S-0669.2

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**SENATE BILL 5523**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Fortunato

AN ACT Relating to removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington; amending RCW 43.88.0301, 48.17.563, 48.31.115, and 77.125.040; reenacting and amending RCW 46.18.060; decodifying RCW 43.88.910, 43.105.902, 43.105.903, 15.49.920, 15.49.950, 15.51.900, 15.54.930, 15.58.900, 15.58.901, 15.58.943, 41.58.900, 41.58.901, 50.98.080, 69.50.545, 69.50.606, 69.50.607, 43.215.903, 43.215.905, 48.20.322, 48.23.520, 35.98.020, 35.98.050, 35A.90.030, 35A.90.040, 74.14B.900, 74.18.903, 46.61.990, 77.15.902, 77.50.900, 77.65.900, 77.105.900, 43.31A.400, 43.63A.902, 43.63A.903, and 43.41.901; repealing RCW 69.50.1011, 28A.400.201, 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050, 70.95H.900, 70.105A.035, 70.220.060, 30A.24.080, 31.04.185, 31.45.095, 41.05.019, 41.05.230, 41.05.655, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, 70.47A.901, 74.12.901, 74.12A.030, 74.13.017, 26.50.800, 43.374.005, 43.374.020, 47.01.321, 47.01.350, 47.01.360, 47.01.400, 47.01.405, 47.01.406, 47.01.410, and 47.01.418; and repealing 2009 c 548 s 302 and 2010 c 236 s 6 (uncodified).

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

**Sec.**  RCW 43.88.0301 and 2002 c 312 s 1 are each amended to read as follows:

RELATING TO ACCOUNTABILITY AND REFORM.

(1) The office of financial management must include in its capital budget instructions, beginning with its instructions for the 2003-05 capital budget, a request for "yes" or "no" answers for the following additional informational questions from capital budget applicants for all proposed major capital construction projects valued over five million dollars and required to complete a predesign:

(a) For proposed capital projects identified in this subsection that are located in or serving city or county planning under RCW 36.70A.040:

(i) Whether the proposed capital project is identified in the host city or county comprehensive plan, including the capital facility plan, and implementing rules adopted under chapter 36.70A RCW;

(ii) Whether the proposed capital project is located within an adopted urban growth area:

(A) If at all located within an adopted urban growth area boundary, whether a project facilitates, accommodates, or attracts planned population and employment growth;

(B) If at all located outside an urban growth area boundary, whether the proposed capital project may create pressures for additional development;

(b) For proposed capital projects identified in this subsection that are requesting state funding:

(i) Whether there was regional coordination during project development;

(ii) Whether local and additional funds were leveraged;

(iii) Whether environmental outcomes and the reduction of adverse environmental impacts were examined.

(2) For projects subject to subsection (1) of this section, the office of financial management shall request the required information be provided during the predesign process of major capital construction projects to reduce long-term costs and increase process efficiency.

(3) The office of financial management, in fulfilling its duties under RCW 43.88.030((~~(3)~~)) (5) to create a capital budget document, must take into account information gathered under subsections (1) and (2) of this section in an effort to promote state capital facility expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

(4) The office of community development must provide staff support to the office of financial management and affected capital budget applicants to help collect data required by subsections (1) and (2) of this section.

NEW SECTION. **Sec.**  RELATING TO ACCOUNTABILITY AND REFORM. The following sections are decodified:

(1) RCW 43.88.910 (Effective date—1975 1st ex.s. c 293);

(2) RCW 43.105.902 (Effective date—1987 c 504); and

(3) RCW 43.105.903 (Effective date—1999 c 285).

NEW SECTION. **Sec.**  RELATING TO AGRICULTURE, WATER, AND RURAL ECONOMIC DEVELOPMENT. The following sections are decodified:

(1) RCW 15.49.920 (Effective date—1969 c 63);

(2) RCW 15.49.950 (Severability—1969 c 63);

(3) RCW 15.51.900 (Effective date—2007 c 181);

(4) RCW 15.54.930 (Effective date—1967 ex.s. c 22);

(5) RCW 15.58.900 (Effective date—1971 ex.s. c 190);

(6) RCW 15.58.901 (Effective date—2000 c 96); and

(7) RCW 15.58.943 (Effective date—2003 c 212).

NEW SECTION. **Sec.**  RELATING TO COMMERCE AND LABOR. The following sections are decodified:

(1) RCW 41.58.900 (Effective dates—1975-'76 2nd ex.s. c 5);

(2) RCW 41.58.901 (Effective date—1975 1st ex.s. c 296 §§ 4, 6, and 8 through 39);

(3) RCW 50.98.080 (Effective date—1945 c 35);

(4) RCW 69.50.545 (Departments of social and health services, health—Adoption of rules for disbursement of marijuana excise taxes);

(5) RCW 69.50.606 (Repealers); and

(6) RCW 69.50.607 (Effective date—1971 ex.s. c 308).

NEW SECTION. **Sec.**  RELATING TO COMMERCE AND LABOR. RCW 69.50.1011 (Definition—Commission) and 2013 c 19 s 86 are each repealed.

NEW SECTION. **Sec.**  RELATING TO EARLY LEARNING AND K-12 EDUCATION. The following sections are decodified:

(1) RCW 43.215.903 (Severability—1988 c 174); and

(2) RCW 43.215.905 (Effective date—2006 c 265).

NEW SECTION. **Sec.**  RELATING TO EARLY LEARNING AND K-12 EDUCATION. The following acts or parts of acts are each repealed:

(1) RCW 28A.400.201 (Enhanced salary allocation model for educator development and certification—Technical working group—Report and recommendation) and 2016 c 162 s 4, 2011 1st sp.s. c 43 s 468, 2010 c 236 s 7, & 2009 c 548 s 601;

(2) 2009 c 548 s 302 (uncodified); and

(3) 2010 c 236 s 6 (uncodified).

NEW SECTION. **Sec.**  RELATING TO ENERGY, ENVIRONMENT, AND TELECOMMUNICATIONS. The following acts or parts of acts are each repealed:

(1)RCW 70.95H.005 (Finding) and 1991 c 319 s 201;

(2)RCW 70.95H.007 (Center created) and 1995 c 399 s 192 & 1991 c 319 s 202;

(3)RCW 70.95H.010 (Purpose—Market development defined) and 1991 c 319 s 203;

(4)RCW 70.95H.030 (Duties and responsibilities) and 2015 c 225 s 108, 1992 c 131 s 2, & 1991 c 319 s 205;

(5)RCW 70.95H.040 (Authority) and 1991 c 319 s 206;

(6)RCW 70.95H.050 (Funding) and 1995 c 399 s 194 & 1991 c 319 s 207;

(7)RCW 70.95H.900 (Termination) and 1991 c 319 s 209;

(8)RCW 70.105A.035 (Revision of fees to provide a waste reduction and recycling incentive) and 1989 c 2 s 16 (Initiative Measure No. 97); and

(9)RCW 70.220.060 (Funding report required by April 30, 2007) and 2005 c 305 s 6.

**Sec.**  RCW 48.17.563 and 1994 c 131 s 6 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS AND INSURANCE.

(1) The commissioner may require insurance education providers to furnish specific information regarding their curricula, faculty, methods of monitoring attendance, and other matters reasonably related to providing insurance education under this chapter. The commissioner may grant approvals to such providers who demonstrate the ability to conduct and certify completion of one or more courses satisfying the insurance education requirements of RCW 48.17.150.

(2) Provider and course approvals are valid for the time period established by the commissioner and shall expire if not timely renewed. Each provider shall pay the renewal fee set forth in RCW 48.14.010(1)(n).

((~~(3) In granting approvals for courses required by RCW 48.17.150(1)(d):~~

~~(a) The commissioner may require the availability of a licensed agent with appropriate experience on the premises whenever instruction is being offered; and~~

~~(b) The commissioner shall not deny approval to any provider on the grounds that the proposed method of education employs nontraditional teaching techniques, such as substituting taped lectures for live instruction, offering instruction without fixed schedules, or providing education at individual learning rates.~~))

**Sec.**  RCW 48.31.115 and 2005 c 432 s 2 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS AND INSURANCE.

(1) The persons entitled to protection under this section are:

(a) The commissioner and any other receiver or administrative supervisor responsible for conducting a delinquency proceeding under this chapter, including present and former commissioners, administrative supervisors, and receivers; and

(b) The commissioner's employees, meaning all present and former special deputies and assistant special deputies and special receivers and special administrative supervisors appointed by the commissioner and all persons whom the commissioner, special deputies, or assistant special deputies have employed to assist in a delinquency proceeding under this chapter. Attorneys, accountants, auditors, and other professional persons or firms who are retained as independent contractors, and their employees, are not considered employees of the commissioner for purposes of this section.

(2) The commissioner and the commissioner's employees are immune from suit and liability, both personally and in their official capacities, for a claim for damage to or loss of property or personal injury or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment. However, nothing in this subsection may be construed to hold the commissioner or an employee immune from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the commissioner or an employee.

(3) If a legal action is commenced against the commissioner or an employee, whether against him or her personally or in his or her official capacity, alleging property damage, property loss, personal injury, or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment, the commissioner and any employee shall be indemnified from the assets of the insurer for all expenses, attorneys' fees, judgments, settlements, decrees, or amounts due and owing or paid in satisfaction of or incurred in the defense of the legal action unless it is determined upon a final adjudication on the merits that the alleged act or omission of the commissioner or employee giving rise to the claim did not arise out of or by reason of his or her duties or employment, or was caused by intentional or willful and wanton misconduct.

(a) Attorneys' fees and related expenses incurred in defending a legal action for which immunity or indemnity is available under this section shall be paid from the assets of the insurer, as they are incurred, in advance of the final disposition of such action upon receipt of an undertaking by or on behalf of the commissioner or employee to repay the attorneys' fees and expenses if it is ultimately determined upon a final adjudication on the merits and that the commissioner or employee is not entitled to immunity or indemnity under this section.

(b) Any indemnification under this section is an administrative expense of the insurer.

(c) In the event of an actual or threatened litigation against the commissioner or an employee for which immunity or indemnity may be available under this section, a reasonable amount of funds that in the judgment of the commissioner may be needed to provide immunity or indemnity shall be segregated and reserved from the assets of the insurer as security for the payment of indemnity until all applicable statutes of limitation have run or all actual or threatened actions against the commissioner or an employee have been completely and finally resolved, and all obligations of the insurer and the commissioner under this section have been satisfied.

(d) In lieu of segregation and reserving of funds, the commissioner may obtain a surety bond or make other arrangements that will enable the commissioner to secure fully the payment of all obligations under this section.

(4) If a legal action against an employee for which indemnity may be available under this section is settled before final adjudication on the merits, the insurer shall pay the settlement amount on behalf of the employee, or indemnify the employee for the settlement amount, unless the commissioner determines:

(a) That the claim did not arise out of or by reason of the employee's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the employee.

(5) In a legal action in which the commissioner is a defendant, that portion of a settlement relating to the alleged act or omission of the commissioner is subject to the approval of the court before which the delinquency proceeding is pending. The court may not approve that portion of the settlement if it determines:

(a) That the claim did not arise out of or by reason of the commissioner's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the commissioner.

(6) Nothing in this section removes or limits an immunity, indemnity, benefit of law, right, or defense otherwise available to the commissioner, an employee, or any other person, not an employee under subsection (1)(b) of this section, who is employed by or in the office of the commissioner or otherwise employed by the state.

((~~(7)(a) Subsection (2) of this section applies to any suit based in whole or in part on an alleged act or omission that takes place on or after July 25, 1993.~~

~~(b) No legal action lies against the commissioner or an employee based in whole or in part on an alleged act or omission that took place before July 25, 1993, unless suit is filed and valid service of process is obtained within twelve months after July 25, 1993.~~

~~(c) Subsections (3), (4), and (5) of this section apply to a suit that is pending on or filed after July 25, 1993, without regard to when the alleged act or omission took place.~~))

NEW SECTION. **Sec.**  RELATING TO FINANCIAL INSTITUTIONS AND INSURANCE. The following sections are decodified:

(1) RCW 48.20.322 (Effective date of standard provision and certain other sections—Five year period); and

(2) RCW 48.23.520 (Operative date of RCW 48.23.410 through 48.23.520).

NEW SECTION. **Sec.**  RELATING TO FINANCIAL INSTITUTIONS AND INSURANCE. The following acts or parts of acts are each repealed:

(1)RCW 30A.24.080 (Securities in default ineligible) and 1955 c 33 s 30.24.080;

(2)RCW 31.04.185 (Repealed sections of law—Rules adopted under) and 1994 c 92 s 173 & 1991 c 208 s 19; and

(3)RCW 31.45.095 (Report by director—Contents) and 2009 c 510 s 7.

NEW SECTION. **Sec.**  RELATING TO GOVERNMENT OPERATIONS AND SECURITY. The following sections are decodified:

(1) RCW 35.98.020 (Title, chapter, section headings not part of law);

(2) RCW 35.98.050 (Emergency—1965 c 7);

(3) RCW 35A.90.030 (Title, chapter, section headings not part of law); and

(4) RCW 35A.90.040 (Effective date—1967 ex.s. c 119).

NEW SECTION. **Sec.**  RELATING TO HEALTH CARE. The following acts or parts of acts are each repealed:

(1)RCW 41.05.019 (Direct patient-provider primary care practices—Plan) and 2011 1st sp.s. c 8 s 2;

(2)RCW 41.05.230 (Multicultural health care technical assistance program) and 1993 c 492 s 272;

(3)RCW 41.05.655 (School district health benefits—Reports) and 2012 2nd sp.s. c 3 s 6;

(4)RCW 70.47A.010 (Finding—Intent) and 2007 c 260 s 1 & 2006 c 255 s 1;

(5)RCW 70.47A.020 (Definitions) and 2011 c 287 s 1, 2008 c 143 s 1, 2007 c 260 s 2, & 2006 c 255 s 2;

(6)RCW 70.47A.030 (Health insurance partnership established—Administrator duties) and 2011 c 287 s 2, 2009 c 257 s 1, 2008 c 143 s 2, 2007 c 259 s 58, & 2006 c 255 s 3;

(7)RCW 70.47A.040 (Applications for premium subsidies) and 2009 c 257 s 2, 2008 c 143 s 3, 2007 c 260 s 6, & 2006 c 255 s 4;

(8)RCW 70.47A.050 (Enrollment to remain within appropriation) and 2011 c 287 s 3, 2007 c 260 s 12, & 2006 c 255 s 5;

(9)RCW 70.47A.060 (Rules) and 2007 c 260 s 13 & 2006 c 255 s 6;

(10)RCW 70.47A.070 (Reports) and 2009 c 257 s 3, 2008 c 143 s 4, & 2006 c 255 s 7;

(11)RCW 70.47A.080 (Health insurance partnership account) and 2007 c 260 s 14 & 2006 c 255 s 8;

(12)RCW 70.47A.090 (State children's health insurance program—Federal waiver request) and 2006 c 255 s 9;

(13)RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;

(14)RCW 70.47A.110 (Health insurance partnership board—Duties) and 2011 c 287 s 4, 2008 c 143 s 5, & 2007 c 260 s 5; and

(15)RCW 70.47A.901 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 152.

NEW SECTION. **Sec.**  RELATING TO HUMAN SERVICES, MENTAL HEALTH, AND HOUSING. The following sections are decodified:

(1) RCW 74.14B.900 (Captions); and

(2) RCW 74.18.903 (Effective dates—1983 c 194).

NEW SECTION. **Sec.**  RELATING TO HUMAN SERVICES, MENTAL HEALTH, AND HOUSING. The following acts or parts of acts are each repealed:

(1)RCW 74.12.901 (Federal waivers and legislation—1994 c 299) and 1994 c 299 s 39;

(2)RCW 74.12A.030 (Federal waiver—Governor to seek) and 1993 c 312 s 12; and

(3)RCW 74.13.017 (Accreditation—Completion date) and 2003 c 207 s 8 & 2001 c 265 s 2.

NEW SECTION. **Sec.**  RELATING TO LAW AND JUSTICE. RCW 46.61.990 is decodified.

NEW SECTION. **Sec.**  RELATING TO LAW AND JUSTICE. RCW 26.50.800 (Recidivism study) and 2012 c 223 s 10 are each repealed.

**Sec.**  RCW 77.125.040 and 2001 c 86 s 4 are each amended to read as follows:

RELATING TO NATURAL RESOURCES AND PARKS.

Rules to implement this chapter shall be adopted no sooner than thirty days following the end of the 2002 regular legislative session. ((~~The director shall provide a written report to the appropriate legislative committees by January 1, 2003, on the progress of the program.~~))

NEW SECTION. **Sec.**  RELATING TO NATURAL RESOURCES AND PARKS. The following sections are decodified:

(1) RCW 77.15.902 (Savings—1998 c 190);

(2) RCW 77.50.900 (Purpose—2000 c 107);

(3) RCW 77.65.900 (Effective date—1989 c 316); and

(4) RCW 77.105.900 (Effective date—1993 sp.s. c 2 §§ 7, 60, 80, and 82-100).

NEW SECTION. **Sec.**  RELATING TO TRADE AND ECONOMIC DEVELOPMENT. The following sections are decodified:

(1) RCW 43.31A.400 (Economic assistance authority abolished—Transfer of duties to department of revenue);

(2) RCW 43.63A.902 (Headings—1984 c 125); and

(3) RCW 43.63A.903 (Effective date—1984 c 125).

NEW SECTION. **Sec.**  RELATING TO TRADE AND ECONOMIC DEVELOPMENT. The following acts or parts of acts are each repealed:

(1)RCW 43.374.005 (Finding—Intent—Purpose) and 2010 1st sp.s. c 13 s 1; and

(2)RCW 43.374.020 (Washington global health technologies and product development account) and 2010 1st sp.s. c 13 s 3.

**Sec.**  RCW 46.18.060 and 2016 c 36 s 4, 2016 c 16 s 4, and 2016 c 15 s 4 are each reenacted and amended to read as follows:

RELATING TO TRANSPORTATION.

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

((~~(3) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2015. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.~~

~~(4) The limitations under subsection (3) of this section do not apply to the following special license plates:~~

~~(a) 4-H license plates created under RCW 46.18.200;~~

~~(b) Breast cancer awareness license plates created under RCW 46.18.200;~~

~~(c) Gold star license plates created under RCW 46.18.245;~~

~~(d) Music Matters license plates created under RCW 46.18.200;~~

~~(e) Seattle Seahawks license plates created under RCW 46.18.200;~~

~~(f) Seattle Sounders FC license plates created under RCW 46.18.200;~~

~~(g) Seattle University license plates created under RCW 46.18.200;~~

~~(h) State flower license plates created under RCW 46.18.200;~~

~~(i) Volunteer firefighter license plates created under RCW 46.18.200;~~

~~(j) Washington farmers and ranchers license plates created under RCW 46.18.200;~~

~~(k) Washington state wrestling license plates created under RCW 46.18.200;~~

~~(l) Washington tennis license plates created under RCW 46.18.200.~~))

NEW SECTION. **Sec.**  RELATING TO TRANSPORTATION. The following acts or parts of acts are each repealed:

(1)RCW 47.01.321 (Skills bank—Report) and 2003 c 363 s 203;

(2)RCW 47.01.350 (Ferry grant program) and 2008 c 45 s 1, 2007 c 223 s 2, & 2006 c 332 s 4;

(3)RCW 47.01.360 (Backup plan for passenger-only ferry service between Vashon and Seattle) and 2006 c 332 s 6;

(4)RCW 47.01.400 (Alaskan Way viaduct, Seattle Seawall, and state route No. 520 improvements—Expert review panel—Governor's finding) and 2006 c 311 s 28;

(5)RCW 47.01.405 (State route No. 520 improvements—Project impact plan—Mediator, duties) and 2007 c 517 s 2;

(6)RCW 47.01.406 (State route No. 520 improvements—Review of project design plans—Goals) and 2007 c 517 s 3;

(7)RCW 47.01.410 (State route No. 520 improvements—Multimodal transportation plan) and 2007 c 517 s 6; and

(8)RCW 47.01.418 (State route No. 520 improvements—Work group, subgroups—Corridor projects) and 2009 c 472 s 3.

NEW SECTION. **Sec.**  RELATING TO WAYS AND MEANS. RCW 43.41.901 (Construction—1977 ex.s. c 270) is decodified.

**--- END ---**