
SUBSTITUTE SENATE BILL 6426

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senators Prentice and Tom; by request of Governor Gregoire)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to eliminating boards and commissions; amending RCW
2 18.44.011, 18.44.195, 18.44.221, 18.44.251, 19.146.225, 28C.18.050,
3 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040,
4 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 28A.300.520,
5 43.215.065, 72.09.495, 74.04.800, 41.04.033, 41.04.0331, 41.04.0332,
6 43.101.380, 43.105.052, 72.23.025, 43.43.930, 43.43.938, 43.43.962,
7 43.43.934, 38.52.530, 49.26.120, 48.62.061, 48.62.161, 41.05.035,
8 28B.76.280, 18.280.050, 18.280.060, 43.330.090, 43.105.041, 43.105.805,
9 43.105.820, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 18.200.010,
10 18.200.050, 18.200.070, 77.95.100, 77.95.180, 77.95.190, 82.58.020,
11 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 70.119A.180, 90.86.030,
12 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 19.16.100,
13 19.16.420, 43.60A.010, and 43.60A.080; reenacting and amending RCW
14 43.105.020, 18.235.020, and 18.235.020; adding a new section to chapter
15 34.05 RCW; adding a new section to chapter 43.185B RCW; adding new
16 sections to chapter 43.20A RCW; adding a new section to chapter 28B.108
17 RCW; adding a new section to chapter 46.66 RCW; adding a new section to
18 chapter 70.195 RCW; adding new sections to chapter 43.31 RCW; adding a
19 new section to chapter 26.19 RCW; adding a new section to chapter 35.78
20 RCW; adding a new section to chapter 43.32 RCW; adding a new section to
21 chapter 19.16 RCW; adding a new section to chapter 72.78 RCW; adding a

1 new section to chapter 70.198 RCW; adding new sections to chapter
2 28A.175 RCW; adding a new section to chapter 43.06B RCW; adding a new
3 section to chapter 44.39 RCW; adding a new section to chapter 38.52
4 RCW; adding a new section to chapter 43.22 RCW; adding a new section to
5 chapter 28A.300 RCW; adding a new section to chapter 70.47A RCW; adding
6 a new section to chapter 28B.115 RCW; adding a new section to chapter
7 77.85 RCW; adding a new section to chapter 28A.305 RCW; adding a new
8 section to chapter 1.40 RCW; adding a new section to chapter 1.60 RCW;
9 adding a new section to chapter 13.60 RCW; adding a new section to
10 chapter 43.147 RCW; adding a new section to chapter 28B.10 RCW; adding
11 a new section to chapter 28A.195 RCW; adding a new section to chapter
12 36.102 RCW; adding a new section to chapter 41.04 RCW; adding a new
13 section to chapter 74.18 RCW; adding a new section to chapter 28A.600
14 RCW; adding a new section to chapter 28A.160 RCW; adding a new section
15 to chapter 28A.525 RCW; adding a new section to chapter 43.210 RCW;
16 adding a new section to chapter 58.24 RCW; adding a new section to
17 chapter 44.55 RCW; adding a new section to chapter 90.86 RCW; adding a
18 new section to chapter 90.56 RCW; creating new sections; repealing RCW
19 70.96A.070, 18.44.500, 18.44.510, 79A.25.220, 19.146.280, 43.360.040,
20 28B.50.254, 18.250.030, 43.63A.068, 43.101.310, 43.101.315, 43.101.320,
21 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055,
22 70.198.010, 70.198.020, 43.43.932, 43.43.936, 70.105E.090, 48.62.051,
23 48.62.041, 28B.76.100, 10.98.200, 10.98.210, 10.98.220, 10.98.230,
24 10.98.240, 43.105.800, 43.105.810, 71.09.320, 18.210.040, 18.210.070,
25 70.118.100, 18.200.060, 77.95.110, 77.95.120, 70.95.040, 70.95.050,
26 70.95.070, 70.105.060, 70.119A.160, 18.104.190, 79A.30.030, 46.38.010,
27 46.38.020, 46.38.030, 46.38.040, 46.38.050, 46.38.060, 46.38.070,
28 46.38.080, 46.38.090, 46.39.010, 46.39.020, 43.60A.170, 43.131.405, and
29 43.131.406; repealing 2007 c 520 s 6016 (uncodified); repealing 2007 c
30 520 s 6026 (uncodified); providing effective dates; and providing
31 expiration dates.

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

33 NEW SECTION. **Sec. 1.** One of the key roles of advisory boards,
34 committees, and commissions is to provide input, advice and
35 recommendations from stakeholders, other interested parties, and the
36 public to state agencies. These advisory boards, committees, and

1 commissions may be abolished without detriment to the mission of the
2 agency each supports. Most of the advisory functions of these boards,
3 committees, and commissions can be performed without the administrative
4 costs of maintaining formal organizations. In the interest of building
5 a leaner, more efficient, and more responsible government, this vital
6 communications conduit must be maintained for the benefit of the state
7 and its citizens, through the use of modern communication technology.
8 It is the intent of this legislation that while advisory boards,
9 committees, and commissions be eliminated, agencies should identify
10 new, less costly, and more effective opportunities to ensure a broad
11 range of citizen participation is provided and that all reasonable
12 efforts are made to ensure that channels are maintained for vital input
13 from the citizens of Washington.

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

15 NEW SECTION. **Sec. 2.** RCW 70.96A.070 (Citizens advisory council--
16 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c
17 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each
18 repealed.

19 **Escrow Commission**

20 **Sec. 3.** RCW 18.44.011 and 1999 c 30 s 1 are each amended to read
21 as follows:

22 Unless a different meaning is apparent from the context, terms used
23 in this chapter shall have the following meanings:

24 (1) "Department" means the department of financial institutions.

25 (2) "Director" means the director of financial institutions, or his
26 or her duly authorized representative.

27 (3) "Director of licensing" means the director of the department of
28 licensing, or his or her duly authorized representative.

29 (4) "Escrow" means any transaction, except the acts of a qualified
30 intermediary in facilitating an exchange under section 1031 of the
31 internal revenue code, wherein any person or persons, for the purpose
32 of effecting and closing the sale, purchase, exchange, transfer,
33 encumbrance, or lease of real or personal property to another person or

1 persons, delivers any written instrument, money, evidence of title to
2 real or personal property, or other thing of value to a third person to
3 be held by such third person until the happening of a specified event
4 or the performance of a prescribed condition or conditions, when it is
5 then to be delivered by such third person, in compliance with
6 instructions under which he or she is to act, to a grantee, grantor,
7 promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor,
8 or any agent or employee thereof.

9 (5) "Split escrow" means a transaction in which two or more escrow
10 agents act to effect and close an escrow transaction.

11 (6) "Escrow agent" means any person engaged in the business of
12 performing for compensation the duties of the third person referred to
13 in subsection (4) of this section.

14 (7) "Licensed escrow agent" means any sole proprietorship, firm,
15 association, partnership, or corporation holding a license as an escrow
16 agent under the provisions of this chapter.

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

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

22 (10) "Designated escrow officer" means any licensed escrow officer
23 designated by a licensed escrow agent and approved by the director as
24 the licensed escrow officer responsible for supervising that agent's
25 handling of escrow transactions, management of the agent's trust
26 account, and supervision of all other licensed escrow officers employed
27 by the agent.

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

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

35 **Sec. 4.** RCW 18.44.195 and 1999 c 30 s 4 are each amended to read
36 as follows:

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

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

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

6 (b) An understanding of the principles of real estate conveyancing
7 and the general purposes and legal effects of deeds, mortgages, deeds
8 of trust, contracts of sale, exchanges, rental and optional agreements,
9 leases, earnest money agreements, personal property transfers, and
10 encumbrances;

11 (c) An understanding of the obligations between principal and
12 agent;

13 (d) An understanding of the meaning and nature of encumbrances upon
14 real property;

15 (e) An understanding of the principles and practice of trust
16 accounting; and

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

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

23 **Sec. 5.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read
24 as follows:

25 The director shall, within thirty days after ~~((the))~~ a written
26 request (~~((of the escrow commission))~~), hold a public hearing to
27 determine whether the fidelity bond, surety bond, and/or the errors and
28 omissions policy specified in RCW 18.44.201 is reasonably available to
29 a substantial number of licensed escrow agents. If the director
30 determines and the insurance commissioner concurs that such bond or
31 bonds and/or policy is not reasonably available, the director shall
32 waive the requirements for such bond or bonds and/or policy for a fixed
33 period of time.

34 **Sec. 6.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read
35 as follows:

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

4
5
6 REQUEST FOR WAIVER OF
7 ERRORS AND OMISSIONS POLICY

8 I,, residing at, City of, County
9 of, State of Washington, declare the following:

10 (1) ~~((The state escrow commission has determined~~
11 ~~that))~~ An errors and omissions policy is not reasonably
12 available to a substantial number of licensed escrow
13 officers; and

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

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

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

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

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

30 THEREFORE, in consideration of the above, I,
31, respectfully request that the director of financial
32 institutions grant this request for a waiver of the
33 requirement that I purchase and maintain an errors and
34 omissions policy covering my activities as an escrow agent
35 licensed by the state of Washington for the period from
36, 19 , to, 19

37 Submitted this day of day of, 19

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(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

My appointment expires

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

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

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

Firearms Range Advisory Committee

NEW SECTION. **Sec. 8.** RCW 79A.25.220 (Firearms range advisory committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3 are each repealed.

Mortgage Brokers

NEW SECTION. **Sec. 9.** RCW 19.146.280 (Mortgage broker commission--Code of conduct--Complaint review) and 2009 c 518 s 1, 2006 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each repealed.

1 **Sec. 10.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to
2 read as follows:

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

8 **Main Street Advisory Committee**

9 NEW SECTION. **Sec. 11.** RCW 43.360.040 (Washington main street
10 advisory committee) and 2005 c 514 s 911 are each repealed.

11 **Advisory Council on Adult Education**

12 NEW SECTION. **Sec. 12.** RCW 28B.50.254 (Advisory council on adult
13 education--Workforce training and education coordinating board to
14 monitor) and 1991 c 238 s 19 are each repealed.

15 **Sec. 13.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to
16 read as follows:

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

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

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

27 (4) Upon enactment of new federal initiatives relating to workforce
28 development, the board shall advise the governor and the legislature on
29 mechanisms for integrating the federal initiatives into the state's
30 workforce development system and make recommendations on the

1 legislative or administrative measures necessary to streamline and
2 coordinate state efforts to meet federal guidelines.

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

10 **Sec. 14.** RCW 28C.18.090 and 1995 c 130 s 4 are each amended to
11 read as follows:

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

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

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

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

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

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

2 **Sec. 15.** 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. 16.** 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. 17.** 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. 18.** 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. 19.** RCW 43.03.040 and 2009 c 5 s 5 are each amended to read
22 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. For the twelve months following February 18,~~
31 ~~2009, a salary or wage increase shall not be granted to any position~~
32 ~~under this section~~) department of personnel.

33 **Airport Impact Mitigation Advisory Board**

1 **Sec. 20.** 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,~~
8 ~~and economic development~~) commerce or the director's designee may
9 authorize expenditures from the account. The account is subject to
10 allotment procedures under chapter 43.88 RCW, but an appropriation is
11 not required for expenditures.

12 (2) The department of (~~community, trade, and economic~~
13 ~~development~~) commerce shall establish a competitive process to
14 prioritize applications for airport impact mitigation assistance
15 through the account created in subsection (1) of this section. The
16 department shall conduct a solicitation of project applications in the
17 airport impact area as defined in subsection (~~(4)~~) (3) of this
18 section. Eligible applicants include public entities such as cities,
19 counties, schools, parks, fire districts, and shall include
20 organizations eligible to apply for grants under RCW 43.63A.125. The
21 department (~~of community, trade, and economic development~~) shall
22 evaluate and rank applications (~~in conjunction with the airport impact~~
23 ~~mitigation advisory board established in subsection (3) of this~~
24 ~~section~~) using objective criteria developed by the department (~~in~~
25 ~~conjunction with the airport impact mitigation advisory board~~). At a
26 minimum, the criteria must consider: The extent to which the applicant
27 is impacted by the airport; and the other resources available to the
28 applicant to mitigate the impact, including other mitigation funds.
29 The director of (~~the department of community, trade, and economic~~
30 ~~development~~) commerce shall award grants annually to the extent funds
31 are available in the account created in subsection (1) of this 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, Tukwila, 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))~~ commerce shall report on its activities related to the
9 account created in this section by January 1, 2004, and each January
10 1st thereafter.

11 **Athletic Training Advisory Committee**

12 NEW SECTION. **Sec. 21.** RCW 18.250.030 (Athletic training advisory
13 committee) and 2007 c 253 s 4 are each repealed.

14 **Sec. 22.** 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. 23.** 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. 24.** 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. 25.** 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

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

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

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

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

30 **Children of Incarcerated Parents Advisory Committee**

31 NEW SECTION. **Sec. 26.** RCW 43.63A.068 (Advisory committee on
32 policies and programs for children and families with incarcerated
33 parents--Funding for programs and services) and 2009 c 518 s 18 & 2007
34 c 384 s 6 are each repealed.

1 **Sec. 27.** RCW 28A.300.520 and 2009 c 578 s 9 are each amended to
2 read as follows:

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

11 (2) To the extent funds are available, (~~the superintendent shall~~
12 ~~conduct the following activities~~) to assist in implementing the
13 requirements of subsection (1) of this section(~~(+~~

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

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

20 **Sec. 28.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
21 read as follows:

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

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

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

1 ~~(a))~~, the director shall gather information and data on the
2 recipients of assistance who are the children and families of inmates
3 incarcerated in department of corrections facilities(~~(; and~~

4 ~~(b) Participate in the children of incarcerated parents advisory~~
5 ~~committee and report information obtained under this section to the~~
6 ~~advisory committee)).~~

7 **Sec. 29.** RCW 72.09.495 and 2007 c 384 s 2 are each amended to read
8 as follows:

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

11 (a) The impact of existing policies on the ability of offenders to
12 maintain familial contact and engagement between inmates and children;
13 and

14 (b) The adequacy and availability of programs targeted at inmates
15 with children.

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

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

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

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

30 ~~(c) Participate in the children of incarcerated parents advisory~~
31 ~~committee and report information obtained under this section to the~~
32 ~~advisory committee)).~~

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

35 (1)(a) The secretary of social and health services shall review
36 current department policies and assess the adequacy and availability of

1 programs targeted at persons who receive services through the
2 department who are the children and families of a person who is
3 incarcerated in a department of corrections facility. Great attention
4 shall be focused on programs and policies affecting foster youth who
5 have a parent who is incarcerated.

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

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

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

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

27 **Combined Fund Drive Committee**

28 **Sec. 31.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read
29 as follows:

30 The director of the department of personnel is authorized to adopt
31 rules, after consultation with state agencies, institutions of higher
32 education, and employee organizations(~~(, to create a Washington state~~
33 ~~combined fund drive committee, and)) for the operation of the
34 Washington state combined fund drive.~~

1 **Sec. 32.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to
2 read as follows:

3 To operate the Washington state combined fund ((drive's powers and
4 duties include)) drive program, the director of the department of
5 personnel or his or her designee may but ((are)) is not limited to the
6 following:

7 (1) Raising money for charity, and reducing the disruption to
8 government caused by multiple fund drives;

9 (2) Establishing criteria by which a public or private nonprofit
10 organization may participate in the combined fund drive;

11 (3) Engaging in or encouraging fund-raising activities including
12 the solicitation and acceptance of charitable gifts, grants, and
13 donations from state employees, retired public employees, corporations,
14 foundations, and other individuals for the benefit of the beneficiaries
15 of the Washington state combined fund drive;

16 (4) Requesting the appointment of employees from state agencies and
17 institutions of higher education to lead and manage workplace
18 charitable giving campaigns within state government;

19 (5) Engaging in educational activities, including classes,
20 exhibits, seminars, workshops, and conferences, related to the basic
21 purpose of the combined fund drive;

22 (6) Engaging in appropriate fund-raising and advertising activities
23 for the support of the administrative duties of the Washington state
24 combined fund drive; and

25 (7) Charging an administrative fee to the beneficiaries of the
26 Washington state combined fund drive to fund the administrative duties
27 of the Washington state combined fund drive.

28 Activities of the Washington state combined fund drive shall not
29 result in direct commercial solicitation of state employees, or a
30 benefit or advantage that would violate one or more provisions of
31 chapter 42.52 RCW. This section does not authorize individual state
32 agencies to enter into contracts or partnerships unless otherwise
33 authorized by law.

34 **Sec. 33.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to
35 read as follows:

36 The ((Washington state combined fund drive committee)) department
37 of personnel may enter into contracts and partnerships with private

1 institutions, persons, firms, or corporations for the benefit of the
2 beneficiaries of the Washington state combined fund drive. Activities
3 of the Washington state combined fund drive shall not result in direct
4 commercial solicitation of state employees, or a benefit or advantage
5 that would violate one or more provisions of chapter 42.52 RCW. This
6 section does not authorize individual state agencies to enter into
7 contracts or partnerships unless otherwise authorized by law.

8 **Board of Law Enforcement Training Standards**
9 **and Board on Correctional Training Standards**

10 NEW SECTION. **Sec. 34.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 43.101.310 (Board on law enforcement training standards and
13 education--Board on correctional training standards--Created--Purpose)
14 and 1997 c 351 s 2;

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

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

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

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

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

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

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

25 **Sec. 35.** RCW 43.101.380 and 2009 c 25 s 1 are each amended to read
26 as follows:

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

33 (2) In all hearings requested under RCW 43.101.155, a five-member
34 hearings panel shall both hear the case and make the commission's final

1 administrative decision. Members of the commission (~~or the board on~~
2 ~~law enforcement training standards and education~~) may, but need not,
3 be(~~(7)~~) appointed to the hearings panels. The commission shall appoint
4 as follows two or more panels to hear appeals from certification
5 actions:

6 (a) When a hearing is requested in relation to a certification
7 action of a Washington peace officer who is not a peace officer of the
8 Washington state patrol, the commission shall appoint to the panel:

9 (i) One police chief; (ii) one sheriff; (iii) two certified Washington
10 peace officers who are at or below the level of first line supervisor,
11 one of whom is from a city or county law enforcement agency, and who
12 have at least ten years' experience as peace officers; and (iv) one
13 person who is not currently a peace officer and who represents a
14 community college or four-year college or university.

15 (b) When a hearing is requested in relation to a certification
16 action of a peace officer of the Washington state patrol, the
17 commission shall appoint to the panel: (i) Either one police chief or
18 one sheriff; (ii) one administrator of the state patrol; (iii) one

19 certified Washington peace officer who is at or below the level of
20 first line supervisor, who is not a state patrol officer, and who has
21 at least ten years' experience as a peace officer; (iv) one state
22 patrol officer who is at or below the level of first line supervisor,
23 and who has at least ten years' experience as a peace officer; and (v)
24 one person who is not currently a peace officer and who represents a
25 community college or four-year college or university.

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

36 (d) Persons appointed to hearings panels by the commission shall,
37 in relation to any certification action on which they sit, have the

1 powers, duties, and immunities, and are entitled to the emoluments,
2 including travel expenses in accordance with RCW 43.03.050 and
3 43.03.060, of regular commission members.

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

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

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

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

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

2 NEW SECTION. **Sec. 36.** RCW 43.105.055 (Advisory committees--
3 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each
4 repealed.

5 **Sec. 37.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to
6 read as follows:

7 The department shall:

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

10 (a) The review of agency information technology portfolios and
11 related requests; and

12 (b) Implementation of statewide and interagency policies,
13 standards, and guidelines;

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

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

23 (b) Mainframe computing services;

24 (c) Support for departmental and microcomputer evaluation,
25 installation, and use;

26 (d) Equipment acquisition assistance, including leasing, brokering,
27 and establishing master contracts;

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

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

33 (g) Office automation services;

34 (h) System development services; and

35 (i) Training.

36 These services are for discretionary use by customers and customers
37 may elect other alternatives for service if those alternatives are more

1 cost-effective or provide better service. Agencies may be required to
2 use the backbone network portions of the telecommunications services
3 during an initial start-up period not to exceed three years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **Early Intervention for Children who are Deaf**
26 **and have Hearing Loss--Advisory Committee**

27 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 70.198.010 (Findings) and 2004 c 47 s 1;

30 (2) RCW 70.198.020 (Advisory council--Membership) and 2009 c 381 s
31 33 & 2004 c 47 s 2.

1 **Eastern State Hospital Board and Western State Hospital Board**

2 **Sec. 39.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to
3 read as follows:

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

18 (2)(~~(a) The eastern state hospital board and the western state~~
19 ~~hospital board are each established. Members of the boards shall be~~
20 ~~appointed by the governor with the consent of the senate. Each board~~
21 ~~shall include:~~

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(c) Members shall serve four-year terms. Members of the board~~
2 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~
3 ~~and 43.03.060 and shall receive compensation as provided in RCW~~
4 ~~43.03.240.~~

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

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

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

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

10 ~~(d) Monitor and review the activities of the hospital in~~
11 ~~implementing the intent of the legislature set forth in this section;~~
12 ~~and~~

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

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

24 (i) Promote recruitment and retention of highly qualified
25 professionals at the state hospitals and community mental health
26 programs;

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

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

32 (iv) Promote bilateral understanding of treatment orientation,
33 possibilities, and challenges between state hospital professionals and
34 community mental health professionals.

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

37 (i) Enter joint operating agreements with state universities or
38 other institutions of higher education to accomplish the placement and

1 training of students and faculty in psychiatry, psychology, social
2 work, occupational therapy, nursing, and other relevant professions at
3 the state hospitals and community mental health programs;

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

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

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

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

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

20 **Fire Protection Policy Board**

21 **Sec. 40.** RCW 43.43.930 and 1995 c 369 s 14 are each amended to
22 read as follows:

23 The legislature finds that fire protection services at the state
24 level are provided by different, independent state agencies. This has
25 resulted in a lack of a comprehensive state-level focus for state fire
26 protection services, funding, and policy. The legislature further
27 finds that the paramount duty of the state in fire protection services
28 is to enhance the capacity of all local jurisdictions to assure that
29 their personnel with fire suppression, prevention, inspection, origin
30 and cause, and arson investigation responsibilities are adequately
31 trained to discharge their responsibilities. It is the intent of the
32 legislature to consolidate fire protection services into a single state
33 agency ~~((and to create a state board with the responsibility of (1)~~
34 ~~establishing a comprehensive state policy regarding fire protection~~
35 ~~services and (2) advising the chief of the Washington state patrol and~~

1 ~~the director of fire protection on matters relating to their duties~~
2 ~~under state law)).~~ It is also the intent of the legislature that the
3 fire protection services program created herein will assist local fire
4 protection agencies in program development without encroaching upon
5 their historic autonomy. It is the further intent of the legislature
6 that the fire protection services program be implemented incrementally
7 to assure a smooth transition, to build local, regional, and state
8 capacity, and to avoid undue burdens on jurisdictions with limited
9 resources.

10 **Sec. 41.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to
11 read as follows:

12 (1) Wherever the term state fire marshal appears in the Revised
13 Code of Washington or the Washington Administrative Code it shall mean
14 the director of fire protection.

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

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

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

34 (5) The director of fire protection~~((7))~~ shall implement and
35 administer, within constraints established by budgeted resources, ~~((the~~
36 ~~policies, objectives, and priorities of the board and))~~ all duties of
37 the chief of the Washington state patrol that are to be carried out

1 through the director of fire protection. Such administration shall
2 include negotiation of agreements with the state board for community
3 and technical colleges, the higher education coordinating board, and
4 the state colleges and universities as provided in RCW ((43.63A.320))
5 43.43.934. Programs covered by such agreements shall include, but not
6 be limited to, planning curricula, developing and delivering
7 instructional programs and materials, and using existing instructional
8 personnel and facilities. Where appropriate, such contracts shall also
9 include planning and conducting instructional programs at the state
10 fire service training center.

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

14 **Sec. 42.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read
15 as follows:

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

33 It is the responsibility of the chief to mobilize jurisdictions
34 under the Washington state fire services mobilization plan. The state
35 fire marshal shall serve as the state fire resources coordinator when
36 the Washington state fire services mobilization plan is mobilized.

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

3 (1) RCW 43.43.932 (State fire protection policy board--Created--
4 Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and

5 (2) RCW 43.43.936 (State fire protection policy board--Advisory
6 duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

7 **Sec. 44.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read
8 as follows:

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

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

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

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

1 Industrial fire departments and private fire investigators may
2 participate in training and education programs under this chapter for
3 a reasonable fee established by rule;

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

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

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

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

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

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

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

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

37 ~~(e) Recommend to the adjutant general rules on minimum information~~

1 ~~requirements of automatic location identification for the purposes of~~
2 ~~enhanced 911 emergency service;~~

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

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

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

11 ~~((i))~~ (c) Implement any legislation enacted by the legislature to
12 meet the requirements of any acts of congress that apply to this
13 section.

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

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

30 **Sec. 45.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
31 as follows:

32 The enhanced 911 advisory committee is created to advise and assist
33 the state enhanced 911 coordinator in coordinating and facilitating the
34 implementation and operation of enhanced 911 throughout the state. The
35 director shall appoint members of the committee who represent diverse
36 geographical areas of the state and include state residents who are
37 members of the national emergency number association, the associated

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

16 **Sec. 46.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read
17 as follows:

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

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

36 (3) The department shall consult with the (~~state fire protection~~
37 ~~policy board,~~) Washington state association of fire chiefs and may

1 establish any additional policies and procedures for municipal fire
2 department and fire district personnel who clean up sites after fires
3 which have rendered it likely that asbestos has been or will be
4 disturbed or released into the air.

5 **Hazardous Substance Mixed Waste Advisory Board**

6 NEW SECTION. **Sec. 47.** RCW 70.105E.090 (Advisory board--Public
7 involvement--Funding) and 2005 c 1 s 9 are each repealed.

8 **Health and Welfare Advisory Board**
9 **and Property and Liability Advisory Board**

10 NEW SECTION. **Sec. 48.** The following acts or parts of acts are
11 each repealed:

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

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

16 **Sec. 49.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to
17 read as follows:

18 The state risk manager(~~(, in consultation with the property and~~
19 ~~liability advisory board,)) shall adopt rules governing the management
20 and operation of both individual and joint local government self-
21 insurance programs covering property or liability risks. The state
22 risk manager shall also adopt rules governing the management and
23 operation of both individual and joint local government self-insured
24 health and welfare benefits programs (~~(in consultation with the health~~
25 ~~and welfare benefits advisory board)). All rules shall be appropriate
26 for the type of program and class of risk covered. The state risk
27 manager's rules shall include:~~~~

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

31 (2) Standards for claims management procedures; and

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

4 **Sec. 50.** RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended
5 to read as follows:

6 (1) The state risk manager shall establish and charge an
7 investigation fee in an amount necessary to cover the costs for the
8 initial review and approval of a self-insurance program. The fee must
9 accompany the initial submission of the plan of operation and
10 management.

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

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

24 **Health Information Infrastructure Advisory Board**

25 **Sec. 51.** RCW 41.05.035 and 2007 c 259 s 10 are each amended to
26 read as follows:

27 (1) The administrator shall design and pilot a consumer-centric
28 health information infrastructure and the first health record banks
29 that will facilitate the secure exchange of health information when and
30 where needed and shall:

31 (a) Complete the plan of initial implementation, including but not
32 limited to determining the technical infrastructure for health record
33 banks and the account locator service, setting criteria and standards

1 for health record banks, and determining oversight of health record
2 banks;

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

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

8 (d) Promote adoption of electronic medical records and health
9 information exchange through continuation of the Washington health
10 information collaborative, and by working with private payors and other
11 organizations in restructuring reimbursement to provide incentives for
12 providers to adopt electronic medical records in their practices.

13 ~~(2) ((The administrator may establish an advisory board, a
14 stakeholder committee, and subcommittees to assist in carrying out the
15 duties under this section. The administrator may reappoint health
16 information infrastructure advisory board members to assure continuity
17 and shall appoint any additional representatives that may be required
18 for their expertise and experience.~~

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

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

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

28 ~~(i) Shall agree to the terms and conditions imposed by the
29 administrator regarding conflicts of interest as a condition of
30 appointment;~~

31 ~~(ii) Are immune from civil liability for any official acts
32 performed in good faith as members of the board, stakeholder committee,
33 or any advisory group.~~

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

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

4 ~~((5))~~) (3) The administrator may enter into contracts to issue,
5 distribute, and administer grants that are necessary or proper to carry
6 out this section.

7 **Higher Education Coordinating Board Advisory Council**

8 NEW SECTION. **Sec. 52.** RCW 28B.76.100 (Advisory council) and 2007
9 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

10 **Sec. 53.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to
11 read as follows:

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

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

32 (3) Specific protocols shall be developed by the board ~~((and the~~
33 ~~advisory group))~~ to protect the privacy of individual student records

1 while ensuring the availability of student data for legitimate research
2 purposes.

3 Home Inspector Advisory Licensing Board

4 **Sec. 54.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to
5 read as follows:

6 The director has the following authority in administering this
7 chapter:

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

10 (2) To call meetings of the board. However, the director may not
11 call more than four meetings of the board per year;

12 (3) To administer licensing examinations approved by the board and
13 to adopt or recognize examinations prepared by other entities as
14 approved by the board;

15 ~~((+3))~~ (4) To adopt standards of professional conduct, practice,
16 and ethics as approved by the board; and

17 ~~((+4))~~ (5) To adopt fees as provided in RCW 43.24.086.

18 **Sec. 55.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to
19 read as follows:

20 The board has the following authority in administering this
21 chapter:

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

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

27 (3) To approve the method of administration of examinations
28 required by this chapter or by rule as established by the director;

29 (4) To approve the content of or recognition of examinations
30 prepared by other entities for adoption by the director;

31 (5) To set the time and place of examinations with the approval of
32 the director; and

33 (6) To establish and review standards of professional conduct,

1 practice, and ethics for adoption by the director. These standards
2 must address what constitutes certain fire and safety hazards as used
3 in RCW 18.280.030.

4 **Industry Cluster Advisory Committee**

5 **Sec. 56.** RCW 43.330.090 and 2009 c 151 s 1 are each amended to
6 read as follows:

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

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

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

32 (b) The department may, in carrying out its efforts to encourage
33 film and video production in the state, solicit and receive gifts,
34 grants, funds, fees, and endowments, in trust or otherwise, from
35 tribal, local, or other governmental entities, as well as private

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

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

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

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

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

22 (i) The (~~(industry cluster advisory committee)~~) department shall
23 (~~(recommend)~~) seek recommendations on criteria for evaluating
24 applications for grant funds and recommend applicants for receipt of
25 grant funds. Criteria shall include not duplicating the purpose or
26 efforts of industry skill panels.

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) Eligible activities include the formation of cluster economic
36 development partnerships, research and analysis of economic development
37 needs of the cluster, the development of a plan to meet the economic
38 development needs of the cluster, and activities to implement the plan.

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

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

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

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

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

13 **Integrated Justice Information Board**

14 NEW SECTION. **Sec. 57.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c
17 104 s 1;

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

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

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

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

26 **K-20 Educational Network Board**

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

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

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

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

3 **Sec. 59.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and
4 2009 c 486 s 14 are each reenacted and amended to read as follows:

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

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

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

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

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

20 (5) "Committee" means the state interoperability executive
21 committee.

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

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

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

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

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

36 (11) "Educational sectors" means those institutions of higher

1 education, school districts, and educational service districts that use
2 the network for distance education, data transmission, and other uses
3 permitted by the K-20 board.

4 (12) "Equipment" means the machines, devices, and transmission
5 facilities used in information processing, such as computers, word
6 processors, terminals, telephones, wireless communications system
7 facilities, cables, and any physical facility necessary for the
8 operation of such equipment.

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

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

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

16 (16) "Information services" means data processing,
17 telecommunications, office automation, and computerized information
18 systems.

19 (17) "Information technology portfolio" or "portfolio" means a
20 strategic management process documenting relationships between agency
21 missions and information technology and telecommunications investments.

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

24 ~~(+19))~~ (19) "K-20 network" means the network established in RCW
25 43.105.820.

26 ~~((+20) "K-20 network technical steering committee" or "committee"
27 means the K-20 network technical steering committee created in RCW
28 43.105.810.~~

29 ~~(+21))~~ (19) "Local governments" includes all municipal and quasi
30 municipal corporations and political subdivisions, and all agencies of
31 such corporations and subdivisions authorized to contract separately.

32 ~~((+22))~~ (20) "Oversight" means a process of comprehensive risk
33 analysis and management designed to ensure optimum use of information
34 technology resources and telecommunications.

35 ~~((+23))~~ (21) "Proprietary software" means that software offered
36 for sale or license.

37 ~~((+24))~~ (22) "Purchased services" means services provided by a
38 vendor to accomplish routine, continuing, and necessary functions.

1 This term includes, but is not limited to, services acquired for
2 equipment maintenance and repair, operation of a physical plant,
3 security, computer hardware and software installation and maintenance,
4 telecommunications installation and maintenance, data entry, keypunch
5 services, programming services, and computer time-sharing.

6 ~~((+25))~~ (23) "Small business" has the definition in RCW 39.29.006.

7 ~~((+26))~~ (24) "Telecommunications" means the transmission of
8 information by wire, radio, optical cable, electromagnetic, or other
9 means.

10 ~~((+27))~~ (25) "Video telecommunications" means the electronic
11 interconnection of two or more sites for the purpose of transmitting
12 and/or receiving visual and associated audio information. Video
13 telecommunications shall not include existing public television
14 broadcast stations as currently designated by the department of
15 commerce under chapter 43.330 RCW.

16 **Sec. 60.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to
17 read as follows:

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

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

24 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
25 maintain equipment, proprietary software, and purchased services, or to
26 delegate to other agencies and institutions of state government, under
27 appropriate standards, the authority to purchase, lease, rent, or
28 otherwise acquire, dispose of, and maintain equipment, proprietary
29 software, and purchased services: PROVIDED, That, agencies and
30 institutions of state government are expressly prohibited from
31 acquiring or disposing of equipment, proprietary software, and
32 purchased services without such delegation of authority. The
33 acquisition and disposition of equipment, proprietary software, and
34 purchased services is exempt from RCW 43.19.1919 and, as provided in
35 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,
36 except that the board, the department, and state agencies, as

1 delegated, must post notices of technology procurement bids on the
2 state's common vendor registration and bid notification system. This
3 subsection (1)(b) does not apply to the legislative branch;

4 (c) To develop statewide or interagency technical policies,
5 standards, and procedures;

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

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

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

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

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

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

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

29 (ii) Training and education; and

30 (iii) Project management;

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

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

36 (j) To develop procurement policies and procedures, such as
37 unbundled contracting and subcontracting, that encourage and facilitate
38 the purchase of products and services by state agencies and

1 institutions from Washington small businesses to the maximum extent
2 practicable and consistent with international trade agreement
3 commitments.

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

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

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

15 In developing these standards, the board is encouraged to include
16 the state library, state archives, and appropriate representatives of
17 state and local government.

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

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

31 **Sec. 61.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to
32 read as follows:

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

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

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

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

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

24 (5) To adopt and monitor the implementation of a methodology to
25 evaluate the effectiveness of the network in achieving the educational
26 goals and measurable objectives;

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

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

1 **Sec. 62.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to
2 read as follows:

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

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

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

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

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

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

1 **McNeil Island Secure Community Transition**
2 **Facility Operational Advisory Board**

3 NEW SECTION. **Sec. 63.** RCW 71.09.320 (Transition facilities--
4 Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each
5 repealed.

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

7 NEW SECTION. **Sec. 64.** The following acts or parts of acts are
8 each repealed:

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

11 **Sec. 65.** RCW 18.210.010 and 1999 c 263 s 2 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) ("Advisory committee" means a group of individuals with broad
16 knowledge and experience in the design, construction, and regulation of
17 on-site wastewater treatment systems, appointed under this chapter to
18 offer recommendations to the board and the director on the
19 administration of the program established under this chapter.~~

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

22 ~~((3))~~ (2) "Designer," "licensee," or "permit holder" means an
23 individual authorized under this chapter to perform design services for
24 on-site wastewater treatment systems.

25 ~~((4))~~ (3) "Director" means the director of the Washington state
26 department of licensing.

27 ~~((5))~~ (4) "Engineer" means a professional engineer licensed under
28 chapter 18.43 RCW.

29 ~~((6))~~ (5) "Practice of engineering" has the meaning set forth in
30 RCW 18.43.020(5).

31 ~~((7))~~ (6) "On-site wastewater treatment system" means an
32 integrated system of components that: Convey, store, treat, and/or
33 provide subsurface soil treatment and disposal of wastewater effluent
34 on the property where it originates or on adjacent or other property

1 and includes piping, treatment devices, other accessories, and soil
2 underlying the disposal component of the initial and reserve areas, for
3 on-site wastewater treatment under three thousand five hundred gallons
4 per day when not connected to a public sewer system.

5 ((+8)) (7) "On-site wastewater design" means the development of
6 plans, details, specifications, instructions, or inspections by
7 application of specialized knowledge in analysis of soils, on-site
8 wastewater treatment systems, disposal methods, and technologies to
9 create an integrated system of collection, transport, distribution,
10 treatment, and disposal of on-site wastewater.

11 ((+9)) (8) "Local health jurisdiction" or "jurisdictional health
12 department" means an administrative agency created under chapter 70.05,
13 70.08, or 70.46 RCW, that administers the regulation and codes
14 regarding on-site wastewater treatment systems.

15 ((+10)) (9) "Practice permit" means an authorization to practice
16 granted to an individual who designs on-site wastewater treatment
17 systems and who has been authorized by a local health jurisdiction to
18 practice on or before July 1, 2000.

19 ((+11)) (10) "License" means a license to design on-site
20 wastewater treatment systems under this chapter.

21 ((+12)) (11) "Certificate of competency" means a certificate
22 issued to employees of local health jurisdictions indicating that the
23 certificate holder has passed the licensing examination required under
24 this chapter.

25 **Sec. 66.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to
26 read as follows:

27 The director may:
28 (1) ~~((Appoint and reappoint members to the advisory committee,~~
29 ~~including temporary additional members, and remove committee members~~
30 ~~for just cause;~~

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

33 ((+3)) (2) Establish fees for applications, examinations, and
34 renewals in accordance with chapter 43.24 RCW;

35 ((+4)) (3) Issue practice permits and licenses to applicants who
36 meet the requirements of this chapter; and

1 ~~((+5))~~ (4) Exercise rule-making authority to implement this
2 section.

3 **Sec. 67.** RCW 18.210.060 and 2002 c 86 s 258 are each amended to
4 read as follows:

5 ~~((+1))~~ The board may:

6 ~~((+a))~~ (1) Adopt rules to implement this chapter including, but
7 not limited to, evaluation of experience, examinations, and scope and
8 standards of practice;

9 ~~((+b))~~ (2) Administer licensing examinations; and

10 ~~((+c))~~ (3) Review and approve or deny initial and renewal license
11 applications.

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

14 **On-site Sewage Disposal Systems Alternative Systems**
15 **Technical Review Committee**

16 NEW SECTION. **Sec. 68.** RCW 70.118.100 (Alternative systems--
17 Technical review committee) and 1997 c 447 s 3 are each repealed.

18 **Sec. 69.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to
19 read as follows:

20 In order to assure that technical guidelines and standards keep
21 pace with advancing technologies, the department of health in
22 collaboration with ~~((the technical review committee,))~~ local health
23 departments~~((,))~~ and other interested parties, must review and update
24 as appropriate, the state guidelines and standards for alternative on-
25 site sewage disposal every three years. The first review and update
26 must be completed by January 1, 1999.

27 **Orthotic and Prosthetics Advisory Committee**

28 NEW SECTION. **Sec. 70.** RCW 18.200.060 (Advisory committee--
29 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

1 **Sec. 71.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) (~~"Advisory committee" means the orthotics and prosthetics~~
6 ~~advisory committee.~~

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

8 ~~((3))~~ (2) "Secretary" means the secretary of health or the
9 secretary's designee.

10 ~~((4))~~ (3) "Orthotics" means the science and practice of
11 evaluating, measuring, designing, fabricating, assembling, fitting,
12 adjusting, or servicing, as well as providing the initial training
13 necessary to accomplish the fitting of, an orthosis for the support,
14 correction, or alleviation of neuromuscular or musculoskeletal
15 dysfunction, disease, injury, or deformity. The practice of orthotics
16 encompasses evaluation, treatment, and consultation. With basic
17 observational gait and postural analysis, orthotists assess and design
18 orthoses to maximize function and provide not only the support but the
19 alignment necessary to either prevent or correct deformity or to
20 improve the safety and efficiency of mobility or locomotion, or both.
21 Orthotic practice includes providing continuing patient care in order
22 to assess its effect on the patient's tissues and to assure proper fit
23 and function of the orthotic device by periodic evaluation.

24 ~~((5))~~ (4) "Orthotist" means a person licensed to practice
25 orthotics under this chapter.

26 ~~((6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace
27 or support that is designed for long-term use. Except for the
28 treatment of scoliosis, orthosis does not include prefabricated or
29 direct-formed orthotic devices, as defined in this section, or any of
30 the following assistive technology devices: Commercially available
31 knee orthoses used following injury or surgery; spastic muscle tone-
32 inhibiting orthoses; upper extremity adaptive equipment; finger
33 splints; hand splints; custom-made, leather wrist gauntlets; face masks
34 used following burns; wheelchair seating that is an integral part of
35 the wheelchair and not worn by the patient independent of the
36 wheelchair; fabric or elastic supports; corsets; arch supports, also
37 known as foot orthotics; low-temperature formed plastic splints;
38 trusses; elastic hose; canes; crutches; cervical collars; dental

1 appliances; and other similar devices as determined by the secretary,
2 such as those commonly carried in stock by a pharmacy, department
3 store, corset shop, or surgical supply facility. Prefabricated
4 orthoses, also known as custom-fitted, or off-the-shelf, are devices
5 that are manufactured as commercially available stock items for no
6 specific patient. Direct-formed orthoses are devices formed or shaped
7 during the molding process directly on the patient's body or body
8 segment. Custom-fabricated orthoses, also known as custom-made
9 orthoses, are devices designed and fabricated, in turn, from raw
10 materials for a specific patient and require the generation of an
11 image, form, or mold that replicates the patient's body or body segment
12 and, in turn, involves the rectification of dimensions, contours, and
13 volumes to achieve proper fit, comfort, and function for that specific
14 patient.

15 ((+7)) (6) "Prosthetics" means the science and practice of
16 evaluating, measuring, designing, fabricating, assembling, fitting,
17 aligning, adjusting, or servicing, as well as providing the initial
18 training necessary to accomplish the fitting of, a prosthesis through
19 the replacement of external parts of a human body lost due to
20 amputation or congenital deformities or absences. The practice of
21 prosthetics also includes the generation of an image, form, or mold
22 that replicates the patient's body or body segment and that requires
23 rectification of dimensions, contours, and volumes for use in the
24 design and fabrication of a socket to accept a residual anatomic limb
25 to, in turn, create an artificial appendage that is designed either to
26 support body weight or to improve or restore function or cosmesis, or
27 both. Involved in the practice of prosthetics is observational gait
28 analysis and clinical assessment of the requirements necessary to
29 refine and mechanically fix the relative position of various parts of
30 the prosthesis to maximize the function, stability, and safety of the
31 patient. The practice of prosthetics includes providing continuing
32 patient care in order to assess the prosthetic device's effect on the
33 patient's tissues and to assure proper fit and function of the
34 prosthetic device by periodic evaluation.

35 ((+8)) (7) "Prosthetist" means a person who is licensed to
36 practice prosthetics under this chapter.

37 ((+9)) (8) "Prosthesis" means a definitive artificial limb that is
38 alignable or articulated, or, in lower extremity applications, capable

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

14 ~~((+10))~~ (9) "Authorized health care practitioner" means licensed
15 physicians, physician's assistants, osteopathic physicians,
16 chiropractors, naturopaths, podiatric physicians and surgeons,
17 dentists, and advanced registered nurse practitioners.

18 **Sec. 72.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
19 read as follows:

20 In addition to other authority provided by law, the secretary has
21 the authority to:

22 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
23 chapter;

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

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

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

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

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

7 (7) Utilize or contract with individuals or organizations having
8 expertise in the profession or in education to assist in the
9 evaluations;

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

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

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

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

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

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

24 (14) Maintain the official department records of all applicants and
25 licensees;

26 (15) Establish by rule the procedures for an appeal of an
27 examination failure;

28 (16) Establish requirements and procedures for an inactive license;
29 and

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

33 **Sec. 73.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
34 read as follows:

35 (1) An applicant must file a written application on forms provided
36 by the department showing to the satisfaction of the secretary(~~(, in~~

1 ~~consultation with the advisory committee,~~) that the applicant meets
2 the following requirements:

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

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

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

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

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

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

33 (5) The secretary may waive some of the education, examination, or
34 experience requirements of this section if the secretary determines
35 that the applicant meets alternative standards, established by the
36 secretary through rule, that are substantially equivalent to the
37 requirements in subsections (1) and (2) of this section.

1 **Regional Fisheries Enhancement Group Advisory Board**

2 NEW SECTION. **Sec. 74.** The following acts or parts of acts are
3 each repealed:

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

6 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory
7 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &
8 1995 c 367 s 6.

9 **Sec. 75.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to
10 read as follows:

11 The department may provide start-up funds to regional fisheries
12 enhancement groups for costs associated with any enhancement project.
13 The ~~((regional fisheries enhancement group advisory board and the))~~
14 commission shall develop guidelines for providing funds to the regional
15 fisheries enhancement groups.

16 **Sec. 76.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to read
17 as follows:

18 To maximize available state resources, the department and the
19 department of transportation shall work in partnership ~~((with the
20 regional fisheries enhancement group advisory board))~~ to identify
21 cooperative projects to eliminate fish passage barriers caused by state
22 roads and highways. ~~((The advisory board may provide input to the
23 department to aid in identifying priority barrier removal projects that
24 can be accomplished with the assistance of regional fisheries
25 enhancement groups.))~~ The department of transportation shall provide
26 engineering and other technical services to assist regional fisheries
27 enhancement groups with fish passage barrier removal projects, provided
28 that the barrier removal projects have been identified as a priority by
29 the department of fish and wildlife and the department of
30 transportation has received an appropriation to continue the fish
31 barrier removal program.

32 **Sec. 77.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to
33 read as follows:

34 The department shall ~~((coordinate with the regional fisheries
35 enhancement group advisory board to))~~ field test coho and chinook

1 salmon remote site incubators. The purpose of field testing efforts
2 shall be to gather conclusive scientific data on the effectiveness of
3 coho and chinook remote site incubators.

4 **Revenue-Simplified Sales and Use Tax Admin Advisory Group**

5 **Sec. 78.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to read
6 as follows:

7 ((1)) For the purposes of reviewing or amending the agreement
8 embodying the simplification requirements in RCW 82.58.050, the state
9 shall enter into multistate discussions. For purposes of these
10 discussions, the state shall be represented by the department. The
11 governor may appoint up to four persons to consult with the department
12 at these discussions. The persons advising the department shall not be
13 compensated and are not entitled to payment of travel expenses by the
14 state.

15 ~~((2) The department shall regularly consult with an advisory group
16 composed of one member from each of the two largest caucuses of the
17 senate, appointed by the majority and minority leaders of the senate;
18 one member from each of the two largest caucuses of the house of
19 representatives, appointed by the speaker and minority leader of the
20 house of representatives; representatives of retailers, including those
21 selling via mail, telephone, and the internet; representatives of large
22 and small businesses; and representatives of counties and cities. The
23 department shall use its best efforts to consult with the advisory
24 group before any multistate discussions in which it is anticipated that
25 amendments may be proposed to the agreement embodying the
26 simplification requirements in RCW 82.58.050.))~~

27 **State Solid Waste Advisory Committee**

28 NEW SECTION. **Sec. 79.** The following acts or parts of acts are
29 each repealed:

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

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

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

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

8 **Sec. 80.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to read
9 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **Sec. 81.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to
37 read as follows:

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

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

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

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

31 **Sec. 82.** RCW 70.105.010 and 2009 c 549 s 1027 are each amended to
32 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 83.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to
2 read as follows:

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

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

23 **Water Supply Advisory Committee**

24 NEW SECTION. **Sec. 84.** RCW 70.119A.160 (Water supply advisory
25 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

26 **Sec. 85.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each
27 amended to read as follows:

28 (1) It is the intent of the legislature that the department
29 establish water use efficiency requirements designed to ensure
30 efficient use of water while maintaining water system financial
31 viability, improving affordability of supplies, and enhancing system
32 reliability.

33 (2) The requirements of this section shall apply to all municipal

1 water suppliers and shall be tailored to be appropriate to system size,
2 forecasted system demand, and system supply characteristics.

3 (3) For the purposes of this section:

4 (a) Water use efficiency includes conservation planning
5 requirements, water distribution system leakage standards, and water
6 conservation performance reporting requirements; and

7 (b) "Municipal water supplier" and "municipal water supply
8 purposes" have the meanings provided by RCW 90.03.015.

9 (4) To accomplish the purposes of this section, the department
10 shall adopt rules necessary to implement this section by December 31,
11 2005. The department shall:

12 (a) Develop conservation planning requirements that ensure
13 municipal water suppliers are: (i) Implementing programs to integrate
14 conservation with water system operation and management; and (ii)
15 identifying how to appropriately fund and implement conservation
16 activities. Requirements shall apply to the conservation element of
17 water system plans and small water system management programs developed
18 pursuant to chapter 43.20 RCW. In establishing the conservation
19 planning requirements the department shall review the current
20 department conservation planning guidelines and include those elements
21 that are appropriate for rule. Conservation planning requirements
22 shall include but not be limited to:

23 (A) Selection of cost-effective measures to achieve a system's
24 water conservation objectives. Requirements shall allow the municipal
25 water supplier to select and schedule implementation of the best
26 methods for achieving its conservation objectives;

27 (B) Evaluation of the feasibility of adopting and implementing
28 water delivery rate structures that encourage water conservation;

29 (C) Evaluation of each system's water distribution system leakage
30 and, if necessary, identification of steps necessary for achieving
31 water distribution system leakage standards developed under (b) of this
32 subsection;

33 (D) Collection and reporting of water consumption and source
34 production and/or water purchase data. Data collection and reporting
35 requirements shall be sufficient to identify water use patterns among
36 utility customer classes, where applicable, and evaluate the
37 effectiveness of each system's conservation program. Requirements,

1 including reporting frequency, shall be appropriate to system size and
2 complexity. Reports shall be available to the public; and

3 (E) Establishment of minimum requirements for water demand forecast
4 methodologies such that demand forecasts prepared by municipal water
5 suppliers are sufficient for use in determining reasonably anticipated
6 future water needs;

7 (b) Develop water distribution system leakage standards to ensure
8 that municipal water suppliers are taking appropriate steps to reduce
9 water system leakage rates or are maintaining their water distribution
10 systems in a condition that results in leakage rates in compliance with
11 the standards. Limits shall be developed in terms of percentage of
12 total water produced and/or purchased and shall not be lower than ten
13 percent. The department may consider alternatives to the percentage of
14 total water supplied where alternatives provide a better evaluation of
15 the water system's leakage performance. The department shall institute
16 a graduated system of requirements based on levels of water system
17 leakage. A municipal water supplier shall select one or more control
18 methods appropriate for addressing leakage in its water system;

19 (c) Establish minimum requirements for water conservation
20 performance reporting to assure that municipal water suppliers are
21 regularly evaluating and reporting their water conservation
22 performance. The objective of setting conservation goals is to enhance
23 the efficient use of water by the water system customers. Performance
24 reporting shall include:

25 (i) Requirements that municipal water suppliers adopt and achieve
26 water conservation goals. The elected governing board or governing
27 body of the water system shall set water conservation goals for the
28 system. In setting water conservation goals the water supplier may
29 consider historic conservation performance and conservation investment,
30 customer base demographics, regional climate variations, forecasted
31 demand and system supply characteristics, system financial viability,
32 system reliability, and affordability of water rates. Conservation
33 goals shall be established by the municipal water supplier in an open
34 public forum;

35 (ii) Requirements that the municipal water supplier adopt schedules
36 for implementing conservation program elements and achieving
37 conservation goals to ensure that progress is being made toward adopted
38 conservation goals;

1 (iii) A reporting system for regular reviews of conservation
2 performance against adopted goals. Performance reports shall be
3 available to customers and the public. Requirements, including
4 reporting frequency, shall be appropriate to system size and
5 complexity;

6 (iv) Requirements that any system not meeting its water
7 conservation goals shall develop a plan for modifying its conservation
8 program to achieve its goals along with procedures for reporting
9 performance to the department;

10 (v) If a municipal water supplier determines that further
11 reductions in consumption are not reasonably achievable, it shall
12 identify how current consumption levels will be maintained;

13 (d) Adopt rules that, to the maximum extent practical, utilize
14 existing mechanisms and simplified procedures in order to minimize the
15 cost and complexity of implementation and to avoid placing unreasonable
16 financial burden on smaller municipal systems.

17 ~~(5) ((The department shall establish an advisory committee to
18 assist the department in developing rules for water use efficiency.
19 The advisory committee shall include representatives from public water
20 system customers, environmental interest groups, business interest
21 groups, a representative cross section of municipal water suppliers, a
22 water utility conservation professional, tribal governments, the
23 department of ecology, and any other members determined necessary by
24 the department. The department may use the water supply advisory
25 committee created pursuant to RCW 70.119A.160 augmented with additional
26 participants as necessary to comply with this subsection to assist the
27 department in developing rules.~~

28 ~~(6))~~ The department shall provide technical assistance upon
29 request to municipal water suppliers and local governments regarding
30 water conservation, which may include development of best management
31 practices for water conservation programs, conservation landscape
32 ordinances, conservation rate structures for public water systems, and
33 general public education programs on water conservation.

34 ~~((7))~~ (6) To ensure compliance with this section, the department
35 shall establish a compliance process that incorporates a graduated
36 approach employing the full range of compliance mechanisms available to
37 the department.

1 ((+8)) (7) Prior to completion of rule making required in
2 subsection (4) of this section, municipal water suppliers shall
3 continue to meet the existing conservation requirements of the
4 department and shall continue to implement their current water
5 conservation programs.

6 **Sec. 86.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read
7 as follows:

8 (1) The joint legislative committee on water supply during drought
9 shall convene from time to time at the call of the chair when a drought
10 conditions order under RCW 43.83B.405 is in effect, or when the chair
11 determines, in consultation with the department of ecology, that it is
12 likely that such an order will be issued within the next year.

13 (2) The committee may request and review information relating to
14 water supply conditions in the state, and economic, environmental, and
15 other impacts relating to decreased water supply being experienced or
16 anticipated. The governor's executive water emergency committee, the
17 department of ecology, (~~the water supply advisory committee,~~) and
18 other state agencies with water management or related responsibilities
19 shall cooperate in responding to requests from the committee.

20 (3) During drought conditions in which an order issued under RCW
21 43.83B.405 is in effect, the department of ecology shall provide to the
22 committee no less than monthly a report describing drought response
23 activities of the department and other state and federal agencies
24 participating on the water supply availability committee. The report
25 shall include information regarding applications for, and approvals and
26 denials of emergency water withdrawals and temporary changes or
27 transfers of, water rights under RCW 43.83B.410.

28 (4) The committee from time to time shall make recommendations to
29 the senate and house of representatives on budgetary and legislative
30 actions that will improve the state's drought response programs and
31 planning.

32 **Well Drilling Technical Advisory Group**

33 NEW SECTION. **Sec. 87.** RCW 18.104.190 (Technical advisory group)
34 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

1 **Sec. 88.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to
2 read as follows:

3 The department shall have the power:

4 (1) To issue, deny, suspend or revoke licenses pursuant to the
5 provisions of this chapter;

6 (2) At all reasonable times, to enter upon lands for the purpose of
7 inspecting, taking measurements from, or tagging any well, constructed
8 or being constructed;

9 (3) To call upon or receive professional or technical advice from
10 the department of health(~~(, the technical advisory group created in RCW~~
11 ~~18.104.190,)) or any other public agency or person;~~

12 (4) To adopt rules, in consultation with the department of health
13 (~~(and the technical advisory group created in RCW 18.104.190, governing~~
14 ~~licensing and well construction)), as may be appropriate to carry out
15 the purposes of this chapter. The rules adopted by the department may
16 include, but are not limited to:~~

17 (a) Standards for the construction and maintenance of wells and
18 their casings;

19 (b) Methods of capping, sealing, and decommissioning wells to
20 prevent contamination of groundwater resources and to protect public
21 health and safety;

22 (c) Methods of artificial recharge of groundwater bodies and of
23 construction of wells which insure separation of individual water
24 bearing formations;

25 (d) The manner of conducting and the content of examinations
26 required to be taken by applicants for license hereunder;

27 (e) Requirements for the filing of notices of intent, well reports,
28 and the payment of fees;

29 (f) Reporting requirements of well contractors;

30 (g) Limitations on well construction in areas identified by the
31 department as requiring intensive control of withdrawals in the
32 interests of sound management of the groundwater resource;

33 (5) To require the operator in the construction of a well and the
34 property owner in the maintenance of a well to guard against waste and
35 contamination of the groundwater resources;

36 (6) To require the operator to place a well identification tag on
37 a new well and on an existing well on which work is performed after the

1 effective date of rules requiring well identification tags and to place
2 or require the owner to place a well identification tag on an existing
3 well;

4 (7) To require the well owner to repair or decommission any well:

5 (a) That is abandoned, unusable, or not intended for future use; or

6 (b) That is an environmental, safety, or public health hazard.

7 **Sec. 89.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to read
8 as follows:

9 (1) If requested in writing by the governing body of a local health
10 district or county, the department by memorandum of agreement may
11 delegate to the governing body the authority to administer and enforce
12 the well tagging, sealing, and decommissioning portions of the water
13 well construction program.

14 (2) The department shall determine whether a local health district
15 or county that seeks delegation under this section has the resources,
16 capability, and expertise, including qualified field inspectors, to
17 administer the delegated program. If the department determines the
18 local government has these resources, it shall notify well contractors
19 and operators of the proposal. The department shall accept written
20 comments on the proposal for sixty days after the notice is mailed.

21 (3) If the department determines that a delegation of authority to
22 a local health district or county to administer and enforce the well
23 sealing and decommissioning portions of the water well construction
24 program will enhance the public health and safety and the environment,
25 the department and the local governing body may enter into a memorandum
26 of agreement setting forth the specific authorities delegated by the
27 department to the local governing body. The memorandum of agreement
28 must be, at a minimum, reviewed annually. The department(~~(, in~~
29 ~~consultation with the technical advisory group, created under RCW~~
30 ~~18.104.190,)) shall adopt rules outlining the annual review and
31 reporting process. A detailed summary of the review must be made
32 available to well contractors and operators upon request and be
33 published on the department's web site.~~

34 (4) With regard to the portions of the water well construction
35 program delegated under this section, the local governing agency shall
36 exercise only the authority delegated to it under this section. If,
37 after a public hearing, the department determines that a local

1 governing body is not administering the program in accordance with this
2 chapter, it shall notify the local governing body of the deficiencies.
3 If corrective action is not taken within a reasonable time, not to
4 exceed sixty days, the department by order shall withdraw the
5 delegation of authority.

6 (5) The department shall promptly furnish the local governing body
7 with a copy of each water well report and notification of start cards
8 received in the area covered by a delegated program.

9 (6) The department and the local governing body shall coordinate to
10 reduce duplication of effort and shall share all appropriate
11 information including technical reports, violations, and well reports.

12 (7) Any person aggrieved by a decision of a local health district
13 or county under a delegated program may appeal the decision to the
14 department. The department's decision is subject to review by the
15 pollution control hearings board as provided in RCW 43.21B.110.

16 (8) The department shall not delegate the authority to license well
17 contractors, renew licenses, receive notices of intent to commence
18 constructing a well, receive well reports, or collect state fees
19 provided for in this chapter.

20 **Sec. 90.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to
21 read as follows:

22 The department by rule shall adopt procedures to permit a well
23 operator to modify construction standards to meet unforeseen
24 circumstances encountered during the construction of a well. ((The
25 procedures shall be developed in consultation with the technical
26 advisory group established in RCW 18.104.190.))

27 **Sec. 91.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to read
28 as follows:

29 (1) Licenses issued pursuant to this chapter shall be renewed every
30 two years. A license shall be renewed upon payment of a renewal fee
31 and completion of continuing education requirements and receipt of a
32 completed license renewal application. If a licensee fails to submit
33 an application for renewal, the renewal fee, and proof of completion of
34 the required continuing education, the license shall be suspended at
35 the end of its effective term. The licensee is not allowed to perform
36 work authorized by their license during the time that it is suspended.

1 The licensee is allowed thirty days to submit an application for
2 renewal, the renewal fee, and proof of completion of the required
3 continuing education for the renewal period. Continuing education
4 obtained during the thirty-day suspension period may be applied only to
5 the next renewal period. If a licensee fails to submit an application
6 for renewal, the renewal fee, and proof of completion of the required
7 continuing education by the end of the thirty-day suspension period,
8 the license expires. The department shall adopt rules(~~(, in~~
9 ~~consultation with the technical advisory group created under RCW~~
10 ~~18.104.190,)~~) that allow for an extension of the thirty-day suspension
11 period for certain situations that are beyond the control of the
12 licensee. The rules must also allow for a retirement or inactive
13 license.

14 (2) A person whose license has expired must apply for a new license
15 as provided in this chapter. The department may waive the requirement
16 for a written examination and on-site testing for a person whose
17 license has expired.

18 (3) The department may refuse to renew a license if the licensee
19 has not complied with an order issued by the department or has not paid
20 a penalty imposed in accordance with this chapter, unless the order or
21 penalty is under appeal.

22 (4) The department may issue a conditional license to enable a
23 former licensee to comply with an order to correct problems with a
24 well.

25 **Sec. 92.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to read
26 as follows:

27 (1) A person seeking a new license or to renew an existing license
28 under this chapter must demonstrate a willingness to maintain a high
29 level of professional competency by completing continuing education
30 programs as required by the department by rule. The department shall
31 not approve any continuing education program unless: (a) It is offered
32 by an approved provider; (b) it is open to all persons licensed or
33 pursuing a license under this chapter; and (c) the fees charged are
34 reasonable for all persons desiring to attend the program.

35 (2) The department(~~(, in consultation with the technical advisory~~
36 ~~group created in RCW 18.104.190,)~~) shall adopt rules governing
37 continuing education programs. At a minimum, the rules must establish:

1 A method of approving providers of continuing education; a criteria to
2 evaluate the offerings, workshops, courses, classes, or programs; a
3 criteria for assigning credits; and a criteria for reporting and
4 verifying completion.

5 (3) The department shall support approved providers by providing,
6 upon request and at the department's discretion, technical assistance
7 and presenters for continuing education offerings.

8 (4) The department shall maintain a current list of all continuing
9 education offerings by approved providers and ensure that the list is
10 available to all licensees by request. The list must also be posted on
11 the department's web site.

12 NEW SECTION. **Sec. 93.** A new section is added to chapter 34.05 RCW
13 to read as follows:

14 The following acts or parts of acts are each temporarily suspended
15 until July 1, 2012: RCW 34.05.610 (joint administrative rules review
16 committee).

17 NEW SECTION. **Sec. 94.** A new section is added to chapter 43.185B
18 RCW to read as follows:

19 The following acts or parts of acts are each temporarily suspended
20 until July 1, 2012: RCW 43.185B.020 (affordable housing advisory
21 board).

22 NEW SECTION. **Sec. 95.** A new section is added to chapter 43.20A
23 RCW to read as follows:

24 The following acts or parts of acts are each temporarily suspended
25 until July 1, 2012: RCW 43.20A.685 (council on aging).

26 NEW SECTION. **Sec. 96.** A new section is added to chapter 28B.108
27 RCW to read as follows:

28 The following acts or parts of acts are each temporarily suspended
29 until July 1, 2012: RCW 28B.108.030 (American Indian endowed
30 scholarship advisory and selection commission).

31 NEW SECTION. **Sec. 97.** A new section is added to chapter 46.66 RCW
32 to read as follows:

33 The following acts or parts of acts are each temporarily suspended

1 until July 1, 2012: RCW 46.66.010 (auto theft prevention authority).
2 During the temporary suspension, the powers, duties, and authority of
3 the auto theft prevention authority shall be assumed by the executive
4 board of the Washington association of sheriffs and police chiefs
5 within the current resources of the association.

6 NEW SECTION. **Sec. 98.** A new section is added to chapter 70.195
7 RCW to read as follows:

8 The following acts or parts of acts are each temporarily suspended
9 until July 1, 2012: RCW 70.195.010 (birth-to-six interagency
10 coordinating council).

11 NEW SECTION. **Sec. 99.** The following act is temporarily suspended
12 until July 1, 2012: 2007 c 354 s 12 (uncodified) (career and technical
13 education curricula advisory committee).

14 NEW SECTION. **Sec. 100.** A new section is added to chapter 43.31
15 RCW to read as follows:

16 The following acts or parts of acts are each temporarily suspended
17 until July 1, 2012: RCW 43.31.504 (child care facility fund
18 committee).

19 NEW SECTION. **Sec. 101.** A new section is added to chapter 26.19
20 RCW to read as follows:

21 The following acts or parts of acts are each temporarily suspended
22 until July 1, 2012: RCW 26.19.025 (child support guidelines and review
23 report work group).

24 NEW SECTION. **Sec. 102.** A new section is added to chapter 35.78
25 RCW to read as follows:

26 The following acts or parts of acts are each temporarily suspended
27 until July 1, 2012: RCW 35.78.020 (city and county design standards).

28 NEW SECTION. **Sec. 103.** A new section is added to chapter 43.32
29 RCW to read as follows:

30 The following acts or parts of acts are each temporarily suspended
31 until July 1, 2012: RCW 43.32.010.

1 **Sec. 104.** RCW 18.235.020 and 2009 c 412 s 22 and 2009 c 102 s 5
2 are each reenacted and amended to read as follows:

3 (1) This chapter applies only to the director and the boards and
4 commissions having jurisdiction in relation to the businesses and
5 professions licensed under the chapters specified in this section.
6 This chapter does not apply to any business or profession not licensed
7 under the chapters specified in this section.

8 (2)(a) The director has authority under this chapter in relation to
9 the following businesses and professions:

10 (i) Auctioneers under chapter 18.11 RCW;

11 (ii) Bail bond agents and bail bond recovery agents under chapter
12 18.185 RCW;

13 (iii) Camping resorts' operators and salespersons under chapter
14 19.105 RCW;

15 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

16 (v) Cosmetologists, barbers, manicurists, and estheticians under
17 chapter 18.16 RCW;

18 (vi) Court reporters under chapter 18.145 RCW;

19 (vii) Driver training schools and instructors under chapter 46.82
20 RCW;

21 (viii) Employment agencies under chapter 19.31 RCW;

22 (ix) For hire vehicle operators under chapter 46.72 RCW;

23 (x) Limousines under chapter 46.72A RCW;

24 (xi) Notaries public under chapter 42.44 RCW;

25 (xii) Private investigators under chapter 18.165 RCW;

26 (xiii) Professional boxing, martial arts, and wrestling under
27 chapter 67.08 RCW;

28 (xiv) Real estate appraisers under chapter 18.140 RCW;

29 (xv) Real estate brokers and salespersons under chapters 18.85 and
30 18.86 RCW;

31 (xvi) Security guards under chapter 18.170 RCW;

32 (xvii) Sellers of travel under chapter 19.138 RCW;

33 (xviii) Timeshares and timeshare salespersons under chapter 64.36
34 RCW;

35 (xix) Collection agencies under chapter 19.16 RCW;

36 (xx) Whitewater river outfitters under chapter 79A.60 RCW; ((and
37 ~~xx)) (xxi) Home inspectors under chapter 18.280 RCW; and~~

1 (~~(xxi)~~) (xxii) Body artists, body piercers, and tattoo artists,
2 and body art, body piercing, and tattooing shops and businesses, under
3 chapter 18.300 RCW.

4 (b) The boards and commissions having authority under this chapter
5 are as follows:

6 (i) The state board of registration for architects established in
7 chapter 18.08 RCW;

8 (ii) (~~The Washington state collection agency board established in~~
9 ~~chapter 19.16 RCW;~~

10 (~~iii~~) The state board of registration for professional engineers
11 and land surveyors established in chapter 18.43 RCW governing licenses
12 issued under chapters 18.43 and 18.210 RCW;

13 (~~iv~~) (iii) The funeral and cemetery board established in
14 chapter 18.39 RCW governing licenses issued under chapters 18.39 and
15 68.05 RCW;

16 (~~v~~) (iv) The state board of registration for landscape
17 architects established in chapter 18.96 RCW; and

18 (~~vi~~) (v) The state geologist licensing board established in
19 chapter 18.220 RCW.

20 (3) In addition to the authority to discipline license holders, the
21 disciplinary authority may grant or deny licenses based on the
22 conditions and criteria established in this chapter and the chapters
23 specified in subsection (2) of this section. This chapter also governs
24 any investigation, hearing, or proceeding relating to denial of
25 licensure or issuance of a license conditioned on the applicant's
26 compliance with an order entered under RCW 18.235.110 by the
27 disciplinary authority.

28 **Sec. 105.** RCW 18.235.020 and 2009 c 412 s 22, 2009 c 370 s 20, and
29 2009 c 102 s 5 are each reenacted and amended to read as follows:

30 (1) This chapter applies only to the director and the boards and
31 commissions having jurisdiction in relation to the businesses and
32 professions licensed under the chapters specified in this section.
33 This chapter does not apply to any business or profession not licensed
34 under the chapters specified in this section.

35 (2)(a) The director has authority under this chapter in relation to
36 the following businesses and professions:

37 (i) Auctioneers under chapter 18.11 RCW;

1 (ii) Bail bond agents and bail bond recovery agents under chapter
2 18.185 RCW;

3 (iii) Camping resorts' operators and salespersons under chapter
4 19.105 RCW;

5 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

6 (v) Cosmetologists, barbers, manicurists, and estheticians under
7 chapter 18.16 RCW;

8 (vi) Court reporters under chapter 18.145 RCW;

9 (vii) Driver training schools and instructors under chapter 46.82
10 RCW;

11 (viii) Employment agencies under chapter 19.31 RCW;

12 (ix) For hire vehicle operators under chapter 46.72 RCW;

13 (x) Limousines under chapter 46.72A RCW;

14 (xi) Notaries public under chapter 42.44 RCW;

15 (xii) Private investigators under chapter 18.165 RCW;

16 (xiii) Professional boxing, martial arts, and wrestling under
17 chapter 67.08 RCW;

18 (xiv) Real estate appraisers under chapter 18.140 RCW;

19 (xv) Real estate brokers and salespersons under chapters 18.85 and
20 18.86 RCW;

21 (xvi) Security guards under chapter 18.170 RCW;

22 (xvii) Sellers of travel under chapter 19.138 RCW;

23 (xviii) Timeshares and timeshare salespersons under chapter 64.36
24 RCW;

25 (xix) Collection agencies under chapter 19.16 RCW;

26 (xx) Whitewater river outfitters under chapter 79A.60 RCW; (~~and~~
27 ~~xx~~)) (xxi) Home inspectors under chapter 18.280 RCW; and

28 (~~(xxi)~~) (xxii) Body artists, body piercers, and tattoo artists,
29 and body art, body piercing, and tattooing shops and businesses, under
30 chapter 18.300 RCW.

31 (b) The boards and commissions having authority under this chapter
32 are as follows:

33 (i) The state board of registration for architects established in
34 chapter 18.08 RCW;

35 (ii) (~~The Washington state collection agency board established in~~
36 ~~chapter 19.16 RCW;~~

37 ~~(iii)~~) The state board of registration for professional engineers

1 and land surveyors established in chapter 18.43 RCW governing licenses
2 issued under chapters 18.43 and 18.210 RCW;

3 ~~((iv))~~ (iii) The funeral and cemetery board established in
4 chapter 18.39 RCW governing licenses issued under chapters 18.39 and
5 68.05 RCW;

6 ~~((v))~~ (iv) The state board of licensure for landscape architects
7 established in chapter 18.96 RCW; and

8 ~~((vi))~~ (v) The state geologist licensing board established in
9 chapter 18.220 RCW.

10 (3) In addition to the authority to discipline license holders, the
11 disciplinary authority may grant or deny licenses based on the
12 conditions and criteria established in this chapter and the chapters
13 specified in subsection (2) of this section. This chapter also governs
14 any investigation, hearing, or proceeding relating to denial of
15 licensure or issuance of a license conditioned on the applicant's
16 compliance with an order entered under RCW 18.235.110 by the
17 disciplinary authority.

18 **Sec. 106.** RCW 19.16.100 and 2003 c 203 s 1 are each amended to
19 read as follows:

20 Unless a different meaning is plainly required by the context, the
21 following words and phrases as hereinafter used in this chapter shall
22 have the following meanings:

23 (1) "Person" includes individual, firm, partnership, trust, joint
24 venture, association, or corporation.

25 (2) "Collection agency" means and includes:

26 (a) Any person directly or indirectly engaged in soliciting claims
27 for collection, or collecting or attempting to collect claims owed or
28 due or asserted to be owed or due another person;

29 (b) Any person who directly or indirectly furnishes or attempts to
30 furnish, sells, or offers to sell forms represented to be a collection
31 system or scheme intended or calculated to be used to collect claims
32 even though the forms direct the debtor to make payment to the creditor
33 and even though the forms may be or are actually used by the creditor
34 himself or herself in his or her own name;

35 (c) Any person who in attempting to collect or in collecting his or
36 her own claim uses a fictitious name or any name other than his or her

1 own which would indicate to the debtor that a third person is
2 collecting or attempting to collect such claim.

3 (3) "Collection agency" does not mean and does not include:

4 (a) Any individual engaged in soliciting claims for collection, or
5 collecting or attempting to collect claims on behalf of a licensee
6 under this chapter, if said individual is an employee of the licensee;

7 (b) Any individual collecting or attempting to collect claims for
8 not more than one employer, if all the collection efforts are carried
9 on in the name of the employer and if the individual is an employee of
10 the employer;

11 (c) Any person whose collection activities are carried on in his,
12 her, or its true name and are confined and are directly related to the
13 operation of a business other than that of a collection agency, such as
14 but not limited to: Trust companies; savings and loan associations;
15 building and loan associations; abstract companies doing an escrow
16 business; real estate brokers; property management companies collecting
17 assessments, charges, or fines on behalf of condominium unit owners
18 associations, associations of apartment owners, or homeowners'
19 associations; public officers acting in their official capacities;
20 persons acting under court order; lawyers; insurance companies; credit
21 unions; loan or finance companies; mortgage banks; and banks;

22 (d) Any person who on behalf of another person prepares or mails
23 monthly or periodic statements of accounts due if all payments are made
24 to that other person and no other collection efforts are made by the
25 person preparing the statements of account;

26 (e) An "out-of-state collection agency" as defined in this chapter;
27 or

28 (f) Any person while acting as a debt collector for another person,
29 both of whom are related by common ownership or affiliated by corporate
30 control, if the person acting as a debt collector does so only for
31 persons to whom it is so related or affiliated and if the principal
32 business of the person is not the collection of debts.

33 (4) "Out-of-state collection agency" means a person whose
34 activities within this state are limited to collecting debts from
35 debtors located in this state by means of interstate communications,
36 including telephone, mail, or facsimile transmission, from the person's
37 location in another state on behalf of clients located outside of this

1 state, but does not include any person who is excluded from the
2 definition of the term "debt collector" under the federal fair debt
3 collection practices act (15 U.S.C. Sec. 1692a(6)).

4 (5) "Claim" means any obligation for the payment of money or thing
5 of value arising out of any agreement or contract, express or implied.

6 (6) "Statement of account" means a report setting forth only
7 amounts billed, invoices, credits allowed, or aged balance due.

8 (7) "Director" means the director of licensing.

9 (8) "Client" or "customer" means any person authorizing or
10 employing a collection agency to collect a claim.

11 (9) "Licensee" means any person licensed under this chapter.

12 (10) (~~("Board" means the Washington state collection agency board.~~
13 ~~(11))~~) "Debtor" means any person owing or alleged to owe a claim.

14 (~~(12))~~ (11) "Commercial claim" means any obligation for payment
15 of money or thing of value arising out of any agreement or contract,
16 express or implied, where the transaction which is the subject of the
17 agreement or contract is not primarily for personal, family, or
18 household purposes.

19 **Sec. 107.** RCW 19.16.420 and 1971 ex.s. c 253 s 33 are each amended
20 to read as follows:

21 On or about the first day of February in each year, the director
22 shall cause to be made available at reasonable expense to a licensee a
23 copy of this chapter, a copy of the current rules and regulations of
24 the director(~~(, and board,)~~) and such other materials as the director
25 or board may prescribe.

26 NEW SECTION. **Sec. 108.** A new section is added to chapter 19.16
27 RCW to read as follows:

28 The following acts or parts of acts are each temporarily suspended
29 until July 1, 2012:

30 (1) RCW 19.16.280 (Board created--Composition of board--
31 Qualification of members) and 1971 ex.s. c 253 s 19;

32 (2) RCW 19.16.290 (Board--Initial members--Terms--Oath--Removal)
33 and 1971 ex.s. c 253 s 20;

34 (3) RCW 19.16.300 (Board meetings--Quorum--Effect of vacancy) and
35 1971 ex.s. c 253 s 21;

1 (4) RCW 19.16.310 (Board--Compensation--Reimbursement of travel
2 expenses) and 1984 c 287 s 54, 1975-'76 2nd ex.s. c 34 s 58, & 1971
3 ex.s. c 253 s 22;

4 (5) RCW 19.16.320 (Board--Territorial scope of operations) and 1971
5 ex.s. c 253 s 23;

6 (6) RCW 19.16.330 (Board--Immunity from suit) and 1971 ex.s. c 253
7 s 24;

8 (7) RCW 19.16.340 (Board--Records) and 1971 ex.s. c 253 s 25;

9 (8) RCW 19.16.351 (Additional powers and duties of board) and 2002
10 c 86 s 267, 1977 ex.s. c 194 s 2, & 1973 1st ex.s. c 20 s 8;

11 (9) RCW 19.16.410 (Rules, orders, decisions, etc) and 2007 c 256 s
12 4 & 1971 ex.s. c 253 s 32; and

13 (10) RCW 19.16.420 (Copy of this chapter, rules and regulations
14 available to licensee) and 1971 ex.s. c 253 s 33.

15 NEW SECTION. **Sec. 109.** A new section is added to chapter 72.78
16 RCW to read as follows:

17 The following acts or parts of acts are each temporarily suspended
18 until July 1, 2012: RCW 72.78.030 (community transition coordination
19 networks advisory committee).

20 NEW SECTION. **Sec. 110.** A new section is added to chapter 70.198
21 RCW to read as follows:

22 The following acts or parts of acts are each temporarily suspended
23 until July 1, 2012: RCW 79.198.020 (deaf and hard of hearing advisory
24 council).

25 NEW SECTION. **Sec. 111.** A new section is added to chapter 28A.175
26 RCW to read as follows:

27 The following acts or parts of acts are each temporarily suspended
28 until July 1, 2012: RCW 28A.175.075 (drop-out prevention state-level
29 leadership group).

30 NEW SECTION. **Sec. 112.** A new section is added to chapter 43.06B
31 RCW to read as follows:

32 The following acts or parts of acts are each temporarily suspended
33 until July 1, 2012: RCW 43.06B.010 (education ombudsman appointment
34 committee).

1 NEW SECTION. **Sec. 113.** A new section is added to chapter 44.39
2 RCW to read as follows:

3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2012: RCW 44.39.010 (joint committee on energy supply
5 and energy conservation).

6 NEW SECTION. **Sec. 114.** A new section is added to chapter 38.52
7 RCW to read as follows:

8 The following acts or parts of acts are each temporarily suspended
9 until July 1, 2012: RCW 38.52.530 (enhanced 911 advisory committee).

10 NEW SECTION. **Sec. 115.** A new section is added to chapter 43.22
11 RCW to read as follows:

12 The following acts or parts of acts are each temporarily suspended
13 until July 1, 2012: RCW 43.22.420 (factory assembled structures
14 advisory board).

15 NEW SECTION. **Sec. 116.** The following act is temporarily suspended
16 until July 1, 2012: 2007 c 357 s 2 (uncodified) (joint legislative
17 task force on family leave insurance).

18 NEW SECTION. **Sec. 117.** A new section is added to chapter 28A.300
19 RCW to read as follows:

20 The following acts or parts of acts are each temporarily suspended
21 until July 1, 2012: RCW 28A.300.450 (financial literacy public-private
22 partnership).

23 NEW SECTION. **Sec. 118.** A new section is added to chapter 43.31
24 RCW to read as follows:

25 The following acts or parts of acts are each temporarily suspended
26 until July 1, 2012: RCW 43.31.425 (Hanford area economic investment
27 fund committee).

28 NEW SECTION. **Sec. 119.** A new section is added to chapter 70.47A
29 RCW to read as follows:

30 The following acts or parts of acts are each temporarily suspended
31 until July 1, 2012: RCW 70.47A.100 (health insurance partnership
32 board).

1 NEW SECTION. **Sec. 120.** A new section is added to chapter 28B.115
2 RCW to read as follows:

3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2012: RCW 28B.115.050 (health professional loan
5 repayment and scholarship advisory committee).

6 NEW SECTION. **Sec. 121.** RCW 79A.30.030 (Washington state horse
7 park authority--Formation--Powers--Articles of incorporation--Board)
8 and 2000 c 11 s 85 & 1995 c 200 s 4 are each repealed.

9 NEW SECTION. **Sec. 122.** A new section is added to chapter 77.85
10 RCW to read as follows:

11 The following acts or parts of acts are each temporarily suspended
12 until July 1, 2012: RCW 77.85.200 (lower Columbia fish recovery
13 board).

14 NEW SECTION. **Sec. 123.** A new section is added to chapter 28A.305
15 RCW to read as follows:

16 The following acts or parts of acts are each temporarily suspended
17 until July 1, 2012: RCW 28A.305.219 (mathematics advisory panel and
18 science advisory panel).

19 NEW SECTION. **Sec. 124.** A new section is added to chapter 1.40 RCW
20 to read as follows:

21 The following acts or parts of acts are each temporarily suspended
22 until July 1, 2012: RCW 1.40.020 (medal of merit committee).

23 NEW SECTION. **Sec. 125.** A new section is added to chapter 1.60 RCW
24 to read as follows:

25 The following acts or parts of acts are each temporarily suspended
26 until July 1, 2012: RCW 1.60.020 (state medal of valor committee).

27 NEW SECTION. **Sec. 126.** A new section is added to chapter 13.60
28 RCW to read as follows:

29 The following acts or parts of acts are each temporarily suspended
30 until July 1, 2012: RCW 13.60.120 (missing and exploited children task
31 force).

1 NEW SECTION. **Sec. 127.** A new section is added to chapter 43.147
2 RCW to read as follows:

3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2012: Chapter 43.147 RCW (Pacific Northwest economic
5 region delegate council and executive committee).

6 NEW SECTION. **Sec. 128.** A new section is added to chapter 28B.10
7 RCW to read as follows:

8 The following acts or parts of acts are each temporarily suspended
9 until July 1, 2012: RCW 28B.10.922 (performance agreement committee).

10 NEW SECTION. **Sec. 129.** A new section is added to chapter 28A.195
11 RCW to read as follows:

12 The following acts or parts of acts are each temporarily suspended
13 until July 1, 2012: RCW 28A.195.050 (private school advisory
14 committee).

15 NEW SECTION. **Sec. 130.** A new section is added to chapter 36.102
16 RCW to read as follows:

17 The following acts or parts of acts are each temporarily suspended
18 until July 1, 2012: RCW 36.102.040 (public stadium authority advisory
19 committee).

20 NEW SECTION. **Sec. 131.** A new section is added to chapter 41.04
21 RCW to read as follows:

22 The following acts or parts of acts are each temporarily suspended
23 until July 1, 2012: RCW 41.04.276 (select committee on pension
24 policy).

25 NEW SECTION. **Sec. 132.** The following act is temporarily suspended
26 until July 1, 2012: 2008 c 195 s 2 (uncodified) (recreation on state
27 trust lands work group).

28 NEW SECTION. **Sec. 133.** A new section is added to chapter 74.18
29 RCW to read as follows:

30 The following acts or parts of acts are each temporarily suspended
31 until July 1, 2012: RCW 74.18.070 (rehabilitation council for the
32 department of services for the blind).

1 NEW SECTION. **Sec. 134.** A new section is added to chapter 28A.600
2 RCW to read as follows:

3 The following acts or parts of acts are each temporarily suspended
4 until July 1, 2012: RCW 28A.600.130 (scholars advisory and selection
5 committee).

6 NEW SECTION. **Sec. 135.** A new section is added to chapter 28A.160
7 RCW to read as follows:

8 The following acts or parts of acts are each temporarily suspended
9 until July 1, 2012: RCW 28A.160.195 (school bus equipment and
10 specifications committee).

11 NEW SECTION. **Sec. 136.** The following acts or parts of acts are
12 each repealed: 2007 c 520 s 6016 (uncodified) (joint legislative task
13 force on school construction funding); and

14 2007 c 520 s 6026 (uncodified) (study committee on public
15 infrastructure programs and funding structures).

16 NEW SECTION. **Sec. 137.** A new section is added to chapter 28A.525
17 RCW to read as follows:

18 The following acts or parts of acts are each temporarily suspended
19 until July 1, 2012: RCW 28A.525.025 (school facilities citizen
20 advisory panel).

21 NEW SECTION. **Sec. 138.** A new section is added to chapter 43.210
22 RCW to read as follows:

23 The following acts or parts of acts are each temporarily suspended
24 until July 1, 2012: RCW 43.210.030 (small business export finance
25 assistance center board).

26 NEW SECTION. **Sec. 139.** A new section is added to chapter 28A.175
27 RCW to read as follows:

28 The following acts or parts of acts are each temporarily suspended
29 until July 1, 2012: RCW 28A.175.075 (state-level leadership group).

30 NEW SECTION. **Sec. 140.** 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, 2012: RCW 58.24.020 (survey advisory board).

3 NEW SECTION. **Sec. 141.** 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, 2012: RCW 44.55.020 (joint legislative oversight
7 committee on trade policy).

8 NEW SECTION. **Sec. 142.** The following act is temporarily suspended
9 until July 1, 2012: 2007 c 288 s 2 (uncodified) (joint legislative
10 task force on underground economy in the construction industry).

11 NEW SECTION. **Sec. 143.** 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, 2012: RCW 90.86.010 (joint legislative committee on
15 water supply during drought).

16 NEW SECTION. **Sec. 144.** The activities of the following boards and
17 commissions shall be suspended until July 1, 2012:

- 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. 145.** A new section is added to chapter 90.56
21 RCW to read as follows:

22 The following acts or parts of acts are each temporarily suspended
23 until July 1, 2012: RCW 90.56.120 (oil spill advisory council--
24 Meetings--Travel expenses and compensation).

25 NEW SECTION. **Sec. 146.** A new section is added to chapter 43.20A
26 RCW to read as follows:

27 The following committees established pursuant to authority granted
28 in RCW 43.20A.350 are each suspended until July 1, 2012:

- 29 (1) Economic services advisory committee;
30 (2) Medicaid school administrative match advisory committee;
31 (3) Family to family advisory council, region 3.

1 **Commission on Equipment**

2 NEW SECTION. **Sec. 147.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;

5 (2) RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 &
6 1963 c 204 s 2;

7 (3) RCW 46.38.030 (Effective date of rules, etc. of vehicle safety
8 equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, &
9 1963 c 204 s 3;

10 (4) RCW 46.38.040 (Appointment of commissioner and alternate
11 commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;

12 (5) RCW 46.38.050 (Cooperation of state agencies with vehicle
13 equipment safety commission) and 1963 c 204 s 5;

14 (6) RCW 46.38.060 (State officers for the filing of documents and
15 receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;

16 (7) RCW 46.38.070 (Vehicle equipment safety commission to submit
17 budgets to director of financial management) and 1979 c 151 s 160 &
18 1963 c 204 s 7;

19 (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle
20 equipment safety commission) and 1963 c 204 s 8; and

21 (9) RCW 46.38.090 (Withdrawal from compact, "executive head"
22 defined) and 1963 c 204 s 9.

23 **Western States School Bus Safety Commission**

24 NEW SECTION. **Sec. 148.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88
27 s 1; and

28 (2) RCW 46.39.020 (Designation of Washington state commissioners)
29 and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

30 NEW SECTION. **Sec. 149.** The traumatic brain injury grant advisory
31 board must be dissolved by July 1, 2011. The traumatic brain injury
32 council shall assume all duties and powers of the traumatic brain
33 injury grant advisory board necessary to retain any federal grants.

1 **Sec. 150.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to
2 read as follows:

3 As used in this chapter the following words and phrases shall have
4 the following meanings unless the context clearly requires otherwise:

5 (1) "Department" means the department of veterans affairs.

6 (2) "Director" means the director of the department of veterans
7 affairs.

8 (3) "Committee" means the veterans affairs advisory committee.

9 (~~(4) "Board" means the veterans innovations program board.~~)

10 **Sec. 151.** RCW 43.60A.080 and 1995 c 25 s 1 are each amended to
11 read as follows:

12 (1) There is hereby created a veterans affairs advisory committee
13 which shall serve in an advisory capacity to the governor and the
14 director of the department of veterans affairs. The committee shall be
15 composed of seventeen members to be appointed by the governor, and
16 shall consist of the following:

17 (a) One representative of the Washington soldiers' home and colony
18 at Orting and one representative of the Washington veterans' home at
19 Retsil. Each home's resident council may nominate up to three
20 individuals whose names are to be forwarded by the director to the
21 governor. In making the appointments, the governor shall consider
22 these recommendations or request additional nominations.

23 (b) One representative each from the three congressionally
24 chartered or nationally recognized veterans service organizations as
25 listed in the current "Directory of Veterans Service Organizations"
26 published by the United States department of veterans affairs with the
27 largest number of active members in the state of Washington as
28 determined by the director. The organizations' state commanders may
29 each submit a list of three names to be forwarded to the governor by
30 the director. In making the appointments, the governor shall consider
31 these recommendations or request additional nominations.

32 (c) Ten members shall be chosen to represent those congressionally
33 chartered or nationally recognized veterans service organizations
34 listed in the directory under (b) of this subsection and having at
35 least one active chapter within the state of Washington. Up to three
36 nominations may be forwarded from each organization to the governor by

1 the director. In making the appointments, the governor shall consider
2 these recommendations or request additional nominations.

3 (d) Two members shall be veterans at large. Any individual or
4 organization may nominate a veteran for an at-large position.
5 Organizational affiliation shall not be a prerequisite for nomination
6 or appointment. All nominations for the at-large positions shall be
7 forwarded by the director to the governor.

8 (e) No organization shall have more than one official
9 representative on the committee at any one time.

10 (f) In making appointments to the committee, care shall be taken to
11 ensure that members represent all geographical portions of the state
12 and minority viewpoints, and that the issues and views of concern to
13 women veterans are represented.

14 (2) All members shall have terms of four years. In the case of a
15 vacancy, appointment shall be only for the remainder of the unexpired
16 term for which the vacancy occurs. No member may serve more than two
17 consecutive terms, with vacancy appointments to an unexpired term not
18 considered as a term. Members appointed before June 11, 1992, shall
19 continue to serve until the expiration of their current terms; and
20 then, subject to the conditions contained in this section, are eligible
21 for reappointment.

22 (3) The committee shall adopt an order of business for conducting
23 its meetings.

24 (4) The committee shall have the following powers and duties:

25 (a) To serve in an advisory capacity to the governor and the
26 director on matters pertaining to the department of veterans affairs;

27 (b) To acquaint themselves fully with the operations of the
28 department and recommend such changes to the governor and the director
29 as they deem advisable; and

30 (c) To exercise the powers granted under RCW 43.60A.160 through
31 43.60A.185 related to the competitive grant program.

32 (5) Members of the committee shall receive no compensation for the
33 performance of their duties but shall receive a per diem allowance and
34 mileage expense according to the provisions of chapter 43.03 RCW.

35 NEW SECTION. **Sec. 152.** The following acts or parts of acts are
36 each repealed:

1 (1) RCW 43.60A.170 (Competitive grant program--Veterans innovations
2 program board--Travel expenses) and 2006 c 343 s 5;

3 (2) RCW 43.131.405 (Veterans innovations program--Termination) and
4 2006 c 343 s 10; and

5 (3) RCW 43.131.406 (Veterans innovations program--Repeal) and 2006
6 c 343 s 11.

7 NEW SECTION. **Sec. 153.** The HIV policy collaborative established
8 under RCW 43.70.040 must be dissolved by July 1, 2011. The HIV/AIDS
9 education program review panel must assume all duties and powers of the
10 HIV policy collaborative necessary to retain any federal grants.

11 NEW SECTION. **Sec. 154.** By July 1, 2011, the governor shall
12 recommend to the legislature which of the boards and commissions,
13 created either by statute or by action of the executive branch, shall
14 receive state funding, those whose activities shall be suspended, and
15 those which shall be terminated either by legislative or executive
16 branch action.

17 NEW SECTION. **Sec. 155.** (1) All documents and papers, equipment,
18 or other tangible property in the possession of the terminated entity
19 shall be delivered to the custody of the entity assuming the
20 responsibilities of the terminated entity or if such responsibilities
21 have been eliminated, documents and papers shall be delivered to the
22 state archivist and equipment or other tangible property to the
23 department of general administration.

24 (2) All funds held by, or other moneys due to, the terminated
25 entity shall revert to the fund from which they were appropriated, or
26 if that fund is abolished to the general fund.

27 (3) All contractual rights and duties of an entity shall be
28 assigned or delegated to the entity assuming the responsibilities of
29 the terminated entity, or if there is none to such entity as the
30 governor shall direct.

31 NEW SECTION. **Sec. 156.** Any agency or state or local government
32 entity that is required by statute to consult with a board or
33 commission suspended or eliminated by this act shall instead seek

1 informed opinions from other individuals or groups engaged in similar
2 activities, as the director or governing body feels is appropriate.

3 NEW SECTION. **Sec. 157.** Sections 2 through 11, 121, 136, 137, 146,
4 148, 149, 155, and 156 of this act take effect June 30, 2010.

5 NEW SECTION. **Sec. 158.** Section 104 of this act expires July 1,
6 2010.

7 NEW SECTION. **Sec. 159.** Section 105 of this act takes effect July
8 1, 2010.

9 NEW SECTION. **Sec. 160.** Sections 12 through 92 of this act take
10 effect June 30, 2011.

11 NEW SECTION. **Sec. 161.** Sections 93 through 103 and 106 through
12 152 of this act expire July 1, 2012.

INDEX	PAGE #
Advisory Council on Adult Education	8
Airport Impact Mitigation Advisory Board	15
Athletic Training Advisory Committee	16
Basic Health Advisory Committee	19
Board of Law Enforcement Training Standards and Board on Correctional Training Standards	
Children of Incarcerated Parents Advisory Committee	20
Citizens Advisory Council on Alcoholism and Drug Addiction	3
Combined Fund Drive Committee	23
Commission on Equipment	94
Committee on Agency Official 's Salaries	10
Customer Advisory Board--Department of Information Services	28
Early Intervention for Children who are Deaf and have Hearing Loss--Advisory Committee	3
Eastern State Hospital Board and Western State Hospital Board	31
Escrow Commission	3
Fire Protection Policy Board	33
Firearms Range Advisory Committee	7
Hazardous Substance Mixed Waste Advisory Board	40
Health Information Infrastructure Advisory Board	41
Health and Welfare Advisory Board and Property and Liability Advisory Board . . .	40
Higher Education Coordinating Board Advisory Council	43
Home Inspector Advisory Licensing Board	44
Industry Cluster Advisory Committee	45
Integrated Justice Information Board	47
K-20 Educational Network Board K-20 Network Technical Steering Committee	47
Main Street Advisory Committee	8
McNeil Island Secure Community Transition Facility Operational Advisory Board .	55
Mortgage Brokers	7
On-site Sewage Disposal Systems Alternative Systems Technical Review Committee	57
On-site Wastewater Treatment Systems Advisory Committee	55
Orthotic and Prosthetics Advisory Committee	57
Regional Fisheries Enhancement Group Advisory Board	63
Revenue-Simplified Sales and Use Tax Admin Advisory Group	64
State Solid Waste Advisory Committee	64
Water Supply Advisory Committee	71
Well Drilling Technical Advisory Group	75
Western States School Bus Safety Commission	94

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