

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617

61st Legislature
2010 1st Special Session

Passed by the House March 19, 2010
Yeas 89 Nays 3

Speaker of the House of Representatives

Passed by the Senate March 18, 2010
Yeas 40 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617

AS AMENDED BY THE SENATE

Passed Legislature - 2010 1st Special Session

State of Washington 61st Legislature 2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Driscoll, Chase, Hunt, Wallace, Williams, Maxwell, White, Kelley, Carlyle, Simpson, Seaquist, and Moeller; by request of Governor Gregoire)

READ FIRST TIME 03/10/10.

1 AN ACT Relating to eliminating boards and commissions; amending RCW
2 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760,
3 70.47.040, 41.04.033, 41.04.0331, 41.04.0332, 72.78.030, 43.101.380,
4 43.105.052, 82.58.020, 46.20.100, 46.82.280, 46.82.330, 46.82.420,
5 18.73.030, 18.73.101, 41.50.088, 41.50.770, 41.50.780, 41.34.020,
6 41.34.040, 41.34.070, 41.34.130, 41.34.140, 43.33A.135, 36.70C.030,
7 70.112.010, 70.112.020, 43.43.930, 43.43.934, 43.43.938, 43.43.962,
8 43.43.963, 43.44.030, 43.44.060, 38.52.530, 49.26.120, 48.62.061,
9 48.62.161, 28B.76.280, 43.330.090, 2.56.031, 13.40.510, 43.105.041,
10 43.105.805, 43.105.820, 19.146.225, 90.56.005, 90.56.060, 43.30.820,
11 18.210.010, 18.210.050, 18.210.060, 70.118.110, 77.95.100, 77.95.180,
12 77.95.190, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316,
13 46.16.715, 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901,
14 46.16.30903, 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911,
15 46.16.30913, 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920,
16 46.16.30922, 46.16.30924, 46.16.30926, 46.16.30928, 43.370.020,
17 43.370.030, 43.60A.170, 43.131.406, 43.60A.010, 70.119A.180, 90.86.030,
18 27.34.365, 70.94.6534, 76.04.630, 76.04.660, 15.92.070, 17.21.020,
19 43.15.020, 43.15.020, 46.01.325, 46.01.140, 43.03.050, 43.03.220,
20 43.03.230, 43.03.240, 43.03.250, and 43.03.265; reenacting and amending
21 RCW 18.71.205, 43.21B.005, 43.105.020, and 46.16.233; adding new

1 sections to chapter 43.215 RCW; creating new sections; recodifying RCW
2 43.121.170, 43.121.175, and 43.121.180; repealing RCW 70.96A.070,
3 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335,
4 43.101.340, 43.101.345, 43.105.055, 46.82.300, 18.73.040, 18.73.050,
5 41.50.086, 43.21L.005, 43.21L.010, 43.21L.020, 43.21L.030, 43.21L.040,
6 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080, 43.21L.090, 43.21L.100,
7 43.21L.110, 43.21L.120, 43.21L.130, 43.21L.140, 43.21L.900, 43.21L.901,
8 70.112.030, 70.112.040, 70.112.050, 43.43.932, 43.43.936, 70.105E.070,
9 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 10.98.200, 10.98.210,
10 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 43.360.040,
11 19.146.280, 90.56.120, 90.56.130, 18.210.040, 18.210.070, 70.118.100,
12 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060,
13 46.16.705, 43.60A.180, 46.38.010, 46.38.020, 46.38.030, 46.38.040,
14 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 70.119A.160,
15 46.39.010, 46.39.020, 17.15.040, 79.19.070, 76.04.145, 43.126.015,
16 43.126.025, 43.126.035, 43.126.045, 43.126.055, 43.126.065, 43.126.075,
17 43.126.085, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270,
18 70.104.080, and 46.01.320; providing effective dates; and providing an
19 expiration date.

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

21 **Committee on Agency Officials' Salaries**

22 **Sec. 1.** RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to
23 read as follows:

24 It is hereby declared to be the public policy of this state to base
25 the salaries of public officials on realistic standards in order that
26 such officials may be paid according to the true value of their
27 services and the best qualified citizens may be attracted to public
28 service. It is the purpose of (~~(RCW 43.03.027, 43.03.028,)~~) this
29 section and RCW 43.03.040(~~(, 43.03.045 and 43.03.047)~~) to effectuate
30 this policy by utilizing the expert knowledge of citizens having access
31 to pertinent facts concerning proper salaries for public officials,
32 thus removing and dispelling any thought of political consideration in
33 fixing the appropriateness of the amount of such salaries.

1 **Sec. 2.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read
2 as follows:

3 (1) ~~((There is hereby created a state committee on agency~~
4 ~~officials' salaries to consist of seven members, or their designees, as~~
5 ~~follows: The president of the University of Puget Sound; the~~
6 ~~chairperson of the council of presidents of the state's four-year~~
7 ~~institutions of higher education; the chairperson of the Washington~~
8 ~~personnel resources board; the president of the Association of~~
9 ~~Washington Business; the president of the Pacific Northwest Personnel~~
10 ~~Managers' Association; the president of the Washington State Bar~~
11 ~~Association; and the president of the Washington State Labor Council.~~
12 ~~If any of the titles or positions mentioned in this subsection are~~
13 ~~changed or abolished, any person occupying an equivalent or like~~
14 ~~position shall be qualified for appointment by the governor to~~
15 ~~membership upon the committee.~~

16 ~~(2) The committee))~~ The department of personnel shall study the
17 duties and salaries of the directors of the several departments and the
18 members of the several boards and commissions of state government, who
19 are subject to appointment by the governor or whose salaries are fixed
20 by the governor, and of the chief executive officers of the following
21 agencies of state government:

22 The arts commission; the human rights commission; the board of
23 accountancy; the board of pharmacy; the eastern Washington historical
24 society; the Washington state historical society; the recreation and
25 conservation office; the criminal justice training commission; the
26 department of personnel; the state library; the traffic safety
27 commission; the horse racing commission; the advisory council on
28 vocational education; the public disclosure commission; the state
29 conservation commission; the commission on Hispanic affairs; the
30 commission on Asian Pacific American affairs; the state board for
31 volunteer firefighters and reserve officers; the transportation
32 improvement board; the public employment relations commission; the
33 forest practices appeals board; and the energy facilities site
34 evaluation council.

35 ~~((The committee))~~ (2) The department of personnel shall report to
36 the governor or the chairperson of the appropriate salary fixing
37 authority at least once in each fiscal biennium on such date as the
38 governor may designate, but not later than seventy-five days prior to

1 the convening of each regular session of the legislature during an odd-
2 numbered year, its recommendations for the salaries to be fixed for
3 each position.

4 ~~((3) Committee members shall be reimbursed by the department of
5 personnel for travel expenses under RCW 43.03.050 and 43.03.060.))~~

6 **Sec. 3.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to read
7 as follows:

8 The chief administrative law judge shall be paid a salary fixed by
9 the governor after recommendation of the ~~((state committee on agency
10 officials' salaries))~~ department of personnel. The salaries of
11 administrative law judges appointed under the terms of this chapter
12 shall be determined by the chief administrative law judge after
13 recommendation of the ~~((state committee on agency officials' salaries))~~
14 department of personnel.

15 **Sec. 4.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read
16 as follows:

17 The commission is empowered to:

18 (1) Adopt, promulgate, amend, and rescind suitable administrative
19 rules to carry out the policies and purposes of this chapter, which
20 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
21 campaign finance, political advertising, or related forms that would
22 otherwise take effect after June 30th of a general election year shall
23 take effect no earlier than the day following the general election in
24 that year;

25 (2) Appoint and set, within the limits established by the
26 ~~((committee on agency officials' salaries))~~ department of personnel
27 under RCW 43.03.028, the compensation of an executive director who
28 shall perform such duties and have such powers as the commission may
29 prescribe and delegate to implement and enforce this chapter
30 efficiently and effectively. The commission shall not delegate its
31 authority to adopt, amend, or rescind rules nor shall it delegate
32 authority to determine whether an actual violation of this chapter has
33 occurred or to assess penalties for such violations;

34 (3) Prepare and publish such reports and technical studies as in
35 its judgment will tend to promote the purposes of this chapter,

1 including reports and statistics concerning campaign financing,
2 lobbying, financial interests of elected officials, and enforcement of
3 this chapter;

4 (4) Make from time to time, on its own motion, audits and field
5 investigations;

6 (5) Make public the time and date of any formal hearing set to
7 determine whether a violation has occurred, the question or questions
8 to be considered, and the results thereof;

9 (6) Administer oaths and affirmations, issue subpoenas, and compel
10 attendance, take evidence and require the production of any books,
11 papers, correspondence, memorandums, or other records relevant or
12 material for the purpose of any investigation authorized under this
13 chapter, or any other proceeding under this chapter;

14 (7) Adopt and promulgate a code of fair campaign practices;

15 (8) Relieve, by rule, candidates or political committees of
16 obligations to comply with the provisions of this chapter relating to
17 election campaigns, if they have not received contributions nor made
18 expenditures in connection with any election campaign of more than one
19 thousand dollars;

20 (9) Adopt rules prescribing reasonable requirements for keeping
21 accounts of and reporting on a quarterly basis costs incurred by state
22 agencies, counties, cities, and other municipalities and political
23 subdivisions in preparing, publishing, and distributing legislative
24 information. The term "legislative information," for the purposes of
25 this subsection, means books, pamphlets, reports, and other materials
26 prepared, published, or distributed at substantial cost, a substantial
27 purpose of which is to influence the passage or defeat of any
28 legislation. The state auditor in his or her regular examination of
29 each agency under chapter 43.09 RCW shall review the rules, accounts,
30 and reports and make appropriate findings, comments, and
31 recommendations in his or her examination reports concerning those
32 agencies;

33 (10) After hearing, by order approved and ratified by a majority of
34 the membership of the commission, suspend or modify any of the
35 reporting requirements of this chapter in a particular case if it finds
36 that literal application of this chapter works a manifestly
37 unreasonable hardship and if it also finds that the suspension or
38 modification will not frustrate the purposes of the chapter. The

1 commission shall find that a manifestly unreasonable hardship exists if
2 reporting the name of an entity required to be reported under RCW
3 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
4 position of any entity in which the person filing the report or any
5 member of his or her immediate family holds any office, directorship,
6 general partnership interest, or an ownership interest of ten percent
7 or more. Any suspension or modification shall be only to the extent
8 necessary to substantially relieve the hardship. The commission shall
9 act to suspend or modify any reporting requirements only if it
10 determines that facts exist that are clear and convincing proof of the
11 findings required under this section. Requests for renewals of
12 reporting modifications may be heard in a brief adjudicative proceeding
13 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
14 the standards established in this section. No initial request may be
15 heard in a brief adjudicative proceeding and no request for renewal may
16 be heard in a brief adjudicative proceeding if the initial request was
17 granted more than three years previously or if the applicant is holding
18 an office or position of employment different from the office or
19 position held when the initial request was granted. The commission
20 shall adopt administrative rules governing the proceedings. Any
21 citizen has standing to bring an action in Thurston county superior
22 court to contest the propriety of any order entered under this section
23 within one year from the date of the entry of the order; and

24 (11) Revise, at least once every five years but no more often than
25 every two years, the monetary reporting thresholds and reporting code
26 values of this chapter. The revisions shall be only for the purpose of
27 recognizing economic changes as reflected by an inflationary index
28 recommended by the office of financial management. The revisions shall
29 be guided by the change in the index for the period commencing with the
30 month of December preceding the last revision and concluding with the
31 month of December preceding the month the revision is adopted. As to
32 each of the three general categories of this chapter (reports of
33 campaign finance, reports of lobbyist activity, and reports of the
34 financial affairs of elected and appointed officials), the revisions
35 shall equally affect all thresholds within each category. Revisions
36 shall be adopted as rules under chapter 34.05 RCW. The first revision
37 authorized by this subsection shall reflect economic changes from the

1 time of the last legislative enactment affecting the respective code or
2 threshold through December 1985;

3 (12) Develop and provide to filers a system for certification of
4 reports required under this chapter which are transmitted by facsimile
5 or electronically to the commission. Implementation of the program is
6 contingent on the availability of funds.

7 **Sec. 5.** RCW 43.03.040 and 2009 c 5 s 5 are each amended to read as
8 follows:

9 The directors of the several departments and members of the several
10 boards and commissions, whose salaries are fixed by the governor and
11 the chief executive officers of the agencies named in RCW
12 43.03.028(~~(+2)~~) (1) as now or hereafter amended shall each severally
13 receive such salaries, payable in monthly installments, as shall be
14 fixed by the governor or the appropriate salary fixing authority, in an
15 amount not to exceed the recommendations of the (~~committee on agency~~
16 ~~officials' salaries~~) department of personnel. For the twelve months
17 following February 18, 2009, a salary or wage increase shall not be
18 granted to any position under this section.

19 **Airport Impact Mitigation Advisory Board**

20 **Sec. 6.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each
21 amended to read as follows:

22 (1) The airport impact mitigation account is created in the custody
23 of the state treasury. Moneys deposited in the account, including
24 moneys received from the port of Seattle for purposes of this section,
25 may be used only for airport mitigation purposes as provided in this
26 section. Only the director of (~~the department of community, trade,~~
27 ~~and economic development~~) commerce or the director's designee may
28 authorize expenditures from the account. The account is subject to
29 allotment procedures under chapter 43.88 RCW, but an appropriation is
30 not required for expenditures.

31 (2) The department of (~~community, trade, and economic~~
32 ~~development~~) commerce shall establish a competitive process to
33 prioritize applications for airport impact mitigation assistance
34 through the account created in subsection (1) of this section. The

1 department shall conduct a solicitation of project applications in the
2 airport impact area as defined in subsection ~~((+4))~~ (3) of this
3 section. Eligible applicants include public entities such as cities,
4 counties, schools, parks, fire districts, and shall include
5 organizations eligible to apply for grants under RCW 43.63A.125. The
6 department ~~((of community, trade, and economic development))~~ shall
7 evaluate and rank applications ~~((in conjunction with the airport impact
8 mitigation advisory board established in subsection (3) of this
9 section))~~ using objective criteria developed by the department ~~((in
10 conjunction with the airport impact mitigation advisory board))~~. At a
11 minimum, the criteria must consider: The extent to which the applicant
12 is impacted by the airport; and the other resources available to the
13 applicant to mitigate the impact, including other mitigation funds.
14 The director of ~~((the department of community, trade, and economic
15 development))~~ commerce shall award grants annually to the extent funds
16 are available in the account created in subsection (1) of this section.

17 ~~(3) ((The director of the department of community, trade, and
18 economic development shall establish the airport impact mitigation
19 advisory board comprised of persons in the airport impact area to
20 assist the director in developing criteria and ranking applications
21 under this section. The advisory board shall include representation of
22 local governments, the public in general, businesses, schools,
23 community services organizations, parks and recreational activities,
24 and others at the discretion of the director. The advisory board shall
25 be weighted toward those communities closest to the airport that are
26 more adversely impacted by airport activities.~~

27 ~~(4))~~ The airport impact area includes the incorporated areas of
28 Burien, Normandy Park, Des Moines, SeaTac, ~~((Tukwilla))~~ Tukwila, Kent,
29 and Federal Way, and the unincorporated portion of west King county.

30 ~~((+5))~~ (4) The department of ~~((community, trade, and economic
31 development))~~ commerce shall report on its activities related to the
32 account created in this section by January 1, 2004, and each January
33 1st thereafter.

34 **Basic Health Advisory Committee**

1 **Sec. 7.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to
2 read as follows:

3 (1) The Washington basic health plan is created as a program within
4 the Washington state health care authority. The administrative head
5 and appointing authority of the plan shall be the administrator of the
6 Washington state health care authority. The administrator shall
7 appoint a medical director. The medical director and up to five other
8 employees of the plan shall be exempt from the civil service law,
9 chapter 41.06 RCW.

10 (2) The administrator shall employ such other staff as are
11 necessary to fulfill the responsibilities and duties of the
12 administrator, such staff to be subject to the civil service law,
13 chapter 41.06 RCW. In addition, the administrator may contract with
14 third parties for services necessary to carry out its activities where
15 this will promote economy, avoid duplication of effort, and make best
16 use of available expertise. Any such contractor or consultant shall be
17 prohibited from releasing, publishing, or otherwise using any
18 information made available to it under its contractual responsibility
19 without specific permission of the plan. The administrator may call
20 upon other agencies of the state to provide available information as
21 necessary to assist the administrator in meeting its responsibilities
22 under this chapter, which information shall be supplied as promptly as
23 circumstances permit.

24 (3) The administrator may appoint such technical or advisory
25 committees as he or she deems necessary. (~~The administrator shall
26 appoint a standing technical advisory committee that is representative
27 of health care professionals, health care providers, and those directly
28 involved in the purchase, provision, or delivery of health care
29 services, as well as consumers and those knowledgeable of the ethical
30 issues involved with health care public policy. Individuals appointed
31 to any technical or other advisory committee shall serve without
32 compensation for their services as members, but may be reimbursed for
33 their travel expenses pursuant to RCW 43.03.050 and 43.03.060.~~)

34 (4) The administrator may apply for, receive, and accept grants,
35 gifts, and other payments, including property and service, from any
36 governmental or other public or private entity or person, and may make
37 arrangements as to the use of these receipts, including the undertaking

1 of special studies and other projects relating to health care costs and
2 access to health care.

3 (5) Whenever feasible, the administrator shall reduce the
4 administrative cost of operating the program by adopting joint policies
5 or procedures applicable to both the basic health plan and employee
6 health plans.

7 **Citizens Advisory Council on Alcoholism and Drug Addiction**

8 NEW SECTION. **Sec. 8.** RCW 70.96A.070 (Citizens advisory council--
9 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c
10 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each
11 repealed.

12 **Combined Fund Drive Committee**

13 **Sec. 9.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
14 as follows:

15 The (~~director of the department of personnel~~) secretary of state
16 is authorized to adopt rules, after consultation with state agencies,
17 institutions of higher education, and employee organizations(~~, to~~
18 ~~create a Washington state combined fund drive committee, and~~) for the
19 operation of the Washington state combined fund drive.

20 **Sec. 10.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to
21 read as follows:

22 To operate the Washington state combined fund (~~drive's powers and~~
23 ~~duties include~~) drive program, the secretary of state or the
24 secretary's designee may but (~~are~~) is not limited to the following:

25 (1) (~~Raising~~) Raise money for charity, and reducing the
26 disruption to government caused by multiple fund drives;

27 (2) (~~Establishing~~) Establish criteria by which a public or
28 private nonprofit organization may participate in the combined fund
29 drive;

30 (3) (~~Engaging~~) Engage in or encouraging fund-raising activities
31 including the solicitation and acceptance of charitable gifts, grants,

1 and donations from state employees, retired public employees,
2 corporations, foundations, and other individuals for the benefit of the
3 beneficiaries of the Washington state combined fund drive;

4 (4) (~~Requesting~~) Request the appointment of employees from state
5 agencies and institutions of higher education to lead and manage
6 workplace charitable giving campaigns within state government;

7 (5) (~~Engaging~~) Engage in educational activities, including
8 classes, exhibits, seminars, workshops, and conferences, related to the
9 basic purpose of the combined fund drive;

10 (6) (~~Engaging~~) Engage in appropriate fund-raising and advertising
11 activities for the support of the administrative duties of the
12 Washington state combined fund drive; and

13 (7) (~~Charging~~) Charge an administrative fee to the beneficiaries
14 of the Washington state combined fund drive to fund the administrative
15 duties of the Washington state combined fund drive.

16 Activities of the Washington state combined fund drive shall not
17 result in direct commercial solicitation of state employees, or a
18 benefit or advantage that would violate one or more provisions of
19 chapter 42.52 RCW. This section does not authorize individual state
20 agencies to enter into contracts or partnerships unless otherwise
21 authorized by law.

22 **Sec. 11.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
23 read as follows:

24 The (~~Washington state combined fund drive committee~~) secretary of
25 state may enter into contracts and partnerships with private
26 institutions, persons, firms, or corporations for the benefit of the
27 beneficiaries of the Washington state combined fund drive. Activities
28 of the Washington state combined fund drive shall not result in direct
29 commercial solicitation of state employees, or a benefit or advantage
30 that would violate one or more provisions of chapter 42.52 RCW. This
31 section does not authorize individual state agencies to enter into
32 contracts or partnerships unless otherwise authorized by law.

33 **Community Transition Coordination Networks Advisory Committee**

1 **Sec. 12.** RCW 72.78.030 and 2007 c 483 s 103 are each amended to
2 read as follows:

3 (1) The department of (~~community, trade, and economic~~
4 ~~development~~) commerce shall establish a community transition
5 coordination network pilot program for the purpose of awarding grants
6 to counties or groups of counties for implementing coordinated reentry
7 efforts for offenders returning to the community. Grant awards are
8 subject to the availability of amounts appropriated for this specific
9 purpose.

10 (2) By September 1, 2007, the Washington state institute for public
11 policy shall, in consultation with the department of (~~community,~~
12 ~~trade, and economic development~~) commerce, develop criteria for the
13 counties in conducting its evaluation as directed by subsection (6)(c)
14 of this section.

15 (3) Effective February 1, 2008, any county or group of counties may
16 apply for participation in the community transition coordination
17 network pilot program by submitting a proposal for a community
18 transition coordination network.

19 (4) A proposal for a community transition coordination network
20 initiated under this section must be collaborative in nature and must
21 seek locally appropriate evidence-based or research-based solutions and
22 promising practices utilizing the participation of public and private
23 entities or programs to support successful, community-based offender
24 reentry.

25 (5) In developing a proposal for a community transition
26 coordination network, counties or groups of counties and the department
27 of corrections shall collaborate in addressing:

28 (a) Efficiencies that may be gained by sharing space or resources
29 in the provision of reentry services to offenders;

30 (b) Mechanisms for communication of information about offenders,
31 including the feasibility of shared access to databases;

32 (c) Partnerships to establish neighborhood corrections initiatives
33 as defined in RCW 72.09.280.

34 (6) A proposal for a community transition coordination network must
35 include:

36 (a) Descriptions of collaboration and coordination between local
37 community policing and supervision programs and those agencies and
38 entities identified in the inventory conducted pursuant to RCW

1 72.78.020 to address the risks and needs of offenders under a
2 participating county or city misdemeanor probation or other
3 supervision program including:

4 (i) A proposed method of assessing offenders to identify the
5 offenders' risks and needs. Counties and cities are encouraged, where
6 possible, to make use of assessment tools developed by the department
7 of corrections in this regard;

8 (ii) A proposal for developing and/or maintaining an individual
9 reentry plan for offenders;

10 (iii) Connecting offenders to services and resources that meet the
11 offender's needs as identified in his or her individual reentry plan
12 including the identification of community representatives or volunteers
13 that may assist the offender with his or her transition; and

14 (iv) The communication of assessment information, individual
15 reentry plans, and service information between parties involved with
16 (~~the~~) the offender's reentry;

17 (b) Mechanisms to provide information to former offenders regarding
18 services available to them in the community regardless of the length of
19 time since the offender's release and regardless of whether the
20 offender was released from prison or jail. Mechanisms shall, at a
21 minimum, provide for:

22 (i) Maintenance of the information gathered in RCW 72.78.020
23 regarding services currently existing within the community that are
24 available to offenders; and

25 (ii) Coordination of access to existing services with community
26 providers and provision of information to offenders regarding how to
27 access the various type of services and resources that are available in
28 the community; and

29 (c) An evaluation of the county's or group of counties' readiness
30 to implement a community transition coordination network including the
31 social service needs of offenders in general, capacity of local
32 facilities and resources to meet offenders' needs, and the cost to
33 implement and maintain a community transition coordination network for
34 the duration of the pilot project.

35 (7) The department of (~~community, trade, and economic~~
36 ~~development~~) commerce shall review county applications for funding
37 through the community transition coordination network pilot program

1 and, no later than April 1, 2008, shall select up to four counties or
2 groups of counties. In selecting pilot counties or regions, the
3 department shall consider the extent to which the proposal:

4 (a) Addresses the requirements set out in subsection (6) of this
5 section;

6 (b) Proposes effective partnerships and coordination between local
7 community policing and supervision programs, social service and
8 treatment providers, and the department of corrections' community
9 justice center, if a center is located in the county or region;

10 (c) Focuses on measurable outcomes such as increased employment and
11 income, treatment objectives, maintenance of stable housing, and
12 reduced recidivism;

13 (d) Contributes to the diversity of pilot programs, considering
14 factors such as geographic location, size of county or region, and
15 reentry services currently available. The department shall ensure that
16 a grant is awarded to at least one rural county or group of counties
17 and at least one county or group of counties where a community justice
18 center operated by the department of corrections is located; and

19 (e) Is feasible, given the evaluation of the social service needs
20 of offenders, the existing capacity of local facilities and resources
21 to meet offenders' needs, and the cost to implement a community
22 transition coordination network in the county or group of counties.

23 ~~(8) ((The department of community, trade, and economic development
24 shall convene a policy advisory committee composed of representatives
25 from the senate, the house of representatives, the governor's office of
26 financial management, the department of corrections, to include one
27 representative who is a community corrections officer, the office of
28 crime victims' advocacy, the Washington state association of counties,
29 association of Washington cities, a nonprofit provider of reentry
30 services, and an ex-offender who has discharged the terms of his or her
31 sentence. The advisory committee shall meet no less than annually to
32 receive status reports on the implementation of community transition
33 coordination networks, review annual reports and the pilot project
34 evaluations submitted pursuant to RCW 72.78.050, and identify evidence-
35 based, research-based, and promising practices for other counties
36 seeking to establish community transition coordination networks.~~

37 ~~(9))~~ Pilot networks established under this section shall extend

1 for a period of four fiscal years, beginning July 1, 2008, and ending
2 June 30, 2012.

3 ((+10)) (9) This section expires June 30, 2013.

4 **Board of Law Enforcement Training Standards**
5 **and Board on Correctional Training Standards**

6 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 43.101.310 (Board on law enforcement training standards and
9 education--Board on correctional training standards--Created--Purpose)
10 and 1997 c 351 s 2;

11 (2) RCW 43.101.315 (Boards--Membership) and 1997 c 351 s 3;

12 (3) RCW 43.101.320 (Boards--Terms of members) and 1997 c 351 s 4;

13 (4) RCW 43.101.325 (Termination of membership upon termination of
14 qualifying office or employment) and 1997 c 351 s 5;

15 (5) RCW 43.101.330 (Boards--Chairs--Quorum) and 1997 c 351 s 6;

16 (6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;

17 (7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997
18 c 351 s 8; and

19 (8) RCW 43.101.345 (Recommendations of boards--Review by
20 commission) and 1997 c 351 s 9.

21 **Sec. 14.** RCW 43.101.380 and 2009 c 25 s 1 are each amended to read
22 as follows:

23 (1) The procedures governing adjudicative proceedings before
24 agencies under chapter 34.05 RCW, the administrative procedure act,
25 govern hearings before the commission and govern all other actions
26 before the commission unless otherwise provided in this chapter. The
27 standard of proof in actions before the commission is clear, cogent,
28 and convincing evidence.

29 (2) In all hearings requested under RCW 43.101.155, a five-member
30 hearings panel shall both hear the case and make the commission's final
31 administrative decision. Members of the commission (~~or the board on~~
32 ~~law enforcement training standards and education~~) may, but need not,
33 be((~~r~~)) appointed to the hearings panels. The commission shall appoint

1 as follows two or more panels to hear appeals from certification
2 actions:

3 (a) When a hearing is requested in relation to a certification
4 action of a Washington peace officer who is not a peace officer of the
5 Washington state patrol, the commission shall appoint to the panel:
6 (i) One police chief; (ii) one sheriff; (iii) two certified Washington
7 peace officers who are at or below the level of first line supervisor,
8 one of whom is from a city or county law enforcement agency, and who
9 have at least ten years' experience as peace officers; and (iv) one
10 person who is not currently a peace officer and who represents a
11 community college or four-year college or university.

12 (b) When a hearing is requested in relation to a certification
13 action of a peace officer of the Washington state patrol, the
14 commission shall appoint to the panel: (i) Either one police chief or
15 one sheriff; (ii) one administrator of the state patrol; (iii) one
16 certified Washington peace officer who is at or below the level of
17 first line supervisor, who is not a state patrol officer, and who has
18 at least ten years' experience as a peace officer; (iv) one state
19 patrol officer who is at or below the level of first line supervisor,
20 and who has at least ten years' experience as a peace officer; and (v)
21 one person who is not currently a peace officer and who represents a
22 community college or four-year college or university.

23 (c) When a hearing is requested in relation to a certification
24 action of a tribal police officer, the commission shall appoint to the
25 panel (i) either one police chief or one sheriff; (ii) one tribal
26 police chief; (iii) one certified Washington peace officer who is at or
27 below the level of first line supervisor, and who has at least ten
28 years' experience as a peace officer; (iv) one tribal police officer
29 who is at or below the level of first line supervisor, and who has at
30 least ten years' experience as a peace officer; and (v) one person who
31 is not currently a peace officer and who represents a community college
32 or four-year college or university.

33 (d) Persons appointed to hearings panels by the commission shall,
34 in relation to any certification action on which they sit, have the
35 powers, duties, and immunities, and are entitled to the emoluments,
36 including travel expenses in accordance with RCW 43.03.050 and
37 43.03.060, of regular commission members.

1 (3) Where the charge upon which revocation or denial is based is
2 that a peace officer was "discharged for disqualifying misconduct," and
3 the discharge is "final," within the meaning of RCW 43.101.105(1)(d),
4 and the officer received a civil service hearing or arbitration hearing
5 culminating in an affirming decision following separation from service
6 by the employer, the hearings panel may revoke or deny certification if
7 the hearings panel determines that the discharge occurred and was based
8 on disqualifying misconduct; the hearings panel need not redetermine
9 the underlying facts but may make this determination based solely on
10 review of the records and decision relating to the employment
11 separation proceeding. However, the hearings panel may, in its
12 discretion, consider additional evidence to determine whether such a
13 discharge occurred and was based on such disqualifying misconduct. The
14 hearings panel shall, upon written request by the subject peace
15 officer, allow the peace officer to present additional evidence of
16 extenuating circumstances.

17 Where the charge upon which revocation or denial of certification
18 is based is that a peace officer "has been convicted at any time of a
19 felony offense" within the meaning of RCW 43.101.105(1)(c), the
20 hearings panel shall revoke or deny certification if it determines that
21 the peace officer was convicted of a felony. The hearings panel need
22 not redetermine the underlying facts but may make this determination
23 based solely on review of the records and decision relating to the
24 criminal proceeding. However, the hearings panel shall, upon the
25 panel's determination of relevancy, consider additional evidence to
26 determine whether the peace officer was convicted of a felony.

27 Where the charge upon which revocation or denial is based is under
28 RCW 43.101.105(1) (a), (b), (e), or (f), the hearings panel shall
29 determine the underlying facts relating to the charge upon which
30 revocation or denial of certification is based.

31 (4) The commission's final administrative decision is subject to
32 judicial review under RCW 34.05.510 through 34.05.598.

33 **Customer Advisory Board--Department of Information Services**

34 NEW SECTION. **Sec. 15.** RCW 43.105.055 (Advisory committees--

1 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
2 repealed.

3 **Sec. 16.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
4 read as follows:

5 The department shall:

6 (1) Perform all duties and responsibilities the board delegates to
7 the department, including but not limited to:

8 (a) The review of agency information technology portfolios and
9 related requests; and

10 (b) Implementation of statewide and interagency policies,
11 standards, and guidelines;

12 (2) Make available information services to state agencies and local
13 governments and public benefit nonprofit corporations on a full cost-
14 recovery basis. For the purposes of this section "public benefit
15 nonprofit corporation" means a public benefit nonprofit corporation as
16 defined in RCW 24.03.005 that is receiving local, state, or federal
17 funds either directly or through a public agency other than an Indian
18 tribe or political subdivision of another state. These services may
19 include, but are not limited to:

20 (a) Telecommunications services for voice, data, and video;

21 (b) Mainframe computing services;

22 (c) Support for departmental and microcomputer evaluation,
23 installation, and use;

24 (d) Equipment acquisition assistance, including leasing, brokering,
25 and establishing master contracts;

26 (e) Facilities management services for information technology
27 equipment, equipment repair, and maintenance service;

28 (f) Negotiation with local cable companies and local governments to
29 provide for connection to local cable services to allow for access to
30 these public and educational channels in the state;

31 (g) Office automation services;

32 (h) System development services; and

33 (i) Training.

34 These services are for discretionary use by customers and customers
35 may elect other alternatives for service if those alternatives are more
36 cost-effective or provide better service. Agencies may be required to

1 use the backbone network portions of the telecommunications services
2 during an initial start-up period not to exceed three years;

3 (3) Establish rates and fees for services provided by the
4 department to assure that the services component of the department is
5 self-supporting. A billing rate plan shall be developed for a two-year
6 period to coincide with the budgeting process. The rate plan shall be
7 subject to review at least annually by the (~~customer advisory board~~)
8 office of financial management. The rate plan shall show the proposed
9 rates by each cost center and will show the components of the rate
10 structure as mutually determined by the department and the (~~customer
11 advisory board~~) office of financial management. The same rate
12 structure will apply to all user agencies of each cost center. The
13 rate plan and any adjustments to rates shall be approved by the office
14 of financial management. The services component shall not subsidize
15 the operations of the strategic planning and policy component;

16 (4) With the advice of the information services board and agencies,
17 develop a state strategic information technology plan and performance
18 reports as required under RCW 43.105.160;

19 (5) Develop plans for the department's achievement of statewide
20 goals and objectives set forth in the state strategic information
21 technology plan required under RCW 43.105.160. These plans shall
22 address such services as telecommunications, central and distributed
23 computing, local area networks, office automation, and end user
24 computing. The department shall seek the advice of the (~~customer
25 advisory board and the~~) board in the development of these plans;

26 (6) Under direction of the information services board and in
27 collaboration with the department of personnel, and other agencies as
28 may be appropriate, develop training plans and coordinate training
29 programs that are responsive to the needs of agencies;

30 (7) Identify opportunities for the effective use of information
31 services and coordinate appropriate responses to those opportunities;

32 (8) Assess agencies' projects, acquisitions, plans, information
33 technology portfolios, or overall information processing performance as
34 requested by the board, agencies, the director of financial management,
35 or the legislature. Agencies may be required to reimburse the
36 department for agency-requested reviews;

37 (9) Develop planning, budgeting, and expenditure reporting

1 requirements, in conjunction with the office of financial management,
2 for agencies to follow;

3 (10) Assist the office of financial management with budgetary and
4 policy review of agency plans for information services;

5 (11) Provide staff support from the strategic planning and policy
6 component to the board for:

7 (a) Meeting preparation, notices, and minutes;

8 (b) Promulgation of policies, standards, and guidelines adopted by
9 the board;

10 (c) Supervision of studies and reports requested by the board;

11 (d) Conducting reviews and assessments as directed by the board;

12 (12) Be the lead agency in coordinating video telecommunications
13 services for all state agencies and develop, pursuant to board
14 policies, standards and common specifications for leased and purchased
15 telecommunications equipment. The department shall not evaluate the
16 merits of school curriculum, higher education course offerings, or
17 other education and training programs proposed for transmission and/or
18 reception using video telecommunications resources. Nothing in this
19 section shall abrogate or abridge the legal responsibilities of
20 licensees of telecommunications facilities as licensed by the federal
21 communication commission on March 27, 1990; and

22 (13) Perform all other matters and things necessary to carry out
23 the purposes and provisions of this chapter.

24 **Revenue-Simplified Sales and Use Tax Administration**
25 **Advisory Group**

26 **Sec. 17.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to read
27 as follows:

28 ((+1)) For the purposes of reviewing or amending the agreement
29 embodying the simplification requirements in RCW 82.58.050, the state
30 shall enter into multistate discussions. For purposes of these
31 discussions, the state shall be represented by the department. ((The
32 governor may appoint up to four persons to consult with the department
33 at these discussions. The persons advising the department shall not be
34 compensated and are not entitled to payment of travel expenses by the
35 state.

1 ~~(2) The department shall regularly consult with an advisory group~~
2 ~~composed of one member from each of the two largest caucuses of the~~
3 ~~senate, appointed by the majority and minority leaders of the senate;~~
4 ~~one member from each of the two largest caucuses of the house of~~
5 ~~representatives, appointed by the speaker and minority leader of the~~
6 ~~house of representatives; representatives of retailers, including those~~
7 ~~selling via mail, telephone, and the internet; representatives of large~~
8 ~~and small businesses; and representatives of counties and cities. The~~
9 ~~department shall use its best efforts to consult with the advisory~~
10 ~~group before any multistate discussions in which it is anticipated that~~
11 ~~amendments may be proposed to the agreement embodying the~~
12 ~~simplification requirements in RCW 82.58.050.)~~

13 **Driver Instructors' Advisory Committee**

14 **Sec. 18.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
15 as follows:

16 (1) **Application.** The application of a person under the age of
17 eighteen years for a driver's license or a motorcycle endorsement must
18 be signed by a parent or guardian with custody of the minor. If the
19 person under the age of eighteen has no father, mother, or guardian,
20 then the application must be signed by the minor's employer.

21 (2) **Traffic safety education requirement.** For a person under the
22 age of eighteen years to obtain a driver's license he or she must meet
23 the traffic safety education requirements of this subsection.

24 (a) To meet the traffic safety education requirement for a driver's
25 license the applicant must satisfactorily complete a traffic safety
26 education course as defined in RCW 28A.220.020 for a course offered by
27 a school district, or as defined by the department of licensing for a
28 course offered by a driver training school licensed under chapter 46.82
29 RCW. The course offered by a school district or an approved private
30 school must meet the standards established by the office of the state
31 superintendent of public instruction. The course offered by a driver
32 training school must meet the standards established by the department
33 of licensing ~~((with the advice of the driver instructors' advisory~~
34 ~~committee, pursuant to RCW 46.82.300)).~~ The traffic safety education
35 course may be provided by:

1 (i) A recognized secondary school; or
2 (ii) A driver training school licensed under chapter 46.82 RCW that
3 is annually approved by the department of licensing.

4 (b) To meet the traffic safety education requirement for a
5 motorcycle endorsement, the applicant must successfully complete a
6 motorcycle safety education course that meets the standards established
7 by the department of licensing.

8 (c) The department may waive the traffic safety education
9 requirement for a driver's license if the applicant demonstrates to the
10 department's satisfaction that:

11 (i) He or she was unable to take or complete a traffic safety
12 education course;

13 (ii) A need exists for the applicant to operate a motor vehicle;
14 and

15 (iii) He or she has the ability to operate a motor vehicle in such
16 a manner as not to jeopardize the safety of persons or property.

17 The department may adopt rules to implement this subsection (2)(c) in
18 concert with the supervisor of the traffic safety education section of
19 the office of the superintendent of public instruction.

20 (d) The department may waive the traffic safety education
21 requirement if the applicant was licensed to drive a motor vehicle or
22 motorcycle outside this state and provides proof that he or she has had
23 education equivalent to that required under this subsection.

24 **Sec. 19.** RCW 46.82.280 and 2009 c 101 s 1 are each amended to read
25 as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) (~~"Advisory committee" means the driving instructors' advisory~~
29 ~~committee as created in this chapter.~~

30 (+2)) "Behind-the-wheel instruction" means instruction in an
31 approved driver training school instruction vehicle according to and
32 inclusive of the minimum required curriculum. Behind-the-wheel
33 instruction is characterized by driving experience.

34 ((+3)) (2) "Classroom" means a space dedicated to and used
35 exclusively by a driver training instructor for the instruction of
36 students. With prior department approval, a branch office classroom

1 may be located within alternative facilities, such as a public or
2 private library, school, community college, college or university, or
3 a business training facility.

4 ~~((+4))~~ (3) "Classroom instruction" means that portion of a traffic
5 safety education course that is characterized by classroom-based
6 student instruction conducted by or under the direct supervision of a
7 licensed instructor or licensed instructors.

8 ~~((+5))~~ (4) "Director" means the director of the department of
9 licensing of the state of Washington.

10 ~~((+6))~~ (5) "Driver training education course" means a course of
11 instruction in traffic safety education approved and licensed by the
12 department of licensing that consists of classroom and behind-the-wheel
13 instruction as documented by the minimum approved curriculum.

14 ~~((+7))~~ (6) "Driver training school" means a commercial driver
15 training school engaged in the business of giving instruction, for a
16 fee, in the operation of automobiles.

17 ~~((+8))~~ (7) "Enrollment" means the collecting of a fee or the
18 signing of a contract for a driver training education course.
19 "Enrollment" does not include the collecting of names and contact
20 information for enrolling students once a driver training school is
21 licensed to instruct.

22 ~~((+9))~~ (8) "Fraudulent practices" means any conduct or
23 representation on the part of a driver training school owner or
24 instructor including:

25 (a) Inducing anyone to believe, or to give the impression, that a
26 license to operate a motor vehicle or any other license granted by the
27 director may be obtained by any means other than those prescribed by
28 law, or furnishing or obtaining the same by illegal or improper means,
29 or requesting, accepting, or collecting money for such purposes;

30 (b) Operating a driver training school without a license, providing
31 instruction without an instructor's license, verifying enrollment prior
32 to being licensed, misleading or false statements on applications for
33 a commercial driver training school license or instructor's license or
34 on any required records or supporting documentation;

35 (c) Failing to fully document and maintain all required driver
36 training school records of instruction, school operation, and
37 instructor training;

1 (d) Issuing a driver training course certificate without requiring
2 completion of the necessary behind-the-wheel and classroom instruction.

3 ((+10+)) (9) "Instructor" means any person employed by or otherwise
4 associated with a driver training school to instruct persons in the
5 operation of an automobile.

6 ((+11+)) (10) "Owner" means an individual, partnership,
7 corporation, association, or other person or group that holds a
8 substantial interest in a driver training school.

9 ((+12+)) (11) "Person" means any individual, firm, corporation,
10 partnership, or association.

11 ((+13+)) (12) "Place of business" means a designated location at
12 which the business of a driver training school is transacted or its
13 records are kept.

14 ((+14+)) (13) "Student" means any person enrolled in an approved
15 driver training course.

16 ((+15+)) (14) "Substantial interest holder" means a person who has
17 actual or potential influence over the management or operation of any
18 driver training school. Evidence of substantial interest includes, but
19 is not limited to, one or more of the following:

20 (a) Directly or indirectly owning, operating, managing, or
21 controlling a driver training school or any part of a driver training
22 school;

23 (b) Directly or indirectly profiting from or assuming liability for
24 debts of a driver training school;

25 (c) Is an officer or director of a driver training school;

26 (d) Owning ten percent or more of any class of stock in a privately
27 or closely held corporate driver training school, or five percent or
28 more of any class of stock in a publicly traded corporate driver
29 training school;

30 (e) Furnishing ten percent or more of the capital, whether in cash,
31 goods, or services, for the operation of a driver training school
32 during any calendar year; or

33 (f) Directly or indirectly receiving a salary, commission,
34 royalties, or other form of compensation from the activity in which a
35 driver training school is or seeks to be engaged.

36 NEW SECTION. **Sec. 20.** RCW 46.82.300 (Driver instructors' advisory

1 committee) and 2009 c 101 s 2, 2006 c 219 s 3, 2002 c 195 s 5, 1984 c
2 287 s 93, & 1979 ex.s. c 51 s 3 are each repealed.

3 **Sec. 21.** RCW 46.82.330 and 2009 c 101 s 6 are each amended to read
4 as follows:

5 (1) The application for an instructor's license shall document the
6 applicant's fitness, knowledge, skills, and abilities to teach the
7 classroom and behind-the-wheel phases of a driver training education
8 program in a commercial driver training school.

9 (2) An applicant shall be eligible to apply for an original
10 instructor's certificate if the applicant possesses and meets the
11 following qualifications and conditions:

12 (a) Has been licensed to drive for five or more years and possesses
13 a current and valid Washington driver's license or is a resident of a
14 jurisdiction immediately adjacent to Washington state and possesses a
15 current and valid license issued by such jurisdiction, and does not
16 have on his or her driving record any of the violations or penalties
17 set forth in (a)(i), (ii), or (iii) of this subsection. The director
18 shall have the right to examine the driving record of the applicant
19 from the department of licensing and from other jurisdictions and from
20 these records determine if the applicant has had:

21 (i) Not more than one moving traffic violation within the preceding
22 twelve months or more than two moving traffic violations in the
23 preceding twenty-four months;

24 (ii) No drug or alcohol-related traffic violation or incident
25 within the preceding three years. If there are two or more drug or
26 alcohol-related traffic violations in the applicant's driving history,
27 the applicant is no longer eligible to be a driving instructor; and

28 (iii) No driver's license suspension, cancellation, revocation, or
29 denial within the preceding two years, or no more than two of these
30 occurrences in the preceding five years;

31 (b) Is a high school graduate or the equivalent and at least
32 twenty-one years of age;

33 (c) Has completed an acceptable application on a form prescribed by
34 the director;

35 (d) Has satisfactorily completed a course of instruction in the
36 training of drivers acceptable to the director that is no less than

1 sixty hours in length and includes instruction in classroom and behind-
2 the-wheel teaching methods and supervised practice behind-the-wheel
3 teaching of driving techniques; and

4 (e) Has paid an examination fee as set by rule of the department
5 and has successfully completed an instructor's examination (~~as~~
6 ~~approved by the advisory committee~~)).

7 **Sec. 22.** RCW 46.82.420 and 2008 c 125 s 3 are each amended to read
8 as follows:

9 (1) The (~~advisory committee shall consult with the~~) department
10 (~~in the development and maintenance of~~) shall develop and maintain a
11 basic minimum required curriculum and (~~the department~~) shall furnish
12 to each qualifying applicant for an instructor's license or a driver
13 training school license a copy of such curriculum.

14 (2) In addition to information on the safe, lawful, and responsible
15 operation of motor vehicles on the state's highways, the basic minimum
16 required curriculum shall include information on:

17 (a) Intermediate driver's license issuance, passenger and driving
18 restrictions and sanctions for violating the restrictions, and the
19 effect of traffic violations and collisions on the driving privileges;

20 (b) The effects of alcohol and drug use on motor vehicle operators,
21 including information on drug and alcohol related traffic injury and
22 mortality rates in the state of Washington and the current penalties
23 for driving under the influence of drugs or alcohol;

24 (c) Motorcycle awareness, approved by the director, to ensure new
25 operators of motor vehicles have been instructed in the importance of
26 safely sharing the road with motorcyclists;

27 (d) Bicycle safety, to ensure that operators of motor vehicles have
28 been instructed in the importance of safely sharing the road with
29 bicyclists; and

30 (e) Pedestrian safety, to ensure that operators of motor vehicles
31 have been instructed in the importance of safely sharing the road with
32 pedestrians.

33 (3) Should the director be presented with acceptable proof that any
34 licensed instructor or driver training school is not showing proper
35 diligence in teaching such basic minimum curriculum as required, the
36 instructor or school shall be required to appear before the (~~advisory~~
37 ~~committee~~) director and show cause why the license of the instructor

1 or school should not be revoked for such negligence. If the
2 ((committee)) director does not accept such reasons as may be offered,
3 the director may revoke the license of the instructor or school, or
4 both.

5 **Emergency Medical Services Licensing and Certification Advisory**
6 **Committee**

7 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 18.73.040 (Emergency medical services licensing and
10 certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55,
11 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, &
12 1973 1st ex.s. c 208 s 4; and

13 (2) RCW 18.73.050 (Committee--Duties--Review of rules) and 1990 c
14 269 s 7, 1987 c 214 s 3, 1979 ex.s. c 261 s 3, & 1973 1st ex.s. c 208
15 s 5.

16 **Sec. 24.** RCW 18.71.205 and 1996 c 191 s 55 and 1996 c 178 s 6 are
17 each reenacted and amended to read as follows:

18 (1) The secretary of the department of health(~~(, in conjunction~~
19 ~~with the advice and assistance of the emergency medical services~~
20 ~~licensing and certification advisory committee as prescribed in RCW~~
21 ~~18.73.050, and the commission,)) shall prescribe:~~

22 (a) Practice parameters, training standards for, and levels of,
23 physician trained emergency medical service intermediate life support
24 technicians and paramedics;

25 (b) Minimum standards and performance requirements for the
26 certification and recertification of physician's trained emergency
27 medical service intermediate life support technicians and paramedics;
28 and

29 (c) Procedures for certification, recertification, and
30 decertification of physician's trained emergency medical service
31 intermediate life support technicians and paramedics.

32 (2) Initial certification shall be for a period established by the
33 secretary pursuant to RCW 43.70.250 and 43.70.280.

1 (3) Recertification shall be granted upon proof of continuing
2 satisfactory performance and education, and shall be for a period
3 established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

4 (4) As used in chapters 18.71 and 18.73 RCW, "approved medical
5 program director" means a person who:

6 (a) Is licensed to practice medicine and surgery pursuant to
7 chapter 18.71 RCW or osteopathic medicine and surgery pursuant to
8 chapter 18.57 RCW; and

9 (b) Is qualified and knowledgeable in the administration and
10 management of emergency care and services; and

11 (c) Is so certified by the department of health for a county, group
12 of counties, or cities with populations over four hundred thousand in
13 coordination with the recommendations of the local medical community
14 and local emergency medical services and trauma care council.

15 (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
16 uncertified practice, the issuance and denial of certificates, and the
17 disciplining of certificate holders under this section. The secretary
18 shall be the disciplining authority under this section. Disciplinary
19 action shall be initiated against a person credentialed under this
20 chapter in a manner consistent with the responsibilities and duties of
21 the medical program director under whom such person is responsible.

22 (6) Such activities of physician's trained emergency medical
23 service intermediate life support technicians and paramedics shall be
24 limited to actions taken under the express written or oral order of
25 medical program directors and shall not be construed at any time to
26 include free standing or nondirected actions, for actions not
27 presenting an emergency or life-threatening condition.

28 **Sec. 25.** RCW 18.73.030 and 2005 c 193 s 2 are each amended to read
29 as follows:

30 ~~((Unless a different meaning is plainly required by the context,~~
31 ~~the following words and phrases as used in this chapter shall have the~~
32 ~~meanings indicated.)) The definitions in this section apply throughout
33 this chapter unless the context clearly requires otherwise.~~

34 (1) "Secretary" means the secretary of the department of health.

35 (2) "Department" means the department of health.

36 (3) ~~(("Committee" means the emergency medical services licensing~~
37 ~~and certification advisory committee.~~

1 ~~(4)~~) "Ambulance" means a ground or air vehicle designed and used
2 to transport the ill and injured and to provide personnel, facilities,
3 and equipment to treat patients before and during transportation.

4 ~~((5))~~ (4) "Aid vehicle" means a vehicle used to carry aid
5 equipment and individuals trained in first aid or emergency medical
6 procedure.

7 ~~((6))~~ (5) "Emergency medical technician" means a person who is
8 authorized by the secretary to render emergency medical care pursuant
9 to RCW 18.73.081.

10 ~~((7))~~ (6) "Ambulance service" means an organization that operates
11 one or more ambulances.

12 ~~((8))~~ (7) "Aid service" means an organization that operates one
13 or more aid vehicles.

14 ~~((9))~~ (8) "Emergency medical service" means medical treatment and
15 care which may be rendered at the scene of any medical emergency or
16 while transporting any patient in an ambulance to an appropriate
17 medical facility, including ambulance transportation between medical
18 facilities.

19 ~~((10))~~ (9) "Communications system" means a radio and landline
20 network which provides rapid public access, coordinated central
21 dispatching of services, and coordination of personnel, equipment, and
22 facilities in an emergency medical services and trauma care system.

23 ~~((11))~~ (10) "Prehospital patient care protocols" means the
24 written procedure adopted by the emergency medical services medical
25 program director which direct the out-of-hospital emergency care of the
26 emergency patient which includes the trauma care patient. These
27 procedures shall be based upon the assessment of the patient's medical
28 needs and what treatment will be provided for emergency conditions.
29 The protocols shall meet or exceed statewide minimum standards
30 developed by the department in rule as authorized in chapter 70.168
31 RCW.

32 ~~((12))~~ (11) "Patient care procedures" means written operating
33 guidelines adopted by the regional emergency medical services and
34 trauma care council, in consultation with the local emergency medical
35 services and trauma care councils, emergency communication centers, and
36 the emergency medical services medical program director, in accordance
37 with statewide minimum standards. The patient care procedures shall
38 identify the level of medical care personnel to be dispatched to an

1 emergency scene, procedures for triage of patients, the level of trauma
2 care facility to first receive the patient, and the name and location
3 of other trauma care facilities to receive the patient should an
4 interfacility transfer be necessary. Procedures on interfacility
5 transfer of patients shall be consistent with the transfer procedures
6 in chapter 70.170 RCW.

7 ~~((13))~~ (12) "Emergency medical services medical program director"
8 means a person who is an approved medical program director as defined
9 by RCW 18.71.205(4).

10 ~~((14))~~ (13) "Council" means the local or regional emergency
11 medical services and trauma care council as authorized under chapter
12 70.168 RCW.

13 ~~((15))~~ (14) "Basic life support" means noninvasive emergency
14 medical services requiring basic medical treatment skills as defined in
15 chapter 18.73 RCW.

16 ~~((16))~~ (15) "Advanced life support" means invasive emergency
17 medical services requiring advanced medical treatment skills as defined
18 by chapter 18.71 RCW.

19 ~~((17))~~ (16) "First responder" means a person who is authorized by
20 the secretary to render emergency medical care as defined by RCW
21 18.73.081.

22 ~~((18))~~ (17) "Stretcher" means a cart designed to serve as a
23 litter for the transportation of a patient in a prone or supine
24 position as is commonly used in the ambulance industry, such as wheeled
25 stretchers, portable stretchers, stair chairs, solid backboards, scoop
26 stretchers, basket stretchers, or flexible stretchers. The term does
27 not include personal mobility aids that recline at an angle or remain
28 at a flat position, that are owned or leased for a period of at least
29 one week by the individual using the equipment or the individual's
30 guardian or representative, such as wheelchairs, personal gurneys, or
31 banana carts.

32 **Sec. 26.** RCW 18.73.101 and 2000 c 93 s 17 are each amended to read
33 as follows:

34 The secretary may grant a variance from a provision of this chapter
35 and RCW 18.71.200 through 18.71.220 if no detriment to health and
36 safety would result from the variance and compliance is expected to
37 cause reduction or loss of existing emergency medical services.

1 Variances may be granted for a period of no more than one year. A
2 variance may be renewed by the secretary (~~upon approval of the~~
3 ~~committee~~)).

4 **Employee Retirement Benefits Board**

5 NEW SECTION. **Sec. 27.** RCW 41.50.086 (Employee retirement
6 benefits board--Created--Membership) and 2001 c 181 s 1, 1998 c 341 s
7 506, & 1995 c 239 s 301 are each repealed.

8 **Sec. 28.** RCW 41.50.088 and 2005 c 327 s 14 are each amended to
9 read as follows:

10 (1) The (~~board~~) director shall adopt rules as necessary and
11 exercise the following powers and duties:

12 (a) The (~~board~~) director shall recommend to the state investment
13 board types of options for member self-directed investment in the
14 teachers' retirement system plan 3, the school employees' retirement
15 system plan 3, and the public employees' retirement system plan 3 as
16 deemed by the (~~board~~) director to be reflective of the members'
17 preferences;

18 (b) By July 1, 2005, subject to favorable tax determination by the
19 internal revenue service, the (~~board~~) director shall make optional
20 actuarially equivalent life annuity benefit payment schedules available
21 to members and survivors that may be purchased from the combined plan
22 2 and plan 3 funds under RCW 41.50.075; and

23 (c) Determination of the basis for administrative charges to the
24 self-directed investment fund to offset self-directed account expenses;

25 (2) The (~~board~~) director shall recommend to the state investment
26 board types of options for participant self-directed investment in the
27 state deferred compensation plan, as deemed by the (~~board~~) director
28 to be reflective of the participants' preferences.

29 **Sec. 29.** RCW 41.50.770 and 1998 c 116 s 11 are each amended to
30 read as follows:

31 (1) "Employee" as used in this section and RCW 41.50.780 includes
32 all full-time, part-time, and career seasonal employees of the state,
33 a county, a municipality, or other political subdivision of the state,

1 whether or not covered by civil service; elected and appointed
2 officials of the executive branch of the government, including full-
3 time members of boards, commissions, or committees; justices of the
4 supreme court and judges of the court of appeals and of the superior
5 and district courts; and members of the state legislature or of the
6 legislative authority of any county, city, or town.

7 (2) The state, through the department, and any county,
8 municipality, or other political subdivision of the state acting
9 through its principal supervising official or governing body is
10 authorized to contract with an employee to defer a portion of that
11 employee's income, which deferred portion shall in no event exceed the
12 amount allowable under 26 U.S.C. Sec. 457, and deposit or invest such
13 deferred portion in a credit union, savings and loan association, bank,
14 or mutual savings bank or purchase life insurance, shares of an
15 investment company, or fixed and/or variable annuity contracts from any
16 insurance company or any investment company licensed to contract
17 business in this state.

18 (3) Employees participating in the state deferred compensation plan
19 administered by the department shall self-direct the investment of the
20 deferred portion of their income through the selection of investment
21 options as set forth in subsection (4) of this section.

22 (4) The department can provide such plans as it deems are in the
23 interests of state employees. In addition to the types of investments
24 described in this section, the state investment board, with respect to
25 the state deferred compensation plan, shall invest the deferred portion
26 of an employee's income, without limitation as to amount, in accordance
27 with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to
28 investment policy established by the state investment board for the
29 state deferred compensation plans. The state investment board, after
30 consultation with the (~~employee retirement benefits board~~) director
31 regarding any recommendations made pursuant to RCW 41.50.088(2), shall
32 provide a set of options for participants to choose from for investment
33 of the deferred portion of their income. Any income deferred under
34 such a plan shall continue to be included as regular compensation, for
35 the purpose of computing the state or local retirement and pension
36 benefits earned by any employee.

37 (5) Coverage of an employee under a deferred compensation plan

1 under this section shall not render such employee ineligible for
2 simultaneous membership and participation in any pension system for
3 public employees.

4 **Sec. 30.** RCW 41.50.780 and 2008 c 229 s 12 are each amended to
5 read as follows:

6 (1) The deferred compensation principal account is hereby created
7 in the state treasury.

8 (2) The amount of compensation deferred by employees under
9 agreements entered into under the authority contained in RCW 41.50.770
10 shall be paid into the deferred compensation principal account and
11 shall be sufficient to cover costs of administration and staffing in
12 addition to such other amounts as determined by the department. The
13 deferred compensation principal account shall be used to carry out the
14 purposes of RCW 41.50.770. All eligible state employees shall be given
15 the opportunity to participate in agreements entered into by the
16 department under RCW 41.50.770. State agencies shall cooperate with
17 the department in providing employees with the opportunity to
18 participate.

19 (3) Any county, municipality, or other subdivision of the state may
20 elect to participate in any agreements entered into by the department
21 under RCW 41.50.770, including the making of payments therefrom to the
22 employees participating in a deferred compensation plan upon their
23 separation from state or other qualifying service. Accordingly, the
24 deferred compensation principal account shall be considered to be a
25 public pension or retirement fund within the meaning of Article XXIX,
26 section 1 of the state Constitution, for the purpose of determining
27 eligible investments and deposits of the moneys therein.

28 (4) All moneys in the state deferred compensation principal account
29 and the state deferred compensation administrative account, all
30 property and rights purchased therewith, and all income attributable
31 thereto, shall be held in trust by the state investment board, as set
32 forth under RCW 43.33A.030, for the exclusive benefit of the state
33 deferred compensation plan's participants and their beneficiaries.
34 Neither the participant, nor the participant's beneficiary or
35 beneficiaries, nor any other designee, has any right to commute, sell,
36 assign, transfer, or otherwise convey the right to receive any payments
37 under the plan. These payments and right thereto are nonassignable and

1 nontransferable. Unpaid accumulated deferrals are not subject to
2 attachment, garnishment, or execution and are not transferable by
3 operation of law in event of bankruptcy or insolvency, except to the
4 extent otherwise required by law.

5 (5) The state investment board has the full power to invest moneys
6 in the state deferred compensation principal account and the state
7 deferred compensation administrative account in accordance with RCW
8 43.84.150, 43.33A.140, and 41.50.770, and cumulative investment
9 directions received pursuant to RCW 41.50.770. All investment and
10 operating costs of the state investment board associated with the
11 investment of the deferred compensation plan assets shall be paid
12 pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these
13 expenses, one hundred percent of all earnings from these investments
14 shall accrue directly to the deferred compensation principal account.

15 (6)(a) No state board or commission, agency, or any officer,
16 employee, or member thereof is liable for any loss or deficiency
17 resulting from participant investments selected pursuant to RCW
18 41.50.770(3).

19 (b) Neither the (~~employee retirement benefits board~~) department,
20 nor the director or any employee, nor the state investment board, nor
21 any officer, employee, or member thereof is liable for any loss or
22 deficiency resulting from reasonable efforts to implement investment
23 directions pursuant to RCW 41.50.770(3).

24 (7) The deferred compensation administrative account is hereby
25 created in the state treasury. All expenses of the department
26 pertaining to the deferred compensation plan including staffing and
27 administrative expenses shall be paid out of the deferred compensation
28 administrative account. Any excess balances credited to this account
29 over administrative expenses disbursed from this account shall be
30 transferred to the deferred compensation principal account at such time
31 and in such amounts as may be determined by the department with the
32 approval of the office of financial management. Any deficiency in the
33 deferred compensation administrative account caused by an excess of
34 administrative expenses disbursed from this account shall be
35 transferred to this account from the deferred compensation principal
36 account.

37 (8)(a)(i) The department shall keep or cause to be kept full and
38 adequate accounts and records of the assets of each individual

1 participant, obligations, transactions, and affairs of any deferred
2 compensation plans created under RCW 41.50.770 and this section. The
3 department shall account for and report on the investment of state
4 deferred compensation plan assets or may enter into an agreement with
5 the state investment board for such accounting and reporting.

6 (ii) The department's duties related to individual participant
7 accounts include conducting the activities of trade instruction,
8 settlement activities, and direction of cash movement and related wire
9 transfers with the custodian bank and outside investment firms.

10 (iii) The department has sole responsibility for contracting with
11 any recordkeepers for individual participant accounts and shall manage
12 the performance of recordkeepers under those contracts.

13 (b)(i) The department's duties under (a)(ii) of this subsection do
14 not limit the authority of the state investment board to conduct its
15 responsibilities for asset management and balancing of the deferred
16 compensation funds.

17 (ii) The state investment board has sole responsibility for
18 contracting with outside investment firms to provide investment
19 management for the deferred compensation funds and shall manage the
20 performance of investment managers under those contracts.

21 (c) The state treasurer shall designate and define the terms of
22 engagement for the custodial banks.

23 (9) The department may adopt rules necessary to carry out its
24 responsibilities under RCW 41.50.770 and this section.

25 **Sec. 31.** RCW 41.34.020 and 2000 c 247 s 401 are each amended to
26 read as follows:

27 As used in this chapter, the following terms have the meanings
28 indicated:

29 (1) "Actuary" means the state actuary or the office of the state
30 actuary.

31 (2) (~~("Board" means the employee retirement benefits board~~
32 ~~authorized in chapter 41.50 RCW.~~

33 ~~(3))~~ "Department" means the department of retirement systems.

34 ~~((4))~~ (3)(a) "Compensation" for teachers for purposes of this
35 chapter is the same as "earnable compensation" for plan 3 in chapter
36 41.32 RCW except that the compensation may be reported when paid,
37 rather than when earned.

1 (b) "Compensation" for classified employees for purposes of this
2 chapter is the same as "compensation earnable" for plan 3 in RCW
3 41.35.010, except that the compensation may be reported when paid,
4 rather than when earned.

5 (c) "Compensation" for public employees for purposes of this
6 chapter is the same as "compensation earnable" for plan 3 in RCW
7 41.40.010, except that the compensation may be reported when paid,
8 rather than when earned.

9 ~~((+5))~~ (4)(a) "Employer" for teachers for purposes of this chapter
10 means the same as "employer" for plan 3 in chapter 41.32 RCW.

11 (b) "Employer" for classified employees for purposes of this
12 chapter means the same as "employer" for plan 3 in RCW 41.35.010.

13 (c) "Employer" for public employees for purposes of this chapter
14 means the same as "employer" for plan 3 in RCW 41.40.010.

15 ~~((+6))~~ (5) "Member" means any employee included in the membership
16 of a retirement system as provided for in chapter 41.32 RCW of plan 3,
17 chapter 41.35 RCW of plan 3, or chapter 41.40 RCW of plan 3.

18 ~~((+7))~~ (6) "Member account" or "member's account" means the sum of
19 the contributions and earnings on behalf of the member.

20 ~~((+8))~~ (7) "Retiree" means any member in receipt of an allowance
21 or other benefit provided by this chapter resulting from service
22 rendered to an employer by such member.

23 ~~((+9))~~ (8) "Teacher" means a member of the teachers' retirement
24 system plan 3 as defined in RCW 41.32.010(29).

25 ~~((+10))~~ (9) "Classified employee" means a member of the school
26 employees' retirement system plan 3 as defined in RCW 41.35.010.

27 ~~((+11))~~ (10) "Public employee" means a member of the public
28 employees' retirement system plan 3 as defined in RCW 41.40.010.

29 **Sec. 32.** RCW 41.34.040 and 2003 c 156 s 1 are each amended to read
30 as follows:

31 (1) A member shall contribute from his or her compensation
32 according to one of the following rate structures in addition to the
33 mandatory minimum five percent:

<u>Option A</u>	<u>Contribution Rate</u>
All Ages	0.0% fixed

1	<u>Option B</u>	
2	Up to Age 35	0.0%
3	Age 35 to 44	1.0%
4	Age 45 and above	2.5%
5	<u>Option C</u>	
6	Up to Age 35	1.0%
7	Age 35 to 44	2.5%
8	Age 45 and above	3.5%
9	<u>Option D</u>	
10	All Ages	2.0%
11	<u>Option E</u>	
12	All Ages	5.0%
13	<u>Option F</u>	
14	All Ages	10.0%

15 (2) The ((board)) department shall have the right to offer
16 contribution rate options in addition to those listed in subsection (1)
17 of this section, provided that no significant additional administrative
18 costs are created. All options offered by the ((board)) department
19 shall conform to the requirements stated in subsections (3) and (5) of
20 this section.

21 (3)(a) For members of the teachers' retirement system entering plan
22 3 under RCW 41.32.835 or members of the school employees' retirement
23 system entering plan 3 under RCW 41.35.610, within ninety days of
24 becoming a member he or she has an option to choose one of the above
25 contribution rate structures. If the member does not select an option
26 within the ninety-day period, he or she shall be assigned option A.

27 (b) For members of the public employees' retirement system entering
28 plan 3 under RCW 41.40.785, within the ninety days described in RCW
29 41.40.785 an employee who irrevocably chooses plan 3 shall select one
30 of the above contribution rate structures. If the member does not
31 select an option within the ninety-day period, he or she shall be
32 assigned option A.

33 (c) For members of the teachers' retirement system transferring to
34 plan 3 under RCW 41.32.817, members of the school employees' retirement
35 system transferring to plan 3 under RCW 41.35.510, or members of the
36 public employees' retirement system transferring to plan 3 under RCW

1 41.40.795, upon election to plan 3 he or she must choose one of the
2 above contribution rate structures.

3 (d) Within ninety days of the date that an employee changes
4 employers, he or she has an option to choose one of the above
5 contribution rate structures. If the member does not select an option
6 within this ninety-day period, he or she shall be assigned option A.

7 (4) Each year, members may change their contribution rate option by
8 notifying their employer in writing during the month of January.

9 (5) Contributions shall begin the first day of the pay cycle in
10 which the rate option is made, or the first day of the pay cycle in
11 which the end of the ninety-day period occurs.

12 **Sec. 33.** RCW 41.34.070 and 2005 c 327 s 3 are each amended to read
13 as follows:

14 (1) If the member retires, becomes disabled, or otherwise
15 terminates employment, the balance in the member's account may be
16 distributed in accordance with an option selected by the member either
17 as a lump sum or pursuant to other options authorized by the ((~~board~~))
18 department.

19 (2) If the member dies while in service, the balance of the
20 member's account may be distributed in accordance with an option
21 selected by the member either as a lump sum or pursuant to other
22 options authorized by the ((~~board~~)) department. The distribution is as
23 follows:

24 (a) The distribution shall be made to such person or persons as the
25 member shall have nominated by written designation duly executed and
26 filed with the department;

27 (b) If there be no such designated person or persons still living
28 at the time of the member's death, the balance of the member's account
29 in the retirement system, less any amount identified as owing to an
30 obligee upon withdrawal of such account balance pursuant to a court
31 order filed under RCW 41.50.670, shall be paid to the member's
32 surviving spouse as if in fact such spouse had been nominated by
33 written designation;

34 (c) If there is no surviving spouse, then to such person or
35 persons, trust, or organization as the member shall have nominated by
36 written designation duly executed and filed with the department; or

1 (d) If there is no such designated person or persons still living
2 at the time of the member's death, then to the member's legal
3 representatives.

4 (3) If a member has a terminal illness and terminates from
5 employment, the member may choose to have the balance in the member's
6 account distributed as a lump sum payment based on the most recent
7 valuation in order to expedite the distribution. The department shall
8 make this payment within ten working days after receipt of notice of
9 termination of employment, documentation verifying the terminal
10 illness, and an application for payment.

11 (4) The distribution under subsections (1), (2), or (3) of this
12 section shall be less any amount identified as owing to an obligee upon
13 withdrawal pursuant to a court order filed under RCW 41.50.670.

14 **Sec. 34.** RCW 41.34.130 and 2001 c 181 s 3 are each amended to read
15 as follows:

16 (1) The state investment board has the full authority to invest all
17 self-directed investment moneys in accordance with RCW 43.84.150 and
18 43.33A.140, and cumulative investment directions received pursuant to
19 RCW 41.34.060 and this section. In carrying out this authority the
20 state investment board, after consultation with the (~~employee~~
21 ~~retirement benefits board~~) department regarding any recommendations
22 made pursuant to RCW 41.50.088(1)(b), shall provide a set of options
23 for members to choose from for self-directed investment.

24 (2) All investment and operating costs of the state investment
25 board associated with making self-directed investments shall be paid by
26 members and recovered under procedures agreed to by the (~~board~~)
27 department and the state investment board pursuant to the principles
28 set forth in RCW 43.33A.160 and 43.84.160. All other expenses caused
29 by self-directed investment shall be paid by the member in accordance
30 with rules established by the (~~board~~) department under RCW 41.50.088.
31 With the exception of these expenses, all earnings from self-directed
32 investments shall accrue to the member's account.

33 (3)(a)(i) The department shall keep or cause to be kept full and
34 adequate accounts and records of each individual member's account. The
35 department shall account for and report on the investment of defined
36 contribution assets or may enter into an agreement with the state
37 investment board for such accounting and reporting under this chapter.

1 (ii) The department's duties related to individual participant
2 accounts include conducting the activities of trade instruction,
3 settlement activities, and direction of cash movement and related wire
4 transfers with the custodian bank and outside investment firms.

5 (iii) The department has sole responsibility for contracting with
6 any recordkeepers for individual participant accounts and shall manage
7 the performance of recordkeepers under those contracts.

8 (b)(i) The department's duties under (a)(ii) of this subsection do
9 not limit the authority of the state investment board to conduct its
10 responsibilities for asset management and balancing of the deferred
11 compensation funds.

12 (ii) The state investment board has sole responsibility for
13 contracting with outside investment firms to provide investment
14 management for the deferred compensation funds and shall manage the
15 performance of investment managers under those contracts.

16 (c) The state treasurer shall designate and define the terms of
17 engagement for the custodial banks.

18 **Sec. 35.** RCW 41.34.140 and 1999 c 265 s 2 are each amended to read
19 as follows:

20 (1) A state board or commission, agency, or any officer, employee,
21 or member thereof is not liable for any loss or deficiency resulting
22 from member defined contribution investments selected or required
23 pursuant to RCW 41.34.060 (1) or (3).

24 (2) Neither the (~~board~~) department, nor director or any employee,
25 nor the state investment board, nor any officer, employee, or member
26 thereof is liable for any loss or deficiency resulting from reasonable
27 efforts to implement investment directions pursuant to RCW 41.34.060
28 (1) or (3).

29 (3) The state investment board, or any officer, employee, or member
30 thereof is not liable with respect to any declared monthly unit
31 valuations or crediting of rates of return, or any other exercise of
32 powers or duties, including discretion, under RCW 41.34.060(2).

33 (4) The department, or any officer or employee thereof, is not
34 liable for crediting rates of return which are consistent with the
35 state investment board's declaration of monthly unit valuations
36 pursuant to RCW 41.34.060(2).

1 **Sec. 36.** RCW 43.33A.135 and 1998 c 116 s 13 are each amended to
2 read as follows:

3 The state investment board has the full power to establish
4 investment policy, develop participant investment options, and manage
5 investment funds for the state deferred compensation plan, consistent
6 with the provisions of RCW 41.50.770 and 41.50.780. The board may
7 continue to offer the investment options provided as of June 11, 1998,
8 until the board establishes a deferred compensation plan investment
9 policy and adopts new investment options after considering the
10 recommendations of the (~~employee retirement benefits board~~)
11 department of retirement systems.

12 **Environmental and Land Use Hearings Board**

13 NEW SECTION. **Sec. 37.** The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 43.21L.005 (Purpose) and 2003 c 393 s 1;
16 (2) RCW 43.21L.010 (Definitions) and 2003 c 393 s 2;
17 (3) RCW 43.21L.020 (Exclusive review process--Exception--Procedural
18 rules) and 2003 c 393 s 3;
19 (4) RCW 43.21L.030 (Designation as qualifying project--Request for
20 determination--Duties of office of permit assistance) and 2003 c 393 s
21 4;
22 (5) RCW 43.21L.040 (Environmental and land use hearings board) and
23 2003 c 393 s 5;
24 (6) RCW 43.21L.050 (Review proceedings--Commencement--Rules for
25 filing and service) and 2003 c 393 s 6;
26 (7) RCW 43.21L.060 (Standing) and 2003 c 393 s 7;
27 (8) RCW 43.21L.070 (Petition requirements) and 2003 c 393 s 8;
28 (9) RCW 43.21L.080 (Affidavit certifying applications for permits--
29 Initial hearing on jurisdictional and preliminary matters) and 2003 c
30 393 s 9;
31 (10) RCW 43.21L.090 (Expedited review of petitions) and 2003 c 393
32 s 10;
33 (11) RCW 43.21L.100 (Stay or suspension of board action) and 2003
34 c 393 s 11;

- 1 (12) RCW 43.21L.110 (Decision record--Certified copy to board--
2 Costs) and 2003 c 393 s 12;
- 3 (13) RCW 43.21L.120 (Board review of permit decisions--Correction
4 of errors and omissions--Pretrial discovery--Requests for records under
5 chapter 42.56 RCW) and 2005 c 274 s 295 & 2003 c 393 s 13;
- 6 (14) RCW 43.21L.130 (Standards for granting relief--Action by
7 board) and 2003 c 393 s 14;
- 8 (15) RCW 43.21L.140 (Judicial review) and 2003 c 393 s 15;
- 9 (16) RCW 43.21L.900 (Implementation--2003 c 393) and 2003 c 393 s
10 24; and
- 11 (17) RCW 43.21L.901 (Effective date--2003 c 393) and 2003 c 393 s
12 25.

13 **Sec. 38.** RCW 36.70C.030 and 2003 c 393 s 17 are each amended to
14 read as follows:

15 (1) This chapter replaces the writ of certiorari for appeal of land
16 use decisions and shall be the exclusive means of judicial review of
17 land use decisions, except that this chapter does not apply to:

18 (a) Judicial review of:

19 (i) Land use decisions made by bodies that are not part of a local
20 jurisdiction;

21 (ii) Land use decisions of a local jurisdiction that are subject to
22 review by a quasi-judicial body created by state law, such as the
23 shorelines hearings board(~~(, the environmental and land use hearings~~
24 ~~board,~~)) or the growth management hearings board;

25 (b) Judicial review of applications for a writ of mandamus or
26 prohibition; or

27 (c) Claims provided by any law for monetary damages or
28 compensation. If one or more claims for damages or compensation are
29 set forth in the same complaint with a land use petition brought under
30 this chapter, the claims are not subject to the procedures and
31 standards, including deadlines, provided in this chapter for review of
32 the petition. The judge who hears the land use petition may, if
33 appropriate, preside at a trial for damages or compensation.

34 (2) The superior court civil rules govern procedural matters under
35 this chapter to the extent that the rules are consistent with this
36 chapter.

1 **Sec. 39.** RCW 43.21B.005 and 2003 c 393 s 18 and 2003 c 39 s 22
2 are each reenacted and amended to read as follows:

3 (1) There is created an environmental hearings office of the state
4 of Washington. The environmental hearings office shall consist of the
5 pollution control hearings board created in RCW 43.21B.010, the forest
6 practices appeals board created in RCW 76.09.210, the shorelines
7 hearings board created in RCW 90.58.170, (~~the environmental and land~~
8 ~~use hearings board created in chapter 43.21B RCW,~~) and the hydraulic
9 appeals board created in RCW (~~77.55.170~~) 77.55.301. The chair of the
10 pollution control hearings board shall be the chief executive officer
11 of the environmental hearings office. Membership, powers, functions,
12 and duties of the pollution control hearings board, the forest
13 practices appeals board, the shorelines hearings board, and the
14 hydraulic appeals board shall be as provided by law.

15 (2) The chief executive officer of the environmental hearings
16 office may appoint an administrative appeals judge who shall possess
17 the powers and duties conferred by the administrative procedure act,
18 chapter 34.05 RCW, in cases before the boards comprising the office.
19 The administrative appeals judge shall have a demonstrated knowledge of
20 environmental law, and shall be admitted to the practice of law in the
21 state of Washington. Additional administrative appeals judges may also
22 be appointed by the chief executive officer on the same terms.
23 Administrative appeals judges shall not be subject to chapter 41.06
24 RCW.

25 (3) The administrative appeals judges appointed under subsection
26 (2) of this section are subject to discipline and termination, for
27 cause, by the chief executive officer. Upon written request by the
28 person so disciplined or terminated, the chief executive officer shall
29 state the reasons for such action in writing. The person affected has
30 a right of review by the superior court of Thurston county on petition
31 for reinstatement or other remedy filed within thirty days of receipt
32 of such written reasons.

33 (4) The chief executive officer may appoint, discharge, and fix the
34 compensation of such administrative or clerical staff as may be
35 necessary.

36 (5) The chief executive officer may also contract for required
37 services.

1 **Family Practice Education Advisory Board**

2 NEW SECTION. **Sec. 40.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 70.112.030 (Family practice education advisory board--
5 Chairman--Membership) and 1975 1st ex.s. c 108 s 3;

6 (2) RCW 70.112.040 (Advisory board--Terms of members--Filling
7 vacancies) and 1975 1st ex.s. c 108 s 4; and

8 (3) RCW 70.112.050 (Advisory board--Duties) and 1998 c 245 s 111 &
9 1975 1st ex.s. c 108 s 5.

10 **Sec. 41.** RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each
11 amended to read as follows:

12 (1) "School of medicine" means the University of Washington school
13 of medicine located in Seattle, Washington;

14 (2) "Residency programs" mean community based family practice
15 residency educational programs either in existence or established under
16 this chapter;

17 (3) "Affiliated" means established or developed in cooperation with
18 the school of medicine;

19 (4) "Family practice unit" means the community facility or
20 classroom used for training of ambulatory health skills within a
21 residency training program; and

22 (~~(5) "Advisory board" means the family practice education advisory~~
23 ~~board created by this chapter.~~)

24 **Sec. 42.** RCW 70.112.020 and 1975 1st ex.s. c 108 s 2 are each
25 amended to read as follows:

26 There is established a statewide medical education system for the
27 purpose of training resident physicians in family practice. The dean
28 of the school of medicine shall be responsible for implementing the
29 development and expansion of residency programs in cooperation with the
30 medical profession, hospitals, and clinics located throughout the
31 state. The chairman of the department of family medicine in the school
32 of medicine(~~(, with the consent of the advisory board,)~~) shall
33 determine where affiliated residency programs shall exist; giving
34 consideration to communities in the state where the population,
35 hospital facilities, number of physicians, and interest in medical
36 education indicate the potential success of the residency program. The

1 medical education system shall provide financial support for residents
2 in training for those programs which are affiliated with the school of
3 medicine and shall establish positions for appropriate faculty to staff
4 these programs. The number of programs shall be determined by the
5 board and be in keeping with the needs of the state.

6 **Fire Protection Policy Board**

7 NEW SECTION. **Sec. 43.** The following acts or parts of acts are
8 each repealed:

- 9 (1) RCW 43.43.932 (State fire protection policy board--Created--
10 Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and
11 (2) RCW 43.43.936 (State fire protection policy board--Advisory
12 duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

13 **Sec. 44.** RCW 43.43.930 and 1995 c 369 s 14 are each amended to
14 read as follows:

15 The legislature finds that fire protection services at the state
16 level are provided by different, independent state agencies. This has
17 resulted in a lack of a comprehensive state-level focus for state fire
18 protection services, funding, and policy. The legislature further
19 finds that the paramount duty of the state in fire protection services
20 is to enhance the capacity of all local jurisdictions to assure that
21 their personnel with fire suppression, prevention, inspection, origin
22 and cause, and arson investigation responsibilities are adequately
23 trained to discharge their responsibilities. It is the intent of the
24 legislature to consolidate fire protection services into a single state
25 agency (~~(and to create a state board with the responsibility of (1)~~
26 ~~establishing a comprehensive state policy regarding fire protection~~
27 ~~services and (2) advising the chief of the Washington state patrol and~~
28 ~~the director of fire protection on matters relating to their duties~~
29 ~~under state law)). It is also the intent of the legislature that the
30 fire protection services program created herein will assist local fire
31 protection agencies in program development without encroaching upon
32 their historic autonomy. It is the further intent of the legislature
33 that the fire protection services program be implemented incrementally~~

1 to assure a smooth transition, to build local, regional, and state
2 capacity, and to avoid undue burdens on jurisdictions with limited
3 resources.

4 **Sec. 45.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read
5 as follows:

6 ~~((Except for matters relating to the statutory duties of the chief
7 of the Washington state patrol that are to be carried out through))~~ The
8 director of fire protection(~~(, the board shall have the responsibility
9 of developing a comprehensive state policy regarding fire protection
10 services. In carrying out its duties, the board)~~) shall:

11 (1)(a) ~~((Adopt a state fire training and education master plan that
12 allows to the maximum feasible extent for negotiated agreements:))~~ (i)
13 With the state board for community and technical colleges ~~((to))~~
14 provide academic, vocational, and field training programs for the fire
15 service; and (ii) with the higher education coordinating board and the
16 state colleges and universities ~~((to))~~ provide instructional programs
17 requiring advanced training, especially in command and management
18 skills;

19 (b) ~~((Adopt minimum standards for each level of responsibility
20 among personnel with fire suppression, prevention, inspection, and
21 investigation responsibilities that assure continuing assessment of
22 skills and are flexible enough to meet emerging technologies. With
23 particular respect to training for fire investigations, the master plan
24 shall encourage cross training in appropriate law enforcement skills.
25 To meet special local needs, fire agencies may adopt more stringent
26 requirements than those adopted by the state;~~

27 ~~(e))~~ Cooperate with the common schools, technical and community
28 colleges, institutions of higher education, and any department or
29 division of the state, or of any county or municipal corporation in
30 establishing and maintaining instruction in fire service training and
31 education in accordance with any act of congress and legislation
32 enacted by the legislature in pursuance thereof and in establishing,
33 building, and operating training and education facilities.

34 Industrial fire departments and private fire investigators may
35 participate in training and education programs under this chapter for
36 a reasonable fee established by rule;

1 ~~((d))~~ (c) Develop and adopt a master plan for constructing,
2 equipping, maintaining, and operating necessary fire service training
3 and education facilities subject to the provisions of chapter 43.19
4 RCW;

5 ~~((e))~~ (d) Develop and adopt a master plan for the purchase,
6 lease, or other acquisition of real estate necessary for fire service
7 training and education facilities in a manner provided by law; and

8 ~~((f))~~ (e) Develop and adopt a plan with a goal of providing
9 firefighter one and wildland training(~~(, as defined by the board,)~~) to
10 all firefighters in the state. Wildland training reimbursement will be
11 provided if a fire protection district or a city fire department has
12 and is fulfilling their interior attack policy or if they do not have
13 an interior attack policy. The plan will include a reimbursement for
14 fire protection districts and city fire departments of not less than
15 three dollars for every hour of firefighter one or wildland training.
16 The Washington state patrol shall not provide reimbursement for more
17 than two hundred hours of firefighter one or wildland training for each
18 firefighter trained.

19 ~~(2) ((In addition to its responsibilities for fire service
20 training, the board shall:~~

21 ~~(a) Adopt a state fire protection master plan;~~

22 ~~(b) Monitor fire protection in the state and develop objectives and
23 priorities to improve fire protection for the state's citizens
24 including: (i) The comprehensiveness of state and local inspections
25 required by law for fire and life safety; (ii) the level of skills and
26 training of inspectors, as well as needs for additional training; and
27 (iii) the efforts of local, regional, and state inspection agencies to
28 improve coordination and reduce duplication among inspection efforts;~~

29 ~~(c) Establish and promote state arson control programs and ensure
30 development of local arson control programs;~~

31 ~~(d) Provide representation for local fire protection services to
32 the governor in state level fire protection planning matters such as,
33 but not limited to, hazardous materials control;~~

34 ~~(e) Recommend to the adjutant general rules on minimum information
35 requirements of automatic location identification for the purposes of
36 enhanced 911 emergency service;~~

37 ~~(f) Seek and solicit grants, gifts, bequests, devises, and matching~~

1 ~~funds for use in furthering the objectives and duties of the board, and~~
2 ~~establish procedures for administering them;~~

3 ~~(g))~~ (a) Promote mutual aid and disaster planning for fire
4 services in this state;

5 ~~((h))~~ (b) Assure the dissemination of information concerning the
6 amount of fire damage including that damage caused by arson, and its
7 causes and prevention; and

8 ~~((i))~~ (c) Implement any legislation enacted by the legislature to
9 meet the requirements of any acts of congress that apply to this
10 section.

11 (3) In carrying out its statutory duties, the ~~((board))~~ office of
12 the state fire marshal shall give particular consideration to the
13 appropriate roles to be played by the state and by local jurisdictions
14 with fire protection responsibilities. Any determinations on the
15 division of responsibility shall be made in consultation with local
16 fire officials and their representatives.

17 To the extent possible, the ~~((board))~~ office of the state fire
18 marshal shall encourage development of regional units along compatible
19 geographic, population, economic, and fire risk dimensions. Such
20 regional units may serve to: (a) Reinforce coordination among state
21 and local activities in fire service training, reporting, inspections,
22 and investigations; (b) identify areas of special need, particularly in
23 smaller jurisdictions with inadequate resources; (c) assist the state
24 in its oversight responsibilities; (d) identify funding needs and
25 options at both the state and local levels; and (e) provide models for
26 building local capacity in fire protection programs.

27 **Sec. 46.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to
28 read as follows:

29 (1) Wherever the term state fire marshal appears in the Revised
30 Code of Washington or the Washington Administrative Code it shall mean
31 the director of fire protection.

32 (2) The chief of the Washington state patrol shall appoint an
33 officer who shall be known as the director of fire protection. ~~((The~~
34 ~~board, after consulting with the chief of the Washington state patrol,~~
35 ~~shall prescribe qualifications for the position of director of fire~~
36 ~~protection. The board shall submit to the chief of the Washington~~
37 ~~state patrol a list containing the names of three persons whom the~~

1 ~~board believes meet its qualifications. If requested by the chief of~~
2 ~~the Washington state patrol, the board shall submit one additional list~~
3 ~~of three persons whom the board believes meet its qualifications. The~~
4 ~~appointment shall be from one of the lists of persons submitted by the~~
5 ~~board.))~~

6 (3) The director of fire protection may designate one or more
7 deputies and may delegate to those deputies his or her duties and
8 authorities as deemed appropriate.

9 (4) The director of fire protection(~~(, in accordance with the~~
10 ~~policies, objectives, and priorities of the fire protection policy~~
11 ~~board,)) shall prepare a biennial budget pertaining to fire protection~~
12 services. Such biennial budget shall be submitted as part of the
13 Washington state patrol's budget request.

14 (5) The director of fire protection, shall implement and
15 administer, within constraints established by budgeted resources, (~~the~~
16 ~~policies, objectives, and priorities of the board and~~) all duties of
17 the chief of the Washington state patrol that are to be carried out
18 through the director of fire protection, and all of the duties of the
19 director of fire protection. Such administration shall include
20 negotiation of agreements with the state board for community and
21 technical colleges, the higher education coordinating board, and the
22 state colleges and universities as provided in RCW (~~(43.63A.320)~~)
23 43.43.934. Programs covered by such agreements shall include, but not
24 be limited to, planning curricula, developing and delivering
25 instructional programs and materials, and using existing instructional
26 personnel and facilities. Where appropriate, such contracts shall also
27 include planning and conducting instructional programs at the state
28 fire service training center.

29 (~~(6) The chief of the Washington state patrol, through the~~
30 ~~director of fire protection, shall seek the advice of the board in~~
31 ~~carrying out his or her duties under law.))~~

32 **Sec. 47.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read
33 as follows:

34 The (~~(state fire protection policy board))~~ director of fire
35 protection shall review and make recommendations to the chief on the
36 refinement and maintenance of the Washington state fire services
37 mobilization plan, which shall include the procedures to be used during

1 fire and other emergencies for coordinating local, regional, and state
2 fire jurisdiction resources. In carrying out this duty, the director
3 of fire protection (~~(policy board)~~) shall consult with and solicit
4 recommendations from representatives of state and local fire and
5 emergency management organizations, regional fire defense boards, and
6 the department of natural resources. The Washington state fire
7 services mobilization plan shall be consistent with, and made part of,
8 the Washington state comprehensive emergency management plan. The
9 chief shall review the fire services mobilization plan as submitted by
10 the director of fire protection (~~(policy board)~~), recommend changes
11 that may be necessary, and approve the fire services mobilization plan
12 for inclusion within the state comprehensive emergency management plan.

13 It is the responsibility of the chief to mobilize jurisdictions
14 under the Washington state fire services mobilization plan. The state
15 fire marshal shall serve as the state fire resources coordinator when
16 the Washington state fire services mobilization plan is mobilized.

17 **Sec. 48.** RCW 43.43.963 and 1997 c 49 s 11 are each amended to read
18 as follows:

19 Regions within the state are initially established as follows but
20 may be adjusted as necessary by the state fire marshal:

21 (1) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and
22 Island counties;

23 (2) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille,
24 Spokane, and Lincoln counties;

25 (3) Olympic region - Clallam and Jefferson counties;

26 (4) South Puget Sound region - Kitsap, Mason, King, and Pierce
27 counties;

28 (5) Southeast region - Chelan, Douglas, Kittitas, Grant, Adams,
29 Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia,
30 Garfield, and Asotin counties;

31 (6) Central region - Grays Harbor, Thurston, Pacific, and Lewis
32 counties; and

33 (7) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania
34 counties.

35 Within each of these regions there is created a regional fire
36 defense board. The regional fire defense boards shall consist of two
37 members from each county in the region. One member from each county

1 shall be appointed by the county fire chiefs' association or, in the
2 event there is no such county association, by the county's legislative
3 authority. Each county's office of emergency management or, in the
4 event there is no such office, the county's legislative authority shall
5 select the second representative to the regional board. The department
6 of natural resources fire control chief shall appoint a representative
7 from each department of natural resources region to serve as a member
8 of the appropriate regional fire defense board. Members of each
9 regional board will select a chairperson and secretary as officers.
10 Members serving on the regional boards do so in a voluntary capacity
11 and are not eligible for reimbursement for meeting-related expenses
12 from the state.

13 Regional defense boards shall develop regional fire service plans
14 that include provisions for organized fire agencies to respond across
15 municipal, county, or regional boundaries. Each regional plan shall be
16 consistent with the incident command system, the Washington state fire
17 services mobilization plan, and regional response plans already adopted
18 and in use in the state. The regional boards shall work with the
19 relevant local government entities to facilitate development of
20 intergovernmental agreements if any such agreements are required to
21 implement a regional fire service plan. Each regional plan shall be
22 approved by the (~~fire protection policy board before implementation~~)
23 director of fire protection.

24 **Sec. 49.** RCW 43.44.030 and 1991 c 170 s 2 are each amended to read
25 as follows:

26 (~~Nonconstruction standards relative to fire prevention and safety
27 for all schools under the jurisdiction of the superintendent of public
28 instruction and state board of education shall be established by the
29 state fire protection board.~~) The director of fire protection shall
30 make or cause to be made plan reviews and construction inspections for
31 all E-1 occupancies as may be necessary to insure compliance with the
32 state building code and standards for schools adopted under chapter
33 19.27 RCW. Nothing in this section prohibits the director of fire
34 protection from delegating construction inspection authority to any
35 local jurisdiction.

1 **Sec. 50.** RCW 43.44.060 and 1999 c 231 s 1 are each amended to read
2 as follows:

3 (1) The chief of each organized fire department, or the sheriff or
4 other designated county official having jurisdiction over areas not
5 within the jurisdiction of any fire department, shall report
6 statistical information and data to the chief of the Washington state
7 patrol, through the director of fire protection, on each fire occurring
8 within the official's jurisdiction and, within two business days,
9 report any death resulting from fire. Reports shall be consistent with
10 the national fire incident reporting system developed by the United
11 States fire administration and rules established by the chief of the
12 Washington state patrol, through the director of fire protection. The
13 chief of the Washington state patrol, through the director of fire
14 protection, and the department of natural resources shall jointly
15 determine the statistical information to be reported on fires on land
16 under the jurisdiction of the department of natural resources.

17 (2) The chief of the Washington state patrol, through the director
18 of fire protection, shall analyze the information and data reported,
19 compile a report, and distribute a copy annually by July 1st to each
20 chief fire official in the state. Upon request, the chief of the
21 Washington state patrol, through the director of fire protection, shall
22 also furnish a copy of the report to any other interested person at
23 cost.

24 ~~((3) In carrying out the duties relating to collecting, analyzing,
25 and reporting statistical fire data, the fire protection policy board
26 may purchase statistical fire data from a qualified individual or
27 organization. The information shall meet the diverse needs of state
28 and local fire reporting agencies and shall be (a) defined in
29 understandable terms of common usage in the fire community; (b)
30 adaptable to the varying levels of resources available; (c) maintained
31 in a manner that will foster both technical support and resource
32 sharing; and (d) designed to meet both short and long term needs.))~~

33 **Sec. 51.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
34 as follows:

35 The enhanced 911 advisory committee is created to advise and assist
36 the state enhanced 911 coordinator in coordinating and facilitating the
37 implementation and operation of enhanced 911 throughout the state. The

1 director shall appoint members of the committee who represent diverse
2 geographical areas of the state and include state residents who are
3 members of the national emergency number association, the associated
4 public communications officers Washington chapter, the Washington state
5 fire chiefs association, the Washington association of sheriffs and
6 police chiefs, the Washington state council of firefighters, the
7 Washington state council of police officers, the Washington ambulance
8 association, (~~the state fire protection policy board,~~) the Washington
9 state firefighters association, the Washington state association of
10 fire marshals, the Washington fire commissioners association, the
11 Washington state patrol, the association of Washington cities, the
12 Washington state association of counties, the utilities and
13 transportation commission or commission staff, a representative of a
14 voice over internet protocol company, and an equal number of
15 representatives of large and small local exchange telephone companies
16 and large and small radio communications service companies offering
17 commercial mobile radio service in the state. This section expires
18 December 31, 2011.

19 **Sec. 52.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read
20 as follows:

21 (1) No person may assign any employee, contract with, or permit any
22 individual or person to remove or encapsulate asbestos in any facility
23 unless performed by a certified asbestos worker and under the direct,
24 on-site supervision of a certified asbestos supervisor. In cases in
25 which an employer conducts an asbestos abatement project in its own
26 facility and by its own employees, supervision can be performed in the
27 regular course of a certified asbestos supervisor's duties. Asbestos
28 workers must have access to certified asbestos supervisors throughout
29 the duration of the project.

30 (2) The department shall require persons undertaking asbestos
31 projects to provide written notice to the department before the
32 commencement of the project except as provided in RCW 49.26.125. The
33 notice shall include a written description containing such information
34 as the department requires by rule. The department may by rule allow
35 a person to report multiple projects at one site in one report. The
36 department shall by rule establish the procedure and criteria by which

1 a person will be considered to have attempted to meet the
2 prenotification requirement.

3 (3) The department shall consult with the (~~state fire protection~~
4 ~~policy board,~~) Washington state association of fire chiefs and may
5 establish any additional policies and procedures for municipal fire
6 department and fire district personnel who clean up sites after fires
7 which have rendered it likely that asbestos has been or will be
8 disturbed or released into the air.

9 **Hazardous Substance Mixed Waste Advisory Board**

10 NEW SECTION. **Sec. 53.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and
13 2005 c 1 s 7; and

14 (2) RCW 70.105E.090 (Advisory board--Public involvement--Funding)
15 and 2005 c 1 s 9.

16 **Health and Welfare Advisory Board**
17 **and Property and Liability Advisory Board**

18 NEW SECTION. **Sec. 54.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 48.62.051 (Health and welfare advisory board--Creation--
21 Membership--Duties) and 1991 sp.s. c 30 s 5; and

22 (2) RCW 48.62.041 (Property and liability advisory board--
23 Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

24 **Sec. 55.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to
25 read as follows:

26 The state risk manager(~~, in consultation with the property and~~
27 ~~liability advisory board,~~) shall adopt rules governing the management
28 and operation of both individual and joint local government self-
29 insurance programs covering property or liability risks. The state
30 risk manager shall also adopt rules governing the management and
31 operation of both individual and joint local government self-insured

1 health and welfare benefits programs (~~in consultation with the health~~
2 ~~and welfare benefits advisory board~~). All rules shall be appropriate
3 for the type of program and class of risk covered. The state risk
4 manager's rules shall include:

5 (1) Standards for the management, operation, and solvency of self-
6 insurance programs, including the necessity and frequency of actuarial
7 analyses and claims audits;

8 (2) Standards for claims management procedures; and

9 (3) Standards for contracts between self-insurance programs and
10 private businesses including standards for contracts between third-
11 party administrators and programs.

12 **Sec. 56.** RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended
13 to read as follows:

14 (1) The state risk manager shall establish and charge an
15 investigation fee in an amount necessary to cover the costs for the
16 initial review and approval of a self-insurance program. The fee must
17 accompany the initial submission of the plan of operation and
18 management.

19 (2) The costs of subsequent reviews and investigations shall be
20 charged to the self-insurance program being reviewed or investigated in
21 accordance with the actual time and expenses incurred in the review or
22 investigation.

23 (3) (~~After the formation of the two advisory boards, each board~~)
24 The state risk manager may calculate, levy, and collect from each joint
25 property and liability self-insurance program and each individual and
26 joint health and welfare benefit program regulated by this chapter a
27 start-up assessment to pay initial expenses and operating costs of
28 (~~the boards and~~) the risk manager's office in administering this
29 chapter. Any program failing to remit its assessment when due is
30 subject to denial of permission to operate or to a cease and desist
31 order until the assessment is paid.

32 **Higher Education Coordinating Board Advisory Council**

33 NEW SECTION. **Sec. 57.** RCW 28B.76.100 (Advisory council) and 2007
34 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

1 **Higher Education Coordinating Board Research Advisory Group**

2 **Sec. 58.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
3 read as follows:

4 (1) In consultation with the institutions of higher education and
5 state education agencies, the board shall identify the data needed to
6 carry out its responsibilities for policy analysis, accountability,
7 program improvements, and public information. The primary goals of the
8 board's data collection and research are to describe how students and
9 other beneficiaries of higher education are being served; to support
10 higher education accountability; and to assist state policymakers and
11 institutions in making policy decisions.

12 (2) The board shall (~~convene a research advisory group and shall~~
13 ~~collaborate with the group to~~) identify the most cost-effective manner
14 for the board to collect data or access existing data. The board shall
15 (~~work with the advisory group to~~) develop research priorities,
16 policies, and common definitions to maximize the reliability and
17 consistency of data across institutions. (~~The advisory group shall~~
18 ~~include representatives of public and independent higher education~~
19 ~~institutions and other state agencies, including the state board for~~
20 ~~community and technical colleges, the office of the superintendent of~~
21 ~~public instruction, the office of financial management, the employment~~
22 ~~security department, the workforce training and education coordinating~~
23 ~~board, and other agencies as appropriate.~~)

24 (3) Specific protocols shall be developed by the board (~~and the~~
25 ~~advisory group~~) to protect the privacy of individual student records
26 while ensuring the availability of student data for legitimate research
27 purposes.

28 **Industry Cluster Advisory Committee**

29 **Sec. 59.** RCW 43.330.090 and 2009 c 151 s 1 are each amended to
30 read as follows:

31 (1) The department shall work with private sector organizations,
32 industry and sector associations, federal agencies, state agencies that
33 use a sector-based approach to service delivery, local governments,
34 local associate development organizations, and higher education and
35 training institutions in the development of industry sector-based

1 strategies to diversify the economy, facilitate technology transfer and
2 diffusion, and increase value-added production. The industry sectors
3 targeted by the department may include, but are not limited to,
4 aerospace, agriculture, food processing, forest products, marine
5 services, health and biomedical, software, digital and interactive
6 media, transportation and distribution, and microelectronics. The
7 department shall, on a continuing basis, evaluate the potential return
8 to the state from devoting additional resources to an industry sector-
9 based approach to economic development and identifying and assisting
10 additional sectors.

11 (2) The department's sector-based strategies shall include, but not
12 be limited to, cluster-based strategies that focus on assisting
13 regional industry sectors and related firms and institutions that meet
14 the definition of an industry cluster in this section and based on
15 criteria identified by the working group established in this chapter.

16 (3)(a) The department shall promote, market, and encourage growth
17 in the production of films and videos, as well as television
18 commercials within the state; to this end the department is directed to
19 assist in the location of a film and video production studio within the
20 state.

21 (b) The department may, in carrying out its efforts to encourage
22 film and video production in the state, solicit and receive gifts,
23 grants, funds, fees, and endowments, in trust or otherwise, from
24 tribal, local, or other governmental entities, as well as private
25 sources, and may expend the same or any income therefrom for the
26 encouragement of film and video production. All revenue received for
27 such purposes shall be deposited into the film and video promotion
28 account created in RCW 43.330.092.

29 (4) In assisting in the development of regional and statewide
30 industry cluster-based strategies, the department's activities shall
31 include, but are not limited to:

32 (a) Facilitating regional focus group discussions and conducting
33 studies to identify industry clusters, appraise the current information
34 linkages within a cluster, and identify issues of common concern within
35 a cluster;

36 (b) Supporting industry and cluster associations, publications of
37 association and cluster directories, and related efforts to create or
38 expand the activities of industry and cluster associations;

1 (c) Administering a competitive grant program to fund economic
2 development activities designed to further regional cluster growth. In
3 administering the program, the department shall work with (~~(an industry~~
4 ~~cluster advisory committee with equal representation from)~~) the
5 economic development commission, the workforce training and education
6 coordinating board, the state board for community and technical
7 colleges, the employment security department, business, and labor.

8 (i) The (~~(industry cluster advisory committee)~~) department shall
9 (~~(recommend)~~) seek recommendations on criteria for evaluating
10 applications for grant funds and recommend applicants for receipt of
11 grant funds. Criteria shall include not duplicating the purpose or
12 efforts of industry skill panels.

13 (ii) Applicants must include organizations from at least two
14 counties and participants from the local business community. Eligible
15 organizations include, but are not limited to, local governments,
16 economic development councils, chambers of commerce, federally
17 recognized Indian tribes, workforce development councils, and
18 educational institutions.

19 (iii) Applications must evidence financial participation of the
20 partner organizations.

21 (iv) Eligible activities include the formation of cluster economic
22 development partnerships, research and analysis of economic development
23 needs of the cluster, the development of a plan to meet the economic
24 development needs of the cluster, and activities to implement the plan.

25 (v) Priority shall be given to applicants that complement industry
26 skill panels and will use the grant funds to build linkages and joint
27 projects.

28 (vi) The maximum amount of a grant is one hundred thousand dollars.

29 (vii) A maximum of one hundred thousand dollars total can go to
30 King, Pierce, Kitsap, and Snohomish counties combined.

31 (viii) No more than ten percent of funds received for the grant
32 program may be used by the department for administrative costs.

33 (5) As used in this chapter, "industry cluster" means a geographic
34 concentration of interconnected companies in a single industry, related
35 businesses in other industries, including suppliers and customers, and
36 associated institutions, including government and education.

1 **Integrated Justice Information Board**

2 NEW SECTION. **Sec. 60.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
5 104 s 1;

6 (2) RCW 10.98.210 (Washington integrated justice information
7 board--Members) and 2003 c 104 s 3;

8 (3) RCW 10.98.220 (Washington integrated justice information
9 board--Meetings) and 2003 c 104 s 4;

10 (4) RCW 10.98.230 (Washington integrated justice information
11 board--Powers and duties) and 2003 c 104 s 5; and

12 (5) RCW 10.98.240 (Washington integrated justice information
13 board--Report) and 2003 c 104 s 6.

14 **Juvenile Justice Advisory Committee**

15 **Sec. 61.** RCW 2.56.031 and 1993 c 415 s 2 are each amended to read
16 as follows:

17 The administrator for the courts shall develop a plan to improve
18 the collection and reporting of information on juvenile offenders by
19 all juvenile courts in the state. The information related to juvenile
20 offenders shall include, but is not limited to, social, demographic,
21 education, and economic data on juvenile offenders and where possible,
22 their families. Development and implementation of the plan shall be
23 accomplished in consultation with the human rights commission, (~~the~~
24 ~~governor's juvenile justice advisory committee,~~) superior court
25 judges, juvenile justice administrators, and interested juvenile
26 justice practitioners and researchers. The plan shall include a
27 schedule and budget for implementation and shall be provided to the
28 office of financial management by September 15, 1993.

29 **Sec. 62.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to
30 read as follows:

31 (1) In order to receive funds under RCW 13.40.500 through
32 13.40.540, local governments may, through their respective agencies
33 that administer funding for consolidated juvenile services, submit
34 proposals that establish community juvenile accountability programs

1 within their communities. These proposals must be submitted to the
2 juvenile rehabilitation administration of the department of social and
3 health services for certification.

4 (2) The proposals must:

5 (a) Demonstrate that the proposals were developed with the input of
6 (~~the community public health and safety networks established under RCW~~
7 ~~70.190.060, and~~) the local law and justice councils established under
8 RCW 72.09.300;

9 (b) Describe how local community groups or members are involved in
10 the implementation of the programs funded under RCW 13.40.500 through
11 13.40.540;

12 (c) Include a description of how the grant funds will contribute to
13 the expected outcomes of the program and the reduction of youth
14 violence and juvenile crime in their community. Data approaches are
15 not required to be replicated if the networks have information that
16 addresses risks in the community for juvenile offenders.

17 (3) A local government receiving a grant under this section shall
18 agree that any funds received must be used efficiently to encourage the
19 use of community-based programs that reduce the reliance on secure
20 confinement as the sole means of holding juvenile offenders accountable
21 for their crimes. The local government shall also agree to account for
22 the expenditure of all funds received under the grant and to submit to
23 audits for compliance with the grant criteria developed under RCW
24 13.40.520.

25 (4) The juvenile rehabilitation administration, in consultation
26 with the Washington association of juvenile court administrators(~~(7)~~)
27 and the state law and justice advisory council, (~~and the family policy~~
28 ~~council,~~) shall establish guidelines for programs that may be funded
29 under RCW 13.40.500 through 13.40.540. The guidelines must:

30 (a) Target diverted and adjudicated juvenile offenders;

31 (b) Include assessment methods to determine services, programs, and
32 intervention strategies most likely to change behaviors and norms of
33 juvenile offenders;

34 (c) Provide maximum structured supervision in the community.
35 Programs should use natural surveillance and community guardians such
36 as employers, relatives, teachers, clergy, and community mentors to the
37 greatest extent possible;

1 (d) Promote good work ethic values and educational skills and
2 competencies necessary for the juvenile offender to function
3 effectively and positively in the community;

4 (e) Maximize the efficient delivery of treatment services aimed at
5 reducing risk factors associated with the commission of juvenile
6 offenses;

7 (f) Maximize the reintegration of the juvenile offender into the
8 community upon release from confinement;

9 (g) Maximize the juvenile offender's opportunities to make full
10 restitution to the victims and amends to the community;

11 (h) Support and encourage increased court discretion in imposing
12 community-based intervention strategies;

13 (i) Be compatible with research that shows which prevention and
14 early intervention strategies work with juvenile offenders;

15 (j) Be outcome-based in that it describes what outcomes will be
16 achieved or what outcomes have already been achieved;

17 (k) Include an evaluation component; and

18 (l) Recognize the diversity of local needs.

19 (5) The state law and justice advisory council(~~(, with the~~
20 ~~assistance of the family policy council and the governor's juvenile~~
21 ~~justice advisory committee,~~) may provide support and technical
22 assistance to local governments for training and education regarding
23 community-based prevention and intervention strategies.

24 **K-20 Educational Network Board**

25 **K-20 Network Technical Steering Committee**

26 NEW SECTION. **Sec. 63.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 43.105.800 (K-20 educational network board) and 1999 c 285
29 s 2; and

30 (2) RCW 43.105.810 (K-20 network technical steering committee) and
31 1999 c 285 s 6.

32 **Sec. 64.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and
33 2009 c 486 s 14 are each reenacted and amended to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly (~~required~~ ~~[requires]~~) requires otherwise.

3 (1) "Administrator" means the community technology opportunity
4 program administrator designated by the department.

5 (2) "Backbone network" means the shared high-density portions of
6 the state's telecommunications transmission facilities. It includes
7 specially conditioned high-speed communications carrier lines,
8 multiplexors, switches associated with such communications lines, and
9 any equipment and software components necessary for management and
10 control of the backbone network.

11 (3) "Board" means the information services board.

12 (4) "Broadband" means a high-speed, high capacity transmission
13 medium, using land-based, satellite, wireless, or any other mechanism,
14 that can carry either signals or transmit data, or both, over long
15 distances by using a wide range of frequencies.

16 (5) "Committee" means the state interoperability executive
17 committee.

18 (6) "Common vendor registration and bid notification system" has
19 the definition in RCW 39.29.006.

20 (7) "Community technology programs" means programs that are engaged
21 in diffusing information and communications technology in local
22 communities, particularly in unserved and underserved areas of the
23 state. These programs may include, but are not limited to, programs
24 that provide education and skill-building opportunities, hardware and
25 software, internet connectivity, digital media literacy, development of
26 locally relevant content, and delivery of vital services through
27 technology.

28 (8) "Council" means the advisory council on digital inclusion
29 created in RCW 43.105.400.

30 (9) "Department" means the department of information services.

31 (10) "Director" means the director of the department.

32 (11) "Educational sectors" means those institutions of higher
33 education, school districts, and educational service districts that use
34 the network for distance education, data transmission, and other uses
35 permitted by the K-20 board.

36 (12) "Equipment" means the machines, devices, and transmission
37 facilities used in information processing, such as computers, word

1 processors, terminals, telephones, wireless communications system
2 facilities, cables, and any physical facility necessary for the
3 operation of such equipment.

4 (13) "High-speed internet" means broadband.

5 (14) "Information" includes, but is not limited to, data, text,
6 voice, and video.

7 (15) "Information processing" means the electronic capture,
8 collection, storage, manipulation, transmission, retrieval, and
9 presentation of information in the form of data, text, voice, or image
10 and includes telecommunications and office automation functions.

11 (16) "Information services" means data processing,
12 telecommunications, office automation, and computerized information
13 systems.

14 (17) "Information technology portfolio" or "portfolio" means a
15 strategic management process documenting relationships between agency
16 missions and information technology and telecommunications investments.

17 ~~((18) ("K-20 educational network board" or "K-20 board" means the
18 K-20 educational network board created in RCW 43.105.800.~~

19 ~~(19))~~ (19) "K-20 network" means the network established in RCW
20 43.105.820.

21 ~~((20) "K-20 network technical steering committee" or "committee"
22 means the K-20 network technical steering committee created in RCW
23 43.105.810.~~

24 ~~(21))~~ (19) "Local governments" includes all municipal and quasi
25 municipal corporations and political subdivisions, and all agencies of
26 such corporations and subdivisions authorized to contract separately.

27 ~~((22))~~ (20) "Oversight" means a process of comprehensive risk
28 analysis and management designed to ensure optimum use of information
29 technology resources and telecommunications.

30 ~~((23))~~ (21) "Proprietary software" means that software offered
31 for sale or license.

32 ~~((24))~~ (22) "Purchased services" means services provided by a
33 vendor to accomplish routine, continuing, and necessary functions.
34 This term includes, but is not limited to, services acquired for
35 equipment maintenance and repair, operation of a physical plant,
36 security, computer hardware and software installation and maintenance,
37 telecommunications installation and maintenance, data entry, keypunch
38 services, programming services, and computer time-sharing.

1 ~~((+25))~~ (23) "Small business" has the definition in RCW 39.29.006.
2 ~~((+26))~~ (24) "Telecommunications" means the transmission of
3 information by wire, radio, optical cable, electromagnetic, or other
4 means.
5 ~~((+27))~~ (25) "Video telecommunications" means the electronic
6 interconnection of two or more sites for the purpose of transmitting
7 and/or receiving visual and associated audio information. Video
8 telecommunications shall not include existing public television
9 broadcast stations as currently designated by the department of
10 commerce under chapter 43.330 RCW.

11 **Sec. 65.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to
12 read as follows:

13 (1) The board shall have the following powers and duties related to
14 information services:

15 (a) To develop standards and procedures governing the acquisition
16 and disposition of equipment, proprietary software and purchased
17 services, licensing of the radio spectrum by or on behalf of state
18 agencies, and confidentiality of computerized data;

19 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
20 maintain equipment, proprietary software, and purchased services, or to
21 delegate to other agencies and institutions of state government, under
22 appropriate standards, the authority to purchase, lease, rent, or
23 otherwise acquire, dispose of, and maintain equipment, proprietary
24 software, and purchased services: PROVIDED, That, agencies and
25 institutions of state government are expressly prohibited from
26 acquiring or disposing of equipment, proprietary software, and
27 purchased services without such delegation of authority. The
28 acquisition and disposition of equipment, proprietary software, and
29 purchased services is exempt from RCW 43.19.1919 and, as provided in
30 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,
31 except that the board, the department, and state agencies, as
32 delegated, must post notices of technology procurement bids on the
33 state's common vendor registration and bid notification system. This
34 subsection (1)(b) does not apply to the legislative branch;

35 (c) To develop statewide or interagency technical policies,
36 standards, and procedures;

1 (d) To review and approve standards and common specifications for
2 new or expanded telecommunications networks proposed by agencies,
3 public postsecondary education institutions, educational service
4 districts, or statewide or regional providers of K-12 information
5 technology services, and to assure the cost-effective development and
6 incremental implementation of a statewide video telecommunications
7 system to serve: Public schools; educational service districts;
8 vocational-technical institutes; community colleges; colleges and
9 universities; state and local government; and the general public
10 through public affairs programming;

11 (e) To provide direction concerning strategic planning goals and
12 objectives for the state. The board shall seek input from the
13 legislature and the judiciary;

14 (f) To develop and implement a process for the resolution of
15 appeals by:

16 (i) Vendors concerning the conduct of an acquisition process by an
17 agency or the department; or

18 (ii) A customer agency concerning the provision of services by the
19 department or by other state agency providers;

20 (g) To establish policies for the periodic review by the department
21 of agency performance which may include but are not limited to analysis
22 of:

23 (i) Planning, management, control, and use of information services;

24 (ii) Training and education; and

25 (iii) Project management;

26 (h) To set its meeting schedules and convene at scheduled times, or
27 meet at the request of a majority of its members, the chair, or the
28 director;

29 (i) To review and approve that portion of the department's budget
30 requests that provides for support to the board; and

31 (j) To develop procurement policies and procedures, such as
32 unbundled contracting and subcontracting, that encourage and facilitate
33 the purchase of products and services by state agencies and
34 institutions from Washington small businesses to the maximum extent
35 practicable and consistent with international trade agreement
36 commitments.

37 (2) Statewide technical standards to promote and facilitate

1 electronic information sharing and access are an essential component of
2 acceptable and reliable public access service and complement content-
3 related standards designed to meet those goals. The board shall:

4 (a) Establish technical standards to facilitate electronic access
5 to government information and interoperability of information systems,
6 including wireless communications systems. Local governments are
7 strongly encouraged to follow the standards established by the board;
8 and

9 (b) Require agencies to consider electronic public access needs
10 when planning new information systems or major upgrades of systems.

11 In developing these standards, the board is encouraged to include
12 the state library, state archives, and appropriate representatives of
13 state and local government.

14 (3)(a) The board(~~(, in consultation with the K-20 board,)~~) has the
15 duty to govern, operate, and oversee the technical design,
16 implementation, and operation of the K-20 network including, but not
17 limited to, the following duties: Establishment and implementation of
18 K-20 network technical policy, including technical standards and
19 conditions of use; review and approval of network design; procurement
20 of shared network services and equipment; and resolving user/provider
21 disputes concerning technical matters. The board shall delegate
22 general operational and technical oversight to the (~~(K-20 network~~
23 ~~technical steering committee)) department as appropriate.~~

24 (b) The board has the authority to adopt rules under chapter 34.05
25 RCW to implement the provisions regarding the technical operations and
26 conditions of use of the K-20 network.

27 **Sec. 66.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
28 read as follows:

29 The (~~(K-20))~~ board has the following powers and duties:

30 (1) In cooperation with the educational sectors and other
31 interested parties, to establish goals and measurable objectives for
32 the network;

33 (2) To ensure that the goals and measurable objectives of the
34 network are the basis for any decisions or recommendations regarding
35 the technical development and operation of the network;

36 (3) To adopt, modify, and implement policies to facilitate network
37 development, operation, and expansion. Such policies may include but

1 need not be limited to the following issues: Quality of educational
2 services; access to the network by recognized organizations and
3 accredited institutions that deliver educational programming, including
4 public libraries; prioritization of programming within limited
5 resources; prioritization of access to the system and the sharing of
6 technological advances; network security; identification and evaluation
7 of emerging technologies for delivery of educational programs; future
8 expansion or redirection of the system; network fee structures; and
9 costs for the development and operation of the network;

10 (4) To prepare and submit to the governor and the legislature a
11 coordinated budget for network development, operation, and expansion.
12 The budget shall include the recommendations of the ((K-20)) board on
13 (a) any state funding requested for network transport and equipment,
14 distance education facilities and hardware or software specific to the
15 use of the network, and proposed new network end sites, (b) annual
16 copayments to be charged to public educational sector institutions and
17 other public entities connected to the network, and (c) charges to
18 nongovernmental entities connected to the network;

19 (5) To adopt and monitor the implementation of a methodology to
20 evaluate the effectiveness of the network in achieving the educational
21 goals and measurable objectives;

22 (6) To authorize the release of funds from the K-20 technology
23 account under RCW 43.105.830 for network expenditures;

24 (7) To establish by rule acceptable use policies governing user
25 eligibility for participation in the K-20 network, acceptable uses of
26 network resources, and procedures for enforcement of such policies.
27 The ((K-20)) board shall set forth appropriate procedures for
28 enforcement of acceptable use policies, that may include suspension of
29 network connections and removal of shared equipment for violations of
30 network conditions or policies. ((However, the information services))
31 The board shall have sole responsibility for the implementation of
32 enforcement procedures relating to technical conditions of use.

33 **Sec. 67.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
34 read as follows:

35 The information services board shall prepare a technical plan for
36 the design and construction of the K-20 telecommunication system. The
37 board shall ensure that the technical plan adheres to the goals and

1 objectives established under RCW 43.105.041. The board shall provide
2 formal project approval and oversight during the development and
3 implementation of the K-20 telecommunications network. In approving
4 the plan, the board shall conduct a request for proposal process. The
5 technical plan shall be developed in phases as follows:

6 (1) Phase one shall provide a telecommunication backbone connecting
7 educational service districts, the main campuses of public
8 baccalaureate institutions, the branch campuses of public research
9 institutions, and the main campuses of community colleges and technical
10 colleges.

11 (2) Phase two shall provide for (a) connection to the network by
12 entities that include, but need not be limited to: School districts,
13 public higher education off-campus and extension centers, and branch
14 campuses of community colleges and technical colleges, as prioritized
15 by the K-20 telecommunications oversight and policy committee, or as
16 modified by the board; (b) distance education facilities and components
17 for entities listed in subsections (1) and (2) of this section; and (c)
18 connection for independent nonprofit institutions of higher education,
19 provided that:

20 (i) The ((K-20)) board and each independent nonprofit institution
21 of higher education to be connected agree in writing to terms and
22 conditions of connectivity. The terms and conditions shall ensure,
23 among other things, that the provision of K-20 services does not
24 violate Article VIII, section 5 of the state Constitution and that the
25 institution shall adhere to network policies; and

26 (ii) The ((K-20)) board determines that inclusion of the
27 independent nonprofit institutions of higher education will not
28 significantly affect the network's eligibility for federal universal
29 service fund discounts or subsidies.

30 (3) Subsequent phases may include, but need not be limited to,
31 connections to public libraries, state and local governments, community
32 resource centers, and the private sector.

33 **Washington Main Street Advisory Committee**

34 NEW SECTION. **Sec. 68.** RCW 43.360.040 (Washington main street
35 advisory committee) and 2005 c 514 s 911 are each repealed.

1 **Mortgage Brokers**

2 NEW SECTION. **Sec. 69.** RCW 19.146.280 (Mortgage broker
3 commission--Code of conduct--Complaint review) and 2009 c 518 s 1, 2006
4 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c
5 468 s 21 are each repealed.

6 **Sec. 70.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to
7 read as follows:

8 In accordance with the administrative procedure act, chapter 34.05
9 RCW, the director may issue rules under this chapter only (~~after~~
10 ~~seeking the advice of the mortgage broker commission and only~~) for the
11 purpose of governing the activities of licensed mortgage brokers, loan
12 originators, and other persons subject to this chapter.

13 **Oil Spill Advisory Council**

14 NEW SECTION. **Sec. 71.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 90.56.120 (Oil spill advisory council--Meetings--Travel
17 expenses and compensation) and 2006 c 372 s 907 & 2005 c 304 s 2; and

18 (2) RCW 90.56.130 (Council--Duties--Work plan--Reports) and 2005 c
19 304 s 3.

20 **Sec. 72.** RCW 90.56.005 and 2005 c 304 s 1 are each amended to read
21 as follows:

22 (1) The legislature declares that water borne transportation as a
23 source of supply for oil and hazardous substances poses special concern
24 for the state of Washington. Each year billions of gallons of crude
25 oil and refined petroleum products are transported as cargo and fuel by
26 vessels on the navigable waters of the state. These shipments are
27 expected to increase in the coming years. Vessels transporting oil
28 into Washington travel on some of the most unique and special marine
29 environments in the United States. These marine environments are a
30 source of natural beauty, recreation, and economic livelihood for many
31 residents of this state. As a result, the state has an obligation to
32 ensure the citizens of the state that the waters of the state will be
33 protected from oil spills.

1 (2) The legislature finds that prevention is the best method to
2 protect the unique and special marine environments in this state. The
3 technology for containing and cleaning up a spill of oil or hazardous
4 substances is at best only partially effective. Preventing spills is
5 more protective of the environment and more cost-effective when all the
6 response and damage costs associated with responding to a spill are
7 considered. Therefore, the legislature finds that the primary
8 objective of the state is to achieve a zero spills strategy to prevent
9 any oil or hazardous substances from entering waters of the state.

10 (3) The legislature also finds that:

11 (a) Recent accidents in Washington, Alaska, southern California,
12 Texas, Pennsylvania, and other parts of the nation have shown that the
13 transportation, transfer, and storage of oil have caused significant
14 damage to the marine environment;

15 (b) Even with the best efforts, it is nearly impossible to remove
16 all oil that is spilled into the water, and average removal rates are
17 only fourteen percent;

18 (c) Washington's navigable waters are treasured environmental and
19 economic resources that the state cannot afford to place at undue risk
20 from an oil spill;

21 (d) The state has a fundamental responsibility, as the trustee of
22 the state's natural resources and the protector of public health and
23 the environment to prevent the spill of oil; and

24 (e) In section 5002 of the federal oil pollution act of 1990, the
25 United States congress found that many people believed that complacency
26 on the part of industry and government was one of the contributing
27 factors to the Exxon Valdez spill and, further, that one method to
28 combat this complacency is to involve local citizens in the monitoring
29 and oversight of oil spill plans. Congress also found that a mechanism
30 should be established that fosters the long-term partnership of
31 industry, government, and local communities in overseeing compliance
32 with environmental concerns in the operation of crude oil terminals.
33 Moreover, congress concluded that, in addition to Alaska, a program of
34 citizen monitoring and oversight should be established in other major
35 crude oil terminals in the United States because recent oil spills
36 indicate that the safe transportation of oil is a national problem.

37 (4) In order to establish a comprehensive prevention and response

1 program to protect Washington's waters and natural resources from
2 spills of oil, it is the purpose of this chapter:

3 (a) To establish state agency expertise in marine safety and to
4 centralize state activities in spill prevention and response
5 activities;

6 (b) To prevent spills of oil and to promote programs that reduce
7 the risk of both catastrophic and small chronic spills;

8 (c) To ensure that responsible parties are liable, and have the
9 resources and ability, to respond to spills and provide compensation
10 for all costs and damages;

11 (d) To provide for state spill response and wildlife rescue
12 planning and implementation;

13 (e) To support and complement the federal oil pollution act of 1990
14 and other federal law, especially those provisions relating to the
15 national contingency plan for cleanup of oil spills and discharges,
16 including provisions relating to the responsibilities of state agencies
17 designated as natural resource trustees. The legislature intends this
18 chapter to be interpreted and implemented in a manner consistent with
19 federal law;

20 (f) To provide broad powers of regulation to the department of
21 ecology relating to spill prevention and response;

22 (g) To provide for ~~((an))~~ independent ~~((oil spill advisory council~~
23 ~~to))~~ review on an ongoing basis the adequacy of oil spill prevention,
24 preparedness, and response activities in this state; and

25 (h) To provide an adequate funding source for state response and
26 prevention programs.

27 **Sec. 73.** RCW 90.56.060 and 2005 c 304 s 4 are each amended to read
28 as follows:

29 (1) The department shall prepare and annually update a statewide
30 master oil and hazardous substance spill prevention and contingency
31 plan. In preparing the plan, the department shall consult with an
32 advisory committee representing diverse interests concerned with oil
33 and hazardous substance spills, including the United States coast
34 guard, the federal environmental protection agency, state agencies,
35 local governments, port districts, private facilities, environmental
36 organizations, oil companies, shipping companies, containment and

1 cleanup contractors, tow companies, and hazardous substance
2 manufacturers(~~(, and with the oil spill advisory council)~~).

3 (2) The state master plan prepared under this section shall at a
4 minimum:

5 (a) Take into consideration the elements of oil spill prevention
6 and contingency plans approved or submitted for approval pursuant to
7 this chapter and chapter 88.46 RCW and oil and hazardous substance
8 spill contingency plans prepared pursuant to other state or federal law
9 or prepared by federal agencies and regional entities;

10 (b) State the respective responsibilities as established by
11 relevant statutes and rules of each of the following in the prevention
12 of and the assessment, containment, and cleanup of a worst case spill
13 of oil or hazardous substances into the environment of the state: (i)
14 State agencies; (ii) local governments; (iii) appropriate federal
15 agencies; (iv) facility operators; (v) property owners whose land or
16 other property may be affected by the oil or hazardous substance spill;
17 and (vi) other parties identified by the department as having an
18 interest in or the resources to assist in the containment and cleanup
19 of an oil or hazardous substance spill;

20 (c) State the respective responsibilities of the parties identified
21 in (b) of this subsection in an emergency response;

22 (d) Identify actions necessary to reduce the likelihood of spills
23 of oil and hazardous substances;

24 (e) Identify and obtain mapping of environmentally sensitive areas
25 at particular risk to oil and hazardous substance spills;

26 (f) Establish an incident command system for responding to oil and
27 hazardous substances spills; and

28 (g) Establish a process for immediately notifying affected tribes
29 of any oil spill.

30 (3) In preparing and updating the state master plan, the department
31 shall:

32 (a) Consult with federal, provincial, municipal, and community
33 officials, other state agencies, the state of Oregon, and with
34 representatives of affected regional organizations;

35 (b) Submit the draft plan to the public for review and comment;

36 (c) Submit to the appropriate standing committees of the
37 legislature for review, not later than November 1st of each year, the
38 plan and any annual revision of the plan; and

1 (d) Require or schedule unannounced oil spill drills as required by
2 RCW 90.56.260 to test the sufficiency of oil spill contingency plans
3 approved under RCW 90.56.210.

4 (4) The department shall evaluate the functions of advisory
5 committees created by the department regarding oil spill prevention,
6 preparedness, and response programs, and shall revise or eliminate
7 those functions which are no longer necessary.

8 **Olympic Natural Resources Center Policy Advisory Board**

9 **Sec. 74.** RCW 43.30.820 and 1991 c 316 s 3 are each amended to read
10 as follows:

11 The Olympic natural resources center shall operate under the
12 authority of the board of regents of the University of Washington. It
13 shall be administered by a director appointed jointly by the deans of
14 the college of forest resources and the college of ocean and fishery
15 sciences. The director shall be a member of the faculty of one of
16 those colleges. The director shall appoint and maintain a scientific
17 or technical committee, and other committees as necessary, to advise
18 the director on the efficiency, effectiveness, and quality of the
19 center's activities.

20 ~~((A policy advisory board consisting of eleven members shall be
21 appointed by the governor to advise the deans and the director on
22 policies for the center that are consistent with the purposes of the
23 center. Membership on the policy advisory board shall broadly
24 represent the various interests concerned with the purposes of the
25 center, including state and federal government, environmental
26 organizations, local community, timber industry, and Indian tribes.~~

27 ~~Service on boards and committees of the center shall be without
28 compensation but actual travel expenses incurred in connection with
29 service to the center may be reimbursed from appropriated funds in
30 accordance with RCW 43.03.050 and 43.03.060.))~~

31 **On-site Wastewater Treatment Systems Advisory Committee**

1 NEW SECTION. **Sec. 75.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and

4 (2) RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

5 **Sec. 76.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 ~~(1) ("Advisory committee" means a group of individuals with broad
10 knowledge and experience in the design, construction, and regulation of
11 on-site wastewater treatment systems, appointed under this chapter to
12 offer recommendations to the board and the director on the
13 administration of the program established under this chapter.~~

14 ~~(2))~~ "Board" means the board of registration for professional
15 engineers and land surveyors as defined in chapter 18.43 RCW.

16 ~~((3))~~ (2) "Designer," "licensee," or "permit holder" means an
17 individual authorized under this chapter to perform design services for
18 on-site wastewater treatment systems.

19 ~~((4))~~ (3) "Director" means the director of the Washington state
20 department of licensing.

21 ~~((5))~~ (4) "Engineer" means a professional engineer licensed under
22 chapter 18.43 RCW.

23 ~~((6))~~ (5) "Practice of engineering" has the meaning set forth in
24 RCW 18.43.020(5).

25 ~~((7))~~ (6) "On-site wastewater treatment system" means an
26 integrated system of components that: Convey, store, treat, and/or
27 provide subsurface soil treatment and disposal of wastewater effluent
28 on the property where it originates or on adjacent or other property
29 and includes piping, treatment devices, other accessories, and soil
30 underlying the disposal component of the initial and reserve areas, for
31 on-site wastewater treatment under three thousand five hundred gallons
32 per day when not connected to a public sewer system.

33 ~~((8))~~ (7) "On-site wastewater design" means the development of
34 plans, details, specifications, instructions, or inspections by
35 application of specialized knowledge in analysis of soils, on-site
36 wastewater treatment systems, disposal methods, and technologies to

1 create an integrated system of collection, transport, distribution,
2 treatment, and disposal of on-site wastewater.

3 ((+9)) (8) "Local health jurisdiction" or "jurisdictional health
4 department" means an administrative agency created under chapter 70.05,
5 70.08, or 70.46 RCW, that administers the regulation and codes
6 regarding on-site wastewater treatment systems.

7 ((+10)) (9) "Practice permit" means an authorization to practice
8 granted to an individual who designs on-site wastewater treatment
9 systems and who has been authorized by a local health jurisdiction to
10 practice on or before July 1, 2000.

11 ((+11)) (10) "License" means a license to design on-site
12 wastewater treatment systems under this chapter.

13 ((+12)) (11) "Certificate of competency" means a certificate
14 issued to employees of local health jurisdictions indicating that the
15 certificate holder has passed the licensing examination required under
16 this chapter.

17 **Sec. 77.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
18 read as follows:

19 The director may:

20 (1) ~~((Appoint and reappoint members to the advisory committee,~~
21 ~~including temporary additional members, and remove committee members~~
22 ~~for just cause;~~

23 (+2)) Employ administrative, clerical, and investigative staff as
24 necessary to administer and enforce this chapter;

25 ((+3)) (2) Establish fees for applications, examinations, and
26 renewals in accordance with chapter 43.24 RCW;

27 ((+4)) (3) Issue practice permits and licenses to applicants who
28 meet the requirements of this chapter; and

29 ((+5)) (4) Exercise rule-making authority to implement this
30 section.

31 **Sec. 78.** RCW 18.210.060 and 2002 c 86 s 258 are each amended to
32 read as follows:

33 ((+1)) The board may:

34 ((+a)) (1) Adopt rules to implement this chapter including, but
35 not limited to, evaluation of experience, examinations, and scope and
36 standards of practice;

1 ~~((b))~~ (2) Administer licensing examinations; and
2 ~~((c))~~ (3) Review and approve or deny initial and renewal license
3 applications.
4 ~~((2) The board shall consider recommendations of the advisory
5 committee made in accordance with this chapter.))~~

6 **On-site Sewage Disposal Systems Alternative Systems**
7 **Technical Review Committee**

8 NEW SECTION. **Sec. 79.** RCW 70.118.100 (Alternative systems--
9 Technical review committee) and 1997 c 447 s 3 are each repealed.

10 **Sec. 80.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to
11 read as follows:

12 In order to assure that technical guidelines and standards keep
13 pace with advancing technologies, the department of health in
14 collaboration with ~~((the technical review committee,))~~ local health
15 departments~~((,))~~ and other interested parties, must review and update
16 as appropriate, the state guidelines and standards for alternative on-
17 site sewage disposal every three years. The first review and update
18 must be completed by January 1, 1999.

19 **Regional Fisheries Enhancement Group Advisory Board**

20 NEW SECTION. **Sec. 81.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 77.95.110 (Regional fisheries enhancement group advisory
23 board) and 2000 c 107 s 108; and

24 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
25 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
26 1995 c 367 s 6.

27 **Sec. 82.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
28 read as follows:

29 The department may provide start-up funds to regional fisheries
30 enhancement groups for costs associated with any enhancement project.

1 The (~~regional fisheries enhancement group advisory board and the~~)
2 commission shall develop guidelines for providing funds to the regional
3 fisheries enhancement groups.

4 **Sec. 83.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to read
5 as follows:

6 To maximize available state resources, the department and the
7 department of transportation shall work in partnership (~~with the~~
8 ~~regional fisheries enhancement group advisory board~~) to identify
9 cooperative projects to eliminate fish passage barriers caused by state
10 roads and highways. (~~The advisory board may provide input to the~~
11 ~~department to aid in identifying priority barrier removal projects that~~
12 ~~can be accomplished with the assistance of regional fisheries~~
13 ~~enhancement groups.~~) The department of transportation shall provide
14 engineering and other technical services to assist regional fisheries
15 enhancement groups with fish passage barrier removal projects, provided
16 that the barrier removal projects have been identified as a priority by
17 the department of fish and wildlife and the department of
18 transportation has received an appropriation to continue the fish
19 barrier removal program.

20 **Sec. 84.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to
21 read as follows:

22 The department shall (~~coordinate with the regional fisheries~~
23 ~~enhancement group advisory board to~~) field test coho and chinook
24 salmon remote site incubators. The purpose of field testing efforts
25 shall be to gather conclusive scientific data on the effectiveness of
26 coho and chinook remote site incubators.

27 **State Solid Waste Advisory Committee**

28 NEW SECTION. **Sec. 85.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 70.95.040 (Solid waste advisory committee--Members--
31 Meetings--Travel expenses--"Governor's award of excellence.") and 1991
32 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

1 (2) RCW 70.95.050 (Solid waste advisory committee--Staff services
2 and facilities) and 1969 ex.s. c 134 s 5;

3 (3) RCW 70.95.070 (Review of standards prior to adoption--
4 Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s.
5 c 41 s 4 & 1969 ex.s. c 134 s 7; and

6 (4) RCW 70.105.060 (Review of rules, regulations, criteria and fee
7 schedules) and 1975-'76 2nd ex.s. c 101 s 6.

8 **Sec. 86.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to read
9 as follows:

10 As used in this chapter, unless the context indicates otherwise:

11 (1) "City" means every incorporated city and town.

12 (2) "Commission" means the utilities and transportation commission.

13 (3) (~~("Committee" means the state solid waste advisory committee.~~

14 ~~(4))~~) "Composted material" means organic solid waste that has been
15 subjected to controlled aerobic degradation at a solid waste facility
16 in compliance with the requirements of this chapter. Natural decay of
17 organic solid waste under uncontrolled conditions does not result in
18 composted material.

19 ~~((5))~~ (4) "Department" means the department of ecology.

20 ~~((6))~~ (5) "Director" means the director of the department of
21 ecology.

22 ~~((7))~~ (6) "Disposal site" means the location where any final
23 treatment, utilization, processing, or deposit of solid waste occurs.

24 ~~((8))~~ (7) "Energy recovery" means a process operating under
25 federal and state environmental laws and regulations for converting
26 solid waste into usable energy and for reducing the volume of solid
27 waste.

28 ~~((9))~~ (8) "Functional standards" means criteria for solid waste
29 handling expressed in terms of expected performance or solid waste
30 handling functions.

31 ~~((10))~~ (9) "Incineration" means a process of reducing the volume
32 of solid waste operating under federal and state environmental laws and
33 regulations by use of an enclosed device using controlled flame
34 combustion.

35 ~~((11))~~ (10) "Inert waste landfill" means a landfill that receives
36 only inert waste, as determined under RCW 70.95.065, and includes
37 facilities that use inert wastes as a component of fill.

1 ~~((+12+))~~ (11) "Jurisdictional health department" means city,
2 county, city-county, or district public health department.

3 ~~((+13+))~~ (12) "Landfill" means a disposal facility or part of a
4 facility at which solid waste is placed in or on land and which is not
5 a land treatment facility.

6 ~~((+14+))~~ (13) "Local government" means a city, town, or county.

7 ~~((+15+))~~ (14) "Modify" means to substantially change the design or
8 operational plans including, but not limited to, removal of a design
9 element previously set forth in a permit application or the addition of
10 a disposal or processing activity that is not approved in the permit.

11 ~~((+16+))~~ (15) "Multiple family residence" means any structure
12 housing two or more dwelling units.

13 ~~((+17+))~~ (16) "Person" means individual, firm, association,
14 copartnership, political subdivision, government agency, municipality,
15 industry, public or private corporation, or any other entity
16 whatsoever.

17 ~~((+18+))~~ (17) "Recyclable materials" means those solid wastes that
18 are separated for recycling or reuse, such as papers, metals, and
19 glass, that are identified as recyclable material pursuant to a local
20 comprehensive solid waste plan. Prior to the adoption of the local
21 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
22 local governments may identify recyclable materials by ordinance from
23 July 23, 1989.

24 ~~((+19+))~~ (18) "Recycling" means transforming or remanufacturing
25 waste materials into usable or marketable materials for use other than
26 landfill disposal or incineration.

27 ~~((+20+))~~ (19) "Residence" means the regular dwelling place of an
28 individual or individuals.

29 ~~((+21+))~~ (20) "Sewage sludge" means a semisolid substance
30 consisting of settled sewage solids combined with varying amounts of
31 water and dissolved materials, generated from a wastewater treatment
32 system, that does not meet the requirements of chapter 70.95J RCW.

33 ~~((+22+))~~ (21) "Soil amendment" means any substance that is intended
34 to improve the physical characteristics of the soil, except composted
35 material, commercial fertilizers, agricultural liming agents,
36 unmanipulated animal manures, unmanipulated vegetable manures, food
37 wastes, food processing wastes, and materials exempted by rule of the

1 department, such as biosolids as defined in chapter 70.95J RCW and
2 wastewater as regulated in chapter 90.48 RCW.

3 ((+23+)) (22) "Solid waste" or "wastes" means all putrescible and
4 nonputrescible solid and semisolid wastes including, but not limited
5 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
6 demolition and construction wastes, abandoned vehicles or parts
7 thereof, and recyclable materials.

8 ((+24+)) (23) "Solid waste handling" means the management, storage,
9 collection, transportation, treatment, utilization, processing, and
10 final disposal of solid wastes, including the recovery and recycling of
11 materials from solid wastes, the recovery of energy resources from
12 solid wastes or the conversion of the energy in solid wastes to more
13 useful forms or combinations thereof.

14 ((+25+)) (24) "Source separation" means the separation of different
15 kinds of solid waste at the place where the waste originates.

16 ((+26+)) (25) "Vehicle" includes every device physically capable of
17 being moved upon a public or private highway, road, street, or
18 watercourse and in, upon, or by which any person or property is or may
19 be transported or drawn upon a public or private highway, road, street,
20 or watercourse, except devices moved by human or animal power or used
21 exclusively upon stationary rails or tracks.

22 ((+27+)) (26) "Waste-derived soil amendment" means any soil
23 amendment as defined in this chapter that is derived from solid waste
24 as defined in ((~~RCW 70.95.030~~)) this section, but does not include
25 biosolids or biosolids products regulated under chapter 70.95J RCW or
26 wastewaters regulated under chapter 90.48 RCW.

27 ((+28+)) (27) "Waste reduction" means reducing the amount or
28 toxicity of waste generated or reusing materials.

29 ((+29+)) (28) "Yard debris" means plant material commonly created
30 in the course of maintaining yards and gardens, and through
31 horticulture, gardening, landscaping, or similar activities. Yard
32 debris includes but is not limited to grass clippings, leaves,
33 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
34 garden debris, holiday trees, and tree prunings four inches or less in
35 diameter.

36 **Sec. 87.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
37 read as follows:

1 (1) The department of ecology shall develop and implement an
2 environmental excellence awards program that recognizes products that
3 are produced, labeled, or packaged in a manner that helps ensure
4 environmental protection. The award shall be in recognition of
5 products that are made from recycled materials, easy to recycle,
6 substitute for more hazardous products, or otherwise help protect the
7 environment. Application for the award shall be voluntary. The awards
8 may be made in a variety of product categories including, but not
9 limited to:

- 10 (a) Paint products;
- 11 (b) Cleaning products;
- 12 (c) Pest control products;
- 13 (d) Automotive, marine, and related maintenance products;
- 14 (e) Hobby and recreation products; and
- 15 (f) Any other product available for retail or wholesale sale.

16 ~~(2) ((The state solid waste advisory committee shall establish an
17 environmental excellence product award subcommittee to develop and
18 recommend criteria for awarding environmental excellence awards for
19 products. The subcommittee shall also review award applications and
20 make recommendations to the department. The subcommittee shall consist
21 of equal representation of: (a) Product manufacturing or other
22 business representatives; (b) environmental representatives; (c) labor
23 or consumer representatives; and (d) independent technical experts.
24 Members of the subcommittee need not necessarily be regular members of
25 the state solid waste advisory committee.~~

26 ~~(3))~~ Products receiving an environmental excellence award pursuant
27 to this section shall be entitled to display a logo or other symbol
28 developed by the department to signify the award. Awards shall be
29 given each year to as many products as qualify. The award logo may be
30 displayed for a period to be determined by the department.

31 **Sec. 88.** RCW 70.105.010 and 2009 c 549 s 1027 are each amended to
32 read as follows:

33 The words and phrases defined in this section shall have the
34 meanings indicated when used in this chapter unless the context clearly
35 requires otherwise.

36 (1) "Dangerous wastes" means any discarded, useless, unwanted, or
37 abandoned substances, including but not limited to certain pesticides,

1 or any residues or containers of such substances which are disposed of
2 in such quantity or concentration as to pose a substantial present or
3 potential hazard to human health, wildlife, or the environment because
4 such wastes or constituents or combinations of such wastes:

5 (a) Have short-lived, toxic properties that may cause death,
6 injury, or illness or have mutagenic, teratogenic, or carcinogenic
7 properties; or

8 (b) Are corrosive, explosive, flammable, or may generate pressure
9 through decomposition or other means.

10 (2) "Department" means the department of ecology.

11 (3) "Designated zone facility" means any facility that requires an
12 interim or final status permit under rules adopted under this chapter
13 and that is not a preempted facility as defined in this section.

14 (4) "Director" means the director of the department of ecology or
15 the director's designee.

16 (5) "Disposal site" means a geographical site in or upon which
17 hazardous wastes are disposed of in accordance with the provisions of
18 this chapter.

19 (6) "Dispose or disposal" means the discarding or abandoning of
20 hazardous wastes or the treatment, decontamination, or recycling of
21 such wastes once they have been discarded or abandoned.

22 (7) "Extremely hazardous waste" means any dangerous waste
23 which(~~(+)~~):

24 (a) Will persist in a hazardous form for several years or more at
25 a disposal site and which in its persistent form

26 (i) Presents a significant environmental hazard and may be
27 concentrated by living organisms through a food chain or may affect the
28 genetic make-up of human beings or wildlife, and

29 (ii) Is highly toxic to human beings or wildlife

30 (b) If disposed of at a disposal site in such quantities as would
31 present an extreme hazard to human beings or the environment.

32 (8) "Facility" means all contiguous land and structures, other
33 appurtenances, and improvements on the land used for recycling,
34 storing, treating, incinerating, or disposing of hazardous waste.

35 (9) "Hazardous household substances" means those substances
36 identified by the department as hazardous household substances in the
37 guidelines developed under RCW 70.105.220.

1 (10) "Hazardous substances" means any liquid, solid, gas, or
2 sludge, including any material, substance, product, commodity, or
3 waste, regardless of quantity, that exhibits any of the characteristics
4 or criteria of hazardous waste as described in rules adopted under this
5 chapter.

6 (11) "Hazardous waste" means and includes all dangerous and
7 extremely hazardous waste, including substances composed of both
8 radioactive and hazardous components.

9 (12) "Local government" means a city, town, or county.

10 (13) "Moderate-risk waste" means (a) any waste that exhibits any of
11 the properties of hazardous waste but is exempt from regulation under
12 this chapter solely because the waste is generated in quantities below
13 the threshold for regulation, and (b) any household wastes which are
14 generated from the disposal of substances identified by the department
15 as hazardous household substances.

16 (14) "Person" means any person, firm, association, county, public
17 or municipal or private corporation, agency, or other entity
18 whatsoever.

19 (15) "Pesticide" shall have the meaning of the term as defined in
20 RCW 15.58.030 as now or hereafter amended.

21 (16) "Preempted facility" means any facility that includes as a
22 significant part of its activities any of the following operations:
23 (a) Landfill, (b) incineration, (c) land treatment, (d) surface
24 impoundment to be closed as a landfill, or (e) waste pile to be closed
25 as a landfill.

26 (17) "Service charge" means an assessment imposed under RCW
27 70.105.280 against those facilities that store, treat, incinerate, or
28 dispose of dangerous or extremely hazardous waste that contains both a
29 nonradioactive hazardous component and a radioactive component.
30 Service charges shall also apply to facilities undergoing closure under
31 this chapter in those instances where closure entails the physical
32 characterization of remaining wastes which contain both a
33 nonradioactive hazardous component and a radioactive component or the
34 management of such wastes through treatment or removal, except any
35 commercial low-level radioactive waste facility.

36 ~~((18) "Solid waste advisory committee" means the same advisory
37 committee as per RCW 70.95.040 through 70.95.070.))~~

1 **Sec. 89.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
2 read as follows:

3 The department shall conduct a study to determine the best
4 management practices for categories of waste for the priority waste
5 management methods established in RCW 70.105.150, with due
6 consideration in the course of the study to sound environmental
7 management and available technology. As an element of the study, the
8 department shall review methods that will help achieve the priority of
9 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed
10 rules, the department shall conduct public hearings regarding the best
11 management practices for the various waste categories studied by the
12 department. After conducting the study, the department shall prepare
13 new rules or modify existing rules as appropriate to promote
14 implementation of the priorities established in RCW 70.105.150 for
15 management practices which assure use of sound environmental management
16 techniques and available technology. The preliminary study shall be
17 completed by July 1, 1986, and the rules shall be adopted by July 1,
18 1987. (~~The solid waste advisory committee shall review the studies
19 and the new or modified rules.~~)

20 The studies shall be updated at least once every five years. The
21 funding for these studies shall be from the hazardous waste control and
22 elimination account, subject to legislative appropriation.

23 **Special License Plate Review Board**

24 NEW SECTION. **Sec. 90.** RCW 46.16.705 (Special license plate
25 review board--Created) and 2005 c 319 s 117 & 2003 c 196 s 101 are each
26 repealed.

27 **Sec. 91.** RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401
28 are each reenacted and amended to read as follows:

29 (1) Except for those license plates issued under RCW 46.16.305(1)
30 before January 1, 1987, under RCW 46.16.305(3), and to commercial
31 vehicles with a gross weight in excess of twenty-six thousand pounds,
32 effective with vehicle registrations due or to become due on January 1,
33 2001, the appearance of the background of all vehicle license plates
34 may vary in color and design but must be legible and clearly

1 identifiable as a Washington state license plate, as designated by the
2 department. Additionally, to ensure maximum legibility and
3 reflectivity, the department shall periodically provide for the
4 replacement of license plates, except for commercial vehicles with a
5 gross weight in excess of twenty-six thousand pounds. Frequency of
6 replacement shall be established in accordance with empirical studies
7 documenting the longevity of the reflective materials used to make
8 license plates.

9 (2) Special license plate series approved by the special license
10 plate review board created under RCW 46.16.705 and enacted by the
11 legislature prior to June 30, 2010, may display a symbol or artwork
12 approved by the special license plate review board. Beginning July 1,
13 2010, special license plate series approved by the department and
14 enacted into law by the legislature may display a symbol or artwork
15 approved by the department.

16 (3) By November 1, 2003, in providing for the periodic replacement
17 of license plates, the department shall offer to vehicle owners the
18 option of retaining their current license plate numbers. The
19 department shall charge a retention fee of twenty dollars if this
20 option is exercised. Revenue generated from the retention fee must be
21 deposited into the multimodal transportation account.

22 **Sec. 92.** RCW 46.16.316 and 2005 c 210 s 2 are each amended to read
23 as follows:

24 Except as provided in RCW 46.16.305:

25 (1) When a person who has been issued a special license plate or
26 plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or
27 46.16.301 as it existed before amendment by section 5, chapter 291,
28 Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by
29 the former special license plate review board (~~(under RCW 46.16.715~~
30 ~~through 46.16.775)); or (c) under RCW 46.16.601 sells, trades, or~~
31 otherwise transfers or releases ownership of the vehicle upon which the
32 special license plate or plates have been displayed, he or she shall
33 immediately report the transfer of such plate or plates to an acquired
34 vehicle or vehicle eligible for such plates pursuant to departmental
35 rule, or he or she shall surrender such plates to the department
36 immediately if such surrender is required by departmental rule. If a
37 person applies for a transfer of the plate or plates to another

1 eligible vehicle, a transfer fee of ten dollars shall be charged in
2 addition to all other applicable fees. Such transfer fees shall be
3 deposited in the motor vehicle fund. Failure to surrender the plates
4 when required is a traffic infraction.

5 (2) If the special license plate or plates issued by the department
6 become lost, defaced, damaged, or destroyed, application for a
7 replacement special license plate or plates shall be made and fees paid
8 as provided by law for the replacement of regular license plates.

9 **Sec. 93.** RCW 46.16.715 and 2005 c 319 s 118 are each amended to
10 read as follows:

11 ~~((1) The board shall meet periodically at the call of the chair,
12 but must meet at least one time each year within ninety days before an
13 upcoming regular session of the legislature. The board may adopt its
14 own rules and may establish its own procedures. It shall act
15 collectively in harmony with recorded resolutions or motions adopted by
16 a majority vote of the members, and it must have a quorum present to
17 take a vote on a special license plate application.~~

18 ~~(2) The board will be compensated from the general appropriation
19 for the department of licensing in accordance with RCW 43.03.250. Each
20 board member will be compensated in accordance with RCW 43.03.250 and
21 reimbursed for actual necessary traveling and other expenses in going
22 to, attending, and returning from meetings of the board or that are
23 incurred in the discharge of duties requested by the chair. However,
24 in no event may a board member be compensated in any year for more than
25 one hundred twenty days, except the chair may be compensated for not
26 more than one hundred fifty days. Service on the board does not
27 qualify as a service credit for the purposes of a public retirement
28 system.~~

29 ~~(3) The board shall keep proper records and is subject to audit by
30 the state auditor or other auditing entities.~~

31 ~~(4)) The department of licensing shall ((provide administrative
32 support to the board, which must include at least the following)):~~

33 ~~((a) Provide general staffing to meet the administrative needs of
34 the board;~~

35 ~~(b) Report to the board on the reimbursement status of any new
36 special license plate series for which the state had to pay the start-
37 up costs;~~

1 ~~(e))~~ (1) Process special license plate applications and confirm
2 that the sponsoring organization has submitted all required
3 documentation. If an incomplete application is received, the
4 department must return it to the sponsoring organization; and

5 ~~((d))~~ (2) Compile the annual financial reports submitted by
6 sponsoring organizations with active special license plate series (~~and~~
7 ~~present those reports to the board for review and approval~~)).

8 **Sec. 94.** RCW 46.16.725 and 2009 c 470 s 710 are each amended to
9 read as follows:

10 ~~(1) ((The creation of the board does not in any way preclude the~~
11 ~~authority of the legislature to independently propose and enact special~~
12 ~~license plate legislation.~~

13 ~~(2))~~ The ~~((board))~~ department must review and either approve or
14 reject special license plate applications submitted by sponsoring
15 organizations.

16 ~~((3))~~ (2) Duties of the ~~((board))~~ department include but are not
17 limited to the following:

18 (a) Review and approve the annual financial reports submitted by
19 sponsoring organizations with active special license plate series and
20 present those annual financial reports to the senate and house
21 transportation committees;

22 (b) Report annually to the senate and house transportation
23 committees on the special license plate applications that were
24 considered by the ~~((board))~~ department;

25 (c) Issue approval and rejection notification letters to sponsoring
26 organizations, ~~((the department,))~~ the chairs of the senate and house
27 of representatives transportation committees, and the legislative
28 sponsors identified in each application. The letters must be issued
29 within seven days of making a determination on the status of an
30 application;

31 (d) Review annually the number of plates sold for each special
32 license plate series created after January 1, 2003. The ~~((board))~~
33 department may submit a recommendation to discontinue a special plate
34 series to the chairs of the senate and house of representatives
35 transportation committees(~~(+~~

36 ~~(e) Provide policy guidance and directions to the department~~

1 ~~concerning the adoption of rules necessary to limit the number of~~
2 ~~special license plates that an organization or a governmental entity~~
3 ~~may apply for)).~~

4 ((+4)) (3) Except as provided in chapter 72, Laws of 2008, in
5 order to assess the effects and impact of the proliferation of special
6 license plates, the legislature declares a temporary moratorium on the
7 issuance of any additional plates until July 1, 2011. During this
8 period of time, ~~((the special license plate review board created in RCW~~
9 ~~46.16.705 and))~~ the department of licensing ~~((are))~~ is prohibited from
10 accepting, reviewing, processing, or approving any applications.
11 Additionally, no special license plate may be enacted by the
12 legislature during the moratorium, unless the proposed license plate
13 has been approved by the board before February 15, 2005.

14 **Sec. 95.** RCW 46.16.745 and 2005 c 210 s 8 are each amended to read
15 as follows:

16 (1) A sponsoring organization meeting the requirements of RCW
17 46.16.735, applying for the creation of a special license plate ~~((to~~
18 ~~the special license plate review board))~~ must, on an application
19 supplied by the department, provide the minimum application
20 requirements in subsection (2) of this section.

21 (2) The sponsoring organization shall:

22 (a) Submit prepayment of all start-up costs associated with the
23 creation and implementation of the special license plate in an amount
24 determined by the department. The department shall place this money
25 into the special license plate applicant trust account created under
26 RCW 46.16.755~~((+4))~~ (3);

27 (b) Provide a proposed license plate design;

28 (c) Provide a marketing strategy outlining short and long-term
29 marketing plans for each special license plate and a financial analysis
30 outlining the anticipated revenue and the planned expenditures of the
31 revenues derived from the sale of the special license plate;

32 (d) Provide a signature of a legislative sponsor and proposed
33 legislation creating the special license plate;

34 (e) Provide proof of organizational qualifications as determined by
35 the department as provided for in RCW 46.16.735;

36 (f) Provide signature sheets that include signatures from
37 individuals who intend to purchase the special license plate and the

1 number of plates each individual intends to purchase. The sheets must
2 reflect a minimum of three thousand five hundred intended purchases of
3 the special license plate.

4 (3) After an application is approved by the (~~special license plate~~
5 ~~review board~~) department, the application need not be reviewed again
6 (~~by the board~~) for a period of three years.

7 **Sec. 96.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to read
8 as follows:

9 (1)(a) Revenues generated from the sale of special license plates
10 for those sponsoring organizations who used the application process in
11 RCW 46.16.745(~~(+3)~~) must be deposited into the motor vehicle account
12 until the department determines that the state's implementation costs
13 have been fully reimbursed. The department shall apply the application
14 fee required under RCW 46.16.745(~~(+3)(a)~~) towards those costs.

15 (b) When it is determined that the state has been fully reimbursed
16 the department must notify the house of representatives and senate
17 transportation committees, the sponsoring organization, and the
18 treasurer, and commence the distribution of the revenue as otherwise
19 provided by law.

20 (2) If reimbursement does not occur within two years from the date
21 the plate is first offered for sale to the public, the special license
22 plate series must be placed in probationary status for a period of one
23 year from that date. If the state is still not fully reimbursed for
24 its implementation costs after the one-year probation, the plate series
25 must be discontinued immediately. Special plates issued before
26 discontinuation are valid until replaced under RCW 46.16.233.

27 (3) The special license plate applicant trust account is created in
28 the custody of the state treasurer. All receipts from special license
29 plate applicants, except the application fee as provided in RCW
30 46.16.745(~~(+3)~~), must be deposited into the account. Only the
31 director of the department or the director's designee may authorize
32 disbursements from the account. The account is not subject to the
33 allotment procedures under chapter 43.88 RCW, nor is an appropriation
34 required for disbursements.

35 (4) The department shall provide the special license plate
36 applicant with a written receipt for the payment.

1 (5) The department shall maintain a record of each special license
2 plate applicant trust account deposit, including, but not limited to,
3 the name and address of each special license plate applicant whose
4 funds are being deposited, the amount paid, and the date of the
5 deposit.

6 (6) After the department receives written notice that the special
7 license plate applicant's application has been:

8 (a) Approved by the legislature, the director shall request that
9 the money be transferred to the motor vehicle account;

10 (b) Denied by the (~~special license plate review board~~) department
11 or the legislature, the director shall provide a refund to the
12 applicant within thirty days; or

13 (c) Withdrawn by the special license plate applicant, the director
14 shall provide a refund to the applicant within thirty days.

15 **Sec. 97.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to
16 read as follows:

17 (1) A special license plate series created by the legislature after
18 January 1, (~~2004~~) 2011, that has not been reviewed and approved by
19 the (~~special license plate review board~~) department is subject to the
20 following requirements:

21 (a) The organization sponsoring the license plate series shall,
22 within thirty days of enactment of the legislation creating the plate
23 series, submit prepayment of all start-up costs associated with the
24 creation and implementation of the special license plate in an amount
25 determined by the department. The prepayment will be credited to the
26 motor vehicle fund. The creation and implementation of the plate
27 series may not commence until payment is received by the department.

28 (b) If the sponsoring organization is not able to meet the
29 prepayment requirements in (a) of this subsection and can demonstrate
30 this fact to the satisfaction of the department, the revenues generated
31 from the sale of the special license plates must be deposited in the
32 motor vehicle account until the department determines that the state's
33 portion of the implementation costs have been fully reimbursed. When
34 it is determined that the state has been fully reimbursed the
35 department must notify the treasurer to commence distribution of the
36 revenue according to statutory provisions.

1 (c) The sponsoring organization must provide a proposed license
2 plate design to the department within thirty days of enactment of the
3 legislation creating the plate series.

4 (2) The state must be reimbursed for its portion of the
5 implementation costs within two years from the date the new plate
6 series goes on sale to the public. If the reimbursement does not occur
7 within the two-year time frame, the special license plate series must
8 be placed in probationary status for a period of one year from that
9 date. If the state is still not fully reimbursed for its
10 implementation costs after the one-year probation, the plate series
11 must be discontinued immediately. Those plates issued before
12 discontinuation are valid until replaced under RCW 46.16.233.

13 (3) If the sponsoring organization ceases to exist or the purpose
14 of the special plate series ceases to exist, revenues generated from
15 the sale of the special license plates must be deposited into the motor
16 vehicle account.

17 (4) A sponsoring organization may not seek to redesign their plate
18 series until all of the existing inventory is sold or purchased by the
19 organization itself. All cost for redesign of a plate series must be
20 paid by the sponsoring organization.

21 **Sec. 98.** RCW 46.16.30901 and 2004 c 35 s 1 are each amended to
22 read as follows:

23 The department shall issue a special license plate displaying a
24 symbol, approved by the special license plate review board before June
25 30, 2010, for professional firefighters and paramedics who are members
26 of the Washington State Council of Firefighters. Upon initial
27 application and subsequent renewals, applicants must show proof of
28 eligibility by providing a certificate of current membership from the
29 Washington State Council of Firefighters. The special license plate
30 may be used in lieu of regular or personalized license plates for
31 vehicles required to display one or two vehicle license plates,
32 excluding vehicles registered under chapter 46.87 RCW, upon the terms
33 and conditions established by the department.

34 **Sec. 99.** RCW 46.16.30903 and 2004 c 48 s 1 are each amended to
35 read as follows:

36 ~~((1) The legislature recognizes the Helping Kids Speak license~~

1 ~~plate has been reviewed by the special license plate review board under~~
2 ~~RCW 46.16.725, and found to fully comply with all provisions of RCW~~
3 ~~46.16.715 through 46.16.775.~~

4 (2)) The department shall issue a special license plate displaying
5 a symbol, as approved by the special license plate review board before
6 June 30, 2010, recognizing an organization that supports programs that
7 provide no-cost speech pathology programs to children. The special
8 license plate may be used in lieu of regular or personalized license
9 plates for vehicles required to display one or two vehicle license
10 plates, excluding vehicles registered under chapter 46.87 RCW, upon
11 terms and conditions established by the department. The special plates
12 will commemorate an organization that supports programs that provide
13 free diagnostic and therapeutic services to children who have a severe
14 delay in language or speech development.

15 **Sec. 100.** RCW 46.16.30905 and 2004 c 221 s 1 are each amended to
16 read as follows:

17 ~~((1) The legislature recognizes that the law enforcement memorial~~
18 ~~license plate has been reviewed by the special license plate review~~
19 ~~board as specified in chapter 196, Laws of 2003, and was found to fully~~
20 ~~comply with all provisions of chapter 196, Laws of 2003.~~

21 (2)) The department shall issue a special license plate displaying
22 a symbol, as approved by the special license plate review board before
23 June 30, 2010, honoring law enforcement officers in Washington killed
24 in the line of duty. The special license plate may be used in lieu of
25 regular or personalized license plates for vehicles required to display
26 one or two vehicle license plates, excluding vehicles registered under
27 chapter 46.87 RCW, upon the terms and conditions established by the
28 department.

29 **Sec. 101.** RCW 46.16.30907 and 2005 c 42 s 1 are each amended to
30 read as follows:

31 ~~((1) The legislature recognizes that the Washington's Wildlife~~
32 ~~license plate collection, to include three distinct designs including~~
33 ~~bear, deer, and elk, has been reviewed by the special license plate~~
34 ~~review board under RCW 46.16.725 and was found to fully comply with all~~
35 ~~provisions of RCW 46.16.715 through 46.16.775.~~

1 (2)) The department shall issue a special license plate collection
2 displaying a symbol or artwork, as approved by the special license
3 plate review board and the legislature before June 30, 2010,
4 recognizing Washington's wildlife, that may be used in lieu of regular
5 or personalized license plates for vehicles required to display one or
6 two vehicle license plates, excluding vehicles registered under chapter
7 46.87 RCW, upon terms and conditions established by the department.

8 **Sec. 102.** RCW 46.16.30909 and 2005 c 44 s 1 are each amended to
9 read as follows:

10 ~~((1) The legislature recognizes that the Washington state parks
11 and recreation commission license plate application has been reviewed
12 by the special license plate review board under RCW 46.16.725 and was
13 found to fully comply with all provisions of RCW 46.16.715 through
14 46.16.775.~~

15 (2)) The department shall issue a special license plate displaying
16 a symbol or artwork, as approved by the special license plate review
17 board and the legislature before June 30, 2010, recognizing Washington
18 state parks as premier destinations of uncommon quality that preserve
19 significant natural, cultural, historical, and recreational resources,
20 that may be used in lieu of regular or personalized license plates for
21 vehicles required to display one and two vehicle license plates,
22 excluding vehicles registered under chapter 46.87 RCW, upon terms and
23 conditions established by the department.

24 **Sec. 103.** RCW 46.16.30911 and 2005 c 48 s 1 are each amended to
25 read as follows:

26 ~~((1) The legislature recognizes that the "Washington Lighthouses"
27 license plate has been reviewed by the special license plate review
28 board under RCW 46.16.725, and found to fully comply with RCW 46.16.715
29 through 46.16.775.~~

30 (2)) The department shall issue a special license plate displaying
31 a symbol or artwork, as approved by the special license plate review
32 board and the legislature before June 30, 2010, recognizing an
33 organization that supports selected Washington state lighthouses and
34 provides environmental education programs. The special license plate
35 may be used in lieu of regular or personalized license plates for

1 vehicles required to display one or two vehicle license plates,
2 excluding vehicles registered under chapter 46.87 RCW, upon terms and
3 conditions established by the department.

4 **Sec. 104.** RCW 46.16.30913 and 2005 c 53 s 1 are each amended to
5 read as follows:

6 ~~((1) The legislature recognizes that the "Keep Kids Safe" license
7 plate has been reviewed and approved by the special license plate
8 review board under RCW 46.16.725, and found to fully comply with all
9 provisions of RCW 46.16.715 through 46.16.775.~~

10 (2)) The department shall issue a special license plate displaying
11 artwork, as approved by the special license plate review board before
12 June 30, 2010, recognizing efforts to prevent child abuse and neglect.
13 The special license plate may be used in lieu of regular or
14 personalized license plates for vehicles required to display one or two
15 vehicle license plates, excluding vehicles registered under chapter
16 46.87 RCW, upon terms and conditions established by the department.

17 **Sec. 105.** RCW 46.16.30914 and 2005 c 71 s 1 are each amended to
18 read as follows:

19 ~~((1) The legislature recognizes that the "we love our pets"
20 license plate has been reviewed by the special license plate review
21 board under RCW 46.16.725, and found to fully comply with all
22 provisions of RCW 46.16.715 through 46.16.775.~~

23 (2)) The department shall issue a special license plate displaying
24 a symbol or artwork, as approved by the special license plate review
25 board before June 30, 2010, recognizing an organization that assists
26 local member agencies of the federation of animal welfare and control
27 agencies to promote and perform spay/neuter surgery on Washington state
28 pets, in order to reduce pet overpopulation. The special license plate
29 may be used in lieu of regular or personalized license plates for
30 vehicles required to display one or two vehicle license plates,
31 excluding vehicles registered under chapter 46.87 RCW, upon terms and
32 conditions established by the department.

33 **Sec. 106.** RCW 46.16.30916 and 2005 c 85 s 1 are each amended to
34 read as follows:

35 ~~((1) The legislature recognizes that the Gonzaga University alumni~~

1 ~~association license plate has been reviewed by the special license~~
2 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
3 ~~all provisions of RCW 46.16.715 through 46.16.775.~~

4 (2)) The department shall issue a special license plate displaying
5 a symbol or artwork, as approved by the special license plate review
6 board before June 30, 2010, recognizing the Gonzaga University alumni
7 association. The special license plate may be used in lieu of regular
8 or personalized license plates for vehicles required to display one or
9 two vehicle license plates, excluding vehicles registered under chapter
10 46.87 RCW, upon terms and conditions established by the department.

11 **Sec. 107.** RCW 46.16.30918 and 2005 c 177 s 1 are each amended to
12 read as follows:

13 ~~((1) The legislature recognizes that the "Washington's National~~
14 ~~Park Fund" license plate has been reviewed by the special license plate~~
15 ~~review board under RCW 46.16.725, and found to fully comply with RCW~~
16 ~~46.16.715 through 46.16.775.~~

17 (2)) The department shall issue a special license plate displaying
18 a symbol or artwork, as approved by the special license plate review
19 board and the legislature before June 30, 2010, recognizing
20 Washington's National Park Fund, that may be used in lieu of regular or
21 personalized license plates for vehicles required to display one or two
22 vehicle license plates, excluding vehicles registered under chapter
23 46.87 RCW, upon terms and conditions established by the department.

24 **Sec. 108.** RCW 46.16.30920 and 2008 c 183 s 1 are each amended to
25 read as follows:

26 ~~((1) The legislature recognizes that the armed forces license~~
27 ~~plate collection has been reviewed and approved by the special license~~
28 ~~plate review board.~~

29 (2)) The department shall issue a special license plate
30 collection, as approved by the special license plate review board and
31 the legislature before June 30, 2010, recognizing the contribution of
32 veterans, active duty military personnel, reservists, and members of
33 the national guard. The collection includes six separate designs, each
34 containing a symbol representing a different branch of the armed forces
35 to include army, navy, air force, marine corps, coast guard, and
36 national guard.

1 ((+3)) (2) Armed forces special license plates may be used in lieu
2 of regular or personalized license plates for vehicles required to
3 display one and two vehicle license plates, excluding vehicles
4 registered under chapter 46.87 RCW, upon terms and conditions
5 established by the department.

6 ((+4)) (3) Upon request, the department must make available to the
7 purchaser, at no additional cost, a decal indicating the purchaser's
8 military status. The department must work with the department of
9 veterans affairs to establish a list of the decals to be made
10 available. The list of available decals must include, but is not
11 limited to, "veteran," "disabled veteran," "reservist," "retiree," or
12 "active duty." The department may specify where the decal may be
13 placed on the license plate. Decals are required to be made available
14 only for standard six-inch by twelve-inch license plates.

15 ((+5)) (4) Armed forces license plates and decals are available
16 only to veterans as defined in RCW 41.04.007, active duty military
17 personnel, reservists, members of the national guard, and the families
18 of veterans and service members. Upon initial application, any
19 purchaser requesting an armed forces license plate and decal will be
20 required to show proof of eligibility by providing: A DD-214 or
21 discharge papers if a veteran; a military identification or retired
22 military identification card; or a declaration of fact attesting to the
23 purchaser's eligibility as required under this section. "Family" or
24 "families" means an individual's spouse, child, parent, sibling, aunt,
25 uncle, or cousin. A child includes stepchild, adopted child, foster
26 child, grandchild, and son or daughter-in-law. A parent includes
27 stepparent, grandparent, and in-laws. A sibling includes brother, half
28 brother, stepbrother, sister, half sister, stepsister, and brother or
29 sister-in-law.

30 ((+6)) (5) The department of veterans affairs must enter into an
31 agreement with the department to reimburse the department for the costs
32 associated with providing military status decals described in
33 subsection ((+4)) (3) of this section.

34 ((+7)) (6) Armed forces license plates are not available free of
35 charge to disabled veterans, former prisoners of war, or spouses of
36 deceased former prisoners of war under the privileges defined in RCW
37 73.04.110 and 73.04.115.

1 **Sec. 109.** RCW 46.16.30922 and 2005 c 220 s 1 are each amended to
2 read as follows:

3 ~~((1) The legislature recognizes that the "Ski & Ride Washington"~~
4 ~~license plate has been reviewed and approved by the special license~~
5 ~~plate review board under RCW 46.16.725, and found to fully comply with~~
6 ~~RCW 46.16.715 through 46.16.775.~~

7 (2)) The department shall issue a special license plate displaying
8 a symbol or artwork, as approved by the special license plate review
9 board and the legislature before June 30, 2010, recognizing the
10 Washington snowsports industry, that may be used in lieu of regular or
11 personalized license plates for vehicles required to display vehicle
12 license plates, excluding vehicles registered under chapter 46.87 RCW,
13 upon terms and conditions established by the department.

14 **Sec. 110.** RCW 46.16.30924 and 2005 c 224 s 1 are each amended to
15 read as follows:

16 ~~((1) The legislature recognizes that the Wild On Washington~~
17 ~~license plate has been reviewed by the special license plate review~~
18 ~~board under RCW 46.16.725 and was found to fully comply with all~~
19 ~~provisions of RCW 46.16.715 through 46.16.775.~~

20 (2)) The department shall issue a special license plate displaying
21 a symbol or artwork, as approved by the special license plate review
22 board and the legislature before June 30, 2010, referred to as "Wild On
23 Washington license plates," that may be used in lieu of regular or
24 personalized license plates for vehicles required to display one or two
25 vehicle license plates, excluding vehicles registered under chapter
26 46.87 RCW, upon terms and conditions established by the department.

27 **Sec. 111.** RCW 46.16.30926 and 2005 c 225 s 1 are each amended to
28 read as follows:

29 ~~((1) The legislature recognizes that the Endangered Wildlife~~
30 ~~license plate has been reviewed by the special license plate review~~
31 ~~board under RCW 46.16.725 and was found to fully comply with all~~
32 ~~provisions of RCW 46.16.715 through 46.16.775.~~

33 (2)) The department shall issue a special license plate displaying
34 a symbol or artwork, as approved by the special license plate review
35 board and the legislature before June 30, 2010, referred to as
36 "Endangered Wildlife license plates," that may be used in lieu of

1 regular or personalized license plates for vehicles required to display
2 one or two vehicle license plates, excluding vehicles registered under
3 chapter 46.87 RCW, upon terms and conditions established by the
4 department.

5 **Sec. 112.** RCW 46.16.30928 and 2005 c 426 s 1 are each amended to
6 read as follows:

7 ~~((1) The legislature recognizes that the "Share the Road" license
8 plate has been reviewed by the special license plate review board under
9 RCW 46.16.725, and found to fully comply with RCW 46.16.715 through
10 46.16.775.~~

11 (2)) The department shall issue a special license plate displaying
12 a symbol or artwork, as approved by the special license plate review
13 board and the legislature before June 30, 2010, recognizing an
14 organization that promotes bicycle safety and awareness education. The
15 special license plate may be used in lieu of regular or personalized
16 license plates for vehicles required to display one or two vehicle
17 license plates, excluding vehicles registered under chapter 46.87 RCW,
18 upon terms and conditions established by the department. The special
19 plates will commemorate the life of Cooper Jones.

20 **Strategic Health Planning Office**
21 **Technical Advisory Committee**

22 **Sec. 113.** RCW 43.370.020 and 2009 c 343 s 1 are each amended to
23 read as follows:

24 (1) The office shall serve as a coordinating body for public and
25 private efforts to improve quality in health care, promote cost-
26 effectiveness in health care, and plan health facility and health
27 service availability. In addition, the office shall facilitate access
28 to health care data collected by public and private organizations as
29 needed to conduct its planning responsibilities.

- 30 (2) The office shall:
- 31 (a) Conduct strategic health planning activities related to the
32 preparation of the strategy, as specified in this chapter;
 - 33 (b) Develop a computerized system for accessing, analyzing, and
34 disseminating data relevant to strategic health planning

1 responsibilities. The office may contract with an organization to
2 create the computerized system capable of meeting the needs of the
3 office;

4 (c) Have access to the information submitted as part of the health
5 professional licensing application and renewal process, excluding
6 social security number and background check information, whether the
7 license is issued by the secretary of the department of health or a
8 board or commission. The office shall also have access to information
9 submitted to the department of health as part of the medical or health
10 facility licensing process. Access to and use of all data shall be in
11 accordance with state and federal confidentiality laws and ethical
12 guidelines, and the office shall maintain the same degree of
13 confidentiality as the department of health. For professional
14 licensing information provided to the office, the department of health
15 shall replace any social security number with an alternative identifier
16 capable of linking all licensing records of an individual; and

17 (d) Conduct research and analysis or arrange for research and
18 analysis projects to be conducted by public or private organizations to
19 further the purposes of the strategy.

20 ~~((3) The office shall establish a technical advisory committee to
21 assist in the development of the strategy. Members of the committee
22 shall include health economists, health planners, representatives of
23 government and nongovernment health care purchasers, representatives of
24 state agencies that use or regulate entities with an interest in health
25 planning, representatives of acute care facilities, representatives of
26 long-term care facilities, representatives of community-based long-term
27 care providers, representatives of health care providers, a
28 representative of one or more federally recognized Indian tribes, and
29 representatives of health care consumers. The committee shall include
30 members with experience in the provision of health services to rural
31 communities.))~~

32 **Sec. 114.** RCW 43.370.030 and 2007 c 259 s 52 are each amended to
33 read as follows:

34 (1) The office(~~(, in consultation with the technical advisory
35 committee established under RCW 43.370.020,))~~) shall develop a statewide
36 health resources strategy. The strategy shall establish statewide
37 health planning policies and goals related to the availability of

1 health care facilities and services, quality of care, and cost of care.
2 The strategy shall identify needs according to geographic regions
3 suitable for comprehensive health planning as designated by the office.

4 (2) The development of the strategy shall consider the following
5 general goals and principles:

6 (a) That excess capacity of health services and facilities place
7 considerable economic burden on the public who pay for the construction
8 and operation of these facilities as patients, health insurance
9 purchasers, carriers, and taxpayers; and

10 (b) That the development and ongoing maintenance of current and
11 accurate health care information and statistics related to cost and
12 quality of health care, as well as projections of need for health
13 facilities and services, are essential to effective strategic health
14 planning.

15 (3) The strategy, with public input by health service areas, shall
16 include:

17 (a) A health system assessment and objectives component that:

18 (i) Describes state and regional population demographics, health
19 status indicators, and trends in health status and health care needs;
20 and

21 (ii) Identifies key policy objectives for the state health system
22 related to access to care, health outcomes, quality, and cost-
23 effectiveness;

24 (b) A health care facilities and services plan that shall assess
25 the demand for health care facilities and services to inform state
26 health planning efforts and direct certificate of need determinations,
27 for those facilities and services subject to certificate of need as
28 provided in chapter 70.38 RCW. The plan shall include:

29 (i) An inventory of each geographic region's existing health care
30 facilities and services;

31 (ii) Projections of need for each category of health care facility
32 and service, including those subject to certificate of need;

33 (iii) Policies to guide the addition of new or expanded health care
34 facilities and services to promote the use of quality, evidence-based,
35 cost-effective health care delivery options, including any
36 recommendations for criteria, standards, and methods relevant to the
37 certificate of need review process; and

1 (iv) An assessment of the availability of health care providers,
2 public health resources, transportation infrastructure, and other
3 considerations necessary to support the needed health care facilities
4 and services in each region;

5 (c) A health care data resource plan that identifies data elements
6 necessary to properly conduct planning activities and to review
7 certificate of need applications, including data related to inpatient
8 and outpatient utilization and outcomes information, and financial and
9 utilization information related to charity care, quality, and cost.
10 The plan shall inventory existing data resources, both public and
11 private, that store and disclose information relevant to the health
12 planning process, including information necessary to conduct
13 certificate of need activities pursuant to chapter 70.38 RCW. The plan
14 shall identify any deficiencies in the inventory of existing data
15 resources and the data necessary to conduct comprehensive health
16 planning activities. The plan may recommend that the office be
17 authorized to access existing data sources and conduct appropriate
18 analyses of such data or that other agencies expand their data
19 collection activities as statutory authority permits. The plan may
20 identify any computing infrastructure deficiencies that impede the
21 proper storage, transmission, and analysis of health planning data.
22 The plan shall provide recommendations for increasing the availability
23 of data related to health planning to provide greater community
24 involvement in the health planning process and consistency in data used
25 for certificate of need applications and determinations;

26 (d) An assessment of emerging trends in health care delivery and
27 technology as they relate to access to health care facilities and
28 services, quality of care, and costs of care. The assessment shall
29 recommend any changes to the scope of health care facilities and
30 services covered by the certificate of need program that may be
31 warranted by these emerging trends. In addition, the assessment may
32 recommend any changes to criteria used by the department to review
33 certificate of need applications, as necessary;

34 (e) A rural health resource plan to assess the availability of
35 health resources in rural areas of the state, assess the unmet needs of
36 these communities, and evaluate how federal and state reimbursement
37 policies can be modified, if necessary, to more efficiently and
38 effectively meet the health care needs of rural communities. The plan

1 shall consider the unique health care needs of rural communities, the
2 adequacy of the rural health workforce, and transportation needs for
3 accessing appropriate care.

4 (4) The office shall submit the initial strategy to the governor
5 and the appropriate committees of the senate and house of
6 representatives by January 1, 2010. Every two years the office shall
7 submit an updated strategy. The health care facilities and services
8 plan as it pertains to a distinct geographic planning region may be
9 updated by individual categories on a rotating, biannual schedule.

10 (5) The office shall hold at least one public hearing and allow
11 opportunity to submit written comments prior to the issuance of the
12 initial strategy or an updated strategy. A public hearing shall be
13 held prior to issuing a draft of an updated health care facilities and
14 services plan, and another public hearing shall be held before final
15 adoption of an updated health care facilities and services plan. Any
16 hearing related to updating a health care facilities and services plan
17 for a specific planning region shall be held in that region with
18 sufficient notice to the public and an opportunity to comment.

19 **Veterans Innovation Program Board**

20 **Sec. 115.** RCW 43.60A.170 and 2006 c 343 s 5 are each amended to
21 read as follows:

22 (1) The competitive grant program is created to fund innovative
23 initiatives to provide crisis and emergency relief, education,
24 training, and employment assistance to veterans and their families in
25 their communities.

26 ~~((1) The veterans innovations program board is created to exercise~~
27 ~~the powers granted under RCW 43.60A.160 through 43.60A.185 related to~~
28 ~~the competitive grant program.~~

29 ~~(a) The board consists of seven citizens of the state, appointed by~~
30 ~~the governor, with recognized experience in serving veterans and their~~
31 ~~families in the community regarding transition and readjustment issues;~~
32 ~~education, training, and employment needs; and other needs experienced~~
33 ~~by veterans and their families stemming from service to their country.~~

34 ~~(b) The members of the board select the chair.~~

35 ~~(c) The department shall provide staff support to the board.~~

1 ~~(d) Members of the board receive no compensation but shall be~~
2 ~~reimbursed for travel expenses as provided in RCW 43.03.050 and~~
3 ~~43.03.060.)~~

4 (2) The ((board)) department shall:

5 (a) Establish a competitive process to solicit proposals for and
6 prioritize project applications for potential funding. The purpose of
7 the proposals shall be in three categories:

8 (i) Crisis and emergency relief;

9 (ii) Education, training, and employment assistance; and

10 (iii) Community outreach and resources; and

11 (b) Report on January 1, 2007, to the appropriate standing
12 committees of the legislature and to the joint committee on veterans
13 and military affairs on the implementation of chapter 343, Laws of
14 2006. The report must include, but is not limited to, information on
15 the number of applications for assistance, the grant amount awarded
16 each project, a description of each project, and performance measures
17 of the program.

18 **Sec. 116.** RCW 43.131.406 and 2006 c 343 s 11 are each amended to
19 read as follows:

20 The following acts or parts of acts, as now existing or hereafter
21 amended, are each repealed, effective June 30, 2017:

22 (1) 2006 c 343 § 1 (uncodified);

23 (2) RCW 43.60A.160 and 2006 c 343 § 3;

24 (3) RCW 43.60A.165 and 2006 c 343 § 4;

25 (4) RCW 43.60A.170 and section 115 of this act & 2006 c 343 § 5;

26 (5) RCW 43.60A.175 and 2006 c 343 § 6;

27 (6) RCW 43.60A.180 and 2006 c 343 § 7; and

28 (7) RCW 43.60A.185 and 2006 c 343 § 8.

29 **Sec. 117.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to
30 read as follows:

31 As used in this chapter the following words and phrases shall have
32 the following meanings unless the context clearly requires otherwise:

33 (1) "Department" means the department of veterans affairs.

34 (2) "Director" means the director of the department of veterans
35 affairs.

36 (3) "Committee" means the veterans affairs advisory committee.

1 ((4) "Board" means the veterans innovations program board.))

2 NEW SECTION. **Sec. 118.** RCW 43.60A.180 (Conflicts of interest) and
3 2006 c 343 s 7 are each repealed.

4 **Vehicle Equipment Safety Commission**

5 NEW SECTION. **Sec. 119.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;

8 (2) RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 &
9 1963 c 204 s 2;

10 (3) RCW 46.38.030 (Effective date of rules, etc. of vehicle safety
11 equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, &
12 1963 c 204 s 3;

13 (4) RCW 46.38.040 (Appointment of commissioner and alternate
14 commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;

15 (5) RCW 46.38.050 (Cooperation of state agencies with vehicle
16 equipment safety commission) and 1963 c 204 s 5;

17 (6) RCW 46.38.060 (State officers for the filing of documents and
18 receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;

19 (7) RCW 46.38.070 (Vehicle equipment safety commission to submit
20 budgets to director of financial management) and 1979 c 151 s 160 &
21 1963 c 204 s 7;

22 (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle
23 equipment safety commission) and 1963 c 204 s 8; and

24 (9) RCW 46.38.090 (Withdrawal from compact, "executive head"
25 defined) and 1963 c 204 s 9.

26 **Water Supply Advisory Committee**

27 NEW SECTION. **Sec. 120.** RCW 70.119A.160 (Water supply advisory
28 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

29 **Sec. 121.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each
30 amended to read as follows:

1 (1) It is the intent of the legislature that the department
2 establish water use efficiency requirements designed to ensure
3 efficient use of water while maintaining water system financial
4 viability, improving affordability of supplies, and enhancing system
5 reliability.

6 (2) The requirements of this section shall apply to all municipal
7 water suppliers and shall be tailored to be appropriate to system size,
8 forecasted system demand, and system supply characteristics.

9 (3) For the purposes of this section:

10 (a) Water use efficiency includes conservation planning
11 requirements, water distribution system leakage standards, and water
12 conservation performance reporting requirements; and

13 (b) "Municipal water supplier" and "municipal water supply
14 purposes" have the meanings provided by RCW 90.03.015.

15 (4) To accomplish the purposes of this section, the department
16 shall adopt rules necessary to implement this section by December 31,
17 2005. The department shall:

18 (a) Develop conservation planning requirements that ensure
19 municipal water suppliers are: (i) Implementing programs to integrate
20 conservation with water system operation and management; and (ii)
21 identifying how to appropriately fund and implement conservation
22 activities. Requirements shall apply to the conservation element of
23 water system plans and small water system management programs developed
24 pursuant to chapter 43.20 RCW. In establishing the conservation
25 planning requirements the department shall review the current
26 department conservation planning guidelines and include those elements
27 that are appropriate for rule. Conservation planning requirements
28 shall include but not be limited to:

29 (A) Selection of cost-effective measures to achieve a system's
30 water conservation objectives. Requirements shall allow the municipal
31 water supplier to select and schedule implementation of the best
32 methods for achieving its conservation objectives;

33 (B) Evaluation of the feasibility of adopting and implementing
34 water delivery rate structures that encourage water conservation;

35 (C) Evaluation of each system's water distribution system leakage
36 and, if necessary, identification of steps necessary for achieving
37 water distribution system leakage standards developed under (b) of this
38 subsection;

1 (D) Collection and reporting of water consumption and source
2 production and/or water purchase data. Data collection and reporting
3 requirements shall be sufficient to identify water use patterns among
4 utility customer classes, where applicable, and evaluate the
5 effectiveness of each system's conservation program. Requirements,
6 including reporting frequency, shall be appropriate to system size and
7 complexity. Reports shall be available to the public; and

8 (E) Establishment of minimum requirements for water demand forecast
9 methodologies such that demand forecasts prepared by municipal water
10 suppliers are sufficient for use in determining reasonably anticipated
11 future water needs;

12 (b) Develop water distribution system leakage standards to ensure
13 that municipal water suppliers are taking appropriate steps to reduce
14 water system leakage rates or are maintaining their water distribution
15 systems in a condition that results in leakage rates in compliance with
16 the standards. Limits shall be developed in terms of percentage of
17 total water produced and/or purchased and shall not be lower than ten
18 percent. The department may consider alternatives to the percentage of
19 total water supplied where alternatives provide a better evaluation of
20 the water system's leakage performance. The department shall institute
21 a graduated system of requirements based on levels of water system
22 leakage. A municipal water supplier shall select one or more control
23 methods appropriate for addressing leakage in its water system;

24 (c) Establish minimum requirements for water conservation
25 performance reporting to assure that municipal water suppliers are
26 regularly evaluating and reporting their water conservation
27 performance. The objective of setting conservation goals is to enhance
28 the efficient use of water by the water system customers. Performance
29 reporting shall include:

30 (i) Requirements that municipal water suppliers adopt and achieve
31 water conservation goals. The elected governing board or governing
32 body of the water system shall set water conservation goals for the
33 system. In setting water conservation goals the water supplier may
34 consider historic conservation performance and conservation investment,
35 customer base demographics, regional climate variations, forecasted
36 demand and system supply characteristics, system financial viability,
37 system reliability, and affordability of water rates. Conservation

1 goals shall be established by the municipal water supplier in an open
2 public forum;

3 (ii) Requirements that the municipal water supplier adopt schedules
4 for implementing conservation program elements and achieving
5 conservation goals to ensure that progress is being made toward adopted
6 conservation goals;

7 (iii) A reporting system for regular reviews of conservation
8 performance against adopted goals. Performance reports shall be
9 available to customers and the public. Requirements, including
10 reporting frequency, shall be appropriate to system size and
11 complexity;

12 (iv) Requirements that any system not meeting its water
13 conservation goals shall develop a plan for modifying its conservation
14 program to achieve its goals along with procedures for reporting
15 performance to the department;

16 (v) If a municipal water supplier determines that further
17 reductions in consumption are not reasonably achievable, it shall
18 identify how current consumption levels will be maintained;

19 (d) Adopt rules that, to the maximum extent practical, utilize
20 existing mechanisms and simplified procedures in order to minimize the
21 cost and complexity of implementation and to avoid placing unreasonable
22 financial burden on smaller municipal systems.

23 ~~(5) ((The department shall establish an advisory committee to
24 assist the department in developing rules for water use efficiency.
25 The advisory committee shall include representatives from public water
26 system customers, environmental interest groups, business interest
27 groups, a representative cross section of municipal water suppliers, a
28 water utility conservation professional, tribal governments, the
29 department of ecology, and any other members determined necessary by
30 the department. The department may use the water supply advisory
31 committee created pursuant to RCW 70.119A.160 augmented with additional
32 participants as necessary to comply with this subsection to assist the
33 department in developing rules.~~

34 ~~(6))~~) The department shall provide technical assistance upon
35 request to municipal water suppliers and local governments regarding
36 water conservation, which may include development of best management
37 practices for water conservation programs, conservation landscape

1 ordinances, conservation rate structures for public water systems, and
2 general public education programs on water conservation.

3 ~~((+7))~~ (6) To ensure compliance with this section, the department
4 shall establish a compliance process that incorporates a graduated
5 approach employing the full range of compliance mechanisms available to
6 the department.

7 ~~((+8))~~ (7) Prior to completion of rule making required in
8 subsection (4) of this section, municipal water suppliers shall
9 continue to meet the existing conservation requirements of the
10 department and shall continue to implement their current water
11 conservation programs.

12 **Sec. 122.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
13 as follows:

14 (1) The joint legislative committee on water supply during drought
15 shall convene from time to time at the call of the chair when a drought
16 conditions order under RCW 43.83B.405 is in effect, or when the chair
17 determines, in consultation with the department of ecology, that it is
18 likely that such an order will be issued within the next year.

19 (2) The committee may request and review information relating to
20 water supply conditions in the state, and economic, environmental, and
21 other impacts relating to decreased water supply being experienced or
22 anticipated. The governor's executive water emergency committee, the
23 department of ecology, ~~((the water supply advisory committee,))~~ and
24 other state agencies with water management or related responsibilities
25 shall cooperate in responding to requests from the committee.

26 (3) During drought conditions in which an order issued under RCW
27 43.83B.405 is in effect, the department of ecology shall provide to the
28 committee no less than monthly a report describing drought response
29 activities of the department and other state and federal agencies
30 participating on the water supply availability committee. The report
31 shall include information regarding applications for, and approvals and
32 denials of emergency water withdrawals and temporary changes or
33 transfers of, water rights under RCW 43.83B.410.

34 (4) The committee from time to time shall make recommendations to
35 the senate and house of representatives on budgetary and legislative
36 actions that will improve the state's drought response programs and
37 planning.

1 **Western States School Bus Safety Commission**

2 NEW SECTION. **Sec. 123.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88
5 s 1; and

6 (2) RCW 46.39.020 (Designation of Washington state commissioners)
7 and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

8 **Women's History Consortium**

9 **Sec. 124.** RCW 27.34.365 and 2005 c 391 s 3 are each amended to
10 read as follows:

11 The board of advisors shall consist of fifteen members. The
12 (~~governor~~) director of the state historical society shall appoint
13 eleven members to the board of advisors. Two members of the senate,
14 one each representing the two largest caucuses of the senate, shall be
15 appointed by the president of the senate, and two members of the house
16 of representatives, one each representing the two largest caucuses of
17 the house of representatives(~~(+,+)~~), shall be appointed by the speaker
18 of the house of representatives.

19 The women's history consortium board of advisors may meet no more
20 than two times per calendar year. If state funds are not available for
21 travel, the board may meet on a voluntary basis at members' expense.

22 **Interagency Integrated Pest Management Coordinating Committee**

23 NEW SECTION. **Sec. 125.** RCW 17.15.040 (Interagency integrated
24 pest management coordinating committee--Creation--Composition--Duties--
25 Public notice--Progress reports) and 1997 c 357 s 5 are each repealed.

26 **Land Bank Technical Advisory Committee**

27 NEW SECTION. **Sec. 126.** RCW 79.19.070 (Land bank technical
28 advisory committee) and 1984 c 222 s 7 are each repealed.

1 **Forest Fire Advisory Board**

2 NEW SECTION. **Sec. 127.** RCW 76.04.145 (Forest fire advisory
3 board) and 1986 c 100 s 15 are each repealed.

4 **Sec. 128.** RCW 70.94.6534 and 2009 c 118 s 501 are each amended to
5 read as follows:

6 (1) The department of natural resources shall have the
7 responsibility for issuing and regulating burning permits required by
8 it relating to the following activities for the protection of life or
9 property and/or for the public health, safety, and welfare:

10 (a) Abating a forest fire hazard;

11 (b) Prevention of a fire hazard;

12 (c) Instruction of public officials in methods of forest fire
13 fighting;

14 (d) Any silvicultural operation to improve the forest lands of the
15 state; and

16 (e) Silvicultural burning used to improve or maintain fire
17 dependent ecosystems for rare plants or animals within state, federal,
18 and private natural area preserves, natural resource conservation
19 areas, parks, and other wildlife areas.

20 (2) The department of natural resources shall not retain such
21 authority, but it shall be the responsibility of the appropriate fire
22 protection agency for permitting and regulating outdoor burning on
23 lands where the department of natural resources does not have fire
24 protection responsibility.

25 (3) Permit fees shall be assessed for silvicultural burning under
26 the jurisdiction of the department of natural resources and collected
27 by the department of natural resources as provided for in this section.
28 All fees shall be deposited in the air pollution control account,
29 created in RCW 70.94.015. The legislature shall appropriate to the
30 department of natural resources funds from the air pollution control
31 account to enforce and administer the program under this section and
32 RCW ((~~70.94.6534,~~) 70.94.6536, 70.94.6538, and 70.94.6540. Fees shall
33 be set by rule by the department of natural resources at the level
34 necessary to cover the costs of the program after receiving
35 recommendations on such fees from the public ((~~and the forest fire~~
36 ~~advisory board established by RCW 76.04.145)).~~

1 **Sec. 129.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
2 as follows:

3 There is created a landowner contingency forest fire suppression
4 account in the state treasury. Moneys in the account may be spent only
5 as provided in this section. Disbursements from the account shall be
6 on authorization of the commissioner of public lands or the
7 commissioner's designee. The account is subject to the allotment
8 procedure provided under chapter 43.88 RCW, but no appropriation is
9 required for disbursements.

10 The department may expend from this account the amounts as may be
11 available and as it considers appropriate for the payment of emergency
12 fire costs resulting from a participating landowner fire. The
13 department may, when moneys are available from the landowner
14 contingency forest fire suppression account, expend moneys for
15 summarily abating, isolating, or reducing an extreme fire hazard under
16 RCW 76.04.660. All moneys recovered as a result of the department's
17 actions, from the owner or person responsible, under RCW 76.04.660
18 shall be deposited in the landowner contingency forest fire suppression
19 account.

20 When a determination is made that the fire was started by other
21 than a landowner operation, moneys expended from this account in the
22 suppression of such fire shall be recovered from the general fund
23 appropriations as may be available for emergency fire suppression
24 costs. The department shall deposit in the landowner contingency
25 forest fire suppression account moneys paid out of the account which
26 are later recovered, less reasonable costs of recovery.

27 This account shall be established and renewed by an annual special
28 forest fire suppression account assessment paid by participating
29 landowners at a rate to be established by the department. In
30 establishing assessments, the department shall seek to establish and
31 thereafter reestablish a balance in the account of three million
32 dollars. The department may establish a flat fee assessment of no more
33 than seven dollars and fifty cents for participating landowners owning
34 parcels of fifty acres or less. For participating landowners owning
35 parcels larger than fifty acres, the department may charge the flat fee
36 assessment plus a per acre assessment for every acre over fifty acres.
37 The per acre assessment established by the department may not exceed
38 fifteen cents per acre per year. The assessments may differ to

1 equitably distribute the assessment based on emergency fire suppression
2 cost experience necessitated by landowner operations. Amounts assessed
3 for this account shall be a lien upon the forest lands with respect to
4 which the assessment is made and may be collected as directed by the
5 department in the same manner as forest protection assessments.
6 Payment of emergency costs from this account shall in no way restrict
7 the right of the department to recover costs pursuant to RCW 76.04.495
8 or other laws.

9 When the department determines that a forest fire was started in
10 the course of or as a result of a landowner operation, (~~it shall~~
11 ~~notify the forest fire advisory board of the determination.~~) the
12 determination shall be final, unless, within ninety days of the
13 notification, (~~the forest fire advisory board~~) or an interested party
14 serves a request for a hearing before the department. The hearing
15 shall constitute an adjudicative proceeding under chapter 34.05 RCW,
16 the administrative procedure act, and an appeal shall be in accordance
17 with RCW 34.05.510 through 34.05.598.

18 **Sec. 130.** RCW 76.04.660 and 2007 c 480 s 13 are each amended to
19 read as follows:

20 (1) The owner of land on which there is an additional fire hazard,
21 when the hazard is the result of a landowner operation or the land is
22 within an area covered by a forest health hazard warning issued under
23 RCW 76.06.180, shall take reasonable measures to reduce the danger of
24 fire spreading from the area and may abate the hazard by burning or
25 other satisfactory means.

26 (2) An extreme fire hazard shall exist within areas covered by a
27 forest health hazard order issued by the commissioner of public lands
28 under RCW 76.06.180 in which there is an additional fire hazard caused
29 by disturbance agents and the landowner has failed to take such action
30 as required by the forest health hazard order. The duties and
31 liability of such landowner under this chapter are as described in
32 subsections (5), (6), and (7) of this section.

33 (3) The department shall adopt rules defining areas of extreme fire
34 hazard that the owner and person responsible shall abate. The areas
35 shall include but are not limited to high risk areas such as where life
36 or buildings may be endangered, areas adjacent to public highways, and
37 areas of frequent public use.

1 (4) The department may adopt rules(~~(, after consultation with the~~
2 ~~forest fire advisory board,~~)) defining other conditions of extreme fire
3 hazard with a high potential for fire spreading to lands in other
4 ownerships. The department may prescribe additional measures that
5 shall be taken by the owner and person responsible to isolate or reduce
6 the extreme fire hazard.

7 (5) The owner or person responsible for the existence of the
8 extreme fire hazard is required to abate, isolate, or reduce the
9 hazard. The duty to abate, isolate, or reduce, and liability under
10 this chapter, arise upon creation of the extreme fire hazard.
11 Liability shall include but not be limited to all fire suppression
12 expenses incurred by the department, regardless of fire cause.

13 (6) If the owner or person responsible for the existence of the
14 extreme fire hazard or forest debris subject to RCW 76.04.650 refuses,
15 neglects, or unsuccessfully attempts to abate, isolate, or reduce the
16 same, the department may summarily abate, isolate, or reduce the hazard
17 as required by this chapter and recover twice the actual cost thereof
18 from the owner or person responsible. Landowner contingency forest
19 fire suppression account moneys may be used by the department, when
20 available, for this purpose. Moneys recovered by the department
21 pursuant to this section shall be returned to the landowner contingency
22 forest fire suppression account.

23 (7) Such costs shall include all salaries and expenses of people
24 and equipment incurred therein, including those of the department. All
25 such costs shall also be a lien upon the land enforceable in the same
26 manner with the same effect as a mechanic's lien.

27 (8) The summary action may be taken only after ten days' notice in
28 writing has been given to the owner or reputed owner of the land on
29 which the extreme fire hazard or forest debris subject to RCW 76.04.650
30 exists. The notice shall include a suggested method of abatement and
31 estimated cost thereof. The notice shall be by personal service or by
32 registered or certified mail addressed to the owner or reputed owner at
33 the owner's last known place of residence.

34 (9) A landowner or manager may make a written request to the
35 department to inspect their property and provide a written notice that
36 they have complied with a forest health hazard warning or forest health
37 hazard order, or otherwise adequately abated, isolated, or reduced an

1 additional or extreme fire hazard. An additional or extreme fire
2 hazard shall be considered to continue to exist unless and until the
3 department, in its sole discretion, issues such notice.

4 **State Board on Geographic Names**

5 NEW SECTION. **Sec. 131.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 43.126.015 (Purposes) and 1983 c 273 s 1;

8 (2) RCW 43.126.025 (State board on geographic names created--
9 Membership--Chair) and 2009 c 549 s 5174 & 1983 c 273 s 2;

10 (3) RCW 43.126.035 (Powers and duties) and 1983 c 273 s 3;

11 (4) RCW 43.126.045 (Policies--Criteria) and 1983 c 273 s 4;

12 (5) RCW 43.126.055 (Adoption of names--Procedure--Effect) and 1983
13 c 273 s 5;

14 (6) RCW 43.126.065 (Meetings--Rules--Publication of adopted names)
15 and 2009 c 549 s 5175 & 1983 c 273 s 6;

16 (7) RCW 43.126.075 (Compensation and travel expenses of members)
17 and 1984 c 287 s 88 & 1983 c 273 s 7; and

18 (8) RCW 43.126.085 (Naming geographic features without board
19 approval prohibited) and 1983 c 273 s 8.

20 **Pesticide Advisory Board**

21 NEW SECTION. **Sec. 132.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 17.21.230 (Pesticide advisory board) and 1994 c 283 s 26,
24 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c 20 s 1, 1971 ex.s. c 191
25 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;

26 (2) RCW 17.21.240 (Pesticide advisory board--Vacancies) and 1994 c
27 283 s 27, 1989 c 380 s 55, & 1961 c 249 s 24;

28 (3) RCW 17.21.250 (Pesticide advisory board--Duties) and 1989 c 380
29 s 56 & 1961 c 249 s 25;

30 (4) RCW 17.21.260 (Pesticide advisory board--Officers, meetings)
31 and 1994 c 283 s 28, 1989 c 380 s 57, & 1961 c 249 s 26;

1 (5) RCW 17.21.270 (Pesticide advisory board--Travel expenses) and
2 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s 24, & 1961 c 249 s 27; and
3 (6) RCW 70.104.080 (Pesticide panel--Generally) and 1994 c 264 s
4 41, 1991 c 3 s 363, & 1989 c 380 s 68.

5 **Sec. 133.** RCW 15.92.070 and 1991 c 341 s 8 are each amended to
6 read as follows:

7 The laboratory is advised by a board appointed by the dean of the
8 Washington State University college of agriculture and home economics.
9 The dean shall cooperate with appropriate officials in Washington,
10 Idaho, and Oregon in selecting board members.

11 (1) The board shall consist of one representative from each of the
12 following interests: A human toxicologist or a health professional
13 knowledgeable in worker exposure to pesticides, the Washington State
14 University vice-provost for research or research administrator,
15 representatives from the state department of agriculture, the
16 department of ecology, the department of health, the department of
17 labor and (~~industry~~[~~industries~~]) industries, privately owned
18 Washington pesticide analytical laboratories, federal regional
19 pesticide laboratories, an Idaho and Oregon laboratory, whether state,
20 university, or private, a chemical and fertilizer industry
21 representative, farm organizations, food processors, marketers, farm
22 labor, environmental organizations, and consumers. Each board member
23 shall serve a three-year term. The members of the board shall serve
24 without compensation but shall be reimbursed for travel expenses
25 incurred while engaged in the business of the board as provided in RCW
26 43.03.050 and 43.03.060.

27 (2) The board is in liaison with (~~the pesticide advisory board~~
28 ~~and~~) the pesticide incident reporting and tracking panel and shall
29 review the chemicals investigated by the laboratory according to the
30 following criteria:

31 (a) Chemical uses for which a database exists on environmental fate
32 and acute toxicology, and that appear safer environmentally than
33 pesticides available on the market;

34 (b) Chemical uses not currently under evaluation by public
35 laboratories in Idaho or Oregon for use on Washington crops;

36 (c) Chemicals that have lost or may lose their registration and

1 that no reasonably viable alternatives for Washington crops are known;
2 and

3 (d) Other chemicals vital to Washington agriculture.

4 (3) The laboratory shall conduct research activities using approved
5 good laboratory practices, namely procedures and recordkeeping required
6 of the national IR-4 minor use pesticide registration program.

7 (4) The laboratory shall coordinate activities with the national
8 IR-4 program.

9 **Sec. 134.** RCW 17.21.020 and 2004 c 100 s 1 are each amended to
10 read as follows:

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

13 (1) "Agricultural commodity" means any plant or part of a plant, or
14 animal, or animal product, produced by a person (including farmers,
15 ranchers, vineyardists, plant propagators, Christmas tree growers,
16 aquaculturists, floriculturists, orchardists, foresters, or other
17 comparable persons) primarily for sale, consumption, propagation, or
18 other use by people or animals.

19 (2) "Agricultural land" means land on which an agricultural
20 commodity is produced or land that is in a government-recognized
21 conservation reserve program. This definition does not apply to
22 private gardens where agricultural commodities are produced for
23 personal consumption.

24 (3) "Antimicrobial pesticide" means a pesticide that is used for
25 the control of microbial pests, including but not limited to viruses,
26 bacteria, algae, and protozoa, and is intended for use as a
27 disinfectant or sanitizer.

28 (4) "Apparatus" means any type of ground, water, or aerial
29 equipment, device, or contrivance using motorized, mechanical, or
30 pressurized power and used to apply any pesticide on land and anything
31 that may be growing, habitating, or stored on or in such land, but
32 shall not include any pressurized handsized household device used to
33 apply any pesticide, or any equipment, device, or contrivance of which
34 the person who is applying the pesticide is the source of power or
35 energy in making such pesticide application, or any other small
36 equipment, device, or contrivance that is transported in a piece of
37 equipment licensed under this chapter as an apparatus.

1 (5) "Arthropod" means any invertebrate animal that belongs to the
2 phylum arthropoda, which in addition to insects, includes allied
3 classes whose members are wingless and usually have more than six legs;
4 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

5 (6) "Certified applicator" means any individual who is licensed as
6 a commercial pesticide applicator, commercial pesticide operator,
7 public operator, private-commercial applicator, demonstration and
8 research applicator, private applicator, limited private applicator,
9 rancher private applicator, or any other individual who is certified by
10 the director to use or supervise the use of any pesticide which is
11 classified by the EPA or the director as a restricted use pesticide.

12 (7) "Commercial pesticide applicator" means any person who engages
13 in the business of applying pesticides to the land of another.

14 (8) "Commercial pesticide operator" means any employee of a
15 commercial pesticide applicator who uses or supervises the use of any
16 pesticide and who is required to be licensed under provisions of this
17 chapter.

18 (9) "Defoliant" means any substance or mixture of substances
19 intended to cause the leaves or foliage to drop from a plant with or
20 without causing abscission.

21 (10) "Department" means the Washington state department of
22 agriculture.

23 (11) "Desiccant" means any substance or mixture of substances
24 intended to artificially accelerate the drying of plant tissues.

25 (12) "Device" means any instrument or contrivance intended to trap,
26 destroy, control, repel, or mitigate pests, but not including equipment
27 used for the application of pesticides when sold separately from the
28 pesticides.

29 (13) "Direct supervision" by certified private applicators shall
30 mean that the designated restricted use pesticide shall be applied for
31 purposes of producing any agricultural commodity on land owned or
32 rented by the applicator or the applicator's employer, by a competent
33 person acting under the instructions and control of a certified private
34 applicator who is available if and when needed, even though such
35 certified private applicator is not physically present at the time and
36 place the pesticide is applied. The certified private applicator shall
37 have direct management responsibility and familiarity of the pesticide,
38 manner of application, pest, and land to which the pesticide is being

1 applied. Direct supervision by all other certified applicators means
2 direct on-the-job supervision and shall require that the certified
3 applicator be physically present at the application site and that the
4 person making the application be in voice and visual contact with the
5 certified applicator at all times during the application. However,
6 direct supervision for forest application does not require constant
7 voice and visual contact when general use pesticides are applied using
8 nonapparatus type equipment, the certified applicator is physically
9 present and readily available in the immediate application area, and
10 the certified applicator directly observes pesticide mixing and
11 batching. Direct supervision of an aerial apparatus means the pilot of
12 the aircraft must be appropriately certified.

13 (14) "Director" means the director of the department or a duly
14 authorized representative.

15 (15) "Engage in business" means any application of pesticides by
16 any person upon lands or crops of another.

17 (16) "EPA" means the United States environmental protection agency.

18 (17) "EPA restricted use pesticide" means any pesticide classified
19 for restricted use by the administrator, EPA.

20 (18) "FIFRA" means the federal insecticide, fungicide and
21 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

22 (19) "Forest application" means the application of pesticides to
23 agricultural land used to grow trees for the commercial production of
24 wood or wood fiber for products such as dimensional lumber, shakes,
25 plywood, poles, posts, pilings, particle board, hardboard, oriented
26 strand board, pulp, paper, cardboard, or other similar products.

27 (20) "Fumigant" means any pesticide product or combination of
28 products that is a vapor or gas or forms a vapor or gas on application
29 and whose method of pesticidal action is through the gaseous state.

30 (21) "Fungi" means all nonchlorophyll-bearing thallophytes (all
31 nonchlorophyll-bearing plants of lower order than mosses and
32 liverworts); for example, rusts, smuts, mildews, molds, and yeasts,
33 except those on or in a living person or other animals.

34 (22) "Fungicide" means any substance or mixture of substances
35 intended to prevent, destroy, repel, or mitigate any fungi.

36 (23) "Herbicide" means any substance or mixture of substances
37 intended to prevent, destroy, repel, or mitigate any weed or other
38 higher plant.

1 (24) "Immediate service call" means a landscape application to
2 satisfy an emergency customer request for service, or a treatment to
3 control a pest to landscape plants.

4 (25) "Insect" means any small invertebrate animal, in any life
5 stage, whose adult form is segmented and which generally belongs to the
6 class insecta, comprised of six-legged, usually winged forms, as, for
7 example, beetles, bugs, bees, and flies. The term insect shall also
8 apply to other allied classes of arthropods whose members are wingless
9 and usually have more than six legs, for example, spiders, mites,
10 ticks, centipedes, and isopod crustaceans.

11 (26) "Insecticide" means any substance or mixture of substances
12 intended to prevent, destroy, repel, or mitigate any insect.

13 (27) "Land" means all land and water areas, including airspace and
14 all plants, animals, structures, buildings, devices, and contrivances,
15 appurtenant to or situated on, fixed or mobile, including any used for
16 transportation.

17 (28) "Landscape application" means an application of any EPA
18 registered pesticide to any exterior landscape area around residential
19 property, commercial properties such as apartments or shopping centers,
20 parks, golf courses, schools including nursery schools and licensed day
21 cares, or cemeteries or similar areas. This definition shall not apply
22 to: (a) Applications made by private applicators, limited private
23 applicators, or rancher private applicators; (b) mosquito abatement,
24 gypsy moth eradication, or similar wide-area pest control programs
25 sponsored by governmental entities; and (c) commercial pesticide
26 applicators making structural applications.

27 (29) "Limited private applicator" means a certified applicator who
28 uses or is in direct supervision, as defined for private applicators in
29 this section, of the use of any herbicide classified by the EPA or the
30 director as a restricted use pesticide, for the sole purpose of
31 controlling weeds on nonproduction agricultural land owned or rented by
32 the applicator or the applicator's employer. Limited private
33 applicators may also use restricted use pesticides on timber areas,
34 excluding aquatic sites, to control weeds designated for mandatory
35 control under chapters 17.04, 17.06, and 17.10 RCW and state and local
36 regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A
37 limited private applicator may apply restricted use herbicides to the
38 types of land described in this subsection of another person if applied

1 without compensation other than trading of personal services between
2 the applicator and the other person. This license is only valid when
3 making applications in counties of Washington located east of the crest
4 of the Cascade mountains.

5 (30) "Limited production agricultural land" means land used to grow
6 hay and grain crops that are consumed by the livestock on the farm
7 where produced. No more than ten percent of the hay and grain crops
8 grown on limited production agricultural land may be sold each crop
9 year. Limited production agricultural land does not include aquatic
10 sites.

11 (31) "Nematocide" means any substance or mixture of substances
12 intended to prevent, destroy, repel, or mitigate nematodes.

13 (32) "Nematode" means any invertebrate animal of the phylum
14 nemathelminthes and class nematoda, that is, unsegmented round worms
15 with elongated, fusiform, or saclike bodies covered with cuticle, and
16 inhabiting soil, water, plants or plant parts. Nematodes may also be
17 called nemas or eelworms.

18 (33) "Nonproduction agricultural land" means pastures, rangeland,
19 fencerows, and areas around farm buildings but not aquatic sites.

20 (34) "Person" means any individual, partnership, association,
21 corporation, or organized group of persons whether or not incorporated.

22 (35) "Pest" means, but is not limited to, any insect, rodent,
23 nematode, snail, slug, weed, and any form of plant or animal life or
24 virus, except virus, bacteria, or other microorganisms on or in a
25 living person or other animal or in or on processed food or beverages
26 or pharmaceuticals, which is normally considered to be a pest, or which
27 the director may declare to be a pest.

28 (36) "Pesticide" means, but is not limited to:

29 (a) Any substance or mixture of substances intended to prevent,
30 destroy, control, repel, or mitigate any pest;

31 (b) Any substance or mixture of substances intended to be used as
32 a plant regulator, defoliant or desiccant; and

33 (c) Any spray adjuvant as defined in RCW 15.58.030.

34 ~~(37) ("Pesticide advisory board" means the pesticide advisory
35 board as provided for in this chapter.~~

36 ~~(38))~~ "Plant regulator" means any substance or mixture of
37 substances intended through physiological action, to accelerate or
38 retard the rate of growth or maturation, or to otherwise alter the

1 behavior of ornamental or crop plants or their produce, but shall not
2 include substances insofar as they are intended to be used as plant
3 nutrients, trace elements, nutritional chemicals, plant inoculants, or
4 soil amendments.

5 ~~((+39+))~~ (38) "Private applicator" means a certified applicator who
6 uses or is in direct supervision of the use of any pesticide classified
7 by the EPA or the director as a restricted use pesticide, for the
8 purposes of producing any agricultural commodity and for any associated
9 noncrop application on land owned or rented by the applicator or the
10 applicator's employer or if applied without compensation other than
11 trading of personal services between producers of agricultural
12 commodities on the land of another person.

13 ~~((+40+))~~ (39) "Private-commercial applicator" means a certified
14 applicator who uses or supervises the use of any pesticide classified
15 by the EPA or the director as a restricted use pesticide for purposes
16 other than the production of any agricultural commodity on lands owned
17 or rented by the applicator or the applicator's employer.

18 ~~((+41+))~~ (40) "Rancher private applicator" means a certified
19 applicator who uses or is in direct supervision, as defined for private
20 applicators in this section, of the use of any herbicide or any
21 rodenticide classified by the EPA or the director as a restricted use
22 pesticide for the purpose of controlling weeds and pest animals on
23 nonproduction agricultural land and limited production agricultural
24 land owned or rented by the applicator or the applicator's employer.
25 Rancher private applicators may also use restricted use pesticides on
26 timber areas, excluding aquatic sites, to control weeds designated for
27 mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state
28 and local regulations adopted under chapters 17.04, 17.06, and 17.10
29 RCW. A rancher private applicator may apply restricted use herbicides
30 and rodenticides to the types of land described in this subsection of
31 another person if applied without compensation other than trading of
32 personal services between the applicator and the other person. This
33 license is only valid when making applications in counties of
34 Washington located east of the crest of the Cascade mountains.

35 ~~((+42+))~~ (41) "Residential property" includes property less than
36 one acre in size zoned as residential by a city, town, or county, but
37 does not include property zoned as agricultural or agricultural
38 homesites.

1 (~~(43)~~) (42) "Restricted use pesticide" means any pesticide or
2 device which, when used as directed or in accordance with a widespread
3 and commonly recognized practice, the director determines, subsequent
4 to a hearing, requires additional restrictions for that use to prevent
5 unreasonable adverse effects on the environment including people,
6 lands, beneficial insects, animals, crops, and wildlife, other than
7 pests.

8 (~~(44)~~) (43) "Rodenticide" means any substance or mixture of
9 substances intended to prevent, destroy, repel, or mitigate rodents, or
10 any other vertebrate animal which the director may declare by rule to
11 be a pest.

12 (~~(45)~~) (44) "School facility" means any facility used for
13 licensed day care center purposes or for the purposes of a public
14 kindergarten or public elementary or secondary school. School facility
15 includes the buildings or structures, playgrounds, landscape areas,
16 athletic fields, school vehicles, or any other area of school property.

17 (~~(46)~~) (45) "Snails or slugs" include all harmful mollusks.

18 (~~(47)~~) (46) "Unreasonable adverse effects on the environment"
19 means any unreasonable risk to people or the environment taking into
20 account the economic, social, and environmental costs and benefits of
21 the use of any pesticide, or as otherwise determined by the director.

22 (~~(48)~~) (47) "Weed" means any plant which grows where it is not
23 wanted.

24 **Lieutenant Governor Appointments and Assignments**

25 **Sec. 135.** RCW 43.15.020 and 2009 c 560 s 27 are each amended to
26 read as follows:

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

30 (1) The lieutenant governor serves on the following boards and
31 committees:

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

33 (b) Washington higher education facilities authority, RCW
34 28B.07.030;

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

3 (d) State finance committee, RCW 43.33.010;

4 (e) State capitol committee, RCW 43.34.010;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (k) Legislative ethics board, RCW 42.52.310;

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

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

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

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

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

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

29 (r) Information services board, RCW 43.105.032;

30 (~~(k-20 educational network board, RCW 43.105.800;~~

31 ~~(t))~~) Municipal research council, RCW 43.110.010;

32 (~~(u))~~) (t) Council for children and families, RCW 43.121.020;

33 (~~(v))~~) (u) PNWER-Net working subgroup under chapter 43.147 RCW;

34 (~~(w))~~) (v) Community economic revitalization board, RCW
35 43.160.030;

36 (~~(x))~~) (w) Washington economic development finance authority, RCW
37 43.163.020;

38 (~~(y))~~) (x) Life sciences discovery fund authority, RCW 43.350.020;

1 (~~(z)~~) (y) Legislative children's oversight committee, RCW
2 44.04.220;
3 (~~(aa)~~) (z) Joint legislative audit and review committee, RCW
4 44.28.010;
5 (~~(bb)~~) (aa) Joint committee on energy supply and energy
6 conservation, RCW 44.39.015;
7 (~~(cc)~~) (bb) Legislative evaluation and accountability program
8 committee, RCW 44.48.010;
9 (~~(dd)~~) (cc) Agency council on coordinated transportation, RCW
10 47.06B.020;
11 (~~(ee)~~) (dd) Manufactured housing task force, RCW 59.22.090;
12 (~~(ff)~~) (ee) Washington horse racing commission, RCW 67.16.014;
13 (~~(gg)~~) (ff) Correctional industries board of directors, RCW
14 72.09.080;
15 (~~(hh)~~) (gg) Joint committee on veterans' and military affairs,
16 RCW 73.04.150;
17 (~~(ii)~~) (hh) Joint legislative committee on water supply during
18 drought, RCW 90.86.020;
19 (~~(jj)~~) (ii) Statute law committee, RCW 1.08.001; and
20 (~~(kk)~~) (jj) Joint legislative oversight committee on trade
21 policy, RCW 44.55.020.

22 **Sec. 136.** RCW 43.15.020 and 2010 c . . . s 135 (section 135 of
23 this act) are each amended to read as follows:

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

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

- 29 (a) Capitol furnishings preservation committee, RCW 27.48.040;
- 30 (b) Washington higher education facilities authority, RCW
31 28B.07.030;
- 32 (c) Productivity board, also known as the employee involvement and
33 recognition board, RCW 41.60.015;
- 34 (d) State finance committee, RCW 43.33.010;
- 35 (e) State capitol committee, RCW 43.34.010;
- 36 (f) Washington health care facilities authority, RCW 70.37.030;
- 37 (g) State medal of merit nominating committee, RCW 1.40.020;

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

1 ~~((+aa+))~~ (z) Joint committee on energy supply and energy
2 conservation, RCW 44.39.015;
3 ~~((+bb+))~~ (aa) Legislative evaluation and accountability program
4 committee, RCW 44.48.010;
5 ~~((+cc+))~~ (bb) Agency council on coordinated transportation, RCW
6 47.06B.020;
7 ~~((+dd+))~~ (cc) Manufactured housing task force, RCW 59.22.090;
8 ~~((+ee+))~~ (dd) Washington horse racing commission, RCW 67.16.014;
9 ~~((+ff+))~~ (ee) Correctional industries board of directors, RCW
10 72.09.080;
11 ~~((+gg+))~~ (ff) Joint committee on veterans' and military affairs,
12 RCW 73.04.150;
13 ~~((+hh+))~~ (gg) Joint legislative committee on water supply during
14 drought, RCW 90.86.020;
15 ~~((+ii+))~~ (hh) Statute law committee, RCW 1.08.001; and
16 ~~((+jj+))~~ (ii) Joint legislative oversight committee on trade
17 policy, RCW 44.55.020.

18 **Title and Registration Advisory Committee**

19 NEW SECTION. **Sec. 137.** RCW 46.01.320 (Title and registration
20 advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216
21 s 3 are each repealed.

22 **Sec. 138.** RCW 46.01.325 and 2005 c 319 s 116 are each amended to
23 read as follows:

24 (1) The director shall prepare(~~(, with the advice of the title and~~
25 ~~registration advisory committee,~~) an annual comprehensive analysis and
26 evaluation of agent and subagent fees. The director shall make
27 recommendations for agent and subagent fee revisions (~~(approved by the~~
28 ~~title and registration advisory committee)~~) to the senate and house
29 transportation committees by January 1st of every third year starting
30 with 1996. Fee revision recommendations may be made more frequently
31 when justified by the annual analysis and evaluation(~~(, and requested~~
32 ~~by the title and registration advisory committee)~~).

33 (2) The annual comprehensive analysis and evaluation must consider,
34 but is not limited to:

1 (a) Unique and significant financial, legislative, or other
2 relevant developments that may impact fees;

3 (b) Current funding for ongoing operating and maintenance
4 automation project costs affecting revenue collection and service
5 delivery;

6 (c) Future system requirements including an appropriate sharing of
7 costs between the department, agents, and subagents;

8 (d) Beneficial mix of customer service delivery options based on a
9 fee structure commensurate with quality performance standards;

10 (e) Appropriate indices projecting state and national growth in
11 business and economic conditions prepared by the United States
12 department of commerce, the department of revenue, and the revenue
13 forecast council for the state of Washington.

14 **Sec. 139.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to
15 read as follows:

16 (1) The county auditor, if appointed by the director of licensing
17 shall carry out the provisions of this title relating to the licensing
18 of vehicles and the issuance of vehicle license number plates under the
19 direction and supervision of the director and may with the approval of
20 the director appoint assistants as special deputies and recommend
21 subagents to accept applications and collect fees for vehicle licenses
22 and transfers and to deliver vehicle license number plates.

23 (2) A county auditor appointed by the director may request that the
24 director appoint subagencies within the county.

25 (a) Upon authorization of the director, the auditor shall use an
26 open competitive process including, but not limited to, a written
27 business proposal and oral interview to determine the qualifications of
28 all interested applicants.

29 (b) A subagent may recommend a successor who is either the
30 subagent's sibling, spouse, or child, or a subagency employee, as long
31 as the recommended successor participates in the open, competitive
32 process used to select an applicant. In making successor
33 recommendation and appointment determinations, the following provisions
34 apply:

35 (i) If a subagency is held by a partnership or corporate entity,
36 the nomination must be submitted on behalf of, and agreed to by, all
37 partners or corporate officers.

1 (ii) No subagent may receive any direct or indirect compensation or
2 remuneration from any party or entity in recognition of a successor
3 nomination. A subagent may not receive any financial benefit from the
4 transfer or termination of an appointment.

5 (iii) (a) and (b) of this subsection are intended to assist in the
6 efficient transfer of appointments in order to minimize public
7 inconvenience. They do not create a proprietary or property interest
8 in the appointment.

9 (c) The auditor shall submit all proposals to the director, and
10 shall recommend the appointment of one or more subagents who have
11 applied through the open competitive process. The auditor shall
12 include in his or her recommendation to the director, not only the name
13 of the successor who is a relative or employee, if applicable and if
14 otherwise qualified, but also the name of one other applicant who is
15 qualified and was chosen through the open competitive process. The
16 director has final appointment authority.

17 (3)(a) A county auditor who is appointed as an agent by the
18 department shall enter into a standard contract provided by the
19 director(~~(, developed with the advice of the title and registration~~
20 ~~advisory committee)~~).

21 (b) A subagent appointed under subsection (2) of this section shall
22 enter into a standard contract with the county auditor(~~(, developed~~
23 ~~with the advice of the title and registration advisory committee)~~).
24 The director shall provide the standard contract to county auditors.

25 (c) The contracts provided for in (a) and (b) of this subsection
26 must contain at a minimum provisions that:

27 (i) Describe the responsibilities, and where applicable, the
28 liability, of each party relating to the service expectations and
29 levels, equipment to be supplied by the department, and equipment
30 maintenance;

31 (ii) Require the specific type of insurance or bonds so that the
32 state is protected against any loss of collected motor vehicle tax
33 revenues or loss of equipment;

34 (iii) Specify the amount of training that will be provided by the
35 state, the county auditor, or subagents;

36 (iv) Describe allowable costs that may be charged to vehicle
37 licensing activities as provided for in (d) of this subsection;

1 (v) Describe the causes and procedures for termination of the
2 contract, which may include mediation and binding arbitration.

3 (d) The department shall develop procedures that will standardize
4 and prescribe allowable costs that may be assigned to vehicle licensing
5 and vessel registration and title activities performed by county
6 auditors.

7 (e) The contracts may include any provision that the director deems
8 necessary to ensure acceptable service and the full collection of
9 vehicle and vessel tax revenues.

10 (f) The director may waive any provisions of the contract deemed
11 necessary in order to ensure that readily accessible service is
12 provided to the citizens of the state.

13 (4)(a) At any time any application is made to the director, the
14 county auditor, or other agent pursuant to any law dealing with
15 licenses, registration, or the right to operate any vehicle or vessel
16 upon the public highways or waters of this state, excluding applicants
17 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant
18 shall pay to the director, county auditor, or other agent a fee of
19 three dollars for each application in addition to any other fees
20 required by law.

21 (b) Counties that do not cover the expenses of vehicle licensing
22 and vessel registration and title activities may submit to the
23 department a request for cost-coverage moneys. The request must be
24 submitted on a form developed by the department. The department shall
25 develop procedures to verify whether a request is reasonable. Payment
26 shall be made on requests found to be allowable from the licensing
27 services account.

28 (c) Applicants for certificates of ownership, including applicants
29 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the
30 director, county auditor, or other agent a fee of four dollars in
31 addition to any other fees required by law.

32 (d) The fees under (a) and (c) of this subsection, if paid to the
33 county auditor as agent of the director, or if paid to a subagent of
34 the county auditor, shall be paid to the county treasurer in the same
35 manner as other fees collected by the county auditor and credited to
36 the county current expense fund. If the fee is paid to another agent
37 of the director, the fee shall be used by the agent to defray his or
38 her expenses in handling the application.

1 (e) Applicants required to pay the three-dollar fee established
2 under (a) of this subsection, must pay an additional seventy-five
3 cents, which must be collected and remitted to the state treasurer and
4 distributed as follows:

5 (i) Fifty cents must be deposited into the department of licensing
6 services account of the motor vehicle fund and must be used for agent
7 and subagent support, which is to include but not be limited to the
8 replacement of department-owned equipment in the possession of agents
9 and subagents.

10 (ii) Twenty-five cents must be deposited into the license plate
11 technology account created under RCW 46.16.685.

12 (5) A subagent shall collect a service fee of (a) ten dollars for
13 changes in a certificate of ownership, with or without registration
14 renewal, or verification of record and preparation of an affidavit of
15 lost title other than at the time of the title application or transfer
16 and (b) four dollars for registration renewal only, issuing a transit
17 permit, or any other service under this section.

18 (6) If the fee is collected by the state patrol as agent for the
19 director, the fee so collected shall be certified to the state
20 treasurer and deposited to the credit of the state patrol highway
21 account. If the fee is collected by the department of transportation
22 as agent for the director, the fee shall be certified to the state
23 treasurer and deposited to the credit of the motor vehicle fund. All
24 such fees collected by the director or branches of his office shall be
25 certified to the state treasurer and deposited to the credit of the
26 highway safety fund.

27 (7) Any county revenues that exceed the cost of providing vehicle
28 licensing and vessel registration and title activities in a county,
29 calculated in accordance with the procedures in subsection (3)(d) of
30 this section, shall be expended as determined by the county legislative
31 authority during the process established by law for adoption of county
32 budgets.

33 (8) The director may adopt rules to implement this section.

34 NEW SECTION. **Sec. 140.** (1) All documents and papers, equipment,
35 or other tangible property in the possession of the terminated entity
36 shall be delivered to the custody of the entity assuming the
37 responsibilities of the terminated entity or if such responsibilities

1 have been eliminated, documents and papers shall be delivered to the
2 state archivist and equipment or other tangible property to the
3 department of general administration.

4 (2) All funds held by, or other moneys due to, the terminated
5 entity shall revert to the fund from which they were appropriated, or
6 if that fund is abolished to the general fund.

7 (3) All contractual rights and duties of an entity shall be
8 assigned or delegated to the entity assuming the responsibilities of
9 the terminated entity, or if there is none to such entity as the
10 governor shall direct.

11 (4) All rules and all pending business before any terminated entity
12 shall be continued and acted upon by the entity assuming the
13 responsibilities of the terminated entity.

14 **Sec. 141.** RCW 43.03.050 and 2003 1st sp.s. c 25 s 915 are each
15 amended to read as follows:

16 (1) The director of financial management shall prescribe reasonable
17 allowances to cover reasonable and necessary subsistence and lodging
18 expenses for elective and appointive officials and state employees
19 while engaged on official business away from their designated posts of
20 duty. The director of financial management may prescribe and regulate
21 the allowances provided in lieu of subsistence and lodging expenses and
22 may prescribe the conditions under which reimbursement for subsistence
23 and lodging may be allowed. The schedule of allowances adopted by the
24 office of financial management may include special allowances for
25 foreign travel and other travel involving higher than usual costs for
26 subsistence and lodging. The allowances established by the director
27 shall not exceed the rates set by the federal government for federal
28 employees. However, during the 2003-05 fiscal biennium, the allowances
29 for any county that is part of a metropolitan statistical area, the
30 largest city of which is in another state, shall equal the allowances
31 prescribed for that larger city.

32 (2) Those persons appointed to serve without compensation on any
33 state board, commission, or committee, if entitled to payment of travel
34 expenses, shall be paid pursuant to special per diem rates prescribed
35 in accordance with subsection (1) of this section by the office of
36 financial management.

1 (3) The director of financial management may prescribe reasonable
2 allowances to cover reasonable expenses for meals, coffee, and light
3 refreshment served to elective and appointive officials and state
4 employees regardless of travel status at a meeting where: (a) The
5 purpose of the meeting is to conduct official state business or to
6 provide formal training to state employees or state officials; (b) the
7 meals, coffee, or light refreshment are an integral part of the meeting
8 or training session; (c) the meeting or training session takes place
9 away from the employee's or official's regular workplace; and (d) the
10 agency head or authorized designee approves payments in advance for the
11 meals, coffee, or light refreshment. In order to prevent abuse, the
12 director may regulate such allowances and prescribe additional
13 conditions for claiming the allowances.

14 (4) Upon approval of the agency head or authorized designee, an
15 agency may serve coffee or light refreshments at a meeting where: (a)
16 The purpose of the meeting is to conduct state business or to provide
17 formal training that benefits the state; and (b) the coffee or light
18 refreshment is an integral part of the meeting or training session.
19 The director of financial management shall adopt requirements necessary
20 to prohibit abuse of the authority authorized in this subsection.

21 (5) The schedule of allowances prescribed by the director under the
22 terms of this section and any subsequent increases in any maximum
23 allowance or special allowances for areas of higher than usual costs
24 shall be reported to the ways and means committees of the house of
25 representatives and the senate at each regular session of the
26 legislature.

27 (6) Beginning July 1, 2010, through June 30, 2011, no person
28 designated as a member of a class one through class three or class five
29 board, commission, council, committee, or similar group may receive an
30 allowance for subsistence, lodging, or travel expenses if the allowance
31 cost is funded by the state general fund. Exceptions may be granted
32 under section 605, chapter 3, Laws of 2010.

33 **Sec. 142.** RCW 43.03.220 and 1984 c 287 s 2 are each amended to
34 read as follows:

35 (1) Any part-time board, commission, council, committee, or other
36 similar group which is established by the executive, legislative, or

1 judicial branch to participate in state government and which functions
2 primarily in an advisory, coordinating, or planning capacity shall be
3 identified as a class one group.

4 (2) Absent any other provision of law to the contrary, no money
5 beyond the customary reimbursement or allowance for expenses may be
6 paid by or through the state to members of class one groups for
7 attendance at meetings of such groups.

8 (3) Beginning July 1, 2010, through June 30, 2011, no person
9 designated as a member of a class one board, commission, council,
10 committee, or similar group may receive an allowance for subsistence,
11 lodging, or travel expenses if the allowance cost is funded by the
12 state general fund. Exceptions may be granted under section 605,
13 chapter 3, Laws of 2010. Class one groups, when feasible, shall use an
14 alternative means of conducting a meeting that does not require travel
15 while still maximizing member and public participation and may use a
16 meeting format that requires members to be physically present at one
17 location only when necessary or required by law. Meetings that require
18 a member's physical presence at one location must be held in state
19 facilities whenever possible, and meetings conducted using private
20 facilities must be approved by the director of the office of financial
21 management.

22 (4) Beginning July 1, 2010, through June 30, 2011, class one groups
23 that are funded by sources other than the state general fund are
24 encouraged to reduce travel, lodging, and other costs associated with
25 conducting the business of the group including use of other meeting
26 formats that do not require travel.

27 **Sec. 143.** RCW 43.03.230 and 2001 c 315 s 11 are each amended to
28 read as follows:

29 (1) Any agricultural commodity board or commission established
30 pursuant to Title 15 or 16 RCW shall be identified as a class two group
31 for purposes of compensation.

32 (2) Except as otherwise provided in this section, each member of a
33 class two group is eligible to receive compensation in an amount not to
34 exceed one hundred dollars for each day during which the member attends
35 an official meeting of the group or performs statutorily prescribed
36 duties approved by the chairperson of the group. A person shall not
37 receive compensation for a day of service under this section if the

1 person (a) occupies a position, normally regarded as full-time in
2 nature, in any agency of the federal government, Washington state
3 government, or Washington state local government; and (b) receives any
4 compensation from such government for working that day.

5 (3) Compensation may be paid a member under this section only if it
6 is authorized under the law dealing in particular with the specific
7 group to which the member belongs or dealing in particular with the
8 members of that specific group.

9 (4) Beginning July 1, 2010, through June 30, 2011, no person
10 designated as a member of a class two board, commission, council,
11 committee, or similar group may receive an allowance for subsistence,
12 lodging, or travel expenses if the allowance cost is funded by the
13 state general fund. Exceptions may be granted under section 605,
14 chapter 3, Laws of 2010. Class two groups, when feasible, shall use an
15 alternative means of conducting a meeting that does not require travel
16 while still maximizing member and public participation and may use a
17 meeting format that requires members to be physically present at one
18 location only when necessary or required by law. Meetings that require
19 a member's physical presence at one location must be held in state
20 facilities whenever possible, and meetings conducted using private
21 facilities must be approved by the director of the office of financial
22 management.

23 (5) Beginning July 1, 2010, through June 30, 2011, class two groups
24 that are funded by sources other than the state general fund are
25 encouraged to reduce travel, lodging, and other costs associated with
26 conducting the business of the group including use of other meeting
27 formats that do not require travel.

28 **Sec. 144.** RCW 43.03.240 and 1984 c 287 s 4 are each amended to
29 read as follows:

30 (1) Any part-time, statutory board, commission, council, committee,
31 or other similar group which has rule-making authority, performs quasi
32 judicial functions, has responsibility for the administration or policy
33 direction of a state agency or program, or performs regulatory or
34 licensing functions with respect to a specific profession, occupation,
35 business, or industry shall be identified as a class three group for
36 purposes of compensation.

1 (2) Except as otherwise provided in this section, each member of a
2 class three group is eligible to receive compensation in an amount not
3 to exceed fifty dollars for each day during which the member attends an
4 official meeting of the group or performs statutorily prescribed duties
5 approved by the chairperson of the group. A person shall not receive
6 compensation for a day of service under this section if the person (a)
7 occupies a position, normally regarded as full-time in nature, in any
8 agency of the federal government, Washington state government, or
9 Washington state local government; and (b) receives any compensation
10 from such government for working that day.

11 (3) Compensation may be paid a member under this section only if it
12 is authorized under the law dealing in particular with the specific
13 group to which the member belongs or dealing in particular with the
14 members of that specific group.

15 (4) Beginning July 1, 2010, through June 30, 2011, no person
16 designated as a member of a class three board, commission, council,
17 committee, or similar group may receive an allowance for subsistence,
18 lodging, or travel expenses if the allowance cost is funded by the
19 state general fund. Exceptions may be granted under section 605,
20 chapter 3, Laws of 2010. Class three groups, when feasible, shall use
21 an alternative means of conducting a meeting that does not require
22 travel while still maximizing member and public participation and may
23 use a meeting format that requires members to be physically present at
24 one location only when necessary or required by law. Meetings that
25 require a member's physical presence at one location must be held in
26 state facilities whenever possible, and meetings conducted using
27 private facilities must be approved by the director of the office of
28 financial management.

29 (5) Beginning July 1, 2010, through June 30, 2011, class three
30 groups that are funded by sources other than the state general fund are
31 encouraged to reduce travel, lodging, and other costs associated with
32 conducting the business of the group including use of other meeting
33 formats that do not require travel.

34 **Sec. 145.** RCW 43.03.250 and 1984 c 287 s 5 are each amended to
35 read as follows:

36 (1) A part-time, statutory board, commission, council, committee,

1 or other similar group shall be identified as a class four group for
2 purposes of compensation if the group:

3 (a) Has rule-making authority, performs quasi-judicial functions,
4 or has responsibility for the administration or policy direction of a
5 state agency or program;

6 (b) Has duties that are deemed by the legislature to be of
7 overriding sensitivity and importance to the public welfare and the
8 operation of state government; and

9 (c) Requires service from its members representing a significant
10 demand on their time that is normally in excess of one hundred hours of
11 meeting time per year.

12 (2) Each member of a class four group is eligible to receive
13 compensation in an amount not to exceed one hundred dollars for each
14 day during which the member attends an official meeting of the group or
15 performs statutorily prescribed duties approved by the chairperson of
16 the group. A person shall not receive compensation for a day of
17 service under this section if the person (a) occupies a position,
18 normally regarded as full-time in nature, in any agency of the federal
19 government, Washington state government, or Washington state local
20 government; and (b) receives any compensation from such government for
21 working that day.

22 (3) Compensation may be paid a member under this section only if it
23 is authorized under the law dealing in particular with the specific
24 group to which the member belongs or dealing in particular with the
25 members of that specific group.

26 (4) Beginning July 1, 2010, through June 30, 2011, class four
27 groups, when feasible, shall use an alternative means of conducting a
28 meeting that does not require travel while still maximizing member and
29 public participation and may use a meeting format that requires members
30 to be physically present at one location only when necessary or
31 required by law. Meetings that require a member's physical presence at
32 one location must be held in state facilities whenever possible, and
33 meetings conducted using private facilities must be approved by the
34 director of the office of financial management.

35 **Sec. 146.** RCW 43.03.265 and 1999 c 366 s 1 are each amended to
36 read as follows:

37 (1) Any part-time commission that has rule-making authority,

1 performs quasi-judicial functions, has responsibility for the policy
2 direction of a health profession credentialing program, and performs
3 regulatory and licensing functions with respect to a health care
4 profession licensed under Title 18 RCW shall be identified as a class
5 five group for purposes of compensation.

6 (2) Except as otherwise provided in this section, each member of a
7 class five group is eligible to receive compensation in an amount not
8 to exceed two hundred fifty dollars for each day during which the
9 member attends an official meeting of the group or performs statutorily
10 prescribed duties approved by the chairperson of the group. A person
11 shall not receive compensation for a day of service under this section
12 if the person (a) occupies a position, normally regarded as full-time
13 in nature, in any agency of the federal government, Washington state
14 government, or Washington state local government; and (b) receives any
15 compensation from such government for working that day.

16 (3) Compensation may be paid a member under this section only if it
17 is necessarily incurred in the course of authorized business consistent
18 with the responsibilities of the commission established by law.

19 (4) Beginning July 1, 2010, through June 30, 2011, no person
20 designated as a member of a class five board, commission, council,
21 committee, or similar group may receive an allowance for subsistence,
22 lodging, or travel expenses if the allowance cost is funded by the
23 state general fund. Exceptions may be granted under section 605,
24 chapter 3, Laws of 2010. Class five groups, when feasible, shall use
25 an alternative means of conducting a meeting that does not require
26 travel while still maximizing member and public participation and may
27 use a meeting format that requires members to be physically present at
28 one location only when necessary or required by law. Meetings that
29 require a member's physical presence at one location must be held in
30 state facilities whenever possible, and meetings conducted using
31 private facilities must be approved by the director of the office of
32 financial management.

33 (5) Beginning July 1, 2010, through June 30, 2011, class five
34 groups that are funded by sources other than the state general fund are
35 encouraged to reduce travel, lodging, and other costs associated with
36 conducting the business of the group including use of other meeting
37 formats that do not require travel.

1 NEW SECTION. **Sec. 147.** (1) The director of financial management
2 shall provide the following information on each permanent and
3 temporary, statutory and nonstatutory board, commission, council,
4 committee, or other similar group established by the executive and
5 judicial branches of state government and report the information to the
6 appropriate policy and fiscal committees of the senate and the house of
7 representatives by September 1, 2010:

8 (a) Actual annual costs for fiscal years 2008 and 2009 for:

9 (i) Agency staff support;

10 (ii) Travel and lodging allowances;

11 (iii) Compensation payments for designated members; and

12 (iv) Other meeting expenses; and

13 (b) The sources of funds used to pay costs for each board,
14 commission, council, committee, or other similar group.

15 (2) This section expires December 31, 2010.

16 NEW SECTION. **Sec. 148.** The following sections are recodified as
17 new sections in chapter 43.215 RCW:

18 RCW 43.121.170

19 RCW 43.121.175

20 RCW 43.121.180

21 NEW SECTION. **Sec. 149.** Sections 119 and 123 of this act take
22 effect June 30, 2011.

23 NEW SECTION. **Sec. 150.** Sections 1 through 118, 125 through 135,
24 and 141 through 146 of this act take effect June 30, 2010.

25 NEW SECTION. **Sec. 151.** Section 136 of this act takes effect
26 November 15, 2010.

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