

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1066

68th Legislature
2023 Regular Session

Passed by the House April 13, 2023
Yeas 90 Nays 7

**Speaker of the House of
Representatives**

Passed by the Senate April 5, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1066** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1066

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Representatives Goodman, Abbarno, Simmons, and Kloba; by request of Statute Law Committee

Prefiled 12/22/22. Read first time 01/09/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to making technical corrections and removing
2 obsolete language from the Revised Code of Washington pursuant to RCW
3 1.08.025; amending RCW 10.99.033, 7.68.360, 18.85.285, 19.27.190,
4 24.46.010, 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900,
5 28B.50.281, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260,
6 35.13.171, 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70B.040,
7 36.70B.080, 36.93.080, 36.110.030, 39.04.156, 39.19.240, 39.34.230,
8 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072,
9 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612,
10 43.21G.010, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205,
11 43.31.504, 43.31.970, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230,
12 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.720, 43.63A.735,
13 43.63A.764, 43.70.540, 43.132.030, 43.132.810, 43.133.030,
14 43.133.050, 43.150.040, 43.163.020, 43.163.120, 43.168.010,
15 43.176.030, 43.176.901, 43.180.040, 43.180.200, 43.180.220,
16 43.185A.100, 43.185C.200, 43.210.030, 43.210.060, 43.270.020,
17 43.270.070, 43.270.080, 43.310.020, 43.325.100, 43.325.110,
18 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064, 47.39.040,
19 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200, 50.38.030,
20 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010, 57.46.020,
21 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040,
22 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195, 66.08.198,
23 67.28.8001, 67.38.070, 70.62.290, 70.114A.070, 70.136.030,

1 70A.50.020, 70A.205.210, 70A.205.710, 71.09.255, 72.09.055,
2 72.65.210, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480,
3 80.36.440, 80.80.050, 80.80.080, 90.56.280, 9.41.280, 9.41.284,
4 9.41.305, 9A.44.050, 9A.44.100, 9.94A.838, 9A.44.128, 9A.72.160,
5 10.31.115, 43.20A.715, 82.04.758, 43.41.425, 64.38.110, 72.01.412,
6 88.02.620, and 28A.705.010; reenacting and amending RCW 10.99.080,
7 28A.300.145, 43.03.305, 43.185B.020, 46.04.670, 46.68.340, 53.08.370,
8 54.16.330, 70A.15.3150, 79.64.100, 43.21J.030, and 9A.44.010;
9 reenacting RCW 10.99.030, 46.25.010, 66.24.210, 66.24.495, 69.50.530,
10 69.50.540, 70.47.020, 74.09.053, 82.38.060, and 82.42.040; creating a
11 new section; decodifying RCW 28A.300.2851, 28A.300.807, 43.10.300,
12 43.280.091, and 44.82.010; repealing 2011 1st sp. sess. c 35 s 3
13 (uncodified); providing a contingent effective date; and providing
14 expiration dates.

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

16 NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser,
17 with the approval of the statute law committee, to prepare
18 legislation for submission to the legislature "concerning
19 deficiencies, conflicts, or obsolete provisions" in statutes. This
20 act makes technical, nonsubstantive amendments as follows:

21 (1) Part 1 of this act merges multiple amendments created when
22 sections were amended without reference to other amendments made in
23 the same session.

24 (2) Part 2 of this act updates references in the code to the
25 "department of community, trade, and economic development" with the
26 "department of commerce," in accordance with the renaming of that
27 department by chapter 565, Laws of 2009.

28 (3) Section 3001 of this act adds an expiration date to
29 amendments to RCW 51.32.099. The underlying section expired June 30,
30 2016, but expiration dates for three amendatory sections were
31 apparently omitted in error.

32 (4) Section 3002 of this act repeals an expiration date for 2011
33 amendments to RCW 74.60.020 and 74.60.090. The repealed expiration
34 date conflicts with the expiration date provided in RCW 74.60.901.

35 (5) Section 3003 of this act decodifies groups that are no longer
36 active.

1 (6) Sections 3004 through 3006 of this act reorganize subsection
2 numbering so that distinct criminal penalties are located in separate
3 paragraphs.

4 (7) Sections 3007 through 3010 of this act correct terminology
5 relating to behavioral health disorders in certain sex offense
6 statutes.

7 (8) Section 3011 of this act updates a reference to a federal law
8 which was reclassified and renumbered in 2017.

9 (9) Section 3012 of this act updates a subsection reference in
10 RCW 9A.72.160.

11 (10) Sections 3013 through 3015 of this act replace instances of
12 the word "marijuana" with "cannabis," in accordance with chapter 16,
13 Laws of 2022.

14 (11) Section 3016 of this act corrects an erroneous section
15 reference.

16 (12) Section 3017 of this act changes the term "apartment" to
17 "lot" in a section of chapter 64.38 RCW, relating to homeowners'
18 associations.

19 (13) Sections 3018 and 3019 of this act correct an erroneous
20 subsection reference.

21 (14) Sections 3020 and 3021 of this act replace an erroneous
22 usage of the word "county" with "country."

23 (15) Section 3022 of this act amends cross-references in the
24 interstate compact on educational opportunity for military children.

25 PART 1

26 MERGING MULTIPLE AMENDMENTS

27 **Sec. 1001.** RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2
28 are each reenacted to read as follows:

29 (1) The primary duty of peace officers, when responding to a
30 domestic violence situation, is to enforce the laws allegedly
31 violated and to protect the complaining party.

32 (2)(a) When a peace officer responds to a domestic violence call
33 and has probable cause to believe that a crime has been committed,
34 the peace officer shall exercise arrest powers with reference to the
35 criteria in RCW 10.31.100. The officer shall notify the victim of the
36 victim's right to initiate a criminal proceeding in all cases where
37 the officer has not exercised arrest powers or decided to initiate

1 criminal proceedings by citation or otherwise. The parties in such
2 cases shall also be advised of the importance of preserving evidence.

3 (b) A peace officer responding to a domestic violence call shall
4 take a complete offense report including the officer's disposition of
5 the case.

6 (3) (a) A peace officer who responds to a domestic violence call
7 and has probable cause to believe that a crime has been committed
8 shall:

9 (i) Seize all firearms and ammunition the peace officer has
10 reasonable grounds to believe were used or threatened to be used in
11 the commission of the offense;

12 (ii) Seize all firearms in plain sight or discovered pursuant to
13 a lawful search; and

14 (iii) Request consent to take temporary custody of any other
15 firearms and ammunition to which the alleged abuser has access until
16 a judicial officer has heard the matter.

17 (b) The peace officer shall separate the parties and then inquire
18 of the victim: (i) If there are any firearms or ammunition in the
19 home that are owned or possessed by either party; (ii) if the alleged
20 abuser has access to any other firearms located off-site; and (iii)
21 whether the alleged abuser has an active concealed pistol license, so
22 that there is a complete record for future court proceedings. The
23 inquiry should make clear to the victim that the peace officer is not
24 asking only about whether a firearm was used at the time of the
25 incident but also under other circumstances, such as whether the
26 alleged abuser has kept a firearm in plain sight in a manner that is
27 coercive, has threatened use of firearms in the past, or has
28 additional firearms in a vehicle or other location. Law enforcement
29 personnel may use a pictorial display of common firearms to assist
30 the victim in identifying firearms.

31 (c) The peace officer shall document all information about
32 firearms and concealed pistol licenses in the incident report. The
33 incident report must be coded to indicate the presence of or access
34 to firearms so that personal recognizance screeners, prosecutors, and
35 judicial officers address the heightened risk to victim, family, and
36 peace officer safety due to the alleged abuser's access to firearms.

37 (d) A law enforcement agency shall comply with the provisions of
38 RCW 9.41.340 and 9.41.345 before the return of any firearm or
39 ammunition seized under this subsection to the owner or individual
40 from who the firearm or ammunition was obtained.

1 (4) When a peace officer responds to a domestic violence call:

2 (a) The officer shall advise victims of all reasonable means to
3 prevent further abuse, including advising each person of the
4 availability of a shelter or other services in the community, and
5 giving each person immediate notice of the legal rights and remedies
6 available. The notice shall include handing each person a copy of the
7 following statement:

8 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
9 city or county prosecuting attorney to file a criminal
10 complaint. You also have the right to file a petition in
11 superior, district, or municipal court requesting an order
12 for protection from domestic abuse which could include any of
13 the following: (a) An order restraining your abuser from
14 further acts of abuse; (b) an order directing your abuser to
15 leave your household; (c) an order preventing your abuser
16 from entering your residence, school, business, or place of
17 employment; (d) an order awarding you or the other parent
18 custody of or visitation with your minor child or children;
19 (e) an order restraining your abuser from molesting or
20 interfering with minor children in your custody; and (f) an
21 order requiring your abuser to turn in any firearms and
22 concealed pistol license in the abuser's possession or
23 control to law enforcement and prohibiting the abuser from
24 possessing or accessing firearms or a concealed pistol
25 license for the duration of the civil order. The forms you
26 need to obtain a protection order are available in any
27 municipal, district, or superior court.

28 Information about shelters and alternatives to domestic
29 violence is available from a statewide twenty-four-hour toll-
30 free hotline at (include appropriate phone number). The
31 battered women's shelter and other resources in your area
32 are (include local information)"; and

33 (b) The officer is encouraged to inform victims that information
34 on traumatic brain injury can be found on the statewide website
35 developed under RCW 74.31.070.

36 (5) The peace officer may offer, arrange, or facilitate
37 transportation for the victim to a hospital for treatment of injuries
38 or to a place of safety or shelter.

1 (6) An appointed or elected public official, public employee, or
2 public agency as defined in RCW 4.24.470, or units of local
3 government and its employees, as provided in RCW 36.28A.010, are
4 immune from civil liability for damages arising out of the seizure or
5 lack of seizure of a firearm, unless it is shown that the official,
6 employee, or agency acted with gross negligence or in bad faith.

7 **Sec. 1002.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to
8 read as follows:

9 (1) All training relating to the handling of domestic violence
10 complaints by law enforcement officers must stress enforcement of
11 criminal laws in domestic situations, availability of community
12 resources, and protection of the victim. Law enforcement agencies and
13 community organizations with expertise in the issue of domestic
14 violence shall cooperate in all aspects of such training.

15 (2) The criminal justice training commission shall implement by
16 July 28, 2019, a course of instruction for the training of law
17 enforcement officers in Washington in the handling of domestic
18 violence complaints. The basic law enforcement curriculum of the
19 criminal justice training commission must include at least twenty
20 hours of basic training instruction on the law enforcement response
21 to domestic violence. The course of instruction, the learning and
22 performance objectives, and the standards for the training must be
23 developed by the commission and focus on enforcing the criminal laws,
24 safety of the victim, and holding the perpetrator accountable for the
25 violence. The curriculum must include training on the extent and
26 prevalence of domestic violence, the importance of criminal justice
27 intervention, techniques for responding to incidents that minimize
28 the likelihood of officer injury and that promote victim safety,
29 investigation and interviewing skills, evidence gathering and report
30 writing, assistance to and services for victims and children,
31 understanding the risks of traumatic brain injury posed by domestic
32 violence, verification and enforcement of court orders, liability,
33 and any additional provisions that are necessary to carry out the
34 intention of this subsection.

35 (3) The criminal justice training commission shall develop and
36 update annually an in-service training program to familiarize law
37 enforcement officers with domestic violence laws. The program must
38 include techniques for handling incidents of domestic violence that
39 minimize the likelihood of injury to the officer and that promote the

1 safety of all parties. The commission shall make the training program
2 available to all law enforcement agencies in the state.

3 (4) Development of the training in subsections (2) and (3) of
4 this section must be conducted in conjunction with agencies having a
5 primary responsibility for serving victims of domestic violence with
6 emergency shelter and other services, and representatives to the
7 statewide organization providing training and education to these
8 organizations and to the general public.

9 **Sec. 1003.** RCW 10.99.080 and 2015 c 275 s 14 and 2015 c 265 s 24
10 are each reenacted and amended to read as follows:

11 (1) All superior courts, and courts organized under Title 3 or 35
12 RCW, may impose a penalty of one hundred dollars, plus an additional
13 fifteen dollars on any (~~person~~) adult offender convicted of a crime
14 involving domestic violence; in no case shall a penalty assessment
15 exceed one hundred fifteen dollars on any adult offender convicted of
16 a crime involving domestic violence. The assessment shall be in
17 addition to, and shall not supersede, any other penalty, restitution,
18 fines, or costs provided by law.

19 (2) Revenue from the:

20 (a) One hundred dollar assessment shall be used solely for the
21 purposes of establishing and funding domestic violence advocacy and
22 domestic violence prevention and prosecution programs in the city or
23 county of the court imposing the assessment. Such revenue from the
24 assessment shall not be used for indigent criminal defense. If the
25 city or county does not have domestic violence advocacy or domestic
26 violence prevention and prosecution programs, cities and counties may
27 use the revenue collected from the assessment to contract with
28 recognized community-based domestic violence program providers.

29 (b) Fifteen dollar assessment must be remitted monthly to the
30 state treasury for deposit in the domestic violence prevention
31 account.

32 (3) The one hundred dollar assessment imposed under this section
33 shall not be subject to any state or local remittance requirements
34 under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

35 (4) For the purposes of this section, "convicted" includes a plea
36 of guilty, a finding of guilt regardless of whether the imposition of
37 the sentence is deferred or any part of the penalty is suspended, or
38 the levying of a fine. For the purposes of this section, "domestic

1 violence" has the same meaning as that term is defined under RCW
2 10.99.020 and includes violations of equivalent local ordinances.

3 (5) When determining whether to impose a penalty assessment under
4 this section, judges are encouraged to solicit input from the victim
5 or representatives for the victim in assessing the ability of the
6 convicted offender to pay the penalty, including information
7 regarding current financial obligations, family circumstances, and
8 ongoing restitution.

9 **Sec. 1004.** RCW 28A.300.145 and 2013 c 85 s 1 and 2013 c 10 s 3
10 are each reenacted and amended to read as follows:

11 (1) The Washington coalition of sexual assault programs, in
12 consultation with the Washington association of sheriffs and police
13 chiefs, the Washington association of prosecuting attorneys, the
14 Washington state school directors' association, the association of
15 Washington school principals, the center for children and youth
16 justice, youthcare, the committee for children, the department of
17 (~~early learning~~) children, youth, and families, the department of
18 social and health services, the office of crime victims advocacy,
19 other relevant organizations, and the office of the superintendent of
20 public instruction, shall by June 1, 2014, update existing
21 educational materials made available throughout the state to inform
22 parents, students, school districts, and other interested community
23 members about:

24 (a) The laws related to sex offenses, including the legal
25 elements of (~~sexual-[sex]~~) sex offenses under chapter 9A.44 RCW
26 where a minor is a victim, the consequences upon conviction, and sex
27 offender registration, community notification, and the classification
28 of sex offenders based on an assessment of the risk of reoffending;

29 (b) How to recognize behaviors characteristic of sex offenses and
30 sex offenders;

31 (c) How to prevent victimization, particularly that of young
32 children;

33 (d) How to take advantage of community resources for victims of
34 sexual assault;

35 (e) How to prevent children from being recruited into sex
36 trafficking; and

37 (~~(+6)~~) (f) Other information as deemed appropriate.

38 (2) By September 1, 2014, and biennially thereafter, the
39 Washington coalition of sexual assault programs, in consultation with

1 the Washington association of sheriffs and police chiefs, the
2 Washington association of prosecuting attorneys, and the office of
3 the superintendent of public instruction, shall review and update the
4 educational materials developed under subsection (1) of this section
5 to assure that they remain current and accurate, and are
6 age-appropriate for a variety of ages.

7 (3) Every public school that offers sexual health education must
8 assure that sexual health education complies with existing
9 requirements in the January 2005 guidelines for sexual health
10 information and disease prevention developed by the department of
11 health and the superintendent of public instruction. Specifically,
12 sexual health education must attempt to achieve the objective "take
13 responsibility for and understand the consequences of their own
14 behavior" and the objective "avoid exploitive or manipulative
15 relationships." To do this, sexual health education programs should
16 include age-appropriate information about the legal elements of
17 (~~sexual~~[sex]) sex offenses under chapter 9A.44 RCW where a minor
18 is a victim and the consequences upon conviction, as well as the
19 other information required to be included in informational materials
20 prepared pursuant to subsection (1) of this section. Public schools
21 that offer sexual health education are encouraged to incorporate the
22 materials developed under subsection (1) of this section into the
23 curriculum.

24 **Sec. 1005.** RCW 43.03.305 and 2011 c 254 s 1 and 2011 c 60 s 34
25 are each reenacted and amended to read as follows:

26 There is created a commission to be known as the Washington
27 citizens' commission on salaries for elected officials, to consist of
28 members appointed by the governor as provided in this section.

29 (1) One registered voter from each congressional district shall
30 be selected by the secretary of state from among those registered
31 voters eligible to vote at the time persons are selected for
32 appointment to serve on the commission. The secretary shall establish
33 policies and procedures for conducting the selection by lot. The
34 policies and procedures shall include, but not be limited to, those
35 for notifying persons selected and for providing a new selection from
36 a congressional district if a person selected from the district
37 declines appointment to the commission or if, following the person's
38 appointment, the person's position on the commission becomes vacant
39 before the end of the person's term of office.

1 (2) Seven commission members, all residents of this state, shall
2 be selected jointly by the speaker of the house of representatives
3 and the president of the senate. The persons selected under this
4 subsection shall have had experience in the field of personnel
5 management. Of these seven members, one shall be selected from each
6 of the following five sectors in this state: Private institutions of
7 higher education; business; professional personnel management; legal
8 profession; and organized labor. Of the two remaining members, one
9 shall be a person recommended to the speaker and the president by the
10 chair of the Washington personnel resources board and one shall be a
11 person recommended by majority vote of the presidents of the state's
12 four-year institutions of higher education.

13 (3) The secretary of state shall forward the names of persons
14 selected under subsection (1) of this section and the speaker of the
15 house of representatives and president of the senate shall forward
16 the names of persons selected under subsection (2) of this section to
17 the governor who shall appoint these persons to the commission.
18 Except as provided in subsection (6) of this section, all members
19 shall serve four-year terms and the names of the persons selected for
20 appointment to the commission shall be forwarded to the governor not
21 later than the first day of July every two years.

22 (4) No person may be appointed to more than two terms. No member
23 of the commission may be removed by the governor during his or her
24 term of office unless for cause of incapacity, incompetence, neglect
25 of duty, or malfeasance in office or for a disqualifying change of
26 residence.

27 The unexcused absence of any person who is a member of the
28 commission from two consecutive meetings of the commission shall
29 constitute the relinquishment of that person's membership on the
30 commission. Such a relinquishment creates a vacancy in that person's
31 position on the commission. A member's absence may be excused by the
32 chair of the commission upon the member's written request if the
33 chair believes there is just cause for the absence. Such a request
34 must be received by the chair before the meeting for which the
35 absence is to be excused. A member's absence from a meeting of the
36 commission may also be excused during the meeting for which the
37 member is absent by the affirmative vote of a majority of the members
38 of the commission present at the meeting.

39 (5) No state official, public employee, or lobbyist, or immediate
40 family member of the official, employee, or lobbyist, subject to the

1 registration requirements of chapter (~~(42.17-01)~~) 42.17A RCW is
2 eligible for membership on the commission.

3 As used in this subsection the phrase "immediate family" means
4 the parents, spouse or domestic partner, siblings, children, or
5 dependent relative of the official or lobbyist whether or not living
6 in the household of the official or lobbyist, and the parent, spouse
7 or domestic partner, sibling, child, or dependent relative of the
8 employee, living in the household of the employee or who is dependent
9 in whole or in part for his or her support upon the earnings of the
10 state employee.

11 (6) (a) Upon a vacancy in any position on the commission, a
12 successor shall be selected and appointed to fill the unexpired term.
13 The selection and appointment shall be concluded within thirty days
14 of the date the position becomes vacant and shall be conducted in the
15 same manner as originally provided.

16 (b) Initial members appointed from congressional districts
17 created after July 22, 2011, shall be selected and appointed in the
18 manner provided in subsection (1) of this section. The selection and
19 appointment must be concluded within ninety days of the date the
20 district is created. The term of an initial member appointed under
21 this subsection terminates July 1st of an even-numbered year so that
22 at no point may the terms of more than one-half plus one of the
23 members selected under subsection (1) of this section terminate in
24 the same year.

25 **Sec. 1006.** RCW 43.185B.020 and 2022 c 266 s 3 and 2022 c 165 s 8
26 are each reenacted and amended to read as follows:

27 (1) The department shall establish the affordable housing
28 advisory board to consist of (~~(23)~~) 24 members.

29 (a) The following (~~(20)~~) 21 members shall be appointed by the
30 governor:

31 (i) Two representatives of the residential construction industry;

32 (ii) Two representatives of the home mortgage lending profession;

33 (iii) One representative of the real estate sales profession;

34 (iv) One representative of the apartment management and operation
35 industry;

36 (v) One representative of the for-profit housing development
37 industry;

38 (vi) One representative of for-profit rental housing owners;

1 (vii) One representative of the nonprofit housing development
2 industry;

3 (viii) One representative of homeless shelter operators;

4 (ix) One representative of lower-income persons;

5 (x) One representative of special needs populations;

6 (xi) One representative of public housing authorities as created
7 under chapter 35.82 RCW;

8 (xii) Two representatives of the Washington association of
9 counties, one representative shall be from a county that is located
10 east of the crest of the Cascade mountains;

11 (xiii) Two representatives of the association of Washington
12 cities, one representative shall be from a city that is located east
13 of the crest of the Cascade mountains;

14 (xiv) One representative to serve as chair of the affordable
15 housing advisory board;

16 (xv) One representative of organizations that operate site-based
17 permanent supportive housing and deliver onsite supportive housing
18 services; (~~and~~)

19 (xvi) One representative at large; and

20 (~~(xvi)~~) (xvii) One representative from a unit owners'
21 association as defined in RCW 64.34.020 or 64.90.010.

22 (b) The following three members shall serve as ex officio,
23 nonvoting members:

24 (i) The director or the director's designee;

25 (ii) The executive director of the Washington state housing
26 finance commission or the executive director's designee; and

27 (iii) The secretary of social and health services or the
28 secretary's designee.

29 (2)(a) The members of the affordable housing advisory board
30 appointed by the governor shall be appointed for four-year terms,
31 except that the chair shall be appointed to serve a two-year term.
32 The terms of five of the initial appointees shall be for two years
33 from the date of appointment and the terms of six of the initial
34 appointees shall be for three years from the date of appointment. The
35 governor shall designate the appointees who will serve the two-year
36 and three-year terms. The members of the advisory board shall serve
37 without compensation, but shall be reimbursed for travel expenses as
38 provided in RCW 43.03.050 and 43.03.060.

1 (b) The governor, when making appointments to the affordable
2 housing advisory board, shall make appointments that reflect the
3 cultural diversity of the state of Washington.

4 (3) The affordable housing advisory board shall serve as the
5 department's principal advisory body on housing and housing-related
6 issues, and replaces the department's existing boards and task forces
7 on housing and housing-related issues.

8 (4) The affordable housing advisory board shall meet regularly
9 and may appoint technical advisory committees, which may include
10 members of the affordable housing advisory board, as needed to
11 address specific issues and concerns.

12 (5) The department, in conjunction with the Washington state
13 housing finance commission and the department of social and health
14 services, shall supply such information and assistance as are deemed
15 necessary for the advisory board to carry out its duties under this
16 section.

17 (6) The department shall provide administrative and clerical
18 assistance to the affordable housing advisory board.

19 **Sec. 1007.** RCW 46.04.670 and 2019 c 214 s 7 and 2019 c 170 s 2
20 are each reenacted and amended to read as follows:

21 (1) "Vehicle" means a device capable of being moved upon a public
22 highway and in, upon, or by which any persons or property is or may
23 be transported or drawn upon a public highway.

24 (2) "Vehicle" excludes:

25 (a) A power wheelchair or device other than a bicycle moved by
26 human or animal power or used exclusively upon stationary rails or
27 tracks;

28 (b) A moped, for the purposes of chapter 46.70 RCW;

29 (c) A bicycle or a motorized foot scooter, for the purposes of
30 chapter 46.12, 46.16A, or 46.70 RCW, or for RCW 82.12.045;

31 (d) An electric personal assistive mobility device or a motorized
32 foot scooter, for the purposes of chapter 46.12, 46.16A, 46.29,
33 46.37, or 46.70 RCW;

34 (e) A golf cart, except for the purposes of chapter 46.61 RCW;
35 and

36 (f) A personal delivery device as defined in RCW 46.75.010,
37 except for the purposes of chapter 46.61 RCW.

1 **Sec. 1008.** RCW 46.25.010 and 2019 c 195 s 1 and 2019 c 44 s 3
2 are each reenacted to read as follows:

3 The definitions set forth in this section apply throughout this
4 chapter.

5 (1) "Alcohol" means any substance containing any form of alcohol,
6 including but not limited to ethanol, methanol, propanol, and
7 isopropanol.

8 (2) "Alcohol concentration" means:

9 (a) The number of grams of alcohol per one hundred milliliters of
10 blood; or

11 (b) The number of grams of alcohol per two hundred ten liters of
12 breath.

13 (3) "Commercial driver's license" (CDL) means a license issued to
14 an individual under chapter 46.20 RCW that has been endorsed in
15 accordance with the requirements of this chapter to authorize the
16 individual to drive a class of commercial motor vehicle.

17 (4) The "commercial driver's license information system" (CDLIS)
18 is the information system established pursuant to 49 U.S.C. Sec.
19 31309 to serve as a clearinghouse for locating information related to
20 the licensing and identification of commercial motor vehicle drivers.

21 (5) "Commercial learner's permit" (CLP) means a permit issued
22 under RCW 46.25.052 for the purposes of behind-the-wheel training.

23 (6) "Commercial motor vehicle" means a motor vehicle or
24 combination of motor vehicles used in commerce to transport
25 passengers or property if the motor vehicle:

26 (a) Has a gross combination weight rating or gross combination
27 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
28 is greater, inclusive of any towed unit or units with a gross vehicle
29 weight rating or gross vehicle weight of more than 4,536 kilograms
30 (10,000 pounds), whichever is greater; or

31 (b) Has a gross vehicle weight rating or gross vehicle weight of
32 11,794 kilograms or more (26,001 pounds or more), whichever is
33 greater; or

34 (c) Is designed to transport sixteen or more passengers,
35 including the driver; or

36 (d) Is of any size and is used in the transportation of hazardous
37 materials as defined in this section; or

38 (e) Is a school bus regardless of weight or size.

39 (7) "Conviction" means an unvacated adjudication of guilt, or a
40 determination that a person has violated or failed to comply with the

1 law in a court of original jurisdiction or by an authorized
2 administrative tribunal, an unvacated forfeiture of bail or
3 collateral deposited to secure the person's appearance in court, a
4 plea of guilty or nolo contendere accepted by the court, the payment
5 of a fine or court cost, entry into a deferred prosecution program
6 under chapter 10.05 RCW, or violation of a condition of release
7 without bail, regardless of whether or not the penalty is rebated,
8 suspended, or probated.

9 (8) "Disqualification" means a prohibition against driving a
10 commercial motor vehicle.

11 (9) "Drive" means to drive, operate, or be in physical control of
12 a motor vehicle in any place open to the general public for purposes
13 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
14 46.25.120, "drive" includes operation or physical control of a motor
15 vehicle anywhere in the state.

16 (10) "Drugs" are those substances as defined by RCW 69.04.009,
17 including, but not limited to, those substances defined by 49 C.F.R.
18 Sec. 40.3.

19 (11) "Employer" means any person, including the United States, a
20 state, or a political subdivision of a state, who owns or leases a
21 commercial motor vehicle, or assigns a person to drive a commercial
22 motor vehicle.

23 (12) "Gross vehicle weight rating" (GVWR) means the value
24 specified by the manufacturer as the maximum loaded weight of a
25 single vehicle. The GVWR of a combination or articulated vehicle,
26 commonly referred to as the "gross combined weight rating" or GCWR,
27 is the GVWR of the power unit plus the GVWR of the towed unit or
28 units. If the GVWR of any unit cannot be determined, the actual gross
29 weight will be used. If a vehicle with a GVWR of less than 11,794
30 kilograms (26,001 pounds or less) has been structurally modified to
31 carry a heavier load, then the actual gross weight capacity of the
32 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will
33 be used as the GVWR.

34 (13) "Hazardous materials" means any material that has been
35 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to
36 be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of
37 a material listed as a select agent or toxin in 42 C.F.R. Part 73.

38 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer,
39 or semitrailer propelled or drawn by mechanical power used on
40 highways, or any other vehicle required to be registered under the

1 laws of this state, but does not include a vehicle, machine, tractor,
2 trailer, or semitrailer operated exclusively on a rail.

3 (15)(a) "Nondomiciled CLP or CDL" means a permit or license,
4 respectively, issued under RCW 46.25.054 to a person who meets one of
5 the following criteria:

6 (i) Is domiciled in a foreign country as provided in 49 C.F.R.
7 Sec. 383.23(b)(1) as it existed on October 1, 2017, or such
8 subsequent date as may be provided by the department by rule,
9 consistent with the purposes of this section; or

10 (ii) Is domiciled in another state as provided in 49 C.F.R. Sec.
11 383.23(b)(2) as it existed on October 1, 2017, or such subsequent
12 date as may be provided by the department by rule, consistent with
13 the purposes of this section.

14 (b) The definition in this subsection (15) applies exclusively to
15 the use of the term in this chapter and is not to be applied in any
16 other chapter of the Revised Code of Washington.

17 (16) "Out-of-service order" means a declaration by an authorized
18 enforcement officer of a federal, state, Canadian, Mexican, or local
19 jurisdiction that a driver, a commercial motor vehicle, or a motor
20 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.
21 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North
22 American uniform out-of-service criteria.

23 (17) "Positive alcohol confirmation test" means an alcohol
24 confirmation test that:

25 (a) Has been conducted by a breath alcohol technician under 49
26 C.F.R. Part 40; and

27 (b) Indicates an alcohol concentration of 0.04 or more.

28 A report that a person has refused an alcohol test, under
29 circumstances that constitute the refusal of an alcohol test under 49
30 C.F.R. Part 40, will be considered equivalent to a report of a
31 positive alcohol confirmation test for the purposes of this chapter.

32 (18) "School bus" means a commercial motor vehicle used to
33 transport preprimary, primary, or secondary school students from home
34 to school, from school to home, or to and from school-sponsored
35 events. School bus does not include a bus used as a common carrier.

36 (19) "Serious traffic violation" means:

37 (a) Excessive speeding, defined as fifteen miles per hour or more
38 in excess of the posted limit;

39 (b) Reckless driving, as defined under state or local law;

1 (c) Driving while using a personal electronic device, defined as
2 a violation of RCW 46.61.672, which includes in the activities it
3 prohibits driving while holding a personal electronic device in
4 either or both hands and using a hand or finger for texting, or an
5 equivalent administrative rule or local law, ordinance, rule, or
6 resolution;

7 (d) A violation of a state or local law relating to motor vehicle
8 traffic control, other than a parking violation, arising in
9 connection with an accident or collision resulting in death to any
10 person;

11 (e) Driving a commercial motor vehicle without obtaining a
12 commercial driver's license;

13 (f) Driving a commercial motor vehicle without a commercial
14 driver's license in the driver's possession; however, any individual
15 who provides proof to the court by the date the individual must
16 appear in court or pay any fine for such a violation, that the
17 individual held a valid CDL on the date the citation was issued, is
18 not guilty of a "serious traffic violation";

19 (g) Driving a commercial motor vehicle without the proper class
20 of commercial driver's license endorsement or endorsements for the
21 specific vehicle group being operated or for the passenger or type of
22 cargo being transported; and

23 (h) Any other violation of a state or local law relating to motor
24 vehicle traffic control, other than a parking violation, that the
25 department determines by rule to be serious.

26 (20) "State" means a state of the United States and the District
27 of Columbia.

28 (21) "Substance abuse professional" means an alcohol and drug
29 specialist meeting the credentials, knowledge, training, and
30 continuing education requirements of 49 C.F.R. Sec. 40.281.

31 (22) "Tank vehicle" means any commercial motor vehicle that is
32 designed to transport any liquid or gaseous materials within a tank
33 or tanks having an individual rated capacity of more than one hundred
34 nineteen gallons and an aggregate rated capacity of one thousand
35 gallons or more that is either permanently or temporarily attached to
36 the vehicle or the chassis. A commercial motor vehicle transporting
37 an empty storage container tank, not designed for transportation,
38 with a rated capacity of one thousand gallons or more that is
39 temporarily attached to a flatbed trailer is not considered a tank
40 vehicle.

1 (23) "Type of driving" means one of the following:

2 (a) "Nonexcepted interstate," which means the CDL or CLP holder
3 or applicant operates or expects to operate in interstate commerce,
4 is both subject to and meets the qualification requirements under 49
5 C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent
6 date as may be provided by the department by rule, consistent with
7 the purposes of this section, and is required to obtain a medical
8 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
9 April 30, 2019, or such subsequent date as may be provided by the
10 department by rule, consistent with the purposes of this section;

11 (b) "Excepted interstate," which means the CDL or CLP holder or
12 applicant operates or expects to operate in interstate commerce, but
13 engages exclusively in transportation or operations excepted under 49
14 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on
15 April 30, 2019, or such subsequent date as may be provided by the
16 department by rule, consistent with the purposes of this section,
17 from all or parts of the qualification requirements of 49 C.F.R. Part
18 391 as it existed on April 30, 2019, or such subsequent date as may
19 be provided by the department by rule, consistent with the purposes
20 of this section, and is required to obtain a medical examiner's
21 certificate in accordance with procedures provided in 49 C.F.R. Sec.
22 391.45 as it existed on April 30, 2019, or such subsequent date as
23 may be provided by the department by rule, consistent with the
24 purposes of this section;

25 (c) "Nonexcepted intrastate," which means the CDL or CLP holder
26 or applicant operates only in intrastate commerce and is required to
27 obtain a medical examiner's certificate in accordance with procedures
28 provided in 49 C.F.R. Sec. 391.45 as it existed on April 30, 2019, or
29 such subsequent date as may be provided by the department by rule,
30 consistent with the purposes of this section; or

31 (d) "Excepted intrastate," which means the CDL or CLP holder
32 wishes to maintain a CDL or CLP but not operate a commercial motor
33 vehicle without changing his or her self-certification type.

34 (24) "United States" means the fifty states and the District of
35 Columbia.

36 (25) "Verified positive drug test" means a drug test result or
37 validity testing result from a laboratory certified under the
38 authority of the federal department of health and human services
39 that:

1 (a) Indicates a drug concentration at or above the cutoff
2 concentration established under 49 C.F.R. Sec. 40.87; and

3 (b) Has undergone review and final determination by a medical
4 review officer.

5 A report that a person has refused a drug test, under
6 circumstances that constitute the refusal of a federal department of
7 transportation drug test under 49 C.F.R. Part 40, will be considered
8 equivalent to a report of a verified positive drug test for the
9 purposes of this chapter.

10 (26) "Collector truck" means a vehicle that:

11 (a) Has current registration;

12 (b) Is older than thirty years old;

13 (c) Is a vehicle that meets the weight criteria of subsection (6)
14 of this section;

15 (d) Is capable of safely operating on the highway;

16 (e) Is used for occasional use to and from truck conventions,
17 auto shows, circuses, parades, displays, special excursions, and
18 antique vehicle club meetings;

19 (f) Is used for the pleasure of others without compensation; and

20 (g) Is not used in the operations of a common or contract motor
21 carrier and not used for commercial purposes.

22 (27) "Collector truck operator" means an operator of a
23 noncommercial vehicle that is being exclusively owned and operated as
24 a collector truck.

25 **Sec. 1009.** RCW 46.68.340 and 2013 2nd sp.s. c 35 s 14 and 2013
26 2nd sp.s. c 4 s 986 are each reenacted and amended to read as
27 follows:

28 The ignition interlock device revolving account is created in the
29 state treasury. All receipts from the fee assessed under RCW
30 46.20.385(6) must be deposited into the account. Moneys in the
31 account may be spent only after appropriation. Expenditures from the
32 account may be used for administering and operating the ignition
33 interlock device revolving account program ~~((and))~~ and implementing
34 effective strategies to reduce motor vehicle-related deaths and
35 serious injuries, such as those found in the Washington state
36 strategic highway safety plan: Target Zero and during the 2013-2015
37 fiscal biennium, the legislature may appropriate moneys from the
38 ignition interlock device revolving account for substance abuse
39 programs for offenders.

1 **Sec. 1010.** RCW 53.08.370 and 2021 c 294 s 9 and 2021 c 293 s 3
2 are each reenacted and amended to read as follows:

3 (1) A port district in existence on June 8, 2000, may construct,
4 purchase, acquire, develop, finance, lease, license, handle, provide,
5 add to, contract for, interconnect, alter, improve, repair, operate,
6 and maintain any telecommunications facilities within or without the
7 district's limits for the following purposes:

8 (a) For the district's own use;

9 (b) For the provision of wholesale telecommunications services
10 within or without the district's limits; or

11 (c) For the provision of retail telecommunications services as
12 authorized (~~(in)~~) under this section.

13 (2) Except as provided in subsection (8) of this section, a port
14 district providing wholesale or retail telecommunications services
15 under this section shall ensure that rates, terms, and conditions for
16 such services are not unduly or unreasonably discriminatory or
17 preferential. Rates, terms, and conditions are discriminatory or
18 preferential when a port district offering such rates, terms, and
19 conditions to an entity for wholesale or retail telecommunications
20 services does not offer substantially similar rates, terms, and
21 conditions to all other entities seeking substantially similar
22 services.

23 (3) When a port district establishes a separate utility function
24 for the provision of wholesale or retail telecommunications services,
25 it shall account for any and all revenues and expenditures related to
26 its wholesale or retail telecommunications facilities and services
27 separately from revenues and expenditures related to its internal
28 telecommunications operations. Any revenues received from the
29 provision of wholesale or retail telecommunications services must be
30 dedicated to the utility function that includes the provision of
31 wholesale or retail telecommunications services for costs incurred to
32 build and maintain the telecommunications facilities until such time
33 as any bonds or other financing instruments executed after June 8,
34 2000, and used to finance the telecommunications facilities are
35 discharged or retired.

36 (4) When a port district establishes a separate utility function
37 for the provision of wholesale or retail telecommunications services,
38 all telecommunications services rendered by the separate function to
39 the district for the district's internal telecommunications needs
40 shall be charged at its true and full value. A port district may not

1 charge its nontelecommunications operations rates that are
2 preferential or discriminatory compared to those it charges entities
3 purchasing wholesale or retail telecommunications services.

4 (5) A port district shall not exercise powers of eminent domain
5 to acquire telecommunications facilities or contractual rights held
6 by any other person or entity to telecommunications facilities.

7 (6) Except as otherwise specifically provided, a port district
8 may exercise any of the powers granted to it under this title and
9 other applicable laws in carrying out the powers authorized under
10 this section. Nothing in chapter 81, Laws of 2000 limits any existing
11 authority of a port district under this title.

12 (7) A port district with telecommunications facilities for use in
13 the provision of wholesale or retail telecommunications in accordance
14 with subsection (1) of this section may be subject to local leasehold
15 excise taxes under RCW 82.29A.040.

16 (8)(a) A port district under this section may select a
17 telecommunications company to operate all or a portion of the port
18 district's telecommunications facilities.

19 (b) For the purposes of this section "telecommunications company"
20 means any for-profit entity owned by investors that sells
21 telecommunications services to end users.

22 (c) Nothing in this subsection (8) is intended to limit or
23 otherwise restrict any other authority provided by law.

24 (9) A port district may provide retail telecommunications
25 services within or without the district's limits.

26 (10)(a) A port district may provide retail telecommunications
27 services to end users in unserved areas.

28 (b) A port district must notify and consult with the governor's
29 statewide broadband office within 30 days of its decision to provide
30 retail telecommunications services to unserved areas. The governor's
31 statewide broadband office must post notices received from a port
32 district pursuant to this subsection on its public website.

33 (c) Any port district that intends to provide retail
34 telecommunications services to unserved areas must submit a
35 telecommunications infrastructure and service plan to the governor's
36 statewide broadband office that will be published on the office's
37 website. Submission of plans will enable the governor's statewide
38 broadband office: (i) To better understand infrastructure deployment;
39 (ii) to potentially allocate funding for unserved areas; (iii) to
40 advance the state policy objectives; (iv) to determine whether the

1 plan aligns with state policy objectives and broadband priorities;
2 (v) to measure progress toward serving those in unserved areas; (vi)
3 to report on the feasibility and sustainability of the project; and
4 (vii) to confirm that the project is within an unserved area. The
5 telecommunications infrastructure and service plans shall include,
6 but not be limited to, the following:

7 (A) Map and description of how the deployment of proposed
8 broadband infrastructure will achieve at a minimum 100 megabits per
9 second download speed and at a minimum 20 megabits per second upload
10 speed and then increases to be consistent with the stated long-term
11 state broadband speed goals for unserved areas;

12 (B) Project timeline prioritization of unserved areas; and

13 (C) Description of potential state and federal funding available
14 to provide service to the unserved area.

15 (d) A port district that exercises its authority under (a) of
16 this subsection to provide retail telecommunications services may use
17 state funds, federal funds appropriated through the state, or federal
18 funds dedicated for projects in unserved areas to fund projects
19 identified in the submitted telecommunications infrastructure and
20 service plan required in (c) of this subsection.

21 (e) A port district providing retail telecommunications services
22 under this subsection must operate an open access network.

23 (f) Provisions in this subsection do not apply to the provision
24 of wholesale telecommunications services authorized in this section.

25 (g) For the purposes of this subsection:

26 (i) "Open access network" means a network that, during the useful
27 life of the infrastructure, ensures service providers may use network
28 services and facilities at rates, terms, and conditions that are not
29 discriminatory or preferential between providers, and employs
30 accountable interconnection arrangements published and available
31 publicly.

32 (ii) "Unserved areas" means areas of Washington in which
33 households and businesses lack access to broadband service of speeds
34 at a minimum of 100 megabits per second download and at a minimum 20
35 megabits per second upload.

36 **Sec. 1011.** RCW 54.16.330 and 2021 c 294 s 2 and 2021 c 293 s 1
37 are each reenacted and amended to read as follows:

38 (1) A public utility district in existence on June 8, 2000, may
39 construct, purchase, acquire, develop, finance, lease, license,

1 handle, provide, add to, contract for, interconnect, alter, improve,
2 repair, operate, and maintain any telecommunications facilities
3 within or without the district's limits for the following purposes:

4 (a) For the district's internal telecommunications needs;

5 (b) For the provision of wholesale telecommunications services as
6 follows:

7 (i) Within the district and by contract with another public
8 utility district;

9 (ii) Within an area in an adjoining county that is already
10 provided electrical services by the district; or

11 (iii) Within an adjoining county that does not have a public
12 utility district providing electrical or telecommunications services
13 headquartered within the county's boundaries, but only if the
14 district providing telecommunications services is not authorized to
15 provide electrical services; or

16 (c) For the provision of retail telecommunications services as
17 authorized in this section.

18 (2) A public utility district providing wholesale or retail
19 telecommunications services shall ensure that rates, terms, and
20 conditions for such services are not unduly or unreasonably
21 discriminatory or preferential. Rates, terms, and conditions are
22 discriminatory or preferential when a public utility district
23 offering rates, terms, and conditions to an entity for wholesale or
24 retail telecommunications services does not offer substantially
25 similar rates, terms, and conditions to all other entities seeking
26 substantially similar services.

27 (3) A public utility district providing wholesale or retail
28 telecommunications services shall not be required to, but may,
29 establish a separate utility system or function for such purpose. In
30 either case, a public utility district providing wholesale or retail
31 telecommunications services shall separately account for any revenues
32 and expenditures for those services according to standards
33 established by the state auditor pursuant to its authority in chapter
34 43.09 RCW and consistent with the provisions of this title. Any
35 revenues received from the provision of wholesale or retail
36 telecommunications services must be dedicated to costs incurred to
37 build and maintain any telecommunications facilities constructed,
38 installed, or acquired to provide such services, including payments
39 on debt issued to finance such services, until such time as any bonds
40 or other financing instruments executed after June 8, 2000, and used

1 to finance such telecommunications facilities are discharged or
2 retired.

3 (4) When a public utility district provides wholesale or retail
4 telecommunications services, all telecommunications services rendered
5 to the district for the district's internal telecommunications needs
6 shall be allocated or charged at its true and full value. A public
7 utility district may not charge its nontelecommunications operations
8 rates that are preferential or discriminatory compared to those it
9 charges entities purchasing wholesale or retail telecommunications
10 services.

11 (5) If a person or entity receiving retail telecommunications
12 services from a public utility district under this section has a
13 complaint regarding the reasonableness of the rates, terms,
14 conditions, or services provided, the person or entity may file a
15 complaint with the district commission.

16 (6) A public utility district shall not exercise powers of
17 eminent domain to acquire telecommunications facilities or
18 contractual rights held by any other person or entity to
19 telecommunications facilities.

20 (7) Except as otherwise specifically provided, a public utility
21 district may exercise any of the powers granted to it under this
22 title and other applicable laws in carrying out the powers authorized
23 under this section. Nothing in chapter 81, Laws of 2000 limits any
24 existing authority of a public utility district under this title.

25 (8) A public utility district may provide retail
26 telecommunications services or telecommunications facilities within
27 the district's limits or without the district's limits by contract
28 with another public utility district, any political subdivision of
29 the state authorized to provide retail telecommunications services in
30 the state, or with any federally recognized tribe located in the
31 state of Washington.

32 (~~((10))~~) (9)(a) A public utility district may provide retail
33 telecommunications services to end users in unserved areas.

34 (b) A public utility district must notify and consult with the
35 governor's statewide broadband office within 30 days of its decision
36 to provide retail telecommunications services to unserved areas. The
37 governor's statewide broadband office must post notices received from
38 a public utility district pursuant to this subsection on its public
39 website.

1 (c) Any public utility district that intends to provide retail
2 telecommunications services to unserved areas must submit a
3 telecommunications infrastructure and service plan to the governor's
4 statewide broadband office that will be published on the office's
5 website. Submission of plans will enable the governor's statewide
6 broadband office: (i) To better understand infrastructure deployment;
7 (ii) to potentially allocate funding for unserved areas; (iii) to
8 advance the state policy objectives; (iv) to determine whether the
9 plan aligns with state policy objectives and broadband priorities;
10 (v) to measure progress toward serving those in unserved areas; (vi)
11 to report on the feasibility and sustainability of the project; and
12 (vii) to confirm that the project is within an unserved area. The
13 telecommunications infrastructure and service plans shall include,
14 but not be limited to, the following:

15 (A) Map and description of how the deployment of proposed
16 broadband infrastructure will achieve at a minimum 100 megabits per
17 second download speed and at a minimum 20 megabits per second upload
18 speed and then increases to be consistent with the stated long-term
19 state broadband speed goals for unserved areas;

20 (B) Project timeline prioritization of unserved areas; and

21 (C) Description of potential state and federal funding available
22 to provide service to the unserved area.

23 (d) A public utility district that exercises its authority under
24 (a) of this subsection to provide retail telecommunications services
25 may use state funds, federal funds appropriated through the state, or
26 federal funds dedicated for projects in unserved areas to fund
27 projects identified in the submitted telecommunications
28 infrastructure and service plan required in (c) of this subsection.

29 (e) A public utility district providing retail telecommunications
30 services under this subsection must operate an open access network.

31 (f) This section does not apply to retail internet services
32 provided by a public utility district under RCW 54.16.420.

33 (g) Provisions in this subsection do not apply to the provision
34 of wholesale telecommunications services authorized in this section.

35 (h) For the purposes of this subsection:

36 (i) "Open access network" means a network that, during the useful
37 life of the infrastructure, ensures service providers may use network
38 services and facilities at rates, terms, and conditions that are not
39 discriminatory or preferential between providers, and employs

1 accountable interconnection arrangements published and available
2 publicly.

3 (ii) "Unserved areas" means areas of Washington in which
4 households and businesses lack access to broadband service of speeds
5 at a minimum of 100 megabits per second download and at a minimum 20
6 megabits per second upload.

7 **Sec. 1012.** RCW 66.24.210 and 2016 c 235 s 12 and 2016 c 225 s 1
8 are each reenacted to read as follows:

9 (1) There is hereby imposed upon all wines except cider sold to
10 wine distributors within the state a tax at the rate of twenty and
11 one-fourth cents per liter. Any domestic winery or certificate of
12 approval holder acting as a distributor of its own production must
13 pay taxes imposed by this section. There is hereby imposed on all
14 cider sold to wine distributors within the state a tax at the rate of
15 three and fifty-nine one-hundredths cents per liter. However, wine
16 sold or shipped in bulk from one winery to another winery is not
17 subject to such tax.

18 (a) The tax provided for in this section shall be collected by
19 direct payments based on wine purchased by wine distributors.

20 (b) Except as provided in subsection (7) of this section, every
21 person purchasing wine under the provisions of this section must on
22 or before the twentieth day of each month report to the board all
23 purchases during the preceding calendar month in such manner and upon
24 such forms as may be prescribed by the board, and with such report
25 must pay the tax due from the purchases covered by such report unless
26 the same has previously been paid. Any such purchaser of wine whose
27 applicable tax payment is not postmarked by the twentieth day
28 following the month of purchase will be assessed a penalty at the
29 rate of two percent a month or fraction thereof. The board may
30 require that every such person shall execute to and file with the
31 board a bond to be approved by the board, in such amount as the board
32 may fix, securing the payment of the tax. If any such person fails to
33 pay the tax when due, the board may suspend or cancel the license
34 until all taxes are paid.

35 (c) Any licensed retailer authorized to purchase wine from a
36 certificate of approval holder with a direct shipment endorsement or
37 a domestic winery must make monthly reports to the liquor and
38 cannabis board on wine purchased during the preceding calendar month
39 in the manner and upon such forms as may be prescribed by the board.

1 (2) An additional tax is imposed equal to the rate specified in
2 RCW 82.02.030 multiplied by the tax payable under subsection (1) of
3 this section. All revenues collected during any month from this
4 additional tax must be transferred to the state general fund by the
5 twenty-fifth day of the following month.

6 (3) An additional tax is imposed on wines subject to tax under
7 subsection (1) of this section, at the rate of one-fourth of one cent
8 per liter for wine sold after June 30, 1987. After June 30, 1996,
9 such additional tax does not apply to cider. An additional tax of
10 five one-hundredths of one cent per liter is imposed on cider sold
11 after June 30, 1996. All revenues collected under this subsection (3)
12 shall be disbursed quarterly to the Washington wine commission for
13 use in carrying out the purposes of chapter 15.88 RCW.

14 (4) An additional tax is imposed on all wine subject to tax under
15 subsection (1) of this section. The additional tax is equal to
16 twenty-three and forty-four one-hundredths cents per liter on
17 fortified wine as defined in RCW 66.04.010 when bottled or packaged
18 by the manufacturer, one cent per liter on all other wine except
19 cider, and eighteen one-hundredths of one cent per liter on cider.
20 All revenues collected during any month from this additional tax
21 shall be deposited in the state general fund by the twenty-fifth day
22 of the following month.

23 (5)(a) An additional tax is imposed on all cider subject to tax
24 under subsection (1) of this section. The additional tax is equal to
25 two and four one-hundredths cents per liter of cider sold after June
26 30, 1996, and before July 1, 1997, and is equal to four and seven
27 one-hundredths cents per liter of cider sold after June 30, 1997.

28 (b) All revenues collected from the additional tax imposed under
29 this subsection (5) must be deposited in the state general fund.

30 (6) For the purposes of this section, "cider" means table wine
31 that contains not less than one-half of one percent of alcohol by
32 volume and not more than eight and one-half percent of alcohol by
33 volume and is made from the normal alcoholic fermentation of the
34 juice of sound, ripe apples or pears. "Cider" includes, but is not
35 limited to, flavored, sparkling, or carbonated cider and cider made
36 from condensed apple or pear must.

37 (7) For the purposes of this section, out-of-state wineries must
38 pay taxes under this section on wine sold and shipped directly to
39 Washington state residents in a manner consistent with the
40 requirements of a wine distributor under subsections (1) through (4)

1 of this section, except wineries shall be responsible for the tax and
2 not the resident purchaser.

3 (8) Notwithstanding any other provision of this section, any
4 domestic winery or wine certificate of approval holder acting as a
5 distributor of its own production that had total taxable sales of
6 wine in Washington state of six thousand gallons or less during the
7 calendar year preceding the date on which the tax would otherwise be
8 due is not required to pay taxes under this section more often than
9 annually.

10 **Sec. 1013.** RCW 66.24.495 and 2021 c 176 s 5234 and 2021 c 6 s 10
11 are each reenacted to read as follows:

12 (1)(a) There shall be a license to be designated as a nonprofit
13 arts organization license. This shall be a special license to be
14 issued to any nonprofit arts organization which sponsors and presents
15 productions or performances of an artistic or cultural nature in a
16 specific theater or other appropriate designated indoor premises
17 approved by the board. The license shall permit the licensee to sell
18 liquor to patrons of productions or performances for consumption on
19 the premises at these events. The fee for the license shall be two
20 hundred fifty dollars per annum.

21 (b) The annual fee in (a) of this subsection is waived during the
22 12-month period beginning with the second calendar month after
23 February 28, 2021, for:

24 (i) Licenses that expire during the 12-month waiver period under
25 this subsection (1)(b); and

26 (ii) Licenses issued to persons previously licensed under this
27 section at any time during the 12-month period prior to the 12-month
28 waiver period under this subsection (1)(b).

29 (c) The waiver in (b) of this subsection does not apply to any
30 licensee that:

31 (i) Had their license suspended by the board for health and
32 safety violations of state COVID-19 guidelines; or

33 (ii) Received an order of immediate restraint or citation from
34 the department of labor and industries for allowing an employee to
35 perform work where business activity was prohibited in violation of
36 an emergency proclamation of the governor under RCW 43.06.220.

37 (d) Upon request of the department of revenue, the board and the
38 department of labor and industries must both provide a list of
39 persons that they have determined to be ineligible for a fee waiver

1 under (b) of this subsection for the reasons described in (c) of this
2 subsection. Unless otherwise agreed, any list must be received by the
3 department of revenue no later than 15 calendar days after the
4 request is made.

5 (2) For the purposes of this section, the term "nonprofit arts
6 organization" means an organization which is organized and operated
7 for the purpose of providing artistic or cultural exhibitions,
8 presentations, or performances or cultural or art education programs,
9 as defined in subsection (3) of this section, for viewing or
10 attendance by the general public. The organization must be a not-for-
11 profit corporation under chapter 24.03A RCW and managed by a
12 governing board of not less than eight individuals none of whom is a
13 paid employee of the organization or by a corporation sole under
14 chapter 24.12 RCW. In addition, the corporation must satisfy the
15 following conditions:

16 (a) No part of its income may be paid directly or indirectly to
17 its members, stockholders, officers, directors, or trustees except in
18 the form of services rendered by the corporation in accordance with
19 its purposes and bylaws;

20 (b) Salary or compensation paid to its officers and executives
21 must be only for actual services rendered, and at levels comparable
22 to the salary or compensation of like positions within the state;

23 (c) Assets of the corporation must be irrevocably dedicated to
24 the activities for which the license is granted and, on the
25 liquidation, dissolution, or abandonment by the corporation, may not
26 inure directly or indirectly to the benefit of any member or
27 individual except a nonprofit organization, association, or
28 corporation;

29 (d) The corporation must be duly licensed or certified when
30 licensing or certification is required by law or regulation;

31 (e) The proceeds derived from sales of liquor, except for
32 reasonable operating costs, must be used in furtherance of the
33 purposes of the organization;

34 (f) Services must be available regardless of race, color,
35 national origin, or ancestry; and

36 (g) The board shall have access to its books in order to
37 determine whether the corporation is entitled to a license.

38 (3) The term "artistic or cultural exhibitions, presentations, or
39 performances or cultural or art education programs" includes and is
40 limited to:

1 (a) An exhibition or presentation of works of art or objects of
2 cultural or historical significance, such as those commonly displayed
3 in art or history museums;

4 (b) A musical or dramatic performance or series of performances;
5 or

6 (c) An educational seminar or program, or series of such
7 programs, offered by the organization to the general public on an
8 artistic, cultural, or historical subject.

9 **Sec. 1014.** RCW 69.50.530 and 2022 c 169 s 1 and 2022 c 16 s 100
10 are each reenacted to read as follows:

11 The dedicated cannabis account is created in the state treasury.
12 All moneys received by the board, or any employee thereof, from
13 cannabis-related activities must be deposited in the account. Unless
14 otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all
15 cannabis excise taxes collected from sales of cannabis, useable
16 cannabis, cannabis concentrates, and cannabis-infused products under
17 RCW 69.50.535, and the license fees, penalties, and forfeitures
18 derived under this chapter from cannabis producer, cannabis
19 processor, cannabis researcher, and cannabis retailer licenses, must
20 be deposited in the account. Moneys in the account may only be spent
21 after appropriation.

22 **Sec. 1015.** RCW 69.50.540 and 2022 c 169 s 2 and 2022 c 16 s 102
23 are each reenacted to read as follows:

24 (1) For the purposes of this subsection (1), the legislature must
25 appropriate the amounts provided in this subsection:

26 (a) \$12,500,000 annually to the board for administration of this
27 chapter as appropriated in the omnibus appropriations act;

28 (b) \$11,000,000 annually to the department of health for the
29 following:

30 (i) Creation, implementation, operation, and management of a
31 cannabis, vapor product, and commercial tobacco education and public
32 health program that contains the following:

33 (A) A cannabis use public health hotline that provides referrals
34 to substance abuse treatment providers, uses evidence-based or
35 research-based public health approaches to minimizing the harms
36 associated with cannabis use, and does not solely advocate an
37 abstinence-only approach;

1 (B) Programs that support development and implementation of
2 coordinated intervention strategies for the prevention and reduction
3 of commercial tobacco, vapor product, and cannabis use by youth and
4 cannabis cessation treatment services, including grant programs to
5 local health departments or other local community agencies;

6 (C) Media-based education campaigns across television, internet,
7 radio, print, and out-of-home advertising, separately targeting youth
8 and adults, that provide medically and scientifically accurate
9 information about the health and safety risks posed by cannabis use;
10 and

11 (D) Outreach to priority populations regarding commercial
12 tobacco, vapor product, and cannabis use, prevention, and cessation;
13 and

14 (ii) The Washington poison control center;

15 (c) (i) \$3,000,000 annually to the department of commerce to fund
16 cannabis social equity grants under RCW 43.330.540; and

17 (ii) \$200,000 annually to the department of commerce to fund
18 technical assistance through a roster of mentors under RCW
19 43.330.540;

20 (d) \$200,000 annually, until June 30, 2032, to the health care
21 authority to contract with the Washington state institute for public
22 policy to conduct the cost-benefit evaluations and produce the
23 reports described in RCW 69.50.550;

24 (e) \$25,000 annually to the University of Washington alcohol and
25 drug abuse institute for the creation, maintenance, and timely
26 updating of web-based public education materials providing medically
27 and scientifically accurate information about the health and safety
28 risks posed by cannabis use;

29 (f) \$300,000 annually to the University of Washington and
30 \$175,000 annually to the Washington State University for research on
31 the short-term and long-term effects of cannabis use to include, but
32 not be limited to, formal and informal methods for estimating and
33 measuring intoxication and impairments, and for the dissemination of
34 such research;

35 (g) \$550,000 annually to the office of the superintendent of
36 public instruction to fund grants to building bridges programs under
37 chapter 28A.175 RCW;

38 (h) \$2,423,000 for fiscal year 2022 and \$2,423,000 for fiscal
39 year 2023 to the Washington state patrol for a drug enforcement task
40 force;

1 (i) \$270,000 for fiscal year 2022 and \$290,000 for fiscal year
2 2023 to the department of ecology for implementation of accreditation
3 of cannabis product testing laboratories;

4 (j) \$800,000 for each of fiscal years 2020 through 2023 to the
5 department of health for the administration of the cannabis
6 authorization database; and

7 (k) \$621,000 for fiscal year 2022 and \$635,000 for fiscal year
8 2023 to the department of agriculture for compliance-based laboratory
9 analysis of pesticides in cannabis.

10 (2) Subsections (1)(a) through (g) of this section must be
11 adjusted annually based on the United States bureau of labor
12 statistics' consumer price index for the Seattle area.

13 (3) After appropriation of the amounts identified in subsection
14 (1) of this section, the legislature must annually appropriate such
15 remaining amounts for the purposes listed in this subsection (3) as
16 follows:

17 (a) Fifty-two percent to the state basic health plan trust
18 account to be administered by the Washington basic health plan
19 administrator and used as provided under chapter 70.47 RCW;

20 (b) Eleven percent to the health care authority to:

21 (i) Design and administer the Washington state healthy youth
22 survey, analyze the collected data, and produce reports, in
23 collaboration with the office of the superintendent of public
24 instruction, department of health, department of commerce, family
25 policy council, and board. The survey must be conducted at least
26 every two years and include questions regarding, but not necessarily
27 limited to, academic achievement, age at time of substance use
28 initiation, antisocial behavior of friends, attitudes toward
29 antisocial behavior, attitudes toward substance use, laws and
30 community norms regarding antisocial behavior, family conflict,
31 family management, parental attitudes toward substance use, peer
32 rewarding of antisocial behavior, perceived risk of substance use,
33 and rebelliousness. Funds disbursed under this subsection may be used
34 to expand administration of the healthy youth survey to student
35 populations attending institutions of higher education in Washington;

36 (ii) Develop, implement, maintain, and evaluate programs and
37 practices aimed at the prevention or reduction of maladaptive
38 substance use, substance use disorder, substance abuse or substance
39 dependence, as these terms are defined in the diagnostic and
40 statistical manual of mental disorders, among middle school and high

1 school-age students, whether as an explicit goal of a given program
2 or practice or as a consistently corresponding effect of its
3 implementation, mental health services for children and youth, and
4 services for pregnant and parenting women. In deciding which programs
5 and practices to fund under this subsection (3)(b)(ii), the director
6 of the health care authority must consult, at least annually, with
7 the University of Washington's social development research group and
8 the University of Washington's alcohol and drug abuse institute; and

9 (iii) Contract with community health centers to provide primary
10 health and dental care services, migrant health services, and
11 maternity health care services as provided under RCW 41.05.220;

12 (c)(i) One and one-half percent to counties, cities, and towns
13 where licensed cannabis retailers are physically located. Each
14 jurisdiction must receive a share of the revenue distribution under
15 this subsection (3)(c)(i) based on the proportional share of the
16 total revenues generated in the individual jurisdiction from the
17 taxes collected under RCW 69.50.535, from licensed cannabis retailers
18 physically located in each jurisdiction. For purposes of this
19 subsection (3)(c), 100 percent of the proportional amount attributed
20 to a retailer physically located in a city or town must be
21 distributed to the city or town;

22 (ii) Three and one-half percent to counties, cities, and towns
23 ratably on a per capita basis. Counties must receive 60 percent of
24 the distribution based on each county's total proportional
25 population. Funds may only be distributed to jurisdictions that do
26 not prohibit the siting of any state licensed cannabis producer,
27 processor, or retailer;

28 (iii) By September 15th of each year, the board must provide the
29 state treasurer the annual distribution amount made under this
30 subsection (3)(c), if any, for each county and city as determined in
31 (c)(i) and (ii) of this subsection; and

32 (iv) Distribution amounts allocated to each county, city, and
33 town in (c)(i) and (ii) of this subsection must be distributed in
34 four installments by the last day of each fiscal quarter; and

35 (d) Thirty-two percent must be deposited in the state general
36 fund.

37 **Sec. 1016.** RCW 70.47.020 and 2011 1st sp.s. c 15 s 83, 2011 1st
38 sp.s. c 9 s 3, and 2011 c 284 s 1 are each reenacted to read as
39 follows:

1 As used in this chapter:

2 (1) "Director" means the director of the Washington state health
3 care authority.

4 (2) "Health coverage tax credit eligible enrollee" means
5 individual workers and their qualified family members who lose their
6 jobs due to the effects of international trade and are eligible for
7 certain trade adjustment assistance benefits; or are eligible for
8 benefits under the alternative trade adjustment assistance program;
9 or are people who receive benefits from the pension benefit guaranty
10 corporation and are at least fifty-five years old.

11 (3) "Health coverage tax credit program" means the program
12 created by the Trade Act of 2002 (P.L. 107-210) that provides a
13 federal tax credit that subsidizes private health insurance coverage
14 for displaced workers certified to receive certain trade adjustment
15 assistance benefits and for individuals receiving benefits from the
16 pension benefit guaranty corporation.

17 (4) "Managed health care system" means: (a) Any health care
18 organization, including health care providers, insurers, health care
19 service contractors, health maintenance organizations, or any
20 combination thereof, that provides directly or by contract basic
21 health care services, as defined by the director and rendered by duly
22 licensed providers, to a defined patient population enrolled in the
23 plan and in the managed health care system; or (b) a self-funded or
24 self-insured method of providing insurance coverage to subsidized
25 enrollees provided under RCW 41.05.140 and subject to the limitations
26 under RCW 70.47.100(9).

27 (5) "Nonparticipating provider" means a person, health care
28 provider, practitioner, facility, or entity, acting within their
29 authorized scope of practice or licensure, that does not have a
30 written contract to participate in a managed health care system's
31 provider network, but provides services to plan enrollees who receive
32 coverage through the managed health care system.

33 (6) "Nonsubsidized enrollee" means an individual, or an
34 individual plus the individual's spouse or dependent children: (a)
35 Who is not eligible for medicare; (b) who is not confined or residing
36 in a government-operated institution, unless he or she meets
37 eligibility criteria adopted by the director; (c) who is accepted for
38 enrollment by the director as provided in RCW 48.43.018, either
39 because the potential enrollee cannot be required to complete the
40 standard health questionnaire under RCW 48.43.018, or, based upon the

1 results of the standard health questionnaire, the potential enrollee
2 would not qualify for coverage under the Washington state health
3 insurance pool; (d) who resides in an area of the state served by a
4 managed health care system participating in the plan; (e) who chooses
5 to obtain basic health care coverage from a particular managed health
6 care system; and (f) who pays or on whose behalf is paid the full
7 costs for participation in the plan, without any subsidy from the
8 plan.

9 (7) "Premium" means a periodic payment, which an individual,
10 their employer or another financial sponsor makes to the plan as
11 consideration for enrollment in the plan as a subsidized enrollee, a
12 nonsubsidized enrollee, or a health coverage tax credit eligible
13 enrollee.

14 (8) "Rate" means the amount, negotiated by the director with and
15 paid to a participating managed health care system, that is based
16 upon the enrollment of subsidized, nonsubsidized, and health coverage
17 tax credit eligible enrollees in the plan and in that system.

18 (9) "Subsidy" means the difference between the amount of periodic
19 payment the director makes to a managed health care system on behalf
20 of a subsidized enrollee plus the administrative cost to the plan of
21 providing the plan to that subsidized enrollee, and the amount
22 determined to be the subsidized enrollee's responsibility under RCW
23 70.47.060(2).

24 (10) "Subsidized enrollee" means:

25 (a) An individual, or an individual plus the individual's spouse
26 or dependent children:

27 (i) Who is not eligible for medicare;

28 (ii) Who is not confined or residing in a government-operated
29 institution, unless he or she meets eligibility criteria adopted by
30 the director;

31 (iii) Who is not a full-time student who has received a temporary
32 visa to study in the United States;

33 (iv) Who resides in an area of the state served by a managed
34 health care system participating in the plan;

35 (v) Until March 1, 2011, whose gross family income at the time of
36 enrollment does not exceed two hundred percent of the federal poverty
37 level as adjusted for family size and determined annually by the
38 federal department of health and human services;

1 (vi) Who chooses to obtain basic health care coverage from a
2 particular managed health care system in return for periodic payments
3 to the plan;

4 (vii) Who is not receiving or has not been determined to be
5 currently eligible for federally financed categorically needy or
6 medically needy programs under chapter 74.09 RCW, except as provided
7 under RCW 70.47.110; and

8 (viii) After February 28, 2011, who is in the basic health
9 transition eligibles population under 1115 medicaid demonstration
10 project number 11-W-00254/10;

11 (b) An individual who meets the requirements in (a)(i) through
12 (iv), (vi), and (vii) of this subsection and who is a foster parent
13 licensed under chapter 74.15 RCW and whose gross family income at the
14 time of enrollment does not exceed three hundred percent of the
15 federal poverty level as adjusted for family size and determined
16 annually by the federal department of health and human services; and

17 (c) To the extent that state funds are specifically appropriated
18 for this purpose, with a corresponding federal match, an individual,
19 or an individual's spouse or dependent children, who meets the
20 requirements in (a)(i) through (iv), (vi), and (vii) of this
21 subsection and whose gross family income at the time of enrollment is
22 more than two hundred percent, but less than two hundred fifty-one
23 percent, of the federal poverty level as adjusted for family size and
24 determined annually by the federal department of health and human
25 services.

26 (11) "Washington basic health plan" or "plan" means the system of
27 enrollment and payment for basic health care services, administered
28 by the plan director through participating managed health care
29 systems, created by this chapter.

30 **Sec. 1017.** RCW 70A.15.3150 and 2021 c 317 s 24 and 2021 c 315 s
31 15 are each reenacted and amended to read as follows:

32 (1) Any person who knowingly violates any of the provisions of
33 this chapter, chapter 70A.25, 70A.60, or 70A.535 RCW, or any
34 ordinance, resolution, or regulation in force pursuant thereto is
35 guilty of a gross misdemeanor and upon conviction thereof shall be
36 punished by a fine of not more than ten thousand dollars, or by
37 imprisonment in the county jail for up to three hundred sixty-four
38 days, or by both for each separate violation.

1 (2) Any person who negligently releases into the ambient air any
2 substance listed by the department of ecology as a hazardous air
3 pollutant, other than in compliance with the terms of an applicable
4 permit or emission limit, and who at the time negligently places
5 another person in imminent danger of death or substantial bodily harm
6 is guilty of a gross misdemeanor and shall, upon conviction, be
7 punished by a fine of not more than ten thousand dollars, or by
8 imprisonment for up to three hundred sixty-four days, or both.

9 (3) Any person who knowingly releases into the ambient air any
10 substance listed by the department of ecology as a hazardous air
11 pollutant, other than in compliance with the terms of an applicable
12 permit or emission limit, and who knows at the time that he or she
13 thereby places another person in imminent danger of death or
14 substantial bodily harm, is guilty of a class C felony and shall,
15 upon conviction, be punished by a fine of not less than fifty
16 thousand dollars, or by imprisonment for not more than five years, or
17 both.

18 (4) Any person who knowingly fails to disclose a potential
19 conflict of interest under RCW 70A.15.2000 is guilty of a gross
20 misdemeanor, and upon conviction thereof shall be punished by a fine
21 of not more than five thousand dollars.

22 **Sec. 1018.** RCW 74.09.053 and 2009 c 568 s 6 and 2009 c 479 s 62
23 are each reenacted to read as follows:

24 (1) Beginning in November 2012, the department of social and
25 health services, in coordination with the health care authority,
26 shall by November 15th of each year report to the legislature:

27 (a) The number of medical assistance recipients who: (i) Upon
28 enrollment or recertification had reported being employed, and
29 beginning with the 2008 report, the month and year they reported
30 being hired; or (ii) upon enrollment or recertification had reported
31 being the dependent of someone who was employed, and beginning with
32 the 2008 report, the month and year they reported the employed person
33 was hired. For recipients identified under (a)(i) and (ii) of this
34 subsection, the department shall report the basis for their medical
35 assistance eligibility, including but not limited to family medical
36 coverage, transitional medical assistance, children's medical
37 coverage, aged coverage, or coverage for persons with disabilities;
38 member months; and the total cost to the state for these recipients,
39 expressed as general fund-state and general fund-federal dollars. The

1 information shall be reported by employer size for employers having
2 more than fifty employees as recipients or with dependents as
3 recipients. This information shall be provided for the preceding
4 January and June of that year.

5 (b) The following aggregated information: (i) The number of
6 employees who are recipients or with dependents as recipients by
7 private and governmental employers; (ii) the number of employees who
8 are recipients or with dependents as recipients by employer size for
9 employers with fifty or fewer employees, fifty-one to one hundred
10 employees, one hundred one to one thousand employees, one thousand
11 one to five thousand employees and more than five thousand employees;
12 and (iii) the number of employees who are recipients or with
13 dependents as recipients by industry type.

14 (2) For each aggregated classification, the report will include
15 the number of hours worked, the number of department of social and
16 health services covered lives, and the total cost to the state for
17 these recipients. This information shall be for each quarter of the
18 preceding year.

19 **Sec. 1019.** RCW 79.64.100 and 2012 2nd sp.s. c 7 s 928 and 2012 c
20 166 s 5 are each reenacted and amended to read as follows:

21 (1) There is created a forest development account in the state
22 treasury. The state treasurer shall keep an account of all sums
23 deposited, expended, or withdrawn from the account.

24 (2) (a) Any sums placed in the forest development account shall be
25 pledged for the purpose of:

26 (i) Paying interest and principal on the bonds issued by the
27 department under RCW 79.22.080 and 79.22.090 and the provisions of
28 this chapter; and

29 (ii) The purchase of land for growing timber.

30 (b) Any bonds issued shall constitute a first and prior claim and
31 lien against the account for the payment of principal and interest.

32 (3) No sums for the purposes identified in subsection (2) of this
33 section shall be withdrawn or paid out of the account except upon
34 approval of the department.

35 ~~((4))~~ (a) Appropriations may be made by the legislature from
36 the forest development account to the department for the purpose of:

37 ~~((a))~~ (i) Carrying on the activities of the department on state
38 forestlands;

1 (~~(b)~~) (ii) Establishing a state forestland pool under RCW
2 79.22.140 and carrying on the activities of the department on lands
3 included in the land pool;

4 (~~(c)~~) (iii) Carrying on the activities of the department on
5 lands managed on a sustained yield basis as provided for in RCW
6 79.10.320; and

7 (~~(d)~~) (iv) Reimbursement of expenditures that have been made or
8 may be made from the resource management cost account created in RCW
9 79.64.020 in the management of state forestlands.

10 (b) For the 2011-2013 fiscal biennium, moneys from the forest
11 development account shall be distributed as directed in section 706,
12 chapter 7, Laws of 2012 2nd sp. sess. to the beneficiaries of the
13 revenues derived from state forestlands. During the 2011-2013 fiscal
14 biennium, the legislature may appropriate moneys in the forest
15 development account to support emergency fire suppression activities
16 in a manner that, at a maximum, represents the proportion of land
17 that the department manages in comparison to the total land the
18 department conducts emergency fire suppression activities on.

19 **Sec. 1020.** RCW 82.38.060 and 2013 c 225 s 107 and 2013 c 23 s
20 332 are each reenacted to read as follows:

21 If tax on fuel placed in the fuel supply tanks of motor vehicles
22 for taxable use on Washington highways can be more accurately
23 determined on a mileage basis the department is authorized to adopt
24 such basis. In the absence of records showing the number of miles
25 actually operated per gallon of fuel consumed, fuel consumption must
26 be calculated by the department.

27 **Sec. 1021.** RCW 82.42.040 and 2013 c 225 s 304 and 2013 c 23 s
28 335 are each reenacted to read as follows:

29 (1) Application for a license must be made to the department. The
30 application must be filed in a manner prescribed by the department
31 and must contain information the department requires.

32 (2) For purposes of this section, the term "applicant" has the
33 same meaning as provided for "person" in RCW 82.42.010.

34 (3) An application for a license must contain the following
35 information to the extent it applies to the applicant:

36 (a) Proof, as the department may require, concerning the
37 applicant's identity;

1 (b) The applicant's business structure and place of business,
2 including proof the applicant is licensed to conduct business in this
3 state;

4 (c) The employment history of the applicant and any partner,
5 officer, or director of the applicant;

6 (d) A bank reference and whether the applicant or any partner,
7 officer, or director of the applicant has ever been adjudged bankrupt
8 or has an unsatisfied judgment;

9 (e) Whether the applicant has been adjudged guilty of a crime or
10 suffered a civil judgment directly related to the distribution and
11 sale of fuel within the last ten years;

12 (f) Each state, province, or country that the applicant intends
13 to import fuel from by means other than bulk transfer. An applicant
14 must also show proof that the applicant has maintained the
15 appropriate license required of each state, province, or country; and

16 (g) Each state, province, or country that the applicant intends
17 to export fuel to by means other than bulk transfer. An applicant
18 must also show proof that the applicant has maintained the
19 appropriate license required of each state, province, or country.

20 (4) An applicant must submit a surety bond in an amount, form,
21 and manner set by the department. In lieu of a bond, an applicant may
22 provide evidence to the department of sufficient assets to adequately
23 meet tax payments, penalties, interest, or other obligations arising
24 out of this chapter.

25 (5) For the purposes of considering any application for a
26 license, the department may inspect, cause an inspection,
27 investigate, or cause an investigation of the records of this or any
28 other state, province, country, or the federal government to
29 ascertain the veracity of the information on the application and the
30 applicant's criminal, civil, and licensing history.

31 (6) An applicant who makes a false statement of a material fact
32 on the application may be prosecuted for false swearing as defined by
33 RCW 9A.72.040.

34 PART 2

35 CORRECTING REFERENCES TO THE DEPARTMENT OF COMMERCE

36 **Sec. 2001.** RCW 7.68.360 and 2005 c 358 s 2 are each amended to
37 read as follows:

1 (1) By July 1, 2005, the director of the department of
2 (~~community, trade, and economic development~~) commerce, or the
3 director's designee, shall within existing resources convene and
4 chair a work group to develop written protocols for delivery of
5 services to victims of trafficking of humans. The director shall
6 invite appropriate federal agencies to consult with the work group
7 for the purpose of developing protocols that, to the extent possible,
8 are in concert with federal statutes, regulations, and policies. In
9 addition to the director of the department of (~~community, trade, and
10 economic development~~) commerce, the following shall be members of
11 the work group: The secretary of the department of health, the
12 secretary of the department of social and health services, the
13 attorney general, the director of the department of labor and
14 industries, the commissioner of the employment security department, a
15 representative of the Washington association of prosecuting
16 attorneys, the chief of the Washington state patrol, two members
17 selected by the Washington association of sheriffs and police chiefs,
18 and five members, selected by the director of the department of
19 (~~community, trade, and economic development~~) commerce from a list
20 submitted by public and private sector organizations that provide
21 assistance to persons who are victims of trafficking. The attorney
22 general, the chief of the Washington state patrol, and the
23 secretaries or directors may designate a person to serve in their
24 place.

25 Members of the work group shall serve without compensation.

26 (2) The protocols must meet all of the following minimum
27 standards:

28 (a) The protocols must apply to the following state agencies: The
29 department of (~~community, trade, and economic development~~)
30 commerce, the department of health, the department of social and
31 health services, the attorney general's office, the Washington state
32 patrol, the department of labor and industries, and the employment
33 security department;

34 (b) The protocols must provide policies and procedures for
35 interagency coordinated operations and cooperation with government
36 agencies and nongovernmental organizations, agencies, and
37 jurisdictions, including law enforcement agencies and prosecuting
38 attorneys;

39 (c) The protocols must include the establishment of a database
40 electronically available to all affected agencies which contains the

1 name, address, and telephone numbers of agencies that provide
2 services to victims of human trafficking; and

3 (d) The protocols must provide guidelines for providing for the
4 social service needs of victims of trafficking of humans, including
5 housing, health care, and employment.

6 (3) By January 1, 2006, the work group shall finalize the written
7 protocols and submit them with a report to the legislature and the
8 governor.

9 (4) The protocols shall be reviewed on a biennial basis by the
10 work group to determine whether revisions are appropriate. The
11 director of the department of (~~community, trade, and economic~~
12 ~~development~~) commerce, or the director's designee, shall within
13 existing resources reconvene and chair the work group for this
14 purpose.

15 **Sec. 2002.** RCW 18.85.285 and 2008 c 23 s 37 are each amended to
16 read as follows:

17 (1) Brokers and managing brokers must submit complete copies of
18 their transactions to their firm. The designated broker shall keep
19 adequate records of all real estate transactions handled by or
20 through the firm or firms to which the designated broker is
21 registered. The records shall include, but are not limited to, a copy
22 of the purchase and sale agreement, earnest money receipt, and an
23 itemization of the receipts and disbursements with each transaction.
24 These records and all other records specified by the director by rule
25 are open to inspection by the director or the director's authorized
26 representatives.

27 (2) If any licensee exercises control over real estate
28 transaction funds, those funds are considered trust funds.

29 (3) Every real estate licensee shall deliver or cause to be
30 delivered to all parties signing the same, within a reasonable time
31 after signing, purchase and sale agreements, listing agreements, and
32 all other like or similar instruments signed by the parties.

33 (4) Every real estate firm that keeps separate real estate trust
34 fund accounts must keep the accounts in a recognized Washington state
35 depository. A real estate firm must maintain an adequate amount of
36 funds in the trust fund accounts to facilitate the opening of the
37 trust fund accounts or to prevent the closing of the trust fund
38 accounts.

1 (5) All licensees shall keep separate and apart and physically
2 segregated from the licensees' own funds, all funds or moneys
3 including advance fees of clients that are being held by the
4 licensees pending the closing of a real estate sale or transaction,
5 or that have been collected for the clients and are being held for
6 disbursement for or to the clients.

7 (6) A firm is not required to maintain a trust fund account for
8 transactions concerning a purchase and sale agreement that instructs
9 the broker to deliver the earnest money check directly to a named
10 closing agent or to the seller.

11 (7) Brokers must deposit all funds into their firm's trust bank
12 account the next banking day following receipt of the funds unless
13 the purchase and sale agreement provides for deferred deposit or
14 delivery. In that event, the broker must promptly deposit or deliver
15 funds in accordance with the terms of the purchase and sale
16 agreement.

17 (8) (a) If a real estate broker receives or maintains earnest
18 money or client funds for deposit, the real estate firm shall
19 maintain a pooled interest-bearing trust account for deposit of
20 client funds, with the exception of property management trust
21 accounts.

22 (b) The interest accruing on this account, net of any reasonable
23 and appropriate financial institution service charges or fees, shall
24 be paid to the state treasurer for deposit in the Washington housing
25 trust fund created in RCW 43.185.030 and the real estate education
26 program account created in RCW 18.85.321. Appropriate service charges
27 or fees are those charges made by financial institutions on other
28 demand deposit or "now" accounts. The firm or designated broker is
29 not required to notify the client of the intended use of the funds.

30 (c) The department shall adopt rules that will serve as
31 guidelines in the choice of an account specified in this subsection.

32 (9) If trust funds are claimed by more than one party, the
33 designated broker or designated broker's delegate must promptly
34 provide written notification to all contracting parties to a real
35 estate transaction of the intent of the designated broker or
36 designated broker's delegate to disburse client funds. The
37 notification must include the names and addresses of all parties to
38 the contract, the amount of money held and to whom it will be
39 disbursed, and the date of disbursement that must occur no later than
40 thirty consecutive days after the notification date.

1 (10) For an account created under subsection (8) of this section,
2 the designated or managing broker shall direct the depository
3 institution to:

4 (a) Remit interest or dividends, net of any reasonable and
5 appropriate service charges or fees, on the average monthly balance
6 in the account, or as otherwise computed in accordance with an
7 institution's standard accounting practice, at least quarterly, to
8 the state treasurer for deposit in the housing trust fund created by
9 RCW 43.185.030 and the real estate education program account created
10 in RCW 18.85.321; and

11 (b) Transmit to the director of (~~community, trade, and economic~~
12 ~~development~~) commerce a statement showing the name of the person or
13 entity for whom the remittance is spent, the rate of interest
14 applied, and the amount of service charges deducted, if any, and the
15 account balance(s) of the period in which the report is made, with a
16 copy of the statement to be transmitted to the depositing person or
17 firm.

18 (11) The director of (~~community, trade, and economic~~
19 ~~development~~) commerce shall forward a copy of the reports required
20 by subsection (10) of this section to the department to aid in the
21 enforcement of the requirements of this section consistent with the
22 normal enforcement and auditing practices of the department.

23 (12)(a) This section does not relieve any real estate broker,
24 managing broker, or firm of any obligation with respect to the
25 safekeeping of clients' funds.

26 (b) Any violation by real estate brokers, managing brokers, or
27 firms of any of the provisions of this section, RCW 18.85.361, or
28 chapter 18.235 RCW is grounds for disciplinary action against the
29 licenses issued to the brokers, managing brokers, or firms.

30 **Sec. 2003.** RCW 19.27.190 and 1996 c 186 s 501 are each amended
31 to read as follows:

32 (1)(a) Not later than January 1, 1991, the state building code
33 council, in consultation with the department of (~~community, trade,~~
34 ~~and economic development~~) commerce, shall establish interim
35 requirements for the maintenance of indoor air quality in newly
36 constructed residential buildings. In establishing the interim
37 requirements, the council shall take into consideration differences
38 in heating fuels and heating system types. These requirements shall
39 be in effect July 1, 1991, through June 30, 1993.

1 (b) The interim requirements for new electrically space heated
2 residential buildings shall include ventilation standards which
3 provide for mechanical ventilation in areas of the residence where
4 water vapor or cooking odors are produced. The ventilation shall be
5 exhausted to the outside of the structure. The ventilation standards
6 shall further provide for the capacity to supply outside air to each
7 bedroom and the main living area through dedicated supply air inlet
8 locations in walls, or in an equivalent manner. At least one exhaust
9 fan in the home shall be controlled by a dehumidistat or clock timer
10 to ensure that sufficient whole house ventilation is regularly
11 provided as needed.

12 (c)(i) For new single-family residences with electric space
13 heating systems, zero lot line homes, each unit in a duplex, and each
14 attached housing unit in a planned unit development, the ventilation
15 standards shall include fifty cubic feet per minute of effective
16 installed ventilation capacity in each bathroom and one hundred cubic
17 feet per minute of effective installed ventilation capacity in each
18 kitchen.

19 (ii) For other new residential units with electric space heating
20 systems the ventilation standards may be satisfied by the
21 installation of two exhaust fans with a combined effective installed
22 ventilation capacity of two hundred cubic feet per minute.

23 (iii) Effective installed ventilation capacity means the
24 capability to deliver the specified ventilation rates for the actual
25 design of the ventilation system. Natural ventilation and
26 infiltration shall not be considered acceptable substitutes for
27 mechanical ventilation.

28 (d) For new residential buildings that are space heated with
29 other than electric space heating systems, the interim standards
30 shall be designed to result in indoor air quality equivalent to that
31 achieved with the interim ventilation standards for electric space
32 heated homes.

33 (e) The interim requirements for all newly constructed
34 residential buildings shall include standards for indoor air quality
35 pollutant source control, including the following requirements: All
36 structural panel components of the residence shall comply with
37 appropriate standards for the emission of formaldehyde; the back-
38 drafting of combustion by-products from combustion appliances shall
39 be minimized through the use of dampers, vents, outside combustion
40 air sources, or other appropriate technologies; and, in areas of the

1 state where monitored data indicate action is necessary to inhibit
2 indoor radon gas concentrations from exceeding appropriate health
3 standards, entry of radon gas into homes shall be minimized through
4 appropriate foundation construction measures.

5 (2) No later than January 1, 1993, the state building code
6 council, in consultation with the department of (~~community, trade,~~
7 ~~and economic development~~) commerce, shall establish final
8 requirements for the maintenance of indoor air quality in newly
9 constructed residences to be in effect beginning July 1, 1993. For
10 new electrically space heated residential buildings, these
11 requirements shall maintain indoor air quality equivalent to that
12 provided by the mechanical ventilation and indoor air pollutant
13 source control requirements included in the February 7, 1989,
14 Bonneville power administration record of decision for the
15 environmental impact statement on new energy efficient homes programs
16 (DOE/EIS-0127F) built with electric space heating. In residential
17 units other than single-family, zero lot line, duplexes, and attached
18 housing units in planned unit developments, ventilation requirements
19 may be satisfied by the installation of two exhaust fans with a
20 combined effective installed ventilation capacity of two hundred
21 cubic feet per minute. For new residential buildings that are space
22 heated with other than electric space heating systems, the standards
23 shall be designed to result in indoor air quality equivalent to that
24 achieved with the ventilation and source control standards for
25 electric space heated homes. In establishing the final requirements,
26 the council shall take into consideration differences in heating
27 fuels and heating system types.

28 **Sec. 2004.** RCW 24.46.010 and 1995 c 399 s 12 are each amended to
29 read as follows:

30 It is the finding of the legislature that foreign trade zones
31 serve an important public purpose by the creation of employment
32 opportunities within the state and that the establishment of zones
33 designed to accomplish this purpose is to be encouraged. It is the
34 further intent of the legislature that the department of (~~community,~~
35 ~~trade, and economic development~~) commerce provide assistance to
36 entities planning to apply to the United States for permission to
37 establish such zones.

1 **Sec. 2005.** RCW 28A.160.090 and 1995 c 399 s 20 are each amended
2 to read as follows:

3 Each school district board shall determine its own policy as to
4 whether or not its school buses will be rented or leased for the
5 purposes of RCW 28A.160.080, and if the board decision is to rent or
6 lease, under what conditions, subject to the following:

7 (1) Such renting or leasing may take place only after the
8 director of (~~community, trade, and economic development~~) commerce
9 or any of his or her agents so authorized has, at the request of an
10 involved governmental agency, declared that an emergency exists in a
11 designated area insofar as the need for additional transport is
12 concerned.

13 (2) The agency renting or leasing the school buses must agree, in
14 writing, to reimburse the school district for all costs and expenses
15 related to their use and also must provide an indemnity agreement
16 protecting the district against any type of claim or legal action
17 whatsoever, including all legal costs incident thereto.

18 **Sec. 2006.** RCW 28A.515.320 and 1996 c 186 s 503 are each amended
19 to read as follows:

20 The common school construction fund is to be used exclusively for
21 the purpose of financing the construction of facilities for the
22 common schools. The sources of said fund shall be: (1) Those proceeds
23 derived from sale or appropriation of timber and other crops from
24 school and state land other than those granted for specific purposes;
25 (2) the interest accruing on the permanent common school fund less
26 the allocations to the state treasurer's service (~~account—[fund]~~)
27 fund pursuant to RCW 43.08.190 and the state investment board expense
28 account pursuant to RCW 43.33A.160 together with all rentals and
29 other revenue derived therefrom and from land and other property
30 devoted to the permanent common school fund; (3) all moneys received
31 by the state from the United States under the provisions of section
32 191, Title 30, United States Code, Annotated, and under section 810,
33 chapter 12, Title 16, (Conservation), United States Code, Annotated,
34 except moneys received before June 30, 2001, and when thirty
35 megawatts of geothermal power is certified as commercially available
36 by the receiving utilities and the department of (~~community, trade,
37 and economic development~~) commerce, eighty percent of such moneys,
38 under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030;
39 and (4) such other sources as the legislature may direct. That

1 portion of the common school construction fund derived from interest
2 on the permanent common school fund may be used to retire such bonds
3 as may be authorized by law for the purpose of financing the
4 construction of facilities for the common schools.

5 The interest accruing on the permanent common school fund less
6 the allocations to the state treasurer's service fund pursuant to RCW
7 43.08.190 and the state investment board expense account pursuant to
8 RCW 43.33A.160 together with all rentals and other revenues accruing
9 thereto pursuant to subsection (2) of this section prior to July 1,
10 1967, shall be exclusively applied to the current use of the common
11 schools.

12 To the extent that the moneys in the common school construction
13 fund are in excess of the amount necessary to allow fulfillment of
14 the purpose of said fund, the excess shall be available for deposit
15 to the credit of the permanent common school fund or available for
16 the current use of the common schools, as the legislature may direct.
17 Any money from the common school construction fund which is made
18 available for the current use of the common schools shall be restored
19 to the fund by appropriation, including interest income (~~forgone~~
20 ~~{forgone}~~) forgone, before the end of the next fiscal biennium
21 following such use.

22 **Sec. 2007.** RCW 28B.30.537 and 1998 c 245 s 20 are each amended
23 to read as follows:

24 The IMPACT center shall:

25 (1) Coordinate the teaching, research, and extension expertise of
26 the college of agriculture and home economics at Washington State
27 University to assist in:

28 (a) The design and development of information and strategies to
29 expand the long-term international markets for Washington
30 agricultural products; and

31 (b) The dissemination of such information and strategies to
32 Washington exporters, overseas users, and public and private trade
33 organizations;

34 (2) Research and identify current impediments to increased
35 exports of Washington agricultural products, and determine methods of
36 surmounting those impediments and opportunities for exporting new
37 agricultural products and commodities to foreign markets;

38 (3) Prepare curricula to present and distribute information
39 concerning international trade in agricultural commodities and

1 products to students, exporters, international traders, and the
2 public;

3 (4) Provide high quality research and graduate education and
4 professional nondegree training in international trade in
5 agricultural commodities in cooperation with other existing programs;

6 (5) Ensure that activities of the center adequately reflect the
7 objectives for the state's agricultural market development programs
8 established by the department of agriculture as the lead state agency
9 for such programs under chapter 43.23 RCW; and

10 (6) Link itself through cooperative agreements with the center
11 for international trade in forest products at the University of
12 Washington, the state department of agriculture, the department of
13 (~~community, trade, and economic development~~) commerce, Washington's
14 agriculture businesses and associations, and other state agency data
15 collection, processing, and dissemination efforts.

16 **Sec. 2008.** RCW 28B.30.900 and 1996 c 186 s 201 are each amended
17 to read as follows:

18 (1) All powers, duties, and functions of the state energy office
19 under RCW 43.21F.045 relating to implementing energy education,
20 applied research, and technology transfer programs shall be
21 transferred to Washington State University.

22 (2) The specific programs transferred to Washington State
23 University shall include but not be limited to the following:
24 Renewable energy, energy software, industrial energy efficiency,
25 education and information, energy ideas clearinghouse, and
26 telecommunications.

27 (3)(a) All reports, documents, surveys, books, records, files,
28 papers, or written material in the possession of the state energy
29 office pertaining to the powers, functions, and duties transferred
30 shall be delivered to the custody of Washington State University. All
31 cabinets, furniture, office equipment, software, database, motor
32 vehicles, and other tangible property employed by the state energy
33 office in carrying out the powers, functions, and duties transferred
34 shall be made available to Washington State University.

35 (b) Any appropriations made to, any other funds provided to, or
36 any grants made to or contracts with the state energy office for
37 carrying out the powers, functions, and duties transferred shall, on
38 July 1, 1996, be transferred and credited to Washington State
39 University.

1 (c) Whenever any question arises as to the transfer of any funds,
2 books, documents, records, papers, files, software, database,
3 equipment, or other tangible property used or held in the exercise of
4 the powers and the performance of the duties and functions
5 transferred, an arbitrator mutually agreed upon by the parties in
6 dispute shall make a determination as to the proper allocation and
7 certify the same to the state agencies concerned.

8 (d) All rules and all pending business before the state energy
9 office pertaining to the powers, functions, and duties transferred
10 shall be continued and acted upon by Washington State University. All
11 existing contracts, grants, and obligations, excluding personnel
12 contracts and obligations, shall remain in full force and shall be
13 assigned to and performed by Washington State University.

14 (e) The transfer of the powers, duties, and functions of the
15 state energy office does not affect the validity of any act performed
16 before July 1, 1996.

17 (f) If apportionments of budgeted funds are required because of
18 the transfers directed by this section, the director of the office of
19 financial management shall certify the apportionments to the agencies
20 affected, the state auditor, and the state treasurer. Each of these
21 shall make the appropriate transfer and adjustments in funds and
22 appropriation.

23 (4) Washington State University shall enter into an interagency
24 agreement with the department of (~~community, trade, and economic~~
25 ~~development~~) commerce regarding the relationship between policy
26 development and public outreach. The department of (~~community,~~
27 ~~trade, and economic development~~) commerce shall provide Washington
28 State University available existing and future oil overcharge
29 restitution and federal energy block funding for a minimum period of
30 five years to carry out energy programs. Nothing in chapter 186, Laws
31 of 1996 prohibits Washington State University from seeking grant
32 funding for energy-related programs directly from other entities.

33 (5) Washington State University shall select and appoint existing
34 state energy office employees to positions to perform the duties and
35 functions transferred. Employees appointed by Washington State
36 University are exempt from the provisions of chapter 41.06 RCW unless
37 otherwise designated by the institution. Any future vacant or new
38 positions will be filled using Washington State University's standard
39 hiring procedures.

1 **Sec. 2009.** RCW 28B.50.281 and 2017 c 39 s 1 are each amended to
2 read as follows:

3 (1) The state board shall work with the leadership team, the
4 Washington state apprenticeship and training council, and the office
5 of the superintendent of public instruction to jointly develop, by
6 June 30, 2010, curricula and training programs, to include on-the-job
7 training, classroom training, and safety and health training, for the
8 development of the skills and qualifications identified by the
9 department of (~~community, trade, and economic development~~) commerce
10 under section 7 of this act.

11 (2) The board shall target a portion of any federal stimulus
12 funding received to ensure commensurate capacity for high employer-
13 demand programs of study developed under this section. To that end,
14 the state board must coordinate with the department, the leadership
15 team, the workforce board, or another appropriate state agency in the
16 application for and receipt of any funding that may be made available
17 through the federal youthbuild program, workforce innovation and
18 opportunity act, job corps, or other relevant federal programs.

19 (3) The board shall provide an interim report to the appropriate
20 committees of the legislature by December 1, 2011, and a final report
21 by December 1, 2013, detailing the effectiveness of, and any
22 recommendations for improving, the worker training curricula and
23 programs established in this section.

24 (4) Existing curricula and training programs or programs provided
25 by community and technical colleges in the state developed under this
26 section must be recognized as programs of study under RCW 28B.50.273.

27 (5) Subject to available funding, the board may grant enrollment
28 priority to persons who qualify for a waiver under RCW 28B.15.522 and
29 who enroll in curricula and training programs provided by community
30 or technical colleges in the state that have been developed in
31 accordance with this section.

32 (6) The college board may prioritize workforce training programs
33 that lead to a credential, certificate, or degree in green economy
34 jobs. For purposes of this section, green economy jobs include those
35 in the primary industries of a green economy including clean energy,
36 high-efficiency building, green transportation, and environmental
37 protection. Prioritization efforts may include but are not limited
38 to: (a) Prioritization of the use of high employer-demand funding for
39 workforce training programs in green economy jobs, if the programs
40 meet minimum criteria for identification as a high-demand program of

1 study as defined by the state board for community and technical
2 colleges, however any additional community and technical college
3 high-demand funding authorized for the 2009-2011 fiscal biennium and
4 thereafter may be subject to prioritization; (b) increased outreach
5 efforts to public utilities, education, labor, government, and
6 private industry to develop tailored, green job training programs;
7 and (c) increased outreach efforts to target populations. Outreach
8 efforts shall be conducted in partnership with local workforce
9 development councils.

10 (7) The definitions in RCW 43.330.010 apply to this section and
11 RCW 28B.50.282.

12 **Sec. 2010.** RCW 28C.18.130 and 2008 c 103 s 3 are each amended to
13 read as follows:

14 (1) Subject to funding provided for the purposes of this section,
15 the board, in consultation with the state board for community and
16 technical colleges, the department of (~~community, trade, and~~
17 ~~economic development~~) commerce, and the employment security
18 department, shall allocate grants on a competitive basis to establish
19 and support industry skill panels.

20 (2) Eligible applicants for the grants allocated under this
21 section include, but are not limited to, workforce development
22 councils, community and technical colleges, economic development
23 councils, private career schools, chambers of commerce, trade
24 associations, and apprenticeship councils.

25 (3) Entities applying for a grant under this section shall
26 provide an employer match of at least twenty-five percent to be
27 eligible. The local match may include in-kind services.

28 (4) It shall be the role of industry skill panels funded under
29 this chapter to enable businesses in the industry to address
30 workforce skill needs. Industry skill panels shall identify workforce
31 strategies to meet the needs in order to benefit employers and
32 workers across the industry. Examples of strategies include, but are
33 not limited to: Developing career guidance materials; producing or
34 updating skill standards and curricula; designing training programs
35 and courses; developing technical assessments and certifications;
36 arranging employer mentoring, tutoring, and internships; identifying
37 private sector assistance in providing faculty or equipment to
38 training providers; and organizing industry conferences disseminating

1 best practices. The products and services of particular skill panels
2 shall depend upon the needs of the industry.

3 **Sec. 2011.** RCW 28C.18.140 and 2008 c 103 s 4 are each amended to
4 read as follows:

5 The board shall establish industry skill panel standards that
6 identify the expectations for industry skill panel products and
7 services. The board shall establish the standards in consultation
8 with labor, the state board for community and technical colleges, the
9 employment security department, the institute of workforce
10 development and economic sustainability, and the department of
11 (~~community, trade, and economic development~~) commerce. Continued
12 funding of particular industry skill panels shall be based on meeting
13 the standards established by the board under this section. Beginning
14 December 1, 2008, the board shall report annually to the governor and
15 the economic development and higher education committees of the
16 legislature on the results of the industry skill panels funded under
17 this chapter in meeting the standards.

18 **Sec. 2012.** RCW 31.24.030 and 2006 c 87 s 6 are each amended to
19 read as follows:

20 In furtherance of its purposes and in addition to the powers now
21 or hereafter conferred on business corporations by Title 23B RCW and
22 upon limited liability companies by chapter 25.15 RCW, as applicable,
23 a business development company has, subject to the restrictions and
24 limitations in this section, the following powers:

25 (1) To assess stockholders, or a class of stockholders, of the
26 business development company, if authorized by the articles of
27 incorporation and approved by the department pursuant to a plan of
28 assessment as provided for in RCW 31.24.066;

29 (2) To make qualified loans to borrowers in relation to business
30 development projects;

31 (3) To make qualified investments in businesses in relation to
32 business development projects;

33 (4) To facilitate and arrange qualified participation loans by
34 qualified loan participants to borrowers in relation to business
35 development projects;

36 (5) To participate in the partial funding of qualified
37 participation loans;

- 1 (6) To elect, appoint, and employ officers, agents, and
2 employees;
- 3 (7) To make contracts and incur liabilities for any of the
4 purposes of the business development company. However, a business
5 development company shall not incur any secondary liability by way of
6 guaranty or endorsement of the obligations of any person, firm,
7 company, association, or trust, or in any other manner;
- 8 (8) To the extent permitted by other applicable law, to borrow
9 money from the federal small business administration and any other
10 similar federal or state agency, for any of the purposes of a
11 business development company;
- 12 (9) To borrow money from a financial institution or other
13 financial entity;
- 14 (10) To issue bonds, debentures, notes, or other evidence of
15 indebtedness, whether secured or unsecured, and to secure the same by
16 mortgage, pledge, deed of trust, or other lien on its property,
17 franchises, rights, and privileges of every kind and nature or any
18 part or interest therein, without securing stockholder approval;
- 19 (11) To purchase, receive, hold, lease, or otherwise acquire, and
20 to sell, convey, transfer, lease, or otherwise dispose of real and
21 personal property, together with such rights and privileges as may be
22 incidental and appurtenant thereto and the use thereof, including,
23 but not restricted to, any real or personal property acquired by the
24 business development company in the satisfaction of debts or
25 enforcement of obligations;
- 26 (12) To acquire the good will, business, rights, real and
27 personal property, and other assets, or any part thereof, or interest
28 therein, of any persons, firms, corporations, limited liability
29 companies, partnerships, limited partnerships, associations, or
30 trusts, and to assume, undertake, or pay the obligations, debts, and
31 liabilities of any such person, firm, corporation, limited liability
32 company, partnership, limited partnership, association, or trust;
- 33 (13) To acquire improved or unimproved real estate for the
34 purpose of constructing industrial plants or other business
35 establishments thereon or for the purpose of disposing of such real
36 estate to others for the construction of industrial plants or other
37 business establishments; and to acquire, construct or reconstruct,
38 alter, repair, maintain, operate, sell, convey, transfer, lease, or
39 otherwise dispose of industrial plants or business establishments;

1 (14) To acquire, subscribe for, own, hold, sell, assign,
2 transfer, mortgage, pledge, or otherwise dispose of the stock,
3 shares, bonds, debentures, notes, or other securities and evidences
4 of interest in, or indebtedness of, any person, firm, limited
5 liability company, partnership, limited partnership, association, or
6 trust, and while the owner or holder thereof to exercise all the
7 rights, powers, and privileges of ownership, including the right to
8 vote thereon;

9 (15) To mortgage, pledge, or otherwise encumber any property,
10 right or things of value, acquired pursuant to the powers contained
11 in subsections (11), (12), and (14) of this section, as security for
12 the payment of any part of the purchase price thereof;

13 (16) To cooperate with and avail itself of the facilities and
14 assistance programs of the United States department of commerce, the
15 United States department of the treasury, the United States
16 department of housing and urban development, the department of
17 (~~community, trade, and economic development~~) commerce, and any
18 other similar state or federal governmental agencies; and to
19 cooperate with and assist, and otherwise encourage organizations in
20 the various communities of the state in the promotion, assistance,
21 and development of the business prosperity and economic welfare of
22 such communities or of this state or of any part thereof; and

23 (17) To do all acts and things necessary or convenient to carry
24 out the powers expressly granted in this chapter.

25 **Sec. 2013.** RCW 34.05.330 and 1998 c 280 s 5 are each amended to
26 read as follows:

27 (1) Any person may petition an agency requesting the adoption,
28 amendment, or repeal of any rule. The office of financial management
29 shall prescribe by rule the format for such petitions and the
30 procedure for their submission, consideration, and disposition and
31 provide a standard form that may be used to petition any agency.
32 Within sixty days after submission of a petition, the agency shall
33 either (a) deny the petition in writing, stating (i) its reasons for
34 the denial, specifically addressing the concerns raised by the
35 petitioner, and, where appropriate, (ii) the alternative means by
36 which it will address the concerns raised by the petitioner, or (b)
37 initiate rule-making proceedings in accordance with RCW 34.05.320.

38 (2) If an agency denies a petition to repeal or amend a rule
39 submitted under subsection (1) of this section, and the petition

1 alleges that the rule is not within the intent of the legislature or
2 was not adopted in accordance with all applicable provisions of law,
3 the person may petition for review of the rule by the joint
4 administrative rules review committee under RCW 34.05.655.

5 (3) If an agency denies a petition to repeal or amend a rule
6 submitted under subsection (1) of this section, the petitioner,
7 within thirty days of the denial, may appeal the denial to the
8 governor. The governor shall immediately file notice of the appeal
9 with the code reviser for publication in the Washington state
10 register. Within forty-five days after receiving the appeal, the
11 governor shall either (a) deny the petition in writing, stating (i)
12 his or her reasons for the denial, specifically addressing the
13 concerns raised by the petitioner, and, (ii) where appropriate, the
14 alternative means by which he or she will address the concerns raised
15 by the petitioner; (b) for agencies listed in RCW 43.17.010, direct
16 the agency to initiate rule-making proceedings in accordance with
17 this chapter; or (c) for agencies not listed in RCW 43.17.010,
18 recommend that the agency initiate rule-making proceedings in
19 accordance with this chapter. The governor's response to the appeal
20 shall be published in the Washington state register and copies shall
21 be submitted to the chief clerk of the house of representatives and
22 the secretary of the senate.

23 (4) In petitioning for repeal or amendment of a rule under this
24 section, a person is encouraged to address, among other concerns:

25 (a) Whether the rule is authorized;

26 (b) Whether the rule is needed;

27 (c) Whether the rule conflicts with or duplicates other federal,
28 state, or local laws;

29 (d) Whether alternatives to the rule exist that will serve the
30 same purpose at less cost;

31 (e) Whether the rule applies differently to public and private
32 entities;

33 (f) Whether the rule serves the purposes for which it was
34 adopted;

35 (g) Whether the costs imposed by the rule are unreasonable;

36 (h) Whether the rule is clearly and simply stated;

37 (i) Whether the rule is different than a federal law applicable
38 to the same activity or subject matter without adequate
39 justification; and

1 (j) Whether the rule was adopted according to all applicable
2 provisions of law.

3 (5) The department of (~~community, trade, and economic~~
4 ~~development~~) commerce and the office of financial management shall
5 coordinate efforts among agencies to inform the public about the
6 existence of this rules review process.

7 (6) The office of financial management shall initiate the rule
8 making required by subsection (1) of this section by September 1,
9 1995.

10 **Sec. 2014.** RCW 35.02.260 and 1995 c 399 s 34 are each amended to
11 read as follows:

12 The department of (~~community, trade, and economic development~~)
13 commerce shall identify federal, state, and local agencies that
14 should receive notification that a new city or town is about to
15 incorporate and shall assist newly formed cities and towns during the
16 interim period before the official date of incorporation in providing
17 such notification to the identified agencies.

18 **Sec. 2015.** RCW 35.13.171 and 2009 c 549 s 2010 are each amended
19 to read as follows:

20 Within thirty days after the filing of a city's or town's
21 annexation resolution pursuant to RCW 35.13.015 with the board of
22 county commissioners or within thirty days after filing with the
23 county commissioners a petition calling for an election on
24 annexation, as provided in RCW 35.13.020, or within thirty days after
25 approval by the legislative body of a city or town of a petition of
26 property owners calling for annexation, as provided in RCW 35.13.130,
27 the mayor of the city or town concerned that is not subject to the
28 jurisdiction of a boundary review board under chapter 36.93 RCW,
29 shall convene a review board composed of the following persons:

30 (1) The mayor of the city or town initiating the annexation by
31 resolution, or the mayor in the event of a twenty percent annexation
32 petition pursuant to RCW 35.13.020, or an alternate designated by the
33 mayor;

34 (2) The chair of the board of county commissioners of the county
35 wherein the property to be annexed is situated, or an alternate
36 designated by him or her;

37 (3) The director of (~~community, trade, and economic~~
38 ~~development~~) commerce, or an alternate designated by the director;

1 Two additional members to be designated, one by the mayor of the
2 annexing city, which member shall be a resident property owner of the
3 city, and one by the chair of the county legislative authority, which
4 member shall be a resident of and a property owner or a resident or a
5 property owner if there be no resident property owner in the area
6 proposed to be annexed, shall be added to the original membership and
7 the full board thereafter convened upon call of the mayor: PROVIDED
8 FURTHER, That three members of the board shall constitute a quorum.

9 **Sec. 2016.** RCW 35.21.300 and 1995 c 399 s 36 are each amended to
10 read as follows:

11 (1) The lien for charges for service by a city waterworks, or
12 electric light or power plant may be enforced only by cutting off the
13 service until the delinquent and unpaid charges are paid, except that
14 until June 30, 1991, utility service for residential space heating
15 may be terminated between November 15 and March 15 only as provided
16 in subsections (2) and (4) of this section. In the event of a
17 disputed account and tender by the owner of the premises of the
18 amount the owner claims to be due before the service is cut off, the
19 right to refuse service to any premises shall not accrue until suit
20 has been entered by the city and judgment entered in the case.

21 (2) Utility service for residential space heating shall not be
22 terminated between November 15 through March 15 if the customer:

23 (a) Notifies the utility of the inability to pay the bill,
24 including a security deposit. This notice should be provided within
25 five business days of receiving a payment overdue notice unless there
26 are extenuating circumstances. If the customer fails to notify the
27 utility within five business days and service is terminated, the
28 customer can, by paying reconnection charges, if any, and fulfilling
29 the requirements of this section, receive the protections of this
30 chapter;

31 (b) Provides self-certification of household income for the prior
32 twelve months to a grantee of the department of (~~community, trade,~~
33 ~~and economic development~~) commerce which administers federally
34 funded energy assistance programs. The grantee shall determine that
35 the household income does not exceed the maximum allowed for
36 eligibility under the state's plan for low-income energy assistance
37 under 42 U.S.C. 8624 and shall provide a dollar figure that is seven
38 percent of household income. The grantee may verify information in
39 the self-certification;

1 (c) Has applied for home heating assistance from applicable
2 government and private sector organizations and certifies that any
3 assistance received will be applied to the current bill and future
4 utility bills;

5 (d) Has applied for low-income weatherization assistance to the
6 utility or other appropriate agency if such assistance is available
7 for the dwelling;

8 (e) Agrees to a payment plan and agrees to maintain the payment
9 plan. The plan will be designed both to pay the past due bill by the
10 following October 15 and to pay for continued utility service. If the
11 past due bill is not paid by the following October 15, the customer
12 shall not be eligible for protections under this chapter until the
13 past due bill is paid. The plan shall not require monthly payments in
14 excess of seven percent of the customer's monthly income plus one-
15 twelfth of any arrearage accrued from the date application is made
16 and thereafter during November 15 through March 15. A customer may
17 agree to pay a higher percentage during this period, but shall not be
18 in default unless payment during this period is less than seven
19 percent of monthly income plus one-twelfth of any arrearage accrued
20 from the date application is made and thereafter. If assistance
21 payments are received by the customer subsequent to implementation of
22 the plan, the customer shall contact the utility to reformulate the
23 plan; and

24 (f) Agrees to pay the moneys owed even if he or she moves.

25 (3) The utility shall:

26 (a) Include in any notice that an account is delinquent and that
27 service may be subject to termination, a description of the
28 customer's duties in this section;

29 (b) Assist the customer in fulfilling the requirements under this
30 section;

31 (c) Be authorized to transfer an account to a new residence when
32 a customer who has established a plan under this section moves from
33 one residence to another within the same utility service area;

34 (d) Be permitted to disconnect service if the customer fails to
35 honor the payment program. Utilities may continue to disconnect
36 service for those practices authorized by law other than for
37 nonpayment as provided for in this section. Customers who qualify for
38 payment plans under this section who default on their payment plans
39 and are disconnected can be reconnected and maintain the protections
40 afforded under this chapter by paying reconnection charges, if any,

1 and by paying all amounts that would have been due and owing under
2 the terms of the applicable payment plan, absent default, on the date
3 on which service is reconnected; and

4 (e) Advise the customer in writing at the time it disconnects
5 service that it will restore service if the customer contacts the
6 utility and fulfills the other requirements of this section.

7 (4) All municipal utilities shall offer residential customers the
8 option of a budget billing or equal payment plan. The budget billing
9 or equal payment plan shall be offered low-income customers eligible
10 under the state's plan for low-income energy assistance prepared in
11 accordance with 42 U.S.C. 8624(C)(1) without limiting availability to
12 certain months of the year, without regard to the length of time the
13 customer has occupied the premises, and without regard to whether the
14 customer is the tenant or owner of the premises occupied.

15 (5) An agreement between the customer and the utility, whether
16 oral or written, shall not waive the protections afforded under this
17 chapter.

18 **Sec. 2017.** RCW 36.01.120 and 1995 c 399 s 40 are each amended to
19 read as follows:

20 It is the finding of the legislature that foreign trade zones
21 serve an important public purpose by the creation of employment
22 opportunities within the state and that the establishment of zones
23 designed to accomplish this purpose is to be encouraged. It is the
24 further intent of the legislature that the department of (~~community,~~
25 ~~trade, and economic development~~) commerce provide assistance to
26 entities planning to apply to the United States for permission to
27 establish such zones.

28 **Sec. 2018.** RCW 36.70A.085 and 2022 c 252 s 2 are each amended to
29 read as follows:

30 (1) Comprehensive plans of cities that have a marine container
31 port with annual operating revenues in excess of sixty million
32 dollars within their jurisdiction must include a container port
33 element.

34 (2) Comprehensive plans of cities that include all or part of a
35 port district with annual operating revenues in excess of twenty
36 million dollars may include a marine industrial port element. Prior
37 to adopting a marine industrial port element under this subsection

1 (2), the commission of the applicable port district must adopt a
2 resolution in support of the proposed element.

3 (3) Port elements adopted under subsections (1) and (2) of this
4 section must be developed collaboratively between the city, the
5 applicable port, and the applicable tribe, which shall comply with
6 RCW 36.70A.040(8), and must establish policies and programs that:

7 (a) Define and protect the core areas of port and port-related
8 industrial uses within the city;

9 (b) Provide reasonably efficient access to the core area through
10 freight corridors within the city limits; and

11 (c) Identify and resolve key land use conflicts along the edge of
12 the core area, and minimize and mitigate, to the extent practicable,
13 incompatible uses along the edge of the core area.

14 (4) Port elements adopted under subsections (1) and (2) of this
15 section must be:

16 (a) Completed and approved by the city according to the schedule
17 specified in RCW 36.70A.130; and

18 (b) Consistent with the economic development, transportation, and
19 land use elements of the city's comprehensive plan, and consistent
20 with the city's capital facilities plan.

21 (5) In adopting port elements under subsections (1) and (2) of
22 this section, cities and ports must: Ensure that there is consistency
23 between the port elements and the port comprehensive scheme required
24 under chapters 53.20 and 53.25 RCW; and retain sufficient planning
25 flexibility to secure emerging economic opportunities.

26 (6) In developing port elements under subsections (1) and (2) of
27 this section, a city may utilize one or more of the following
28 approaches:

29 (a) Creation of a port overlay district that protects container
30 port uses;

31 (b) Use of industrial land banks;

32 (c) Use of buffers and transition zones between incompatible
33 uses;

34 (d) Use of joint transportation funding agreements;

35 (e) Use of policies to encourage the retention of valuable
36 warehouse and storage facilities;

37 (f) Use of limitations on the location or size, or both, of
38 nonindustrial uses in the core area and surrounding areas; and

39 (g) Use of other approaches by agreement between the city and the
40 port.

1 (7) The department of (~~community, trade, and economic~~
2 ~~development~~) commerce must provide matching grant funds to cities
3 meeting the requirements of subsection (1) of this section to support
4 development of the required container port element.

5 (8) Any planned improvements identified in port elements adopted
6 under subsections (1) and (2) of this section must be transmitted by
7 the city to the transportation commission for consideration of
8 inclusion in the statewide transportation plan required under RCW
9 47.01.071.

10 **Sec. 2019.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to
11 read as follows:

12 As part of the review required by RCW 36.70A.130(1), a county or
13 city shall review its mineral resource lands designations adopted
14 pursuant to RCW 36.70A.170 and mineral resource lands development
15 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its
16 review, the county or city shall take into consideration:

17 (1) New information made available since the adoption or last
18 review of its designations or development regulations, including data
19 available from the department of natural resources relating to
20 mineral resource deposits; and

21 (2) New or modified model development regulations for mineral
22 resource lands prepared by the department of natural resources, the
23 department of (~~community, trade, and economic development~~)
24 commerce, or the Washington state association of counties.

25 **Sec. 2020.** RCW 36.70B.040 and 1997 c 429 s 46 are each amended
26 to read as follows:

27 (1) A proposed project's consistency with a local government's
28 development regulations adopted under chapter 36.70A RCW, or, in the
29 absence of applicable development regulations, the appropriate
30 elements of the comprehensive plan adopted under chapter 36.70A RCW
31 shall be decided by the local government during project review by
32 consideration of:

33 (a) The type of land use;

34 (b) The level of development, such as units per acre or other
35 measures of density;

36 (c) Infrastructure, including public facilities and services
37 needed to serve the development; and

1 (d) The characteristics of the development, such as development
2 standards.

3 (2) In deciding whether a project is consistent, the
4 determinations made pursuant to RCW 36.70B.030(2) shall be
5 controlling.

6 (3) For purposes of this section, the term "consistency" shall
7 include all terms used in this chapter and chapter 36.70A RCW to
8 refer to performance in accordance with this chapter and chapter
9 36.70A RCW, including but not limited to compliance, conformity, and
10 consistency.

11 (4) Nothing in this section requires documentation, dictates an
12 agency's procedures for considering consistency, or limits a city or
13 county from asking more specific or related questions with respect to
14 any of the four main categories listed in subsection (1)(a) through
15 (d) of this section.

16 (5) The department of (~~community, trade, and economic~~
17 ~~development~~) commerce is authorized to develop and adopt by rule
18 criteria to assist local governments planning under RCW 36.70A.040 to
19 analyze the consistency of project actions. These criteria shall be
20 jointly developed with the department of ecology.

21 **Sec. 2021.** RCW 36.70B.080 and 2004 c 191 s 2 are each amended to
22 read as follows:

23 (1) Development regulations adopted pursuant to RCW 36.70A.040
24 must establish and implement time periods for local government
25 actions for each type of project permit application and provide
26 timely and predictable procedures to determine whether a completed
27 project permit application meets the requirements of those
28 development regulations. The time periods for local government
29 actions for each type of complete project permit application or
30 project type should not exceed one hundred twenty days, unless the
31 local government makes written findings that a specified amount of
32 additional time is needed to process specific complete project permit
33 applications or project types.

34 The development regulations must, for each type of permit
35 application, specify the contents of a completed project permit
36 application necessary for the complete compliance with the time
37 periods and procedures.

38 (2)(a) Counties subject to the requirements of RCW 36.70A.215 and
39 the cities within those counties that have populations of at least

1 twenty thousand must, for each type of permit application, identify
2 the total number of project permit applications for which decisions
3 are issued according to the provisions of this chapter. For each type
4 of project permit application identified, these counties and cities
5 must establish and implement a deadline for issuing a notice of final
6 decision as required by subsection (1) of this section and minimum
7 requirements for applications to be deemed complete under RCW
8 36.70B.070 as required by subsection (1) of this section.

9 (b) Counties and cities subject to the requirements of this
10 subsection also must prepare annual performance reports that include,
11 at a minimum, the following information for each type of project
12 permit application identified in accordance with the requirements of
13 (a) of this subsection:

14 (i) Total number of complete applications received during the
15 year;

16 (ii) Number of complete applications received during the year for
17 which a notice of final decision was issued before the deadline
18 established under this subsection;

19 (iii) Number of applications received during the year for which a
20 notice of final decision was issued after the deadline established
21 under this subsection;

22 (iv) Number of applications received during the year for which an
23 extension of time was mutually agreed upon by the applicant and the
24 county or city;

25 (v) Variance of actual performance, excluding applications for
26 which mutually agreed time extensions have occurred, to the deadline
27 established under this subsection during the year; and

28 (vi) The mean processing time and the number standard deviation
29 from the mean.

30 (c) Counties and cities subject to the requirements of this
31 subsection must:

32 (i) Provide notice of and access to the annual performance
33 reports through the county's or city's website; and

34 (ii) Post electronic facsimiles of the annual performance reports
35 through the county's or city's website. Postings on a county's or
36 city's website indicating that the reports are available by
37 contacting the appropriate county or city department or official do
38 not comply with the requirements of this subsection.

39 If a county or city subject to the requirements of this
40 subsection does not maintain a website, notice of the reports must be

1 given by reasonable methods, including but not limited to those
2 methods specified in RCW 36.70B.110(4).

3 (3) Nothing in this section prohibits a county or city from
4 extending a deadline for issuing a decision for a specific project
5 permit application for any reasonable period of time mutually agreed
6 upon by the applicant and the local government.

7 (4) The department of (~~community, trade, and economic~~
8 ~~development~~) commerce shall work with the counties and cities to
9 review the potential implementation costs of the requirements of
10 subsection (2) of this section. The department, in cooperation with
11 the local governments, shall prepare a report summarizing the
12 projected costs, together with recommendations for state funding
13 assistance for implementation costs, and provide the report to the
14 governor and appropriate committees of the senate and house of
15 representatives by January 1, 2005.

16 **Sec. 2022.** RCW 36.93.080 and 1995 c 399 s 44 are each amended to
17 read as follows:

18 Expenditures by the board shall be subject to the provisions of
19 chapter 36.40 RCW and other statutes relating to expenditures by
20 counties. The department of (~~community, trade, and economic~~
21 ~~development~~) commerce shall on a quarterly basis remit to each
22 county one-half of the actual costs incurred by the county for the
23 operation of the boundary review board within individual counties as
24 provided for in this chapter. However, in the event no funds are
25 appropriated to the said agency for this purpose, this shall not in
26 any way affect the operation of the boundary review board.

27 **Sec. 2023.** RCW 36.110.030 and 1995 c 399 s 45 are each amended
28 to read as follows:

29 A statewide jail industries board of directors is established.
30 The board shall consist of the following members:

31 (1) One sheriff and one police chief, to be selected by the
32 Washington association of sheriffs and police chiefs;

33 (2) One county commissioner or one county councilmember to be
34 selected by the Washington state association of counties;

35 (3) One city official to be selected by the association of
36 Washington cities;

1 (4) Two jail administrators to be selected by the Washington
2 state jail association, one of whom shall be from a county or a city
3 with an established jail industries program;

4 (5) One prosecuting attorney to be selected by the Washington
5 association of prosecuting attorneys;

6 (6) One administrator from a city or county corrections
7 department to be selected by the Washington correctional association;

8 (7) One county clerk to be selected by the Washington association
9 of county clerks;

10 (8) Three representatives from labor to be selected by the
11 governor. The representatives may be chosen from a list of
12 nominations provided by statewide labor organizations representing a
13 cross section of trade organizations;

14 (9) Three representatives from business to be selected by the
15 governor. The representatives may be chosen from a list of
16 nominations provided by statewide business organizations representing
17 a cross section of businesses, industries, and all sizes of
18 employers;

19 (10) The governor's representative from the employment security
20 department;

21 (11) One member representing crime victims, to be selected by the
22 governor;

23 (12) One member representing online law enforcement officers, to
24 be selected by the governor;

25 (13) One member from the department of (~~community, trade, and~~
26 ~~economic development~~) commerce to be selected by the governor;

27 (14) One member representing higher education, vocational
28 education, or adult basic education to be selected by the governor;
29 and

30 (15) The governor's representative from the correctional
31 industries division of the state department of corrections shall be
32 an ex officio member for the purpose of coordination and cooperation
33 between prison and jail industries and to further a positive
34 relationship between state and local government offender programs.

35 **Sec. 2024.** RCW 39.04.156 and 2000 c 138 s 104 are each amended
36 to read as follows:

37 The department of (~~community, trade, and economic development~~)
38 commerce, in cooperation with the municipal research and services
39 center, shall prepare a small works roster manual and periodically

1 notify the different types of local government authorized to use a
2 small works roster process about this authority.

3 **Sec. 2025.** RCW 39.19.240 and 2005 c 302 s 5 are each amended to
4 read as follows:

5 (1) The office shall, in consultation with the state treasurer
6 and the department of (~~community, trade, and economic development~~)
7 commerce, compile information on minority and women's business
8 enterprises that have received financial assistance through a
9 qualified public depository under the provisions of RCW 43.86A.060.
10 The information shall include, but is not limited to:

11 (a) Name of the qualified public depository;

12 (b) Geographic location of the minority or women's business
13 enterprise;

14 (c) Name of the minority or women's business enterprise;

15 (d) Date of last certification by the office and certification
16 number;

17 (e) Type of business;

18 (f) Amount and term of the loan to the minority or women's
19 business enterprise; and

20 (g) Other information the office deems necessary for the
21 implementation of this section.

22 (2) The office shall notify the state treasurer of minority or
23 women's business enterprises that are no longer certified under the
24 provisions of this chapter. The written notification shall contain
25 information regarding the reason for the decertification and
26 information on financing provided to the minority or women's business
27 enterprise under RCW 43.86A.060.

28 (3) The office shall, in consultation with the state treasurer
29 and the department of (~~community, trade, and economic development~~)
30 commerce, monitor the performance of loans made to minority and
31 women-owned business enterprises under RCW 43.86A.060.

32 **Sec. 2026.** RCW 39.34.230 and 2008 c 181 s 101 are each amended
33 to read as follows:

34 (1) During a covered emergency, the department of (~~community,
35 trade, and economic development~~) commerce may enter into interlocal
36 agreements under this chapter with one or more public agencies for
37 the purposes of providing mutual aid and cooperation to any public
38 agency affected by the cause of the emergency.

1 (2) All legal liability by a public agency and its employees for
2 damage to property or injury or death to persons caused by acts done
3 or attempted during, or while traveling to or from, a covered
4 emergency, or in preparation for a covered emergency, pursuant to an
5 interlocal agreement entered into under this section, or under the
6 color of this section in a bona fide attempt to comply therewith,
7 shall be the obligation of the state of Washington. Suits may be
8 instituted and maintained against the state for the enforcement of
9 such liability, or for the indemnification of any public agency or
10 its employees for damage done to their private property, or for any
11 judgment against them for acts done in good faith in compliance with
12 this chapter: PROVIDED, That the foregoing shall not be construed to
13 result in indemnification in any case of willful misconduct, gross
14 negligence, or bad faith on the part of any public agency or any of a
15 public agency's employees: PROVIDED, That should the United States or
16 any agency thereof, in accordance with any federal statute, rule, or
17 regulation, provide for the payment of damages to property and/or for
18 death or injury as provided for in this section, then and in that
19 event there shall be no liability or obligation whatsoever upon the
20 part of the state of Washington for any such damage, death, or injury
21 for which the United States government assumes liability.

22 (3) For purposes of this section, "covered emergency" means an
23 emergency for which the governor has proclaimed a state of emergency
24 under RCW 43.06.010, and for which the governor has authorized the
25 department of (~~community, trade, and economic development~~) commerce
26 to enter into interlocal agreements under this section.

27 (4) This section shall not affect the right of any person to
28 receive benefits to which he or she would otherwise be entitled under
29 the workers' compensation law, or under any pension or retirement
30 law, nor the right of any such person to receive any benefits or
31 compensation under any act of congress.

32 **Sec. 2027.** RCW 39.35D.080 and 2005 c 12 s 12 are each amended to
33 read as follows:

34 Except as provided in this section, affordable housing projects
35 funded out of the state capital budget are exempt from the provisions
36 of this chapter. On or before July 1, 2008, the department of
37 (~~community, trade, and economic development~~) commerce shall
38 identify, implement, and apply a sustainable building program for
39 affordable housing projects that receive housing trust fund (under

1 chapter 43.185 RCW) funding in a state capital budget. The department
2 of (~~community, trade, and economic development~~) commerce shall not
3 develop its own sustainable building standard, but shall work with
4 stakeholders to adopt an existing sustainable building standard or
5 criteria appropriate for affordable housing. Any application of the
6 program to affordable housing, including any monitoring to track the
7 performance of either sustainable features or energy standards or
8 both, is the responsibility of the department of (~~community, trade,
9 and economic development~~) commerce. Beginning in 2009 and ending in
10 2016, the department of (~~community, trade, and economic
11 development~~) commerce shall report to the department as required
12 under RCW 39.35D.030(3)(b).

13 **Sec. 2028.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to
14 read as follows:

15 For each state or local government bond issued, the underwriter
16 of the issue shall supply the department of (~~community, trade, and
17 economic development~~) commerce with information on the bond issue
18 within twenty days of its issuance. In cases where the issuer of the
19 bond makes a direct or private sale to a purchaser without benefit of
20 an underwriter, the issuer shall supply the required information. The
21 bond issue information shall be provided on a form prescribed by the
22 department of (~~community, trade, and economic development~~) commerce
23 and shall include but is not limited to: (1) The par value of the
24 bond issue; (2) the effective interest rates; (3) a schedule of
25 maturities; (4) the purposes of the bond issue; (5) cost of issuance
26 information; and (6) the type of bonds that are issued. A copy of the
27 bond covenants shall be supplied with this information.

28 For each state or local government bond issued, the issuer's bond
29 counsel promptly shall provide to the underwriter or to the
30 department of (~~community, trade, and economic development~~) commerce
31 information on the amount of any fees charged for services rendered
32 with regard to the bond issue.

33 Each local government that issues any type of bond shall make a
34 report annually to the department of (~~community, trade, and economic
35 development~~) commerce that includes a summary of all the outstanding
36 bonds of the local government as of the first day of January in that
37 year. Such report shall distinguish the outstanding bond issues on
38 the basis of the type of bond, as defined in RCW 39.44.200, and shall
39 report the local government's outstanding indebtedness compared to

1 any applicable limitations on indebtedness, including RCW 35.42.200,
2 39.30.010, and 39.36.020.

3 **Sec. 2029.** RCW 39.44.230 and 1995 c 399 s 55 are each amended to
4 read as follows:

5 The department of (~~community, trade, and economic development~~)
6 commerce may adopt rules and regulations pursuant to the
7 administrative procedure act to require (1) the submission of bond
8 issuance information by underwriters and bond counsel to the
9 department of (~~community, trade, and economic development~~) commerce
10 in a timely manner and (2) the submission of additional information
11 on bond issues by state and local governments, including summaries of
12 outstanding bond issues.

13 **Sec. 2030.** RCW 39.84.090 and 1998 c 245 s 34 are each amended to
14 read as follows:

15 (1) Prior to issuance of any revenue bonds, each public
16 corporation shall submit a copy of its enabling ordinance and
17 charter, a description of any industrial development facility
18 proposed to be undertaken, and the basis for its qualification as an
19 industrial development facility to the department of (~~community,
20 trade, and economic development~~) commerce.

21 (2) If the industrial development facility is not eligible under
22 this chapter, the department of (~~community, trade, and economic
23 development~~) commerce shall give notice to the public corporation,
24 in writing and by certified mail, within twelve working days of
25 receipt of the description.

26 (3) The department of (~~community, trade, and economic
27 development~~) commerce shall provide such advice and assistance to
28 public corporations and municipalities which have created or may wish
29 to create public corporations as the public corporations or
30 municipalities request and the department of (~~community, trade, and
31 economic development~~) commerce considers appropriate.

32 **Sec. 2031.** RCW 40.10.020 and 1995 c 399 s 58 are each amended to
33 read as follows:

34 The state archivist is authorized to reproduce those documents
35 designated as essential records by the several elected and appointed
36 officials of the state and local government by microfilm or other
37 miniature photographic process and to assist and cooperate in the

1 storage and safeguarding of such reproductions in such place as is
2 recommended by the state archivist with the advice of the director of
3 (~~community, trade, and economic development~~) commerce. The state
4 archivist shall coordinate the essential records protection program
5 and shall carry out the provisions of the state emergency plan as
6 they relate to the preservation of essential records. The state
7 archivist is authorized to charge the several departments of the
8 state and local government the actual cost incurred in reproducing,
9 storing and safeguarding such documents: PROVIDED, That nothing
10 herein shall authorize the destruction of the originals of such
11 documents after reproduction thereof.

12 **Sec. 2032.** RCW 41.06.072 and 1995 c 399 s 59 are each amended to
13 read as follows:

14 In addition to the exemptions set forth in this chapter, this
15 chapter shall not apply within the department of (~~community, trade,
16 and economic development~~) commerce to the director, one confidential
17 secretary, the deputy directors, all assistant directors, the state
18 historic preservation officer, and up to two professional staff
19 members within the emergency management program.

20 **Sec. 2033.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended
21 to read as follows:

22 (1) The department shall identify and catalog real property that
23 is no longer required for department purposes and is suitable for the
24 development of affordable housing for very low-income, and moderate-
25 income households as defined in RCW 43.63A.510. The inventory shall
26 include the location, approximate size, and current zoning
27 classification of the property. The department shall provide a copy
28 of the inventory to the department of (~~community, trade, and
29 economic development~~) commerce by November 1, 1993, and every
30 November 1 thereafter.

31 (2) By November 1 of each year, beginning in 1994, the department
32 shall purge the inventory of real property of sites that are no
33 longer available for the development of affordable housing. The
34 department shall include an updated listing of real property that has
35 become available since the last update. As used in this section,
36 "real property" means buildings, land, or buildings and land.

1 **Sec. 2034.** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to
2 read as follows:

3 (1) The department shall collaborate with the department of
4 (~~community, trade, and economic development~~) commerce in the
5 development of the coordinated and comprehensive plan for homeless
6 families with children required under RCW 43.63A.650, which
7 designates the department of (~~community, trade, and economic
8 development~~) commerce as the state agency with primary
9 responsibility for providing shelter and housing services to homeless
10 families with children. In fulfilling its responsibilities to
11 collaborate with the department of (~~community, trade, and economic
12 development~~) commerce pursuant to RCW 43.63A.650, the department
13 shall develop, administer, supervise, and monitor its portion of the
14 plan. The department's portion of the plan shall contain at least the
15 following elements:

- 16 (a) Coordination or linkage of services with shelter and housing;
17 (b) Accommodation and addressing the needs of homeless families
18 in the design and administration of department programs;
19 (c) Participation of the department's local offices in the
20 identification, assistance, and referral of homeless families; and
21 (d) Ongoing monitoring of the efficiency and effectiveness of the
22 plan's design and implementation.

23 (2) The department shall include community organizations involved
24 in the delivery of services to homeless families with children, and
25 experts in the development and ongoing evaluation of the plan.

26 (3) The duties under this section shall be implemented within
27 amounts appropriated for that specific purpose by the legislature in
28 the operating and capital budgets.

29 **Sec. 2035.** RCW 43.21A.510 and 1995 c 399 s 66 are each amended
30 to read as follows:

31 In order to assist the department of (~~community, trade, and
32 economic development~~) commerce in providing information to
33 businesses interested in locating in Washington state, the department
34 shall develop an environmental profile of the state. This profile
35 shall identify the state's natural resources and describe how these
36 assets are valuable to industry. Examples of information to be
37 included are water resources and quality, air quality, and
38 recreational opportunities related to natural resources.

1 **Sec. 2036.** RCW 43.21A.515 and 1995 c 399 s 67 are each amended
2 to read as follows:

3 In order to emphasize the importance of the state's environmental
4 laws and regulations and to facilitate compliance with them, the
5 department of ecology shall provide assistance to businesses
6 interested in locating in Washington state. When the department of
7 (~~community, trade, and economic development~~) commerce receives a
8 query from an interested business through its industrial marketing
9 activities, it shall arrange for the department of ecology to provide
10 information on the state's environmental laws and regulations and
11 methods of compliance. This section shall facilitate compliance with
12 state environmental laws and regulations and shall not weaken their
13 application or effectiveness.

14 **Sec. 2037.** RCW 43.21A.612 and 1995 c 399 s 68 are each amended
15 to read as follows:

16 Before the director shall construct said steam generating
17 facility within the state, or make application for any permit,
18 license or other right necessary thereto, the director shall give
19 notice thereof by publishing once a week for four consecutive weeks
20 in a newspaper of general circulation in the county or counties in
21 which such project is located a statement of intention setting forth
22 the general nature, extent and location of the project. If any public
23 utility in the state or any operating agency desires to construct
24 such facility, such utility or operating agency shall notify the
25 director thereof within ten days after the last date of publication
26 of such notice. If the director determines that it is in the best
27 public interest that the director proceed with such construction
28 rather than the public utility or operating agency, the director
29 shall so notify the director of (~~community, trade, and economic
30 development~~) commerce, who shall set a date for hearing thereon. If
31 after considering the evidence introduced the director of
32 (~~community, trade, and economic development~~) commerce finds that
33 the public utility or operating agency making the request intends to
34 immediately proceed with such construction and is financially capable
35 of carrying out such construction and further finds that the plan of
36 such utility or operating agency is equally well adapted to serve the
37 public interest, the director shall enter an order so finding and
38 such order shall divest the director of authority to proceed further
39 with such construction or acquisition until such time as the other

1 public utility or agency voluntarily causes an assignment of its
2 right or interest in the project to the director or fails to procure
3 any further required governmental permit, license or authority or
4 having procured such, has the same revoked or withdrawn, in
5 accordance with the laws and regulations of such governmental entity,
6 in which event the director shall have the same authority to proceed
7 as though the director had originally entered an order so authorizing
8 the director to proceed. If, after considering the evidence
9 introduced, the director of (~~community, trade, and economic~~
10 ~~development~~)) commerce finds that the public utility or agency making
11 the request does not intend to immediately proceed with such
12 construction or acquisition or is not financially capable of carrying
13 out such construction or acquisition, or finds that the plan of such
14 utility or operating agency is not equally well adapted to serve the
15 public interest, the director shall then enter an order so finding
16 and authorizing the director to proceed with the construction or
17 acquisition of the facility.

18 **Sec. 2038.** RCW 43.21G.010 and 1996 c 186 s 507 are each amended
19 to read as follows:

20 The legislature finds that energy in various forms is
21 increasingly subject to possible shortages and supply disruptions, to
22 the point that there may be foreseen an emergency situation, and that
23 without the ability to institute appropriate emergency measures to
24 regulate the production, distribution, and use of energy, a severe
25 impact on the public health, safety, and general welfare of our
26 state's citizens may occur. The prevention or mitigation of such
27 energy shortages or disruptions and their effects is necessary for
28 preservation of the public health, safety, and general welfare of the
29 citizens of this state.

30 It is the intent of this chapter to:

31 (1) Establish necessary emergency powers for the governor and
32 define the situations under which such powers are to be exercised;

33 (2) Provide penalties for violations of this chapter.

34 It is further the intent of the legislature that in developing
35 proposed orders under the powers granted in RCW 43.21G.040 as now or
36 hereafter amended the governor may utilize, on a temporary or ad hoc
37 basis, the knowledge and expertise of persons experienced in the
38 technical aspects of energy supply, distribution, or use. Such
39 utilization shall be in addition to support received by the governor

1 from the department of (~~community, trade, and economic development~~)
2 commerce under RCW 43.21F.045 and 43.21F.065 and from other state
3 agencies.

4 **Sec. 2039.** RCW 43.21J.030 and 2007 c 341 s 62 and 2007 c 241 s 4
5 are each reenacted and amended to read as follows:

6 (1) There is created the environmental enhancement and job
7 creation task force within the office of the governor. The purpose of
8 the task force is to provide a coordinated and comprehensive approach
9 to implementation of chapter 516, Laws of 1993. The task force shall
10 consist of the commissioner of public lands, the director of the
11 department of fish and wildlife, the director of the department of
12 ecology, the director of the parks and recreation commission, the
13 timber team coordinator, the executive director of the workforce
14 training and education coordinating board, and the executive director
15 of the Puget Sound partnership, or their designees. The task force
16 may seek the advice of the following agencies and organizations: The
17 department of (~~community, trade, and economic development~~)
18 commerce, the conservation commission, the employment security
19 department, the recreation and conservation office, appropriate
20 federal agencies, appropriate special districts, the Washington state
21 association of counties, the association of Washington cities, labor
22 organizations, business organizations, timber-dependent communities,
23 environmental organizations, and Indian tribes. The governor shall
24 appoint the task force chair. Members of the task force shall serve
25 without additional pay. Participation in the work of the committee by
26 agency members shall be considered in performance of their
27 employment. The governor shall designate staff and administrative
28 support to the task force and shall solicit the participation of
29 agency personnel to assist the task force.

30 (2) The task force shall have the following responsibilities:

31 (a) Soliciting and evaluating, in accordance with the criteria
32 set forth in RCW 43.21J.040, requests for funds from the
33 environmental and forest restoration account and making distributions
34 from the account. The task force shall award funds for projects and
35 training programs it approves and may allocate the funds to state
36 agencies for disbursement and contract administration;

37 (b) Coordinating a process to assist state agencies and local
38 governments to implement effective environmental and forest
39 restoration projects funded under this chapter;

1 (c) Considering unemployment profile data provided by the
2 employment security department.

3 (3) Beginning July 1, 1994, the task force shall have the
4 following responsibilities:

5 (a) To solicit and evaluate proposals from state and local
6 agencies, private nonprofit organizations, and tribes for
7 environmental and forest restoration projects;

8 (b) To rank the proposals based on criteria developed by the task
9 force in accordance with RCW 43.21J.040; and

10 (c) To determine funding allocations for projects to be funded
11 from the account created in RCW 43.21J.020 and for projects or
12 programs as designated in the omnibus operating and capital
13 appropriations acts.

14 **Sec. 2040.** RCW 43.22.495 and 2007 c 432 s 7 are each amended to
15 read as follows:

16 Beginning on July 1, 2007, the department of labor and industries
17 shall perform all the consumer complaint and related functions of the
18 state administrative agency that are required for purposes of
19 complying with the regulations established by the federal department
20 of housing and urban development for manufactured housing, including
21 the preparation and submission of the state administrative plan.

22 The department of labor and industries may enter into state or
23 local interagency agreements to coordinate site inspection activities
24 with record monitoring and complaint handling. The interagency
25 agreement may also provide for the reimbursement for cost of work
26 that an agency performs. The department may include other related
27 areas in any interagency agreements which are necessary for the
28 efficient provision of services.

29 The directors of the department of (~~community, trade, and~~
30 ~~economic development~~) commerce and the department of labor and
31 industries shall immediately take such steps as are necessary to
32 ensure that chapter 432, Laws of 2007 is implemented on July 1, 2007.

33 **Sec. 2041.** RCW 43.22A.020 and 2007 c 432 s 1 are each amended to
34 read as follows:

35 Beginning on July 1, 2007, the department shall perform all the
36 consumer complaint and related functions of the state administrative
37 agency that are required for purposes of complying with the
38 regulations established by the federal department of housing and

1 urban development for manufactured housing, including the preparation
2 and submission of the state administrative plan.

3 The department may enter into state or local interagency
4 agreements to coordinate site inspection activities with record
5 monitoring and complaint handling. The interagency agreement may also
6 provide for the reimbursement for cost of work that an agency
7 performs. The department may include other related areas in any
8 interagency agreements which are necessary for the efficient
9 provision of services.

10 The department of (~~community, trade, and economic development~~)
11 commerce shall transfer all records, files, books, and documents
12 necessary for the department to assume these new functions.

13 The directors of (~~community, trade, and economic development~~)
14 commerce and of labor and industries shall immediately take such
15 steps as are necessary to ensure that chapter 432, Laws of 2007 is
16 implemented on July 1, 2007.

17 **Sec. 2042.** RCW 43.23.035 and 1995 c 399 s 70 are each amended to
18 read as follows:

19 The department of agriculture is hereby designated as the agency
20 of state government for the administration and implementation of
21 state agricultural market development programs and activities, both
22 domestic and foreign, and shall, in addition to the powers and duties
23 otherwise imposed by law, have the following powers and duties:

24 (1) To study the potential marketability of various agricultural
25 commodities of this state in foreign and domestic trade;

26 (2) To collect, prepare, and analyze foreign and domestic market
27 data;

28 (3) To establish a program to promote and assist in the marketing
29 of Washington-bred horses: PROVIDED, That the department shall
30 present a proposal to the legislature no later than December 1, 1986,
31 that provides for the elimination of all state funding for the
32 program after June 30, 1989;

33 (4) To encourage and promote the sale of Washington's
34 agricultural commodities and products at the site of their production
35 through the development and dissemination of referral maps and other
36 means;

37 (5) To encourage and promote those agricultural industries, such
38 as the wine industry, which attract visitors to rural areas in which

1 other agricultural commodities and products are produced and are, or
2 could be, made available for sale;

3 (6) To encourage and promote the establishment and use of public
4 markets in this state for the sale of Washington's agricultural
5 products;

6 (7) To maintain close contact with foreign firms and governmental
7 agencies and to act as an effective intermediary between foreign
8 nations and Washington traders;

9 (8) To publish and disseminate to interested citizens and others
10 information which will aid in carrying out the purposes of chapters
11 43.23, 15.64, 15.65, and 15.66 RCW;

12 (9) To encourage and promote the movement of foreign and domestic
13 agricultural goods through the ports of Washington;

14 (10) To conduct an active program by sending representatives to,
15 or engaging representatives in, foreign countries to promote the
16 state's agricultural commodities and products;

17 (11) To assist and to make Washington agricultural concerns more
18 aware of the potentials of foreign trade and to encourage production
19 of those commodities that will have high export potential and appeal;

20 (12) To coordinate the trade promotional activities of
21 appropriate federal, state, and local public agencies, as well as
22 civic organizations; and

23 (13) To develop a coordinated marketing program with the
24 department of (~~community, trade, and economic development~~)
25 commerce, utilizing existing trade offices and participating in
26 mutual trade missions and activities.

27 As used in this section, "agricultural commodities" includes
28 products of both terrestrial and aquatic farming.

29 **Sec. 2043.** RCW 43.30.835 and 2009 c 163 s 2 are each amended to
30 read as follows:

31 (1) The department may develop and implement forest biomass
32 energy demonstration projects, one east of the crest of the Cascade
33 mountains and one west of the crest of the Cascade mountains. The
34 demonstration projects must be designed to:

35 (a) Reveal the utility of Washington's public and private forest
36 biomass feedstock;

37 (b) Create green jobs and generate renewable energy;

38 (c) Generate revenues or improve asset values for beneficiaries
39 of state lands and state forestlands;

1 (d) Improve forest health, reduce pollution, and restore
2 ecological function; and

3 (e) Avoid interfering with the current working area for forest
4 biomass collection surrounding an existing fixed location biomass
5 energy production site.

6 (2) To develop and implement the forest biomass energy
7 demonstration projects, the department may form forest biomass energy
8 partnerships or cooperatives.

9 (3) The forest biomass energy partnerships or cooperatives are
10 encouraged to be public-private partnerships focused on convening the
11 entities necessary to grow, harvest, process, transport, and utilize
12 forest biomass to generate renewable energy. Particular focus must be
13 given to recruiting and employing emerging technologies that can
14 locally process forest biomass feedstock to create local green jobs
15 and reduce transportation costs.

16 (4) The forest biomass energy partnerships or cooperatives may
17 include, but are not limited to: Entrepreneurs or organizations
18 developing and operating emerging technology to process forest
19 biomass; industrial electricity producers; contractors capable of
20 providing the local labor needed to collect, process, and transport
21 forest biomass feedstocks; tribes; federal land management agencies;
22 county, city, and other local governments; the department of
23 (~~community, trade, and economic development~~) commerce; state trust
24 land managers; an organization dedicated to protecting and
25 strengthening the jobs, rights, and working conditions of
26 Washington's working families; accredited research institution
27 representatives; an industrial timberland manager; a small forestland
28 owner; and a not-for-profit conservation organization.

29 **Sec. 2044.** RCW 43.31.205 and 1993 c 280 s 41 are each amended to
30 read as follows:

31 In an effort to enhance the economy of the Tri-Cities area, the
32 department of (~~community, trade, and economic development~~) commerce
33 is directed to promote the existence of the lease between the state
34 of Washington and the federal government executed September 10, 1964,
35 covering one thousand acres of land lying within the Hanford
36 reservation near Richland, Washington, and the opportunity of
37 subleasing the land to entities for nuclear-related industry, in
38 agreement with the terms of the lease. When promoting the existence
39 of the lease, the department shall work in cooperation with any

1 associate development organization located in or near the Tri-Cities
2 area.

3 **Sec. 2045.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to
4 read as follows:

5 The child care facility fund committee is established within the
6 business assistance center of the department of (~~community, trade,~~
7 ~~and economic development~~) commerce. The committee shall administer
8 the child care facility fund, with review by the director of
9 (~~community, trade, and economic development~~) commerce.

10 (1) The committee shall have five members. The director of
11 (~~community, trade, and economic development~~) commerce shall appoint
12 the members, who shall include:

13 (a) Two persons experienced in investment finance and having
14 skills in providing capital to new businesses, in starting and
15 operating businesses, and providing professional services to small or
16 expanding businesses;

17 (b) One person representing a philanthropic organization with
18 experience in evaluating funding requests;

19 (c) One child care services expert; and

20 (d) One early childhood development expert.

21 In making these appointments, the director shall give careful
22 consideration to ensure that the various geographic regions of the
23 state are represented and that members will be available for meetings
24 and are committed to working cooperatively to address child care
25 needs in Washington state.

26 (2) The committee shall elect officers from among its membership
27 and shall adopt policies and procedures specifying the lengths of
28 terms, methods for filling vacancies, and other matters necessary to
29 the ongoing functioning of the committee.

30 (3) Committee members shall serve without compensation, but may
31 request reimbursement for travel expenses as provided in RCW
32 43.03.050 and 43.03.060.

33 (4) Committee members shall not be liable to the state, to the
34 child care facility fund, or to any other person as a result of their
35 activities, whether ministerial or discretionary, as members except
36 for willful dishonesty or intentional violation of the law. The
37 department of (~~community, trade, and economic development~~) commerce
38 may purchase liability insurance for members and may indemnify these
39 persons against the claims of others.

1 **Sec. 2046.** RCW 43.31.970 and 2009 c 459 s 18 are each amended to
2 read as follows:

3 The department of (~~community, trade, and economic development~~)
4 commerce must distribute to local governments model ordinances, model
5 development regulations, and guidance for local governments for
6 siting and installing electric vehicle infrastructure, and in
7 particular battery charging stations, and appropriate handling,
8 recycling, and storage of electric vehicle batteries and equipment,
9 when available. The model ordinances, model development regulations,
10 and guidance must be developed by a federal or state agency, or
11 nationally recognized organizations with specific expertise in land-
12 use regulations or electric vehicle infrastructure.

13 **Sec. 2047.** RCW 43.63A.115 and 1993 c 280 s 60 are each amended
14 to read as follows:

15 (1) The community action agency network, established initially
16 under the federal economic opportunity act of 1964 and subsequently
17 under the federal community services block grant program of 1981, as
18 amended, shall be a delivery system for federal and state antipoverty
19 programs in this state, including but not limited to the community
20 services block grant program, the low-income energy assistance
21 program, and the federal department of energy weatherization program.

22 (2) Local community action agencies comprise the community action
23 agency network. The community action agency network shall serve low-
24 income persons in the counties. Each community action agency and its
25 service area shall be designated in the state federal community
26 service block grant plan as prepared by the department of
27 (~~community, trade, and economic development~~) commerce.

28 (3) Funds for antipoverty programs may be distributed to the
29 community action agencies by the department of (~~community, trade,
30 and economic development~~) commerce and other state agencies in
31 consultation with the authorized representatives of community action
32 agency networks.

33 **Sec. 2048.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended
34 to read as follows:

35 (1) The department of (~~community, trade, and economic
36 development~~) commerce must establish a competitive process to
37 solicit proposals for and prioritize projects whose primary objective
38 is to assist nonprofit youth organizations in acquiring,

1 constructing, or rehabilitating facilities used for the delivery of
2 nonresidential services, excluding outdoor athletic fields.

3 (2) The department of (~~community, trade, and economic~~
4 ~~development~~) commerce must establish a competitive process to
5 prioritize applications for the assistance as follows:

6 (a) The department of (~~community, trade, and economic~~
7 ~~development~~) commerce must conduct a statewide solicitation of
8 project applications from local governments, nonprofit organizations,
9 and other entities, as determined by the department of (~~community,~~
10 ~~trade, and economic development~~) commerce. The department of
11 (~~community, trade, and economic development~~) commerce must evaluate
12 and rank applications in consultation with a citizen advisory
13 committee using objective criteria. Projects must have a major
14 recreational component, and must have either an educational or social
15 service component. At a minimum, applicants must demonstrate that the
16 requested assistance will increase the efficiency or quality of the
17 services it provides to youth. The evaluation and ranking process
18 must also include an examination of existing assets that applicants
19 may apply to projects. Grant assistance under this section may not
20 exceed twenty-five percent of the total cost of the project. The
21 nonstate portion of the total project cost may include cash, the
22 value of real property when acquired solely for the purpose of the
23 project, and in-kind contributions.

24 (b) The department of (~~community, trade, and economic~~
25 ~~development~~) commerce must submit a prioritized list of recommended
26 projects to the governor and the legislature in the department of
27 (~~community, trade, and economic development's~~) commerce's biennial
28 capital budget request beginning with the 2005-2007 biennium and
29 thereafter. The list must include a description of each project, the
30 amount of recommended state funding, and documentation of nonstate
31 funds to be used for the project. The total amount of recommended
32 state funding for projects on a biennial project list must not exceed
33 eight million dollars. The department of (~~community, trade, and~~
34 ~~economic development~~) commerce may not sign contracts or otherwise
35 financially obligate funds under this section until the legislature
36 has approved a specific list of projects.

37 (c) In contracts for grants authorized under this section the
38 department of (~~community, trade, and economic development~~) commerce
39 must include provisions that require that capital improvements be
40 held by the grantee for a specified period of time appropriate to the

1 amount of the grant and that facilities be used for the express
2 purpose of the grant. If the grantee is found to be out of compliance
3 with provisions of the contract, the grantee must repay to the state
4 general fund the principal amount of the grant plus interest
5 calculated at the rate of interest on state of Washington general
6 obligation bonds issued most closely to the date of authorization of
7 the grant.

8 **Sec. 2049.** RCW 43.63A.155 and 1993 c 280 s 61 are each amended
9 to read as follows:

10 The department of (~~community, trade, and economic development~~)
11 commerce shall retain the bond information it receives under RCW
12 39.44.210 and 39.44.230 and shall publish summaries of local
13 government bond issues at least once a year.

14 The department of (~~community, trade, and economic development~~)
15 commerce shall adopt rules under chapter 34.05 RCW to implement RCW
16 39.44.210 and 39.44.230.

17 **Sec. 2050.** RCW 43.63A.230 and 2005 c 136 s 2 are each amended to
18 read as follows:

19 The department of (~~community, trade, and economic development~~)
20 commerce shall provide technical assistance to cooperatives
21 authorized under chapter 23.78 RCW and conduct educational programs
22 on employee ownership and self-management. The department shall
23 include information on the option of employee ownership wherever
24 appropriate in its various programs.

25 **Sec. 2051.** RCW 43.63A.275 and 1993 c 280 s 67 are each amended
26 to read as follows:

27 (1) Each biennium the department of (~~community, trade, and~~
28 ~~economic development~~) commerce shall distribute such funds as are
29 appropriated for retired senior volunteer programs (RSVP) as follows:

30 (a) At least sixty-five percent of the moneys may be distributed
31 according to formulae and criteria to be determined by the department
32 of (~~community, trade, and economic development~~) commerce in
33 consultation with the RSVP directors association.

34 (b) Up to twenty percent of the moneys may be distributed by
35 competitive grant process to develop RSVP projects in counties not
36 presently being served, or to expand existing RSVP services into
37 counties not presently served.

1 (c) Ten percent of the moneys may be used by the department of
2 (~~community, trade, and economic development~~) commerce for
3 administration, monitoring of the grants, and providing technical
4 assistance to the RSVP projects.

5 (d) Up to five percent of the moneys may be used to support
6 projects that will benefit RSVPs statewide.

7 (2) Grants under subsection (1) of this section shall give
8 priority to programs in the areas of education, tutoring, English as
9 a second language, combating of and education on drug abuse, housing
10 and homeless, and respite care, and shall be distributed in
11 accordance with the following:

12 (a) None of the grant moneys may be used to displace any paid
13 employee in the area being served.

14 (b) Grants shall be made for programs that focus on:

15 (i) Developing new roles for senior volunteers in nonprofit and
16 public organizations with special emphasis on areas targeted in
17 section 1, chapter 65, Laws of 1992. The roles shall reflect the
18 diversity of the local senior population and shall respect their life
19 experiences;

20 (ii) Increasing the expertise of volunteer managers and RSVP
21 managers in the areas of communication, recruitment, motivation, and
22 retention of today's over-sixty population;

23 (iii) Increasing the number of senior citizens recruited,
24 referred, and placed with nonprofit and public organizations; and

25 (iv) Providing volunteer support such as: Mileage to and from the
26 volunteer assignment, recognition, and volunteer insurance.

27 **Sec. 2052.** RCW 43.63A.400 and 1993 c 280 s 72 are each amended
28 to read as follows:

29 The department of (~~community, trade, and economic development~~)
30 commerce shall distribute grants to eligible public radio and
31 television broadcast stations under RCW 43.63A.410 and 43.63A.420 to
32 assist with programming, operations, and capital needs.

33 **Sec. 2053.** RCW 43.63A.410 and 1993 c 280 s 73 are each amended
34 to read as follows:

35 (1) Eligibility for grants under this section shall be limited to
36 broadcast stations which are:

1 (a) Licensed to Washington state organizations, nonprofit
2 corporations, or other entities under section 73.621 of the
3 regulations of the federal communications commission; and

4 (b) Qualified to receive community service grants from the
5 federally chartered corporation for public broadcasting. Eligibility
6 shall be established as of February 28th of each year.

7 (2) The formula in this subsection shall be used to compute the
8 amount of each eligible station's grant under this section.

9 (a) Appropriations under this section shall be divided into a
10 radio fund, which shall be twenty-five percent of the total
11 appropriation under this section, and a television fund, which shall
12 be seventy-five percent of the total appropriation under this
13 section. Each of the two funds shall be divided into a base grant
14 pool, which shall be fifty percent of the fund, and an incentive
15 grant pool, which shall be the remaining fifty percent of the fund.

16 (b) Each eligible participating public radio station shall
17 receive an equal share of the radio base grant pool, plus a share of
18 the radio incentive grant pool equal to the proportion its nonfederal
19 financial support bears to the sum of all participating radio
20 stations' nonfederal financial support as most recently reported to
21 the corporation for public broadcasting.

22 (c) Each eligible participating public television station shall
23 receive an equal share of the television base grant pool, plus a
24 share of the television incentive grant pool equal to the proportion
25 its nonfederal financial support bears to the sum of all
26 participating television stations' nonfederal financial support as
27 most recently reported to the corporation for public broadcasting.

28 (3) Annual financial reports to the corporation for public
29 broadcasting by eligible stations shall also be submitted by the
30 stations to the department of (~~community, trade, and economic~~
31 ~~development~~) commerce.

32 **Sec. 2054.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to
33 read as follows:

34 There is established in the department of (~~community, trade, and~~
35 ~~economic development~~) commerce a grant program to enhance funding
36 for prostitution prevention and intervention services. Activities
37 that can be funded through this grant program shall provide effective
38 prostitution prevention and intervention services, such as

1 counseling, parenting, housing relief, education, and vocational
2 training, that:

3 (1) Comprehensively address the problems of persons who are
4 prostitutes; and

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

7 **Sec. 2055.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended
8 to read as follows:

9 (1) Subject to funds appropriated by the legislature, including
10 funds in the prostitution prevention and intervention account, the
11 department of (~~community, trade, and economic development~~) commerce
12 shall make awards under the grant program established by RCW
13 43.63A.720.

14 (2) Awards shall be made competitively based on the purposes of
15 and criteria in RCW 43.63A.720 through 43.63A.730.

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

21 (4) The department of (~~community, trade, and economic~~
22 ~~development~~) commerce may receive such gifts, grants, and endowments
23 from public or private sources as may be made from time to time, in
24 trust or otherwise, for the use and benefit of the purposes of the
25 grant program established under RCW 43.63A.720 and expend the same or
26 any income from these sources according to the terms of the gifts,
27 grants, or endowments.

28 (5) The department of (~~community, trade, and economic~~
29 ~~development~~) commerce may expend up to five percent of the funds
30 appropriated for the grant program for administrative costs and grant
31 supervision.

32 **Sec. 2056.** RCW 43.63A.764 and 2008 c 327 s 13 are each amended
33 to read as follows:

34 The definitions in this section apply throughout RCW 43.63A.125,
35 this section, and RCW 43.63A.766 and 43.63A.768 unless the context
36 clearly requires otherwise.

37 (1) "Department" means the department of (~~community, trade, and~~
38 ~~economic development~~) commerce.

1 (2) "Distressed community" means: (a) A county that has an
2 unemployment rate that is twenty percent above the state average for
3 the immediately previous three years; (b) an area within a county
4 that the department determines to be a low-income community, using as
5 guidance the low-income community designations under the community
6 development financial institutions fund's new markets tax credit
7 program of the United States department of the treasury; or (c) a
8 school district in which at least fifty percent of local elementary
9 students receive free and reduced-price meals.

10 (3) "Nonprofit organization" means an organization that is tax
11 exempt, or not required to apply for an exemption, under section
12 501(c)(3) of the federal internal revenue code of 1986, as amended.

13 (4) "Technical assistance" means professional services provided
14 under contract to nonprofit organizations for feasibility studies,
15 planning, and project management related to acquiring, constructing,
16 or rehabilitating nonresidential community services facilities.

17 **Sec. 2057.** RCW 43.70.540 and 2005 c 282 s 45 are each amended to
18 read as follows:

19 The legislature recognizes that the state patrol, the
20 administrative office of the courts, the sheriffs' and police chiefs'
21 association, the department of social and health services, the
22 department of ~~((community, trade, and economic development))~~
23 commerce, the sentencing guidelines commission, the department of
24 corrections, and the superintendent of public instruction each have
25 comprehensive data and analysis capabilities that have contributed
26 greatly to our current understanding of crime and violence, and their
27 causes.

28 The legislature finds, however, that a single health-oriented
29 agency must be designated to provide consistent guidelines to all
30 these groups regarding the way in which their data systems collect
31 this important data. It is not the intent of the legislature by RCW
32 43.70.545 to transfer data collection requirements from existing
33 agencies or to require the addition of major new data systems. It is
34 rather the intent to make only the minimum required changes in
35 existing data systems to increase compatibility and comparability,
36 reduce duplication, and to increase the usefulness of data collected
37 by these agencies in developing more accurate descriptions of
38 violence.

1 **Sec. 2058.** RCW 43.132.030 and 1995 c 399 s 80 are each amended
2 to read as follows:

3 The director of financial management is hereby empowered to
4 designate the director of ((~~community, trade, and economic~~
5 ~~development~~)) commerce as the official responsible for the
6 preparation of fiscal notes authorized and required by this chapter.
7 It is the intent of the legislature that when necessary the resources
8 of other state agencies, appropriate legislative staffs, and the
9 various associations of local government may be employed in the
10 development of such fiscal notes.

11 **Sec. 2059.** RCW 43.132.810 and 2000 c 182 s 6 are each amended to
12 read as follows:

13 The office of financial management, in consultation with the
14 department of ((~~community, trade, and economic development~~))
15 commerce, shall prepare a report for the legislature on or before
16 December 31st of every even-numbered year on local government fiscal
17 notes, and reports on the fiscal impacts on local governments arising
18 from selected laws, that were prepared over the preceding two-year
19 period.

20 **Sec. 2060.** RCW 43.133.030 and 1995 c 399 s 81 are each amended
21 to read as follows:

22 The office of financial management and the department of
23 ((~~community, trade, and economic development~~)) commerce shall, in
24 cooperation with appropriate legislative committees and legislative
25 staff, establish a procedure for the provision of sunrise notes on
26 the expected impact of bills and resolutions that authorize the
27 creation of new boards and new types of special purpose districts.

28 **Sec. 2061.** RCW 43.133.050 and 1995 c 399 s 82 are each amended
29 to read as follows:

30 (1) The office of financial management shall prepare sunrise
31 notes for legislation concerning the creation of new boards. The
32 department of ((~~community, trade, and economic development~~)) commerce
33 shall prepare sunrise notes for legislation creating new types of
34 special purpose districts.

35 (2) A sunrise note shall be prepared for all executive and agency
36 request legislation that creates a board or special purpose district.

1 (3) The office of financial management or the department of
2 (~~community, trade, and economic development~~) commerce shall also
3 provide a sunrise note at the request of any committee of the
4 legislature.

5 **Sec. 2062.** RCW 43.150.040 and 1995 c 399 s 84 are each amended
6 to read as follows:

7 The governor may establish a statewide center for volunteerism
8 and citizen service within the department of (~~community, trade, and
9 economic development~~) commerce and appoint an executive
10 administrator, who may employ such staff as necessary to carry out
11 the purposes of this chapter. The provisions of chapter 41.06 RCW do
12 not apply to the executive administrator and the staff.

13 **Sec. 2063.** RCW 43.163.020 and 1995 c 399 s 89 are each amended
14 to read as follows:

15 The Washington economic development finance authority is
16 established as a public body corporate and politic, with perpetual
17 corporate succession, constituting an instrumentality of the state of
18 Washington exercising essential governmental functions. The authority
19 is a public body within the meaning of RCW 39.53.010.

20 The authority shall consist of (~~eighteen~~[~~seventeen~~]) 17
21 members as follows: The director of the department of (~~community,
22 trade, and economic development~~) commerce, the director of the
23 department of agriculture, the state treasurer, one member from each
24 caucus in the house of representatives appointed by the speaker of
25 the house, one member from each caucus in the senate appointed by the
26 president of the senate, and ten public members with one
27 representative of women-owned businesses and one representative of
28 minority-owned businesses and with at least three of the members
29 residing east of the Cascades. The public members shall be residents
30 of the state appointed by the governor on the basis of their interest
31 or expertise in trade, agriculture or business finance or jobs
32 creation and development. One of the public members shall be
33 appointed by the governor as chair of the authority and shall serve
34 as chair of the authority at the pleasure of the governor. The
35 authority may select from its membership such other officers as it
36 deems appropriate.

37 The term of the persons appointed by the governor as public
38 members of the authority, including the public member appointed as

1 chair, shall be four years from the date of appointment, except that
2 the term of three of the initial appointees shall be for two years
3 from the date of appointment and the term of four of the initial
4 appointees shall be for three years from the date of appointment. The
5 governor shall designate the appointees who will serve the two-year
6 and three-year terms.

7 In the event of a vacancy on the authority due to death,
8 resignation or removal of one of the public members, or upon the
9 expiration of the term of one of the public members, the governor
10 shall appoint a successor for the remainder of the unexpired term. If
11 either of the state offices is abolished, the resulting vacancy on
12 the authority shall be filled by the state officer who shall succeed
13 substantially to the power and duties of the abolished office.

14 Any public member of the authority may be removed by the governor
15 for misfeasance, malfeasance or willful neglect of duty after notice
16 and a public hearing, unless such notice and hearing shall be
17 expressly waived in writing by the affected public member.

18 The state officials serving in ex officio capacity may each
19 designate an employee of their respective departments to act on their
20 behalf in all respects with regard to any matter to come before the
21 authority. Such designations shall be made in writing in such manner
22 as is specified by the rules of the authority.

23 The members of the authority shall serve without compensation but
24 shall be entitled to reimbursement, solely from the funds of the
25 authority, for expenses incurred in the discharge of their duties
26 under this chapter. The authority may borrow funds from the
27 department for the purpose of reimbursing members for expenses;
28 however, the authority shall repay the department as soon as
29 practicable.

30 A majority of the authority shall constitute a quorum.

31 **Sec. 2064.** RCW 43.163.120 and 1998 c 245 s 51 are each amended
32 to read as follows:

33 The authority shall receive no appropriation of state funds. The
34 department of (~~community, trade, and economic development~~) commerce
35 shall provide staff to the authority, to the extent permitted by law,
36 to enable the authority to accomplish its purposes; the staff from
37 the department of (~~community, trade, and economic development~~)
38 commerce may assist the authority in organizing itself and in
39 designing programs, but shall not be involved in the issuance of

1 bonds or in making credit decisions regarding financing provided to
2 borrowers by the authority.

3 **Sec. 2065.** RCW 43.168.010 and 1999 c 164 s 501 are each amended
4 to read as follows:

5 The legislature finds that:

6 (1) The economic health and well-being of the state, particularly
7 in areas of high unemployment, economic stagnation, and poverty, is
8 of substantial public concern.

9 (2) The consequences of minimal economic activity and persistent
10 unemployment and underemployment are serious threats to the safety,
11 health, and welfare of residents of these areas, decreasing the value
12 of private investments and jeopardizing the sources of public
13 revenue.

14 (3) The economic and social interdependence of communities and
15 the vitality of industrial and economic activity necessitates, and is
16 in part dependent on preventing substantial dislocation of residents
17 and rebuilding the diversification of the areas' economy.

18 (4) The ability to remedy problems in stagnant areas of the state
19 is beyond the power and control of the regulatory process and
20 influence of the state, and the ordinary operations of private
21 enterprise without additional governmental assistance are
22 insufficient to adequately remedy the problems of poverty and
23 unemployment.

24 (5) The revitalization of depressed communities requires the
25 stimulation of private investment, the development of new business
26 ventures, the provision of capital to ventures sponsored by local
27 organizations and capable of growth in the business markets, and
28 assistance to viable, but under-financed, small businesses in order
29 to create and preserve jobs that are sustainable in the local
30 economy.

31 Therefore, the legislature declares there to be a substantial
32 public purpose in providing capital to promote economic development
33 and job creation in areas of economic stagnation, unemployment, and
34 poverty. To accomplish this purpose, the legislature hereby creates
35 the rural Washington loan fund and vests in the department of
36 (~~community, trade, and economic development~~) commerce the authority
37 to spend federal funds to stimulate the economy of distressed areas.

1 **Sec. 2066.** RCW 43.176.030 and 2004 c 237 s 3 are each amended to
2 read as follows:

3 (1) The small business incubator program is created in the
4 department of (~~community, trade, and economic development~~) commerce
5 to provide start-up and operating assistance to qualified small
6 business incubators.

7 (2) The department shall award grants to qualified small business
8 incubator organizations for:

9 (a) Construction and equipment costs, up to a maximum of three
10 million dollars per recipient; and

11 (b) Provision of technical assistance to small businesses, up to
12 a maximum of one hundred twenty-five thousand dollars per year per
13 recipient.

14 (3) The department shall:

15 (a) Require a grant recipient to show that it has the resources
16 to complete the project in a timely manner and the state grant is not
17 the sole source of funds;

18 (b) Develop, in conjunction with the Washington association of
19 small business incubators, criteria for receipt of grant funds,
20 including criteria related to organizational capacity, community
21 need, and the availability of other economic development resources;

22 (c) Accept and receive grants, gifts, and pledges of funds for
23 the support of the small business incubator program, which shall be
24 deposited in the small business incubator account established in RCW
25 43.176.040; and

26 (d) Integrate the promotion of small business incubators as
27 economic development tools in its strategic plan.

28 **Sec. 2067.** RCW 43.176.901 and 2004 c 237 s 6 are each amended to
29 read as follows:

30 The department of (~~community, trade, and economic development~~)
31 commerce shall have no duty to provide services related to the small
32 business incubator and entrepreneurship assistance act of 2004 unless
33 and until the small business incubator program and related
34 administrative expenses are funded by the legislature.

35 **Sec. 2068.** RCW 43.180.040 and 1995 c 399 s 98 are each amended
36 to read as follows:

37 (1) There is hereby established a public body corporate and
38 politic, with perpetual corporate succession, to be known as the

1 Washington state housing finance commission. The commission is an
2 instrumentality of the state exercising essential government
3 functions and, for purposes of the code, acts as a constituted
4 authority on behalf of the state when it issues bonds pursuant to
5 this chapter. The commission is a "public body" within the meaning of
6 RCW 39.53.010.

7 (2) The commission shall consist of the following voting members:

8 (a) The state treasurer, ex officio;

9 (b) The director of (~~community, trade, and economic~~
10 ~~development~~) commerce, ex officio;

11 (c) An elected local government official, ex officio, with
12 experience in local housing programs, who shall be appointed by the
13 governor with the consent of the senate;

14 (d) A representative of housing consumer interests, appointed by
15 the governor with the consent of the senate;

16 (e) A representative of labor interests, appointed by the
17 governor, with the consent of the senate, after consultation with
18 representatives of organized labor;

19 (f) A representative of low-income persons, appointed by the
20 governor with the consent of the senate;

21 (g) Five members of the public appointed by the governor, with
22 the consent of the senate, on the basis of geographic distribution
23 and their expertise in housing, real estate, finance, energy
24 efficiency, or construction, one of whom shall be appointed by the
25 governor as chair of the commission and who shall serve on the
26 commission and as chair of the commission at the pleasure of the
27 governor.

28 The term of the persons appointed by the governor, other than the
29 chair, shall be four years from the date of their appointment, except
30 that the terms of three of the initial appointees shall be for two
31 years from the date of their appointment. The governor shall
32 designate the appointees who will serve the two-year terms. An
33 appointee may be removed by the governor for cause pursuant to RCW
34 43.06.070 and 43.06.080. The governor shall fill any vacancy in an
35 appointed position by appointment for the remainder of the unexpired
36 term. If the department of (~~community development~~) commerce is
37 abolished, the resulting vacancy shall be filled by a state official
38 who shall be appointed to the commission by the governor. If this
39 official occupies an office or position for which senate confirmation
40 is not required, then his or her appointment to the commission shall

1 be subject to the consent of the senate. The members of the
2 commission shall be compensated in accordance with RCW 43.03.240 and
3 may be reimbursed, solely from the funds of the commission, for
4 expenses incurred in the discharge of their duties under this
5 chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A
6 majority of the commission constitutes a quorum. Designees shall be
7 appointed in such manner and shall exercise such powers as are
8 specified by the rules of the commission.

9 (3) The commission may adopt an official seal and may select from
10 its membership a vice chair, a secretary, and a treasurer. The
11 commission shall establish rules concerning its exercise of the
12 powers authorized by this chapter. The rules shall be adopted in
13 conformance with chapter 34.05 RCW.

14 **Sec. 2069.** RCW 43.180.200 and 1995 c 399 s 99 are each amended
15 to read as follows:

16 For purposes of the code:

17 (1) The legislature reserves the right at any time to alter or
18 change the structure, organization, programs, or activities of the
19 commission and to terminate the commission, so long as the action
20 does not impair any outstanding contracts entered into by the
21 commission;

22 (2) Any net earnings of the commission beyond that necessary to
23 retire its bonds and to carry out the purposes of this chapter shall
24 not inure to the benefit of any person other than the state;

25 (3) Upon dissolution of the commission, title to all of its
26 remaining property shall vest in the state;

27 (4) The commission constitutes the only housing finance agency of
28 the state of Washington; and

29 (5) In order to take advantage of the maximum amount of tax
30 exempt bonds for housing financing available pursuant to the code,
31 any state ceiling with respect to housing shall be allocated in
32 accordance with the following formula:

33 (a) Eighty percent of the state ceiling shall be allocated to the
34 commission and twenty percent shall be allocated to the other issuing
35 authorities in the state.

36 (b) The allocation to the issuing authorities other than the
37 commission shall be distributed to such issuing authorities in
38 amounts as determined following public notice by the department of
39 (~~community, trade, and economic development~~) commerce pursuant to

1 rules promulgated by it. The distribution shall be in response to
2 applications received from such issuing authorities and shall be
3 based on the following factors: (i) The amount of housing to be made
4 available by such applicant; (ii) the population within the
5 jurisdiction of the applicant; (iii) coordination with other
6 applicable federal and state housing programs; (iv) the likelihood of
7 implementing the proposed financing during that year; and (v)
8 consistency with the plan of the commission. On or before February 1
9 of each year, the department of (~~community, trade, and economic~~
10 ~~development~~) commerce shall distribute the state ceiling allocation
11 among such issuing authorities and any unused portion shall be added
12 to the allocation of the commission. Each issuing authority other
13 than the commission shall confirm its allocation distribution by
14 providing to the department of (~~community, trade, and economic~~
15 ~~development~~) commerce no later than June 1 a copy of an executed
16 bond purchase contract or alternative documentation deemed sufficient
17 by the commission to evidence the reasonable likelihood of the
18 allocation distribution being fully used. Any portion of such
19 allocation not so confirmed shall be added to the allocation of the
20 commission on July 1. Prior to July 1, the commission shall provide
21 written notice of the allocation decrease to the affected issuing
22 authority. The reallocation shall not limit the authority of the
23 commission to assign a portion of its allocation pursuant to
24 subsection (5)(c) of this section.

25 (c) The commission may assign a portion of its allocation to
26 another issuing agency.

27 **Sec. 2070.** RCW 43.180.220 and 1994 c 235 s 1 are each amended to
28 read as follows:

29 The commission, in cooperation with the department of
30 (~~community, trade, and economic development~~) commerce, and the
31 state investment board, shall develop and implement a housing finance
32 program that:

33 (1) Provides subsidized or unsubsidized mortgage financing for
34 single-family homeownership, including a single condominium unit,
35 located in the state of Washington;

36 (2) Requests the state investment board to make investments,
37 within its policies and investment guidelines, in mortgage-backed
38 securities that are collateralized by loans made within the state of
39 Washington; and

1 (3) Provides flexible loan underwriting guidelines, including but
2 not limited to provisions that will allow reduced downpayment
3 requirements for the purchaser.

4 **Sec. 2071.** RCW 43.185A.100 and 2006 c 349 s 11 are each amended
5 to read as follows:

6 The department, the housing finance commission, the affordable
7 housing advisory board, and all local governments, housing
8 authorities, and other nonprofits receiving state housing funds or
9 financing through the housing finance commission shall, by December
10 31, 2006, and annually thereafter, review current housing reporting
11 requirements related to housing programs and services and give
12 recommendations to streamline and simplify all planning and reporting
13 requirements to the department of (~~community, trade, and economic~~
14 ~~development~~) commerce, which will compile and present the
15 recommendations annually to the legislature. The entities listed in
16 this section shall also give recommendations for additional
17 legislative actions that could promote affordable housing and end
18 homelessness.

19 **Sec. 2072.** RCW 43.185C.200 and 2007 c 483 s 604 are each amended
20 to read as follows:

21 (1) The department of (~~community, trade, and economic~~
22 ~~development~~) commerce shall establish a pilot program to provide
23 grants to eligible organizations, as described in RCW 43.185.060, to
24 provide transitional housing assistance to offenders who are
25 reentering the community and are in need of housing.

26 (2) There shall be a minimum of two pilot programs established in
27 two counties. The pilot programs shall be selected through a request
28 for proposal process and in consultation with the department of
29 corrections. The department shall select the pilot sites by January
30 1, 2008.

31 (3) The pilot program shall:

32 (a) Be operated in collaboration with the community justice
33 center existing in the location of the pilot site;

34 (b) Offer transitional supportive housing that includes
35 individual support and mentoring available on an ongoing basis, life
36 skills training, and close working relationships with community
37 justice centers and community corrections officers. Supportive

1 housing services can be provided directly by the housing operator, or
2 in partnership with community-based organizations;

3 (c) In providing assistance, give priority to offenders who are
4 designated as high risk or high needs as well as those determined not
5 to have a viable release plan by the department of corrections;

6 (d) Optimize available funding by utilizing cost-effective
7 community-based shared housing arrangements or other noninstitutional
8 living arrangements; and

9 (e) Provide housing assistance for a period of time not to exceed
10 twelve months for a participating offender.

11 (4) The department may also use up to twenty percent of the
12 funding appropriated in the operating budget for this section to
13 support the development of additional supportive housing resources
14 for offenders who are reentering the community.

15 (5) The department shall:

16 (a) Collaborate with the department of corrections in developing
17 criteria to determine who will qualify for housing assistance; and

18 (b) Gather data, and report to the legislature by November 1,
19 2008, on the number of offenders seeking housing, the number of
20 offenders eligible for housing, the number of offenders who receive
21 the housing, and the number of offenders who commit new crimes while
22 residing in the housing to the extent information is available.

23 (6) The department of corrections shall collaborate with
24 organizations receiving grant funds to:

25 (a) Help identify appropriate housing solutions in the community
26 for offenders;

27 (b) Where possible, facilitate an offender's application for
28 housing prior to discharge;

29 (c) Identify enhancements to training provided to offenders prior
30 to discharge that may assist an offender in effectively transitioning
31 to the community;

32 (d) Maintain communication between the organization receiving
33 grant funds, the housing provider, and corrections staff supervising
34 the offender; and

35 (e) Assist the offender in accessing resources and services
36 available through the department of corrections and a community
37 justice center.

38 (7) The state, department of (~~community, trade, and economic~~
39 ~~development~~) commerce, department of corrections, local governments,
40 local housing authorities, eligible organizations as described in RCW

1 43.185.060, and their employees are not liable for civil damages
2 arising from the criminal conduct of an offender solely due to the
3 placement of an offender in housing provided under this section or
4 the provision of housing assistance.

5 (8) Nothing in this section allows placement of an offender into
6 housing without an analysis of the risk the offender may pose to that
7 particular community or other residents.

8 **Sec. 2073.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to
9 read as follows:

10 The small business export finance assistance center and its
11 branches shall be governed and managed by a board of seven directors
12 appointed by the governor, with the advice of the board, and
13 confirmed by the senate. The directors shall serve terms of four
14 years following the terms of service established by the initial
15 appointments after June 11, 1998. Three appointees, including
16 directors on June 11, 1998, who are reappointed, must serve initial
17 terms of two years and, if a director is reappointed that director
18 may serve a consecutive four-year term. Four appointees, including
19 directors on June 11, 1998, who are reappointed, must serve initial
20 terms of four years and, if a director is reappointed that director
21 may serve a consecutive four-year term. After the initial
22 appointments, directors may serve two consecutive terms. The
23 directors may provide for the payment of their expenses. The
24 directors shall include the director of (~~community, trade, and~~
25 ~~economic development~~) commerce or the director's designee;
26 representatives of a large financial institution engaged in financing
27 export transactions in the state of Washington; a small financial
28 institution engaged in financing export transactions in the state of
29 Washington; a large exporting company domiciled in the state of
30 Washington; a small exporting company in the state of Washington;
31 organized labor in a trade involved in international commerce; and a
32 representative at large. To the extent possible, appointments to the
33 board shall reflect geographical balance and the diversity of the
34 state population. Any vacancies on the board due to the expiration of
35 a term or for any other reason shall be filled by appointment by the
36 governor for the unexpired term.

37 **Sec. 2074.** RCW 43.210.060 and 1995 c 399 s 108 are each amended
38 to read as follows:

1 The department of (~~community, trade, and economic development~~)
2 commerce or its statutory successor shall adopt rules under chapter
3 34.05 RCW as necessary to carry out the purposes of this chapter.

4 **Sec. 2075.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
5 read as follows:

6 (1) There is established in the department of (~~community, trade,
7 and economic development~~) commerce a grant program to provide
8 incentive for and support for communities to develop targeted and
9 coordinated strategies to reduce the incidence and impact of alcohol,
10 tobacco, or other drug abuse, or violence.

11 (2) The department of (~~community, trade, and economic
12 development~~) commerce shall make awards, subject to funds
13 appropriated by the legislature, under the following terms:

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

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

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

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

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

30 (iv) Evidence of active participation in preparation of the
31 proposal and specific commitments to implementing the community-wide
32 agenda by leadership from education, law enforcement, local
33 government, tribal government, and treatment entities in the
34 community, and the opportunity for meaningful involvement from others
35 such as neighborhood and citizen groups, businesses, human service,
36 health and job training organizations, and other key elements of the
37 community, particularly those whose responsibilities in law
38 enforcement, treatment, prevention, education, or other community
39 efforts provide direct, ongoing contact with substance abusers or

1 those who exhibit violent behavior, or those at risk for alcohol,
2 tobacco, or other drug abuse, or violent behavior;

3 (v) Evidence of additional local resources committed to the
4 applicant's strategy totaling at least twenty-five percent of funds
5 awarded under this section. These resources may consist of public or
6 private funds, donated goods or services, and other measurable
7 commitments, including in-kind contributions such as volunteer
8 services, materials, supplies, physical facilities, or a combination
9 thereof; and

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

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

13 (i) A definition of geographic area;

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

18 (iii) An explanation of the community-wide strategy for
19 prevention, treatment, and law enforcement activities related to
20 alcohol, tobacco, or other drug abuse, or violence, with particular
21 attention to those who are most severely impacted and/or those most
22 at risk of alcohol, tobacco, or other drug abuse, or violent
23 behavior;

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

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

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

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

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

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

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

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

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

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

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

14 (3) Activities that may be funded through this grant program
15 include those that:

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

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

24 (c) Provide meaningful consequences for participation in illegal
25 activity and promote safe and healthy communities through support of
26 law enforcement strategies;

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

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

35 **Sec. 2076.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
36 read as follows:

37 The department of (~~community, trade, and economic development~~)
38 commerce shall ask communities for suggestions on state practices,
39 policies, and priorities that would help communities implement their

1 strategies against alcohol, tobacco, or other drug abuse, or
2 violence. The department of (~~community, trade, and economic~~
3 ~~development~~) commerce shall review and respond to those suggestions
4 making necessary changes where feasible, making recommendations to
5 the legislature where appropriate, and providing an explanation as to
6 why suggested changes cannot be accomplished, if the suggestions
7 cannot be acted upon.

8 **Sec. 2077.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
9 read as follows:

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

16 **Sec. 2078.** RCW 43.310.020 and 1995 c 399 s 116 are each amended
17 to read as follows:

18 (1) The department of (~~community, trade, and economic~~
19 ~~development~~) commerce may recommend existing programs or contract
20 with either school districts or community organizations, or both,
21 through a request for proposal process for the development,
22 administration, and implementation in the county of community-based
23 gang risk prevention and intervention pilot programs.

24 (2) Proposals by the school district for gang risk prevention and
25 intervention pilot program grant funding shall begin with school
26 years no sooner than the 1994-95 session, and last for a duration of
27 two years.

28 (3) The school district or community organization proposal shall
29 include:

30 (a) A description of the program goals, activities, and
31 curriculum. The description of the program goals shall include a list
32 of measurable objectives for the purpose of evaluation by the
33 department of (~~community, trade, and economic development~~)
34 commerce. To the extent possible, proposals shall contain empirical
35 data on current problems, such as dropout rates and occurrences of
36 violence on and off campus by school-age individuals.

37 (b) A description of the individual school or schools and the
38 geographic area to be affected by the program.

1 (c) A demonstration of broad-based support for the program from
2 business and community organizations.

3 (d) A clear description of the experience, expertise, and other
4 qualifications of the community organizations to conduct an effective
5 prevention and intervention program in cooperation with a school or a
6 group of schools.

7 (e) A proposed budget for expenditure of the grant.

8 (4) Grants awarded under this section may not be used for the
9 administrative costs of the school district or the individual school.

10 **Sec. 2079.** RCW 43.325.100 and 2007 c 348 s 403 are each amended
11 to read as follows:

12 (1) The department of (~~community, trade, and economic~~
13 ~~development~~) commerce and the department of ecology shall develop a
14 framework for the state of Washington to participate in emerging
15 regional, national, and to the extent possible, global markets to
16 mitigate climate change, on a multisector basis. This framework must
17 include, but not be limited to, credible, verifiable, replicable
18 inventory and accounting methodologies for each sector involved,
19 along with the completion of the stakeholder process identified in
20 executive order number 07-02 creating the Washington state climate
21 change challenge.

22 (2) The department of (~~community, trade, and economic~~
23 ~~development~~) commerce and the department of ecology shall include
24 the forestry sector and work closely with the department of natural
25 resources on those recommendations.

26 (3) The department must provide a report to the legislature by
27 December 1, 2008. The report may be included within the report
28 produced for executive order number 07-02.

29 **Sec. 2080.** RCW 43.325.110 and 2007 c 348 s 408 are each amended
30 to read as follows:

31 (1) The vehicle electrification demonstration grant program is
32 established within the department of (~~community, trade, and economic~~
33 ~~development~~) commerce. The director may establish policies and
34 procedures necessary for processing, reviewing, and approving
35 applications made under this chapter.

36 (2) The director may approve an application for a vehicle
37 electrification demonstration project only if the director finds:

1 (a) The applicant is a state agency, public school district,
2 public utility district, or a political subdivision of the state,
3 including port districts, counties, cities, towns, special purpose
4 districts, and other municipal corporations or quasi-municipal
5 corporations or a state institution of higher education;

6 (b) The project partially funds the purchase of or conversion of
7 existing vehicles to plug-in hybrid electric vehicles or battery
8 electric vehicles for use in the applicant's fleet or operations;

9 (c) The project partners with an electric utility and
10 demonstrates technologies to allow controlled vehicle charging,
11 including the use of power electronics or wireless technologies, to
12 regulate time-of-day and duration of charging;

13 (d) The project provides matching resources; and

14 (e) The project provides evaluation of fuel savings, greenhouse
15 gas reductions, battery capabilities, energy management system,
16 charge controlling technologies, and other relevant information
17 determined on the advice of the vehicle electrification work group.

18 (3) The director may approve an application for a vehicle
19 electrification demonstration project if the project, in addition to
20 meeting the requirements of subsection (2) of this section, also
21 demonstrates charging using on-site renewable resources or
22 vehicle-to-grid capabilities that enable the vehicle to discharge
23 electricity into the grid.

24 **Sec. 2081.** RCW 43.330.065 and 1996 c 253 s 303 are each amended
25 to read as follows:

26 The department of (~~community, trade, and economic development~~)
27 commerce, in consultation with the office of protocol, the office of
28 the secretary of state, the department of agriculture, and the
29 employment security department shall identify up to fifteen countries
30 that are of strategic importance to the development of Washington's
31 international trade relations.

32 **Sec. 2082.** RCW 43.330.904 and 1996 c 186 s 101 are each amended
33 to read as follows:

34 (1) All powers, duties, and functions of the state energy office
35 relating to energy resource policy and planning and energy facility
36 siting are transferred to the department of (~~community, trade, and
37 economic development~~) commerce. All references to the director or
38 the state energy office in the Revised Code of Washington shall be

1 construed to mean the director or the department of (~~community,~~
2 ~~trade, and economic development~~) commerce when referring to the
3 functions transferred in this section.

4 The director shall appoint an assistant director for energy
5 policy, and energy policy staff shall have no additional
6 responsibilities beyond activities concerning energy policy.

7 (2)(a) All reports, documents, surveys, books, records, files,
8 papers, or written material in the possession of the state energy
9 office pertaining to the powers, functions, and duties transferred
10 shall be delivered to the custody of the department of (~~community,~~
11 ~~trade, and economic development~~) commerce. All cabinets, furniture,
12 office equipment, software, database, motor vehicles, and other
13 tangible property employed by the state energy office in carrying out
14 the powers, functions, and duties transferred shall be made available
15 to the department of (~~community, trade, and economic development~~)
16 commerce.

17 (b) Any appropriations made to the state energy office for
18 carrying out the powers, functions, and duties transferred shall, on
19 July 1, 1996, be transferred and credited to the department of
20 (~~community, trade, and economic development~~) commerce.

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

28 (3) All employees of the state energy office engaged in
29 performing the powers, functions, and duties pertaining to the energy
30 facility site evaluation council are transferred to the jurisdiction
31 of the department of (~~community, trade, and economic development~~)
32 commerce. All employees engaged in energy facility site evaluation
33 council duties classified under chapter 41.06 RCW, the state civil
34 service law, are assigned to the department of (~~community, trade,~~
35 ~~and economic development~~) commerce to perform their usual duties
36 upon the same terms as formerly, without any loss of rights, subject
37 to any action that may be appropriate thereafter in accordance with
38 the laws and rules governing state civil service.

39 (4) All rules and all pending business before the state energy
40 office pertaining to the powers, functions, and duties transferred

1 shall be continued and acted upon by the department of (~~community,~~
2 ~~trade, and economic development~~) commerce. All existing contracts
3 and obligations shall remain in full force and shall be performed by
4 the department of (~~community, trade, and economic development~~)
5 commerce.

6 (5) The transfer of the powers, duties, and functions of the
7 state energy office does not affect the validity of any act performed
8 before July 1, 1996.

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

15 (7) The department of (~~community, trade, and economic~~
16 ~~development~~) commerce shall direct the closure of the financial
17 records of the state energy office.

18 (8) Responsibility for implementing energy education, applied
19 research, and technology transfer programs rests with Washington
20 State University. The department of (~~community, trade, and economic~~
21 ~~development~~) commerce shall provide Washington State University
22 available existing and future oil overcharge restitution and federal
23 energy block funding for a minimum period of five years to carry out
24 energy programs under an interagency agreement with the department of
25 (~~community, trade, and economic development~~) commerce. The
26 interagency agreement shall also outline the working relationship
27 between the department of (~~community, trade, and economic~~
28 ~~development~~) commerce and Washington State University as it pertains
29 to the relationship between energy policy development and public
30 outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington
31 State University from seeking grant, contract, or fee-for-service
32 funding for energy or related programs directly from other entities.

33 **Sec. 2083.** RCW 43.332.010 and 2003 c 346 s 2 are each amended to
34 read as follows:

35 (1) The office of the Washington state trade representative is
36 created in the office of the governor. The office shall serve as the
37 state's official liaison with foreign governments on trade matters.

38 (2) The office shall:

1 (a) Work with the department of (~~community, trade, and economic~~
2 ~~development~~) commerce, the department of agriculture, and other
3 appropriate state agencies, and within the agencies' existing
4 resources, review and analyze proposed and enacted international
5 trade agreements and provide an assessment of the impact of the
6 proposed or enacted agreement on Washington's businesses and firms;

7 (b) Provide input to the office of the United States trade
8 representative in the development of international trade, commodity,
9 and direct investment policies that reflect the concerns of the state
10 of Washington;

11 (c) Serve as liaison to the legislature on matters of trade
12 policy oversight including, but not limited to, updates to the
13 legislature regarding the status of trade negotiations, trade
14 litigation, and the impacts of trade policy on Washington state
15 businesses;

16 (d) Work with the international trade division of the department
17 of (~~community, trade, and economic development~~) commerce and the
18 international marketing program of the Washington state department of
19 agriculture to develop a statewide strategy designed to increase the
20 export of Washington goods and services, particularly goods and
21 services from small and medium-sized businesses; and

22 (e) Conduct other activities the governor deems necessary to
23 promote international trade and foreign investment within the state.

24 (3) The office shall prepare and submit an annual report on its
25 activities under subsection (2) of this section to the governor and
26 appropriate committees of the legislature.

27 **Sec. 2084.** RCW 47.01.440 and 2011 c 171 s 103 are each amended
28 to read as follows:

29 (1) To support the implementation of RCW 47.04.280 and
30 47.01.078(4), the department shall adopt broad statewide goals to
31 reduce annual per capita vehicle miles traveled by 2050 consistent
32 with the stated goals of executive order 07-02. Consistent with these
33 goals, the department shall:

34 (~~(1)~~) (a) Establish the following benchmarks using a statewide
35 baseline of seventy-five billion vehicle miles traveled less the
36 vehicle miles traveled attributable to vehicles licensed under RCW
37 46.16A.455 and weighing ten thousand pounds or more, which are exempt
38 from this section:

1 ~~((a))~~ (i) Decrease the annual per capita vehicle miles traveled
2 by eighteen percent by 2020;

3 ~~((b))~~ (ii) Decrease the annual per capita vehicle miles
4 traveled by thirty percent by 2035; and

5 ~~((c))~~ (iii) Decrease the annual per capita vehicle miles
6 traveled by fifty percent by 2050;

7 ~~((2))~~ (b) By July 1, 2008, establish and convene a
8 collaborative process to develop a set of tools and best practices to
9 assist state, regional, and local entities in making progress towards
10 the benchmarks established in (a) of this subsection ~~((1) of this~~
11 ~~section))~~. The collaborative process must provide an opportunity for
12 public review and comment and must:

13 ~~((a))~~ (i) Be jointly facilitated by the department, the
14 department of ecology, and the department of ~~(community, trade, and~~
15 ~~economic development)~~ commerce;

16 ~~((b))~~ (ii) Provide for participation from regional
17 transportation planning organizations, the Washington state transit
18 association, the Puget Sound clean air agency, a statewide business
19 organization representing the sale of motor vehicles, at least one
20 major private employer that participates in the commute trip
21 reduction program, and other interested parties, including but not
22 limited to parties representing diverse perspectives on issues
23 relating to growth, development, and transportation;

24 ~~((c))~~ (iii) Identify current strategies to reduce vehicle miles
25 traveled in the state as well as successful strategies in other
26 jurisdictions that may be applicable in the state;

27 ~~((d))~~ (iv) Identify potential new revenue options for local and
28 regional governments to authorize to finance vehicle miles traveled
29 reduction efforts;

30 ~~((e))~~ (v) Provide for the development of measurement tools that
31 can, with a high level of confidence, measure annual progress toward
32 the benchmarks at the local, regional, and state levels, measure the
33 effects of strategies implemented to reduce vehicle miles traveled
34 and adequately distinguish between common travel purposes, such as
35 moving freight or commuting to work, and measure trends of vehicle
36 miles traveled per capita on a five-year basis;

37 ~~((f))~~ (vi) Establish a process for the department to
38 periodically evaluate progress toward the vehicle miles traveled
39 benchmarks, measure achieved and projected emissions reductions, and

1 recommend whether the benchmarks should be adjusted to meet the
2 state's overall goals for the reduction of greenhouse gas emissions;

3 ((+g)) (vii) Estimate the projected reductions in greenhouse gas
4 emissions if the benchmarks are achieved, taking into account the
5 expected implementation of existing state and federal mandates for
6 vehicle technology and fuels, as well as expected growth in
7 population and vehicle travel;

8 ((+h)) (viii) Examine access to public transportation for people
9 living in areas with affordable housing to and from employment
10 centers, and make recommendations for steps necessary to ensure that
11 areas with affordable housing are served by adequate levels of public
12 transportation; and

13 ((+i)) (vix) By December 1, 2008, provide a report to the
14 transportation committees of the legislature on the collaborative
15 process and resulting recommended tools and best practices to achieve
16 the reduction in annual per capita vehicle miles traveled goals.

17 ((+3)) (2) Included in the December 1, 2008, report to the
18 transportation committees of the legislature, the department shall
19 identify strategies to reduce vehicle miles traveled in the state as
20 well as successful strategies in other jurisdictions that may be
21 applicable in the state that recognize the differing urban and rural
22 transportation requirements.

23 ((+4)) (3) Prior to implementation of the goals in this section,
24 the department, in consultation with the department of ~~((community,~~
25 ~~trade, and economic development))~~ commerce, cities, counties, local
26 economic development organizations, and local and regional chambers
27 of commerce, shall provide a report to the appropriate committees of
28 the legislature on the anticipated impacts of the goals established
29 in this section on the following:

30 (a) The economic hardship on small businesses as it relates to
31 the ability to hire and retain workers who do not reside in the
32 county in which they are employed;

33 (b) Impacts on low-income residents;

34 (c) Impacts on agricultural employers and their employees,
35 especially on the migrant farmworker community;

36 (d) Impacts on distressed rural counties; and

37 (e) Impacts in counties with more than fifty percent of the land
38 base of the county in public or tribal lands.

1 **Sec. 2085.** RCW 47.12.064 and 1995 c 399 s 121 are each amended
2 to read as follows:

3 (1) The department shall identify and catalog real property that
4 is no longer required for department purposes and is suitable for the
5 development of affordable housing for very low-income, low-income,
6 and moderate-income households as defined in RCW 43.63A.510. The
7 inventory shall include the location, approximate size, and current
8 zoning classification of the property. The department shall provide a
9 copy of the inventory to the department of (~~community, trade, and~~
10 ~~economic development~~) commerce by November 1, 1993, and every
11 November 1 thereafter.

12 (2) By November 1 of each year, beginning in 1994, the department
13 shall purge the inventory of real property of sites that are no
14 longer available for the development of affordable housing. The
15 department shall include an updated listing of real property that has
16 become available since the last update. As used in this section,
17 "real property" means buildings, land, or buildings and land.

18 **Sec. 2086.** RCW 47.39.040 and 1995 c 399 s 122 are each amended
19 to read as follows:

20 The establishment of planning and design standards for items
21 provided for in RCW 47.39.050 shall be coordinated by the department
22 of (~~community, trade, and economic development~~) commerce. The
23 department of transportation, parks and recreation commission, and
24 any other departments or commissions whose interests are affected
25 shall prepare, submit, and file with the department of (~~community,~~
26 ~~trade, and economic development~~) commerce standards relating to the
27 scenic and recreational highway system. If varying planning and
28 design standards are filed, the department of (~~community, trade, and~~
29 ~~economic development~~) commerce shall consult with the submitting
30 agencies on the merits of the several proposals and, based upon such
31 consultation, establish a set of standards. Pursuant to the planning
32 and design standards so established, the department of transportation
33 and the parks and recreation commission shall develop the highways
34 and areas adjacent thereto to accomplish the purposes of this
35 chapter, but the department shall retain exclusive authority over the
36 highway right-of-way.

37 Responsibility for construction and maintenance is hereby
38 established between the department and the parks and recreation
39 commission with the department responsible for activities financed

1 with funds provided for under RCW 47.39.030(1) and the parks and
2 recreation commission responsible for activities financed from other
3 sources of funds. By mutual consent, responsibility for development
4 and/or maintenance may be transferred between the two agencies.

5 **Sec. 2087.** RCW 47.39.069 and 1999 c 218 s 4 are each amended to
6 read as follows:

7 (1) The department, in consultation with the department of
8 (~~community, trade, and economic development~~) commerce, the
9 department of natural resources, the parks and recreation commission,
10 affected cities, towns, and counties, federally recognized tribes,
11 regional transportation planning organizations, Washington-based
12 automobile clubs, statewide bicycling organizations, and other
13 interested parties, shall develop by December 31, 1999, criteria for
14 assessing scenic byways and heritage tour routes and an appropriate
15 method of nomination and application for the designation and removal
16 of the designation of the byways. Factors the department may take
17 into consideration, but is not limited by, are: (a) Scenic quality of
18 the byway; (b) natural aspects, such as geological formations, water
19 bodies, vegetation, and wildlife; (c) historic elements; (d) cultural
20 features such as the arts, crafts, music, customs, or traditions of a
21 distinct group of people; (e) archaeological features; (f)
22 recreational activities; (g) roadway safety including accommodations
23 for bicycle and pedestrian travel, tour buses, and automobiles; (h)
24 scenic byway and local and regional byway management plans; and (i)
25 local public involvement and support for the byway.

26 (2) The criteria developed in subsection (1) of this section must
27 not impose nor require regulation of privately owned lands or
28 property rights.

29 (3) Any person may nominate a roadway, path, or trail for
30 inclusion in the scenic byway program. The department shall assess
31 nominations in accordance with the criteria developed under
32 subsection (1) of this section. The department shall submit its
33 recommendations for scenic byway and heritage tour route designations
34 to the commission for its approval and official designation of the
35 roadway, path, or trail as a scenic byway or a heritage tour route.
36 All decisions made by the commission relating to scenic byway and
37 heritage tour route designations are final.

38 (4) The department shall apply the criteria in subsection (1) of
39 this section to state highways that are currently not a part of the

1 designated scenic and recreational highway system. The department
2 shall respond to local requests for route evaluation as defined in
3 subsection (3) of this section.

4 (5) Once the commission has designated a roadway as a scenic
5 byway, the department may submit an individual nomination to the
6 federal highway administration for its consideration of whether the
7 roadway qualifies to be designated as a national scenic byway or an
8 All-American Roadway.

9 **Sec. 2088.** RCW 47.39.090 and 1995 c 399 s 123 are each amended
10 to read as follows:

11 In developing the scenic and recreational highways program, the
12 department shall consult with the department of (~~community, trade,~~
13 ~~and economic development~~) commerce, the department of natural
14 resources, the parks and recreation commission, affected cities,
15 towns, and counties, regional transportation planning organizations,
16 statewide bicycling organizations, and other interested parties. The
17 scenic and recreational highways program may identify entire highway
18 loops or similar tourist routes that could be developed to promote
19 tourist activity and provide concurrent economic growth while
20 protecting the scenic and recreational quality surrounding state
21 highways.

22 **Sec. 2089.** RCW 47.50.090 and 1995 c 399 s 124 are each amended
23 to read as follows:

24 (1) The department shall develop, adopt, and maintain an access
25 control classification system for all routes on the state highway
26 system, the purpose of which shall be to provide for the
27 implementation and continuing applications of the provision of this
28 chapter.

29 (2) The principal component of the access control classification
30 system shall be access management standards, the purpose of which
31 shall be to provide specific minimum standards to be adhered to in
32 the planning for and approval of access to state highways.

33 (3) The control classification system shall be developed
34 consistent with the following:

35 (a) The department shall, no later than January 1, 1993, adopt
36 rules setting forth procedures governing the implementation of the
37 access control classification system required by this chapter. The
38 rule shall provide for input from the entities described in (b) of

1 this subsection as well as for public meetings to discuss the access
2 control classification system. Nothing in this chapter shall affect
3 the validity of the department's existing or subsequently adopted
4 rules concerning access to the state highway system. Such rules shall
5 remain in effect until repealed or replaced by the rules required by
6 this chapter.

7 (b) The access control classification system shall be developed
8 in cooperation with counties, cities and towns, the department of
9 (~~community, trade, and economic development~~) commerce, regional
10 transportation planning organizations, and other local governmental
11 entities, and for city streets designated as state highways pursuant
12 to chapter 47.24 RCW, adopted with the concurrence of the city design
13 standards committee.

14 (c) The rule required by this section shall provide that
15 assignment of a road segment to a specific access category be made in
16 consideration of the following criteria:

17 (i) Local land use plans and zoning, as set forth in
18 comprehensive plans;

19 (ii) The current functional classification as well as potential
20 future functional classification of each road on the state highway
21 system;

22 (iii) Existing and projected traffic volumes;

23 (iv) Existing and projected state, local, and metropolitan
24 planning organization transportation plans and needs;

25 (v) Drainage requirements;

26 (vi) The character of lands adjoining the highway;

27 (vii) The type and volume of traffic requiring access;

28 (viii) Other operational aspects of access;

29 (ix) The availability of reasonable access by way of county roads
30 and city streets to a state highway; and

31 (x) The cumulative effect of existing and projected connections
32 on the state highway system's ability to provide for the safe and
33 efficient movement of people and goods within the state.

34 (d) Access management standards shall include, but not be limited
35 to, connection location standards, safety factors, design and
36 construction standards, desired levels of service, traffic control
37 devices, and effective maintenance of the roads. The standards shall
38 also contain minimum requirements for the spacing of connections,
39 intersecting streets, roads, and highways.

1 (e) An access control category shall be assigned to each segment
2 of the state highway system by July 1, 1993.

3 **Sec. 2090.** RCW 47.76.230 and 2007 c 234 s 94 are each amended to
4 read as follows:

5 (1) The department of transportation shall continue its
6 responsibility for the development and implementation of the state
7 rail plan and programs, and the utilities and transportation
8 commission shall continue its responsibility for railroad safety
9 issues.

10 (2) The department of transportation shall maintain an enhanced
11 data file on the rail system. Proprietary annual station traffic data
12 from each railroad and the modal use of major shippers must be
13 obtained to the extent that such information is available.

14 (3) The department of transportation shall provide technical
15 assistance, upon request, to state agencies and local interests.
16 Technical assistance includes, but is not limited to, the following:

17 (a) Rail project cost-benefit analyses conducted in accordance
18 with methodologies recommended by the federal railroad
19 administration;

20 (b) Assistance in the formation of county rail districts and port
21 districts; and

22 (c) Feasibility studies for rail service continuation or rail
23 service assistance, or both.

24 (4) With funding authorized by the legislature, the department of
25 transportation, in collaboration with the department of (~~community,~~
26 ~~trade, and economic development~~) commerce, and local economic
27 development agencies, and other interested public and private
28 organizations, shall develop a cooperative process to conduct
29 community and business information programs and to regularly
30 disseminate information on rail matters.

31 **Sec. 2091.** RCW 49.04.200 and 2009 c 536 s 12 are each amended to
32 read as follows:

33 (1) The council must evaluate the potential of existing
34 apprenticeship and training programs that would produce workers with
35 the skills needed to conduct energy audits and provide energy
36 efficiency services and deliver its findings to the department of
37 (~~community, trade, and economic development~~) commerce, the

1 leadership team, and the appropriate committees of the legislature as
2 soon as possible, but no later than January 18, 2010.

3 (2) The council may prioritize workforce training programs that
4 lead to apprenticeship programs in green economy jobs. For purposes
5 of this section, green economy jobs include those in the primary
6 industries of a green economy, including clean energy, the forestry
7 industry, high-efficiency building, green transportation, and
8 environmental protection. Prioritization efforts may include but are
9 not limited to: (a) Prioritization of the use of high employer-demand
10 funding for workforce training programs in green economy jobs; (b)
11 increased outreach efforts to public utilities, education, labor,
12 government, and private industry to develop tailored, green job
13 training programs; and (c) increased outreach efforts to target
14 populations. Outreach efforts shall be conducted in partnership with
15 local workforce development councils.

16 (3) The definitions in RCW 43.330.010 apply to this section.

17 **Sec. 2092.** RCW 50.38.030 and 1995 c 399 s 142 are each amended
18 to read as follows:

19 The employment security department shall consult with the
20 following agencies prior to the issuance of the state occupational
21 forecast:

22 (1) Office of financial management;

23 (2) Department of ~~((community, trade, and economic development))~~
24 commerce;

25 (3) Department of labor and industries;

26 (4) State board for community and technical colleges;

27 (5) Superintendent of public instruction;

28 (6) Department of social and health services;

29 (7) Workforce training and education coordinating board; and

30 (8) Other state and local agencies as deemed appropriate by the
31 commissioner of the employment security department.

32 These agencies shall cooperate with the employment security
33 department, submitting information relevant to the generation of
34 occupational forecasts.

35 **Sec. 2093.** RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended
36 to read as follows:

37 The Washington youthbuild program is established within the
38 department. The commissioner, in cooperation and consultation with

1 the director of the department of (~~community, trade, and economic~~
2 ~~development~~)) commerce, shall:

3 (1) Make grants, up to the lesser of three hundred thousand
4 dollars or twenty-five percent of the total costs of the youthbuild
5 activities, to applicants eligible to provide education and
6 employment training under federal or state employment training
7 programs, for the purpose of carrying out a wide range of
8 multidisciplinary activities and services to assist economically
9 disadvantaged youth under the federal opportunities for youth:
10 Youthbuild program (106 Stat. 3723; 42 U.S.C. Sec. 8011), or locally
11 developed youthbuild-type programs for economically disadvantaged
12 youth; and

13 (2) Coordinate youth employment and training efforts under the
14 department's jurisdiction and cooperate with other agencies and
15 departments providing youth services to ensure that funds
16 appropriated for the purposes of this chapter will be used to
17 supplement funding from federal, state, local, or private sources.

18 **Sec. 2094.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to
19 read as follows:

20 (1)(a) Except as provided in (b) of this subsection, a port
21 district may at any time contract indebtedness or borrow money for
22 district purposes and may issue general obligation bonds therefor not
23 exceeding an amount, together with any existing indebtedness of the
24 district not authorized by the voters, of one-fourth of one percent
25 of the value of the taxable property in the district.

26 (b) Port districts having less than eight hundred million dollars
27 in value of taxable property during 1991 may at any time contract
28 indebtedness or borrow money for port district purposes and may issue
29 general obligation bonds therefor not exceeding an amount, combined
30 with existing indebtedness of the district not authorized by the
31 voters, of three-eighths of one percent of the value of the taxable
32 property in the district. Prior to contracting for any indebtedness
33 authorized by this subsection (1)(b), the port district must have a
34 comprehensive plan for harbor improvements or industrial development
35 and a long-term financial plan approved by the department of
36 (~~community, trade, and economic development~~)) commerce. The
37 department of (~~community, trade, and economic development~~)) commerce
38 is immune from any liability for its part in reviewing or approving
39 port district's improvement or development plans, or financial plans.

1 Any indebtedness authorized by this subsection (1)(b) may be used
2 only to acquire or construct a facility, and, prior to contracting
3 for such indebtedness, the port district must have a lease contract
4 for a minimum of five years for the facility to be acquired or
5 constructed by the debt.

6 (2) With the assent of three-fifths of the voters voting thereon
7 at a general or special port election called for that purpose, a port
8 district may contract indebtedness or borrow money for district
9 purposes and may issue general obligation bonds therefor provided the
10 total indebtedness of the district at any such time shall not exceed
11 three-fourths of one percent of the value of the taxable property in
12 the district.

13 (3) In addition to the indebtedness authorized under subsections
14 (1) and (2) of this section, port districts having less than two
15 hundred million dollars in value of taxable property and operating a
16 municipal airport may at any time contract indebtedness or borrow
17 money for airport capital improvement purposes and may issue general
18 obligation bonds therefor not exceeding an additional one-eighth of
19 one percent of the value of the taxable property in the district
20 without authorization by the voters; and, with the assent of three-
21 fifths of the voters voting thereon at a general or special port
22 election called for that purpose, may contract indebtedness or borrow
23 money for airport capital improvement purposes and may issue general
24 obligation bonds therefor for an additional three-eighths of one
25 percent provided the total indebtedness of the district for all port
26 purposes at any such time shall not exceed one and one-fourth percent
27 of the value of the taxable property in the district.

28 (4) Any port district may issue general district bonds evidencing
29 any indebtedness, payable at any time not exceeding fifty years from
30 the date of the bonds. Any contract for indebtedness or borrowed
31 money authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five
32 years. The bonds shall be issued and sold in accordance with chapter
33 39.46 RCW.

34 (5) Elections required under this section shall be held as
35 provided in RCW 39.36.050.

36 (6) For the purpose of this section, "indebtedness of the
37 district" shall not include any debt of a countywide district with a
38 population less than twenty-five hundred people when the debt is
39 secured by a mortgage on property leased to the federal government;

1 and the term "value of the taxable property" shall have the meaning
2 set forth in RCW 39.36.015.

3 (7) This section does not apply to a loan made under a loan
4 agreement under chapter 39.69 RCW, and a computation of indebtedness
5 under this chapter must exclude the amount of a loan under such a
6 loan agreement.

7 **Sec. 2095.** RCW 54.16.285 and 1995 c 399 s 144 are each amended
8 to read as follows:

9 (1) A district providing utility service for residential space
10 heating shall not terminate such utility service between November 15
11 through March 15 if the customer:

12 (a) Notifies the utility of the inability to pay the bill,
13 including a security deposit. This notice should be provided within
14 five business days of receiving a payment overdue notice unless there
15 are extenuating circumstances. If the customer fails to notify the
16 utility within five business days and service is terminated, the
17 customer can, by paying reconnection charges, if any, and fulfilling
18 the requirements of this section, receive the protections of this
19 chapter;

20 (b) Provides self-certification of household income for the prior
21 twelve months to a grantee of the department of (~~community, trade,~~
22 ~~and economic development~~) commerce which administers federally
23 funded energy assistance programs. The grantee shall determine that
24 the household income does not exceed the maximum allowed for
25 eligibility under the state's plan for low-income energy assistance
26 under 42 U.S.C. 8624 and shall provide a dollar figure that is seven
27 percent of household income. The grantee may verify information
28 provided in the self-certification;

29 (c) Has applied for home heating assistance from applicable
30 government and private sector organizations and certifies that any
31 assistance received will be applied to the current bill and future
32 utility bills;

33 (d) Has applied for low-income weatherization assistance to the
34 utility or other appropriate agency if such assistance is available
35 for the dwelling;

36 (e) Agrees to a payment plan and agrees to maintain the payment
37 plan. The plan will be designed both to pay the past due bill by the
38 following October 15 and to pay for continued utility service. If the
39 past due bill is not paid by the following October 15, the customer

1 shall not be eligible for protections under this chapter until the
2 past due bill is paid. The plan shall not require monthly payments in
3 excess of seven percent of the customer's monthly income plus one-
4 twelfth of any arrearage accrued from the date application is made
5 and thereafter during November 15 through March 15. A customer may
6 agree to pay a higher percentage during this period, but shall not be
7 in default unless payment during this period is less than seven
8 percent of monthly income plus one-twelfth of any arrearage accrued
9 from the date application is made and thereafter. If assistance
10 payments are received by the customer subsequent to implementation of
11 the plan, the customer shall contact the utility to reformulate the
12 plan; and

13 (f) Agrees to pay the moneys owed even if he or she moves.

14 (2) The utility shall:

15 (a) Include in any notice that an account is delinquent and that
16 service may be subject to termination, a description of the
17 customer's duties in this section;

18 (b) Assist the customer in fulfilling the requirements under this
19 section;

20 (c) Be authorized to transfer an account to a new residence when
21 a customer who has established a plan under this section moves from
22 one residence to another within the same utility service area;

23 (d) Be permitted to disconnect service if the customer fails to
24 honor the payment program. Utilities may continue to disconnect
25 service for those practices authorized by law other than for
26 nonpayment as provided for in this section. Customers who qualify for
27 payment plans under this section who default on their payment plans
28 and are disconnected can be reconnected and maintain the protections
29 afforded under this chapter by paying reconnection charges, if any,
30 and by paying all amounts that would have been due and owing under
31 the terms of the applicable payment plan, absent default, on the date
32 on which service is reconnected; and

33 (e) Advise the customer in writing at the time it disconnects
34 service that it will restore service if the customer contacts the
35 utility and fulfills the other requirements of this section.

36 (3) All districts providing utility service for residential space
37 heating shall offer residential customers the option of a budget
38 billing or equal payment plan. The budget billing or equal payment
39 plan shall be offered low-income customers eligible under the state's
40 plan for low-income energy assistance prepared in accordance with 42

1 U.S.C. 8624(C)(1) without limiting availability to certain months of
2 the year, without regard to the length of time the customer has
3 occupied the premises, and without regard to whether the customer is
4 the tenant or owner of the premises occupied.

5 (4) An agreement between the customer and the utility, whether
6 oral or written, shall not waive the protections afforded under this
7 chapter.

8 **Sec. 2096.** RCW 54.52.020 and 2007 c 132 s 2 are each amended to
9 read as follows:

10 All assistance provided under this chapter shall be disbursed by
11 the grantee, charitable organization, or district. When applicable,
12 the public utility district will be paid on behalf of the customer by
13 the grantee or the charitable organization. When direct vendor
14 payment is not feasible, a check will be issued jointly payable to
15 the customer and the public utility district. The availability of
16 funds for assistance to a district's low-income customers as a result
17 of voluntary contributions shall not reduce the amount of assistance
18 for which the district's customers are eligible under the federally
19 funded energy assistance programs administered by the grantee of the
20 department of (~~community, trade, and economic development~~) commerce
21 within the district's service area. When applicable, the grantee or
22 charitable organization shall provide the district with a quarterly
23 report on January 15th, April 15th, July 15th, and October 15th which
24 includes information concerning the total amount of funds received
25 from the district, the names of all recipients of assistance from
26 these funds, the amount received by each recipient, and the amount of
27 funds received from the district currently on hand and available for
28 future low-income assistance.

29 **Sec. 2097.** RCW 57.46.010 and 1996 c 230 s 1401 are each amended
30 to read as follows:

31 A district may include along with, or as part of its regular
32 customer billings, a request for voluntary contributions to assist
33 qualified low-income residential customers of the district in paying
34 their district bills. All funds received by the district in response
35 to such requests shall be transmitted to the grantee of the
36 department of (~~community, trade, and economic development~~) commerce
37 which administers federally funded energy assistance programs for the
38 state in the district's service area or to a charitable organization

1 within the district's service area. All such funds shall be used
2 solely to supplement assistance to low-income residential customers
3 of the district in paying their district bills. The grantee or
4 charitable organization shall be responsible to determine which of
5 the district's customers are qualified for low-income assistance and
6 the amount of assistance to be provided to those who are qualified.

7 **Sec. 2098.** RCW 57.46.020 and 1996 c 230 s 1402 are each amended
8 to read as follows:

9 All assistance provided under this chapter shall be disbursed by
10 the grantee or charitable organization. Where possible the district
11 shall be paid on behalf of the customer by the grantee or the
12 charitable organization. When direct vendor payment is not feasible,
13 a check shall be issued jointly payable to the customer and the
14 district. The availability of funds for assistance to a district's
15 low-income customers as a result of voluntary contributions shall not
16 reduce the amount of assistance for which the district's customers
17 are eligible under the federally funded energy assistance programs
18 administered by the grantee of the department of (~~community, trade,~~
19 ~~and economic development~~) commerce within the district's service
20 area. The grantee or charitable organization shall provide the
21 district with a quarterly report on January 15th, April 15th, July
22 15th, and October 15th which includes information concerning the
23 total amount of funds received from the district, the names of all
24 recipients of assistance from these funds, the amount received by
25 each recipient, and the amount of funds received from the district
26 currently on hand and available for future low-income assistance.

27 **Sec. 2099.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to
28 read as follows:

29 (1) Any city, town, county, or municipal corporation that is
30 required to develop a comprehensive plan under RCW 36.70A.040(1) is
31 authorized to require, after reasonable notice to the public and a
32 public hearing, property owners to provide their portion of
33 reasonable relocation assistance to low-income tenants upon the
34 demolition, substantial rehabilitation whether due to code
35 enforcement or any other reason, or change of use of residential
36 property, or upon the removal of use restrictions in an assisted-
37 housing development. No city, town, county, or municipal corporation
38 may require property owners to provide relocation assistance to low-

1 income tenants, as defined in this chapter, upon the demolition,
2 substantial rehabilitation, upon the change of use of residential
3 property, or upon the removal of use restrictions in an assisted-
4 housing development, except as expressly authorized herein or when
5 authorized or required by state or federal law. As used in this
6 section, "assisted housing development" means a multifamily rental
7 housing development that either receives government assistance and is
8 defined as federally assisted housing in RCW 59.28.020, or that
9 receives other federal, state, or local government assistance and is
10 subject to use restrictions.

11 (2) As used in this section, "low-income tenants" means tenants
12 whose combined total income per dwelling unit is at or below fifty
13 percent of the median income, adjusted for family size, in the county
14 where the tenants reside.

15 The department of (~~community, trade, and economic development~~)
16 commerce shall adopt rules defining county median income in
17 accordance with the definitions promulgated by the federal department
18 of housing and urban development.

19 (3) A requirement that property owners provide relocation
20 assistance shall include the amounts of such assistance to be
21 provided to low-income tenants. In determining such amounts, the
22 jurisdiction imposing the requirement shall evaluate, and receive
23 public testimony on, what relocation expenses displaced tenants would
24 reasonably incur in that jurisdiction including:

25 (a) Actual physical moving costs and expenses;

26 (b) Advance payments required for moving into a new residence
27 such as the cost of first and last month's rent and security and
28 damage deposits;

29 (c) Utility connection fees and deposits; and

30 (d) Anticipated additional rent and utility costs in the
31 residence for one year after relocation.

32 (4)(a) Relocation assistance provided to low-income tenants under
33 this section shall not exceed two thousand dollars for each dwelling
34 unit displaced by actions of the property owner under subsection (1)
35 of this section. A city, town, county, or municipal corporation may
36 make future annual adjustments to the maximum amount of relocation
37 assistance required under this subsection in order to reflect any
38 changes in the housing component of the consumer price index as
39 published by the United States department of labor, bureau of labor
40 statistics.

1 (b) The property owner's portion of any relocation assistance
2 provided to low-income tenants under this section shall not exceed
3 one-half of the required relocation assistance under (a) of this
4 subsection in cash or services.

5 (c) The portion of relocation assistance not covered by the
6 property owner under (b) of this subsection shall be paid by the
7 city, town, county, or municipal corporation authorized to require
8 relocation assistance under subsection (1) of this section. The
9 relocation assistance may be paid from proceeds collected from the
10 excise tax imposed under RCW 82.46.010.

11 (5) A city, town, county, or municipal corporation requiring the
12 provision of relocation assistance under this section shall adopt
13 policies, procedures, or regulations to implement such requirement.
14 Such policies, procedures, or regulations shall include provisions
15 for administrative hearings to resolve disputes between tenants and
16 property owners relating to relocation assistance or unlawful
17 detainer actions during relocation, and shall require a decision
18 within thirty days of a request for a hearing by either a tenant or
19 property owner.

20 Judicial review of an administrative hearing decision relating to
21 relocation assistance may be had by filing a petition, within ten
22 days of the decision, in the superior court in the county where the
23 residential property is located. Judicial review shall be confined to
24 the record of the administrative hearing and the court may reverse
25 the decision only if the administrative findings, inferences,
26 conclusions, or decision is:

27 (a) In violation of constitutional provisions;

28 (b) In excess of the authority or jurisdiction of the
29 administrative hearing officer;

30 (c) Made upon unlawful procedure or otherwise is contrary to law;
31 or

32 (d) Arbitrary and capricious.

33 (6) Any city, town, county, or municipal corporation may require
34 relocation assistance, under the terms of this section, for otherwise
35 eligible tenants whose living arrangements are exempted from the
36 provisions of this chapter under RCW 59.18.040(3) and if the living
37 arrangement is considered to be a rental or lease not defined as a
38 retail sale under RCW 82.04.050.

39 (7)(a) Persons who move from a dwelling unit prior to the
40 application by the owner of the dwelling unit for any governmental

1 permit necessary for the demolition, substantial rehabilitation, or
2 change of use of residential property or prior to any notification or
3 filing required for condominium conversion shall not be entitled to
4 the assistance authorized by this section.

5 (b) Persons who move into a dwelling unit after the application
6 for any necessary governmental permit or after any required
7 condominium conversion notification or filing shall not be entitled
8 to the assistance authorized by this section if such persons receive
9 written notice from the property owner prior to taking possession of
10 the dwelling unit that specifically describes the activity or
11 condition that may result in their temporary or permanent
12 displacement and advises them of their ineligibility for relocation
13 assistance.

14 **Sec. 2100.** RCW 59.24.020 and 1995 c 399 s 157 are each amended
15 to read as follows:

16 (1) The department of (~~community, trade, and economic~~
17 ~~development~~) commerce shall establish the rental security deposit
18 guarantee program. Through this program the department of
19 (~~community, trade, and economic development~~) commerce shall provide
20 grants and technical assistance to local governments or nonprofit
21 corporations, including local housing authorities as defined in RCW
22 35.82.030, who operate emergency housing shelters or transitional
23 housing programs. The grants are to be used for the payment of
24 residential rental security deposits under this chapter. The
25 technical assistance is to help the local government or nonprofit
26 corporation apply for grants and carry out the program. In order to
27 be eligible for grants under this program, the recipient local
28 government or nonprofit corporation shall provide fifteen percent of
29 the total amount needed for the security deposit. The security
30 deposit may include last month's rent where such rent is required as
31 a normal practice by the landlord.

32 (2) The grants and matching funds shall be placed by the
33 recipient local government or nonprofit corporation in a revolving
34 loan fund and deposited in a bank or savings institution in an
35 account that is separate from all other funds of the recipient. The
36 funds and interest earned on these funds shall be utilized only as
37 collateral to guarantee the payment of a security deposit required by
38 a residential rental property owner as a condition for entering into
39 a rental agreement with a prospective tenant.

1 (3) Prospective tenants who are eligible to participate in the
2 rental security deposit guarantee program shall be limited to
3 homeless persons or families who are residing in an emergency shelter
4 or transitional housing operated by a local government or a nonprofit
5 corporation, or to families who are temporarily residing in a park,
6 car, or are otherwise without adequate shelter. The local government
7 or nonprofit corporation shall make a determination regarding the
8 person's or family's eligibility to participate in this program and a
9 determination that a local rental unit is available for occupation. A
10 determination of eligibility shall include, but is not limited to:
11 (a) A determination that the person or family is homeless or is in
12 transitional housing; (b) a verification of income and that the
13 person or family can reasonably make the monthly rental payment; and
14 (c) a determination that the person or family does not have the
15 financial resources to make the rental security deposit.

16 **Sec. 2101.** RCW 59.24.050 and 1995 c 399 s 158 are each amended
17 to read as follows:

18 The department of (~~community, trade, and economic development~~)
19 commerce may adopt rules to implement this chapter, including but not
20 limited to: (1) The eligibility of and the application process for
21 local governments and nonprofit corporations; (2) the criteria by
22 which grants and technical assistance shall be provided to local
23 governments and nonprofit corporations; and (3) the criteria local
24 governments and nonprofit corporations shall use in entering into
25 contracts with tenants and rental property owners.

26 **Sec. 2102.** RCW 59.24.060 and 1995 c 399 s 159 are each amended
27 to read as follows:

28 The department of (~~community, trade, and economic development~~)
29 commerce may receive such gifts, grants, or endowments from public or
30 private sources, as may be made from time to time, in trust or
31 otherwise, to be used by the department of (~~community, trade, and
32 economic development~~) commerce for its programs, including the
33 rental security deposit guarantee program. Funds from the housing
34 trust fund, chapter 43.185 RCW, up to one hundred thousand dollars,
35 may be used for the rental security deposit guarantee program by the
36 department of (~~community, trade, and economic development~~)
37 commerce, local governments, and nonprofit organizations, provided
38 all the requirements of this chapter and chapter 43.185 RCW are met.

1 **Sec. 2103.** RCW 59.28.030 and 2000 c 255 s 2 are each amended to
2 read as follows:

3 (1) This chapter shall not apply to the expiration or termination
4 of a housing assistance contract between a public housing agency and
5 an owner of existing housing participating in either the section 8
6 certificate or voucher program (42 U.S.C. Sec. 1437f).

7 (2) An owner of federally assisted housing shall not be required
8 to give notice of a prepayment under this chapter, if the owner has:

9 (a) Entered into an agreement with a federal, state, or local agency
10 continuing existing, or imposing new, low-income use restrictions for
11 at least twenty years that ensure that the tenants residing in the
12 development at the time of prepayment are not involuntarily displaced
13 except for good cause and that the housing will continue to serve
14 very low and low-income families and persons in need of affordable
15 housing; and (b) served notice of the agreement on the clerk of the
16 city, or county if in an unincorporated area, in which the property
17 is located, on any public housing agency that would be responsible
18 for administering tenant-based rental assistance to persons who would
19 otherwise be displaced from this housing, and on the department of
20 (~~community, trade, and economic development~~) commerce by regular
21 and certified mail and posted a copy of the agreement in a
22 conspicuous place at the development where it is likely to be seen by
23 the tenants. The posted agreement shall be maintained intact and in
24 legible form for the life of the agreement.

25 (3) An owner of federally assisted housing is not required to
26 give notice that a rental assistance contract is expiring if: (a) The
27 owner has entered into an agreement with the United States department
28 of housing and urban development or other federal, state, or local
29 agency to renew the rental assistance contract for a minimum of five
30 years subject to the availability of adequate appropriations; (b) the
31 agreement itself does not expire in less than twelve months; and (c)
32 the owner has served written notice of the agreement on the clerk of
33 the city, or county if in an unincorporated area, in which the
34 property is located, on any public housing agency that would be
35 responsible for administering tenant-based rental assistance to
36 persons who would otherwise be displaced from this housing, and on
37 the department of (~~community, trade, and economic development~~)
38 commerce, by regular and certified mail and posted these notices in a
39 conspicuous place at the development where they are likely to be seen
40 by the tenants. The posted notices shall be maintained intact and in

1 legible form for the life of the agreement to renew the rental
2 assistance contract.

3 **Sec. 2104.** RCW 59.28.040 and 2002 c 30 s 3 are each amended to
4 read as follows:

5 Except as provided in RCW 59.28.030, all owners of federally
6 assisted housing shall, at least twelve months before the expiration
7 of the rental assistance contract or prepayment of a mortgage or
8 loan, serve a written notice of the anticipated expiration or
9 prepayment date on each tenant household residing in the housing, on
10 the clerk of the city, or clerk of the county legislative authority
11 if in an unincorporated area, in which the property is located, on
12 any public housing agency that would be responsible for administering
13 tenant-based rental assistance to persons who would otherwise be
14 displaced from this housing, and on the department of (~~community,~~
15 ~~trade, and economic development~~) commerce, by regular and certified
16 mail. All owners of federally assisted housing shall also serve
17 written notice of the anticipated expiration or prepayment date on
18 each tenant household that moves into the housing after the initial
19 notice has been given, but before the expiration of the rental
20 assistance contract or prepayment of the mortgage or loan. This
21 notice shall be given before a new tenant is asked to execute a
22 rental agreement or required to pay any deposits.

23 **Sec. 2105.** RCW 59.28.050 and 1995 c 399 s 161 are each amended
24 to read as follows:

25 This chapter shall not in any way prohibit an owner of federally
26 assisted housing from terminating a rental assistance contract or
27 prepaying a mortgage or loan. The requirement in this chapter for
28 notice shall not be construed as conferring any new or additional
29 regulatory power upon the city or county clerk or upon the department
30 of (~~community, trade, and economic development~~) commerce.

31 **Sec. 2106.** RCW 59.28.060 and 2000 c 255 s 4 are each amended to
32 read as follows:

33 (1) The notice to tenants required by RCW 59.28.040 shall state:
34 (a) Whether the owner (i) intends to prepay the mortgage or loan
35 or allow the rental assistance contract to expire in order to operate
36 the housing without any low-income use restrictions, (ii) plans on
37 renewing the rental assistance contract subject to the availability

1 of adequate appropriations, or (iii) is seeking additional financial
2 incentives or higher rents as a condition of remaining in the federal
3 program; (b) the reason the owner plans on taking this action; (c)
4 the owner's plans for the project, including any timetables or
5 deadlines for actions to be taken by the owner and any specific
6 federal, state, or local agency approvals that the owner is required
7 to obtain; (d) the anticipated date of the prepayment of the mortgage
8 or loan or expiration of the rental assistance contract; (e) the
9 effect, if any, that prepayment of the mortgage or loan or expiration
10 of the rental assistance contract will have upon the tenants' rent
11 and other terms of their rental agreement; and (f) that additional
12 information will be served on the city or county, on the local public
13 housing agency, and on the department of (~~community, trade, and~~
14 ~~economic development~~) commerce and will be posted at the
15 development. The owner shall also include with the notice written
16 information, prepared by the department of (~~community, trade, and~~
17 ~~economic development~~) commerce under RCW 59.28.120(1), concerning
18 the legal rights, responsibilities, and options of owners and tenants
19 when an owner intends to prepay a mortgage or loan or terminate a
20 rental assistance contract.

21 (2) The notice to the city or county clerk and to the department
22 of (~~community, trade, and economic development~~) commerce required
23 by RCW 59.28.040 shall state: (a) The name, location, and project
24 number of the federally assisted housing and the type of assistance
25 received from the federal government; (b) the number and size of
26 units; (c) the age, race, family size, and estimated incomes of the
27 tenants who will be affected by the prepayment of the loan or
28 mortgage or expiration of the federal assistance contract; (d) the
29 current rents and projected rent increases for each affected tenant
30 after the prepayment of the mortgage or loan or expiration of the
31 rental assistance contract without disclosing the identities of the
32 affected tenants; (e) the availability and type, if any, of rental
33 assistance after the prepayment of the mortgage or loan or expiration
34 of the rental assistance contract; and (f) the age, race, family
35 size, and estimated incomes of any applicants on the project's
36 waiting list without disclosing the identities of the applicants. The
37 owner shall attach to this notice a copy of the notice the owner
38 sends to the tenants under this chapter.

39 (3) All owners of federally assisted housing shall immediately
40 post a copy of any notices they send the city or county clerk, any

1 public housing agency, and the department of (~~community, trade, and~~
2 ~~economic development~~) commerce, under RCW 59.28.040, in a
3 conspicuous place at the development where they are likely to be seen
4 by current and prospective tenants. The notices shall be maintained
5 intact and in legible form for twelve months from the date they are
6 posted.

7 All owners of federally assisted housing shall, upon request of
8 any state or local agency, provide the agency with a copy of any rent
9 comparability study, market analysis, or projected budget that they
10 submit to the United States department of housing and urban
11 development or other federal agency in conjunction with the
12 prepayment of their mortgage or loan or in anticipation of the
13 expiration of their rental assistance contract, together with any
14 physical inspection reports or capital needs assessments completed by
15 the owner or federal agency within the last three years.

16 **Sec. 2107.** RCW 59.28.120 and 2000 c 255 s 7 are each amended to
17 read as follows:

18 The department of (~~community, trade, and economic development~~)
19 commerce shall within ninety days after March 31, 2000, consult with
20 all interested stakeholders and develop and provide to owners and
21 tenants of federally assisted housing, state and local agencies, and
22 other interested persons all of the following:

23 (1) Written information concerning the legal rights,
24 responsibilities, and options of owners and tenants when an owner
25 intends to prepay a mortgage or loan or terminate a rental assistance
26 contract. This information shall include the name and telephone
27 number of any qualified legal aid program that provides civil legal
28 services to indigent persons and of any other state, regional, or
29 local organization that can be contacted to request additional
30 information about an owner's responsibilities and the rights and
31 options of an affected tenant;

32 (2) Written information sufficient to enable an owner of
33 federally assisted housing to comply with the notification
34 requirements of this chapter, including the name and address of any
35 public housing agency that would be responsible for administering
36 tenant-based rental assistance to persons who would otherwise be
37 displaced from federally assisted housing; and

38 (3) Any other information or technical assistance the department
39 determines will further the purposes of this chapter.

1 **Sec. 2108.** RCW 64.34.442 and 2008 c 113 s 3 are each amended to
2 read as follows:

3 (1) All cities and counties planning under RCW 36.70A.040, which
4 have allowed any conversion condominiums within the jurisdiction
5 within the previous twelve-month period, must report annually to the
6 department of (~~community, trade, and economic development~~) commerce
7 the following information:

8 (a) The total number of apartment units converted into
9 condominiums;

10 (b) The total number of conversion condominium projects; and

11 (c) The total number of apartment tenants who receive relocation
12 assistance.

13 (2) Upon completion of a conversion condominium project, a city
14 or county may require the declarant to provide the information
15 described in subsection (1) of this section to the appropriately
16 designated department or agency in the city or county for the purpose
17 of complying with subsection (1) of this section.

18 **Sec. 2109.** RCW 66.08.195 and 2001 c 8 s 1 are each amended to
19 read as follows:

20 For the purposes of this chapter:

21 (1) "Border area" means any incorporated city or town, or
22 unincorporated area, located within seven miles of the Washington-
23 Canadian border or any unincorporated area that is a point of land
24 surrounded on three sides by salt water and adjacent to the Canadian
25 border.

26 (2) "Border area per-capita law-enforcement spending" equals
27 total per capita expenditures in a border area on: Law enforcement
28 operating costs, court costs, law enforcement-related insurance, and
29 detention expenses, minus funds allocated to a border area under RCW
30 66.08.190 and 66.08.196.

31 (3) "Border-crossing traffic total" means the number of vehicles,
32 vessels, and aircraft crossing into the United States through a
33 United States customs service border crossing that enter into the
34 border area during a federal fiscal year, using border crossing
35 statistics and criteria included in guidelines adopted by the
36 department of (~~community, trade, and economic development~~)
37 commerce.

1 (4) "Border-related crime statistic" means the sum of infractions
2 and citations issued, and arrests of persons permanently residing
3 outside Washington state in a border area during a calendar year.

4 **Sec. 2110.** RCW 66.08.198 and 1995 c 159 s 4 are each amended to
5 read as follows:

6 The department of (~~community, trade, and economic development~~)
7 commerce shall develop guidelines to determine the figures used under
8 the three distribution factors defined in RCW 66.08.195. At the
9 request of any border community, the department may review these
10 guidelines once every three years.

11 **Sec. 2111.** RCW 67.28.8001 and 1997 c 452 s 6 are each amended to
12 read as follows:

13 (1) Each municipality imposing a tax under chapter 67.28 RCW
14 shall submit a report to the department of (~~community, trade, and~~
15 ~~economic development~~) commerce on October 1, 1998, and October 1,
16 2000. Each report shall include the following information:

17 (a) The rate of tax imposed under chapter 67.28 RCW;

18 (b) The total revenue received under chapter 67.28 RCW for each
19 of the preceding six years;

20 (c) A list of projects and activities funded with revenue
21 received under chapter 67.28 RCW; and

22 (d) The amount of revenue under chapter 67.28 RCW expended for
23 each project and activity.

24 (2) The department of (~~community, trade, and economic~~
25 ~~development~~) commerce shall summarize and analyze the data received
26 under subsection (1) of this section in a report submitted to the
27 legislature on January 1, 1999, and January 1, 2001. The report shall
28 include, but not be limited to, analysis of factors contributing to
29 growth in revenue received under chapter 67.28 RCW and the effects of
30 projects and activities funded with revenue received under chapter
31 67.28 RCW on tourism growth.

32 **Sec. 2112.** RCW 67.38.070 and 1995 c 399 s 167 are each amended
33 to read as follows:

34 The comprehensive cultural arts, stadium and convention plan
35 adopted by the district shall be reviewed by the department of
36 (~~community, trade, and economic development~~) commerce to determine:

1 (1) Whether the plan will enhance the progress of the state and
2 provide for the general welfare of the population; and

3 (2) Whether such plan is eligible for matching federal funds.

4 After reviewing the comprehensive cultural arts, stadium and
5 convention plan, the department of (~~community, trade, and economic~~
6 ~~development~~)) commerce shall have sixty days in which to approve such
7 plan and to certify to the state treasurer that such district shall
8 be eligible to receive funds. To be approved a plan shall provide for
9 coordinated cultural arts, stadium and convention planning, and be
10 consistent with the public cultural arts, stadium and convention
11 coordination criteria in a manner prescribed by chapter 35.60 RCW. In
12 the event such comprehensive plan is disapproved and ruled ineligible
13 to receive funds, the department of (~~community, trade, and economic~~
14 ~~development~~)) commerce shall provide written notice to the district
15 within thirty days as to the reasons for such plan's disapproval and
16 such ineligibility. The district may resubmit such plan upon
17 reconsideration and correction of such deficiencies cited in such
18 notice of disapproval.

19 **Sec. 2113.** RCW 70.62.290 and 1994 c 250 s 8 are each amended to
20 read as follows:

21 Rules establishing fire and life safety requirements, not
22 inconsistent with the provisions of this chapter, shall continue to
23 be adopted by the director of (~~community, trade, and economic~~
24 ~~development~~)) commerce, through the director of fire protection.

25 **Sec. 2114.** RCW 70.114A.070 and 1995 c 220 s 7 are each amended
26 to read as follows:

27 The department of (~~community, trade, and economic development~~))
28 commerce shall contract with private, nonprofit corporations to
29 provide technical assistance to any private individual or nonprofit
30 organization wishing to construct temporary or permanent worker
31 housing. The assistance may include information on state and local
32 application and approval procedures, information or assistance in
33 applying for federal, state, or local financial assistance, including
34 tax incentives, information on cost-effective housing designs, or any
35 other assistance the department of (~~community, trade, and economic~~
36 ~~development~~)) commerce may deem helpful in obtaining the active
37 participation of private individuals or groups in constructing or
38 operating temporary or permanent worker housing.

1 **Sec. 2115.** RCW 70.136.030 and 1995 c 399 s 197 are each amended
2 to read as follows:

3 The governing body of each applicable political subdivision of
4 this state shall designate a hazardous materials incident command
5 agency within its respective boundaries, and file this designation
6 with the director of (~~community, trade, and economic development~~)
7 commerce. In designating an incident command agency, the political
8 subdivision shall consider the training, manpower, expertise, and
9 equipment of various available agencies as well as the Uniform Fire
10 Code and other existing codes and regulations. Along state and
11 interstate highway corridors, the Washington state patrol shall be
12 the designated incident command agency unless by mutual agreement
13 that role has been assumed by another designated incident command
14 agency. If a political subdivision has not designated an incident
15 command agency within six months after July 26, 1987, the Washington
16 state patrol shall then assume the role of incident command agency by
17 action of the chief until a designation has been made.

18 **Sec. 2116.** RCW 70A.50.020 and 2009 c 379 s 102 are each amended
19 to read as follows:

20 The Washington State University extension energy program is
21 authorized to implement grants for pilot programs providing
22 community-wide urban residential and commercial energy efficiency
23 upgrades. The Washington State University extension energy program
24 must coordinate and collaborate with the department of (~~community,~~
25 ~~trade, and economic development~~) commerce on the design,
26 administration, and implementation elements of the pilot program.

27 (1) There must be at least three grants for pilot programs,
28 awarded on a competitive basis to sponsors for conducting direct
29 outreach and delivering energy efficiency services that, to the
30 extent feasible, ensure a balance of participation for: (a)
31 Geographic regions in the state; (b) types of fuel used for heating;
32 (c) owner-occupied and rental residences; (d) small commercial
33 buildings; and (e) single-family and multifamily dwellings.

34 (2) The pilot programs must:

35 (a) Provide assistance for energy audits and energy
36 efficiency-related improvements to structures owned by or used for
37 residential, commercial, or nonprofit purposes in specified urban
38 neighborhoods where the objective is to achieve a high rate of
39 participation among building owners within the pilot area;

1 (b) Utilize volunteer support to reach out to potential customers
2 through the use of community-based institutions;

3 (c) Employ qualified energy auditors and energy efficiency
4 service providers to perform the energy audits using recognized
5 energy efficiency and weatherization services that are cost-
6 effective;

7 (d) Select and provide oversight of contractors to perform energy
8 efficiency services. Sponsors shall require contractors to
9 participate in quality control and efficiency training, use workers
10 trained from workforce training and apprentice programs established
11 under chapter 536, Laws of 2009 if these workers are available, pay
12 prevailing wages under chapter 39.12 RCW, hire from the community in
13 which the program is located, and create employment opportunities for
14 veterans, members of the national guard, and low-income and
15 disadvantaged populations; and

16 (e) Work with customers to secure financing for their portion of
17 the project and apply for and administer utility, public, and
18 charitable funding provided for energy audits and retrofits.

19 (3) The Washington State University extension energy program must
20 give priority to sponsors that can secure a sponsor match of at least
21 one dollar for each dollar awarded.

22 (a) A sponsor may use its own moneys, including corporate or
23 ratepayer moneys, or moneys provided by landlords, charitable groups,
24 government programs, the Bonneville power administration, or other
25 sources to pay the sponsor match.

26 (b) A sponsor may meet its match requirement in whole or in part
27 through providing labor, materials, or other in-kind expenditures.

28 (4)(a) Pilot programs receiving funding must report compliance
29 with performance metrics for each sponsor receiving a grant award.
30 The performance metrics include:

31 (i) Monetary and energy savings achieved;

32 (ii) Savings-to-investment ratio achieved for customers;

33 (iii) Wage levels of jobs created;

34 (iv) Utilization of preapprentice and apprenticeship programs;

35 and

36 (v) Efficiency and speed of delivery of services.

37 (b) Pilot programs receiving funding under this section are
38 required to report to the Washington State University ((energy))
39 extension ((~~extension—energy~~)) energy program on compliance with
40 the performance metrics every six months following the receipt of

1 grants, with the last report submitted six months after program
2 completion.

3 (c) The Washington State University extension energy program
4 shall review the accuracy of these reports and provide a progress
5 report on all grant pilot programs to the appropriate committees of
6 the legislature by December 1st of each year.

7 (5)(a) By December 1, 2009, the Washington State University
8 extension energy program shall provide a report to the governor and
9 appropriate legislative committees on the: Number of grants awarded;
10 number of jobs created or maintained; number and type of individuals
11 trained through workforce training and apprentice programs; number of
12 veterans, members of the national guard, and individuals of low-
13 income and disadvantaged populations employed by pilot programs; and
14 amount of funding provided through the grants as established in
15 subsection (1) of this section and the performance metrics
16 established in subsection (4) of this section.

17 (b) By December 1, 2010, the Washington State University
18 extension energy program shall provide a final report to the governor
19 and appropriate legislative committees on the: Number of grants
20 awarded; number of jobs created or maintained; number and type of
21 individuals trained through workforce training and apprentice
22 programs; number of veterans, members of the national guard, and
23 individuals of low-income and disadvantaged populations employed by
24 pilot programs; and amount of funding provided through the grants as
25 established in subsection (1) of this section and the performance
26 metrics established in subsection (4) of this section.

27 **Sec. 2117.** RCW 70A.205.210 and 1995 c 399 s 189 are each amended
28 to read as follows:

29 The department shall in addition to its other powers and duties:

30 (1) Cooperate with the appropriate federal, state, interstate and
31 local units of government and with appropriate private organizations
32 in carrying out the provisions of this chapter.

33 (2) Coordinate the development of a solid waste management plan
34 for all areas of the state in cooperation with local government, the
35 department of ((community, trade, and economic development))
36 commerce, and other appropriate state and regional agencies. The plan
37 shall relate to solid waste management for twenty years in the future
38 and shall be reviewed biennially, revised as necessary, and extended
39 so that perpetually the plan shall look to the future for twenty

1 years as a guide in carrying out a state coordinated solid waste
2 management program. The plan shall be developed into a single
3 integrated document and shall be adopted no later than October 1990.
4 The plan shall be revised regularly after its initial completion so
5 that local governments revising local comprehensive solid waste
6 management plans can take advantage of the data and analysis in the
7 state plan.

8 (3) Provide technical assistance to any person as well as to
9 cities, counties, and industries.

10 (4) Initiate, conduct, and support research, demonstration
11 projects, and investigations, and coordinate research programs
12 pertaining to solid waste management systems.

13 (5) Develop statewide programs to increase public awareness of
14 and participation in tire recycling, and to stimulate and encourage
15 local private tire recycling centers and public participation in tire
16 recycling.

17 (6) May, under the provisions of the Administrative Procedure
18 Act, chapter 34.05 RCW, as now or hereafter amended, from time to
19 time promulgate such rules and regulations as are necessary to carry
20 out the purposes of this chapter.

21 **Sec. 2118.** RCW 70A.205.710 and 1998 c 245 s 132 are each amended
22 to read as follows:

23 (1) In order to establish the feasibility of composting food and
24 yard wastes, the department shall provide funds, as available, to
25 local governments submitting a proposal to compost such wastes.

26 (2) The department, in cooperation with the department of
27 (~~community, trade, and economic development~~) commerce, may approve
28 an application if the project can demonstrate the essential
29 parameters for successful composting, including, but not limited to,
30 cost-effectiveness, handling and safety requirements, and current and
31 potential markets.

32 **Sec. 2119.** RCW 71.09.255 and 2002 c 68 s 8 are each amended to
33 read as follows:

34 (1) Upon receiving the notification required by RCW 71.09.250,
35 counties must promptly notify the cities within the county of the
36 maximum number of secure community transition facility beds that may
37 be required and the projected number of beds to be needed in that
38 county.

1 (2) The incentive grants and payments provided under this section
2 are subject to the following provisions:

3 (a) Counties and the cities within the county must notify each
4 other of siting plans to promote the establishment and equitable
5 distribution of secure community transition facilities;

6 (b) Development regulations, ordinances, plans, laws, and
7 criteria established for siting must be consistent with statutory
8 requirements and rules applicable to siting and operating secure
9 community transition facilities;

10 (c) The minimum size for any facility is three beds; and

11 (d) The department must approve any sites selected.

12 (3) Any county or city that makes a commitment to initiate the
13 process to site one or more secure community transition facilities by
14 one hundred twenty days after March 21, 2002, shall receive a
15 planning grant as proposed and approved by the department of
16 (~~community, trade, and economic development~~) commerce.

17 (4) Any county or city that has issued all necessary permits by
18 May 1, 2003, for one or more secure community transition facilities
19 that comply with the requirements of this section shall receive an
20 incentive grant in the amount of fifty thousand dollars for each bed
21 sited.

22 (5) To encourage the rapid permitting of sites, any county or
23 city that has issued all necessary permits by January 1, 2003, for
24 one or more secure community transition facilities that comply with
25 the requirements of this section shall receive a bonus in the amount
26 of twenty percent of the amount provided under subsection (4) of this
27 section.

28 (6) Any county or city that establishes secure community
29 transition facility beds in excess of the maximum number that could
30 be required to be sited in that county shall receive a bonus payment
31 of one hundred thousand dollars for each bed established in excess of
32 the maximum requirement.

33 (7) No payment shall be made under subsection (4), (5), or (6) of
34 this section until all necessary permits have been issued.

35 (8) The funds available to counties and cities under this section
36 are contingent upon funds being appropriated by the legislature.

37 **Sec. 2120.** RCW 72.09.055 and 1995 c 399 s 202 are each amended
38 to read as follows:

1 (1) The department shall identify and catalog real property that
2 is no longer required for department purposes and is suitable for the
3 development of affordable housing for very low-income, low-income,
4 and moderate-income households as defined in RCW 43.63A.510. The
5 inventory shall include the location, approximate size, and current
6 zoning classification of the property. The department shall provide a
7 copy of the inventory to the department of (~~community, trade, and~~
8 ~~economic development~~) commerce by November 1, 1993, and every
9 November 1 thereafter.

10 (2) By November 1 of each year, beginning in 1994, the department
11 shall purge the inventory of real property of sites that are no
12 longer available for the development of affordable housing. The
13 department shall include an updated listing of real property that has
14 become available since the last update. As used in this section,
15 "real property" means buildings, land, or buildings and land.

16 **Sec. 2121.** RCW 72.65.210 and 1998 c 245 s 142 are each amended
17 to read as follows:

18 (1) The department shall establish, by rule, inmate eligibility
19 standards for participation in the work release program.

20 (2) The department shall:

21 (a) Conduct an annual examination of each work release facility
22 and its security procedures;

23 (b) Investigate and set standards for the inmate supervision
24 policies of each work release facility;

25 (c) Establish physical standards for future work release
26 structures to ensure the safety of inmates, employees, and the
27 surrounding communities;

28 (d) Evaluate its recordkeeping of serious infractions to
29 determine if infractions are properly and consistently assessed
30 against inmates eligible for work release;

31 (e) (~~The department shall establish~~) Establish a written
32 treatment plan best suited to the inmate's needs, cost, and the
33 relationship of community placement and community corrections
34 officers to a system of case management;

35 (f) Adopt a policy to encourage businesses employing work release
36 inmates to contact the appropriate work release facility whenever an
37 inmate is absent from his or her work schedule. The department of
38 corrections shall provide each employer with written information and

1 instructions on who should be called if a work release employee is
2 absent from work or leaves the jobsite without authorization; and

3 (g) Develop a siting policy, in conjunction with cities,
4 counties, community groups, and the department of (~~community, trade,~~
5 ~~and economic development~~) commerce for the establishment of
6 additional work release facilities. Such policy shall include at
7 least the following elements: (i) Guidelines for appropriate site
8 selection of work-release facilities; (ii) notification requirements
9 to local government and community groups of intent to site a work
10 release facility; and (iii) guidelines for effective community
11 relations by the work release program operator.

12 The department shall comply with the requirements of this section
13 by July 1, 1990.

14 **Sec. 2122.** RCW 76.56.020 and 1994 c 282 s 1 are each amended to
15 read as follows:

16 The center shall:

17 (1) Coordinate the University of Washington's college of forest
18 resources' faculty and staff expertise to assist in:

19 (a) The development of research and analysis for developing
20 policies and strategies which will expand forest-based international
21 trade, including a major focus on secondary manufacturing;

22 (b) The development of technology or commercialization support
23 for manufactured products that will meet the evolving needs of
24 international customers;

25 (c) The development of research and analysis on other factors
26 critical to forest-based trade, including the quality and
27 availability of raw wood resources; and

28 (d) The coordination, development, and dissemination of market
29 and technical information relevant to international trade in forest
30 products, including a major focus on secondary manufacturing;

31 (2) Further develop and maintain computer databases on worldwide
32 forest products production and trade in order to monitor and report
33 on trends significant to the Northwest forest products industry and
34 support the center's research functions; and coordinate this system
35 with state, federal, and private sector efforts to insure a cost-
36 effective information resource that will avoid unnecessary
37 duplication;

38 (3) Monitor international forest products markets and assess the
39 status of the state's forest products industry, including the

1 competitiveness of small and medium-sized secondary manufacturing
2 firms in the forest products industry, which for the purposes of this
3 chapter shall be firms with annual revenues of twenty-five million or
4 less, and including the increased exports of Washington-produced
5 products of small and medium-sized secondary manufacturing firms;

6 (4) Provide high quality research and graduate education and
7 professional nondegree training in international trade in forest
8 products in cooperation with the University of Washington's graduate
9 school of business administration, the school of law, the Jackson
10 school of international studies, the Northwest policy center of the
11 graduate school of public administration, and other supporting
12 academic units;

13 (5) Develop cooperative linkages with the international marketing
14 program for agricultural commodities and trade at Washington State
15 University, the international trade project of the United States
16 forest service, the department of natural resources, the department
17 of (~~community, trade, and economic development~~) commerce, the small
18 business export finance assistance center, and other state and
19 federal agencies to avoid duplication of effort and programs;

20 (6) Cooperate with personnel from the state's community and
21 technical colleges in their development of wood products
22 manufacturing and wood technology curriculum and offer periodic
23 workshops on wood products manufacturing, wood technology, and trade
24 opportunities to community colleges and private educators and
25 trainers;

26 (7) Provide for public dissemination of research, analysis, and
27 results of the center's programs to all groups, including direct
28 assistance groups, through technical workshops, short courses,
29 international and national symposia, cooperation with private sector
30 networks and marketing associations, or other means, including
31 appropriate publications;

32 (8) Establish an executive policy board, including
33 representatives of small and medium-sized businesses, with at least
34 fifty percent of its business members representing small businesses
35 with one hundred or fewer employees and medium-sized businesses with
36 one hundred to five hundred employees. The executive policy board
37 shall also include a representative of the community and technical
38 colleges, representatives of state and federal agencies, and a
39 representative of a wood products manufacturing network or trade
40 association of small and medium-sized wood product manufacturers. The

1 executive policy board shall provide advice on: Overall policy
2 direction and program priorities, state and federal budget requests,
3 securing additional research funds, identifying priority areas of
4 focus for research efforts, selection of projects for research, and
5 dissemination of results of research efforts; and

6 (9) Establish advisory or technical committees for each research
7 program area, to advise on research program area priorities,
8 consistent with the international trade opportunities achievable by
9 the forest products sector of the state and region, to help ensure
10 projects are relevant to industry needs, and to advise on and support
11 effective dissemination of research results. Each advisory or
12 technical committee shall include representatives of forest products
13 industries that might benefit from this research.

14 Service on the committees and the executive policy board
15 established in subsections (8) and (9) of this section shall be
16 without compensation but actual travel expenses incurred in
17 connection with service to the center may be reimbursed from
18 appropriated funds in accordance with RCW 43.03.050 and 43.03.060.

19 **Sec. 2123.** RCW 79.105.600 and 2005 c 155 s 161 are each amended
20 to read as follows:

21 After consultation with the director of (~~community, trade, and~~
22 ~~economic development~~) commerce, the department may enter into
23 agreements, leases, or other conveyances for archaeological
24 activities on state-owned aquatic lands. The agreements, leases, or
25 other conveyances may contain those conditions as are required for
26 the department to comply with its legal rights and duties. All
27 agreements, leases, or other conveyances, shall be issued in
28 accordance with the terms of chapters 79.105 through 79.140 RCW.

29 **Sec. 2124.** RCW 79A.30.050 and 1995 c 200 s 6 are each amended to
30 read as follows:

31 (1) If the authority and state agencies find it mutually
32 beneficial to do so, they are authorized to collaborate and cooperate
33 on projects of shared interest. Agencies authorized to collaborate
34 with the authority include but are not limited to: The commission for
35 activities and projects related to public recreation; the department
36 of agriculture for projects related to the equine agricultural
37 industry; the department of (~~community, trade, and economic~~
38 ~~development~~) commerce with respect to community and economic

1 development and tourism issues associated with development of the
2 state horse park; Washington State University with respect to
3 opportunities for animal research, education, and extension; the
4 department of ecology with respect to opportunities for making the
5 state horse park's waste treatment facilities a demonstration model
6 for the handling of waste to protect water quality; and with local
7 community colleges with respect to programs related to horses,
8 economic development, business, and tourism.

9 (2) The authority shall cooperate with 4-H clubs, pony clubs,
10 youth groups, and local park departments to provide youth
11 recreational activities. The authority shall also provide for
12 preferential use of an area of the horse park facility for youth and
13 (~~the disabled~~) individuals with disabilities at nominal cost.

14 **Sec. 2125.** RCW 79A.50.100 and 1995 c 399 s 209 are each amended
15 to read as follows:

16 (1) A public hearing may be held prior to any withdrawal of state
17 trust lands and shall be held prior to any revocation of withdrawal
18 or modification of withdrawal of state trust lands used for
19 recreational purposes by the department of natural resources or by
20 other state agencies.

21 (2) The department shall cause notice of the withdrawal,
22 revocation of withdrawal or modification of withdrawal of state trust
23 lands as described in subsection (1) of this section to be published
24 by advertisement once a week for four weeks prior to the public
25 hearing in at least one newspaper published and of general
26 circulation in the county or counties in which the state trust lands
27 are situated, and by causing a copy of said notice to be posted in a
28 conspicuous place in the department's Olympia office, in the district
29 office in which the land is situated, and in the office of the county
30 auditor in the county where the land is situated thirty days prior to
31 the public hearing. The notice shall specify the time and place of
32 the public hearing and shall describe with particularity each parcel
33 of state trust lands involved in said hearing.

34 (3) The board of natural resources shall administer the hearing
35 according to its prescribed rules and regulations.

36 (4) The board of natural resources shall determine the most
37 beneficial use or combination of uses of the state trust lands. Its
38 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
39 said decisions as to uses shall conform to applicable state plans and

1 policy guidelines adopted by the department of (~~community, trade,~~
2 ~~and economic development~~) commerce.

3 **Sec. 2126.** RCW 79A.60.480 and 2002 c 86 s 327 are each amended
4 to read as follows:

5 (1) The department of licensing may issue a whitewater river
6 outfitter's license to an applicant who submits a completed
7 application, pays the required fee, and complies with the
8 requirements of this section.

9 (2) An applicant for a whitewater river outfitter's license shall
10 make application upon a form provided by the department of licensing.
11 The form must be submitted annually and include the following
12 information:

13 (a) The name, residence address, and residence telephone number,
14 and the business name, address, and telephone number of the
15 applicant;

16 (b) Certification that all employees, subcontractors, or
17 independent contractors hired as guides meet training standards under
18 RCW 79A.60.430 before carrying any passengers for hire;

19 (c) Proof that the applicant has liability insurance for a
20 minimum of three hundred thousand dollars per claim for occurrences
21 by the applicant and the applicant's employees that result in bodily
22 injury or property damage. All guides must be covered by the
23 applicant's insurance policy;

24 (d) Certification that the applicant will maintain the insurance
25 for a period of not less than one year from the date of issuance of
26 the license; and

27 (e) Certification by the applicant that for a period of not less
28 than twenty-four months immediately preceding the application the
29 applicant:

30 (i) Has not had a license, permit, or certificate to carry
31 passengers for hire on a river revoked by another state or by an
32 agency of the government of the United States due to a conviction for
33 a violation of safety or insurance coverage requirements no more
34 stringent than the requirements of this chapter; and

35 (ii) Has not been denied the right to apply for a license,
36 permit, or certificate to carry passengers for hire on a river by
37 another state.

38 (3) The department of licensing shall charge a fee for each
39 application, to be set in accordance with RCW 43.24.086.

1 (4) Any person advertising or representing himself or herself as
2 a whitewater river outfitter who is not currently licensed is guilty
3 of a gross misdemeanor.

4 (5) The department of licensing shall submit annually a list of
5 licensed persons and companies to the department of (~~community,~~
6 ~~trade, and economic development~~) commerce, tourism promotion
7 division.

8 (6) If an insurance company cancels or refuses to renew insurance
9 for a licensee, the insurance company shall notify the department of
10 licensing in writing of the termination of coverage and its effective
11 date not less than thirty days before the effective date of
12 termination.

13 (a) Upon receipt of an insurance company termination notice, the
14 department of licensing shall send written notice to the licensee
15 that on the effective date of termination the department of licensing
16 will suspend the license unless proof of insurance as required by
17 this section is filed with the department of licensing before the
18 effective date of the termination.

19 (b) If an insurance company fails to give notice of coverage
20 termination, this failure shall not have the effect of continuing the
21 coverage.

22 (c) The department of licensing may sanction a license under RCW
23 18.235.110 if the licensee fails to maintain in full force and effect
24 the insurance required by this section.

25 (7) The state of Washington shall be immune from any civil action
26 arising from the issuance of a license under this section.

27 **Sec. 2127.** RCW 80.36.440 and 2003 c 134 s 5 are each amended to
28 read as follows:

29 (1) The commission and the department may adopt any rules
30 necessary to implement RCW 80.36.410 through 80.36.470.

31 (2) Rules necessary for the implementation of community service
32 voice mail services shall be made by the commission and the
33 department in consultation with the department of (~~community, trade,~~
34 ~~and economic development~~) commerce.

35 **Sec. 2128.** RCW 80.80.050 and 2007 c 307 s 7 are each amended to
36 read as follows:

37 The energy policy division of the department of (~~community,~~
38 ~~trade, and economic development~~) commerce shall provide an

1 opportunity for interested parties to comment on the development of a
2 survey of new combined-cycle natural gas thermal electric generation
3 turbines commercially available and offered for sale by manufacturers
4 and purchased in the United States to determine the average rate of
5 emissions of greenhouse gases for these turbines. The department of
6 (~~community, trade, and economic development~~) commerce shall report
7 the results of its survey to the legislature every five years,
8 beginning June 30, 2013. The department of (~~community, trade, and
9 economic development~~) commerce shall adopt by rule the average
10 available greenhouse (~~gases~~) gas emissions output every five years
11 beginning five years after July 22, 2007.

12 **Sec. 2129.** RCW 80.80.080 and 2007 c 307 s 10 are each amended to
13 read as follows:

14 For the purposes of RCW 80.80.040 through 80.80.080 and
15 80.70.020, the department, in consultation with the department of
16 (~~community, trade, and economic development~~) commerce energy policy
17 division, the energy facility site evaluation council, the
18 commission, and the governing boards of consumer-owned utilities,
19 shall review the greenhouse (~~gases~~) gas emissions performance
20 standard established in this chapter to determine need,
21 applicability, and effectiveness no less than every five years
22 following July 22, 2007, or upon implementation of a federal or state
23 law or rule regulating carbon dioxide emissions of electric
24 utilities, and report to the legislature.

25 **Sec. 2130.** RCW 90.56.280 and 1995 c 399 s 218 are each amended
26 to read as follows:

27 It shall be the duty of any person discharging oil or hazardous
28 substances or otherwise causing, permitting, or allowing the same to
29 enter the waters of the state, unless the discharge or entry was
30 expressly authorized by the department prior thereto or authorized by
31 operation of law under RCW 90.48.200, to immediately notify the coast
32 guard and the division of emergency management. The notice to the
33 division of emergency management within the department of
34 (~~community, trade, and economic development~~) commerce shall be made
35 to the division's twenty-four hour statewide toll-free number
36 established for reporting emergencies.

1 **OTHER PROVISIONS**

2 NEW SECTION. **Sec. 3001.** Section 4, chapter 137, Laws of 2015,
3 section 1, chapter 326, Laws of 2013, and section 2, chapter 291,
4 Laws of 2011 expire June 30, 2016.

5 NEW SECTION. **Sec. 3002.** 2011 1st sp. sess. c 35 s 3
6 (uncodified) is repealed.

7 NEW SECTION. **Sec. 3003.** The following sections are decodified:

- 8 (1) RCW 28A.300.2851 (School bullying and harassment—Work group);
9 (2) RCW 28A.300.807 (Task force—Review of federal 2007 race and
10 ethnicity reporting guidelines—Development of state guidelines);
11 (3) RCW 43.10.300 (Hate crime advisory working group);
12 (4) RCW 43.280.091 (Statewide coordinating committee on sex
13 trafficking); and
14 (5) RCW 44.82.010 (Joint select committee on health care
15 oversight).

16 **Sec. 3004.** RCW 9.41.280 and 2022 c 106 s 1 are each amended to
17 read as follows:

18 (1) It is unlawful for a person to knowingly carry onto, or to
19 possess on, public or private elementary or secondary school
20 premises, school-provided transportation, areas of facilities while
21 being used exclusively by public or private schools, or areas of
22 facilities while being used for official meetings of a school
23 district board of directors:

- 24 (a) Any firearm;
25 (b) Any other dangerous weapon as defined in RCW 9.41.250;
26 (c) Any device commonly known as "nun-chu-ka sticks," consisting
27 of two or more lengths of wood, metal, plastic, or similar substance
28 connected with wire, rope, or other means;
29 (d) Any device, commonly known as "throwing stars," which are
30 multipointed, metal objects designed to embed upon impact from any
31 aspect;
32 (e) Any air gun, including any air pistol or air rifle, designed
33 to propel a BB, pellet, or other projectile by the discharge of
34 compressed air, carbon dioxide, or other gas; or

1 (f) (i) Any portable device manufactured to function as a weapon
2 and which is commonly known as a stun gun, including a projectile
3 stun gun which projects wired probes that are attached to the device
4 that emit an electrical charge designed to administer to a person or
5 an animal an electric shock, charge, or impulse; or

6 (ii) Any device, object, or instrument which is used or intended
7 to be used as a weapon with the intent to injure a person by an
8 electric shock, charge, or impulse.

9 (2) (a) Any such person violating subsection (1) of this section
10 is guilty of a misdemeanor.

11 (b) Second and subsequent violations of subsection (1) of this
12 section are a gross misdemeanor.

13 (c) If any person is convicted of a violation of subsection
14 (1)(a) of this section, the person shall have his or her concealed
15 pistol license, if any revoked for a period of three years. Anyone
16 convicted under this subsection is prohibited from applying for a
17 concealed pistol license for a period of three years. The court shall
18 send notice of the revocation to the department of licensing, and the
19 city, town, or county which issued the license.

20 Any violation of subsection (1) of this section by elementary or
21 secondary school students constitutes grounds for expulsion from the
22 state's public schools in accordance with RCW 28A.600.010. An
23 appropriate school authority shall promptly notify law enforcement
24 and the student's parent or guardian regarding any allegation or
25 indication of such violation.

26 Upon the arrest of a person at least twelve years of age and not
27 more than twenty-one years of age for violating subsection (1)(a) of
28 this section, the person shall be detained or confined in a juvenile
29 or adult facility for up to seventy-two hours. The person shall not
30 be released within the seventy-two hours until after the person has
31 been examined and evaluated by the designated crisis responder unless
32 the court in its discretion releases the person sooner after a
33 determination regarding probable cause or on probation bond or bail.

34 Within twenty-four hours of the arrest, the arresting law
35 enforcement agency shall refer the person to the designated crisis
36 responder for examination and evaluation under chapter 71.05 or 71.34
37 RCW and inform a parent or guardian of the person of the arrest,
38 detention, and examination. The designated crisis responder shall
39 examine and evaluate the person subject to the provisions of chapter
40 71.05 or 71.34 RCW. The examination shall occur at the facility in

1 which the person is detained or confined. If the person has been
2 released on probation, bond, or bail, the examination shall occur
3 wherever is appropriate.

4 Upon completion of any examination by the designated crisis
5 responder, the results of the examination shall be sent to the court,
6 and the court shall consider those results in making any
7 determination about the person.

8 The designated crisis responder shall, to the extent permitted by
9 law, notify a parent or guardian of the person that an examination
10 and evaluation has taken place and the results of the examination.
11 Nothing in this subsection prohibits the delivery of additional,
12 appropriate mental health examinations to the person while the person
13 is detained or confined.

14 If the designated crisis responder determines it is appropriate,
15 the designated crisis responder may refer the person to the local
16 behavioral health administrative services organization for follow-up
17 services or other community providers for other services to the
18 family and individual.

19 (3) Subsection (1) of this section does not apply to:

20 (a) Any student or employee of a private military academy when on
21 the property of the academy;

22 (b) Any person engaged in military, law enforcement, or school
23 district security activities. However, a person who is not a
24 commissioned law enforcement officer and who provides school security
25 services under the direction of a school administrator may not
26 possess a device listed in subsection (1)(f) of this section unless
27 he or she has successfully completed training in the use of such
28 devices that is equivalent to the training received by commissioned
29 law enforcement officers;

30 (c) Any person who is involved in a convention, showing,
31 demonstration, lecture, or firearms safety course authorized by
32 school authorities in which the firearms of collectors or instructors
33 are handled or displayed;

34 (d) Any person while the person is participating in a firearms or
35 air gun competition approved by the school or school district;

36 (e) Any person in possession of a pistol who has been issued a
37 license under RCW 9.41.070, or is exempt from the licensing
38 requirement by RCW 9.41.060, while:

39 (i) Picking up or dropping off a student; or

1 (ii) Attending official meetings of a school district board of
2 directors held off school district-owned or leased property;

3 (f) Any nonstudent at least eighteen years of age legally in
4 possession of a firearm or dangerous weapon that is secured within an
5 attended vehicle or concealed from view within a locked unattended
6 vehicle while conducting legitimate business at the school;

7 (g) Any nonstudent at least eighteen years of age who is in
8 lawful possession of an unloaded firearm, secured in a vehicle while
9 conducting legitimate business at the school; or

10 (h) Any law enforcement officer of the federal, state, or local
11 government agency.

12 (4) Subsections (1)(c) and (d) of this section do not apply to
13 any person who possesses nun-chu-ka sticks, throwing stars, or other
14 dangerous weapons to be used in martial arts classes authorized to be
15 conducted on the school premises.

16 (5) Subsection (1)(f)(i) of this section does not apply to any
17 person who possesses a device listed in subsection (1)(f)(i) of this
18 section, if the device is possessed and used solely for the purpose
19 approved by a school for use in a school authorized event, lecture,
20 or activity conducted on the school premises.

21 (6) Except as provided in subsection (3)(b), (c), (f), and (h) of
22 this section, firearms are not permitted in a public or private
23 school building.

24 (7) "GUN-FREE ZONE" signs shall be posted around school
25 facilities giving warning of the prohibition of the possession of
26 firearms on school grounds.

27 (8) A school district board of directors must post signs
28 providing notice of the restrictions on possession of firearms and
29 other weapons under this section at facilities being used for
30 official meetings of the school district board of directors.

31 **Sec. 3005.** RCW 9.41.284 and 2022 c 106 s 3 are each amended to
32 read as follows:

33 (1) Except as provided in subsections (3) and (4) of this
34 section, it is unlawful for a person to knowingly carry onto, or to
35 possess in, a ballot counting center, a voting center, a student
36 engagement hub, or the county elections and voter registration
37 office, or areas of facilities while being used as a ballot counting
38 center, a voting center, a student engagement hub, or the county
39 elections and voter registration office:

1 (a) Any firearm;

2 (b) Any other dangerous weapon as described in RCW 9.41.250;

3 (c) Any air gun, including any air pistol or air rifle, designed
4 to propel a BB, pellet, or other projectile by the discharge of
5 compressed air, carbon dioxide, or other gas;

6 (d)(i) Any portable device manufactured to function as a weapon
7 and which is commonly known as a stun gun, including a projectile
8 stun gun that projects wired probes that are attached to the device
9 that emit an electrical charge designed to administer to a person or
10 an animal an electric shock, charge, or impulse; or

11 (ii) Any device, object, or instrument that is used or intended
12 to be used as a weapon with the intent to injure a person by an
13 electric shock, charge, or impulse; or

14 (e) Any spring blade knife as defined in RCW 9.41.250.

15 (2)(a) A person who violates subsection (1) of this section is
16 guilty of a misdemeanor.

17 (b) Second and subsequent violations of this section are a gross
18 misdemeanor.

19 (c) If a person is convicted of a violation of subsection (1)(a)
20 of this section, the person shall have his or her concealed pistol
21 license, if any, revoked for a period of three years. Anyone
22 convicted under subsection (1)(a) of this section is prohibited from
23 applying for a concealed pistol license for a period of three years
24 from the date of conviction. The court shall order the person to
25 immediately surrender any concealed pistol license, and within three
26 business days notify the department of licensing in writing of the
27 required revocation of any concealed pistol license held by the
28 person. Upon receipt of the notification by the court, the department
29 of licensing shall determine if the person has a concealed pistol
30 license. If the person does have a concealed pistol license, the
31 department of licensing shall immediately notify the license-issuing
32 authority which, upon receipt of the notification, shall immediately
33 revoke the license.

34 (3) Subsection (1) of this section does not apply to:

35 (a) Any law enforcement officer of a federal, state, or local
36 government agency; or

37 (b) Any security personnel hired by a county and engaged in
38 security specifically for a counting center, a voting center, a
39 student engagement hub, or the county elections and voter
40 registration office or areas of facilities used for such purposes.

1 However, a person who is not a commissioned law enforcement officer
2 and who provides elections and voter registration security services
3 under the direction of a county may not possess a firearm or device
4 listed in subsection (1)(d) of this section unless he or she has
5 successfully completed training in the use of firearms or such
6 devices that is equivalent to the training received by commissioned
7 law enforcement officers.

8 (4) Subsection (1) of this section does not prohibit concealed
9 carry of a pistol, by a person licensed to carry a concealed pistol
10 pursuant to RCW 9.41.070, in any voting center, student engagement
11 hub, county elections and voter registration office, or areas of
12 facilities while being used as a voting center, student engagement
13 hub, or county elections and voter registration office. However, no
14 weapon restricted by this section, whether concealed or openly
15 carried, may be possessed in any ballot counting center or areas of
16 facilities while being used as a ballot counting center.

17 (5) Elections officers and officials must post signs providing
18 notice of the restriction on possession of firearms and other weapons
19 at each counting center, voting center, student engagement hub, or
20 county elections and voter registration office, or areas of
21 facilities while being used as a counting center, a voting center, a
22 student engagement hub, or the county elections and voter
23 registration office.

24 (6) For the purposes of this section:

25 (a) "Ballot counting center" has the same meaning as "counting
26 center" in RCW 29A.04.019;

27 (b) "Voting center" means a voting center as described in RCW
28 29A.40.160; and

29 (c) "Student engagement hub" means a student engagement hub as
30 described in RCW 29A.40.180.

31 **Sec. 3006.** RCW 9.41.305 and 2022 c 106 s 2 are each amended to
32 read as follows:

33 (1) Unless exempt under subsection (3) of this section, it is
34 unlawful for any person to knowingly open carry a firearm or other
35 weapon, as defined in RCW 9.41.300(1)(b), while knowingly being in
36 the following locations:

37 (a) The west state capitol campus grounds; any buildings on the
38 state capitol grounds; any state legislative office; or any location

1 of a public state legislative hearing or meeting during the hearing
2 or meeting; or

3 (b) City, town, county, or other municipality buildings used in
4 connection with meetings of the governing body of the city, town,
5 county, or other municipality, or any location of a public meeting or
6 hearing of the governing body of a city, town, county, or other
7 municipality during the hearing or meeting.

8 (2) For the purposes of this section:

9 (a) "Buildings on the state capitol grounds" means the following
10 buildings located on the state capitol grounds, commonly known as
11 Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg,
12 Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance,
13 Governor's Mansion, Visitor Information Center, Carlyon House, Ayer
14 House, General Administration, 1500 Jefferson, James M. Dolliver, Old
15 Capitol, Capitol Court, State Archives, Natural Resources, Office
16 Building #2, Highway-License, Transportation, Employment Security,
17 Child Care Center, Union Avenue, Washington Street, Professional
18 Arts, State Farm, and Powerhouse Buildings.

19 (b) "Governing body" has the same meaning as in RCW 42.30.020.

20 (c) "West state capitol campus grounds" means areas of the campus
21 south of Powerhouse Rd. SW, south of Union Avenue SW as extended
22 westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th
23 Avenue SW between Capitol Way S. and Water Street SW, west of Water
24 Street between 15th Avenue SW and 16th Avenue SW, north of 16th
25 Avenue SW between Water Street SW and the east banks of Capitol Lake,
26 and east of the banks of Capitol Lake.

27 (3) Duly authorized federal, state, or local law enforcement
28 officers or personnel are exempt from this section when carrying a
29 firearm or other weapon in conformance with their employing agency's
30 policy. Members of the armed forces of the United States or the state
31 of Washington are exempt from this section when carrying a firearm or
32 other weapon in the discharge of official duty or traveling to or
33 from official duty.

34 (4) (a) A person violating this section is guilty of a
35 misdemeanor.

36 (b) Second and subsequent violations of this section are a gross
37 misdemeanor.

38 (5) Nothing in this section applies to the lawful concealed carry
39 of a firearm by a person who has a valid concealed pistol license.

1 (6) A city, town, county, or other municipality must post signs
2 providing notice of the restrictions on possession of firearms and
3 other weapons under this section at any locations specified in
4 subsection (1)(b) of this section.

5 **Sec. 3007.** RCW 9A.44.010 and 2020 c 312 s 707 are each reenacted
6 and amended to read as follows:

7 As used in this chapter:

8 (1) "Abuse of a supervisory position" means:

9 (a) To use a direct or indirect threat or promise to exercise
10 authority to the detriment or benefit of a minor; or

11 (b) To exploit a significant relationship in order to obtain the
12 consent of a minor.

13 (2) "Consent" means that at the time of the act of sexual
14 intercourse or sexual contact there are actual words or conduct
15 indicating freely given agreement to have sexual intercourse or
16 sexual contact.

17 (3) "Forcible compulsion" means physical force which overcomes
18 resistance, or a threat, express or implied, that places a person in
19 fear of death or physical injury to herself or himself or another
20 person, or in fear that she or he or another person will be
21 kidnapped.

22 (4) "Frail elder or vulnerable adult" means a person sixty years
23 of age or older who has the functional, mental, or physical inability
24 to care for himself or herself. "Frail elder or vulnerable adult"
25 also includes a person who has been placed under a guardianship under
26 RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person
27 over eighteen years of age who has a developmental disability under
28 chapter 71A.10 RCW, a person admitted to a long-term care facility
29 that is licensed or required to be licensed under chapter 18.20,
30 18.51, 72.36, or 70.128 RCW, and a person receiving services from a
31 home health, hospice, or home care agency licensed or required to be
32 licensed under chapter 70.127 RCW.

33 (5) "Health care provider" for purposes of RCW 9A.44.050 and
34 9A.44.100 means a person who is, holds himself or herself out to be,
35 or provides services as if he or she were: (a) A member of a health
36 care profession under chapter 18.130 RCW; or (b) registered under
37 chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of
38 whether the health care provider is licensed, certified, or
39 registered by the state.

1 (6) "Married" means one who is legally married to another, but
2 does not include a person who is living separate and apart from his
3 or her spouse and who has filed in an appropriate court for legal
4 separation or for dissolution of his or her marriage.

5 (7) "Mental incapacity" is that condition existing at the time of
6 the offense which prevents a person from understanding the nature or
7 consequences of the act of sexual intercourse whether that condition
8 is produced by illness, defect, the influence of a substance or from
9 some other cause.

10 (8) "Person with a ~~((chemical dependency))~~ substance use
11 disorder" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e)
12 means a person ~~((who is "chemically dependent" as defined in RCW~~
13 ~~70.96A.020))~~ with a "substance use disorder" as defined in RCW
14 71.05.020.

15 (9) "Person with a developmental disability," for purposes of RCW
16 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a
17 developmental disability as defined in RCW 71A.10.020.

18 (10) "Person with a mental disorder" for the purposes of RCW
19 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental
20 disorder" as defined in RCW 71.05.020.

21 (11) "Person with supervisory authority," for purposes of RCW
22 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any
23 proprietor or employee of any public or private care or treatment
24 facility who directly supervises developmentally disabled, mentally
25 disordered, or chemically dependent persons at the facility.

26 (12) "Physically helpless" means a person who is unconscious or
27 for any other reason is physically unable to communicate
28 unwillingness to an act.

29 (13) "Sexual contact" means any touching of the sexual or other
30 intimate parts of a person done for the purpose of gratifying sexual
31 desire of either party or a third party.

32 (14) "Sexual intercourse" (a) has its ordinary meaning and occurs
33 upon any penetration, however slight, and

34 (b) Also means any penetration of the vagina or anus however
35 slight, by an object, when committed on one person by another,
36 whether such persons are of the same or opposite sex, except when
37 such penetration is accomplished for medically recognized treatment
38 or diagnostic purposes, and

1 (c) Also means any act of sexual contact between persons
2 involving the sex organs of one person and the mouth or anus of
3 another whether such persons are of the same or opposite sex.

4 (15) "Significant relationship" means a situation in which the
5 perpetrator is:

6 (a) A person who undertakes the responsibility, professionally or
7 voluntarily, to provide education, health, welfare, or organized
8 recreational activities principally for minors;

9 (b) A person who in the course of his or her employment
10 supervises minors; or

11 (c) A person who provides welfare, health or residential
12 assistance, personal care, or organized recreational activities to
13 frail elders or vulnerable adults, including a provider, employee,
14 temporary employee, volunteer, or independent contractor who supplies
15 services to long-term care facilities licensed or required to be
16 licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home
17 health, hospice, or home care agencies licensed or required to be
18 licensed under chapter 70.127 RCW, but not including a consensual
19 sexual partner.

20 (16) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100
21 means the active delivery of professional services by a health care
22 provider which the health care provider holds himself or herself out
23 to be qualified to provide.

24 **Sec. 3008.** RCW 9A.44.050 and 2021 c 142 s 1 are each amended to
25 read as follows:

26 (1) A person is guilty of rape in the second degree when, under
27 circumstances not constituting rape in the first degree, the person
28 engages in sexual intercourse with another person:

29 (a) By forcible compulsion;

30 (b) When the victim is incapable of consent by reason of being
31 physically helpless or mentally incapacitated;

32 (c) When the victim is a person with a developmental disability
33 and the perpetrator is a person who:

34 (i) Has supervisory authority over the victim; or

35 (ii) Was providing transportation, within the course of his or
36 her employment, to the victim at the time of the offense;

37 (d) When the perpetrator is a health care provider, the victim is
38 a client or patient, and the sexual intercourse occurs during a
39 treatment session, consultation, interview, or examination. It is an

1 affirmative defense that the defendant must prove by a preponderance
2 of the evidence that the client or patient consented to the sexual
3 intercourse with the knowledge that the sexual intercourse was not
4 for the purpose of treatment;

5 (e) When the victim is a resident of a facility for persons with
6 a mental disorder or (~~chemical dependency~~) substance use disorder
7 and the perpetrator is a person who has supervisory authority over
8 the victim; or

9 (f) When the victim is a frail elder or vulnerable adult and the
10 perpetrator is a person who:

11 (i) Has a significant relationship with the victim; or

12 (ii) Was providing transportation, within the course of his or
13 her employment, to the victim at the time of the offense.

14 (2) Rape in the second degree is a class A felony.

15 **Sec. 3009.** RCW 9A.44.100 and 2021 c 142 s 10 are each amended to
16 read as follows:

17 (1) A person is guilty of indecent liberties when he or she
18 knowingly causes another person to have sexual contact with him or
19 her or another:

20 (a) By forcible compulsion;

21 (b) When the other person is incapable of consent by reason of
22 being mentally defective, mentally incapacitated, or physically
23 helpless;

24 (c) When the victim is a person with a developmental disability
25 and the perpetrator is a person who:

26 (i) Has supervisory authority over the victim; or

27 (ii) Was providing transportation, within the course of his or
28 her employment, to the victim at the time of the offense;

29 (d) When the perpetrator is a health care provider, the victim is
30 a client or patient, and the sexual contact occurs during a treatment
31 session, consultation, interview, or examination. It is an
32 affirmative defense that the defendant must prove by a preponderance
33 of the evidence that the client or patient consented to the sexual
34 contact with the knowledge that the sexual contact was not for the
35 purpose of treatment;

36 (e) When the victim is a resident of a facility for persons with
37 a mental disorder or (~~chemical dependency~~) substance use disorder
38 and the perpetrator is a person who has supervisory authority over
39 the victim; or

1 (f) When the victim is a frail elder or vulnerable adult and the
2 perpetrator is a person who:

3 (i) Has a significant relationship with the victim; or

4 (ii) Was providing transportation, within the course of his or
5 her employment, to the victim at the time of the offense.

6 (2)(a) Except as provided in (b) of this subsection, indecent
7 liberties is a class B felony.

8 (b) Indecent liberties by forcible compulsion is a class A
9 felony.

10 **Sec. 3010.** RCW 9.94A.838 and 2006 c 122 s 3 are each amended to
11 read as follows:

12 (1) In a prosecution for rape in the first degree, rape in the
13 second degree with forcible compulsion, indecent liberties with
14 forcible compulsion, or kidnapping in the first degree with sexual
15 motivation, the prosecuting attorney shall file a special allegation
16 that the victim of the offense was, at the time of the offense,
17 ~~((developmentally disabled, mentally disordered,))~~ a person with a
18 developmental disability or a mental disorder or a frail elder or
19 vulnerable adult, whenever sufficient admissible evidence exists,
20 which, when considered with the most plausible, reasonably
21 foreseeable defense that could be raised under the evidence, would
22 justify a finding by a reasonable and objective fact finder that the
23 victim was, at the time of the offense, ~~((developmentally disabled,~~
24 ~~mentally disordered,))~~ a person with a developmental disability or a
25 mental disorder or a frail elder or vulnerable adult, unless the
26 prosecuting attorney determines, after consulting with a victim, that
27 filing a special allegation under this section is likely to interfere
28 with the ability to obtain a conviction.

29 (2) Once a special allegation has been made under this section,
30 the state has the burden to prove beyond a reasonable doubt that the
31 victim was, at the time of the offense, ~~((developmentally disabled,~~
32 ~~mentally disordered,))~~ a person with a developmental disability or a
33 mental disorder or a frail elder or vulnerable adult. If a jury is
34 had, the jury shall, if it finds the defendant guilty, also find a
35 special verdict as to whether the victim was, at the time of the
36 offense, ~~((developmentally disabled, mentally disordered,))~~ a person
37 with a developmental disability or a mental disorder or a frail elder
38 or vulnerable adult. If no jury is had, the court shall make a
39 finding of fact as to whether the victim was, at the time of the

1 offense, (~~developmentally disabled, mentally disordered,~~) a person
2 with a developmental disability or a mental disorder or a frail elder
3 or vulnerable adult.

4 (3) The prosecuting attorney shall not withdraw a special
5 allegation filed under this section without the approval of the court
6 through an order of dismissal of the allegation. The court may not
7 dismiss the special allegation unless it finds that the order is
8 necessary to correct an error in the initial charging decision or
9 that there are evidentiary problems that make proving the special
10 allegation doubtful.

11 (4) For purposes of this section, (~~"developmentally disabled,"~~
12 ~~"mentally disordered,"~~) "person with a developmental disability,"
13 "person with a mental disorder," and "frail elder or vulnerable
14 adult" have the same meaning as in RCW 9A.44.010.

15 **Sec. 3011.** RCW 9A.44.128 and 2015 c 261 s 2 are each amended to
16 read as follows:

17 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
18 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

19 (1) "Business day" means any day other than Saturday, Sunday, or
20 a legal local, state, or federal holiday.

21 (2) "Conviction" means any adult conviction or juvenile
22 adjudication for a sex offense or kidnapping offense.

23 (3) "Disqualifying offense" means a conviction for: Any offense
24 that is a felony; a sex offense as defined in this section; a crime
25 against children or persons as defined in RCW 43.43.830(7) and
26 9.94A.411(2)(a); an offense with a domestic violence designation as
27 provided in RCW 10.99.020; permitting the commercial sexual abuse of
28 a minor as defined in RCW 9.68A.103; or any violation of chapter
29 9A.88 RCW.

30 (4) "Employed" or "carries on a vocation" means employment that
31 is full time or part time for a period of time exceeding fourteen
32 days, or for an aggregate period of time exceeding thirty days during
33 any calendar year. A person is employed or carries on a vocation
34 whether the person's employment is financially compensated,
35 volunteered, or for the purpose of government or educational benefit.

36 (5) "Fixed residence" means a building that a person lawfully and
37 habitually uses as living quarters a majority of the week. Uses as
38 living quarters means to conduct activities consistent with the
39 common understanding of residing, such as sleeping; eating; keeping

1 personal belongings; receiving mail; and paying utilities, rent, or
2 mortgage. A nonpermanent structure including, but not limited to, a
3 motor home, travel trailer, camper, or boat may qualify as a
4 residence provided it is lawfully and habitually used as living
5 quarters a majority of the week, primarily kept at one location with
6 a physical address, and the location it is kept at is either owned or
7 rented by the person or used by the person with the permission of the
8 owner or renter. A shelter program may qualify as a residence
9 provided it is a shelter program designed to provide temporary living
10 accommodations for the homeless, provides an offender with a
11 personally assigned living space, and the offender is permitted to
12 store belongings in the living space.

13 (6) "In the community" means residing outside of confinement or
14 incarceration for a disqualifying offense.

15 (7) "Institution of higher education" means any public or private
16 institution dedicated to postsecondary education, including any
17 college, university, community college, trade, or professional
18 school.

19 (8) "Kidnapping offense" means:

20 (a) The crimes of kidnapping in the first degree, kidnapping in
21 the second degree, and unlawful imprisonment, as defined in chapter
22 9A.40 RCW, where the victim is a minor and the offender is not the
23 minor's parent;

24 (b) Any offense that is, under chapter 9A.28 RCW, a criminal
25 attempt, criminal solicitation, or criminal conspiracy to commit an
26 offense that is classified as a kidnapping offense under this
27 subsection;

28 (c) Any federal or out-of-state conviction for: An offense for
29 which the person would be required to register as a kidnapping
30 offender if residing in the state of conviction; or, if not required
31 to register in the state of conviction, an offense that under the
32 laws of this state would be classified as a kidnapping offense under
33 this subsection; and

34 (d) Any tribal conviction for an offense for which the person
35 would be required to register as a kidnapping offender while residing
36 in the reservation of conviction; or, if not required to register in
37 the reservation of conviction, an offense that under the laws of this
38 state would be classified as a kidnapping offense under this
39 subsection.

1 (9) "Lacks a fixed residence" means the person does not have a
2 living situation that meets the definition of a fixed residence and
3 includes, but is not limited to, a shelter program designed to
4 provide temporary living accommodations for the homeless, an outdoor
5 sleeping location, or locations where the person does not have
6 permission to stay.

7 (10) "Sex offense" means:

8 (a) Any offense defined as a sex offense by RCW 9.94A.030;

9 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
10 minor in the second degree);

11 (c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);

12 (d) Any violation under RCW 9.68A.090 (communication with a minor
13 for immoral purposes);

14 (e) A violation under RCW 9A.88.070 (promoting prostitution in
15 the first degree) or RCW 9A.88.080 (promoting prostitution in the
16 second degree) if the person has a prior conviction for one of these
17 offenses;

18 (f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV)
19 or (a)(i)(B);

20 (g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
21 criminal attempt, criminal solicitation, or criminal conspiracy to
22 commit an offense that is classified as a sex offense under RCW
23 9.94A.030 or this subsection;

24 (h) Any out-of-state conviction for an offense for which the
25 person would be required to register as a sex offender while residing
26 in the state of conviction; or, if not required to register in the
27 state of conviction, an offense that under the laws of this state
28 would be classified as a sex offense under this subsection;

29 (i) Any federal conviction classified as a sex offense under 34
30 U.S.C. Sec. 20911 or, prior to September 1, 2017, 42 U.S.C. Sec.
31 16911 (SORNA);

32 (j) Any military conviction for a sex offense. This includes sex
33 offenses under the uniform code of military justice, as specified by
34 the United States secretary of defense;

35 (k) Any conviction in a foreign country for a sex offense if it
36 was obtained with sufficient safeguards for fundamental fairness and
37 due process for the accused under guidelines or regulations
38 established pursuant to 42 U.S.C. Sec. 16912;

39 (l) Any tribal conviction for an offense for which the person
40 would be required to register as a sex offender while residing in the

1 reservation of conviction; or, if not required to register in the
2 reservation of conviction, an offense that under the laws of this
3 state would be classified as a sex offense under this subsection.

4 (11) "School" means a public or private school regulated under
5 Title 28A RCW or chapter 72.40 RCW.

6 (12) "Student" means a person who is enrolled, on a full-time or
7 part-time basis, in any school or institution of higher education.

8 **Sec. 3012.** RCW 9A.72.160 and 1985 c 327 s 1 are each amended to
9 read as follows:

10 (1) A person is guilty of intimidating a judge if a person
11 directs a threat to a judge because of a ruling or decision of the
12 judge in any official proceeding, or if by use of a threat directed
13 to a judge, a person attempts to influence a ruling or decision of
14 the judge in any official proceeding.

15 (2) "Threat" as used in this section means:

16 (a) To communicate, directly or indirectly, the intent
17 immediately to use force against any person who is present at the
18 time; or

19 (b) Threats as defined in RCW 9A.04.110(~~(+25)~~) (28).

20 (3) Intimidating a judge is a class B felony.

21 **Sec. 3013.** RCW 10.31.115 and 2021 c 311 s 13 are each amended to
22 read as follows:

23 (1) For all individuals who otherwise would be subject to arrest
24 for possession of a counterfeit substance under RCW 69.50.4011,
25 possession of a controlled substance under RCW 69.50.4013, possession
26 of 40 grams or less of (~~marijuana~~) cannabis under RCW 69.50.4014,
27 or possession of a legend drug under RCW 69.41.030(2)(b), in lieu of
28 jail booking and referral to the prosecutor, law enforcement shall
29 offer a referral to assessment and services available pursuant to RCW
30 10.31.110 or other program or entity responsible for receiving
31 referrals in lieu of legal system involvement, which may include the
32 recovery navigator program established under RCW 71.24.115.

33 (2) If law enforcement agency records reflect that an individual
34 has been diverted to referral for assessment and services twice or
35 more previously, officers may, but are not required to, make
36 additional diversion efforts.

37 (3) Nothing in this section precludes prosecutors from diverting
38 or declining to file any charges for possession offenses that are

1 referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or
2 69.41.030(2)(b) in the exercise of their discretion.

3 **Sec. 3014.** RCW 43.20A.715 and 2021 c 219 s 1 are each amended to
4 read as follows:

5 (1) Where the department is required to screen a long-term care
6 worker, contracted provider, or licensee through a background check
7 to determine whether the person has a history that would disqualify
8 the person from having unsupervised access to, working with, or
9 providing supervision, care, or treatment to vulnerable adults or
10 children, the department may not automatically disqualify a person on
11 the basis of a criminal record that includes a conviction of any of
12 the following crimes once the specified amount of time has passed for
13 the particular crime:

14 (a) Selling (~~marijuana~~) cannabis to a person under RCW
15 69.50.401 after three years or more have passed between the most
16 recent conviction and the date the background check is processed;

17 (b) Theft in the first degree under RCW 9A.56.030 after 10 years
18 or more have passed between the most recent conviction and the date
19 the background check is processed;

20 (c) Robbery in the second degree under RCW 9A.56.210 after five
21 years or more have passed between the most recent conviction and the
22 date the background check is processed;

23 (d) Extortion in the second degree under RCW 9A.56.130 after five
24 years or more have passed between the most recent conviction and the
25 date the background check is processed;

26 (e) Assault in the second degree under RCW 9A.36.021 after five
27 years or more have passed between the most recent conviction and the
28 date the background check is processed; and

29 (f) Assault in the third degree under RCW 9A.36.031 after five
30 years or more have passed between the most recent conviction and the
31 date the background check is processed.

32 (2) The provisions of subsection (1) of this section do not apply
33 where the department is performing background checks for the
34 department of children, youth, and families.

35 (3) The provisions of subsection (1) of this section do not apply
36 to department employees or applicants for department positions except
37 for positions in the state-operated community residential program.

38 (4) Notwithstanding subsection (1) of this section, a long-term
39 care worker, contracted provider, or licensee may not provide, or be

1 paid to provide, care to children or vulnerable adults under the
2 medicare or medicaid programs if the worker is excluded from
3 participating in those programs by federal law.

4 (5) The department, a contracted provider, or a licensee, when
5 conducting a character, competence, and suitability review for the
6 purpose of hiring, licensing, certifying, contracting with,
7 permitting, or continuing to permit a person to be employed in any
8 position caring for or having unsupervised access to vulnerable
9 adults or children, may, in its sole discretion, determine whether to
10 consider any of the convictions identified in subsection (1) of this
11 section. If the department or a consumer directed employer as defined
12 in RCW 74.39A.009 determines that an individual with any of the
13 convictions identified in subsection (1) of this section is qualified
14 to provide services to a department client as an individual provider
15 as defined in RCW 74.39A.240, the department or the consumer directed
16 employer must provide the client, and their guardian if any, with the
17 results of the state background check for their determination of
18 character, suitability, and competence of the individual before the
19 individual begins providing services. The department, a contracted
20 provider, or a licensee, when conducting a character, competence, and
21 suitability review for the purpose of hiring, licensing, certifying,
22 contracting with, permitting, or continuing to permit a person to be
23 employed in any position caring for or having unsupervised access to
24 vulnerable adults or children, has a rebuttable presumption that its
25 exercise of discretion under this section or the refusal to exercise
26 such discretion was appropriate. This subsection does not create a
27 duty for the department to conduct a character, competence, and
28 suitability review.

29 (6) For the purposes of the section:

30 (a) "Contracted provider" means a provider, and its employees,
31 contracted with the department or an area agency on aging to provide
32 services to department clients under programs under chapter 74.09,
33 74.39, 74.39A, or 71A.12 RCW. "Contracted provider" includes area
34 agencies on aging and their subcontractors who provide case
35 management.

36 (b) "Licensee" means a nonstate facility or setting that is
37 licensed or certified, or has applied to be licensed or certified, by
38 the department and includes the licensee and its employees.

1 **Sec. 3015.** RCW 82.04.758 and 2022 c 119 s 1 are each amended to
2 read as follows:

3 (1) This chapter does not apply to any:

4 (a) Person performing custom farming services for a farmer, when
5 the person performing the custom farming services is: (i) An eligible
6 farmer; or (ii) at least 50 percent owned by an eligible farmer; or

7 (b) Person performing farm management services, contract labor
8 services, services provided with respect to animals that are
9 agricultural products, or any combination of these services, for a
10 farmer or for a person performing custom farming services, when the
11 person performing the farm management services, contract labor
12 services, services with respect to animals, or any combination of
13 these services, and the farmer or person performing custom farming
14 services are related.

15 (2) The definitions in this subsection apply throughout this
16 section unless the context clearly requires otherwise.

17 (a) (i) "Custom farming services" means the performance of
18 specific farming operations through the use of any farm machinery or
19 equipment, farm implement, or draft animal, together with an
20 operator, when: (A) The specific farming operation consists of
21 activities directly related to the growing, raising, or producing of
22 any agricultural product to be sold or consumed by a farmer; and (B)
23 the performance of the specific farming operation is for, and under a
24 contract with, or the direction or supervision of, a farmer. "Custom
25 farming services" does not include the custom application of
26 fertilizers, chemicals, or biologicals, or any services related to
27 the growing, raising, or producing of (~~marijuana~~) cannabis.

28 (ii) For the purposes of this subsection (2)(a), "specific
29 farming operation" includes specific planting, cultivating, or
30 harvesting activities, or similar specific farming operations. The
31 term does not include veterinary services as defined in RCW
32 18.92.010; farrier, boarding, training, or appraisal services;
33 artificial insemination or stud services, or agricultural consulting
34 services; packing or processing of agricultural products; or pumping
35 or other waste disposal services.

36 (b) "Eligible farmer" means a person who is eligible for an
37 exemption certificate under RCW 82.08.855 at the time that the custom
38 farming services are rendered, regardless of whether the person has
39 applied for an exemption certificate under RCW 82.08.855.

1 (c) "Farm management services" means the consultative decisions
2 made for the operations of the farm including, but not limited to,
3 determining which crops to plant, the choice and timing of
4 application of fertilizers and chemicals, the horticultural practices
5 to apply, the marketing of crops and livestock, and the care and
6 feeding of animals. "Farm management services" does not include any
7 services related to the growing, raising, or producing of
8 (~~marijuana~~) cannabis.

9 (d) "Related" means having any of the relationships specifically
10 described in section 267(b) (1), (2), and (4) through (13) of the
11 internal revenue code, as amended or renumbered as of January 1,
12 2007.

13 **Sec. 3016.** RCW 43.41.425 and 2022 c 248 s 3 are each amended to
14 read as follows:

15 (1) The office shall:

16 (a) Develop a program for state agencies to certify employment
17 for the purposes of the public service loan forgiveness program by
18 July 1, 2023.

19 (b) Assist the student loan advocate in creating and distributing
20 materials designed to increase awareness of the public service loan
21 forgiveness program set forth in (~~section 1 of this act~~) RCW
22 28B.77.009.

23 (c) Collaborate with the student achievement council, the
24 employment security department, the department of retirement systems,
25 nonprofit entities, local government representatives, and other
26 public service employers in developing a statewide initiative to
27 improve access and remove barriers to the public service loan
28 forgiveness program for all public service employees. The program
29 established for state agencies in this section and the certification
30 process in RCW 41.04.045 may be considered in the development of the
31 initiative. A plan for a statewide initiative must be developed and
32 submitted to the higher education committees of the legislature by
33 December 1, 2024, in compliance with RCW 43.01.036.

34 (2) For purposes of this section, the definitions in this
35 subsection apply:

36 (a) "Certifying employment" means either completing the employer
37 sections of the public service loan forgiveness form or sharing data
38 directly with the United States department of education that
39 corresponds to the information required for the public service loan

1 forgiveness form, as allowed by the United States department of
2 education.

3 (b) "Public service employer" includes the following:

4 (i) Any governmental entity including state, county, city, or
5 other local government entity including political subdivisions, such
6 as office, department, independent agency, school district, public
7 college or university system, public library system, authority, or
8 other body including the legislature and the judiciary;

9 (ii) Any employer that has received designation as a tax-exempt
10 organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the
11 federal internal revenue code of 1986, as amended;

12 (iii) Any other entities identified as a public service job in
13 Title 20 U.S.C. Sec. 1087e(m).

14 (c) "Public service loan forgiveness program" means the federal
15 loan forgiveness program established pursuant to Title 20 U.S.C. Sec.
16 1087e(m) and 34 C.F.R. Sec. 685.219.

17 (d) "State agency" or "agency" means departments, offices,
18 agencies, or institutions of state government, the legislature,
19 institutions of higher education, school districts, and educational
20 service districts.

21 **Sec. 3017.** RCW 64.38.110 and 2021 c 227 s 11 are each amended to
22 read as follows:

23 (1) Notwithstanding any inconsistent provision in the governing
24 documents, notice to the association of (~~apartment~~) lot owners,
25 board, or any (~~apartment~~) lot owner or occupant of (~~an apartment~~)
26 a lot under this chapter shall be in writing and shall be provided to
27 the recipient by personal delivery, public or private mail or
28 delivery service, or by electronic transmission as provided in this
29 section: PROVIDED, That if this chapter requires different or
30 additional notice requirements for particular circumstances, those
31 requirements shall apply.

32 (2) Notice in a tangible medium shall be provided as follows:

33 (a) Notice to the association or board shall be addressed to the
34 association's registered agent at its registered office, to the
35 association at its principal office shown in its most recent annual
36 report, or to an address provided by the association to the
37 (~~apartment~~) lot owners.

1 (b) Notice to a lot owner or occupant shall be addressed to the
2 lot address unless the owner has requested, in a writing delivered to
3 the association, that notices be sent to an alternate address.

4 (3) Notice in an electronic transmission shall be provided as
5 follows:

6 (a) Notice to the association, the board, or lot owners by
7 electronic transmission is effective only upon those who have
8 consented, in writing, to receive electronically transmitted notices
9 under this chapter and have designated the address, location, or
10 system to which such notices may be electronically transmitted,
11 provided that such notice otherwise complies with any other
12 requirements of this chapter and applicable law.

13 (b) Notice under this subsection includes any materials that
14 accompany the notice.

15 (c) Owners who have consented to receipt of electronically
16 transmitted notices may revoke this consent by delivering a
17 revocation to the association in writing.

18 (d) The consent of any lot owner is revoked if the association is
19 unable to electronically transmit two consecutive notices and this
20 inability becomes known to the secretary of the association of
21 (~~apartment~~) lot owners or any other person responsible for giving
22 the notice. The inadvertent failure by the association of
23 (~~apartment~~) lot owners to treat this inability as a revocation does
24 not invalidate any meeting or other action.

25 (e) Notice to lot owners who have consented to receipt of
26 electronically transmitted notices may be provided by posting the
27 notice on an electronic network and delivering to the owner separate
28 notice of the posting, together with comprehensible instructions
29 regarding how to obtain access to the posting on the electronic
30 network.

31 (4) Notice is effective as follows:

32 (a) Notice provided in a tangible medium is effective as of the
33 date of hand delivery, deposit with the carrier, or when sent by fax.

34 (b) Notice provided in an electronic transmission is effective as
35 of the date it:

36 (i) Is electronically transmitted to an address, location, or
37 system designated by the recipient for that purpose; or

38 (ii) Has been posted on an electronic network and separate notice
39 of the posting has been sent to the recipient containing instructions

1 regarding how to obtain access to the posting on the electronic
2 network.

3 (5) The ineffectiveness of a good faith effort to deliver notice
4 by an authorized means does not invalidate action taken at or without
5 a meeting.

6 (6) This chapter modifies, limits, and supersedes the federal
7 electronic signatures in global and national commerce act, 15 U.S.C.
8 Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C.
9 Sec. 7001(c) or authorize electronic delivery of any of the notices
10 described in 15 U.S.C. Sec. 7003(b).

11 **Sec. 3018.** RCW 72.01.412 and 2021 c 206 s 2 are each amended to
12 read as follows:

13 (1) A person in the custody of the department of children, youth,
14 and families under RCW 72.01.410 is eligible for community transition
15 services under the authority and supervision of the department of
16 children, youth, and families:

17 (a) After the person's 25th birthday:

18 (i) If the person's earned release date is after the person's
19 25th birthday but on or before the person's 26th birthday; and

20 (ii) The department of children, youth, and families determines
21 that placement in community transition services is in the best
22 interests of the person and the community; or

23 (b) After 60 percent of their term of confinement has been
24 served, and no less than 15 weeks of total confinement served
25 including time spent in detention prior to sentencing or the entry of
26 a dispositional order if:

27 (i) The person has an earned release date that is before their
28 26th birthday; and

29 (ii) The department of children, youth, and families determines
30 that such placement and retention by the department of children,
31 youth, and families is in the best interests of the person and the
32 community.

33 (2) "Term of confinement" as used in subsection ~~((1)(a)-~~
34 ~~[(1)(b)])~~ (1)(b) of this section means the term of confinement
35 ordered, reduced by the total amount of earned time eligible for the
36 offense.

37 (3) The department's determination under subsection (1)(a)(ii)
38 and (b)(ii) of this section must include consideration of the

1 person's behavior while in confinement and any disciplinary
2 considerations.

3 (4) The department of children, youth, and families retains the
4 authority to transfer the person to the custody of the department of
5 corrections under RCW 72.01.410.

6 (5) A person may only be placed in community transition services
7 under this section for the remaining 18 months of their term of
8 confinement.

9 (6) A person placed in community transition services under this
10 section must have access to appropriate treatment and programming as
11 determined by the department of children, youth, and families,
12 including but not limited to:

- 13 (a) Behavioral health treatment;
- 14 (b) Independent living;
- 15 (c) Employment;
- 16 (d) Education;
- 17 (e) Connections to family and natural supports; and
- 18 (f) Community connections.

19 (7) If the person has a sentence that includes a term of
20 community custody, this term of community custody must begin after
21 the current term of confinement has ended.

22 (8) If a person placed on community transition services under
23 this section commits a violation requiring the return of the person
24 to total confinement after the person's 25th birthday, the person
25 must be transferred to the custody and supervision of the department
26 of corrections for the remainder of the sentence.

27 (9) The following persons are not eligible for community
28 transition services under this section:

- 29 (a) Persons with pending charges or warrants;
- 30 (b) Persons who will be transferred to the department of
31 corrections, who are in the custody of the department of corrections,
32 or who are under the supervision of the department of corrections;
- 33 (c) Persons who were adjudicated or convicted of the crime of
34 murder in the first or second degree;
- 35 (d) Persons who meet the definition of a "persistent offender" as
36 defined under RCW 9.94A.030;
- 37 (e) Level III sex offenders; and
- 38 (f) Persons requiring out-of-state placement.

1 (10) As used in this section, "community transition services"
2 means a therapeutic and supportive community-based custody option in
3 which:

4 (a) A person serves a portion of his or her term of confinement
5 residing in the community, outside of the department of children,
6 youth, and families institutions and community facilities;

7 (b) The department of children, youth, and families supervises
8 the person in part through the use of technology that is capable of
9 determining or identifying the monitored person's presence or absence
10 at a particular location;

11 (c) The department of children, youth, and families provides
12 access to developmentally appropriate, trauma-informed, racial
13 equity-based, and culturally relevant programs to promote successful
14 reentry; and

15 (d) The department of children, youth, and families prioritizes
16 the delivery of available programming from individuals who share
17 characteristics with the individual being served related to: Race;
18 ethnicity; sexual identity; and gender identity.

19 NEW SECTION. **Sec. 3019.** Section 3018 of this act takes effect
20 when section 2, chapter 206, Laws of 2021 takes effect.

21 **Sec. 3020.** RCW 88.02.620 and 2021 c 150 s 1 are each amended to
22 read as follows:

23 (1) A vessel owner who is a nonresident person must obtain a
24 nonresident vessel permit on or before the sixty-first day of use in
25 Washington state if the vessel:

26 (a) Is currently registered or numbered under the laws of the
27 state or (~~county~~[~~country~~]) country of principal operation, has
28 been issued a valid number under federal law, or has a valid United
29 States customs service cruising license issued under 19 C.F.R. Sec.
30 4.94; and

31 (b) Has been brought into Washington state for not more than six
32 months in any continuous twelve-month period, and is used:

33 (i) For personal use; or

34 (ii) For the purposes of chartering a vessel with a captain or
35 crew, as long as individual charters are for at least three or more
36 consecutive days in duration. The permit also applies for the
37 purposes of necessary transit to or from the start or end point of

1 such a charter, but that transit time is not counted toward the
2 duration of the charter.

3 (2) In addition to the requirements in subsection (1) of this
4 section, a nonresident vessel owner that is not a natural person, or
5 a nonresident vessel owner who is a natural person who intends to
6 charter the vessel with a captain or crew as provided in subsection
7 (1)(b)(ii) of this section, may only obtain a nonresident vessel
8 permit if:

9 (a) The vessel is at least thirty feet in length, but no more
10 than two hundred feet in length;

11 (b) No Washington state resident owns the vessel or is a
12 principal, as defined in RCW 82.32.865, of the nonresident person
13 which owns the vessel; and

14 (c) The department of revenue has provided the nonresident vessel
15 owner written approval authorizing the permit as provided in RCW
16 82.32.865.

17 (3) A nonresident vessel permit:

18 (a) May be obtained from the department, county auditor or other
19 agent, or subagent appointed by the director;

20 (b) Must show the date the vessel first came into Washington
21 state; and

22 (c) Is valid for two months.

23 (4) The department, county auditor or other agent, or subagent
24 appointed by the director must collect the fee required in RCW
25 88.02.640(1)(i) when issuing nonresident vessel permits.

26 (5) A nonresident vessel permit is not required under this
27 section if the vessel is used in conducting temporary business
28 activity within Washington state.

29 (6) For any permits issued under this section to a nonresident
30 vessel owner that is not a natural person, or for any permits issued
31 to a natural person who intends to charter the vessel with a captain
32 or crew as provided in subsection (1)(b)(ii) of this section, the
33 department must maintain a record of the following information and
34 provide it to the department of revenue quarterly or as otherwise
35 mutually agreed to by the department and department of revenue:

36 (a) The name of the record owner of the vessel;

37 (b) The vessel's hull identification number;

38 (c) The amount of the fee paid under RCW 88.02.640(5);

39 (d) The date the vessel first entered the waters of this state;

40 (e) The expiration date for the permit; and

1 (f) Any other information mutually agreed to by the department
2 and department of revenue.

3 (7) The department must adopt rules to implement this section,
4 including rules on issuing and displaying the nonresident vessel
5 permit.

6 NEW SECTION. **Sec. 3021.** Section 3020 of this act expires
7 January 1, 2029.

8 **Sec. 3022.** RCW 28A.705.010 and 2009 c 380 s 1 are each amended
9 to read as follows:

10 ARTICLE I

11 PURPOSE

12 It is the purpose of this compact to remove barriers to
13 educational success imposed on children of military families because
14 of frequent moves and deployment of their parents by:

15 A. Facilitating the timely enrollment of children of military
16 families and ensuring that they are not placed at a disadvantage due
17 to difficulty in the transfer of education records from the previous
18 school districts or variations in entrance and age requirements;

19 B. Facilitating the student placement process through which
20 children of military families are not disadvantaged by variations in
21 attendance requirements, scheduling, sequencing, grading, course
22 content, or assessment;

23 C. Facilitating the qualification and eligibility for enrollment,
24 educational programs, and participation in extracurricular academic,
25 athletic, and social activities;

26 D. Facilitating the on-time graduation of children of military
27 families;

28 E. Providing for the promulgation and enforcement of
29 administrative rules implementing the provisions of this compact;

30 F. Providing for the uniform collection and sharing of
31 information between and among member states, schools, and military
32 families under this compact;

33 G. Promoting coordination between this compact and other compacts
34 affecting military children; and

35 H. Promoting flexibility and cooperation between the educational
36 system, parents, and the student in order to achieve educational
37 success for the student.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. (~~Sees-~~) Chapters 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

1 J. "Military installation" means a base, camp, post, station,
2 yard, center, homeport facility for any ship, or other activity under
3 the jurisdiction of the United States department of defense,
4 including any leased facility, which is located within any of the
5 several states, the District of Columbia, the Commonwealth of Puerto
6 Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern
7 Mariana Islands, and any other U.S. territory. Such term does not
8 include any facility used primarily for civil works, rivers and
9 harbors projects, or flood control projects.

10 K. "Nonmember state" means a state that has not enacted this
11 compact.

12 L. "Receiving state" means the state to which a child of a
13 military family is sent, brought, or caused to be sent or brought.

14 M. "Rule" means a written statement by the interstate commission
15 promulgated pursuant to Article XII of this compact that is of
16 general applicability, implements, interprets, or prescribes a policy
17 or provision of the compact, or an organizational, procedural, or
18 practice requirement of the interstate commission, and has the force
19 and effect of statutory law in a member state, and includes the
20 amendment, repeal, or suspension of an existing rule.

21 N. "Sending state" means the state from which a child of a
22 military family is sent, brought, or caused to be sent or brought.

23 O. "State" means a state of the United States, the District of
24 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,
25 Guam, American Samoa, the Northern Mariana Islands, and any other
26 U.S. territory.

27 P. "Student" means the child of a military family for whom the
28 local education agency receives public funding and who is formally
29 enrolled in kindergarten through twelfth grade.

30 Q. "Transition" means: (1) The formal and physical process of
31 transferring from school to school; or (2) the period of time in
32 which a student moves from one school in the sending state to another
33 school in the receiving state.

34 R. "Uniformed services" means the army, navy, air force, marine
35 corps, and coast guard, as well as the commissioned corps of the
36 national oceanic and atmospheric administration, and public health
37 services.

38 S. "Veteran" means a person who served in the uniformed services
39 and who was discharged or released therefrom under conditions other
40 than dishonorable.

1 ARTICLE III
2 APPLICABILITY

3 A. Except as otherwise provided in section B of this article,
4 this compact shall apply to the children of:

5 1. Active duty members of the uniformed services as defined in
6 this compact, including members of the national guard and reserve on
7 active duty orders pursuant to 10 U.S.C. (~~Sees-~~) Chapters 1209 and
8 1211;

9 2. Members or veterans of the uniformed services who are severely
10 injured and medically discharged or retired for a period of one year
11 after medical discharge or retirement; and

12 3. Members of the uniformed services who die on active duty or as
13 a result of injuries sustained on active duty for a period of one
14 year after death.

15 B. The provisions of this interstate compact shall only apply to
16 local education agencies as defined in this compact.

17 C. The provisions of this compact shall not apply to the children
18 of:

19 1. Inactive members of the national guard and military reserves;

20 2. Members of the uniformed services now retired, except as
21 provided in section A of this article;

22 3. Veterans of the uniformed services, except as provided in
23 section A of this article; and

24 4. Other U.S. department of defense personnel and other federal
25 agency civilian and contract employees not defined as active duty
26 members of the uniformed services.

27 ARTICLE IV
28 EDUCATIONAL RECORDS AND ENROLLMENT

29 A. Unofficial or "hand-carried" education records - In the event
30 that official education records cannot be released to the parents for
31 the purpose of transfer, the custodian of the records in the sending
32 state shall prepare and furnish to the parent a complete set of
33 unofficial educational records containing uniform information as
34 determined by the interstate commission. Upon receipt of the
35 unofficial education records by a school in the receiving state, the
36 school shall enroll and appropriately place the student based on the
37 information provided in the unofficial records pending validation by
38 the official records, as quickly as possible.

1 B. Official education records and transcripts -Simultaneous with
2 the enrollment and conditional placement of the student, the school
3 in the receiving state shall request the student's official education
4 record from the school in the sending state. Upon receipt of this
5 request, the school in the sending state will process and furnish the
6 official education records to the school in the receiving state
7 within ten days or within such time as is reasonably determined under
8 the rules promulgated by the interstate commission. However, if the
9 student has an unpaid fine at a public school or unpaid tuition,
10 fees, or fines at a private school, then the sending school shall
11 send the information requested but may withhold the official
12 transcript until the monetary obligation is met.

13 C. Immunizations - On or before the first day of attendance, the
14 parent or guardian must meet the immunization documentation
15 requirements of the Washington board of health. Compacting states
16 shall give thirty days from the date of enrollment or within such
17 time as is reasonably determined under the rules promulgated by the
18 interstate commission, for students to obtain any immunizations
19 required by the receiving state. For a series of immunizations,
20 initial vaccinations must be obtained within thirty days or within
21 such time as is reasonably determined under the rules promulgated by
22 the interstate commission.

23 D. Kindergarten and first grade entrance age - Students shall be
24 allowed to continue their enrollment at grade level in the receiving
25 state commensurate with their grade level (including kindergarten)
26 from a local education agency in the sending state at the time of
27 transition, regardless of age. A student who has satisfactorily
28 completed the prerequisite grade level in the local education agency
29 in the sending state shall be eligible for enrollment in the next
30 highest grade level in the receiving state, regardless of age. A
31 student transferring after the start of the school year in the
32 receiving state shall enter the school in the receiving state on his
33 or her validated level from an accredited school in the sending
34 state.

35 ARTICLE V

36 PLACEMENT AND ATTENDANCE

37 A. Course placement - When the student transfers before or during
38 the school year, the receiving state school shall initially honor
39 placement of the student in educational courses based on the

1 student's enrollment in the sending state school and/or educational
2 assessments conducted at the school in the sending state if the
3 courses are offered and if space is available, as determined by the
4 school district. Course placement includes but is not limited to
5 honors, international baccalaureate, advanced placement, vocational,
6 technical, and career pathways courses. Continuing the student's
7 academic program from the previous school and promoting placement in
8 academically and career challenging courses should be paramount when
9 considering placement. This does not preclude the school in the
10 receiving state from performing subsequent evaluations to ensure
11 appropriate placement and continued enrollment of the student in the
12 courses.

13 B. Educational program placement - The receiving state school
14 shall initially honor placement of the student in educational
15 programs based on current educational assessments conducted at the
16 school in the sending state or participation and placement in like
17 programs in the sending state and if space is available, as
18 determined by the school district. Such programs include, but are not
19 limited to: (1) Gifted and talented programs; and (2) English as a
20 second language (ESL). This does not preclude the school in the
21 receiving state from performing subsequent evaluations to ensure
22 appropriate placement of the student.

23 C. Special education services - (1) In compliance with the
24 federal requirements of the Individuals with Disabilities Education
25 Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall
26 initially provide comparable services to a student with disabilities
27 based on his or her current Individualized Education Program (IEP);
28 and (2) in compliance with the requirements of section 504 of the
29 rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the
30 Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the
31 receiving state shall make reasonable accommodations and
32 modifications to address the needs of incoming students with
33 disabilities, subject to an existing 504 or Title II plan, to provide
34 the student with equal access to education. This does not preclude
35 the school in the receiving state from performing subsequent
36 evaluations to ensure appropriate placement of the student.

37 D. Placement flexibility - Local education agency administrative
38 officials shall have flexibility in waiving course and program
39 prerequisites, or other preconditions for placement in courses and

1 programs offered under the jurisdiction of the local education
2 agency.

3 E. Absence as related to deployment activities - A student whose
4 parent or legal guardian is an active duty member of the uniformed
5 services, as defined by this compact, and has been called to duty
6 for, is on leave from, or immediately returned from deployment to a
7 combat zone or combat support posting, shall be granted additional
8 excused absences at the discretion of the local education agency
9 superintendent to visit with his or her parent or legal guardian
10 relative to such leave or deployment of the parent or guardian.

11 ARTICLE VI
12 ELIGIBILITY

13 A. Eligibility for enrollment

14 1. Special power of attorney, relative to the guardianship of a
15 child of a military family and executed under applicable law shall be
16 sufficient for the purposes of enrollment and all other actions
17 requiring parental participation and consent.

18 2. A local education agency shall be prohibited from charging
19 local tuition to a transitioning military child placed in the care of
20 a noncustodial parent or other person standing in loco parentis who
21 lives in a jurisdiction other than that of the custodial parent.

22 3. A transitioning military child, placed in the care of a
23 noncustodial parent or other person standing in loco parentis who
24 lives in a jurisdiction other than that of the custodial parent, may
25 continue to attend the school in which he or she was enrolled while
26 residing with the custodial parent.

27 B. Eligibility for extracurricular participation - Under RCW

28 28A.225.280, the Washington interscholastic activities association
29 and local education agencies shall facilitate the opportunity for
30 transitioning military children's inclusion in extracurricular
31 activities, regardless of application deadlines, to the extent they
32 are otherwise qualified and space is available, as determined by the
33 school district.

34 ARTICLE VII
35 GRADUATION

36 In order to facilitate the on-time graduation of children of
37 military families, states and local education agencies shall
38 incorporate the following procedures:

1 representative each from the legislative and executive branches of
2 government, and other offices and stakeholder groups the state
3 council deems appropriate. A member state that does not have a school
4 district deemed to contain a high concentration of military children
5 may appoint a superintendent from another school district to
6 represent local education agencies on the state council.

7 B. The state council of each member state shall appoint or
8 designate a military family education liaison to assist military
9 families and the state in facilitating the implementation of this
10 compact.

11 C. The compact commissioner responsible for the administration
12 and management of the state's participation in the compact shall be
13 appointed by the governor or as otherwise determined by each member
14 state. The governor is strongly encouraged to appoint a practicing
15 K-12 educator as the compact commissioner.

16 D. The compact commissioner and the military family education
17 liaison designated herein shall be ex officio members of the state
18 council, unless either is already a full voting member of the state
19 council.

20 ARTICLE IX

21 INTERSTATE COMMISSION ON EDUCATIONAL 22 OPPORTUNITY FOR MILITARY CHILDREN

23 The member states hereby create the "interstate commission on
24 educational opportunity for military children." The activities of the
25 interstate commission are the formation of public policy and are a
26 discretionary state function. The interstate commission shall:

27 A. Be a body corporate and joint agency of the member states and
28 shall have all the responsibilities, powers, and duties set forth
29 herein, and such additional powers as may be conferred upon it by a
30 subsequent concurrent action of the respective legislatures of the
31 member states in accordance with the terms of this compact;

32 B. Consist of one interstate commission voting representative
33 from each member state who shall be that state's compact
34 commissioner.

35 1. Each member state represented at a meeting of the interstate
36 commission is entitled to one vote.

37 2. A majority of the total member states shall constitute a
38 quorum for the transaction of business, unless a larger quorum is
39 required by the bylaws of the interstate commission.

1 3. A representative shall not delegate a vote to another member
2 state. In the event the compact commissioner is unable to attend a
3 meeting of the interstate commission, the governor or state council
4 may delegate voting authority to another person from their state for
5 a specified meeting.

6 4. The bylaws may provide for meetings of the interstate
7 commission to be conducted by telecommunication or electronic
8 communication;

9 C. Consist of ex officio, nonvoting representatives who are
10 members of interested organizations. Such ex officio members, as
11 defined in the bylaws, may include but not be limited to, members of
12 the representative organizations of military family advocates, local
13 education agency officials, parent and teacher groups, the U.S.
14 department of defense, the education commission of the states, the
15 interstate agreement on the qualification of educational personnel,
16 and other interstate compacts affecting the education of children of
17 military members;

18 D. Meet at least once each calendar year. The chairperson may
19 call additional meetings and, upon the request of a simple majority
20 of the member states, shall call additional meetings;

21 E. Establish an executive committee, whose members shall include
22 the officers of the interstate commission and such other members of
23 the interstate commission as determined by the bylaws. Members of the
24 executive committee shall serve a one-year term. Members of the
25 executive committee shall be entitled to one vote each. The executive
26 committee shall have the power to act on behalf of the interstate
27 commission, with the exception of rule making, during periods when
28 the interstate commission is not in session. The executive committee
29 shall oversee the day-to-day activities of the administration of the
30 compact including enforcement and compliance with the provisions of
31 the compact, its bylaws and rules, and other such duties as deemed
32 necessary. The U.S. department of defense shall serve as an ex
33 officio, nonvoting member of the executive committee;

34 F. Establish bylaws and rules that provide for conditions and
35 procedures under which the interstate commission shall make its
36 information and official records available to the public for
37 inspection or copying. The interstate commission may exempt from
38 disclosure information or official records to the extent they would
39 adversely affect personal privacy rights or proprietary interests;

1 G. Give public notice of all meetings and all meetings shall be
2 open to the public, except as set forth in the rules or as otherwise
3 provided in the compact. The interstate commission and its committees
4 may close a meeting, or portion thereof, where it determines by
5 two-thirds vote that an open meeting would be likely to:

6 1. Relate solely to the interstate commission's internal
7 personnel practices and procedures;

8 2. Disclose matters specifically exempted from disclosure by
9 federal and state statute;

10 3. Disclose trade secrets or commercial or financial information
11 which is privileged or confidential;

12 4. Involve accusing a person of a crime, or formally censuring a
13 person;

14 5. Disclose information of a personal nature where disclosure
15 would constitute a clearly unwarranted invasion of personal privacy;

16 6. Disclose investigative records compiled for law enforcement
17 purposes; or

18 7. Specifically relate to the interstate commission's
19 participation in a civil action or other legal proceeding;

20 H. Cause its legal counsel or designee to certify that a meeting
21 may be closed and shall reference each relevant exemptible provision
22 for any meeting, or portion of a meeting, which is closed pursuant to
23 this provision. The interstate commission shall keep minutes which
24 shall fully and clearly describe all matters discussed in a meeting
25 and shall provide a full and accurate summary of actions taken, and
26 the reasons therefor, including a description of the views expressed
27 and the record of a roll call vote. All documents considered in
28 connection with an action shall be identified in such minutes. All
29 minutes and documents of a closed meeting shall remain under seal,
30 subject to release by a majority vote of the interstate commission;

31 I. Collect standardized data concerning the educational
32 transition of the children of military families under this compact as
33 directed through its rules which shall specify the data to be
34 collected, the means of collection, and data exchange and reporting
35 requirements. Such methods of data collection, exchange, and
36 reporting shall, in so far as is reasonably possible, conform to
37 current technology and coordinate its information functions with the
38 appropriate custodian of records as identified in the bylaws and
39 rules;

1 J. Create a process that permits military officials, education
2 officials, and parents to inform the interstate commission if and
3 when there are alleged violations of the compact or its rules or when
4 issues subject to the jurisdiction of the compact or its rules are
5 not addressed by the state or local education agency. This section
6 shall not be construed to create a private right of action against
7 the interstate commission or any member state.

8 ARTICLE X

9 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

10 The interstate commission shall have the following powers:

11 A. To provide for dispute resolution among member states;

12 B. To promulgate rules and take all necessary actions to effect
13 the goals, purposes, and obligations as enumerated in this compact.
14 The rules shall have the force and effect of statutory law and shall
15 be binding in the compact states to the extent and in the manner
16 provided in this compact;

17 C. To issue, upon request of a member state, advisory opinions
18 concerning the meaning or interpretation of the interstate compact,
19 its bylaws, rules, and actions;

20 D. To enforce compliance with the compact provisions, the rules
21 promulgated by the interstate commission, and the bylaws, using all
22 necessary and proper means, including but not limited to the use of
23 judicial process;

24 E. To establish and maintain offices which shall be located
25 within one or more of the member states;

26 F. To purchase and maintain insurance and bonds;

27 G. To borrow, accept, hire, or contract for services of
28 personnel;

29 H. To establish and appoint committees including, but not limited
30 to, an executive committee as required by Article IX, section E of
31 this compact, which shall have the power to act on behalf of the
32 interstate commission in carrying out its powers and duties
33 hereunder;

34 I. To elect or appoint such officers, attorneys, employees,
35 agents, or consultants, and to fix their compensation, define their
36 duties, and determine their qualifications; and to establish the
37 interstate commission's personnel policies and programs relating to
38 conflicts of interest, rates of compensation, and qualifications of
39 personnel;

1 J. To accept any and all donations and grants of money,
2 equipment, supplies, materials, and services, and to receive,
3 utilize, and dispose of it;

4 K. To lease, purchase, accept contributions or donations of, or
5 otherwise to own, hold, improve, or use any property, real, personal,
6 or mixed;

7 L. To sell, convey, mortgage, pledge, lease, exchange, abandon,
8 or otherwise dispose of any property, real, personal, or mixed;

9 M. To establish a budget and make expenditures;

10 N. To adopt a seal and bylaws governing the management and
11 operation of the interstate commission;

12 O. To report annually to the legislatures, governors, judiciary,
13 and state councils of the member states concerning the activities of
14 the interstate commission during the preceding year. Such reports
15 shall also include any recommendations that may have been adopted by
16 the interstate commission;

17 P. To coordinate education, training, and public awareness
18 regarding the compact, its implementation, and operation for
19 officials and parents involved in such activity;

20 Q. To establish uniform standards for the reporting, collecting,
21 and exchanging of data;

22 R. To maintain corporate books and records in accordance with the
23 bylaws;

24 S. To perform such functions as may be necessary or appropriate
25 to achieve the purposes of this compact; and

26 T. To provide for the uniform collection and sharing of
27 information between and among member states, schools, and military
28 families under this compact.

29 ARTICLE XI

30 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

31 A. The interstate commission shall, by a majority of the members
32 present and voting, within twelve months after the first interstate
33 commission meeting, adopt bylaws to govern its conduct as may be
34 necessary or appropriate to carry out the purposes of the compact,
35 including, but not limited to:

36 1. Establishing the fiscal year of the interstate commission;

37 2. Establishing an executive committee, and such other committees
38 as may be necessary;

1 3. Providing for the establishment of committees and for
2 governing any general or specific delegation of authority or function
3 of the interstate commission;

4 4. Providing reasonable procedures for calling and conducting
5 meetings of the interstate commission, and ensuring reasonable notice
6 of each such meeting;

7 5. Establishing the titles and responsibilities of the officers
8 and staff of the interstate commission;

9 6. Providing a mechanism for concluding the operations of the
10 interstate commission and the return of surplus funds that may exist
11 upon the termination of the compact after the payment and reserving
12 of all of its debts and obligations; and

13 7. Providing "start-up" rules for initial administration of the
14 compact.

15 B. The interstate commission shall, by a majority of the members,
16 elect annually from among its members a chairperson, a vice
17 chairperson, and a treasurer, each of whom shall have such authority
18 and duties as may be specified in the bylaws. The chairperson or, in
19 the chairperson's absence or disability, the vice chairperson, shall
20 preside at all meetings of the interstate commission. The officers so
21 elected shall serve without compensation or remuneration from the
22 interstate commission; provided that, subject to the availability of
23 budgeted funds, the officers shall be reimbursed for ordinary and
24 necessary costs and expenses incurred by them in the performance of
25 their responsibilities as officers of the interstate commission.

26 C. Executive committee, officers, and personnel

27 1. The executive committee shall have such authority and duties
28 as may be set forth in the bylaws, including but not limited to:

29 a. Managing the affairs of the interstate commission in a manner
30 consistent with the bylaws and purposes of the interstate commission;

31 b. Overseeing an organizational structure within, and appropriate
32 procedures for the interstate commission to provide for the creation
33 of rules, operating procedures, and administrative and technical
34 support functions; and

35 c. Planning, implementing, and coordinating communications and
36 activities with other state, federal, and local government
37 organizations in order to advance the goals of the interstate
38 commission.

39 2. The executive committee may, subject to the approval of the
40 interstate commission, appoint or retain an executive director for

1 such period, upon such terms and conditions and for such
2 compensation, as the interstate commission may deem appropriate. The
3 executive director shall serve as secretary to the interstate
4 commission, but shall not be a member of the interstate commission.
5 The executive director shall hire and supervise such other persons as
6 may be authorized by the interstate commission.

7 D. The interstate commission's executive director and its
8 employees shall be immune from suit and liability, either personally
9 or in their official capacity, for a claim for damage to or loss of
10 property or personal injury or other civil liability caused or
11 arising out of or relating to an actual or alleged act, error, or
12 omission that occurred, or that such person had a reasonable basis
13 for believing occurred, within the scope of interstate commission
14 employment, duties, or responsibilities; provided, that such person
15 shall not be protected from suit or liability for damage, loss,
16 injury, or liability caused by the intentional or willful and wanton
17 misconduct of such person.

18 1. The liability of the interstate commission's executive
19 director and employees or interstate commission representatives,
20 acting within the scope of such person's employment or duties for
21 acts, errors, or omissions occurring within such person's state may
22 not exceed the limits of liability set forth under the Constitution
23 and laws of that state for state officials, employees, and agents.
24 The interstate commission is considered to be an instrumentality of
25 the states for the purposes of any such action. Nothing in this
26 subsection shall be construed to protect such person from suit or
27 liability for damage, loss, injury, or liability caused by the
28 intentional or willful and wanton misconduct of such person.

29 2. The interstate commission shall defend the executive director
30 and its employees and, subject to the approval of the attorney
31 general or other appropriate legal counsel of the member state
32 represented by an interstate commission representative, shall defend
33 such interstate commission representative in any civil action seeking
34 to impose liability arising out of an actual or alleged act, error,
35 or omission that occurred within the scope of interstate commission
36 employment, duties, or responsibilities, or that the defendant had a
37 reasonable basis for believing occurred within the scope of
38 interstate commission employment, duties, or responsibilities,
39 provided that the actual or alleged act, error, or omission did not

1 result from intentional or willful and wanton misconduct on the part
2 of such person.

3 3. To the extent not covered by the state involved, member state,
4 or the interstate commission, the representatives or employees of the
5 interstate commission shall be held harmless in the amount of a
6 settlement or judgment, including attorneys' fees and costs, obtained
7 against such persons arising out of an actual or alleged act, error,
8 or omission that occurred within the scope of interstate commission
9 employment, duties, or responsibilities, or that such persons had a
10 reasonable basis for believing occurred within the scope of
11 interstate commission employment, duties, or responsibilities,
12 provided that the actual or alleged act, error, or omission did not
13 result from intentional or willful and wanton misconduct on the part
14 of such persons.

15 ARTICLE XII

16 RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

17 A. Rule-making authority - The interstate commission shall
18 promulgate reasonable rules in order to effectively and efficiently
19 achieve the purposes of this compact. Notwithstanding the foregoing,
20 in the event the interstate commission exercises its rule-making
21 authority in a manner that is beyond the scope of the purposes of
22 this compact, or the powers granted hereunder, then such an action by
23 the interstate commission shall be invalid and have no force or
24 effect.

25 B. Rule-making procedure - Rules shall be made pursuant to a
26 rule-making process that substantially conforms to the "model state
27 administrative procedure act," of 1981, Uniform Laws Annotated, Vol.
28 15, p.1 (2000) as amended, as may be appropriate to the operations of
29 the interstate commission.

30 C. Not later than thirty days after a rule is promulgated, any
31 person may file a petition for judicial review of the rule; provided,
32 that the filing of such a petition shall not stay or otherwise
33 prevent the rule from becoming effective unless the court finds that
34 the petitioner has a substantial likelihood of success. The court
35 shall give deference to the actions of the interstate commission
36 consistent with applicable law and shall not find the rule to be
37 unlawful if the rule represents a reasonable exercise of the
38 interstate commission's authority.

1 D. If a majority of the legislatures of the compacting states
2 rejects a rule by enactment of a statute or resolution in the same
3 manner used to adopt the compact, then such rule shall have no
4 further force and effect in any compacting state.

5 ARTICLE XIII

6 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

7 A. Oversight

8 1. The executive, legislative, and judicial branches of state
9 government in each member state shall enforce this compact and shall
10 take all actions necessary and appropriate to effectuate the
11 compact's purposes and intent. The provisions of this compact and the
12 rules promulgated hereunder shall have standing as statutory law.

13 2. All courts shall take judicial notice of the compact and the
14 rules in any judicial or administrative proceeding in a member state
15 pertaining to the subject matter of this compact which may affect the
16 powers, responsibilities, or actions of the interstate commission.

17 3. The interstate commission shall be entitled to receive all
18 service of process in any such proceeding, and shall have standing to
19 intervene in the proceeding for all purposes. Failure to provide
20 service of process to the interstate commission shall render a
21 judgment or order void as to the interstate commission, this compact,
22 or promulgated rules.

23 B. Default, technical assistance, suspension, and termination -
24 If the interstate commission determines that a member state has
25 defaulted in the performance of its obligations or responsibilities
26 under this compact, or the bylaws or promulgated rules, the
27 interstate commission shall:

28 1. Provide written notice to the defaulting state and other
29 member states of the nature of the default, the means of curing the
30 default, and any action taken by the interstate commission. The
31 interstate commission shall specify the conditions by which the
32 defaulting state must cure its default;

33 2. Provide remedial training and specific technical assistance
34 regarding the default;

35 3. If the defaulting state fails to cure the default, the
36 defaulting state shall be terminated from the compact upon an
37 affirmative vote of a majority of the member states and all rights,
38 privileges, and benefits conferred by this compact shall be
39 terminated from the effective date of termination. A cure of the

1 default does not relieve the offending state of obligations or
2 liabilities incurred during the period of the default;

3 4. Suspension or termination of membership in the compact shall
4 be imposed only after all other means of securing compliance have
5 been exhausted. Notice of intent to suspend or terminate shall be
6 given by the interstate commission to the governor, the majority and
7 minority leaders of the defaulting state's legislature, and each of
8 the member states;

9 5. The state which has been suspended or terminated is
10 responsible for all assessments, obligations, and liabilities
11 incurred through the effective date of suspension or termination
12 including obligations the performance of which extends beyond the
13 effective date of suspension or termination;

14 6. The interstate commission shall not bear any costs relating to
15 any state that has been found to be in default or which has been
16 suspended or terminated from the compact, unless otherwise mutually
17 agreed upon in writing between the interstate commission and the
18 defaulting state;

19 7. The defaulting state may appeal the action of the interstate
20 commission by petitioning the U.S. District Court for the District of
21 Columbia or the federal district where the interstate commission has
22 its principal offices. The prevailing party shall be awarded all
23 costs of such litigation including reasonable attorneys' fees.

24 C. Dispute Resolution

25 1. The interstate commission shall attempt, upon the request of a
26 member state, to resolve disputes which are subject to the compact
27 and which may arise among member states and between member and
28 nonmember states.

29 2. The interstate commission shall promulgate a rule providing
30 for both mediation and binding dispute resolution for disputes as
31 appropriate.

32 D. Enforcement

33 1. The interstate commission, in the reasonable exercise of its
34 discretion, shall enforce the provisions and rules of this compact.

35 2. The interstate commission, may by majority vote of the
36 members, initiate legal action in the United (~~State[s]~~) States
37 District Court for the District of Columbia or, at the discretion of
38 the interstate commission, in the federal district where the
39 interstate commission has its principal offices, to enforce
40 compliance with the provisions of the compact, and its promulgated

1 rules and bylaws, against a member state in default. The relief
2 sought may include both injunctive relief and damages. In the event
3 judicial enforcement is necessary the prevailing party shall be
4 awarded all costs of such litigation including reasonable attorneys'
5 fees.

6 3. The remedies herein shall not be the exclusive remedies of the
7 interstate commission. The interstate commission may avail itself of
8 any other remedies available under state law or the regulation of a
9 profession.

10 ARTICLE XIV

11 FINANCING OF THE INTERSTATE COMMISSION

12 A. The interstate commission shall pay, or provide for the
13 payment of the reasonable expenses of its establishment,
14 organization, and ongoing activities.

15 B. The interstate commission may levy on and collect an annual
16 assessment from each member state to cover the cost of the operations
17 and activities of the interstate commission and its staff which must
18 be in a total amount sufficient to cover the interstate commission's
19 annual budget as approved each year. The aggregate annual assessment
20 amount shall be allocated based upon a formula to be determined by
21 the interstate commission, which shall promulgate a rule binding upon
22 all member states.

23 C. The interstate commission shall not incur obligations of any
24 kind prior to securing the funds adequate to meet the same; nor shall
25 the interstate commission pledge the credit of any of the member
26 states, except by and with the authority of the member state.

27 D. The interstate commission shall keep accurate accounts of all
28 receipts and disbursements. The receipts and disbursements of the
29 interstate commission shall be subject to the audit and accounting
30 procedures established under its bylaws. However, all receipts and
31 disbursements of funds handled by the interstate commission shall be
32 audited yearly by a certified or licensed public accountant and the
33 report of the audit shall be included in and become part of the
34 annual report of the interstate commission.

35 ARTICLE XV

36 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

37 A. Any state is eligible to become a member state.

1 B. The compact shall become effective and binding upon
2 legislative enactment of the compact into law by no less than ten of
3 the states. The effective date shall be no earlier than December 1,
4 2007.

5 Thereafter it shall become effective and binding as to any other
6 member state upon enactment of the compact into law by that state.
7 The governors of nonmember states or their designees shall be invited
8 to participate in the activities of the interstate commission on a
9 nonvoting basis prior to adoption of the compact by all states.

10 C. The interstate commission may propose amendments to the
11 compact for enactment by the member states. No amendment shall become
12 effective and binding upon the interstate commission and the member
13 states unless and until it is enacted into law by unanimous consent
14 of the member states.

15 ARTICLE XVI
16 WITHDRAWAL AND DISSOLUTION

17 A. Withdrawal

18 1. Once effective, the compact shall continue in force and remain
19 binding upon each and every member state; provided that a member
20 state may withdraw from the compact by specifically repealing the
21 statute, which enacted the compact into law.

22 2. Withdrawal from this compact shall be by the enactment of a
23 statute repealing the same, but shall not take effect until one year
24 after the effective date of such statute and until written notice of
25 the withdrawal has been given by the withdrawing state to the
26 governor of each other member jurisdiction.

27 3. The withdrawing state shall immediately notify the chairperson
28 of the interstate commission in writing upon the introduction of
29 legislation repealing this compact in the withdrawing state. The
30 interstate commission shall notify the other member states of the
31 withdrawing state's intent to withdraw within sixty days of its
32 receipt thereof.

33 4. The withdrawing state is responsible for all assessments,
34 obligations, and liabilities incurred through the effective date of
35 withdrawal, including obligations, the performance of which extend
36 beyond the effective date of withdrawal.

37 5. Reinstatement following withdrawal of a member state shall
38 occur upon the withdrawing state reenacting the compact or upon such
39 later date as determined by the interstate commission.

1 B. Dissolution of compact

2 1. This compact shall dissolve effective upon the date of the
3 withdrawal or default of the member state which reduces the
4 membership in the compact to one member state.

5 2. Upon the dissolution of this compact, the compact becomes null
6 and void and shall be of no further force or effect, and the business
7 and affairs of the interstate commission shall be concluded and
8 surplus funds shall be distributed in accordance with the bylaws.

9 ARTICLE XVII

10 SEVERABILITY AND CONSTRUCTION

11 A. The provisions of this compact shall be severable, and if any
12 phrase, clause, sentence, or provision is deemed unenforceable, the
13 remaining provisions of the compact shall be enforceable.

14 B. The provisions of this compact shall be liberally construed to
15 effectuate its purposes.

16 C. Nothing in this compact shall be construed to prohibit the
17 applicability of other interstate compacts to which the states are
18 members.

19 ARTICLE XVIII

20 BINDING EFFECT OF COMPACT AND OTHER LAWS

21 A. Other laws

22 1. Nothing herein prevents the enforcement of any other law of a
23 member state that is not inconsistent with this compact.

24 2. All member states' laws conflicting with this compact are
25 superseded to the extent of the conflict.

26 B. Binding effect of the compact

27 1. All lawful actions of the interstate commission, including all
28 rules and bylaws promulgated by the interstate commission, are
29 binding upon the member states.

30 2. All agreements between the interstate commission and the
31 member states are binding in accordance with their terms.

32 3. In the event any provision of this compact exceeds the
33 constitutional limits imposed on the legislature of any member state,
34 such provision shall be ineffective to the extent of the conflict
35 with the constitutional provision in question in that member state.

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