the account shall consist of amounts transferred
33 under RCW 66.08.190(2) and any other transfers or appropriations to the
34 account. Moneys in the account may be spent only after an
35 appropriation. Expenditures from the account may be used only for city
36 and town research.

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

5 ~~((The treasurer may disburse amounts appropriated to the municipal
6 research council from the city and town research services account by
7 warrant or check to the contracting parties on invoices or vouchers
8 certified by the chair of the municipal research council or his or her
9 designee.))~~ Payments to public agencies may be made in advance of
10 actual work contracted for, at the discretion of the ~~((council))~~
11 department of commerce.

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

14 (1) The ~~((municipal research council))~~ department of commerce shall
15 contract for the provision of research and services to special purpose
16 districts. A contract shall be made with a state agency, educational
17 institution, or private consulting firm, that in the judgment of
18 ~~((council members))~~ the department is qualified to provide such
19 research and services.

20 (2) Research and services to special purpose districts shall
21 consist of:

22 (a) Studying and researching issues relating to special purpose
23 district government;

24 (b) Acquiring, preparing, and distributing publications related to
25 special purpose districts; and

26 (c) Furnishing legal, technical, consultative, and field services
27 to special purpose districts concerning issues relating to special
28 purpose district government.

29 (3) The ~~((activities, programs, and services of the municipal
30 research council to special purpose districts shall be carried on in
31 cooperation))~~ department of commerce shall coordinate with the
32 associations representing the various special purpose districts with
33 respect to carrying out the activities in this section. Services to
34 special purpose districts shall be based upon the moneys appropriated
35 to the ~~((municipal research council))~~ department of commerce from the
36 special purpose district research services account under RCW
37 43.110.090.

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

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

6 (1) The lieutenant governor serves on the following boards and
7 committees:

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

9 (b) Washington higher education facilities authority, RCW
10 28B.07.030;

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

13 (d) State finance committee, RCW 43.33.010;

14 (e) State capitol committee, RCW 43.34.010;

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

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

17 (h) Medal of valor committee, RCW 1.60.020; and

18 (i) Association of Washington generals, RCW 43.15.030.

19 (2) The lieutenant governor, and when serving as president of the
20 senate, appoints members to the following boards and committees:

21 (a) Civil legal aid oversight committee, RCW 2.53.010;

22 (b) Office of public defense advisory committee, RCW 2.70.030;

23 (c) Washington state gambling commission, RCW 9.46.040;

24 (d) Sentencing guidelines commission, RCW 9.94A.860;

25 (e) State building code council, RCW 19.27.070;

26 (f) Women's history consortium board of advisors, RCW 27.34.365;

27 (g) Financial ((literacy)) education public-private partnership,
28 RCW 28A.300.450;

29 (h) Joint administrative rules review committee, RCW 34.05.610;

30 (i) Capital projects advisory review board, RCW 39.10.220;

31 (j) Select committee on pension policy, RCW 41.04.276;

32 (k) Legislative ethics board, RCW 42.52.310;

33 (l) Washington citizens' commission on salaries, RCW 43.03.305;

34 (m) Legislative oral history committee, RCW 44.04.325;

35 (n) State council on aging, RCW 43.20A.685;

36 (o) State investment board, RCW 43.33A.020;

37 (p) Capitol campus design advisory committee, RCW 43.34.080;

38 (q) Washington state arts commission, RCW 43.46.015;

1 (r) Information services board, RCW 43.105.032;
2 (s) K-20 educational network board, RCW 43.105.800;
3 (t) (~~(Municipal research council, RCW 43.110.010;~~
4 ~~(u))~~) Council for children and families, RCW 43.121.020;
5 (~~(v))~~) (u) PNWER-Net working subgroup under chapter 43.147 RCW;
6 (~~(w))~~) (v) Community economic revitalization board, RCW
7 43.160.030;
8 (~~(x))~~) (w) Washington economic development finance authority, RCW
9 43.163.020;
10 (~~(y))~~) (x) Life sciences discovery fund authority, RCW 43.350.020;
11 (~~(z))~~) (y) Legislative children's oversight committee, RCW
12 44.04.220;
13 (~~(aa))~~) (z) Joint legislative audit and review committee, RCW
14 44.28.010;
15 (~~(bb))~~) (aa) Joint committee on energy supply and energy
16 conservation, RCW 44.39.015;
17 (~~(cc))~~) (bb) Legislative evaluation and accountability program
18 committee, RCW 44.48.010;
19 (~~(dd))~~) (cc) Agency council on coordinated transportation, RCW
20 47.06B.020;
21 (~~(ee))~~) (dd) Manufactured housing task force, RCW 59.22.090;
22 (~~(ff))~~) (ee) Washington horse racing commission, RCW 67.16.014;
23 (~~(gg))~~) (ff) Correctional industries board of directors, RCW
24 72.09.080;
25 (~~(hh))~~) (gg) Joint committee on veterans' and military affairs,
26 RCW 73.04.150;
27 (~~(ii))~~) (hh) Joint legislative committee on water supply during
28 drought, RCW 90.86.020;
29 (~~(jj))~~) (ii) Statute law committee, RCW 1.08.001; and
30 (~~(kk))~~) (jj) Joint legislative oversight committee on trade
31 policy, RCW 44.55.020.

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

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

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

6 (3) The clerk of every city and town is directed to provide to the
7 ~~((municipal research council)) department~~ or its designee, promptly
8 after adoption, a copy of each of its regulatory ordinances and such
9 other ordinances or kinds of ordinances as may be described in a list
10 or lists promulgated by the ~~((municipal research council)) department~~
11 or its designee from time to time, and may provide such copies without
12 charge. The ~~((municipal research council)) department~~ may provide that
13 information to the entity with which it contracts for the provision of
14 municipal research and services, in order to provide a pool of
15 information for all cities and towns in the state of Washington.

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

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

19 (1)(a) The cities, working through the association of Washington
20 cities, shall form a model ordinance development committee made up of
21 a representative sampling of cities that as of July 27, 2003, impose a
22 business and occupation tax. This committee shall work through the
23 association of Washington cities to adopt a model ordinance on
24 municipal gross receipts business and occupation tax. The model
25 ordinance and subsequent amendments shall be adopted using a process
26 that includes opportunity for substantial input from business
27 stakeholders and other members of the public. Input shall be solicited
28 from statewide business associations and from local chambers of
29 commerce and downtown business associations in cities that levy a
30 business and occupation tax.

31 (b) The ~~((municipal research council)) department of commerce~~ shall
32 contract to post the model ordinance on an internet web site and to
33 make paper copies available for inspection upon request. The
34 department of revenue and the department of licensing shall post copies
35 of or links to the model ordinance on their internet web sites.
36 Additionally, a city that imposes a business and occupation tax must

1 make copies of its ordinance available for inspection and copying as
2 provided in chapter 42.56 RCW.

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

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

11 (a) A system of credits that meets the requirements of RCW
12 35.102.060 and a form for such use;

13 (b) A uniform, minimum small business tax threshold of at least the
14 equivalent of twenty thousand dollars in gross income annually. A city
15 may elect to deviate from this requirement by creating a higher
16 threshold or exemption but it shall not deviate lower than the level
17 required in this subsection. If a city has a small business threshold
18 or exemption in excess of that provided in this subsection as of
19 January 1, 2003, and chooses to deviate below the threshold or
20 exemption level that was in place as of January 1, 2003, the city must
21 notify all businesses licensed to do business within the city at least
22 one hundred twenty days prior to the potential implementation of a
23 lower threshold or exemption amount;

24 (c) Tax reporting frequencies that meet the requirements of RCW
25 35.102.070;

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

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

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

30 and

31 (g) Definitions, which at a minimum, must include the definitions
32 enumerated in RCW 35.102.030 and 35.102.120. The definitions in
33 chapter 82.04 RCW shall be used as the baseline for all definitions in
34 the model ordinance, and any deviation in the model ordinance from
35 these definitions must be described by a comment in the model
36 ordinance.

37 (3) Except for the deduction required by RCW 35.102.160 and the

1 system of credits developed to address multiple taxation under
2 subsection (2)(a) of this section, a city may adopt its own provisions
3 for tax exemptions, tax credits, and tax deductions.

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

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

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

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

15 (a) Make available to permit applicants all current local
16 government regulations and adopted policies that apply to the subject
17 application. The local government shall provide counter copies thereof
18 and, upon request, provide copies according to chapter 42.56 RCW. The
19 staff shall also publish and keep current one or more handouts
20 containing lists and explanations of all local government regulations
21 and adopted policies;

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

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

26 (3) Permit assistance staff designated under this section may
27 obtain technical assistance and support in the compilation and
28 production of the handouts under subsection (2) of this section from
29 the ~~((municipal research council and the department of community,
30 trade, and economic development))~~ department of commerce.

31 NEW SECTION. **Sec. 1108.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 43.110.010 (Council created--Membership--Terms--Travel
34 expenses) and 2001 c 290 s 1, 1997 c 437 s 1, 1990 c 104 s 1, 1983 c 22
35 s 1, 1975-'76 2nd ex.s. c 34 s 129, 1975 1st ex.s. c 218 s 1, & 1969 c
36 108 s 2;

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

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

5 NEW SECTION. **Sec. 1109.** (1) The municipal research council is
6 hereby abolished and its powers, duties, and functions are hereby
7 transferred to the department of commerce. All references to the
8 municipal research council in the Revised Code of Washington shall be
9 construed to mean the department of commerce.

10 (2)(a) All reports, documents, surveys, books, records, files,
11 papers, or written material in the possession of the municipal research
12 council shall be delivered to the custody of the department of
13 commerce. All cabinets, furniture, office equipment, motor vehicles,
14 and other tangible property employed by the municipal research council
15 shall be made available to the department of commerce. All funds,
16 credits, or other assets held by the municipal research council shall
17 be assigned to the department of commerce.

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

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

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

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

34 (5) If apportionments of budgeted funds are required because of the
35 transfers directed by this section, the director of financial
36 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 **PART XII**

5 **MISCELLANEOUS PROVISIONS**

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

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

9 (a) The members of the legislature or to any employee of, or
10 position in, the legislative branch of the state government including
11 members, officers, and employees of the legislative council, joint
12 legislative audit and review committee, statute law committee, and any
13 interim committee of the legislature;

14 (b) The justices of the supreme court, judges of the court of
15 appeals, judges of the superior courts or of the inferior courts, or to
16 any employee of, or position in the judicial branch of state
17 government;

18 (c) Officers, academic personnel, and employees of technical
19 colleges;

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

21 (e) Elective officers of the state;

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

23 (g) In the departments of employment security and social and health
24 services, the director and the director's confidential secretary; in
25 all other departments, the executive head of which is an individual
26 appointed by the governor, the director, his or her confidential
27 secretary, and his or her statutory assistant directors;

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

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

32 (ii) If the members of the board, commission, or committee serve on
33 a part-time basis and there is a statutory executive officer: The
34 secretary of the board, commission, or committee; the chief executive
35 officer of the board, commission, or committee; and the confidential

1 secretary of the chief executive officer of the board, commission, or
2 committee;

3 (iii) If the members of the board, commission, or committee serve
4 on a full-time basis: The chief executive officer or administrative
5 officer as designated by the board, commission, or committee; and a
6 confidential secretary to the chair of the board, commission, or
7 committee;

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

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

13 (j) Assistant attorneys general;

14 (k) Commissioned and enlisted personnel in the military service of
15 the state;

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

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

21 (n) Officers and employees of the Washington state fruit
22 commission;

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

24 (p) Officers and employees of the Washington state dairy products
25 commission;

26 (q) Officers and employees of the Washington tree fruit research
27 commission;

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

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

30 (t) Officers and employees of any commission formed under chapter
31 15.66 RCW;

32 (u) Officers and employees of agricultural commissions formed under
33 chapter 15.65 RCW;

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

36 (w) Executive assistants for personnel administration and labor
37 relations in all state agencies employing such executive assistants
38 including but not limited to all departments, offices, commissions,

1 committees, boards, or other bodies subject to the provisions of this
2 chapter and this subsection shall prevail over any provision of law
3 inconsistent herewith unless specific exception is made in such law;

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

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

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

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

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

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

20 (a) Members of the governing board of each institution of higher
21 education and related boards, all presidents, vice presidents, and
22 their confidential secretaries, administrative, and personal
23 assistants; deans, directors, and chairs; academic personnel; and
24 executive heads of major administrative or academic divisions employed
25 by institutions of higher education; principal assistants to executive
26 heads of major administrative or academic divisions; other managerial
27 or professional employees in an institution or related board having
28 substantial responsibility for directing or controlling program
29 operations and accountable for allocation of resources and program
30 results, or for the formulation of institutional policy, or for
31 carrying out personnel administration or labor relations functions,
32 legislative relations, public information, development, senior computer
33 systems and network programming, or internal audits and investigations;
34 and any employee of a community college district whose place of work is
35 one which is physically located outside the state of Washington and who
36 is employed pursuant to RCW 28B.50.092 and assigned to an educational
37 program operating outside of the state of Washington;

1 (b) The governing board of each institution, and related boards,
2 may also exempt from this chapter classifications involving research
3 activities, counseling of students, extension or continuing education
4 activities, graphic arts or publications activities requiring
5 prescribed academic preparation or special training as determined by
6 the board: PROVIDED, That no nonacademic employee engaged in office,
7 clerical, maintenance, or food and trade services may be exempted by
8 the board under this provision;

9 (c) Printing craft employees in the department of printing at the
10 University of Washington.

11 (3) In addition to the exemptions specifically provided by this
12 chapter, the director of personnel may provide for further exemptions
13 pursuant to the following procedures. The governor or other
14 appropriate elected official may submit requests for exemption to the
15 director of personnel stating the reasons for requesting such
16 exemptions. The director of personnel shall hold a public hearing,
17 after proper notice, on requests submitted pursuant to this subsection.
18 If the director determines that the position for which exemption is
19 requested is one involving substantial responsibility for the
20 formulation of basic agency or executive policy or one involving
21 directing and controlling program operations of an agency or a major
22 administrative division thereof, the director of personnel shall grant
23 the request and such determination shall be final as to any decision
24 made before July 1, 1993. The total number of additional exemptions
25 permitted under this subsection shall not exceed one percent of the
26 number of employees in the classified service not including employees
27 of institutions of higher education and related boards for those
28 agencies not directly under the authority of any elected public
29 official other than the governor, and shall not exceed a total of
30 twenty-five for all agencies under the authority of elected public
31 officials other than the governor.

32 The salary and fringe benefits of all positions presently or
33 hereafter exempted except for the chief executive officer of each
34 agency, full-time members of boards and commissions, administrative
35 assistants and confidential secretaries in the immediate office of an
36 elected state official, and the personnel listed in subsections (1)(j)
37 through (v) and (y) and (2) of this section, shall be determined by the
38 director of personnel. Changes to the classification plan affecting

1 exempt salaries must meet the same provisions for classified salary
2 increases resulting from adjustments to the classification plan as
3 outlined in RCW 41.06.152.

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

7 Any person holding a classified position subject to the provisions
8 of this chapter shall, when and if such position is subsequently
9 exempted from the application of this chapter, be afforded the
10 following rights: If such person previously held permanent status in
11 another classified position, such person shall have a right of
12 reversion to the highest class of position previously held, or to a
13 position of similar nature and salary.

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

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

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

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

E2SHB 2658 - S COMM AMD
By Committee on Ways & Means

NOT ADOPTED 03/04/2010

23 On page 1, line 2 of the title, after "programs;" strike the
24 remainder of the title and insert "amending RCW 43.330.005, 43.330.007,
25 70.05.125, 43.270.020, 43.270.070, 43.270.080, 43.330.210, 43.330.240,
26 82.14.400, 43.63A.305, 43.63A.307, 43.63A.311, 43.63A.313, 9.94A.8673,
27 43.63A.720, 43.63A.735, 43.280.011, 43.280.020, 43.280.060, 43.280.070,
28 43.280.080, 43.280.090, 74.14B.060, 80.50.030, 43.190.030, 43.190.120,

1 19.27.070, 19.27.097, 19.27.150, 19.27A.020, 19.27A.140, 19.27A.150,
2 19.27A.180, 43.21F.010, 43.21F.025, 43.21F.090, 36.27.100, 43.110.030,
3 43.110.060, 43.110.080, 43.15.020, 35.21.185, 35.102.040, and
4 36.70B.220; reenacting and amending RCW 70.125.030 and 41.06.070;
5 adding new sections to chapter 43.70 RCW; adding new sections to
6 chapter 43.20A RCW; adding new sections to chapter 43.22 RCW; adding a
7 new section to chapter 43.21F RCW; creating new sections; recodifying
8 RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210, 43.330.220,
9 43.330.225, 43.330.230, 43.330.240, 43.63A.305, 43.63A.307, 43.63A.309,
10 43.63A.311, 43.63A.313, 43.63A.315, 43.63A.720, 43.63A.725, 43.63A.730,
11 43.63A.735, and 43.63A.740; decodifying RCW 43.280.081 and 43.63A.150;
12 repealing RCW 43.21F.015, 43.110.010, 43.110.040, and 43.110.070; and
13 providing an effective date."

--- END ---