
ENGROSSED SENATE BILL 5995

State of Washington

61st Legislature

2009 Regular Session

By Senators Pridemore, Schoesler, and Honeyford; by request of Governor Gregoire

Read first time 02/12/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to eliminating certain boards, committees, and
2 commissions and the transfer of certain duties effective June 30, 2009;
3 amending RCW 18.06.080, 70.128.163, 18.44.011, 18.44.195, 18.44.221,
4 18.44.251, 19.146.225, 70.149.040, 79A.75.900, 70.14.060, 4.92.130,
5 18.84.040, 18.84.070, 28B.116.020, 28B.12.040, 28C.18.050, 28C.18.090,
6 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760,
7 18.250.010, 18.250.020, 18.250.060, 70.47.040, 28A.300.520, 43.215.065,
8 72.09.495, 74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033,
9 41.04.0331, 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 43.43.930,
10 43.43.938, 43.43.962, 43.43.934, 38.52.530, 49.26.120, 48.62.061,
11 48.62.161, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050,
12 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130,
13 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 16.57.353,
14 18.210.010, 18.210.050, 18.210.060, 70.118.110, 43.43.866, 43.10.240,
15 18.200.010, 18.200.050, 18.200.070, 18.140.010, 18.140.030, 18.140.160,
16 18.140.170, 77.95.100, 77.95.180, 77.95.190, 82.58.020, 70.95.030,
17 43.21A.520, 70.105.010, 70.105.160, 70.119A.180, 90.86.030, 18.104.040,
18 18.104.043, 18.104.049, 18.104.100, 18.104.200, 43.15.020, 18.235.020,
19 19.16.100, 19.16.420, 43.60A.010, and 43.60A.080; reenacting and
20 amending RCW 70.105D.030 and 74.15.030; adding a new section to chapter
21 34.05 RCW; adding a new section to chapter 43.185B RCW; adding new

1 sections to chapter 43.20A RCW; adding a new section to chapter 70.94
2 RCW; adding a new section to chapter 28B.108 RCW; adding a new section
3 to chapter 46.66 RCW; adding a new section to chapter 70.195 RCW;
4 adding new sections to chapter 43.31 RCW; adding a new section to
5 chapter 26.19 RCW; adding a new section to chapter 35.78 RCW; adding a
6 new section to chapter 43.32 RCW; adding a new section to chapter 19.16
7 RCW; adding a new section to chapter 72.78 RCW; adding a new section to
8 chapter 70.198 RCW; adding new sections to chapter 28A.175 RCW; adding
9 a new section to chapter 43.06B RCW; adding a new section to chapter
10 44.39 RCW; adding a new section to chapter 38.52 RCW; adding a new
11 section to chapter 43.22 RCW; adding a new section to chapter 28A.300
12 RCW; adding a new section to chapter 70.47A RCW; adding a new section
13 to chapter 28B.115 RCW; adding a new section to chapter 77.85 RCW;
14 adding a new section to chapter 28A.305 RCW; adding a new section to
15 chapter 1.40 RCW; adding a new section to chapter 1.60 RCW; adding a
16 new section to chapter 13.60 RCW; adding a new section to chapter
17 43.147 RCW; adding a new section to chapter 28B.10 RCW; adding a new
18 section to chapter 28A.195 RCW; adding a new section to chapter 36.102
19 RCW; adding a new section to chapter 41.04 RCW; adding a new section to
20 chapter 74.18 RCW; adding a new section to chapter 28A.600 RCW; adding
21 a new section to chapter 28A.160 RCW; adding a new section to chapter
22 28A.525 RCW; adding a new section to chapter 43.210 RCW; adding a new
23 section to chapter 2.53 RCW; adding a new section to chapter 58.24 RCW;
24 adding a new section to chapter 44.55 RCW; adding a new section to
25 chapter 90.86 RCW; creating new sections; repealing RCW 28B.04.085,
26 70.128.225, 18.20.260, 70.96A.070, 18.44.500, 18.44.510, 79A.25.220,
27 19.146.280, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580,
28 21.20.590, 43.360.040, 28B.116.040, 18.155.050, 74.32.100, 74.32.110,
29 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170,
30 74.32.180, 28B.50.254, 18.250.030, 43.63A.068, 43.101.310, 43.101.315,
31 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345,
32 43.105.055, 70.198.010, 43.43.932, 43.43.936, 70.105E.070, 70.105E.090,
33 48.62.051, 48.62.041, 28B.76.100, 18.280.040, 10.98.200, 10.98.210,
34 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 16.57.015,
35 71.09.320, 18.210.040, 18.210.070, 70.118.100, 43.43.858, 43.43.860,
36 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, 10.29.090,
37 18.200.060, 72.09.800, 18.140.230, 18.140.240, 18.140.250, 77.95.110,
38 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 70.119A.160,

1 18.104.190, 79A.30.030, 46.38.010, 46.38.020, 46.38.030, 46.38.040,
2 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 46.39.010,
3 46.39.020, 43.60A.170, 43.131.405, and 43.131.406; repealing 2008 c 311
4 s 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008
5 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified);
6 repealing 2007 c 520 s 6016 (uncodified); repealing 2007 c 520 s 6026
7 (uncodified); providing effective dates; providing expiration dates;
8 and declaring an emergency.

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

10 NEW SECTION. **Sec. 1.** One of the key roles of advisory boards,
11 committees, and commissions is to provide input, advice and
12 recommendations from stakeholders, other interested parties, and the
13 public to state agencies. These advisory boards, committees, and
14 commissions may be abolished without detriment to the mission of the
15 agency each supports. Most of the advisory functions of these boards,
16 committees, and commissions can be performed without the administrative
17 costs of maintaining formal organizations. In the interest of building
18 a leaner, more efficient, and more responsible government, this vital
19 communications conduit must be maintained for the benefit of the state
20 and its citizens, through the use of modern communication technology.
21 It is the intent of this legislation that while advisory boards,
22 committees, and commissions be eliminated, agencies should identify
23 new, less costly, and more effective opportunities to ensure a broad
24 range of citizen participation is provided and that all reasonable
25 efforts are made to ensure that channels are maintained for vital input
26 from the citizens of Washington.

27 **Acupuncture Ad Hoc Committee**

28 **Sec. 2.** RCW 18.06.080 and 1995 c 323 s 7 are each amended to read
29 as follows:

30 (1) The secretary is hereby authorized and empowered to execute the
31 provisions of this chapter and shall offer examinations in acupuncture
32 at least twice a year at such times and places as the secretary may
33 select. The examination shall be a written examination and may include
34 a practical examination.

1 (2) The secretary shall develop or approve a licensure examination
2 in the subjects that the secretary determines are within the scope of
3 and commensurate with the work performed by licensed acupuncturists and
4 shall include but not necessarily be limited to anatomy, physiology,
5 microbiology, biochemistry, pathology, hygiene, and acupuncture. All
6 application papers shall be deposited with the secretary and there
7 retained for at least one year, when they may be destroyed.

8 (3) If the examination is successfully passed, the secretary shall
9 confer on such candidate the title of Licensed Acupuncturist.

10 ~~(4) ((The secretary may appoint members of the profession to serve
11 in an ad hoc advisory capacity to the secretary in carrying out this
12 chapter. The members will serve for designated times and provide
13 advice on matters specifically identified and requested by the
14 secretary. The members shall be compensated in accordance with RCW
15 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
16 43.03.060.~~

17 ~~(5))~~ The secretary, ad hoc committee members, or individuals
18 acting in their behalf are immune from suit in a civil action based on
19 any certification or disciplinary proceedings or other official acts
20 performed in the course of their duties.

21 **Displaced Homemaker Program Statewide Advisory Committee**

22 NEW SECTION. **Sec. 3.** RCW 28B.04.085 (Displaced homemaker program
23 advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each
24 repealed.

25 **Adult Family Home Advisory Committee**

26 NEW SECTION. **Sec. 4.** RCW 70.128.225 (Advisory committee) and 2007
27 c 40 s 1 & 2002 c 223 s 4 are each repealed.

28 **Sec. 5.** RCW 70.128.163 and 2001 c 193 s 6 are each amended to read
29 as follows:

30 (1) When the department has summarily suspended a license, the
31 licensee may, subject to the department's approval, elect to
32 participate in a temporary management program. All provisions of this
33 section shall apply.

1 The purposes of a temporary management program are as follows:

2 (a) To mitigate dislocation and transfer trauma of residents while
3 the department and licensee may pursue dispute resolution or appeal of
4 a summary suspension of license;

5 (b) To facilitate the continuity of safe and appropriate resident
6 care and services;

7 (c) To preserve a residential option that meets a specialized
8 service need and/or is in a geographical area that has a lack of
9 available providers; and

10 (d) To provide residents with the opportunity for orderly
11 discharge.

12 (2) Licensee participation in the temporary management program is
13 voluntary. The department shall have the discretion to approve any
14 temporary manager and the temporary management arrangements. The
15 temporary management shall assume the total responsibility for the
16 daily operations of the home.

17 (3) The temporary management shall contract with the licensee as an
18 independent contractor and is responsible for ensuring that all minimum
19 licensing requirements are met. The temporary management shall protect
20 the health, safety, and well-being of the residents for the duration of
21 the temporary management and shall perform all acts reasonably
22 necessary to ensure that residents' needs are met. The licensee is
23 responsible for all costs related to administering the temporary
24 management program and contracting with the temporary management. The
25 temporary management agreement shall at a minimum address the
26 following:

27 (a) Provision of liability insurance to protect residents and their
28 property;

29 (b) Preservation of resident trust funds;

30 (c) The timely payment of past due or current accounts, operating
31 expenses, including but not limited to staff compensation, and all debt
32 that comes due during the period of the temporary management;

33 (d) The responsibilities for addressing all other financial
34 obligations that would interfere with the ability of the temporary
35 manager to provide adequate care and services to residents; and

36 (e) The authority of the temporary manager to manage the home,
37 including the hiring, managing, and firing of employees for good cause,
38 and to provide adequate care and services to residents.

1 (4) The licensee and department shall provide written notification
2 immediately to all residents, legal representatives, interested family
3 members, and the state long-term care ombudsman program, of the
4 temporary management and the reasons for it. This notification shall
5 include notice that residents may move from the home without notifying
6 the licensee in advance, and without incurring any charges, fees, or
7 costs otherwise available for insufficient advance notice, during the
8 temporary management period.

9 (5) The temporary management period under this section concludes
10 twenty-eight days after issuance of the formal notification of
11 enforcement action or conclusion of administrative proceedings,
12 whichever date is later. Nothing in this section precludes the
13 department from revoking its approval of the temporary management
14 and/or exercising its licensing enforcement authority under this
15 chapter. The department's decision whether to approve or to revoke a
16 temporary management arrangement is not subject to the administrative
17 procedure act, chapter 34.05 RCW.

18 (6) The department is authorized to adopt rules implementing this
19 section. In implementing this section, the department shall consult
20 with consumers, advocates, (~~the adult family home advisory committee~~
21 ~~established under chapter 18.48 RCW,~~) and organizations representing
22 adult family homes. The department may recruit and approve qualified,
23 licensed providers interested in serving as temporary managers.

24 **Boarding Home Advisory Board**

25 NEW SECTION. **Sec. 6.** RCW 18.20.260 (Advisory board) and 2000 c 47
26 s 8 are each repealed.

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

28 NEW SECTION. **Sec. 7.** RCW 70.96A.070 (Citizens advisory council--
29 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c
30 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each
31 repealed.

32 **Citizens' Work Group on Health Care Reform**

1 association, partnership, or corporation holding a license as an escrow
2 agent under the provisions of this chapter.

3 (8) "Person" means a natural person, firm, association,
4 partnership, corporation, limited liability company, or the plural
5 thereof, whether resident, nonresident, citizen, or not.

6 (9) "Licensed escrow officer" means any natural person handling
7 escrow transactions and licensed as such by the director.

8 (10) "Designated escrow officer" means any licensed escrow officer
9 designated by a licensed escrow agent and approved by the director as
10 the licensed escrow officer responsible for supervising that agent's
11 handling of escrow transactions, management of the agent's trust
12 account, and supervision of all other licensed escrow officers employed
13 by the agent.

14 (11) (~~"Escrow commission" means the escrow commission of the state
15 of Washington created by RCW 18.44.500.~~

16 ~~(12)~~) "Controlling person" is any person who owns or controls ten
17 percent or more of the beneficial ownership of any escrow agent,
18 regardless of the form of business organization employed and regardless
19 of whether such interest stands in such person's true name or in the
20 name of a nominee.

21 **Sec. 10.** RCW 18.44.195 and 1999 c 30 s 4 are each amended to read
22 as follows:

23 (1) Any person desiring to become a licensed escrow officer must
24 successfully pass an examination.

25 (2) The escrow officer examination shall encompass the following:

26 (a) Appropriate knowledge of the English language, including
27 reading, writing, and arithmetic;

28 (b) An understanding of the principles of real estate conveyancing
29 and the general purposes and legal effects of deeds, mortgages, deeds
30 of trust, contracts of sale, exchanges, rental and optional agreements,
31 leases, earnest money agreements, personal property transfers, and
32 encumbrances;

33 (c) An understanding of the obligations between principal and
34 agent;

35 (d) An understanding of the meaning and nature of encumbrances upon
36 real property;

1 (e) An understanding of the principles and practice of trust
2 accounting; and

3 (f) An understanding of the escrow agent registration act and other
4 applicable law such as the real estate settlement procedures act, 12
5 U.S.C. Sec. 2601, and regulation X, 24 C.F.R. Sec. 3500.

6 (3) The examination shall be in such form as prescribed by the
7 director (~~((with the advice of the escrow commission,))~~) and shall be
8 given at least annually.

9 **Sec. 11.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read
10 as follows:

11 The director shall, within thirty days after ~~((the))~~ a written
12 request ~~((of the escrow commission))~~, hold a public hearing to
13 determine whether the fidelity bond, surety bond, and/or the errors and
14 omissions policy specified in RCW 18.44.201 is reasonably available to
15 a substantial number of licensed escrow agents. If the director
16 determines and the insurance commissioner concurs that such bond or
17 bonds and/or policy is not reasonably available, the director shall
18 waive the requirements for such bond or bonds and/or policy for a fixed
19 period of time.

20 **Sec. 12.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read
21 as follows:

22 A request for a waiver of the required errors and omissions policy
23 may be accomplished under the statute by submitting to the director an
24 affidavit that substantially addresses the following:

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26

27 **REQUEST FOR WAIVER OF**
28 **ERRORS AND OMISSIONS POLICY**

29 I,, residing at, City of, County
30 of, State of Washington, declare the following:

31 (1) ~~((The state escrow commission has determined~~
32 ~~that))~~ An errors and omissions policy is not reasonably
33 available to a substantial number of licensed escrow
34 officers; and

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(2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and

(3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and

(4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and

(5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and

(6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I,, respectfully request that the director of financial institutions grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from, 19, to, 19

Submitted this day of day of, 19

.....

(signature)

State of Washington,

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ss.

County of

I certify that I know or have satisfactory evidence that, signed this instrument and acknowledged it to be free and voluntary act for the uses and purposes mentioned in the instrument.

Dated

Signature of

Notary Public

(Seal or stamp)

Title

1 My appointment expires

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

4 (1) RCW 18.44.500 (Escrow commission--Members--Terms--Compensation
5 and travel expenses) and 1995 c 238 s 3, 1985 c 340 s 3, & 1984 c 287
6 s 36; and

7 (2) RCW 18.44.510 (Compensation and travel expenses of commission
8 members) and 1984 c 287 s 37 & 1977 ex.s. c 156 s 29.

9 **Firearms Range Advisory Committee**

10 NEW SECTION. **Sec. 14.** RCW 79A.25.220 (Firearms range advisory
11 committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3
12 are each repealed.

13 **Model Toxic Control Act Science Advisory Board**

14 **Sec. 15.** RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and
15 2007 c 104 s 19 are each reenacted and amended to read as follows:

16 (1) The department may exercise the following powers in addition to
17 any other powers granted by law:

18 (a) Investigate, provide for investigating, or require potentially
19 liable persons to investigate any releases or threatened releases of
20 hazardous substances, including but not limited to inspecting,
21 sampling, or testing to determine the nature or extent of any release
22 or threatened release. If there is a reasonable basis to believe that
23 a release or threatened release of a hazardous substance may exist, the
24 department's authorized employees, agents, or contractors may enter
25 upon any property and conduct investigations. The department shall
26 give reasonable notice before entering property unless an emergency
27 prevents such notice. The department may by subpoena require the
28 attendance or testimony of witnesses and the production of documents or
29 other information that the department deems necessary;

30 (b) Conduct, provide for conducting, or require potentially liable
31 persons to conduct remedial actions (including investigations under (a)
32 of this subsection) to remedy releases or threatened releases of
33 hazardous substances. In carrying out such powers, the department's

1 authorized employees, agents, or contractors may enter upon property.
2 The department shall give reasonable notice before entering property
3 unless an emergency prevents such notice. In conducting, providing
4 for, or requiring remedial action, the department shall give preference
5 to permanent solutions to the maximum extent practicable and shall
6 provide for or require adequate monitoring to ensure the effectiveness
7 of the remedial action;

8 (c) Indemnify contractors retained by the department for carrying
9 out investigations and remedial actions, but not for any contractor's
10 reckless or willful misconduct;

11 (d) Carry out all state programs authorized under the federal
12 cleanup law and the federal resource, conservation, and recovery act,
13 42 U.S.C. Sec. 6901 et seq., as amended;

14 (e) Classify substances as hazardous substances for purposes of RCW
15 70.105D.020 and classify substances and products as hazardous
16 substances for purposes of RCW 82.21.020(1);

17 (f) Issue orders or enter into consent decrees or agreed orders
18 that include, or issue written opinions under (i) of this subsection
19 that may be conditioned upon, environmental covenants where necessary
20 to protect human health and the environment from a release or
21 threatened release of a hazardous substance from a facility. Prior to
22 establishing an environmental covenant under this subsection, the
23 department shall consult with and seek comment from a city or county
24 department with land use planning authority for real property subject
25 to the environmental covenant;

26 (g) Enforce the application of permanent and effective
27 institutional controls that are necessary for a remedial action to be
28 protective of human health and the environment and the notification
29 requirements established in RCW 70.105D.110, and impose penalties for
30 violations of that section consistent with RCW 70.105D.050;

31 (h) Require holders to conduct remedial actions necessary to abate
32 an imminent or substantial endangerment pursuant to RCW
33 70.105D.020(17)(b)(ii)(C);

34 (i) Provide informal advice and assistance to persons regarding the
35 administrative and technical requirements of this chapter. This may
36 include site-specific advice to persons who are conducting or otherwise
37 interested in independent remedial actions. Any such advice or
38 assistance shall be advisory only, and shall not be binding on the

1 department. As a part of providing this advice and assistance for
2 independent remedial actions, the department may prepare written
3 opinions regarding whether the independent remedial actions or
4 proposals for those actions meet the substantive requirements of this
5 chapter or whether the department believes further remedial action is
6 necessary at the facility. Nothing in this chapter may be construed to
7 preclude the department from issuing a written opinion on whether
8 further remedial action is necessary at any portion of the real
9 property located within a facility, even if further remedial action is
10 still necessary elsewhere at the same facility. Such a written opinion
11 on a portion of a facility must also provide an opinion on the status
12 of the facility as a whole. The department may collect, from persons
13 requesting advice and assistance, the costs incurred by the department
14 in providing such advice and assistance; however, the department shall,
15 where appropriate, waive collection of costs in order to provide an
16 appropriate level of technical assistance in support of public
17 participation. The state, the department, and officers and employees
18 of the state are immune from all liability, and no cause of action of
19 any nature may arise from any act or omission in providing, or failing
20 to provide, informal advice and assistance; and

21 (j) Take any other actions necessary to carry out the provisions of
22 this chapter, including the power to adopt rules under chapter 34.05
23 RCW.

24 (2) The department shall immediately implement all provisions of
25 this chapter to the maximum extent practicable, including investigative
26 and remedial actions where appropriate. The department shall adopt,
27 and thereafter enforce, rules under chapter 34.05 RCW to:

28 (a) Provide for public participation, including at least (i) public
29 notice of the development of investigative plans or remedial plans for
30 releases or threatened releases and (ii) concurrent public notice of
31 all compliance orders, agreed orders, enforcement orders, or notices of
32 violation;

33 (b) Establish a hazard ranking system for hazardous waste sites;

34 (c) Provide for requiring the reporting by an owner or operator of
35 releases of hazardous substances to the environment that may be a
36 threat to human health or the environment within ninety days of
37 discovery, including such exemptions from reporting as the department

1 deems appropriate, however this requirement shall not modify any
2 existing requirements provided for under other laws;

3 (d) Establish reasonable deadlines not to exceed ninety days for
4 initiating an investigation of a hazardous waste site after the
5 department receives notice or otherwise receives information that the
6 site may pose a threat to human health or the environment and other
7 reasonable deadlines for remedying releases or threatened releases at
8 the site;

9 (e) Publish and periodically update minimum cleanup standards for
10 remedial actions at least as stringent as the cleanup standards under
11 section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at
12 least as stringent as all applicable state and federal laws, including
13 health-based standards under state and federal law; and

14 (f) Apply industrial clean-up standards at industrial properties.
15 Rules adopted under this subsection shall ensure that industrial
16 properties cleaned up to industrial standards cannot be converted to
17 nonindustrial uses without approval from the department. The
18 department may require that a property cleaned up to industrial
19 standards is cleaned up to a more stringent applicable standard as a
20 condition of conversion to a nonindustrial use. Industrial clean-up
21 standards may not be applied to industrial properties where hazardous
22 substances remaining at the property after remedial action pose a
23 threat to human health or the environment in adjacent nonindustrial
24 areas.

25 (3) To achieve and protect the state's long-term ecological health,
26 the department shall prioritize sufficient funding to clean up
27 hazardous waste sites and prevent the creation of future hazards due to
28 improper disposal of toxic wastes, and create financing tools to clean
29 up large-scale hazardous waste sites requiring multiyear commitments.
30 To effectively monitor toxic accounts expenditures, the department
31 shall develop a comprehensive ten-year financing report that identifies
32 long-term remedial action project costs, tracks expenses, and projects
33 future needs.

34 (4) Before December 20th of each even-numbered year, the department
35 shall:

36 (a) Develop a comprehensive ten-year financing report in
37 coordination with all local governments with clean-up responsibilities

1 that identifies the projected biennial hazardous waste site remedial
2 action needs that are eligible for funding from the local toxics
3 control account;

4 (b) Work with local governments to develop working capital reserves
5 to be incorporated in the ten-year financing report;

6 (c) Identify the projected remedial action needs for orphaned,
7 abandoned, and other clean-up sites that are eligible for funding from
8 the state toxics control account;

9 (d) Project the remedial action need, cost, revenue, and any
10 recommended working capital reserve estimate to the next biennium's
11 long-term remedial action needs from both the local toxics control
12 account and the state toxics control account, and submit this
13 information to the appropriate standing fiscal and environmental
14 committees of the senate and house of representatives. This submittal
15 must also include a ranked list of such remedial action projects for
16 both accounts; and

17 (e) Provide the legislature and the public each year with an
18 accounting of the department's activities supported by appropriations
19 from the state and local toxics control accounts, including a list of
20 known hazardous waste sites and their hazard rankings, actions taken
21 and planned at each site, how the department is meeting its waste
22 management priorities under RCW 70.105.150, and all funds expended
23 under this chapter.

24 ~~((The department shall establish a scientific advisory board to
25 render advice to the department with respect to the hazard ranking
26 system, cleanup standards, remedial actions, deadlines for remedial
27 actions, monitoring, the classification of substances as hazardous
28 substances for purposes of RCW 70.105D.020 and the classification of
29 substances or products as hazardous substances for purposes of RCW
30 82.21.020(1). The board shall consist of five independent members to
31 serve staggered three year terms. No members may be employees of the
32 department. Members shall be reimbursed for travel expenses as
33 provided in RCW 43.03.050 and 43.03.060.~~

34 ~~(6))~~ The department shall establish a program to identify
35 potential hazardous waste sites and to encourage persons to provide
36 information about hazardous waste sites.

37 ~~((7))~~ (6) For all facilities where an environmental covenant has
38 been required under subsection (1)(f) of this section, including all

1 facilities where the department has required an environmental covenant
2 under an order, agreed order, or consent decree, or as a condition of
3 a written opinion issued under the authority of subsection (1)(i) of
4 this section, the department shall periodically review the
5 environmental covenant for effectiveness. Except as otherwise provided
6 in (c) of this subsection, the department shall conduct a review at
7 least once every five years after an environmental covenant is
8 recorded.

9 (a) The review shall consist of, at a minimum:

10 (i) A review of the title of the real property subject to the
11 environmental covenant to determine whether the environmental covenant
12 was properly recorded and, if applicable, amended or terminated;

13 (ii) A physical inspection of the real property subject to the
14 environmental covenant to determine compliance with the environmental
15 covenant, including whether any development or redevelopment of the
16 real property has violated the terms of the environmental covenant; and

17 (iii) A review of the effectiveness of the environmental covenant
18 in limiting or prohibiting activities that may interfere with the
19 integrity of the remedial action or that may result in exposure to or
20 migration of hazardous substances. This shall include a review of
21 available monitoring data.

22 (b) If an environmental covenant has been amended or terminated
23 without proper authority, or if the terms of an environmental covenant
24 have been violated, or if the environmental covenant is no longer
25 effective in limiting or prohibiting activities that may interfere with
26 the integrity of the remedial action or that may result in exposure to
27 or migration of hazardous substances, then the department shall take
28 any and all appropriate actions necessary to ensure compliance with the
29 environmental covenant and the policies and requirements of this
30 chapter.

31 (c) For facilities where an environmental covenant required by the
32 department under subsection (1)(f) of this section was required before
33 July 1, 2007, the department shall:

34 (i) Enter all required information about the environmental covenant
35 into the registry established under RCW 64.70.120 by June 30, 2008;

36 (ii) For those facilities where more than five years has elapsed
37 since the environmental covenant was required and the department has

1 yet to conduct a review, conduct an initial review according to the
2 following schedule:

- 3 (A) By December 30, 2008, fifty facilities;
 - 4 (B) By June 30, 2009, fifty additional facilities; and
 - 5 (C) By June 30, 2010, the remainder of the facilities;
- 6 (iii) Once this initial review has been completed, conduct
7 subsequent reviews at least once every five years.

8 **Mortgage Brokers**

9 NEW SECTION. **Sec. 16.** RCW 19.146.280 (Mortgage broker
10 commission--Code of conduct--Complaint review) and 2006 c 19 s 17, 2001
11 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each
12 repealed.

13 **Sec. 17.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to
14 read as follows:

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

20 **Oil Heat Advisory Committee**

21 **Sec. 18.** RCW 70.149.040 and 2007 c 240 s 1 are each amended to
22 read as follows:

- 23 The director shall:
- 24 (1) Design a program, consistent with RCW 70.149.120, for providing
25 pollution liability insurance for heating oil tanks that provides up to
26 sixty thousand dollars per occurrence coverage and aggregate limits,
27 and protects the state of Washington from unwanted or unanticipated
28 liability for accidental release claims;
 - 29 (2) Administer, implement, and enforce the provisions of this
30 chapter. To assist in administration of the program, the director is
31 authorized to appoint up to two employees who are exempt from the civil
32 service law, chapter 41.06 RCW, and who shall serve at the pleasure of
33 the director;

- 1 (3) Administer the heating oil pollution liability trust account,
2 as established under RCW 70.149.070;
- 3 (4) Employ and discharge, at his or her discretion, agents,
4 attorneys, consultants, companies, organizations, and employees as
5 deemed necessary, and to prescribe their duties and powers, and fix
6 their compensation;
- 7 (5) Adopt rules under chapter 34.05 RCW as necessary to carry out
8 the provisions of this chapter;
- 9 (6) Design and from time to time revise a reinsurance contract
10 providing coverage to an insurer or insurers meeting the requirements
11 of this chapter. The director is authorized to provide reinsurance
12 through the pollution liability insurance program trust account;
- 13 (7) Solicit bids from insurers and select an insurer to provide
14 pollution liability insurance for third-party bodily injury and
15 property damage, and corrective action to owners and operators of
16 heating oil tanks;
- 17 (8) Register, and design a means of accounting for, operating
18 heating oil tanks;
- 19 (9) Implement a program to provide advice and technical assistance
20 to owners and operators of active and abandoned heating oil tanks if
21 contamination from an active or abandoned heating oil tank is
22 suspected. Advice and assistance regarding administrative and
23 technical requirements may include observation of testing or site
24 assessment and review of the results of reports. If the director finds
25 that contamination is not present or that the contamination is
26 apparently minor and not a threat to human health or the environment,
27 the director may provide written opinions and conclusions on the
28 results of the investigation to owners and operators of active and
29 abandoned heating oil tanks. The agency is authorized to collect, from
30 persons requesting advice and assistance, the costs incurred by the
31 agency in providing such advice and assistance. The costs may include
32 travel costs and expenses associated with review of reports and
33 preparation of written opinions and conclusions. Funds from cost
34 reimbursement must be deposited in the heating oil pollution liability
35 trust account. The state of Washington, the pollution liability
36 insurance agency, and its officers and employees are immune from all
37 liability, and no cause of action arises from any act or omission in

1 providing, or failing to provide, such advice, opinion, conclusion, or
2 assistance;

3 (10) Establish a public information program to provide information
4 regarding liability, technical, and environmental requirements
5 associated with active and abandoned heating oil tanks;

6 (11) Monitor agency expenditures and seek to minimize costs and
7 maximize benefits to ensure responsible financial stewardship;

8 ~~(12) ((Create an advisory committee of stakeholders to advise the
9 director on all aspects of program operations and fees authorized by
10 this chapter, including pollution prevention programs. The advisory
11 committee must have one member each from the Pacific Northwest oil heat
12 council, the Washington oil marketers association, the western states
13 petroleum association, and the department of ecology and three members
14 from among the owners of home heating oil tanks registered with the
15 pollution liability insurance agency who are generally representative
16 of the geographical distribution and types of registered owners. The
17 committee should meet at least quarterly, or more frequently at the
18 discretion of the director; and~~

19 ~~(13))~~ Study if appropriate user fees to supplement program funding
20 are necessary and develop recommendations for legislation to authorize
21 such fees.

22 **Parks Centennial Advisory Committee**

23 **Sec. 19.** RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read
24 as follows:

25 This act expires (~~December 31, 2013~~) June 30, 2009.

26 **Prescription Drug Purchasing Consortium Advisory Commission**

27 **Sec. 20.** RCW 70.14.060 and 2005 c 129 s 1 are each amended to read
28 as follows:

29 (1) The administrator of the state health care authority shall,
30 directly or by contract, adopt policies necessary for establishment of
31 a prescription drug purchasing consortium. The consortium's purchasing
32 activities shall be based upon the evidence-based prescription drug
33 program established under RCW 70.14.050. State purchased health care
34 programs as defined in RCW 41.05.011 shall purchase prescription drugs

1 through the consortium for those prescription drugs that are purchased
2 directly by the state and those that are purchased through
3 reimbursement of pharmacies, unless exempted under this section. The
4 administrator shall not require any supplemental rebate offered to the
5 department of social and health services by a pharmaceutical
6 manufacturer for prescription drugs purchased for medical assistance
7 program clients under chapter 74.09 RCW be extended to any other state
8 purchased health care program, or to any other individuals or entities
9 participating in the consortium. The administrator shall explore joint
10 purchasing opportunities with other states.

11 (2) Participation in the purchasing consortium shall be offered as
12 an option beginning January 1, 2006. Participation in the consortium
13 is purely voluntary for units of local government, private entities,
14 labor organizations, and for individuals who lack or are underinsured
15 for prescription drug coverage. The administrator may set reasonable
16 fees, including enrollment fees, to cover administrative costs
17 attributable to participation in the prescription drug consortium.

18 ~~(3) ((The prescription drug consortium advisory committee is
19 created within the authority. The function of the prescription drug
20 advisory committee is to advise the administrator of the state health
21 care authority on the implementation of the prescription drug
22 purchasing consortium.~~

23 ~~(4) The prescription drug consortium advisory committee shall be
24 composed of eleven members selected as provided in this subsection.~~

25 ~~(a) The administrator shall select one member of the prescription
26 drug consortium advisory committee from each list of three nominees
27 submitted by statewide organizations representing the following:~~

28 ~~(i) One representative of state employees, who represents an
29 employee union certified as exclusive representative of at least one
30 bargaining unit of classified employees;~~

31 ~~(ii) One member who is a licensed physician;~~

32 ~~(iii) One member who is a licensed pharmacist;~~

33 ~~(iv) One member who is a licensed advanced registered nurse
34 practitioner;~~

35 ~~(v) One member representing a health carrier licensed under Title
36 48 RCW; and~~

37 ~~(vi) One member representing unions that represent private sector
38 employees;~~

1 created as a nonappropriated account to be used solely and exclusively
2 for the payment of liability settlements and judgments against the
3 state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of
4 its officers, employees, and volunteers and all related legal defense
5 costs.

6 (1) The purpose of the liability account is to: (a) Expeditiously
7 pay legal liabilities and defense costs of the state resulting from
8 tortious conduct; (b) promote risk control through a cost allocation
9 system which recognizes agency loss experience, levels of self-
10 retention, and levels of risk exposure; and (c) establish an
11 actuarially sound system to pay incurred losses, within defined limits.

12 (2) The liability account shall be used to pay claims for injury
13 and property damages and legal defense costs exclusive of agency-
14 retained expenses otherwise budgeted.

15 (3) No money shall be paid from the liability account, except for
16 defense costs, unless all proceeds available to the claimant from any
17 valid and collectible liability insurance shall have been exhausted and
18 unless:

19 (a) The claim shall have been reduced to final judgment in a court
20 of competent jurisdiction; or

21 (b) The claim has been approved for payment.

22 (4) The liability account shall be financed through annual premiums
23 assessed to state agencies, based on sound actuarial principles, and
24 shall be for liability coverage in excess of agency-budgeted self-
25 retention levels.

26 (5) Annual premium levels shall be determined by the risk
27 manager(~~(, with the consultation and advice of the risk management~~
28 ~~advisory committee)~~). An actuarial study shall be conducted to assist
29 in determining the appropriate level of funding.

30 (6) Disbursements for claims from the liability account shall be
31 made to the claimant, or to the clerk of the court for judgments, upon
32 written request to the state treasurer from the risk manager.

33 (7) The director may direct agencies to transfer moneys from other
34 funds and accounts to the liability account if premiums are delinquent.

35 (8) The liability account shall not exceed fifty percent of the
36 actuarial value of the outstanding liability as determined annually by
37 the risk management division. If the account exceeds the maximum
38 amount specified in this section, premiums may be adjusted by the risk

1 management division in order to maintain the account balance at the
2 maximum limits. If, after adjustment of premiums, the account balance
3 remains above the limits specified, the excess amount shall be prorated
4 back to the appropriate funds.

5 **Securities Advisory Committee**

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

8 (1) RCW 21.20.550 (State advisory committee--Composition,
9 appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282
10 s 55;

11 (2) RCW 21.20.560 (State advisory committee--Chairperson,
12 secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s
13 4, & 1959 c 282 s 56;

14 (3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and
15 1959 c 282 s 57;

16 (4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272
17 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

18 (5) RCW 21.20.590 (State advisory committee--Reimbursement of
19 travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, &
20 1959 c 282 s 59.

21 **Radiologic Technologists Ad Hoc Committee**

22 **Sec. 24.** RCW 18.84.040 and 2008 c 246 s 4 are each amended to read
23 as follows:

24 (1) In addition to any other authority provided by law, the
25 secretary may:

26 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
27 implement this chapter;

28 (b) Set all registration, certification, and renewal fees in
29 accordance with RCW 43.70.250;

30 (c) Establish forms and procedures necessary to administer this
31 chapter;

32 (d) Evaluate and designate those schools from which graduation will
33 be accepted as proof of an applicant's eligibility to receive a
34 certificate;

1 (e) Determine whether alternative methods of training are
2 equivalent to formal education, and to establish forms, procedures, and
3 criteria for evaluation of an applicant's alternative training to
4 determine the applicant's eligibility to receive a certificate;

5 (f) Issue a certificate to any applicant who has met the education,
6 training, examination, and conduct requirements for certification; and

7 (g) Issue a registration to an applicant who meets the requirement
8 for a registration.

9 (2) The secretary may hire clerical, administrative, and
10 investigative staff as needed to implement this chapter.

11 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the
12 issuance and denial of registrations and certifications, unregistered
13 and uncertified practice, and the discipline of registrants and
14 certificants under this chapter. The secretary is the disciplining
15 authority under this chapter.

16 ~~((4) The secretary may appoint ad hoc members of the profession to
17 serve in an ad hoc advisory capacity to the secretary in carrying out
18 this chapter. The members will serve for designated times and provide
19 advice on matters specifically identified and requested by the
20 secretary. The members shall be compensated in accordance with RCW
21 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
22 43.03.060.))~~

23 **Sec. 25.** RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended
24 to read as follows:

25 The secretary(~~(, ad hoc committee members,~~) or individuals acting
26 on ~~((their))~~ his or her behalf are immune from suit in any civil action
27 based on any certification or disciplinary proceedings or other
28 official acts performed in the course of their duties.

29 **Main Street Advisory Committee**

30 NEW SECTION. **Sec. 26.** RCW 43.360.040 (Washington main street
31 advisory committee) and 2005 c 514 s 911 are each repealed.

32 **Foster Care Endowed Scholarship Advisory Board**

1 NEW SECTION. **Sec. 27.** RCW 28B.116.040 (Foster care endowed
2 scholarship advisory board) and 2005 c 215 s 5 are each repealed.

3 **Sec. 28.** RCW 28B.116.020 and 2005 c 215 s 3 are each amended to
4 read as follows:

5 (1) The foster care endowed scholarship program is created. The
6 purpose of the program is to help students who were in foster care
7 attend an institution of higher education in the state of Washington.
8 The foster care endowed scholarship program shall be administered by
9 the higher education coordinating board.

10 (2) In administering the program, the higher education coordinating
11 board's powers and duties shall include but not be limited to:

12 (a) Adopting necessary rules and guidelines; and

13 (b) Administering the foster care endowed scholarship trust fund
14 and the foster care scholarship endowment fund(~~(; and~~

15 ~~(c) Establishing and assisting the foster care endowed scholarship~~
16 ~~advisory board in its duties as described in RCW 28B.116.040)).~~

17 (3) In administering the program, the higher education coordinating
18 board's powers and duties may include but not be limited to:

19 (a) Working with the department of social and health services and
20 the superintendent of public instruction to provide information about
21 the foster care endowed scholarship program to children in foster care
22 in the state of Washington and to students over the age of sixteen who
23 could be eligible for this program;

24 (b) Publicizing the program; and

25 (c) Contracting with a private agency to perform outreach to the
26 potentially eligible students.

27 **Higher Education Coordinating Board--Work Study**

28 **Sec. 29.** RCW 28B.12.040 and 1994 c 130 s 4 are each amended to
29 read as follows:

30 (~~With the assistance of an advisory committee,~~) The higher
31 education coordinating board shall develop and administer the state
32 work-study program. The board shall be authorized to enter into
33 agreements with employers and eligible institutions for the operation
34 of the program. These agreements shall include such provisions as the

1 higher education coordinating board may deem necessary or appropriate
2 to carry out the purposes of this chapter.

3 ~~((The members of the work study advisory committee may include, but
4 need not be limited to representatives of public and private community
5 colleges, technical colleges, and four year institutions of higher
6 education; vocational schools; students; community service
7 organizations; public schools; business; and labor. When selecting
8 members of the advisory committee, the board shall consult with
9 institutions of higher education, the state board for community and
10 technical colleges, the workforce training and education coordinating
11 board, and appropriate associations and organizations.))~~ With the
12 exception of off-campus community service placements, the share from
13 moneys disbursed under the state work-study program of the compensation
14 of students employed under such program in accordance with such
15 agreements shall not exceed eighty percent of the total such
16 compensation paid such students.

17 By rule, the board shall define community service placements and
18 may determine any salary matching requirements for any community
19 service employers.

20 **Sexual Offender Treatment Providers Advisory Committee**

21 NEW SECTION. **Sec. 30.** RCW 18.155.050 (Sexual offender treatment
22 providers advisory committee) and 1990 c 3 s 805 are each repealed.

23 **Vendor Rates Advisory Rates**

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

26 (1) RCW 74.32.100 (Advisory committee on vendor rates--Created--
27 Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

28 (2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor
29 rates" defined) and 1969 ex.s. c 203 s 2;

30 (3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--
31 Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203
32 s 3;

33 (4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and
34 duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

1 (5) RCW 74.32.140 (Investigation to determine if additional
2 requirements or standards affecting vendor group) and 1971 ex.s. c 298
3 s 1;

4 (6) RCW 74.32.150 (Investigation to determine if additional
5 requirements or standards affecting vendor group--Scope of
6 investigation) and 1971 ex.s. c 298 s 2;

7 (7) RCW 74.32.160 (Investigation to determine if additional
8 requirements or standards affecting vendor group--Changes investigated
9 regardless of source) and 1971 ex.s. c 298 s 3;

10 (8) RCW 74.32.170 (Investigation to determine if additional
11 requirements or standards affecting vendor group--Prevailing wage
12 scales and fringe benefit programs to be considered) and 1971 ex.s. c
13 298 s 4; and

14 (9) RCW 74.32.180 (Investigation to determine if additional
15 requirements or standards affecting vendor group--Additional factors to
16 be accounted for) and 1971 ex.s. c 298 s 5.

17 **Advisory Council on Adult Education**

18 NEW SECTION. **Sec. 32.** RCW 28B.50.254 (Advisory council on adult
19 education--Workforce training and education coordinating board to
20 monitor) and 1991 c 238 s 19 are each repealed.

21 **Sec. 33.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to
22 read as follows:

23 (1) The board shall be designated as the state board of vocational
24 education as provided for in P.L. 98-524, as amended, and shall perform
25 such functions as is necessary to comply with federal directives
26 pertaining to the provisions of such law.

27 (2) The board shall perform the functions of the human resource
28 investment council as provided for in the federal job training
29 partnership act, P.L. 97-300, as amended.

30 (3) The board shall provide policy advice for any federal act
31 pertaining to workforce development that is not required by state or
32 federal law to be provided by another state body.

33 (4) Upon enactment of new federal initiatives relating to workforce
34 development, the board shall advise the governor and the legislature on
35 mechanisms for integrating the federal initiatives into the state's

1 workforce development system and make recommendations on the
2 legislative or administrative measures necessary to streamline and
3 coordinate state efforts to meet federal guidelines.

4 (5) The board shall monitor for consistency with the state
5 comprehensive plan for workforce training and education the policies
6 and plans established by the state job training coordinating council(~~(~~
7 ~~the advisory council on adult education,~~~~)~~) and the Washington state
8 plan for adult basic education, and provide guidance for making such
9 policies and plans consistent with the state comprehensive plan for
10 workforce training and education.

11 **Sec. 34.** RCW 28C.18.090 and 1995 c 130 s 4 are each amended to
12 read as follows:

13 (1) The board shall specify, by December 31, 1995, the common core
14 data to be collected by the operating agencies of the state training
15 system and the standards for data collection and maintenance required
16 in RCW 28C.18.060(8).

17 (2) The minimum standards for program evaluation by operating
18 agencies required in RCW 28C.18.060(9) shall include biennial program
19 evaluations; the first of such evaluations shall be completed by the
20 operating agencies July 1, 1996. The program evaluation of adult basic
21 skills education shall be provided by the (~~advisory council on adult~~
22 ~~education~~) board.

23 (3) The board shall complete, by January 1, 1996, its first
24 outcome-based evaluation and, by September 1, 1996, its nonexperimental
25 net-impact and cost-benefit evaluations of the training system. The
26 outcome, net-impact, and cost-benefit evaluations shall for the first
27 evaluations, include evaluations of each of the following programs:
28 Secondary vocational-technical education, work-related adult basic
29 skills education, postsecondary workforce training, job training
30 partnership act titles II and III, as well as of the system as a whole.

31 (4) The board shall use the results of its outcome, net-impact, and
32 cost-benefit evaluations to develop and make recommendations to the
33 legislature and the governor for the modification, consolidation,
34 initiation, or elimination of workforce training and education programs
35 in the state.

36 The board shall perform the requirements of this section in
37 cooperation with the operating agencies.

1 **Committee on Agency Official's Salaries**

2 **Sec. 35.** RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to
3 read as follows:

4 It is hereby declared to be the public policy of this state to base
5 the salaries of public officials on realistic standards in order that
6 such officials may be paid according to the true value of their
7 services and the best qualified citizens may be attracted to public
8 service. It is the purpose of (~~(RCW 43.03.027, 43.03.028,)~~) this
9 section and RCW 43.03.040(~~(, 43.03.045 and 43.03.047)~~) to effectuate
10 this policy by utilizing the expert knowledge of citizens having access
11 to pertinent facts concerning proper salaries for public officials,
12 thus removing and dispelling any thought of political consideration in
13 fixing the appropriateness of the amount of such salaries.

14 **Sec. 36.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read
15 as follows:

16 (1) (~~(There is hereby created a state committee on agency~~
17 ~~officials' salaries to consist of seven members, or their designees, as~~
18 ~~follows:—The president of the University of Puget Sound; the~~
19 ~~chairperson of the council of presidents of the state's four-year~~
20 ~~institutions of higher education; the chairperson of the Washington~~
21 ~~personnel resources board; the president of the Association of~~
22 ~~Washington Business; the president of the Pacific Northwest Personnel~~
23 ~~Managers' Association; the president of the Washington State Bar~~
24 ~~Association; and the president of the Washington State Labor Council.~~
25 ~~If any of the titles or positions mentioned in this subsection are~~
26 ~~changed or abolished, any person occupying an equivalent or like~~
27 ~~position shall be qualified for appointment by the governor to~~
28 ~~membership upon the committee.~~

29 ~~(2) The committee)~~ The department of personnel shall study the
30 duties and salaries of the directors of the several departments and the
31 members of the several boards and commissions of state government, who
32 are subject to appointment by the governor or whose salaries are fixed
33 by the governor, and of the chief executive officers of the following
34 agencies of state government:

35 The arts commission; the human rights commission; the board of
36 accountancy; the board of pharmacy; the eastern Washington historical
37 society; the Washington state historical society; the recreation and

1 conservation office; the criminal justice training commission; the
2 department of personnel; the state library; the traffic safety
3 commission; the horse racing commission; the advisory council on
4 vocational education; the public disclosure commission; the state
5 conservation commission; the commission on Hispanic affairs; the
6 commission on Asian Pacific American affairs; the state board for
7 volunteer firefighters and reserve officers; the transportation
8 improvement board; the public employment relations commission; the
9 forest practices appeals board; and the energy facilities site
10 evaluation council.

11 ~~((The committee))~~ (2) The department of personnel shall report to
12 the governor or the chairperson of the appropriate salary fixing
13 authority at least once in each fiscal biennium on such date as the
14 governor may designate, but not later than seventy-five days prior to
15 the convening of each regular session of the legislature during an odd-
16 numbered year, its recommendations for the salaries to be fixed for
17 each position.

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

20 **Sec. 37.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to
21 read as follows:

22 The chief administrative law judge shall be paid a salary fixed by
23 the governor after recommendation of the ~~((state committee on agency
24 officials' salaries))~~ department of personnel. The salaries of
25 administrative law judges appointed under the terms of this chapter
26 shall be determined by the chief administrative law judge after
27 recommendation of the ~~((state committee on agency officials' salaries))~~
28 department of personnel.

29 **Sec. 38.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to
30 read as follows:

31 The commission is empowered to:

32 (1) Adopt, promulgate, amend, and rescind suitable administrative
33 rules to carry out the policies and purposes of this chapter, which
34 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
35 campaign finance, political advertising, or related forms that would

1 otherwise take effect after June 30th of a general election year shall
2 take effect no earlier than the day following the general election in
3 that year;

4 (2) Appoint and set, within the limits established by the
5 (~~committee on agency officials' salaries~~) department of personnel
6 under RCW 43.03.028, the compensation of an executive director who
7 shall perform such duties and have such powers as the commission may
8 prescribe and delegate to implement and enforce this chapter
9 efficiently and effectively. The commission shall not delegate its
10 authority to adopt, amend, or rescind rules nor shall it delegate
11 authority to determine whether an actual violation of this chapter has
12 occurred or to assess penalties for such violations;

13 (3) Prepare and publish such reports and technical studies as in
14 its judgment will tend to promote the purposes of this chapter,
15 including reports and statistics concerning campaign financing,
16 lobbying, financial interests of elected officials, and enforcement of
17 this chapter;

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

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

23 (6) Administer oaths and affirmations, issue subpoenas, and compel
24 attendance, take evidence and require the production of any books,
25 papers, correspondence, memorandums, or other records relevant or
26 material for the purpose of any investigation authorized under this
27 chapter, or any other proceeding under this chapter;

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

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

34 (9) Adopt rules prescribing reasonable requirements for keeping
35 accounts of and reporting on a quarterly basis costs incurred by state
36 agencies, counties, cities, and other municipalities and political
37 subdivisions in preparing, publishing, and distributing legislative
38 information. The term "legislative information," for the purposes of

1 this subsection, means books, pamphlets, reports, and other materials
2 prepared, published, or distributed at substantial cost, a substantial
3 purpose of which is to influence the passage or defeat of any
4 legislation. The state auditor in his or her regular examination of
5 each agency under chapter 43.09 RCW shall review the rules, accounts,
6 and reports and make appropriate findings, comments, and
7 recommendations in his or her examination reports concerning those
8 agencies;

9 (10) After hearing, by order approved and ratified by a majority of
10 the membership of the commission, suspend or modify any of the
11 reporting requirements of this chapter in a particular case if it finds
12 that literal application of this chapter works a manifestly
13 unreasonable hardship and if it also finds that the suspension or
14 modification will not frustrate the purposes of the chapter. The
15 commission shall find that a manifestly unreasonable hardship exists if
16 reporting the name of an entity required to be reported under RCW
17 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
18 position of any entity in which the person filing the report or any
19 member of his or her immediate family holds any office, directorship,
20 general partnership interest, or an ownership interest of ten percent
21 or more. Any suspension or modification shall be only to the extent
22 necessary to substantially relieve the hardship. The commission shall
23 act to suspend or modify any reporting requirements only if it
24 determines that facts exist that are clear and convincing proof of the
25 findings required under this section. Requests for renewals of
26 reporting modifications may be heard in a brief adjudicative proceeding
27 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
28 the standards established in this section. No initial request may be
29 heard in a brief adjudicative proceeding and no request for renewal may
30 be heard in a brief adjudicative proceeding if the initial request was
31 granted more than three years previously or if the applicant is holding
32 an office or position of employment different from the office or
33 position held when the initial request was granted. The commission
34 shall adopt administrative rules governing the proceedings. Any
35 citizen has standing to bring an action in Thurston county superior
36 court to contest the propriety of any order entered under this section
37 within one year from the date of the entry of the order; and

1 (11) Revise, at least once every five years but no more often than
2 every two years, the monetary reporting thresholds and reporting code
3 values of this chapter. The revisions shall be only for the purpose of
4 recognizing economic changes as reflected by an inflationary index
5 recommended by the office of financial management. The revisions shall
6 be guided by the change in the index for the period commencing with the
7 month of December preceding the last revision and concluding with the
8 month of December preceding the month the revision is adopted. As to
9 each of the three general categories of this chapter (reports of
10 campaign finance, reports of lobbyist activity, and reports of the
11 financial affairs of elected and appointed officials), the revisions
12 shall equally affect all thresholds within each category. Revisions
13 shall be adopted as rules under chapter 34.05 RCW. The first revision
14 authorized by this subsection shall reflect economic changes from the
15 time of the last legislative enactment affecting the respective code or
16 threshold through December 1985;

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

21 **Sec. 39.** RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended
22 to read as follows:

23 The directors of the several departments and members of the several
24 boards and commissions, whose salaries are fixed by the governor and
25 the chief executive officers of the agencies named in RCW
26 43.03.028(~~(+2)~~) (1) as now or hereafter amended shall each severally
27 receive such salaries, payable in monthly installments, as shall be
28 fixed by the governor or the appropriate salary fixing authority, in an
29 amount not to exceed the recommendations of the (~~committee on agency~~
30 ~~officials' salaries. Beginning July 1, 1993, through June 30, 1995,~~
31 ~~the salary paid to such directors and members of boards and commissions~~
32 ~~shall not exceed the amount paid as of April 1, 1993)) department of
33 personnel.~~

34 **Airport Impact Mitigation Advisory Board**

1 **Sec. 40.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each
2 amended to read as follows:

3 (1) The airport impact mitigation account is created in the custody
4 of the state treasury. Moneys deposited in the account, including
5 moneys received from the port of Seattle for purposes of this section,
6 may be used only for airport mitigation purposes as provided in this
7 section. Only the director of the department of community, trade, and
8 economic development or the director's designee may authorize
9 expenditures from the account. The account is subject to allotment
10 procedures under chapter 43.88 RCW, but an appropriation is not
11 required for expenditures.

12 (2) The department of community, trade, and economic development
13 shall establish a competitive process to prioritize applications for
14 airport impact mitigation assistance through the account created in
15 subsection (1) of this section. The department shall conduct a
16 solicitation of project applications in the airport impact area as
17 defined in subsection ~~((4))~~ (3) of this section. Eligible applicants
18 include public entities such as cities, counties, schools, parks, fire
19 districts, and shall include organizations eligible to apply for grants
20 under RCW 43.63A.125. The department of community, trade, and economic
21 development shall evaluate and rank applications ~~((in conjunction with
22 the airport impact mitigation advisory board established in subsection
23 (3) of this section))~~ using objective criteria developed by the
24 department ~~((in conjunction with the airport impact mitigation advisory
25 board))~~. At a minimum, the criteria must consider: The extent to
26 which the applicant is impacted by the airport; and the other resources
27 available to the applicant to mitigate the impact, including other
28 mitigation funds. The director of the department of community, trade,
29 and economic development shall award grants annually to the extent
30 funds are available in the account created in subsection (1) of this
31 section.

32 ~~(3) ((The director of the department of community, trade, and
33 economic development shall establish the airport impact mitigation
34 advisory board comprised of persons in the airport impact area to
35 assist the director in developing criteria and ranking applications
36 under this section. The advisory board shall include representation of
37 local governments, the public in general, businesses, schools,
38 community services organizations, parks and recreational activities,~~

1 ~~and others at the discretion of the director. The advisory board shall~~
2 ~~be weighted toward those communities closest to the airport that are~~
3 ~~more adversely impacted by airport activities.~~

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

7 ((+5)) (4) The department of community, trade, and economic
8 development shall report on its activities related to the account
9 created in this section by January 1, 2004, and each January 1st
10 thereafter.

11 **Athletic Training Advisory Committee**

12 NEW SECTION. **Sec. 41.** RCW 18.250.030 (Athletic training advisory
13 committee) and 2007 c 253 s 4 are each repealed.

14 **Sec. 42.** RCW 18.250.010 and 2007 c 253 s 2 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Athlete" means a person who participates in exercise,
19 recreation, sport, or games requiring physical strength,
20 range-of-motion, flexibility, body awareness and control, speed,
21 stamina, or agility, and the exercise, recreation, sports, or games are
22 of a type conducted in association with an educational institution or
23 professional, amateur, or recreational sports club or organization.

24 (2) "Athletic injury" means an injury or condition sustained by an
25 athlete that affects the person's participation or performance in
26 exercise, recreation, sport, or games and the injury or condition is
27 within the professional preparation and education of an athletic
28 trainer.

29 (3) "Athletic trainer" means a person who is licensed under this
30 chapter. An athletic trainer can practice athletic training through
31 the consultation, referral, or guidelines of a licensed health care
32 provider working within their scope of practice.

33 (4)(a) "Athletic training" means the application of the following
34 principles and methods as provided by a licensed athletic trainer:

1 (i) Risk management and prevention of athletic injuries through
2 preactivity screening and evaluation, educational programs, physical
3 conditioning and reconditioning programs, application of commercial
4 products, use of protective equipment, promotion of healthy behaviors,
5 and reduction of environmental risks;

6 (ii) Recognition, evaluation, and assessment of athletic injuries
7 by obtaining a history of the athletic injury, inspection and palpation
8 of the injured part and associated structures, and performance of
9 specific testing techniques related to stability and function to
10 determine the extent of an injury;

11 (iii) Immediate care of athletic injuries, including emergency
12 medical situations through the application of first-aid and emergency
13 procedures and techniques for nonlife-threatening or life-threatening
14 athletic injuries;

15 (iv) Treatment, rehabilitation, and reconditioning of athletic
16 injuries through the application of physical agents and modalities,
17 therapeutic activities and exercise, standard reassessment techniques
18 and procedures, commercial products, and educational programs, in
19 accordance with guidelines established with a licensed health care
20 provider as provided in RCW 18.250.070; and

21 (v) Referral of an athlete to an appropriately licensed health care
22 provider if the athletic injury requires further definitive care or the
23 injury or condition is outside an athletic trainer's scope of practice,
24 in accordance with RCW 18.250.070.

25 (b) "Athletic training" does not include:

26 (i) The use of spinal adjustment or manipulative mobilization of
27 the spine and its immediate articulations;

28 (ii) Orthotic or prosthetic services with the exception of
29 evaluation, measurement, fitting, and adjustment of temporary,
30 prefabricated or direct-formed orthosis as defined in chapter 18.200
31 RCW;

32 (iii) The practice of occupational therapy as defined in chapter
33 18.59 RCW;

34 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;

35 (v) Any medical diagnosis; and

36 (vi) Prescribing legend drugs or controlled substances, or surgery.

37 (5) (~~"Committee" means the athletic training advisory committee.~~

38 ~~+6+)) "Department" means the department of health.~~

1 ~~((7))~~ (6) "Licensed health care provider" means a physician,
2 physician assistant, osteopathic physician, osteopathic physician
3 assistant, advanced registered nurse practitioner, naturopath, physical
4 therapist, chiropractor, dentist, massage practitioner, acupuncturist,
5 occupational therapist, or podiatric physician and surgeon.

6 ~~((8))~~ (7) "Secretary" means the secretary of health or the
7 secretary's designee.

8 **Sec. 43.** RCW 18.250.020 and 2007 c 253 s 3 are each amended to
9 read as follows:

10 (1) In addition to any other authority provided by law, the
11 secretary may:

12 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
13 implement this chapter;

14 (b) Establish all license, examination, and renewal fees in
15 accordance with RCW 43.70.250;

16 (c) Establish forms and procedures necessary to administer this
17 chapter;

18 (d) Establish administrative procedures, administrative
19 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
20 All fees collected under this section must be credited to the health
21 professions account as required under RCW 43.70.320;

22 (e) Develop and administer, or approve, or both, examinations to
23 applicants for a license under this chapter;

24 (f) Issue a license to any applicant who has met the education,
25 training, and examination requirements for licensure and deny a license
26 to applicants who do not meet the minimum qualifications for licensure.
27 However, denial of licenses based on unprofessional conduct or impaired
28 practice is governed by the uniform disciplinary act, chapter 18.130
29 RCW;

30 (g) ~~((In consultation with the committee,))~~ Approve examinations
31 prepared or administered by private testing agencies or organizations
32 for use by an applicant in meeting the licensing requirements under RCW
33 18.250.060;

34 (h) Determine which states have credentialing requirements
35 substantially equivalent to those of this state, and issue licenses to
36 individuals credentialed in those states that have successfully
37 fulfilled the requirements of RCW 18.250.080;

1 (i) Hire clerical, administrative, and investigative staff as
2 needed to implement and administer this chapter;

3 (j) Maintain the official department record of all applicants and
4 licensees; and

5 (k) Establish requirements and procedures for an inactive license.

6 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
7 unlicensed practice, the issuance and denial of licenses, and the
8 discipline of licensees under this chapter.

9 **Sec. 44.** RCW 18.250.060 and 2007 c 253 s 7 are each amended to
10 read as follows:

11 An applicant for an athletic trainer license must:

12 (1) Have received a bachelor's or advanced degree from an
13 accredited four-year college or university that meets the academic
14 standards of athletic training, accepted by the secretary(~~(, as advised~~
15 ~~by the committee))~~);

16 (2) Have successfully completed an examination administered or
17 approved by the secretary(~~(, in consultation with the committee))~~); and

18 (3) Submit an application on forms prescribed by the secretary and
19 pay the licensure fee required under this chapter.

20 **Basic Health Advisory Committee**

21 **Sec. 45.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to
22 read as follows:

23 (1) The Washington basic health plan is created as a program within
24 the Washington state health care authority. The administrative head
25 and appointing authority of the plan shall be the administrator of the
26 Washington state health care authority. The administrator shall
27 appoint a medical director. The medical director and up to five other
28 employees of the plan shall be exempt from the civil service law,
29 chapter 41.06 RCW.

30 (2) The administrator shall employ such other staff as are
31 necessary to fulfill the responsibilities and duties of the
32 administrator, such staff to be subject to the civil service law,
33 chapter 41.06 RCW. In addition, the administrator may contract with
34 third parties for services necessary to carry out its activities where
35 this will promote economy, avoid duplication of effort, and make best

1 use of available expertise. Any such contractor or consultant shall be
2 prohibited from releasing, publishing, or otherwise using any
3 information made available to it under its contractual responsibility
4 without specific permission of the plan. The administrator may call
5 upon other agencies of the state to provide available information as
6 necessary to assist the administrator in meeting its responsibilities
7 under this chapter, which information shall be supplied as promptly as
8 circumstances permit.

9 (3) The administrator may appoint such technical or advisory
10 committees as he or she deems necessary. (~~The administrator shall
11 appoint a standing technical advisory committee that is representative
12 of health care professionals, health care providers, and those directly
13 involved in the purchase, provision, or delivery of health care
14 services, as well as consumers and those knowledgeable of the ethical
15 issues involved with health care public policy. Individuals appointed
16 to any technical or other advisory committee shall serve without
17 compensation for their services as members, but may be reimbursed for
18 their travel expenses pursuant to RCW 43.03.050 and 43.03.060.~~)

19 (4) The administrator may apply for, receive, and accept grants,
20 gifts, and other payments, including property and service, from any
21 governmental or other public or private entity or person, and may make
22 arrangements as to the use of these receipts, including the undertaking
23 of special studies and other projects relating to health care costs and
24 access to health care.

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

29 **Children of Incarcerated Parents Advisory Committee**

30 NEW SECTION. **Sec. 46.** RCW 43.63A.068 (Advisory committee on
31 policies and programs for children and families with incarcerated
32 parents--Funding for programs and services) and 2007 c 384 s 6 are each
33 repealed.

34 **Sec. 47.** RCW 28A.300.520 and 2007 c 384 s 5 are each amended to
35 read as follows:

1 (1) The superintendent of public instruction shall review current
2 policies and assess the adequacy and availability of programs targeted
3 at children who have a parent who is incarcerated in a department of
4 corrections facility. The superintendent of public instruction shall
5 adopt policies that support the children of incarcerated parents and
6 meet their needs with the goal of facilitating normal child
7 development, including maintaining adequate academic progress, while
8 reducing intergenerational incarceration.

9 ~~((The superintendent shall conduct the following activities))~~
10 To assist in implementing the requirements of subsection (1) of this
11 section((+

12 ~~(a))~~, the superintendent shall gather information and data on the
13 students who are the children of inmates incarcerated in department of
14 corrections facilities(~~(+and~~

15 ~~(b) Participate in the children of incarcerated parents advisory~~
16 ~~committee and report information obtained under this section to the~~
17 ~~advisory committee)).~~

18 **Sec. 48.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
19 read as follows:

20 (1)(a) The director of the department of early learning shall
21 review current department policies and assess the adequacy and
22 availability of programs targeted at persons who receive assistance who
23 are the children and families of a person who is incarcerated in a
24 department of corrections facility. Great attention shall be focused
25 on programs and policies affecting foster youth who have a parent who
26 is incarcerated.

27 (b) The director shall adopt policies that support the children of
28 incarcerated parents and meet their needs with the goal of facilitating
29 normal child development, while reducing intergenerational
30 incarceration.

31 ~~((The director shall conduct the following activities))~~ To
32 assist in implementing the requirements of subsection (1) of this
33 section((+

34 ~~(a))~~, the director shall gather information and data on the
35 recipients of assistance who are the children and families of inmates
36 incarcerated in department of corrections facilities(~~(+and~~

1 ~~(b) Participate in the children of incarcerated parents advisory~~
2 ~~committee and report information obtained under this section to the~~
3 ~~advisory committee)).~~

4 **Sec. 49.** RCW 72.09.495 and 2007 c 384 s 2 are each amended to read
5 as follows:

6 (1) The secretary of corrections shall review current department
7 policies and assess the following:

8 (a) The impact of existing policies on the ability of offenders to
9 maintain familial contact and engagement between inmates and children;
10 and

11 (b) The adequacy and availability of programs targeted at inmates
12 with children.

13 (2) The secretary shall adopt policies that encourage familial
14 contact and engagement between inmates and their children with the goal
15 of reducing recidivism and intergenerational incarceration. Programs
16 and policies should take into consideration the children's need to
17 maintain contact with his or her parent and the inmate's ability to
18 develop plans to financially support their children, assist in
19 reunification when appropriate, and encourage the improvement of
20 parenting skills where needed.

21 (3) The department shall conduct the following activities to assist
22 in implementing the requirements of subsection (1) of this section:

23 (a) Gather information and data on the families of inmates,
24 particularly the children of incarcerated parents; and

25 (b) Evaluate data to determine the impact on recidivism and
26 intergenerational incarceration(~~(; and~~

27 ~~(c) Participate in the children of incarcerated parents advisory~~
28 ~~committee and report information obtained under this section to the~~
29 ~~advisory committee)).~~

30 **Sec. 50.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to read
31 as follows:

32 (1)(a) The secretary of social and health services shall review
33 current department policies and assess the adequacy and availability of
34 programs targeted at persons who receive services through the
35 department who are the children and families of a person who is

1 incarcerated in a department of corrections facility. Great attention
2 shall be focused on programs and policies affecting foster youth who
3 have a parent who is incarcerated.

4 (b) The secretary shall adopt policies that encourage familial
5 contact and engagement between inmates of the department of corrections
6 facilities and their children with the goal of facilitating normal
7 child development, while reducing recidivism and intergenerational
8 incarceration. Programs and policies should take into consideration
9 the children's need to maintain contact with his or her parent, the
10 inmate's ability to develop plans to financially support their
11 children, assist in reunification when appropriate, and encourage the
12 improvement of parenting skills where needed. The programs and
13 policies should also meet the needs of the child while the parent is
14 incarcerated.

15 (2) (~~The secretary shall conduct the following activities~~) To
16 assist in implementing the requirements of subsection (1) of this
17 section(~~(+~~

18 ~~(a))~~, the secretary shall gather information and data on the
19 recipients of public assistance, or children in the care of the state
20 under chapter 13.34 RCW, who are the children and families of inmates
21 incarcerated in department of corrections facilities(~~(+and~~

22 ~~(b) Participate in the children of incarcerated parents advisory~~
23 ~~committee and report information obtained under this section to the~~
24 ~~advisory committee)).~~

25 **Children's Services Advisory Committee**

26 **Sec. 51.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
27 as follows:

28 The department shall have the duty to provide child welfare
29 services and shall:

30 (1) Develop, administer, supervise, and monitor a coordinated and
31 comprehensive plan that establishes, aids, and strengthens services for
32 the protection and care of runaway, dependent, or neglected children.

33 (2) Within available resources, recruit an adequate number of
34 prospective adoptive and foster homes, both regular and specialized,
35 i.e. homes for children of ethnic minority, including Indian homes for
36 Indian children, sibling groups, handicapped and emotionally disturbed,

1 teens, pregnant and parenting teens, and annually report to the
2 governor and the legislature concerning the department's success in:
3 (a) Meeting the need for adoptive and foster home placements; (b)
4 reducing the foster parent turnover rate; (c) completing home studies
5 for legally free children; and (d) implementing and operating the
6 passport program required by RCW 74.13.285. The report shall include
7 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

8 (3) Investigate complaints of any recent act or failure to act on
9 the part of a parent or caretaker that results in death, serious
10 physical or emotional harm, or sexual abuse or exploitation, or that
11 presents an imminent risk of serious harm, and on the basis of the
12 findings of such investigation, offer child welfare services in
13 relation to the problem to such parents, legal custodians, or persons
14 serving in loco parentis, and/or bring the situation to the attention
15 of an appropriate court, or another community agency. An investigation
16 is not required of nonaccidental injuries which are clearly not the
17 result of a lack of care or supervision by the child's parents, legal
18 custodians, or persons serving in loco parentis. If the investigation
19 reveals that a crime against a child may have been committed, the
20 department shall notify the appropriate law enforcement agency.

21 (4) Offer, on a voluntary basis, family reconciliation services to
22 families who are in conflict.

23 (5) Monitor placements of children in out-of-home care and in-home
24 dependencies to assure the safety, well-being, and quality of care
25 being provided is within the scope of the intent of the legislature as
26 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring
27 placements under this section shall require that children in out-of-
28 home care and in-home dependencies and their caregivers receive a
29 private and individual face-to-face visit each month.

30 (a) The department shall conduct the monthly visits with children
31 and caregivers required under this section unless the child's placement
32 is being supervised under a contract between the department and a
33 private agency accredited by a national child welfare accrediting
34 entity, in which case the private agency shall, within existing
35 resources, conduct the monthly visits with the child and with the
36 child's caregiver according to the standards described in this
37 subsection and shall provide the department with a written report of
38 the visits within fifteen days of completing the visits.

1 (b) In cases where the monthly visits required under this
2 subsection are being conducted by a private agency, the department
3 shall conduct a face-to-face health and safety visit with the child at
4 least once every ninety days.

5 (6) Have authority to accept custody of children from parents and
6 to accept custody of children from juvenile courts, where authorized to
7 do so under law, to provide child welfare services including placement
8 for adoption, to provide for the routine and necessary medical, dental,
9 and mental health care, or necessary emergency care of the children,
10 and to provide for the physical care of such children and make payment
11 of maintenance costs if needed. Except where required by Public Law
12 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
13 children for adoption from the department shall discriminate on the
14 basis of race, creed, or color when considering applications in their
15 placement for adoption.

16 (7) Have authority to provide temporary shelter to children who
17 have run away from home and who are admitted to crisis residential
18 centers.

19 (8) Have authority to purchase care for children; and shall follow
20 in general the policy of using properly approved private agency
21 services for the actual care and supervision of such children insofar
22 as they are available, paying for care of such children as are accepted
23 by the department as eligible for support at reasonable rates
24 established by the department.

25 ~~(9) ((Establish a children's services advisory committee which
26 shall assist the secretary in the development of a partnership plan for
27 utilizing resources of the public and private sectors, and advise on
28 all matters pertaining to child welfare, licensing of child care
29 agencies, adoption, and services related thereto. At least one member
30 shall represent the adoption community.~~

31 ~~(10))~~(a) Have authority to provide continued foster care or group
32 care as needed to participate in or complete a high school or
33 vocational school program.

34 (b)(i) Beginning in 2006, the department has the authority to allow
35 up to fifty youth reaching age eighteen to continue in foster care or
36 group care as needed to participate in or complete a posthigh school
37 academic or vocational program, and to receive necessary support and
38 transition services.

1 (ii) In 2007 and 2008, the department has the authority to allow up
2 to fifty additional youth per year reaching age eighteen to remain in
3 foster care or group care as provided in (b)(i) of this subsection.

4 (iii) A youth who remains eligible for such placement and services
5 pursuant to department rules may continue in foster care or group care
6 until the youth reaches his or her twenty-first birthday. Eligibility
7 requirements shall include active enrollment in a posthigh school
8 academic or vocational program and maintenance of a 2.0 grade point
9 average.

10 ~~((+11+))~~ (10) Refer cases to the division of child support whenever
11 state or federal funds are expended for the care and maintenance of a
12 child, including a child with a developmental disability who is placed
13 as a result of an action under chapter 13.34 RCW, unless the department
14 finds that there is good cause not to pursue collection of child
15 support against the parent or parents of the child. Cases involving
16 individuals age eighteen through twenty shall not be referred to the
17 division of child support unless required by federal law.

18 ~~((+12+))~~ (11) Have authority within funds appropriated for foster
19 care services to purchase care for Indian children who are in the
20 custody of a federally recognized Indian tribe or tribally licensed
21 child-placing agency pursuant to parental consent, tribal court order,
22 or state juvenile court order; and the purchase of such care shall be
23 subject to the same eligibility standards and rates of support
24 applicable to other children for whom the department purchases care.

25 Notwithstanding any other provision of RCW 13.32A.170 through
26 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
27 services to be provided by the department of social and health services
28 under subsections (4), (6), and (7) of this section, subject to the
29 limitations of these subsections, may be provided by any program
30 offering such services funded pursuant to Titles II and III of the
31 federal juvenile justice and delinquency prevention act of 1974.

32 ~~((+13+))~~ (12) Within amounts appropriated for this specific
33 purpose, provide preventive services to families with children that
34 prevent or shorten the duration of an out-of-home placement.

35 ~~((+14+))~~ (13) Have authority to provide independent living services
36 to youths, including individuals who have attained eighteen years of
37 age, and have not attained twenty-one years of age who are or have been
38 in foster care.

1 ~~((15))~~ (14) Consult at least quarterly with foster parents,
2 including members of the foster parent association of Washington state,
3 for the purpose of receiving information and comment regarding how the
4 department is performing the duties and meeting the obligations
5 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
6 recruitment of foster homes, reducing foster parent turnover rates,
7 providing effective training for foster parents, and administering a
8 coordinated and comprehensive plan that strengthens services for the
9 protection of children. Consultation shall occur at the regional and
10 statewide levels.

11 **Sec. 52.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
12 each reenacted and amended to read as follows:

13 The secretary shall have the power and it shall be the secretary's
14 duty:

15 (1) ~~((In consultation with the children's services advisory
16 committee, and))~~ With the advice and assistance of persons
17 representative of the various type agencies to be licensed, to
18 designate categories of facilities for which separate or different
19 requirements shall be developed as may be appropriate whether because
20 of variations in the ages, sex and other characteristics of persons
21 served, variations in the purposes and services offered or size or
22 structure of the agencies to be licensed hereunder, or because of any
23 other factor relevant thereto;

24 (2) ~~((In consultation with the children's services advisory
25 committee, and))~~ With the advice and assistance of persons
26 representative of the various type agencies to be licensed, to adopt
27 and publish minimum requirements for licensing applicable to each of
28 the various categories of agencies to be licensed.

29 The minimum requirements shall be limited to:

30 (a) The size and suitability of a facility and the plan of
31 operation for carrying out the purpose for which an applicant seeks a
32 license;

33 (b) Obtaining background information and any out-of-state
34 equivalent, to determine whether the applicant or service provider is
35 disqualified and to determine the character, competence, and
36 suitability of an agency, the agency's employees, volunteers, and other
37 persons associated with an agency;

1 (c) Conducting background checks for those who will or may have
2 unsupervised access to children, expectant mothers, or individuals with
3 a developmental disability;

4 (d) Obtaining child protective services information or records
5 maintained in the department case management information system. No
6 unfounded allegation of child abuse or neglect as defined in RCW
7 26.44.020 may be disclosed to a child-placing agency, private adoption
8 agency, or any other provider licensed under this chapter;

9 (e) Submitting a fingerprint-based background check through the
10 Washington state patrol under chapter 10.97 RCW and through the federal
11 bureau of investigation for:

12 (i) Agencies and their staff, volunteers, students, and interns
13 when the agency is seeking license or relicense;

14 (ii) Foster care and adoption placements; and

15 (iii) Any adult living in a home where a child may be placed;

16 (f) If any adult living in the home has not resided in the state of
17 Washington for the preceding five years, the department shall review
18 any child abuse and neglect registries maintained by any state where
19 the adult has resided over the preceding five years;

20 (g) The cost of fingerprint background check fees will be paid as
21 required in RCW 43.43.837;

22 (h) National and state background information must be used solely
23 for the purpose of determining eligibility for a license and for
24 determining the character, suitability, and competence of those persons
25 or agencies, excluding parents, not required to be licensed who are
26 authorized to care for children or expectant mothers;

27 (i) The number of qualified persons required to render the type of
28 care and treatment for which an agency seeks a license;

29 (j) The safety, cleanliness, and general adequacy of the premises
30 to provide for the comfort, care and well-being of children, expectant
31 mothers or developmentally disabled persons;

32 (k) The provision of necessary care, including food, clothing,
33 supervision and discipline; physical, mental and social well-being; and
34 educational, recreational and spiritual opportunities for those served;

35 (l) The financial ability of an agency to comply with minimum
36 requirements established pursuant to chapter 74.15 RCW and RCW
37 74.13.031; and

1 (m) The maintenance of records pertaining to the admission,
2 progress, health and discharge of persons served;

3 (3) To investigate any person, including relatives by blood or
4 marriage except for parents, for character, suitability, and competence
5 in the care and treatment of children, expectant mothers, and
6 developmentally disabled persons prior to authorizing that person to
7 care for children, expectant mothers, and developmentally disabled
8 persons. However, if a child is placed with a relative under RCW
9 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
10 and competent to provide care and treatment the criminal history
11 background check required by this section need not be completed before
12 placement, but shall be completed as soon as possible after placement;

13 (4) On reports of alleged child abuse and neglect, to investigate
14 agencies in accordance with chapter 26.44 RCW, including child day-care
15 centers and family day-care homes, to determine whether the alleged
16 abuse or neglect has occurred, and whether child protective services or
17 referral to a law enforcement agency is appropriate;

18 (5) To issue, revoke, or deny licenses to agencies pursuant to
19 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
20 category of care which an agency is authorized to render and the ages,
21 sex and number of persons to be served;

22 (6) To prescribe the procedures and the form and contents of
23 reports necessary for the administration of chapter 74.15 RCW and RCW
24 74.13.031 and to require regular reports from each licensee;

25 (7) To inspect agencies periodically to determine whether or not
26 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
27 requirements adopted hereunder;

28 (8) To review requirements adopted hereunder at least every two
29 years and to adopt appropriate changes after consultation with affected
30 groups for child day-care requirements and (~~with the children's~~
31 ~~services advisory committee~~)) for requirements for other agencies; and

32 (9) To consult with public and private agencies in order to help
33 them improve their methods and facilities for the care of children,
34 expectant mothers and developmentally disabled persons.

35 **Sec. 53.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to
36 read as follows:

1 The chief of the Washington state patrol, through the director of
2 fire protection, shall have the power and it shall be his or her duty:

3 ~~((In consultation with the children's services advisory~~
4 ~~committee and))~~ With the advice and assistance of persons
5 representative of the various type agencies to be licensed, to adopt
6 recognized minimum standard requirements pertaining to each category of
7 agency established pursuant to chapter 74.15 RCW and RCW 74.13.031,
8 except foster-family homes and child-placing agencies, necessary to
9 protect all persons residing therein from fire hazards;

10 (2) To make or cause to be made such inspections and investigations
11 of agencies, other than foster-family homes or child-placing agencies,
12 as he or she deems necessary;

13 (3) To make a periodic review of requirements under RCW
14 74.15.030(7) and to adopt necessary changes after consultation as
15 required in subsection (1) of this section;

16 (4) To issue to applicants for licenses hereunder, other than
17 foster-family homes or child-placing agencies, who comply with the
18 requirements, a certificate of compliance, a copy of which shall be
19 presented to the department of social and health services before a
20 license shall be issued, except that ~~((a-provisional))~~ an initial
21 license may be issued as provided in RCW 74.15.120.

22 **Sec. 54.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to read
23 as follows:

24 The secretary of health shall have the power and it shall be his or
25 her duty:

26 ~~((In consultation with the children's services advisory committee~~
27 ~~and))~~ With the advice and assistance of persons representative of the
28 various type agencies to be licensed, to develop minimum requirements
29 pertaining to each category of agency established pursuant to chapter
30 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
31 persons residing therein.

32 The secretary of health or the city, county, or district health
33 department designated by the secretary shall have the power and the
34 duty:

35 (1) To make or cause to be made such inspections and investigations
36 of agencies as may be deemed necessary; and

1 (2) To issue to applicants for licenses hereunder who comply with
2 the requirements adopted hereunder, a certificate of compliance, a copy
3 of which shall be presented to the department of social and health
4 services before a license shall be issued, except that ((a
5 ~~provisional~~)) an initial license may be issued as provided in RCW
6 74.15.120.

7 **Combined Fund Drive Committee**

8 **Sec. 55.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
9 as follows:

10 The director of the department of personnel is authorized to adopt
11 rules, after consultation with state agencies, institutions of higher
12 education, and employee organizations(~~(, to create a Washington state~~
13 ~~combined-fund-drive-committee, and~~)) for the operation of the
14 Washington state combined fund drive.

15 **Sec. 56.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to
16 read as follows:

17 To operate the Washington state combined fund (~~(drive's powers and~~
18 ~~duties include)~~) drive program, the director of the department of
19 personnel or his or her designee may but ((are)) is not limited to the
20 following:

- 21 (1) Raising money for charity, and reducing the disruption to
22 government caused by multiple fund drives;
- 23 (2) Establishing criteria by which a public or private nonprofit
24 organization may participate in the combined fund drive;
- 25 (3) Engaging in or encouraging fund-raising activities including
26 the solicitation and acceptance of charitable gifts, grants, and
27 donations from state employees, retired public employees, corporations,
28 foundations, and other individuals for the benefit of the beneficiaries
29 of the Washington state combined fund drive;
- 30 (4) Requesting the appointment of employees from state agencies and
31 institutions of higher education to lead and manage workplace
32 charitable giving campaigns within state government;
- 33 (5) Engaging in educational activities, including classes,
34 exhibits, seminars, workshops, and conferences, related to the basic
35 purpose of the combined fund drive;

1 (6) Engaging in appropriate fund-raising and advertising activities
2 for the support of the administrative duties of the Washington state
3 combined fund drive; and

4 (7) Charging an administrative fee to the beneficiaries of the
5 Washington state combined fund drive to fund the administrative duties
6 of the Washington state combined fund drive.

7 Activities of the Washington state combined fund drive shall not
8 result in direct commercial solicitation of state employees, or a
9 benefit or advantage that would violate one or more provisions of
10 chapter 42.52 RCW. This section does not authorize individual state
11 agencies to enter into contracts or partnerships unless otherwise
12 authorized by law.

13 **Sec. 57.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
14 read as follows:

15 The (~~Washington state combined fund drive committee~~) department
16 of personnel may enter into contracts and partnerships with private
17 institutions, persons, firms, or corporations for the benefit of the
18 beneficiaries of the Washington state combined fund drive. Activities
19 of the Washington state combined fund drive shall not result in direct
20 commercial solicitation of state employees, or a benefit or advantage
21 that would violate one or more provisions of chapter 42.52 RCW. This
22 section does not authorize individual state agencies to enter into
23 contracts or partnerships unless otherwise authorized by law.

24 **Board of Law Enforcement Training Standards**
25 **and Board on Correctional Training Standards**

26 NEW SECTION. **Sec. 58.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 43.101.310 (Board on law enforcement training standards and
29 education--Board on correctional training standards--Created--Purpose)
30 and 1997 c 351 s 2;

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

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

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

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

- 1 (6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;
2 (7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997
3 c 351 s 8; and
4 (8) RCW 43.101.345 (Recommendations of boards--Review by
5 commission) and 1997 c 351 s 9.

6 **Sec. 59.** RCW 43.101.380 and 2006 c 22 s 3 are each amended to read
7 as follows:

8 (1) The procedures governing adjudicative proceedings before
9 agencies under chapter 34.05 RCW, the administrative procedure act,
10 govern hearings before the commission and govern all other actions
11 before the commission unless otherwise provided in this chapter. The
12 standard of proof in actions before the commission is clear, cogent,
13 and convincing evidence.

14 (2) In all hearings requested under RCW 43.101.155, a five-member
15 hearings panel shall both hear the case and make the commission's final
16 administrative decision. Members of the commission (~~or the board on~~
17 ~~law enforcement training standards and education~~) may but need not be
18 appointed to the hearings panels. The commission shall appoint as
19 follows two or more panels to hear appeals from decertification
20 actions:

21 (a) When a hearing is requested in relation to decertification of
22 a Washington peace officer who is not a peace officer of the Washington
23 state patrol, the commission shall appoint to the panel: (i) One
24 police chief; (ii) one sheriff; (iii) two peace officers who are at or
25 below the level of first line supervisor, who are from city or county
26 law enforcement agencies, and who have at least ten years' experience
27 as peace officers; and (iv) one person who is not currently a peace
28 officer and who represents a community college or four-year college or
29 university.

30 (b) When a hearing is requested in relation to decertification of
31 a peace officer of the Washington state patrol, the commission shall
32 appoint to the panel: (i) Either one police chief or one sheriff; (ii)
33 one administrator of the state patrol; (iii) one peace officer who is
34 at or below the level of first line supervisor, who is from a city or
35 county law enforcement agency, and who has at least ten years'
36 experience as a peace officer; (iv) one state patrol officer who is at
37 or below the level of first line supervisor, and who has at least ten

1 years' experience as a peace officer; and (v) one person who is not
2 currently a peace officer and who represents a community college or
3 four-year college or university.

4 (c) When a hearing is requested in relation to decertification of
5 a tribal police officer, the commission shall appoint to the panel (i)
6 either one chief or one sheriff; (ii) one tribal police chief; (iii)
7 one peace officer who is at or below the level of first line
8 supervisor, who is from a city or county law enforcement agency, and
9 who has at least ten years' experience as a peace officer; (iv) one
10 tribal police officer who is at or below the level of first line
11 supervisor, and who has at least ten years' experience as a peace
12 officer; and (v) one person who is not currently a peace officer and
13 who represents a community college or four-year college or university.

14 (d) Persons appointed to hearings panels by the commission shall,
15 in relation to any decertification matter on which they sit, have the
16 powers, duties, and immunities, and are entitled to the emoluments,
17 including travel expenses in accordance with RCW 43.03.050 and
18 43.03.060, of regular commission members.

19 (3) Where the charge upon which revocation or denial is based is
20 that a peace officer was "discharged for disqualifying misconduct," and
21 the discharge is "final," within the meaning of RCW 43.101.105(1)(d),
22 and the officer received a civil service hearing or arbitration hearing
23 culminating in an affirming decision following separation from service
24 by the employer, the hearings panel may revoke or deny certification if
25 the hearings panel determines that the discharge occurred and was based
26 on disqualifying misconduct; the hearings panel need not redetermine
27 the underlying facts but may make this determination based solely on
28 review of the records and decision relating to the employment
29 separation proceeding. However, the hearings panel may, in its
30 discretion, consider additional evidence to determine whether such a
31 discharge occurred and was based on such disqualifying misconduct. The
32 hearings panel shall, upon written request by the subject peace
33 officer, allow the peace officer to present additional evidence of
34 extenuating circumstances.

35 Where the charge upon which revocation or denial of certification
36 is based is that a peace officer "has been convicted at any time of a
37 felony offense" within the meaning of RCW 43.101.105(1)(c), the
38 hearings panel shall revoke or deny certification if it determines that

1 the peace officer was convicted of a felony. The hearings panel need
2 not redetermine the underlying facts but may make this determination
3 based solely on review of the records and decision relating to the
4 criminal proceeding. However, the hearings panel shall, upon the
5 panel's determination of relevancy, consider additional evidence to
6 determine whether the peace officer was convicted of a felony.

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

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

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

14 NEW SECTION. **Sec. 60.** RCW 43.105.055 (Advisory committees--
15 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
16 repealed.

17 **Sec. 61.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
18 read as follows:

19 The department shall:

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

22 (a) The review of agency information technology portfolios and
23 related requests; and

24 (b) Implementation of statewide and interagency policies,
25 standards, and guidelines;

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

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

35 (b) Mainframe computing services;

1 (c) Support for departmental and microcomputer evaluation,
2 installation, and use;

3 (d) Equipment acquisition assistance, including leasing, brokering,
4 and establishing master contracts;

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

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

10 (g) Office automation services;

11 (h) System development services; and

12 (i) Training.

13 These services are for discretionary use by customers and customers
14 may elect other alternatives for service if those alternatives are more
15 cost-effective or provide better service. Agencies may be required to
16 use the backbone network portions of the telecommunications services
17 during an initial start-up period not to exceed three years;

18 (3) Establish rates and fees for services provided by the
19 department to assure that the services component of the department is
20 self-supporting. A billing rate plan shall be developed for a two-year
21 period to coincide with the budgeting process. The rate plan shall be
22 subject to review at least annually by the ((~~customer advisory board~~))
23 office of financial management. The rate plan shall show the proposed
24 rates by each cost center and will show the components of the rate
25 structure as mutually determined by the department and the ((~~customer~~
26 ~~advisory board~~)) office of financial management. The same rate
27 structure will apply to all user agencies of each cost center. The
28 rate plan and any adjustments to rates shall be approved by the office
29 of financial management. The services component shall not subsidize
30 the operations of the strategic planning and policy component;

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

34 (5) Develop plans for the department's achievement of statewide
35 goals and objectives set forth in the state strategic information
36 technology plan required under RCW 43.105.160. These plans shall
37 address such services as telecommunications, central and distributed

1 computing, local area networks, office automation, and end user
2 computing. The department shall seek the advice of the (~~customer~~
3 ~~advisory board and the~~) board in the development of these plans;

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

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

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

15 (9) Develop planning, budgeting, and expenditure reporting
16 requirements, in conjunction with the office of financial management,
17 for agencies to follow;

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

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

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

23 (b) Promulgation of policies, standards, and guidelines adopted by
24 the board;

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

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

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

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

1 **Early Intervention for Children who are Deaf**
2 **and have Hearing Loss--Advisory Committee**

3 NEW SECTION. **Sec. 62.** RCW 70.198.010 (Findings) and 2004 c 47 s
4 1 are each repealed.

5 **Eastern State Hospital Board and Western State Hospital Board**

6 **Sec. 63.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to
7 read as follows:

8 (1) It is the intent of the legislature to improve the quality of
9 service at state hospitals, eliminate overcrowding, and more
10 specifically define the role of the state hospitals. The legislature
11 intends that eastern and western state hospitals shall become clinical
12 centers for handling the most complicated long-term care needs of
13 patients with a primary diagnosis of mental disorder. To this end, the
14 legislature intends that funds appropriated for mental health programs,
15 including funds for regional support networks and the state hospitals
16 be used for persons with primary diagnosis of mental disorder. The
17 legislature finds that establishment of (~~the eastern state hospital~~
18 ~~board, the western state hospital board, and~~) institutes for the study
19 and treatment of mental disorders at both eastern state hospital and
20 western state hospital will be instrumental in implementing the
21 legislative intent.

22 (2) (~~(a) The eastern state hospital board and the western state~~
23 ~~hospital board are each established. Members of the boards shall be~~
24 ~~appointed by the governor with the consent of the senate. Each board~~
25 ~~shall include:~~

26 ~~(i) The director of the institute for the study and treatment of~~
27 ~~mental disorders established at the hospital;~~

28 ~~(ii) One family member of a current or recent hospital resident;~~

29 ~~(iii) One consumer of services;~~

30 ~~(iv) One community mental health service provider;~~

31 ~~(v) Two citizens with no financial or professional interest in~~
32 ~~mental health services;~~

33 ~~(vi) One representative of the regional support network in which~~
34 ~~the hospital is located;~~

35 ~~(vii) One representative from the staff who is a physician;~~

36 ~~(viii) One representative from the nursing staff;~~

1 ~~(ix) One representative from the other professional staff;~~

2 ~~(x) One representative from the nonprofessional staff; and~~

3 ~~(xi) One representative of a minority community.~~

4 ~~(b) At least one representative listed in (a)(viii), (ix), or (x)~~
5 ~~of this subsection shall be a union member.~~

6 ~~(c) Members shall serve four year terms. Members of the board~~
7 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~
8 ~~and 43.03.060 and shall receive compensation as provided in RCW~~
9 ~~43.03.240.~~

10 ~~(3) The boards established under this section shall:~~

11 ~~(a) Monitor the operation and activities of the hospital;~~

12 ~~(b) Review and advise on the hospital budget;~~

13 ~~(c) Make recommendations to the governor and the legislature for~~
14 ~~improving the quality of service provided by the hospital;~~

15 ~~(d) Monitor and review the activities of the hospital in~~
16 ~~implementing the intent of the legislature set forth in this section;~~
17 ~~and~~

18 ~~(e) Consult with the secretary regarding persons the secretary may~~
19 ~~select as the superintendent of the hospital whenever a vacancy occurs.~~

20 ~~(4))~~(a) There is established at eastern state hospital and western
21 state hospital, institutes for the study and treatment of mental
22 disorders. The institutes shall be operated by joint operating
23 agreements between state colleges and universities and the department
24 of social and health services. The institutes are intended to conduct
25 training, research, and clinical program development activities that
26 will directly benefit ~~((mentally ill))~~ persons with mental illness who
27 are receiving treatment in Washington state by performing the following
28 activities:

29 (i) Promote recruitment and retention of highly qualified
30 professionals at the state hospitals and community mental health
31 programs;

32 (ii) Improve clinical care by exploring new, innovative, and
33 scientifically based treatment models for persons presenting
34 particularly difficult and complicated clinical syndromes;

35 (iii) Provide expanded training opportunities for existing staff at
36 the state hospitals and community mental health programs;

37 (iv) Promote bilateral understanding of treatment orientation,

1 possibilities, and challenges between state hospital professionals and
2 community mental health professionals.

3 (b) To accomplish these purposes the institutes may, within funds
4 appropriated for this purpose:

5 (i) Enter joint operating agreements with state universities or
6 other institutions of higher education to accomplish the placement and
7 training of students and faculty in psychiatry, psychology, social
8 work, occupational therapy, nursing, and other relevant professions at
9 the state hospitals and community mental health programs;

10 (ii) Design and implement clinical research projects to improve the
11 quality and effectiveness of state hospital services and operations;

12 (iii) Enter into agreements with community mental health service
13 providers to accomplish the exchange of professional staff between the
14 state hospitals and community mental health service providers;

15 (iv) Establish a student loan forgiveness and conditional
16 scholarship program to retain qualified professionals at the state
17 hospitals and community mental health providers when the secretary has
18 determined a shortage of such professionals exists.

19 (c) Notwithstanding any other provisions of law to the contrary,
20 the institutes may enter into agreements with the department or the
21 state hospitals which may involve changes in staffing necessary to
22 implement improved patient care programs contemplated by this section.

23 (d) The institutes are authorized to seek and accept public or
24 private gifts, grants, contracts, or donations to accomplish their
25 purposes under this section.

26 **Fire Protection Policy Board**

27 **Sec. 64.** RCW 43.43.930 and 1995 c 369 s 14 are each amended to
28 read as follows:

29 The legislature finds that fire protection services at the state
30 level are provided by different, independent state agencies. This has
31 resulted in a lack of a comprehensive state-level focus for state fire
32 protection services, funding, and policy. The legislature further
33 finds that the paramount duty of the state in fire protection services
34 is to enhance the capacity of all local jurisdictions to assure that
35 their personnel with fire suppression, prevention, inspection, origin
36 and cause, and arson investigation responsibilities are adequately

1 trained to discharge their responsibilities. It is the intent of the
2 legislature to consolidate fire protection services into a single state
3 agency ~~((and to create a state board with the responsibility of (1)~~
4 ~~establishing a comprehensive state policy regarding fire protection~~
5 ~~services and (2) advising the chief of the Washington state patrol and~~
6 ~~the director of fire protection on matters relating to their duties~~
7 ~~under state law)).~~ It is also the intent of the legislature that the
8 fire protection services program created herein will assist local fire
9 protection agencies in program development without encroaching upon
10 their historic autonomy. It is the further intent of the legislature
11 that the fire protection services program be implemented incrementally
12 to assure a smooth transition, to build local, regional, and state
13 capacity, and to avoid undue burdens on jurisdictions with limited
14 resources.

15 **Sec. 65.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to
16 read as follows:

17 (1) Wherever the term state fire marshal appears in the Revised
18 Code of Washington or the Washington Administrative Code it shall mean
19 the director of fire protection.

20 (2) The chief of the Washington state patrol shall appoint an
21 officer who shall be known as the director of fire protection. The
22 ~~((board, after consulting with the))~~ chief of the Washington state
23 patrol ~~((7))~~ shall prescribe qualifications for the position of director
24 of fire protection. ~~((The board shall submit to the chief of the~~
25 ~~Washington state patrol a list containing the names of three persons~~
26 ~~whom the board believes meet its qualifications. If requested by the~~
27 ~~chief of the Washington state patrol, the board shall submit one~~
28 ~~additional list of three persons whom the board believes meet its~~
29 ~~qualifications. The appointment shall be from one of the lists of~~
30 ~~persons submitted by the board.))~~

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

34 (4) The director of fire protection ~~((7 in accordance with the~~
35 ~~policies, objectives, and priorities of the fire protection policy~~
36 ~~board,))~~ shall prepare a biennial budget pertaining to fire protection

1 services. Such biennial budget shall be submitted as part of the
2 Washington state patrol's budget request.

3 (5) The director of fire protection(~~(7)~~) shall implement and
4 administer, within constraints established by budgeted resources, (~~the~~
5 ~~policies, objectives, and priorities of the board and~~) all duties of
6 the chief of the Washington state patrol that are to be carried out
7 through the director of fire protection. Such administration shall
8 include negotiation of agreements with the state board for community
9 and technical colleges, the higher education coordinating board, and
10 the state colleges and universities as provided in RCW (~~(43.63A.320)~~)
11 43.43.934. Programs covered by such agreements shall include, but not
12 be limited to, planning curricula, developing and delivering
13 instructional programs and materials, and using existing instructional
14 personnel and facilities. Where appropriate, such contracts shall also
15 include planning and conducting instructional programs at the state
16 fire service training center.

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

20 **Sec. 66.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read
21 as follows:

22 The (~~state fire protection policy board shall review and make~~
23 ~~recommendations to the chief on the refinement and maintenance of~~)
24 director of fire protection shall maintain and refine the Washington
25 state fire services mobilization plan, which shall include the
26 procedures to be used during fire and other emergencies for
27 coordinating local, regional, and state fire jurisdiction resources.
28 In carrying out this duty, the director of fire protection (~~policy~~
29 ~~board~~) shall consult with and solicit recommendations from
30 representatives of state and local fire and emergency management
31 organizations, regional fire defense boards, and the department of
32 natural resources. The Washington state fire services mobilization
33 plan shall be consistent with, and made part of, the Washington state
34 comprehensive emergency management plan. The chief shall review the
35 fire services mobilization plan as submitted by the director of fire
36 protection (~~policy board~~), recommend changes that may be necessary,

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

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

7 NEW SECTION. **Sec. 67.** 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. 68.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read
14 as follows:

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

20 (1)(a) ~~((Adopt a state fire training and education master plan that
21 allows to the maximum feasible extent for negotiated agreements:))~~ (i)
22 With the state board for community and technical colleges ~~((to))~~
23 provide academic, vocational, and field training programs for the fire
24 service; and (ii) with the higher education coordinating board and the
25 state colleges and universities ~~((to))~~ provide instructional programs
26 requiring advanced training, especially in command and management
27 skills;

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

1 ~~(e)~~) Cooperate with the common schools, technical and community
2 colleges, institutions of higher education, and any department or
3 division of the state, or of any county or municipal corporation in
4 establishing and maintaining instruction in fire service training and
5 education in accordance with any act of congress and legislation
6 enacted by the legislature in pursuance thereof and in establishing,
7 building, and operating training and education facilities.

8 Industrial fire departments and private fire investigators may
9 participate in training and education programs under this chapter for
10 a reasonable fee established by rule;

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

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

18 ~~((f))~~ (e) Develop and adopt a plan with a goal of providing
19 firefighter one and wildland training, as defined by the board, to all
20 firefighters in the state. Wildland training reimbursement will be
21 provided if a fire protection district or a city fire department has
22 and is fulfilling their interior attack policy or if they do not have
23 an interior attack policy. The plan will include a reimbursement for
24 fire protection districts and city fire departments of not less than
25 three dollars for every hour of firefighter one or wildland training.
26 The Washington state patrol shall not provide reimbursement for more
27 than two hundred hours of firefighter one or wildland training for each
28 firefighter trained.

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

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

32 ~~(b) Monitor fire protection in the state and develop objectives and~~
33 ~~priorities to improve fire protection for the state's citizens~~
34 ~~including: (i) The comprehensiveness of state and local inspections~~
35 ~~required by law for fire and life safety; (ii) the level of skills and~~
36 ~~training of inspectors, as well as needs for additional training; and~~
37 ~~(iii) the efforts of local, regional, and state inspection agencies to~~
38 ~~improve coordination and reduce duplication among inspection efforts;~~

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

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

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

9 ~~(f) Seek and solicit grants, gifts, bequests, devises, and matching~~
10 ~~funds for use in furthering the objectives and duties of the board, and~~
11 ~~establish procedures for administering them;~~

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

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

17 ~~((i))~~ (c) Implement any legislation enacted by the legislature to
18 meet the requirements of any acts of congress that apply to this
19 section.

20 (3) In carrying out its statutory duties, the ~~((board))~~ office of
21 the state fire marshal shall give particular consideration to the
22 appropriate roles to be played by the state and by local jurisdictions
23 with fire protection responsibilities. Any determinations on the
24 division of responsibility shall be made in consultation with local
25 fire officials and their representatives.

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

36 **Sec. 69.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
37 as follows:

1 The enhanced 911 advisory committee is created to advise and assist
2 the state enhanced 911 coordinator in coordinating and facilitating the
3 implementation and operation of enhanced 911 throughout the state. The
4 director shall appoint members of the committee who represent diverse
5 geographical areas of the state and include state residents who are
6 members of the national emergency number association, the associated
7 public communications officers Washington chapter, the Washington state
8 fire chiefs association, the Washington association of sheriffs and
9 police chiefs, the Washington state council of firefighters, the
10 Washington state council of police officers, the Washington ambulance
11 association, (~~the state fire protection policy board,~~) the Washington
12 state firefighters association, the Washington state association of
13 fire marshals, the Washington fire commissioners association, the
14 Washington state patrol, the association of Washington cities, the
15 Washington state association of counties, the utilities and
16 transportation commission or commission staff, a representative of a
17 voice over internet protocol company, and an equal number of
18 representatives of large and small local exchange telephone companies
19 and large and small radio communications service companies offering
20 commercial mobile radio service in the state. This section expires
21 December 31, 2011.

22 **Sec. 70.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read
23 as follows:

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

33 (2) The department shall require persons undertaking asbestos
34 projects to provide written notice to the department before the
35 commencement of the project except as provided in RCW 49.26.125. The
36 notice shall include a written description containing such information
37 as the department requires by rule. The department may by rule allow

1 a person to report multiple projects at one site in one report. The
2 department shall by rule establish the procedure and criteria by which
3 a person will be considered to have attempted to meet the
4 prenotification requirement.

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

11 **Hazardous Substance Mixed Waste Advisory Board**

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

- 14 (1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and
15 2005 c 1 s 7; and
- 16 (2) RCW 70.105E.090 (Advisory board--Public involvement--Funding)
17 and 2005 c 1 s 9.

18 **Health and Welfare Advisory Board**
19 **and Property and Liability Advisory Board**

20 NEW SECTION. **Sec. 72.** The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 48.62.051 (Health and welfare advisory board--Creation--
23 Membership--Duties) and 1991 sp.s. c 30 s 5; and
- 24 (2) RCW 48.62.041 (Property and liability advisory board--
25 Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

26 **Sec. 73.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to
27 read as follows:

28 The state risk manager(~~, in consultation with the property and~~
29 ~~liability advisory board,~~) shall adopt rules governing the management
30 and operation of both individual and joint local government self-
31 insurance programs covering property or liability risks. The state
32 risk manager shall also adopt rules governing the management and
33 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. 74.** 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 ~~may~~) The state risk manager shall calculate, levy, and collect from
25 each joint property and liability self-insurance program and each
26 individual and joint health and welfare benefit program regulated by
27 this chapter a start-up assessment to pay initial expenses and
28 operating costs of (~~the boards and~~) the risk manager's office in
29 administering this chapter. Any program failing to remit its
30 assessment when due is subject to denial of permission to operate or to
31 a cease and desist order until the assessment is paid.

32 **Health Information Infrastructure Advisory Board**

33 **Sec. 75.** RCW 41.05.035 and 2007 c 259 s 10 are each amended to
34 read as follows:

35 (1) The administrator shall design and pilot a consumer-centric

1 health information infrastructure and the first health record banks
2 that will facilitate the secure exchange of health information when and
3 where needed and shall:

4 (a) Complete the plan of initial implementation, including but not
5 limited to determining the technical infrastructure for health record
6 banks and the account locator service, setting criteria and standards
7 for health record banks, and determining oversight of health record
8 banks;

9 (b) Implement the first health record banks in pilot sites as
10 funding allows;

11 (c) Involve health care consumers in meaningful ways in the design,
12 implementation, oversight, and dissemination of information on the
13 health record bank system; and

14 (d) Promote adoption of electronic medical records and health
15 information exchange through continuation of the Washington health
16 information collaborative, and by working with private payors and other
17 organizations in restructuring reimbursement to provide incentives for
18 providers to adopt electronic medical records in their practices.

19 ~~(2) ((The administrator may establish an advisory board, a~~
20 ~~stakeholder committee, and subcommittees to assist in carrying out the~~
21 ~~duties under this section. The administrator may reappoint health~~
22 ~~information infrastructure advisory board members to assure continuity~~
23 ~~and shall appoint any additional representatives that may be required~~
24 ~~for their expertise and experience.~~

25 ~~(a) The administrator shall appoint the chair of the advisory~~
26 ~~board, chairs, and cochairs of the stakeholder committee, if formed;~~

27 ~~(b) Meetings of the board, stakeholder committee, and any advisory~~
28 ~~group are subject to chapter 42.30 RCW, the open public meetings act,~~
29 ~~including RCW 42.30.110(1)(1), which authorizes an executive session~~
30 ~~during a regular or special meeting to consider proprietary or~~
31 ~~confidential nonpublished information; and~~

32 ~~(c) The members of the board, stakeholder committee, and any~~
33 ~~advisory group;~~

34 ~~(i) Shall agree to the terms and conditions imposed by the~~
35 ~~administrator regarding conflicts of interest as a condition of~~
36 ~~appointment;~~

37 ~~(ii) Are immune from civil liability for any official acts~~

1 performed in good faith as members of the board, stakeholder committee,
2 or any advisory group.

3 ~~(3) Members of the board may be compensated for participation in~~
4 ~~accordance with a personal services contract to be executed after~~
5 ~~appointment and before commencement of activities related to the work~~
6 ~~of the board. Members of the stakeholder committee shall not receive~~
7 ~~compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.~~

8 (4)) The administrator may work with public and private entities
9 to develop and encourage the use of personal health records which are
10 portable, interoperable, secure, and respectful of patients' privacy.

11 ((+5)) (3) The administrator may enter into contracts to issue,
12 distribute, and administer grants that are necessary or proper to carry
13 out this section.

14 Higher Education Coordinating Board Advisory Council

15 NEW SECTION. **Sec. 76.** RCW 28B.76.100 (Advisory council) and 2007
16 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

17 **Sec. 77.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
18 read as follows:

19 (1) In consultation with the institutions of higher education and
20 state education agencies, the board shall identify the data needed to
21 carry out its responsibilities for policy analysis, accountability,
22 program improvements, and public information. The primary goals of the
23 board's data collection and research are to describe how students and
24 other beneficiaries of higher education are being served; to support
25 higher education accountability; and to assist state policymakers and
26 institutions in making policy decisions.

27 (2) The board shall ~~((convene a research advisory group and shall~~
28 ~~collaborate with the group to))~~ identify the most cost-effective manner
29 for the board to collect data or access existing data. The board shall
30 ~~((work with the advisory group to))~~ develop research priorities,
31 policies, and common definitions to maximize the reliability and
32 consistency of data across institutions. ~~((The advisory group shall~~
33 ~~include representatives of public and independent higher education~~
34 ~~institutions and other state agencies, including the state board for~~
35 ~~community and technical colleges, the office of the superintendent of~~

1 ~~public instruction, the office of financial management, the employment~~
2 ~~security department, the workforce training and education coordinating~~
3 ~~board, and other agencies as appropriate.)~~)

4 (3) Specific protocols shall be developed by the board ((~~and the~~
5 ~~advisory group~~)) to protect the privacy of individual student records
6 while ensuring the availability of student data for legitimate research
7 purposes.

8 **Home Inspector Advisory Licensing Board**

9 NEW SECTION. **Sec. 78.** RCW 18.280.040 (Home inspector advisory
10 licensing board) and 2008 c 119 s 4 are each repealed.

11 **Sec. 79.** RCW 18.280.010 and 2008 c 119 s 1 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) (~~("Board" means the home inspector advisory licensing board.~~
16 ~~+2)~~) "Department" means the department of licensing.

17 (~~+3)~~) (2) "Director" means the director of the department of
18 licensing.

19 (~~+4)~~) (3) "Entity" or "entities" means educational groups or
20 organizations, national organizations or associations, or a national
21 test organization.

22 (~~+5)~~) (4) "Home inspection" means a professional examination of
23 the current condition of a house.

24 (~~+6)~~) (5) "Home inspector" means a person who carries out a
25 noninvasive examination of the condition of a home, often in connection
26 with the sale of that home, using special training and education to
27 carry out the inspection.

28 (~~+7)~~) (6) "Report" means a written report prepared and issued
29 after a home inspection.

30 (~~+8)~~) (7) "Wood destroying organism" means insects or fungi that
31 consume, excavate, develop in, or otherwise modify the integrity of
32 wood or wood products. "Wood destroying organism" includes but is not
33 limited to carpenter ants, moisture ants, subterranean termites,
34 dampwood termites, beetles in the family Anobiidae, and wood decay
35 fungi, known as wood rot.

1 **Sec. 80.** RCW 18.280.030 and 2008 c 119 s 3 are each amended to
2 read as follows:

3 A person licensed under this chapter is responsible for performing
4 a visual and noninvasive inspection of the following readily accessible
5 systems and components of a home and reporting on the general condition
6 of those systems and components at the time of the inspection in his or
7 her written report: The roof, foundation, exterior, heating system,
8 air-conditioning system, structure, plumbing and electrical systems,
9 and other aspects of the home as may be identified by the ((~~board~~)
10 director). The inspection must include looking for certain fire and
11 safety hazards as defined by the ((~~board~~) director). The standards of
12 practice to be developed by the ((~~board~~) director) will be used as the
13 minimum standards for an inspection. The duties of the home inspector
14 with regard to wood destroying organisms are provided in RCW
15 18.280.190.

16 **Sec. 81.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to
17 read as follows:

18 The director has the following authority in administering this
19 chapter:

20 (1) To adopt, amend, and rescind rules ((~~approved by the board~~)) as
21 deemed necessary to carry out this chapter;

22 (2) To administer licensing examinations ((~~approved by the board~~))
23 and to adopt or recognize examinations prepared by other entities ((~~as~~
24 ~~approved by the board~~));

25 (3) To adopt standards of professional conduct, practice, and
26 ethics ((~~as approved by the board~~)); and

27 (4) To adopt fees as provided in RCW 43.24.086.

28 **Sec. 82.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to
29 read as follows:

30 The ((~~board~~) director) has the following authority in administering
31 this chapter:

32 (1) ((~~To establish rules, including board organization and~~
33 ~~assignment of terms, and meeting frequency and timing, for adoption by~~
34 ~~the director;~~

35 (2)) To establish the minimum qualifications for licensing
36 applicants as provided in this chapter;

1 ~~((+3))~~ (2) To approve the method of administration of examinations
2 required by this chapter ~~((or by rule as established by the director));~~
3 ~~((+4))~~ (3) To approve the content of or recognition of
4 examinations prepared by other entities ~~((for adoption by the~~
5 ~~director));~~
6 ~~((+5))~~ (4) To set the time and place of examinations ~~((with the~~
7 ~~approval of the director));~~ and
8 ~~((+6))~~ (5) To establish and review standards of professional
9 conduct, practice, and ethics ~~((for adoption by the director. These)),~~
10 which standards must address what constitutes certain fire and safety
11 hazards as used in RCW 18.280.030.

12 **Sec. 83.** RCW 18.280.070 and 2008 c 119 s 7 are each amended to
13 read as follows:

14 In order to become licensed as a home inspector, an applicant must
15 submit the following to the department:

- 16 (1) An application on a form developed by the department;
17 (2) Proof of a minimum of one hundred twenty hours of classroom
18 instruction approved by the ~~((board))~~ director;
19 (3) Proof of up to forty hours of field training supervised by a
20 licensed home inspector;
21 (4) Evidence of successful passage of the written exam as required
22 in RCW 18.280.080; and
23 (5) The fee in the amount set by the department.

24 **Sec. 84.** RCW 18.280.080 and 2008 c 119 s 8 are each amended to
25 read as follows:

26 Applicants for licensure must pass an exam that is psychometrically
27 valid, reliable, and legally defensible by the state. The exam is to
28 be developed, maintained, and administered by the department. The
29 ~~((board shall recommend to the))~~ director shall determine whether to
30 use an exam that is prepared by a national entity. If an exam prepared
31 by a national entity is used, a section specific to Washington shall be
32 developed by the director and included as part of the entire exam.

33 **Sec. 85.** RCW 18.280.110 and 2008 c 119 s 11 are each amended to
34 read as follows:

- 35 (1) As a condition of renewing a license under this chapter, a

1 licensed home inspector shall present satisfactory evidence to the
2 ((board)) director of having completed the continuing education
3 requirements provided for in this section.

4 (2) Each applicant for license renewal shall complete at least
5 twenty-four hours of instruction in courses approved by the ((board))
6 director every two years.

7 **Sec. 86.** RCW 18.280.120 and 2008 c 119 s 12 are each amended to
8 read as follows:

9 (1) A licensed home inspector shall provide a written report of the
10 home inspection to each person for whom the inspector performs a home
11 inspection within a time period set by the ((board)) director in rule.
12 The issues to be addressed in the report shall be set by the ((board))
13 director in rule.

14 (2) A licensed home inspector, or other licensed home inspectors or
15 employees who work for the same company or for any company in which the
16 home inspector has a financial interest, shall not, from the time of
17 the inspection until one year from the date of the report, perform any
18 work other than home inspection-related consultation on the home upon
19 which he or she has performed a home inspection.

20 **Sec. 87.** RCW 18.280.130 and 2008 c 119 s 13 are each amended to
21 read as follows:

22 (1) The director shall immediately suspend the license of a person
23 who has been certified pursuant to RCW 74.20A.320 by the department of
24 social and health services as a person who is not in compliance with a
25 child support order. If the person has continued to meet all other
26 requirements for a license under this chapter during the suspension,
27 reissuance of the license is automatic upon the ((board's)) director's
28 receipt of a release issued by the department of social and health
29 services stating that the licensee is in compliance with the child
30 support order. The procedure in RCW 74.20A.320 is the exclusive
31 administrative remedy for contesting the establishment of noncompliance
32 with a child support order, and suspension of a license under this
33 subsection, and satisfies the requirements of RCW 34.05.422.

34 (2) The director(~~(, with the assistance of the board,)~~) shall
35 establish by rule under what circumstances a home inspector license may

1 be suspended or revoked. These circumstances shall be based upon
2 accepted industry standards (~~and the board's cumulative experience~~)).

3 (3) Any person aggrieved by a decision of the director under this
4 section may appeal the decision as provided in chapter 34.05 RCW. The
5 adjudicative proceeding shall be conducted under chapter 34.05 RCW by
6 an administrative law judge appointed pursuant to RCW 34.12.030.

7 **Industry Cluster Advisory Committee**

8 **Sec. 88.** RCW 43.330.090 and 2007 c 228 s 201 are each amended to
9 read as follows:

10 (1) The department shall work with private sector organizations,
11 industry and cluster associations, federal agencies, state agencies
12 that use a cluster-based approach to service delivery, local
13 governments, local associate development organizations, and higher
14 education and training institutions in the development of industry
15 cluster-based strategies to diversify the economy, facilitate
16 technology transfer and diffusion, and increase value-added production.
17 The industry clusters targeted by the department may include, but are
18 not limited to, aerospace, agriculture, food processing, forest
19 products, marine services, health and biomedical, software, digital and
20 interactive media, transportation and distribution, and
21 microelectronics. The department shall, on a continuing basis,
22 evaluate the potential return to the state from devoting additional
23 resources to an industry cluster-based approach to economic development
24 and identifying and assisting additional clusters. The department
25 shall use information gathered in each service delivery region in
26 formulating its industry cluster-based strategies and shall assist
27 local communities in identifying regional industry clusters and
28 developing industry cluster-based strategies.

29 (2)(a) The department shall promote, market, and encourage growth
30 in the production of films and videos, as well as television
31 commercials within the state; to this end the department is directed to
32 assist in the location of a film and video production studio within the
33 state.

34 (b) The department may, in carrying out its efforts to encourage
35 film and video production in the state, solicit and receive gifts,
36 grants, funds, fees, and endowments, in trust or otherwise, from

1 tribal, local, or other governmental entities, as well as private
2 sources, and may expend the same or any income therefrom for the
3 encouragement of film and video production. All revenue received for
4 such purposes shall be deposited into the film and video promotion
5 account created in RCW 43.330.092.

6 (3) In assisting in the development of regional and statewide
7 industry cluster-based strategies, the department's activities shall
8 include, but are not limited to:

9 (a) Facilitating regional focus group discussions and conducting
10 studies to identify industry clusters, appraise the current information
11 linkages within a cluster, and identify issues of common concern within
12 a cluster;

13 (b) Supporting industry and cluster associations, publications of
14 association and cluster directories, and related efforts to create or
15 expand the activities of industry and cluster associations;

16 (c) Administering a competitive grant program to fund activities
17 designed to further regional cluster growth. In administering the
18 program, the department shall work with (~~(an industry cluster advisory~~
19 ~~committee with equal representation from)) the workforce training and
20 education coordinating board, the state board for community and
21 technical colleges, the employment security department, business, and
22 labor.~~

23 (i) The (~~(industry cluster advisory committee))~~ department shall
24 (~~(recommend))~~ seek recommendations on criteria for evaluating
25 applications for grant funds and recommend applicants for receipt of
26 grant funds.

27 (ii) Applicants must include organizations from at least two
28 counties and participants from the local business community. Eligible
29 organizations include, but are not limited to, local governments,
30 economic development councils, chambers of commerce, federally
31 recognized Indian tribes, workforce development councils, and
32 educational institutions.

33 (iii) Applications must evidence financial participation of the
34 partner organizations.

35 (iv) Priority shall be given to applicants which will use the grant
36 funds to build linkages and joint projects, to develop common resources
37 and common training, and to develop common research and development
38 projects or facilities.

1 (v) The maximum amount of a grant is one hundred thousand dollars.

2 (vi) A maximum of one hundred thousand dollars total can go to
3 King, Pierce, Kitsap, and Snohomish counties combined.

4 (vii) No more than ten percent of funds received for the grant
5 program may be used by the department for administrative costs.

6 (4) As used in subsection (3) of this section, "industry cluster"
7 means a geographic concentration of interdependent competitive firms
8 that do business with each other. "Industry cluster" also includes
9 firms that sell inside and outside of the geographic region as well as
10 support firms that supply raw materials, components, and business
11 services.

12 **Integrated Justice Information Board**

13 NEW SECTION. **Sec. 89.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
16 104 s 1;

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

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

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

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

25 **K-20 Educational Network Board**

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

27 NEW SECTION. **Sec. 90.** The following acts or parts of acts are
28 each repealed:

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

31 (2) RCW 43.105.810 (K-20 network technical steering committee) and
32 1999 c 285 s 6.

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

4 (13) "Information technology portfolio" or "portfolio" means a
5 strategic management process documenting relationships between agency
6 missions and information technology and telecommunications investments;

7 (14) "Oversight" means a process of comprehensive risk analysis and
8 management designed to ensure optimum use of information technology
9 resources and telecommunications;

10 (15) "Proprietary software" means that software offered for sale or
11 license;

12 (16) "Video telecommunications" means the electronic
13 interconnection of two or more sites for the purpose of transmitting
14 and/or receiving visual and associated audio information. Video
15 telecommunications shall not include existing public television
16 broadcast stations as currently designated by the department of
17 community, trade, and economic development under chapter 43.330 RCW;

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

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

23 ~~(19))~~ "K-20 network" means the network established in RCW
24 43.105.820;

25 ~~((20))~~ (18) "Educational sectors" means those institutions of
26 higher education, school districts, and educational service districts
27 that use the network for distance education, data transmission, and
28 other uses permitted by the ~~((K-20))~~ board.

29 **Sec. 92.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to read
30 as follows:

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

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

1 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
2 maintain equipment, proprietary software, and purchased services, or to
3 delegate to other agencies and institutions of state government, under
4 appropriate standards, the authority to purchase, lease, rent, or
5 otherwise acquire, dispose of, and maintain equipment, proprietary
6 software, and purchased services: PROVIDED, That, agencies and
7 institutions of state government are expressly prohibited from
8 acquiring or disposing of equipment, proprietary software, and
9 purchased services without such delegation of authority. The
10 acquisition and disposition of equipment, proprietary software, and
11 purchased services is exempt from RCW 43.19.1919 and, as provided in
12 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
13 This subsection (1)(b) does not apply to the legislative branch;

14 (c) To develop statewide or interagency technical policies,
15 standards, and procedures;

16 (d) To review and approve standards and common specifications for
17 new or expanded telecommunications networks proposed by agencies,
18 public postsecondary education institutions, educational service
19 districts, or statewide or regional providers of K-12 information
20 technology services, and to assure the cost-effective development and
21 incremental implementation of a statewide video telecommunications
22 system to serve: Public schools; educational service districts;
23 vocational-technical institutes; community colleges; colleges and
24 universities; state and local government; and the general public
25 through public affairs programming;

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

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

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

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

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

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

1 (ii) Training and education; and

2 (iii) Project management;

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

6 (i) To review and approve that portion of the department's budget
7 requests that provides for support to the board.

8 (2) Statewide technical standards to promote and facilitate
9 electronic information sharing and access are an essential component of
10 acceptable and reliable public access service and complement content-
11 related standards designed to meet those goals. The board shall:

12 (a) Establish technical standards to facilitate electronic access
13 to government information and interoperability of information systems,
14 including wireless communications systems. Local governments are
15 strongly encouraged to follow the standards established by the board;
16 and

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

19 In developing these standards, the board is encouraged to include
20 the state library, state archives, and appropriate representatives of
21 state and local government.

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

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

35 **Sec. 93.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
36 read as follows:

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

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

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

7 (3) To adopt, modify, and implement policies to facilitate network
8 development, operation, and expansion. Such policies may include but
9 need not be limited to the following issues: Quality of educational
10 services; access to the network by recognized organizations and
11 accredited institutions that deliver educational programming, including
12 public libraries; prioritization of programming within limited
13 resources; prioritization of access to the system and the sharing of
14 technological advances; network security; identification and evaluation
15 of emerging technologies for delivery of educational programs; future
16 expansion or redirection of the system; network fee structures; and
17 costs for the development and operation of the network;

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

27 (5) To adopt and monitor the implementation of a methodology to
28 evaluate the effectiveness of the network in achieving the educational
29 goals and measurable objectives;

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

32 (7) To establish by rule acceptable use policies governing user
33 eligibility for participation in the K-20 network, acceptable uses of
34 network resources, and procedures for enforcement of such policies.
35 The ((K-20)) board shall set forth appropriate procedures for
36 enforcement of acceptable use policies, that may include suspension of
37 network connections and removal of shared equipment for violations of

1 network conditions or policies. (~~However, the information services~~)
2 The board shall have sole responsibility for the implementation of
3 enforcement procedures relating to technical conditions of use.

4 **Sec. 94.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
5 read as follows:

6 The information services board shall prepare a technical plan for
7 the design and construction of the K-20 telecommunication system. The
8 board shall ensure that the technical plan adheres to the goals and
9 objectives established under RCW 43.105.041. The board shall provide
10 formal project approval and oversight during the development and
11 implementation of the K-20 telecommunications network. In approving
12 the plan, the board shall conduct a request for proposal process. The
13 technical plan shall be developed in phases as follows:

14 (1) Phase one shall provide a telecommunication backbone connecting
15 educational service districts, the main campuses of public
16 baccalaureate institutions, the branch campuses of public research
17 institutions, and the main campuses of community colleges and technical
18 colleges.

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

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

34 (ii) The (~~K-20~~) board determines that inclusion of the
35 independent nonprofit institutions of higher education will not
36 significantly affect the network's eligibility for federal universal
37 service fund discounts or subsidies.

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

4 **Livestock Identification Advisory Board**

5 NEW SECTION. **Sec. 95.** RCW 16.57.015 (Livestock identification
6 advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c
7 354 s 10 are each repealed.

8 **Sec. 96.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read
9 as follows:

10 (1) The director may adopt rules:

11 (a) To support the agriculture industry in meeting federal
12 requirements for the country-of-origin labeling of meat. Any
13 requirements established under this subsection for country of origin
14 labeling purposes shall be substantially consistent with and shall not
15 exceed the requirements established by the United States department of
16 agriculture; and

17 (b) (~~In consultation with the livestock identification advisory~~
18 ~~board under RCW 16.57.015,~~) To implement federal requirements for
19 animal identification needed to trace the source of livestock for
20 disease control and response purposes.

21 (2) The director may cooperate with and enter into agreements with
22 other states and agencies of federal government to carry out such
23 systems and to promote consistency of regulation.

24 **McNeil Island Secure Community Transition**
25 **Facility Operational Advisory Board**

26 NEW SECTION. **Sec. 97.** RCW 71.09.320 (Transition facilities--
27 Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each
28 repealed.

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

30 NEW SECTION. **Sec. 98.** The following acts or parts of acts are
31 each repealed:

- 1 (1) RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and
2 (2) RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

3 **Sec. 99.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to
4 read as follows:

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

7 (~~1~~) (~~"Advisory committee" means a group of individuals with broad~~
8 ~~knowledge and experience in the design, construction, and regulation of~~
9 ~~on-site wastewater treatment systems, appointed under this chapter to~~
10 ~~offer recommendations to the board and the director on the~~
11 ~~administration of the program established under this chapter.~~

12 (~~2~~) "Board" means the board of registration for professional
13 engineers and land surveyors as defined in chapter 18.43 RCW.

14 (~~3~~) (2) "Designer," "licensee," or "permit holder" means an
15 individual authorized under this chapter to perform design services for
16 on-site wastewater treatment systems.

17 (~~4~~) (3) "Director" means the director of the Washington state
18 department of licensing.

19 (~~5~~) (4) "Engineer" means a professional engineer licensed under
20 chapter 18.43 RCW.

21 (~~6~~) (5) "Practice of engineering" has the meaning set forth in
22 RCW 18.43.020(5).

23 (~~7~~) (6) "On-site wastewater treatment system" means an
24 integrated system of components that: Convey, store, treat, and/or
25 provide subsurface soil treatment and disposal of wastewater effluent
26 on the property where it originates or on adjacent or other property
27 and includes piping, treatment devices, other accessories, and soil
28 underlying the disposal component of the initial and reserve areas, for
29 on-site wastewater treatment under three thousand five hundred gallons
30 per day when not connected to a public sewer system.

31 (~~8~~) (7) "On-site wastewater design" means the development of
32 plans, details, specifications, instructions, or inspections by
33 application of specialized knowledge in analysis of soils, on-site
34 wastewater treatment systems, disposal methods, and technologies to
35 create an integrated system of collection, transport, distribution,
36 treatment, and disposal of on-site wastewater.

1 ((+9)) (8) "Local health jurisdiction" or "jurisdictional health
2 department" means an administrative agency created under chapter 70.05,
3 70.08, or 70.46 RCW, that administers the regulation and codes
4 regarding on-site wastewater treatment systems.

5 ((+10)) (9) "Practice permit" means an authorization to practice
6 granted to an individual who designs on-site wastewater treatment
7 systems and who has been authorized by a local health jurisdiction to
8 practice on or before July 1, 2000.

9 ((+11)) (10) "License" means a license to design on-site
10 wastewater treatment systems under this chapter.

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

15 **Sec. 100.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
16 read as follows:

17 The director may:

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

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

23 ((+3)) (2) Establish fees for applications, examinations, and
24 renewals in accordance with chapter 43.24 RCW;

25 ((+4)) (3) Issue practice permits and licenses to applicants who
26 meet the requirements of this chapter; and

27 ((+5)) (4) Exercise rule-making authority to implement this
28 section.

29 **Sec. 101.** RCW 18.210.060 and 2002 c 86 s 258 are each amended to
30 read as follows:

31 ((+1)) The board may:

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

35 ((+b)) (2) Administer licensing examinations; and

1 (~~(e)~~) (3) Review and approve or deny initial and renewal license
2 applications.

3 (~~(2) The board shall consider recommendations of the advisory~~
4 ~~committee made in accordance with this chapter.~~)

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

7 NEW SECTION. Sec. 102. RCW 70.118.100 (Alternative systems--
8 Technical review committee) and 1997 c 447 s 3 are each repealed.

9 **Sec. 103.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to
10 read as follows:

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

18 **Organized Crime Advisory Board**

19 NEW SECTION. Sec. 104. The following acts or parts of acts are
20 each repealed:

21 (1) RCW 43.43.858 (Organized crime advisory board--Created--
22 Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s
23 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c
24 202 s 5;

25 (2) RCW 43.43.860 (Organized crime advisory board--Terms of
26 members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s
27 6;

28 (3) RCW 43.43.862 (Organized crime advisory board--Powers and
29 duties) and 1973 1st ex.s. c 202 s 7;

30 (4) RCW 43.43.864 (Information to be furnished board--Security--
31 Confidentiality) and 1973 1st ex.s. c 202 s 8;

32 (5) RCW 10.29.030 (Appointment of statewide special inquiry judge--

1 Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s
2 3;

3 (6) RCW 10.29.040 (Scope of investigation and proceeding--Request
4 for additional authority) and 1980 c 146 s 4;

5 (7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--
6 Removal) and 1980 c 146 s 8; and

7 (8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c
8 274 s 205 & 1980 c 146 s 9.

9 **Sec. 105.** RCW 43.43.866 and 1980 c 146 s 16 are each amended to
10 read as follows:

11 There shall be a fund known as the organized crime prosecution
12 revolving fund which shall consist of such moneys as may be
13 appropriated by law. The state treasurer shall be custodian of the
14 revolving fund. Disbursements from the revolving fund shall be subject
15 to budget approval given by the (~~organized crime advisory board~~
16 ~~pursuant to RCW 10.29.090~~) chief of the Washington state patrol, and
17 may be made either on authorization of the governor or the governor's
18 designee, or upon request of (~~a majority of the members of the~~
19 ~~organized crime advisory board~~) the chief of the Washington state
20 patrol. In order to maintain an effective expenditure and revenue
21 control, the organized crime prosecution revolving fund shall be
22 subject in all respects to chapter 43.88 RCW but no appropriation shall
23 be required to permit expenditures and payment of obligations from the
24 fund.

25 **Sec. 106.** RCW 43.10.240 and 1985 c 251 s 1 are each amended to
26 read as follows:

27 The attorney general shall annually report to the (~~organized crime~~
28 ~~advisory board~~) chief of the Washington state patrol a summary of the
29 attorney general's investigative and criminal prosecution activity
30 conducted pursuant to this chapter. Except to the extent the summary
31 describes information that is a matter of public record, the
32 information made available to the (~~board~~) chief of the Washington
33 state patrol shall be given all necessary security protection in
34 accordance with the terms and provisions of applicable laws and rules
35 and shall not be revealed or divulged publicly or privately (~~by~~
36 ~~members of the board~~)).

1 **Orthotic and Prosthetics Advisory Committee**

2 NEW SECTION. **Sec. 107.** RCW 18.200.060 (Advisory committee--
3 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

4 **Sec. 108.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
5 read as follows:

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

8 (1) (~~("Advisory committee" means the orthotics and prosthetics~~
9 ~~advisory committee.~~

10 ~~(2))~~) "Department" means the department of health.

11 ~~((3))~~) (2) "Secretary" means the secretary of health or the
12 secretary's designee.

13 ~~((4))~~) (3) "Orthotics" means the science and practice of
14 evaluating, measuring, designing, fabricating, assembling, fitting,
15 adjusting, or servicing, as well as providing the initial training
16 necessary to accomplish the fitting of, an orthosis for the support,
17 correction, or alleviation of neuromuscular or musculoskeletal
18 dysfunction, disease, injury, or deformity. The practice of orthotics
19 encompasses evaluation, treatment, and consultation. With basic
20 observational gait and postural analysis, orthotists assess and design
21 orthoses to maximize function and provide not only the support but the
22 alignment necessary to either prevent or correct deformity or to
23 improve the safety and efficiency of mobility or locomotion, or both.
24 Orthotic practice includes providing continuing patient care in order
25 to assess its effect on the patient's tissues and to assure proper fit
26 and function of the orthotic device by periodic evaluation.

27 ~~((5))~~) (4) "Orthotist" means a person licensed to practice
28 orthotics under this chapter.

29 ~~((6))~~) (5) "Orthosis" means a custom-fabricated, definitive brace
30 or support that is designed for long-term use. Except for the
31 treatment of scoliosis, orthosis does not include prefabricated or
32 direct-formed orthotic devices, as defined in this section, or any of
33 the following assistive technology devices: Commercially available
34 knee orthoses used following injury or surgery; spastic muscle tone-
35 inhibiting orthoses; upper extremity adaptive equipment; finger
36 splints; hand splints; custom-made, leather wrist gauntlets; face masks
37 used following burns; wheelchair seating that is an integral part of

1 the wheelchair and not worn by the patient independent of the
2 wheelchair; fabric or elastic supports; corsets; arch supports, also
3 known as foot orthotics; low-temperature formed plastic splints;
4 trusses; elastic hose; canes; crutches; cervical collars; dental
5 appliances; and other similar devices as determined by the secretary,
6 such as those commonly carried in stock by a pharmacy, department
7 store, corset shop, or surgical supply facility. Prefabricated
8 orthoses, also known as custom-fitted, or off-the-shelf, are devices
9 that are manufactured as commercially available stock items for no
10 specific patient. Direct-formed orthoses are devices formed or shaped
11 during the molding process directly on the patient's body or body
12 segment. Custom-fabricated orthoses, also known as custom-made
13 orthoses, are devices designed and fabricated, in turn, from raw
14 materials for a specific patient and require the generation of an
15 image, form, or mold that replicates the patient's body or body segment
16 and, in turn, involves the rectification of dimensions, contours, and
17 volumes to achieve proper fit, comfort, and function for that specific
18 patient.

19 ~~((+7))~~ (6) "Prosthetics" means the science and practice of
20 evaluating, measuring, designing, fabricating, assembling, fitting,
21 aligning, adjusting, or servicing, as well as providing the initial
22 training necessary to accomplish the fitting of, a prosthesis through
23 the replacement of external parts of a human body lost due to
24 amputation or congenital deformities or absences. The practice of
25 prosthetics also includes the generation of an image, form, or mold
26 that replicates the patient's body or body segment and that requires
27 rectification of dimensions, contours, and volumes for use in the
28 design and fabrication of a socket to accept a residual anatomic limb
29 to, in turn, create an artificial appendage that is designed either to
30 support body weight or to improve or restore function or cosmesis, or
31 both. Involved in the practice of prosthetics is observational gait
32 analysis and clinical assessment of the requirements necessary to
33 refine and mechanically fix the relative position of various parts of
34 the prosthesis to maximize the function, stability, and safety of the
35 patient. The practice of prosthetics includes providing continuing
36 patient care in order to assess the prosthetic device's effect on the
37 patient's tissues and to assure proper fit and function of the
38 prosthetic device by periodic evaluation.

1 ~~((8))~~ (7) "Prosthetist" means a person who is licensed to
2 practice prosthetics under this chapter.

3 ~~((9))~~ (8) "Prosthesis" means a definitive artificial limb that is
4 alignable or articulated, or, in lower extremity applications, capable
5 of weight bearing. Prosthesis means an artificial medical device that
6 is not surgically implanted and that is used to replace a missing limb,
7 appendage, or other external human body part including an artificial
8 limb, hand, or foot. The term does not include artificial eyes, ears,
9 fingers or toes, dental appliances, ostomy products, devices such as
10 artificial breasts, eyelashes, wigs, or other devices as determined by
11 the secretary that do not have a significant impact on the
12 musculoskeletal functions of the body. In the lower extremity of the
13 body, the term prosthesis does not include prostheses required for
14 amputations distal to and including the transmetatarsal level. In the
15 upper extremity of the body, the term prosthesis does not include
16 prostheses that are provided to restore function for amputations distal
17 to and including the carpal level.

18 ~~((10))~~ (9) "Authorized health care practitioner" means licensed
19 physicians, physician's assistants, osteopathic physicians,
20 chiropractors, naturopaths, podiatric physicians and surgeons,
21 dentists, and advanced registered nurse practitioners.

22 **Sec. 109.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
23 read as follows:

24 In addition to other authority provided by law, the secretary has
25 the authority to:

26 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
27 chapter;

28 (2) Establish administrative procedures, administrative
29 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
30 All fees collected under this section must be credited to the health
31 professions account as required under RCW 43.70.320;

32 (3) Register applicants, issue licenses to applicants who have met
33 the education, training, and examination requirements for licensure,
34 and deny licenses to applicants who do not meet the minimum
35 qualifications, except that proceedings concerning the denial of
36 credentials based upon unprofessional conduct or impairment are
37 governed by the uniform disciplinary act, chapter 18.130 RCW;

1 (4) Hire clerical, administrative, investigative, and other staff
2 as needed to implement this chapter and hire individuals licensed under
3 this chapter to serve as examiners for any practical examinations;

4 (5) Determine minimum education requirements and evaluate and
5 designate those educational programs from which graduation will be
6 accepted as proof of eligibility to take a qualifying examination for
7 applicants for licensure;

8 (6) Establish the standards and procedures for revocation of
9 approval of education programs;

10 (7) Utilize or contract with individuals or organizations having
11 expertise in the profession or in education to assist in the
12 evaluations;

13 (8) Prepare and administer, or approve the preparation and
14 administration of, examinations for applicants for licensure;

15 (9) Determine whether alternative methods of training are
16 equivalent to formal education, and establish forms, procedures, and
17 criteria for evaluation of an applicant's alternative training to
18 determine the applicant's eligibility to take any qualifying
19 examination;

20 (10) Determine which jurisdictions have licensing requirements
21 equivalent to those of this state and issue licenses without
22 examinations to individuals licensed in those jurisdictions;

23 (11) Define and approve any experience requirement for licensing;

24 (12) Implement and administer a program for consumer education;

25 (13) Adopt rules implementing continuing competency requirements
26 for renewal of the license and relicensing;

27 (14) Maintain the official department records of all applicants and
28 licensees;

29 (15) Establish by rule the procedures for an appeal of an
30 examination failure;

31 (16) Establish requirements and procedures for an inactive license;
32 and

33 (17) (~~With the advice of the advisory committee, the secretary~~
34 ~~may~~) Recommend collaboration with health professions, boards, and
35 commissions to develop appropriate referral protocols.

36 **Sec. 110.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
37 read as follows:

1 (1) An applicant must file a written application on forms provided
2 by the department showing to the satisfaction of the secretary(~~(in~~
3 ~~consultation with the advisory committee,~~) that the applicant meets
4 the following requirements:

5 (a) The applicant possesses a baccalaureate degree with coursework
6 appropriate for the profession approved by the secretary, or possesses
7 equivalent training as determined by the secretary pursuant to
8 subsections (3) and (5) of this section;

9 (b) The applicant has the amount of formal training, including the
10 hours of classroom education and clinical practice, in areas of study
11 as the secretary deems necessary and appropriate;

12 (c) The applicant has completed a clinical internship or residency
13 in the professional area for which a license is sought in accordance
14 with the standards, guidelines, or procedures for clinical internships
15 or residencies inside or outside the state as established by the
16 secretary, or that are otherwise substantially equivalent to the
17 standards commonly accepted in the fields of orthotics and prosthetics
18 as determined by the secretary pursuant to subsections (3) and (5) of
19 this section. The secretary must set the internship as at least one
20 year.

21 (2) An applicant for licensure as either an orthotist or
22 prosthetist must pass all written and practical examinations that are
23 required and approved by the secretary (~~(in consultation with the~~
24 ~~advisory committee)~~).

25 (3) The standards and requirements for licensure established by the
26 secretary must be substantially equal to the standards commonly
27 accepted in the fields of orthotics and prosthetics.

28 (4) An applicant failing to make the required grade in the first
29 examination may take up to three subsequent examinations as the
30 applicant desires upon prepaying a fee, determined by the secretary
31 under RCW 43.70.250, for each subsequent examination. Upon failing
32 four examinations, the secretary may invalidate the original
33 application and require remedial education before the person may take
34 future examinations.

35 (5) The secretary may waive some of the education, examination, or
36 experience requirements of this section if the secretary determines
37 that the applicant meets alternative standards, established by the

1 secretary through rule, that are substantially equivalent to the
2 requirements in subsections (1) and (2) of this section.

3 **Oversight Committee on Character-Building**
4 **Residential Services in Prisons**

5 NEW SECTION. **Sec. 111.** RCW 72.09.800 (Comprehensive plan for
6 character-building residential services in prisons--Establishment of
7 oversight committee) and 2008 c 104 s 2 are each repealed.

8 **Real Estate Appraiser Commission**

9 NEW SECTION. **Sec. 112.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 18.140.230 (Real estate appraiser commission--
12 Establishment--Composition) and 2005 c 339 s 19 & 2000 c 249 s 3;

13 (2) RCW 18.140.240 (Commission/members--Duties and
14 responsibilities) and 2000 c 249 s 4; and

15 (3) RCW 18.140.250 (Commission member's compensation) and 2000 c
16 249 s 5.

17 **Sec. 113.** RCW 18.140.010 and 2005 c 339 s 2 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Appraisal" means the act or process of estimating value; an
22 estimate of value; or of or pertaining to appraising and related
23 functions.

24 (2) "Appraisal report" means any communication, written or oral, of
25 an appraisal, review, or consulting service in accordance with the
26 standards of professional conduct or practice, adopted by the director,
27 that is transmitted to the client upon completion of an assignment.

28 (3) "Appraisal assignment" means an engagement for which an
29 appraiser is employed or retained to act, or would be perceived by
30 third parties or the public as acting, as a disinterested third party
31 in rendering an unbiased analysis, opinion, or conclusion relating to
32 the value of specified interests in, or aspects of, identified real

1 estate. The term "appraisal assignment" may apply to valuation work
2 and analysis work.

3 (4) "Brokers price opinion" means an oral or written report of
4 property value that is prepared by a real estate broker or salesperson
5 licensed under chapter 18.85 RCW.

6 (5) "Client" means any party for whom an appraiser performs a
7 service.

8 (~~(6) ("Commission" means the real estate appraiser commission of
9 the state of Washington.~~

10 ~~(7))~~ "Comparative market analysis" means a brokers price opinion.

11 ~~((8))~~ (7) "Department" means the department of licensing.

12 ~~((9))~~ (8) "Director" means the director of the department of
13 licensing.

14 ~~((10))~~ (9) "Expert review appraiser" means a state-certified or
15 state-licensed real estate appraiser chosen by the director for the
16 purpose of providing appraisal review assistance to the director.

17 ~~((11))~~ (10) "Federal department" means an executive department of
18 the United States of America specifically concerned with housing
19 finance issues, such as the department of housing and urban
20 development, the department of veterans affairs, or their legal federal
21 successors.

22 ~~((12))~~ (11) "Federal financial institutions regulatory agency"
23 means the board of governors of the federal reserve system, the federal
24 deposit insurance corporation, the office of the comptroller of the
25 currency, the office of thrift supervision, the national credit union
26 administration, their successors and/or such other agencies as may be
27 named in future amendments to 12 U.S.C. Sec. 3350(6).

28 ~~((13))~~ (12) "Federal secondary mortgage marketing agency" means
29 the federal national mortgage association, the government national
30 mortgage association, the federal home loan mortgage corporation, their
31 successors and/or such other similarly functioning housing finance
32 agencies as may be federally chartered in the future.

33 ~~((14))~~ (13) "Federally related transaction" means any real
34 estate-related financial transaction that the federal financial
35 institutions regulatory agency or the resolution trust corporation
36 engages in, contracts for, or regulates; and that requires the services
37 of an appraiser.

1 ~~((15))~~ (14) "Financial institution" means any person doing
2 business under the laws of this state or the United States relating to
3 banks, bank holding companies, savings banks, trust companies, savings
4 and loan associations, credit unions, consumer loan companies, and the
5 affiliates, subsidiaries, and service corporations thereof.

6 ~~((16))~~ (15) "Mortgage broker" for the purpose of this chapter
7 means a mortgage broker licensed under chapter 19.146 RCW, any mortgage
8 broker approved and subject to audit by the federal national mortgage
9 association, the government national mortgage association, or the
10 federal home loan mortgage corporation as provided in RCW 19.146.020,
11 any mortgage broker approved by the United States secretary of housing
12 and urban development for participation in any mortgage insurance under
13 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,
14 subsidiaries, and service corporations thereof.

15 ~~((17))~~ (16) "Real estate" means an identified parcel or tract of
16 land, including improvements, if any.

17 ~~((18))~~ (17) "Real estate-related financial transaction" means any
18 transaction involving:

19 (a) The sale, lease, purchase, investment in, or exchange of real
20 property, including interests in property, or the financing thereof;

21 (b) The refinancing of real property or interests in real property;
22 and

23 (c) The use of real property or interests in property as security
24 for a loan or investment, including mortgage-backed securities.

25 ~~((19))~~ (18) "Real property" means one or more defined interests,
26 benefits, or rights inherent in the ownership of real estate.

27 ~~((20))~~ (19) "Review" means the act or process of critically
28 studying an appraisal report prepared by another.

29 ~~((21))~~ (20) "Specialized appraisal services" means all appraisal
30 services that do not fall within the definition of appraisal
31 assignment. The term "specialized appraisal service" may apply to
32 valuation work and to analysis work. Regardless of the intention of
33 the client or employer, if the appraiser would be perceived by third
34 parties or the public as acting as a disinterested third party in
35 rendering an unbiased analysis, opinion, or conclusion, the work is
36 classified as an appraisal assignment and not a specialized appraisal
37 service.

1 ~~((+22+))~~ (21) "State-certified general real estate appraiser" means
2 a person certified by the director to develop and communicate real
3 estate appraisals of all types of property. A state-certified general
4 real estate appraiser may designate or identify an appraisal rendered
5 by him or her as a "certified appraisal."

6 ~~((+23+))~~ (22) "State-certified residential real estate appraiser"
7 means a person certified by the director to develop and communicate
8 real estate appraisals of all types of residential property of one to
9 four units without regard to transaction value or complexity and
10 nonresidential property having a transaction value as specified in
11 rules adopted by the director. A state certified residential real
12 estate appraiser may designate or identify an appraisal rendered by him
13 or her as a "certified appraisal."

14 ~~((+24+))~~ (23) "State-licensed real estate appraiser" means a person
15 licensed by the director to develop and communicate real estate
16 appraisals of noncomplex one to four residential units and complex one
17 to four residential units and nonresidential property having
18 transaction values as specified in rules adopted by the director.

19 ~~((+25+))~~ (24) "State-registered appraiser trainee," "trainee," or
20 "trainee real estate appraiser" means a person registered by the
21 director under RCW 18.140.280 to develop and communicate real estate
22 appraisals under the immediate and personal direction of a state-
23 certified real estate appraiser. Appraisals are limited to those types
24 of properties that the supervisory appraiser is permitted by their
25 current credential, and that the supervisory appraiser is competent and
26 qualified to appraise. By signing the appraisal report, or being
27 identified in the certification or addenda as having lent significant
28 professional assistance, the state-registered appraiser trainee accepts
29 total and complete individual responsibility for all content, analyses,
30 and conclusions in the report.

31 ~~((+26+))~~ (25) "Supervisory appraiser" means a person holding a
32 currently valid certificate issued by the director as a state-certified
33 real estate appraiser providing direct supervision to another state-
34 certified, state-licensed, or state-registered appraiser trainee. The
35 supervisory appraiser must be in good standing in each jurisdiction
36 that he or she is credentialed. The supervisory appraiser must sign
37 all appraisal reports. By signing the appraisal report, the

1 supervisory appraiser accepts full responsibility for all content,
2 analyses, and conclusions in the report.

3 **Sec. 114.** RCW 18.140.030 and 2005 c 339 s 4 are each amended to
4 read as follows:

5 The director shall have the following powers and duties:

6 (1) To adopt rules in accordance with chapter 34.05 RCW necessary
7 to implement this chapter and chapter 18.235 RCW(~~(, with the advice and~~
8 ~~approval of the commission))~~);

9 (2) To receive and approve or deny applications for certification
10 or licensure as a state-certified or state-licensed real estate
11 appraiser and for registration as a state-registered appraiser trainee
12 under this chapter; to establish appropriate administrative procedures
13 for the processing of such applications; to issue certificates,
14 licenses, or registrations to qualified applicants pursuant to the
15 provisions of this chapter; and to maintain a roster of the names and
16 addresses of individuals who are currently certified, licensed, or
17 registered under this chapter;

18 (~~(3) ((To provide administrative assistance to the members of and to~~
19 ~~keep records for the real estate appraiser commission;~~

20 ~~(4))~~) To solicit bids and enter into contracts with educational
21 testing services or organizations for the preparation of questions and
22 answers for certification or licensure examinations;

23 ~~((5))~~) (4) To administer or contract for administration of
24 certification or licensure examinations at locations and times as may
25 be required to carry out the responsibilities under this chapter;

26 ~~((6))~~) (5) To enter into contracts for professional services
27 determined to be necessary for adequate enforcement of this chapter;

28 ~~((7) - To consider recommendations by the real estate appraiser~~
29 ~~commission relating to the experience, education, and examination~~
30 ~~requirements for each classification of state certified appraiser and~~
31 ~~for licensure;~~

32 ~~(8) - To consider recommendations by the real estate appraiser~~
33 ~~commission relating to the educational requirements for the state-~~
34 ~~registered appraiser trainee classification;~~

35 ~~(9) - To consider recommendations by the real estate appraiser~~
36 ~~commission relating to the maximum number of state registered appraiser~~

1 trainees — that — each — supervisory — appraiser — will — be — permitted — to
2 supervise;

3 ~~(10) — To — consider — recommendations — by — the — real — estate — appraiser
4 commission — relating — to — continuing — education — requirements — as — a
5 prerequisite to renewal of certification or licensure;~~

6 ~~(11) — To — consider — recommendations — by — the — real — estate — appraiser
7 commission relating to standards of professional appraisal conduct or
8 practice in the enforcement of this chapter;~~

9 ~~(12))~~ (6) To employ such professional, clerical, and technical
10 assistance as may be necessary to properly administer the work of the
11 director;

12 ~~((13))~~ (7) To establish forms necessary to administer this
13 chapter;

14 ~~((14))~~ (8) To establish an expert review appraiser roster
15 comprised of state-certified or licensed real estate appraisers whose
16 purpose is to assist the director by applying their individual
17 expertise by reviewing real estate appraisals for compliance with this
18 chapter. Qualifications to act as an expert review appraiser shall be
19 established by the director ~~((with the advice of the commission))~~. An
20 application to serve as an expert review appraiser shall be submitted
21 to the real estate appraiser program, and the roster of accepted expert
22 review appraisers shall be maintained by the department. An expert
23 review appraiser may be added to or deleted from that roster by the
24 director. The expert review appraiser shall be reimbursed for expenses
25 ~~((in the same manner as))~~ by the department ~~((reimburses the
26 commission))~~; and

27 ~~((15))~~ (9) To do all other things necessary to carry out the
28 provisions of this chapter and minimally meet the requirements of
29 federal guidelines regarding state certification or licensure of
30 appraisers and registration of state-registered appraiser trainees that
31 the director determines are appropriate for state-certified and state-
32 licensed appraisers and state-registered appraiser trainees in this
33 state.

34 **Sec. 115.** RCW 18.140.160 and 2007 c 256 s 1 are each amended to
35 read as follows:

36 In addition to the unprofessional conduct described in RCW

1 18.235.130, the director may take disciplinary action for the following
2 conduct, acts, or conditions:

3 (1) Failing to meet the minimum qualifications for state
4 certification, licensure, or registration established by or pursuant to
5 this chapter;

6 (2) Paying money other than the fees provided for by this chapter
7 to any employee of the director (~~(or the commission)~~) to procure state
8 certification, licensure, or registration under this chapter;

9 (3) Continuing to act as a state-certified real estate appraiser,
10 state-licensed real estate appraiser, or state-registered appraiser
11 trainee when his or her certificate, license, or registration is on an
12 expired status;

13 (4) Violating any provision of this chapter or any lawful rule made
14 by the director pursuant thereto;

15 (5) Issuing an appraisal report on any real property in which the
16 appraiser has an interest unless his or her interest is clearly stated
17 in the appraisal report;

18 (6) Being affiliated as an employer, independent contractor, or
19 supervisory appraiser of a state-certified real estate appraiser,
20 state-licensed real estate appraiser, or state-registered appraiser
21 trainee whose certification, license, or registration is currently in
22 a suspended or revoked status;

23 (7) Failure or refusal without good cause to exercise reasonable
24 diligence in performing an appraisal practice under this chapter,
25 including preparing an oral or written report to communicate
26 information concerning an appraisal practice; and

27 (8) Negligence or incompetence in performing an appraisal practice
28 under this chapter, including preparing an oral or written report to
29 communicate information concerning an appraisal practice.

30 **Sec. 116.** RCW 18.140.170 and 2005 c 339 s 15 are each amended to
31 read as follows:

32 The director may investigate the actions of a state-certified or
33 state-licensed real estate appraiser or a state-registered appraiser
34 trainee or an applicant for certification, licensure, or registration
35 or recertification, relicensure, or reregistration. Upon receipt of
36 information indicating that a state-certified or state-licensed real
37 estate appraiser or state-registered appraiser trainee under this

1 chapter may have violated this chapter, the director may cause one or
2 more of the staff investigators to make an investigation of the facts
3 to determine whether or not there is admissible evidence of any such
4 violation. (~~(If technical assistance is required, a staff investigator~~
5 ~~may consult with one or more of the members of the commission.)~~)

6 **Regional Fisheries Enhancement Group Advisory Board**

7 NEW SECTION. **Sec. 117.** The following acts or parts of acts are
8 each repealed:

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

11 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
12 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
13 1995 c 367 s 6.

14 **Sec. 118.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
15 read as follows:

16 The department may provide start-up funds to regional fisheries
17 enhancement groups for costs associated with any enhancement project.
18 The (~~(regional fisheries enhancement group advisory board and the~~)
19 commission shall develop guidelines for providing funds to the regional
20 fisheries enhancement groups.

21 **Sec. 119.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to
22 read as follows:

23 To maximize available state resources, the department and the
24 department of transportation shall work in partnership (~~(with the~~
25 ~~regional fisheries enhancement group advisory board)~~) to identify
26 cooperative projects to eliminate fish passage barriers caused by state
27 roads and highways. (~~(The advisory board may provide input to the~~
28 ~~department to aid in identifying priority barrier removal projects that~~
29 ~~can be accomplished with the assistance of regional fisheries~~
30 ~~enhancement groups.)~~) The department of transportation shall provide
31 engineering and other technical services to assist regional fisheries
32 enhancement groups with fish passage barrier removal projects, provided
33 that the barrier removal projects have been identified as a priority by

1 the department of fish and wildlife and the department of
2 transportation has received an appropriation to continue the fish
3 barrier removal program.

4 **Sec. 120.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to
5 read as follows:

6 The department shall ~~((coordinate with the regional fisheries~~
7 ~~enhancement group advisory board to))~~ field test coho and chinook
8 salmon remote site incubators. The purpose of field testing efforts
9 shall be to gather conclusive scientific data on the effectiveness of
10 coho and chinook remote site incubators.

11 **Revenue-Simplified Sales and Use Tax Admin Advisory Group**

12 **Sec. 121.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to
13 read as follows:

14 ~~((1))~~ For the purposes of reviewing or amending the agreement
15 embodying the simplification requirements in RCW 82.58.050, the state
16 shall enter into multistate discussions. For purposes of these
17 discussions, the state shall be represented by the department. The
18 governor may appoint up to four persons to consult with the department
19 at these discussions. The persons advising the department shall not be
20 compensated and are not entitled to payment of travel expenses by the
21 state.

22 ~~((2) The department shall regularly consult with an advisory group~~
23 ~~composed of one member from each of the two largest caucuses of the~~
24 ~~senate, appointed by the majority and minority leaders of the senate;~~
25 ~~one member from each of the two largest caucuses of the house of~~
26 ~~representatives, appointed by the speaker and minority leader of the~~
27 ~~house of representatives; representatives of retailers, including those~~
28 ~~selling via mail, telephone, and the internet; representatives of large~~
29 ~~and small businesses; and representatives of counties and cities. The~~
30 ~~department shall use its best efforts to consult with the advisory~~
31 ~~group before any multistate discussions in which it is anticipated that~~
32 ~~amendments may be proposed to the agreement embodying the~~
33 ~~simplification requirements in RCW 82.58.050.)~~)

1 **State Solid Waste Advisory Committee**

2 NEW SECTION. **Sec. 122.** The following acts or parts of acts are
3 each repealed:

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

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

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

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

14 **Sec. 123.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to
15 read as follows:

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

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

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

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

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

25 ~~((5))~~ (4) "Department" means the department of ecology.

26 ~~((6))~~ (5) "Director" means the director of the department of
27 ecology.

28 ~~((7))~~ (6) "Disposal site" means the location where any final
29 treatment, utilization, processing, or deposit of solid waste occurs.

30 ~~((8))~~ (7) "Energy recovery" means a process operating under
31 federal and state environmental laws and regulations for converting
32 solid waste into usable energy and for reducing the volume of solid
33 waste.

34 ~~((9))~~ (8) "Functional standards" means criteria for solid waste
35 handling expressed in terms of expected performance or solid waste
36 handling functions.

1 (~~(10)~~) (9) "Incineration" means a process of reducing the volume
2 of solid waste operating under federal and state environmental laws and
3 regulations by use of an enclosed device using controlled flame
4 combustion.

5 (~~(11)~~) (10) "Inert waste landfill" means a landfill that receives
6 only inert waste, as determined under RCW 70.95.065, and includes
7 facilities that use inert wastes as a component of fill.

8 (~~(12)~~) (11) "Jurisdictional health department" means city,
9 county, city-county, or district public health department.

10 (~~(13)~~) (12) "Landfill" means a disposal facility or part of a
11 facility at which solid waste is placed in or on land and which is not
12 a land treatment facility.

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

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

18 (~~(16)~~) (15) "Multiple family residence" means any structure
19 housing two or more dwelling units.

20 (~~(17)~~) (16) "Person" means individual, firm, association,
21 copartnership, political subdivision, government agency, municipality,
22 industry, public or private corporation, or any other entity
23 whatsoever.

24 (~~(18)~~) (17) "Recyclable materials" means those solid wastes that
25 are separated for recycling or reuse, such as papers, metals, and
26 glass, that are identified as recyclable material pursuant to a local
27 comprehensive solid waste plan. Prior to the adoption of the local
28 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
29 local governments may identify recyclable materials by ordinance from
30 July 23, 1989.

31 (~~(19)~~) (18) "Recycling" means transforming or remanufacturing
32 waste materials into usable or marketable materials for use other than
33 landfill disposal or incineration.

34 (~~(20)~~) (19) "Residence" means the regular dwelling place of an
35 individual or individuals.

36 (~~(21)~~) (20) "Sewage sludge" means a semisolid substance
37 consisting of settled sewage solids combined with varying amounts of

1 water and dissolved materials, generated from a wastewater treatment
2 system, that does not meet the requirements of chapter 70.95J RCW.

3 ((+22+)) (21) "Soil amendment" means any substance that is intended
4 to improve the physical characteristics of the soil, except composted
5 material, commercial fertilizers, agricultural liming agents,
6 unmanipulated animal manures, unmanipulated vegetable manures, food
7 wastes, food processing wastes, and materials exempted by rule of the
8 department, such as biosolids as defined in chapter 70.95J RCW and
9 wastewater as regulated in chapter 90.48 RCW.

10 ((+23+)) (22) "Solid waste" or "wastes" means all putrescible and
11 nonputrescible solid and semisolid wastes including, but not limited
12 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
13 demolition and construction wastes, abandoned vehicles or parts
14 thereof, and recyclable materials.

15 ((+24+)) (23) "Solid waste handling" means the management, storage,
16 collection, transportation, treatment, utilization, processing, and
17 final disposal of solid wastes, including the recovery and recycling of
18 materials from solid wastes, the recovery of energy resources from
19 solid wastes or the conversion of the energy in solid wastes to more
20 useful forms or combinations thereof.

21 ((+25+)) (24) "Source separation" means the separation of different
22 kinds of solid waste at the place where the waste originates.

23 ((+26+)) (25) "Vehicle" includes every device physically capable of
24 being moved upon a public or private highway, road, street, or
25 watercourse and in, upon, or by which any person or property is or may
26 be transported or drawn upon a public or private highway, road, street,
27 or watercourse, except devices moved by human or animal power or used
28 exclusively upon stationary rails or tracks.

29 ((+27+)) (26) "Waste-derived soil amendment" means any soil
30 amendment as defined in this chapter that is derived from solid waste
31 as defined in ((RCW-70.95.030)) this section, but does not include
32 biosolids or biosolids products regulated under chapter 70.95J RCW or
33 wastewaters regulated under chapter 90.48 RCW.

34 ((+28+)) (27) "Waste reduction" means reducing the amount or
35 toxicity of waste generated or reusing materials.

36 ((+29+)) (28) "Yard debris" means plant material commonly created
37 in the course of maintaining yards and gardens, and through
38 horticulture, gardening, landscaping, or similar activities. Yard

1 debris includes but is not limited to grass clippings, leaves,
2 branches, brush, weeds, flowers, roots, windfall fruit, vegetable
3 garden debris, holiday trees, and tree prunings four inches or less in
4 diameter.

5 **Sec. 124.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
6 read as follows:

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

- 16 (a) Paint products;
- 17 (b) Cleaning products;
- 18 (c) Pest control products;
- 19 (d) Automotive, marine, and related maintenance products;
- 20 (e) Hobby and recreation products; and
- 21 (f) Any other product available for retail or wholesale sale.

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

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

1 **Sec. 125.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to
2 read as follows:

3 The words and phrases defined in this section shall have the
4 meanings indicated when used in this chapter unless the context clearly
5 requires otherwise.

6 (1) "Department" means the department of ecology.

7 (2) "Director" means the director of the department of ecology or
8 the director's designee.

9 (3) "Disposal site" means a geographical site in or upon which
10 hazardous wastes are disposed of in accordance with the provisions of
11 this chapter.

12 (4) "Dispose or disposal" means the discarding or abandoning of
13 hazardous wastes or the treatment, decontamination, or recycling of
14 such wastes once they have been discarded or abandoned.

15 (5) "Dangerous wastes" means any discarded, useless, unwanted, or
16 abandoned substances, including but not limited to certain pesticides,
17 or any residues or containers of such substances which are disposed of
18 in such quantity or concentration as to pose a substantial present or
19 potential hazard to human health, wildlife, or the environment because
20 such wastes or constituents or combinations of such wastes:

21 (a) Have short-lived, toxic properties that may cause death,
22 injury, or illness or have mutagenic, teratogenic, or carcinogenic
23 properties; or

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

26 (6) "Extremely hazardous waste" means any dangerous waste which

27 (a) will persist in a hazardous form for several years or more at
28 a disposal site and which in its persistent form

29 (i) presents a significant environmental hazard and may be
30 concentrated by living organisms through a food chain or may affect the
31 genetic make-up of man or wildlife, and

32 (ii) is highly toxic to man or wildlife

33 (b) if disposed of at a disposal site in such quantities as would
34 present an extreme hazard to man or the environment.

35 (7) "Person" means any person, firm, association, county, public or
36 municipal or private corporation, agency, or other entity whatsoever.

37 (8) "Pesticide" shall have the meaning of the term as defined in
38 RCW 15.58.030 as now or hereafter amended.

1 (9) (~~"Solid waste advisory committee" means the same advisory~~
2 ~~committee as per RCW 70.95.040 through 70.95.070.~~

3 ~~(10))~~ (10) "Designated zone facility" means any facility that requires
4 an interim or final status permit under rules adopted under this
5 chapter and that is not a preempted facility as defined in this
6 section.

7 ~~((11))~~ (11) "Facility" means all contiguous land and structures,
8 other appurtenances, and improvements on the land used for recycling,
9 storing, treating, incinerating, or disposing of hazardous waste.

10 ~~((12))~~ (12) "Preempted facility" means any facility that includes
11 as a significant part of its activities any of the following
12 operations: (a) Landfill, (b) incineration, (c) land treatment, (d)
13 surface impoundment to be closed as a landfill, or (e) waste pile to be
14 closed as a landfill.

15 ~~((13))~~ (13) "Hazardous household substances" means those
16 substances identified by the department as hazardous household
17 substances in the guidelines developed under RCW 70.105.220.

18 ~~((14))~~ (14) "Hazardous substances" means any liquid, solid, gas,
19 or sludge, including any material, substance, product, commodity, or
20 waste, regardless of quantity, that exhibits any of the characteristics
21 or criteria of hazardous waste as described in rules adopted under this
22 chapter.

23 ~~((15))~~ (15) "Hazardous waste" means and includes all dangerous
24 and extremely hazardous waste, including substances composed of both
25 radioactive and hazardous components.

26 ~~((16))~~ (16) "Local government" means a city, town, or county.

27 ~~((17))~~ (17) "Moderate-risk waste" means (a) any waste that
28 exhibits any of the properties of hazardous waste but is exempt from
29 regulation under this chapter solely because the waste is generated in
30 quantities below the threshold for regulation, and (b) any household
31 wastes which are generated from the disposal of substances identified
32 by the department as hazardous household substances.

33 ~~((18))~~ (18) "Service charge" means an assessment imposed under
34 RCW 70.105.280 against those facilities that store, treat, incinerate,
35 or dispose of dangerous or extremely hazardous waste that contains both
36 a nonradioactive hazardous component and a radioactive component.
37 Service charges shall also apply to facilities undergoing closure under
38 this chapter in those instances where closure entails the physical

1 characterization of remaining wastes which contain both a
2 nonradioactive hazardous component and a radioactive component or the
3 management of such wastes through treatment or removal, except any
4 commercial low-level radioactive waste facility.

5 **Sec. 126.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
6 read as follows:

7 The department shall conduct a study to determine the best
8 management practices for categories of waste for the priority waste
9 management methods established in RCW 70.105.150, with due
10 consideration in the course of the study to sound environmental
11 management and available technology. As an element of the study, the
12 department shall review methods that will help achieve the priority of
13 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed
14 rules, the department shall conduct public hearings regarding the best
15 management practices for the various waste categories studied by the
16 department. After conducting the study, the department shall prepare
17 new rules or modify existing rules as appropriate to promote
18 implementation of the priorities established in RCW 70.105.150 for
19 management practices which assure use of sound environmental management
20 techniques and available technology. The preliminary study shall be
21 completed by July 1, 1986, and the rules shall be adopted by July 1,
22 1987. (~~The solid waste advisory committee shall review the studies
23 and the new or modified rules.~~)

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

27 **Water Supply Advisory Committee**

28 NEW SECTION. **Sec. 127.** RCW 70.119A.160 (Water supply advisory
29 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

30 **Sec. 128.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each
31 amended to read as follows:

32 (1) It is the intent of the legislature that the department
33 establish water use efficiency requirements designed to ensure

1 efficient use of water while maintaining water system financial
2 viability, improving affordability of supplies, and enhancing system
3 reliability.

4 (2) The requirements of this section shall apply to all municipal
5 water suppliers and shall be tailored to be appropriate to system size,
6 forecasted system demand, and system supply characteristics.

7 (3) For the purposes of this section:

8 (a) Water use efficiency includes conservation planning
9 requirements, water distribution system leakage standards, and water
10 conservation performance reporting requirements; and

11 (b) "Municipal water supplier" and "municipal water supply
12 purposes" have the meanings provided by RCW 90.03.015.

13 (4) To accomplish the purposes of this section, the department
14 shall adopt rules necessary to implement this section by December 31,
15 2005. The department shall:

16 (a) Develop conservation planning requirements that ensure
17 municipal water suppliers are: (i) Implementing programs to integrate
18 conservation with water system operation and management; and (ii)
19 identifying how to appropriately fund and implement conservation
20 activities. Requirements shall apply to the conservation element of
21 water system plans and small water system management programs developed
22 pursuant to chapter 43.20 RCW. In establishing the conservation
23 planning requirements the department shall review the current
24 department conservation planning guidelines and include those elements
25 that are appropriate for rule. Conservation planning requirements
26 shall include but not be limited to:

27 (A) Selection of cost-effective measures to achieve a system's
28 water conservation objectives. Requirements shall allow the municipal
29 water supplier to select and schedule implementation of the best
30 methods for achieving its conservation objectives;

31 (B) Evaluation of the feasibility of adopting and implementing
32 water delivery rate structures that encourage water conservation;

33 (C) Evaluation of each system's water distribution system leakage
34 and, if necessary, identification of steps necessary for achieving
35 water distribution system leakage standards developed under (b) of this
36 subsection;

37 (D) Collection and reporting of water consumption and source
38 production and/or water purchase data. Data collection and reporting

1 requirements shall be sufficient to identify water use patterns among
2 utility customer classes, where applicable, and evaluate the
3 effectiveness of each system's conservation program. Requirements,
4 including reporting frequency, shall be appropriate to system size and
5 complexity. Reports shall be available to the public; and

6 (E) Establishment of minimum requirements for water demand forecast
7 methodologies such that demand forecasts prepared by municipal water
8 suppliers are sufficient for use in determining reasonably anticipated
9 future water needs;

10 (b) Develop water distribution system leakage standards to ensure
11 that municipal water suppliers are taking appropriate steps to reduce
12 water system leakage rates or are maintaining their water distribution
13 systems in a condition that results in leakage rates in compliance with
14 the standards. Limits shall be developed in terms of percentage of
15 total water produced and/or purchased and shall not be lower than ten
16 percent. The department may consider alternatives to the percentage of
17 total water supplied where alternatives provide a better evaluation of
18 the water system's leakage performance. The department shall institute
19 a graduated system of requirements based on levels of water system
20 leakage. A municipal water supplier shall select one or more control
21 methods appropriate for addressing leakage in its water system;

22 (c) Establish minimum requirements for water conservation
23 performance reporting to assure that municipal water suppliers are
24 regularly evaluating and reporting their water conservation
25 performance. The objective of setting conservation goals is to enhance
26 the efficient use of water by the water system customers. Performance
27 reporting shall include:

28 (i) Requirements that municipal water suppliers adopt and achieve
29 water conservation goals. The elected governing board or governing
30 body of the water system shall set water conservation goals for the
31 system. In setting water conservation goals the water supplier may
32 consider historic conservation performance and conservation investment,
33 customer base demographics, regional climate variations, forecasted
34 demand and system supply characteristics, system financial viability,
35 system reliability, and affordability of water rates. Conservation
36 goals shall be established by the municipal water supplier in an open
37 public forum;

1 (ii) Requirements that the municipal water supplier adopt schedules
2 for implementing conservation program elements and achieving
3 conservation goals to ensure that progress is being made toward adopted
4 conservation goals;

5 (iii) A reporting system for regular reviews of conservation
6 performance against adopted goals. Performance reports shall be
7 available to customers and the public. Requirements, including
8 reporting frequency, shall be appropriate to system size and
9 complexity;

10 (iv) Requirements that any system not meeting its water
11 conservation goals shall develop a plan for modifying its conservation
12 program to achieve its goals along with procedures for reporting
13 performance to the department;

14 (v) If a municipal water supplier determines that further
15 reductions in consumption are not reasonably achievable, it shall
16 identify how current consumption levels will be maintained;

17 (d) Adopt rules that, to the maximum extent practical, utilize
18 existing mechanisms and simplified procedures in order to minimize the
19 cost and complexity of implementation and to avoid placing unreasonable
20 financial burden on smaller municipal systems.

21 ~~(5) ((The department shall establish an advisory committee to
22 assist the department in developing rules for water use efficiency.
23 The advisory committee shall include representatives from public water
24 system customers, environmental interest groups, business interest
25 groups, a representative cross section of municipal water suppliers, a
26 water utility conservation professional, tribal governments, the
27 department of ecology, and any other members determined necessary by
28 the department. The department may use the water supply advisory
29 committee created pursuant to RCW 70.119A.160 augmented with additional
30 participants as necessary to comply with this subsection to assist the
31 department in developing rules.~~

32 ~~(6))~~) The department shall provide technical assistance upon
33 request to municipal water suppliers and local governments regarding
34 water conservation, which may include development of best management
35 practices for water conservation programs, conservation landscape
36 ordinances, conservation rate structures for public water systems, and
37 general public education programs on water conservation.

1 ~~((7))~~ (6) To ensure compliance with this section, the department
2 shall establish a compliance process that incorporates a graduated
3 approach employing the full range of compliance mechanisms available to
4 the department.

5 ~~((8))~~ (7) Prior to completion of rule making required in
6 subsection (4) of this section, municipal water suppliers shall
7 continue to meet the existing conservation requirements of the
8 department and shall continue to implement their current water
9 conservation programs.

10 **Sec. 129.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
11 as follows:

12 (1) The joint legislative committee on water supply during drought
13 shall convene from time to time at the call of the chair when a drought
14 conditions order under RCW 43.83B.405 is in effect, or when the chair
15 determines, in consultation with the department of ecology, that it is
16 likely that such an order will be issued within the next year.

17 (2) The committee may request and review information relating to
18 water supply conditions in the state, and economic, environmental, and
19 other impacts relating to decreased water supply being experienced or
20 anticipated. The governor's executive water emergency committee, the
21 department of ecology, ~~((the water supply advisory committee,))~~ and
22 other state agencies with water management or related responsibilities
23 shall cooperate in responding to requests from the committee.

24 (3) During drought conditions in which an order issued under RCW
25 43.83B.405 is in effect, the department of ecology shall provide to the
26 committee no less than monthly a report describing drought response
27 activities of the department and other state and federal agencies
28 participating on the water supply availability committee. The report
29 shall include information regarding applications for, and approvals and
30 denials of emergency water withdrawals and temporary changes or
31 transfers of, water rights under RCW 43.83B.410.

32 (4) The committee from time to time shall make recommendations to
33 the senate and house of representatives on budgetary and legislative
34 actions that will improve the state's drought response programs and
35 planning.

1 **Well Drilling Technical Advisory Group**

2 NEW SECTION. **Sec. 130.** RCW 18.104.190 (Technical advisory group)
3 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

4 **Sec. 131.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to
5 read as follows:

6 The department shall have the power:

7 (1) To issue, deny, suspend or revoke licenses pursuant to the
8 provisions of this chapter;

9 (2) At all reasonable times, to enter upon lands for the purpose of
10 inspecting, taking measurements from, or tagging any well, constructed
11 or being constructed;

12 (3) To call upon or receive professional or technical advice from
13 the department of health(~~(, the technical advisory group created in RCW~~
14 ~~18.104.190,)) or any other public agency or person;~~

15 (4) To adopt rules, in consultation with the department of health
16 (~~(and the technical advisory group created in RCW 18.104.190, governing~~
17 ~~licensing and well construction)), as may be appropriate to carry out
18 the purposes of this chapter. The rules adopted by the department may
19 include, but are not limited to:~~

20 (a) Standards for the construction and maintenance of wells and
21 their casings;

22 (b) Methods of capping, sealing, and decommissioning wells to
23 prevent contamination of groundwater resources and to protect public
24 health and safety;

25 (c) Methods of artificial recharge of groundwater bodies and of
26 construction of wells which insure separation of individual water
27 bearing formations;

28 (d) The manner of conducting and the content of examinations
29 required to be taken by applicants for license hereunder;

30 (e) Requirements for the filing of notices of intent, well reports,
31 and the payment of fees;

32 (f) Reporting requirements of well contractors;

33 (g) Limitations on well construction in areas identified by the
34 department as requiring intensive control of withdrawals in the
35 interests of sound management of the groundwater resource;

36 (5) To require the operator in the construction of a well and the

1 property owner in the maintenance of a well to guard against waste and
2 contamination of the groundwater resources;

3 (6) To require the operator to place a well identification tag on
4 a new well and on an existing well on which work is performed after the
5 effective date of rules requiring well identification tags and to place
6 or require the owner to place a well identification tag on an existing
7 well;

8 (7) To require the well owner to repair or decommission any well:

9 (a) That is abandoned, unusable, or not intended for future use; or

10 (b) That is an environmental, safety, or public health hazard.

11 **Sec. 132.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to
12 read as follows:

13 (1) If requested in writing by the governing body of a local health
14 district or county, the department by memorandum of agreement may
15 delegate to the governing body the authority to administer and enforce
16 the well tagging, sealing, and decommissioning portions of the water
17 well construction program.

18 (2) The department shall determine whether a local health district
19 or county that seeks delegation under this section has the resources,
20 capability, and expertise, including qualified field inspectors, to
21 administer the delegated program. If the department determines the
22 local government has these resources, it shall notify well contractors
23 and operators of the proposal. The department shall accept written
24 comments on the proposal for sixty days after the notice is mailed.

25 (3) If the department determines that a delegation of authority to
26 a local health district or county to administer and enforce the well
27 sealing and decommissioning portions of the water well construction
28 program will enhance the public health and safety and the environment,
29 the department and the local governing body may enter into a memorandum
30 of agreement setting forth the specific authorities delegated by the
31 department to the local governing body. The memorandum of agreement
32 must be, at a minimum, reviewed annually. The department(~~(7) in~~
33 ~~consultation with the technical advisory group, created under RCW~~
34 ~~18.104.190,)) shall adopt rules outlining the annual review and
35 reporting process. A detailed summary of the review must be made
36 available to well contractors and operators upon request and be
37 published on the department's web site.~~

1 (4) With regard to the portions of the water well construction
2 program delegated under this section, the local governing agency shall
3 exercise only the authority delegated to it under this section. If,
4 after a public hearing, the department determines that a local
5 governing body is not administering the program in accordance with this
6 chapter, it shall notify the local governing body of the deficiencies.
7 If corrective action is not taken within a reasonable time, not to
8 exceed sixty days, the department by order shall withdraw the
9 delegation of authority.

10 (5) The department shall promptly furnish the local governing body
11 with a copy of each water well report and notification of start cards
12 received in the area covered by a delegated program.

13 (6) The department and the local governing body shall coordinate to
14 reduce duplication of effort and shall share all appropriate
15 information including technical reports, violations, and well reports.

16 (7) Any person aggrieved by a decision of a local health district
17 or county under a delegated program may appeal the decision to the
18 department. The department's decision is subject to review by the
19 pollution control hearings board as provided in RCW 43.21B.110.

20 (8) The department shall not delegate the authority to license well
21 contractors, renew licenses, receive notices of intent to commence
22 constructing a well, receive well reports, or collect state fees
23 provided for in this chapter.

24 **Sec. 133.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to
25 read as follows:

26 The department by rule shall adopt procedures to permit a well
27 operator to modify construction standards to meet unforeseen
28 circumstances encountered during the construction of a well. ((The
29 procedures shall be developed in consultation with the technical
30 advisory group established in RCW 18.104.190.))

31 **Sec. 134.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to
32 read as follows:

33 (1) Licenses issued pursuant to this chapter shall be renewed every
34 two years. A license shall be renewed upon payment of a renewal fee
35 and completion of continuing education requirements and receipt of a
36 completed license renewal application. If a licensee fails to submit

1 an application for renewal, the renewal fee, and proof of completion of
2 the required continuing education, the license shall be suspended at
3 the end of its effective term. The licensee is not allowed to perform
4 work authorized by their license during the time that it is suspended.
5 The licensee is allowed thirty days to submit an application for
6 renewal, the renewal fee, and proof of completion of the required
7 continuing education for the renewal period. Continuing education
8 obtained during the thirty-day suspension period may be applied only to
9 the next renewal period. If a licensee fails to submit an application
10 for renewal, the renewal fee, and proof of completion of the required
11 continuing education by the end of the thirty-day suspension period,
12 the license expires. The department shall adopt rules(~~(7—
13 consultation—with—the—technical—advisory—group—created—under—RCW
14 18.104.190,~~) that allow for an extension of the thirty-day suspension
15 period for certain situations that are beyond the control of the
16 licensee. The rules must also allow for a retirement or inactive
17 license.

18 (2) A person whose license has expired must apply for a new license
19 as provided in this chapter. The department may waive the requirement
20 for a written examination and on-site testing for a person whose
21 license has expired.

22 (3) The department may refuse to renew a license if the licensee
23 has not complied with an order issued by the department or has not paid
24 a penalty imposed in accordance with this chapter, unless the order or
25 penalty is under appeal.

26 (4) The department may issue a conditional license to enable a
27 former licensee to comply with an order to correct problems with a
28 well.

29 **Sec. 135.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to
30 read as follows:

31 (1) A person seeking a new license or to renew an existing license
32 under this chapter must demonstrate a willingness to maintain a high
33 level of professional competency by completing continuing education
34 programs as required by the department by rule. The department shall
35 not approve any continuing education program unless: (a) It is offered
36 by an approved provider; (b) it is open to all persons licensed or

1 pursuing a license under this chapter; and (c) the fees charged are
2 reasonable for all persons desiring to attend the program.

3 (2) The department(~~(, in consultation with the technical advisory~~
4 ~~group created in RCW 18.104.190,)~~) shall adopt rules governing
5 continuing education programs. At a minimum, the rules must establish:
6 A method of approving providers of continuing education; a criteria to
7 evaluate the offerings, workshops, courses, classes, or programs; a
8 criteria for assigning credits; and a criteria for reporting and
9 verifying completion.

10 (3) The department shall support approved providers by providing,
11 upon request and at the department's discretion, technical assistance
12 and presenters for continuing education offerings.

13 (4) The department shall maintain a current list of all continuing
14 education offerings by approved providers and ensure that the list is
15 available to all licensees by request. The list must also be posted on
16 the department's web site.

17 **Lieutenant Governor Appointments and Assignments**

18 **Sec. 136.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to
19 read as follows:

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

23 (1) The lieutenant governor serves on the following boards and
24 committees:

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

26 (b) Washington higher education facilities authority, RCW
27 28B.07.030;

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

30 (d) State finance committee, RCW 43.33.010;

31 (e) State capitol committee, RCW 43.34.010;

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

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

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

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

1 (2) The lieutenant governor, and when serving as president of the
2 senate, appoints members to the following boards and committees:
3 (a) ~~((Organized crime advisory board, RCW 43.43.858;~~
4 ~~(b))~~) Civil legal aid oversight committee, RCW 2.53.010;
5 ~~((c))~~ (b) Office of public defense advisory committee, RCW
6 2.70.030;
7 ~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;
8 ~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;
9 ~~((f))~~ (e) State building code council, RCW 19.27.070;
10 ~~((g))~~ (f) Women's history consortium board of advisors, RCW
11 27.34.365;
12 ~~((h))~~ (g) Financial literacy public-private partnership, RCW
13 28A.300.450;
14 ~~((i))~~ (h) Joint administrative rules review committee, RCW
15 34.05.610;
16 ~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;
17 ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;
18 ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;
19 ~~((m))~~ (l) Washington citizens' commission on salaries, RCW
20 43.03.305;
21 ~~((n))~~ (m) Legislative oral history ~~((advisory))~~ committee, RCW
22 ~~((43.07.230))~~ 44.04.325;
23 ~~((o))~~ (n) State council on aging, RCW 43.20A.685;
24 ~~((p))~~ (o) State investment board, RCW 43.33A.020;
25 ~~((q))~~ (p) Capitol campus design advisory committee, RCW
26 43.34.080;
27 ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;
28 ~~((s))~~ (r) Information services board, RCW 43.105.032;
29 ~~((t) K-20 educational network board, RCW 43.105.800;~~
30 ~~(u))~~ (s) Municipal research council, RCW 43.110.010;
31 ~~((v))~~ (t) Council for children and families, RCW 43.121.020;
32 ~~((w))~~ (u) PNWER-Net working subgroup under chapter 43.147 RCW;
33 ~~((x))~~ (v) Community economic revitalization board, RCW
34 43.160.030;
35 ~~((y))~~ (w) Washington economic development finance authority, RCW
36 43.163.020;
37 ~~((z) Tourism development advisory committee, RCW 43.330.095;~~
38 ~~(aa))~~ (x) Life sciences discovery fund authority, RCW 43.350.020;

1 ~~((bb))~~ (y) Legislative children's oversight committee, RCW
2 44.04.220;
3 ~~((cc))~~ (z) Joint legislative audit and review committee, RCW
4 44.28.010;
5 ~~((dd))~~ (aa) Joint committee on energy supply and energy
6 conservation, RCW 44.39.015;
7 ~~((ee))~~ (bb) Legislative evaluation and accountability program
8 committee, RCW 44.48.010;
9 ~~((ff))~~ (cc) Agency council on coordinated transportation, RCW
10 47.06B.020;
11 ~~((gg))~~ (dd) Manufactured housing task force, RCW 59.22.090;
12 ~~((hh))~~ (ee) Washington horse racing commission, RCW 67.16.014;
13 ~~((ii))~~ (ff) Correctional industries board of directors, RCW
14 72.09.080;
15 ~~((jj))~~ (gg) Joint committee on veterans' and military affairs,
16 RCW 73.04.150;
17 ~~((kk) Washington state parks centennial advisory committee, RCW~~
18 ~~79A.75.010;~~
19 ~~((ll) Puget Sound council, RCW 90.71.030;~~
20 ~~((mm))~~ (hh) Joint legislative committee on water supply during
21 drought, RCW 90.86.020;
22 ~~((nn))~~ (ii) Statute law committee, RCW 1.08.001; and
23 ~~((oo))~~ (jj) Joint legislative oversight committee on trade
24 policy, RCW 44.55.020.

25 NEW SECTION. Sec. 137. A new section is added to chapter 34.05
26 RCW to read as follows:

27 The following acts or parts of acts are each temporarily suspended
28 until July 1, 2011: RCW 34.05.610 (joint administrative rules review
29 committee).

30 NEW SECTION. Sec. 138. A new section is added to chapter 43.185B
31 RCW to read as follows:

32 The following acts or parts of acts are each temporarily suspended
33 until July 1, 2011: RCW 43.185B.020 (affordable housing advisory
34 board).

1 NEW SECTION. **Sec. 139.** A new section is added to chapter 43.20A
2 RCW to read as follows:
3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2011: RCW 43.20A.685 (council on aging).

5 NEW SECTION. **Sec. 140.** A new section is added to chapter 70.94
6 RCW to read as follows:
7 The following acts or parts of acts are each temporarily suspended
8 until July 1, 2011: RCW 70.94.650(6) (agricultural burning practices
9 and research task force).

10 NEW SECTION. **Sec. 141.** A new section is added to chapter 28B.108
11 RCW to read as follows:
12 The following acts or parts of acts are each temporarily suspended
13 until July 1, 2011: RCW 28B.108.030 (American Indian endowed
14 scholarship advisory and selection commission).

15 NEW SECTION. **Sec. 142.** A new section is added to chapter 46.66
16 RCW to read as follows:
17 The following acts or parts of acts are each temporarily suspended
18 until July 1, 2011: RCW 46.66.010 (auto theft prevention authority).
19 During the temporary suspension, the powers, duties, and authority of
20 the auto theft prevention authority shall be assumed by the executive
21 board of the Washington association of sheriffs and police chiefs
22 within the current resources of the association.

23 NEW SECTION. **Sec. 143.** A new section is added to chapter 70.195
24 RCW to read as follows:
25 The following acts or parts of acts are each temporarily suspended
26 until July 1, 2011: RCW 70.195.010 (birth-to-six interagency
27 coordinating council).

28 NEW SECTION. **Sec. 144.** The following act is temporarily suspended
29 until July 1, 2011: 2007 c 354 s 12 (uncodified) (career and technical
30 education curricula advisory committee).

31 NEW SECTION. **Sec. 145.** A new section is added to chapter 43.31
32 RCW to read as follows:

1 The following acts or parts of acts are each temporarily suspended
2 until July 1, 2011: RCW 43.31.504 (child care facility fund
3 committee).

4 NEW SECTION. **Sec. 146.** A new section is added to chapter 26.19
5 RCW to read as follows:

6 The following acts or parts of acts are each temporarily suspended
7 until July 1, 2011: RCW 26.19.025 (child support guidelines and review
8 report work group).

9 NEW SECTION. **Sec. 147.** A new section is added to chapter 35.78
10 RCW to read as follows:

11 The following acts or parts of acts are each temporarily suspended
12 until July 1, 2011:

13 (1) RCW 35.78.020 (city and county design standards); and

14 (2) RCW 43.32.010.

15 NEW SECTION. **Sec. 148.** A new section is added to chapter 43.32
16 RCW to read as follows:

17 The following acts or parts of acts are each temporarily suspended
18 until July 1, 2011:

19 (1) RCW 35.78.020 (city and county design standards); and

20 (2) RCW 43.32.010.

21 **Sec. 149.** RCW 18.235.020 and 2009 c 102 s 5 are each amended to
22 read as follows:

23 (1) This chapter applies only to the director and the boards and
24 commissions having jurisdiction in relation to the businesses and
25 professions licensed under the chapters specified in this section.
26 This chapter does not apply to any business or profession not licensed
27 under the chapters specified in this section.

28 (2)(a) The director has authority under this chapter in relation to
29 the following businesses and professions:

30 (i) Auctioneers under chapter 18.11 RCW;

31 (ii) Bail bond agents and bail bond recovery agents under chapter
32 18.185 RCW;

33 (iii) Camping resorts' operators and salespersons under chapter
34 19.105 RCW;

1 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
2 (v) Cosmetologists, barbers, manicurists, and estheticians under
3 chapter 18.16 RCW;
4 (vi) Court reporters under chapter 18.145 RCW;
5 (vii) Driver training schools and instructors under chapter 46.82
6 RCW;
7 (viii) Employment agencies under chapter 19.31 RCW;
8 (ix) For hire vehicle operators under chapter 46.72 RCW;
9 (x) Limousines under chapter 46.72A RCW;
10 (xi) Notaries public under chapter 42.44 RCW;
11 (xii) Private investigators under chapter 18.165 RCW;
12 (xiii) Professional boxing, martial arts, and wrestling under
13 chapter 67.08 RCW;
14 (xiv) Real estate appraisers under chapter 18.140 RCW;
15 (xv) Real estate brokers and salespersons under chapters 18.85 and
16 18.86 RCW;
17 (xvi) Security guards under chapter 18.170 RCW;
18 (xvii) Sellers of travel under chapter 19.138 RCW;
19 (xviii) Timeshares and timeshare salespersons under chapter 64.36
20 RCW;
21 (xix) Collection agencies under chapter 19.16 RCW;
22 (xx) Whitewater river outfitters under chapter 79A.60 RCW; and
23 ~~((~~xx~~))~~ (xxi) Home inspectors under chapter 18.280 RCW.
24 (b) The boards and commissions having authority under this chapter
25 are as follows:
26 (i) The state board of registration for architects established in
27 chapter 18.08 RCW;
28 (ii) ~~((The Washington state collection agency board established in
29 chapter 19.16 RCW;~~
30 ~~(iii))~~) The state board of registration for professional engineers
31 and land surveyors established in chapter 18.43 RCW governing licenses
32 issued under chapters 18.43 and 18.210 RCW;
33 ~~((~~iv~~))~~ (iii) The funeral and cemetery board established in
34 chapter 18.39 RCW governing licenses issued under chapters 18.39 and
35 68.05 RCW;
36 ~~((~~v~~))~~ (iv) The state board of registration for landscape
37 architects established in chapter 18.96 RCW; and

1 (~~(vi))~~) (v) The state geologist licensing board established in
2 chapter 18.220 RCW.

3 (3) In addition to the authority to discipline license holders, the
4 disciplinary authority may grant or deny licenses based on the
5 conditions and criteria established in this chapter and the chapters
6 specified in subsection (2) of this section. This chapter also governs
7 any investigation, hearing, or proceeding relating to denial of
8 licensure or issuance of a license conditioned on the applicant's
9 compliance with an order entered under RCW 18.235.110 by the
10 disciplinary authority.

11 **Sec. 150.** RCW 19.16.100 and 2003 c 203 s 1 are each amended to
12 read as follows:

13 Unless a different meaning is plainly required by the context, the
14 following words and phrases as hereinafter used in this chapter shall
15 have the following meanings:

16 (1) "Person" includes individual, firm, partnership, trust, joint
17 venture, association, or corporation.

18 (2) "Collection agency" means and includes:

19 (a) Any person directly or indirectly engaged in soliciting claims
20 for collection, or collecting or attempting to collect claims owed or
21 due or asserted to be owed or due another person;

22 (b) Any person who directly or indirectly furnishes or attempts to
23 furnish, sells, or offers to sell forms represented to be a collection
24 system or scheme intended or calculated to be used to collect claims
25 even though the forms direct the debtor to make payment to the creditor
26 and even though the forms may be or are actually used by the creditor
27 himself or herself in his or her own name;

28 (c) Any person who in attempting to collect or in collecting his or
29 her own claim uses a fictitious name or any name other than his or her
30 own which would indicate to the debtor that a third person is
31 collecting or attempting to collect such claim.

32 (3) "Collection agency" does not mean and does not include:

33 (a) Any individual engaged in soliciting claims for collection, or
34 collecting or attempting to collect claims on behalf of a licensee
35 under this chapter, if said individual is an employee of the licensee;

36 (b) Any individual collecting or attempting to collect claims for

1 not more than one employer, if all the collection efforts are carried
2 on in the name of the employer and if the individual is an employee of
3 the employer;

4 (c) Any person whose collection activities are carried on in his,
5 her, or its true name and are confined and are directly related to the
6 operation of a business other than that of a collection agency, such as
7 but not limited to: Trust companies; savings and loan associations;
8 building and loan associations; abstract companies doing an escrow
9 business; real estate brokers; property management companies collecting
10 assessments, charges, or fines on behalf of condominium unit owners
11 associations, associations of apartment owners, or homeowners'
12 associations; public officers acting in their official capacities;
13 persons acting under court order; lawyers; insurance companies; credit
14 unions; loan or finance companies; mortgage banks; and banks;

15 (d) Any person who on behalf of another person prepares or mails
16 monthly or periodic statements of accounts due if all payments are made
17 to that other person and no other collection efforts are made by the
18 person preparing the statements of account;

19 (e) An "out-of-state collection agency" as defined in this chapter;
20 or

21 (f) Any person while acting as a debt collector for another person,
22 both of whom are related by common ownership or affiliated by corporate
23 control, if the person acting as a debt collector does so only for
24 persons to whom it is so related or affiliated and if the principal
25 business of the person is not the collection of debts.

26 (4) "Out-of-state collection agency" means a person whose
27 activities within this state are limited to collecting debts from
28 debtors located in this state by means of interstate communications,
29 including telephone, mail, or facsimile transmission, from the person's
30 location in another state on behalf of clients located outside of this
31 state, but does not include any person who is excluded from the
32 definition of the term "debt collector" under the federal fair debt
33 collection practices act (15 U.S.C. Sec. 1692a(6)).

34 (5) "Claim" means any obligation for the payment of money or thing
35 of value arising out of any agreement or contract, express or implied.

36 (6) "Statement of account" means a report setting forth only
37 amounts billed, invoices, credits allowed, or aged balance due.

38 (7) "Director" means the director of licensing.

1 (8) "Client" or "customer" means any person authorizing or
2 employing a collection agency to collect a claim.

3 (9) "Licensee" means any person licensed under this chapter.

4 (10) (~~("Board" means the Washington state collection agency board.~~
5 ~~(11))~~) "Debtor" means any person owing or alleged to owe a claim.

6 (~~(12))~~) (11) "Commercial claim" means any obligation for payment
7 of money or thing of value arising out of any agreement or contract,
8 express or implied, where the transaction which is the subject of the
9 agreement or contract is not primarily for personal, family, or
10 household purposes.

11 **Sec. 151.** RCW 19.16.420 and 1971 ex.s. c 253 s 33 are each amended
12 to read as follows:

13 On or about the first day of February in each year, the director
14 shall cause to be made available at reasonable expense to a licensee a
15 copy of this chapter, a copy of the current rules and regulations of
16 the director(~~(, and board,)~~) and such other materials as the director
17 or board may prescribe.

18 NEW SECTION. **Sec. 152.** A new section is added to chapter 19.16
19 RCW to read as follows:

20 The following acts or parts of acts are each temporarily suspended
21 until July 1, 2011:

22 (1) RCW 19.16.280 (Board created--Composition of board--
23 Qualification of members) and 1971 ex.s. c 253 s 19;

24 (2) RCW 19.16.290 (Board--Initial members--Terms--Oath--Removal)
25 and 1971 ex.s. c 253 s 20;

26 (3) RCW 19.16.300 (Board meetings--Quorum--Effect of vacancy) and
27 1971 ex.s. c 253 s 21;

28 (4) RCW 19.16.310 (Board--Compensation--Reimbursement of travel
29 expenses) and 1984 c 287 s 54, 1975-'76 2nd ex.s. c 34 s 58, & 1971
30 ex.s. c 253 s 22;

31 (5) RCW 19.16.320 (Board--Territorial scope of operations) and 1971
32 ex.s. c 253 s 23;

33 (6) RCW 19.16.330 (Board--Immunity from suit) and 1971 ex.s. c 253
34 s 24;

35 (7) RCW 19.16.340 (Board--Records) and 1971 ex.s. c 253 s 25;

1 (8) RCW 19.16.351 (Additional powers and duties of board) and 2002
2 c 86 s 267, 1977 ex.s. c 194 s 2, & 1973 1st ex.s. c 20 s 8;

3 (9) RCW 19.16.410 (Rules, orders, decisions, etc) and 2007 c 256 s
4 4 & 1971 ex.s. c 253 s 32; and

5 (10) RCW 19.16.420 (Copy of this chapter, rules and regulations
6 available to licensee) and 1971 ex.s. c 253 s 33.

7 NEW SECTION. **Sec. 153.** A new section is added to chapter 72.78
8 RCW to read as follows:

9 The following acts or parts of acts are each temporarily suspended
10 until July 1, 2011: RCW 72.78.030 (community transition coordination
11 networks advisory committee).

12 NEW SECTION. **Sec. 154.** A new section is added to chapter 70.198
13 RCW to read as follows:

14 The following acts or parts of acts are each temporarily suspended
15 until July 1, 2011: RCW 79.198.020 (deaf and hard of hearing advisory
16 council).

17 NEW SECTION. **Sec. 155.** A new section is added to chapter 28A.175
18 RCW to read as follows:

19 The following acts or parts of acts are each temporarily suspended
20 until July 1, 2011: RCW 28A.175.075 (drop-out prevention state-level
21 leadership group).

22 NEW SECTION. **Sec. 156.** A new section is added to chapter 43.06B
23 RCW to read as follows:

24 The following acts or parts of acts are each temporarily suspended
25 until July 1, 2011: RCW 43.06B.010 (education ombudsman appointment
26 committee).

27 NEW SECTION. **Sec. 157.** A new section is added to chapter 44.39
28 RCW to read as follows:

29 The following acts or parts of acts are each temporarily suspended
30 until July 1, 2011: RCW 44.39.010 (joint committee on energy supply
31 and energy conservation).

1 NEW SECTION. **Sec. 158.** A new section is added to chapter 38.52
2 RCW to read as follows:

3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2011: RCW 38.52.530 (enhanced 911 advisory committee).

5 NEW SECTION. **Sec. 159.** A new section is added to chapter 43.22
6 RCW to read as follows:

7 The following acts or parts of acts are each temporarily suspended
8 until July 1, 2011: RCW 43.22.420 (factory assembled structures
9 advisory board).

10 NEW SECTION. **Sec. 160.** The following act is temporarily suspended
11 until July 1, 2011: 2007 c 357 s 2 (uncodified) (joint legislative
12 task force on family leave insurance).

13 NEW SECTION. **Sec. 161.** A new section is added to chapter 28A.300
14 RCW to read as follows:

15 The following acts or parts of acts are each temporarily suspended
16 until July 1, 2011: RCW 28A.300.450 (financial literacy public-private
17 partnership).

18 NEW SECTION. **Sec. 162.** A new section is added to chapter 43.31
19 RCW to read as follows:

20 The following acts or parts of acts are each temporarily suspended
21 until July 1, 2011: RCW 43.31.425 (Hanford area economic investment
22 fund committee).

23 NEW SECTION. **Sec. 163.** A new section is added to chapter 70.47A
24 RCW to read as follows:

25 The following acts or parts of acts are each temporarily suspended
26 until July 1, 2011: RCW 70.47A.100 (health insurance partnership
27 board).

28 NEW SECTION. **Sec. 164.** A new section is added to chapter 28B.115
29 RCW to read as follows:

30 The following acts or parts of acts are each temporarily suspended
31 until July 1, 2011: RCW 28B.115.050 (health professional loan
32 repayment and scholarship advisory committee).

1 NEW SECTION. **Sec. 165.** RCW 79A.30.030 (Washington state horse
2 park authority--Formation--Powers--Articles of incorporation--Board)
3 and 2000 c 11 s 85 & 1995 c 200 s 4 are each repealed.

4 NEW SECTION. **Sec. 166.** A new section is added to chapter 77.85
5 RCW to read as follows:

6 The following acts or parts of acts are each temporarily suspended
7 until July 1, 2011: RCW 77.85.200 (lower Columbia fish recovery
8 board).

9 NEW SECTION. **Sec. 167.** A new section is added to chapter 28A.305
10 RCW to read as follows:

11 The following acts or parts of acts are each temporarily suspended
12 until July 1, 2011: RCW 28A.305.219 (mathematics advisory panel and
13 science advisory panel).

14 NEW SECTION. **Sec. 168.** A new section is added to chapter 1.40 RCW
15 to read as follows:

16 The following acts or parts of acts are each temporarily suspended
17 until July 1, 2011: RCW 1.40.020 (medal of merit committee).

18 NEW SECTION. **Sec. 169.** A new section is added to chapter 1.60 RCW
19 to read as follows:

20 The following acts or parts of acts are each temporarily suspended
21 until July 1, 2011: RCW 1.60.020 (state medal of valor committee).

22 NEW SECTION. **Sec. 170.** A new section is added to chapter 13.60
23 RCW to read as follows:

24 The following acts or parts of acts are each temporarily suspended
25 until July 1, 2011: RCW 13.60.120 (missing and exploited children task
26 force).

27 NEW SECTION. **Sec. 171.** A new section is added to chapter 43.147
28 RCW to read as follows:

29 The following acts or parts of acts are each temporarily suspended
30 until July 1, 2011: Chapter 43.147 RCW (Pacific Northwest economic
31 region delegate council and executive committee).

1 NEW SECTION. **Sec. 172.** A new section is added to chapter 28B.10
2 RCW to read as follows:

3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2011: RCW 28B.10.922 (performance agreement committee).

5 NEW SECTION. **Sec. 173.** A new section is added to chapter 28A.195
6 RCW to read as follows:

7 The following acts or parts of acts are each temporarily suspended
8 until July 1, 2011: RCW 28A.195.050 (private school advisory
9 committee).

10 NEW SECTION. **Sec. 174.** A new section is added to chapter 36.102
11 RCW to read as follows:

12 The following acts or parts of acts are each temporarily suspended
13 until July 1, 2011: RCW 36.102.040 (public stadium authority advisory
14 committee).

15 NEW SECTION. **Sec. 175.** A new section is added to chapter 41.04
16 RCW to read as follows:

17 The following acts or parts of acts are each temporarily suspended
18 until July 1, 2011: RCW 41.04.276 (select committee on pension
19 policy).

20 NEW SECTION. **Sec. 176.** The following act is temporarily suspended
21 until July 1, 2011: 2008 c 195 s 2 (uncodified) (recreation on state
22 trust lands work group).

23 NEW SECTION. **Sec. 177.** A new section is added to chapter 74.18
24 RCW to read as follows:

25 The following acts or parts of acts are each temporarily suspended
26 until July 1, 2011: RCW 74.18.070 (rehabilitation council for the
27 department of services for the blind).

28 NEW SECTION. **Sec. 178.** A new section is added to chapter 28A.600
29 RCW to read as follows:

30 The following acts or parts of acts are each temporarily suspended
31 until July 1, 2011: RCW 28A.600.130 (scholars advisory and selection
32 committee).

1 NEW SECTION. **Sec. 179.** A new section is added to chapter 28A.160
2 RCW to read as follows:

3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2011: RCW 28A.160.195 (school bus equipment and
5 specifications committee).

6 NEW SECTION. **Sec. 180.** The following acts or parts of acts are
7 each repealed: 2007 c 520 s 6016 (uncodified) (joint legislative task
8 force on school construction funding); and
9 2007 c 520 s 6026 (uncodified) (study committee on public
10 infrastructure programs and funding structures).

11 NEW SECTION. **Sec. 181.** A new section is added to chapter 28A.525
12 RCW to read as follows:

13 The following acts or parts of acts are each temporarily suspended
14 until July 1, 2011: RCW 28A.525.025 (school facilities citizen
15 advisory panel).

16 NEW SECTION. **Sec. 182.** A new section is added to chapter 43.210
17 RCW to read as follows:

18 The following acts or parts of acts are each temporarily suspended
19 until July 1, 2011: RCW 43.210.030 (small business export finance
20 assistance center board).

21 NEW SECTION. **Sec. 183.** A new section is added to chapter 28A.175
22 RCW to read as follows:

23 The following acts or parts of acts are each temporarily suspended
24 until July 1, 2011: RCW 28A.175.075 (state-level leadership group).

25 NEW SECTION. **Sec. 184.** A new section is added to chapter 2.53 RCW
26 to read as follows:

27 The following acts or parts of acts are each temporarily suspended
28 until July 1, 2011: RCW 2.53.040 (task force on statewide protocols
29 for dissolution cases).

30 NEW SECTION. **Sec. 185.** A new section is added to chapter 58.24
31 RCW to read as follows:

1 The following acts or parts of acts are each temporarily suspended
2 until July 1, 2011: RCW 58.24.020 (survey advisory board).

3 NEW SECTION. **Sec. 186.** A new section is added to chapter 44.55
4 RCW to read as follows:

5 The following acts or parts of acts are each temporarily suspended
6 until July 1, 2011: RCW 44.55.020 (joint legislative oversight
7 committee on trade policy).

8 NEW SECTION. **Sec. 187.** The following act is temporarily suspended
9 until July 1, 2011: 2007 c 288 s 2 (uncodified) (joint legislative
10 task force on underground economy in the construction industry).

11 NEW SECTION. **Sec. 188.** A new section is added to chapter 90.86
12 RCW to read as follows:

13 The following acts or parts of acts are each temporarily suspended
14 until July 1, 2011: RCW 90.86.010 (joint legislative committee on
15 water supply during drought).

16 NEW SECTION. **Sec. 189.** The activities of the following boards and
17 commissions shall be suspended until July 1, 2011:

- 18 (1) The joint select committee on beer and wine regulation; and
- 19 (2) The committee on legislative old timers events.

20 NEW SECTION. **Sec. 190.** The following acts or parts of acts are
21 each temporarily suspended until July 1, 2011: RCW 90.56.120 (oil
22 spill advisory council--Meetings--Travel expenses and compensation).

23 NEW SECTION. **Sec. 191.** A new section is added to chapter 43.20A
24 RCW to read as follows:

25 The following committees established pursuant to authority granted
26 in RCW 43.20A.350 are each suspended until July 1, 2011:

- 27 (1) Economic services advisory committee;
- 28 (2) Medicaid school administrative match advisory committee;
- 29 (3) Family to family advisory council, region 3.

30 **Commission on Equipment**

1 As used in this chapter the following words and phrases shall have
2 the following meanings unless the context clearly requires otherwise:

3 (1) "Department" means the department of veterans affairs.

4 (2) "Director" means the director of the department of veterans
5 affairs.

6 (3) "Committee" means the veterans affairs advisory committee.

7 (~~(4) "Board" means the veterans innovations program board.~~)

8 **Sec. 196.** RCW 43.60A.080 and 1995 c 25 s 1 are each amended to
9 read as follows:

10 (1) There is hereby created a veterans affairs advisory committee
11 which shall serve in an advisory capacity to the governor and the
12 director of the department of veterans affairs. The committee shall be
13 composed of seventeen members to be appointed by the governor, and
14 shall consist of the following:

15 (a) One representative of the Washington soldiers' home and colony
16 at Orting and one representative of the Washington veterans' home at
17 Retsil. Each home's resident council may nominate up to three
18 individuals whose names are to be forwarded by the director to the
19 governor. In making the appointments, the governor shall consider
20 these recommendations or request additional nominations.

21 (b) One representative each from the three congressionally
22 chartered or nationally recognized veterans service organizations as
23 listed in the current "Directory of Veterans Service Organizations"
24 published by the United States department of veterans affairs with the
25 largest number of active members in the state of Washington as
26 determined by the director. The organizations' state commanders may
27 each submit a list of three names to be forwarded to the governor by
28 the director. In making the appointments, the governor shall consider
29 these recommendations or request additional nominations.

30 (c) Ten members shall be chosen to represent those congressionally
31 chartered or nationally recognized veterans service organizations
32 listed in the directory under (b) of this subsection and having at
33 least one active chapter within the state of Washington. Up to three
34 nominations may be forwarded from each organization to the governor by
35 the director. In making the appointments, the governor shall consider
36 these recommendations or request additional nominations.

1 (d) Two members shall be veterans at large. Any individual or
2 organization may nominate a veteran for an at-large position.
3 Organizational affiliation shall not be a prerequisite for nomination
4 or appointment. All nominations for the at-large positions shall be
5 forwarded by the director to the governor.

6 (e) No organization shall have more than one official
7 representative on the committee at any one time.

8 (f) In making appointments to the committee, care shall be taken to
9 ensure that members represent all geographical portions of the state
10 and minority viewpoints, and that the issues and views of concern to
11 women veterans are represented.

12 (2) All members shall have terms of four years. In the case of a
13 vacancy, appointment shall be only for the remainder of the unexpired
14 term for which the vacancy occurs. No member may serve more than two
15 consecutive terms, with vacancy appointments to an unexpired term not
16 considered as a term. Members appointed before June 11, 1992, shall
17 continue to serve until the expiration of their current terms; and
18 then, subject to the conditions contained in this section, are eligible
19 for reappointment.

20 (3) The committee shall adopt an order of business for conducting
21 its meetings.

22 (4) The committee shall have the following powers and duties:

23 (a) To serve in an advisory capacity to the governor and the
24 director on matters pertaining to the department of veterans affairs;

25 (b) To acquaint themselves fully with the operations of the
26 department and recommend such changes to the governor and the director
27 as they deem advisable; and

28 (c) To exercise the powers granted under RCW 43.60A.160 through
29 43.60A.185 related to the competitive grant program.

30 (5) Members of the committee shall receive no compensation for the
31 performance of their duties but shall receive a per diem allowance and
32 mileage expense according to the provisions of chapter 43.03 RCW.

33 NEW SECTION. **Sec. 197.** The following acts or parts of acts are
34 each repealed:

35 (1) RCW 43.60A.170 (Competitive grant program--Veterans innovations
36 program board--Travel expenses) and 2006 c 343 s 5;

1 (2) RCW 43.131.405 (Veterans innovations program--Termination) and
2 2006 c 343 s 10; and
3 (3) RCW 43.131.406 (Veterans innovations program--Repeal) and 2006
4 c 343 s 11.

5 NEW SECTION. **Sec. 198.** The HIV policy collaborative established
6 under RCW 43.70.040 must be dissolved by July 1, 2010. The HIV/AIDS
7 education program review panel must assume all duties and powers of the
8 HIV policy collaborative necessary to retain any federal grants.

9 NEW SECTION. **Sec. 199.** By July 1, 2010, the governor shall
10 recommend to the legislature which of the boards and commissions,
11 created either by statute or by action of the executive branch, shall
12 receive state funding, those whose activities shall be suspended, and
13 those which shall be terminated either by legislative or executive
14 branch action.

15 NEW SECTION. **Sec. 200.** (1) All documents and papers, equipment,
16 or other tangible property in the possession of the terminated entity
17 shall be delivered to the custody of the entity assuming the
18 responsibilities of the terminated entity or if such responsibilities
19 have been eliminated, documents and papers shall be delivered to the
20 state archivist and equipment or other tangible property to the
21 department of general administration.

22 (2) All funds held by, or other moneys due to, the terminated
23 entity shall revert to the fund from which they were appropriated, or
24 if that fund is abolished to the general fund.

25 (3) All contractual rights and duties of an entity shall be
26 assigned or delegated to the entity assuming the responsibilities of
27 the terminated entity, or if there is none to such entity as the
28 governor shall direct.

29 NEW SECTION. **Sec. 201.** Any agency or state or local government
30 entity that is required by statute to consult with a board or
31 commission suspended or eliminated by this act shall instead seek
32 informed opinions from other individuals or groups engaged in similar
33 activities, as the director or governing body feels is appropriate.

1 NEW SECTION. **Sec. 202.** Section 18 of this act expires June 1,
2 2013.

3 NEW SECTION. **Sec. 203.** Sections 149 through 151 of this act
4 expire July 1, 2011.

5 NEW SECTION. **Sec. 204.** Subheadings used in this act are not any
6 part of the law.

7 NEW SECTION. **Sec. 205.** Sections 2 through 31, 165, 180, 181, 190,
8 192, 193, 200, and 201 of this act are necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and take effect
11 June 30, 2009.

12 NEW SECTION. **Sec. 206.** Sections 32 through 97 and 98 through 135
13 of this act take effect June 30, 2010.

--- END ---