

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6219**

Chapter 245, Laws of 1998

(partial veto)

55th Legislature  
1998 Regular Session

REPORTS TO THE LEGISLATURE--ELIMINATION OF OBSOLETE OR UNNECESSARY  
REPORTS

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 7, 1998  
YEAS 37 NAYS 1

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House February 27, 1998  
YEAS 95 NAYS 0

CLYDE BALLARD

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Approved March 31, 1998, with the  
exception of sections 56 and 176(14),  
176(15) and 176(17), which are vetoed.

GARY LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the  
Senate of the State of Washington, do  
hereby certify that the attached is  
**SENATE BILL 6219** as passed by the  
Senate and the House of  
Representatives on the dates hereon  
set forth.

MIKE O'CONNELL

\_\_\_\_\_  
**Secretary**

FILED

March 31, 1998 - 10:15 a.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 6219**

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Passed Legislature - 1998 Regular Session

AS AMENDED BY THE HOUSE

**State of Washington**

**55th Legislature**

**1998 Regular Session**

By Senators McDonald, McCaslin, Patterson, West and Hale; by request of Office of Financial Management

Read first time 01/14/98. Referred to Committee on Government Operations.

1 AN ACT Relating to reports to the legislature; making technical  
2 corrections to the Revised Code of Washington; amending RCW 2.14.040,  
3 9.95.212, 17.10.070, 17.26.015, 18.16.050, 18.50.150, 19.118.080,  
4 19.27A.020, 19.94.185, 27.04.110, 28A.300.300, 28A.415.260,  
5 28A.630.825, 28B.10.887, 28B.125.010, 28B.20.130, 28B.20.382,  
6 28B.25.020, 28B.30.150, 28B.30.537, 28B.50.259, 28B.65.050, 28B.80.280,  
7 28B.80.360, 28B.80.612, 29.04.200, 36.32.340, 36.47.020, 36.47.070,  
8 36.70A.385, 36.79.060, 38.52.535, 39.29.068, 39.84.090, 39.96.070,  
9 41.04.630, 41.05.190, 41.05.220, 41.05.280, 41.06.285, 41.50.780,  
10 41.52.040, 41.52.070, 42.16.017, 43.01.240, 43.06.115, 43.121.130,  
11 43.147.070, 43.163.090, 43.163.120, 43.168.130, 43.175.020,  
12 43.19.19052, 43.19.19362, 43.19.554, 43.19A.030, 43.20.235, 43.20A.725,  
13 43.21J.030, 43.31.411, 43.31.526, 43.33.130, 43.41.240, 43.51.400,  
14 43.51.944, 43.52.360, 43.52.560, 43.52.565, 43.63A.550, 43.70.066,  
15 43.70.240, 43.70.330, 43.70.530, 43.70.545, 43.70.555, 43.70.600,  
16 43.72.860, 43.99F.040, 43.200.180, 43.200.190, 43.200.200, 43.210.050,  
17 43.330.090, 43.07.290, 44.40.070, 44.40.150, 46.20.520, 46.61.165,  
18 46.81A.020, 47.01.250, 47.01.900, 47.04.180, 47.05.021, 47.14.050,  
19 47.24.010, 48.41.070, 49.30.005, 50.44.035, 50.60.901, 50.62.040,  
20 50.72.070, 51.36.080, 59.22.090, 69.43.010, 69.50.201, 69.50.525,  
21 70.105.160, 70.112.050, 70.119A.160, 70.129.160, 70.148.020,

1 70.148.050, 70.162.050, 70.168.030, 70.170.060, 70.175.100, 70.180.110,  
2 70.180.120, 70.190.050, 70.190.100, 70.190.110, 70.195.010, 70.24.400,  
3 70.41.320, 70.93.250, 70.94.162, 70.94.656, 70.95.263, 70.95.810,  
4 70.95C.030, 70.95C.250, 70.96A.420, 70.96A.500, 71.24.410, 72.09.040,  
5 72.09.560, 72.23.025, 72.65.210, 74.04.025, 74.09.415, 74.09.520,  
6 74.13.045, 74.13.055, 74.13.260, 74.14A.050, 74.20.340, 74.41.070,  
7 75.24.060, 75.28.770, 75.30.480, 75.50.100, 75.52.110, 75.54.010,  
8 77.12.690, 77.12.710, 77.32.060, 78.56.160, 79.01.295, 80.01.090,  
9 81.04.520, 81.53.281, 81.80.450, 82.33A.010, 82.60.110, 84.33.200,  
10 84.41.130, 90.22.060, 90.48.480, and 90.56.100; reenacting and amending  
11 RCW 41.06.070, 43.43.934, 67.70.050, 71.24.035, 81.104.110, and  
12 90.42.010; repealing RCW 13.04.460, 19.02.885, 19.27.078, 26.23.0401,  
13 28B.04.070, 28B.06.050, 28B.10.692, 28B.30.636, 28B.50.900,  
14 28B.106.900, 41.50.100, 43.03.260, 43.05.900, 43.43.560, 43.43.752,  
15 43.59.130, 43.63A.215, 43.63A.220, 43.72.850, 43.88.065, 43.121.090,  
16 43.163.900, 46.23.030, 47.01.220, 47.12.249, 47.26.163, 47.60.470,  
17 47.60.544, 47.82.050, 48.87.090, 48.88.060, 49.46.150, 50.65.331,  
18 51.32.116, 59.28.110, 66.08.028, 67.32.120, 69.51.070, 70.95C.090,  
19 70.95E.070, 70.98.210, 70.114A.090, 70.120.180, 70.120.220, 70.123.060,  
20 70.128.180, 70.149.110, 70.180.900, 72.02.170, 75.08.460, 75.50.050,  
21 75.50.120, 77.04.111, 80.36.380, 80.36.860, 82.01.110, 82.61.070,  
22 82.63.080, 90.48.369, and 90.58.330; repealing 1994 sp.s. c 7 s 517  
23 (uncodified); repealing 1994 c 40 s 5 (uncodified); repealing 1996 c  
24 152 s 3 (uncodified); and providing expiration dates.

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

26 **Sec. 1.** RCW 2.14.040 and 1988 c 109 s 15 are each amended to read  
27 as follows:

28 The administrator for the courts, under the direction of the board  
29 for judicial administration, shall administer the plan. The  
30 administrator shall:

31 (1) Deposit or invest contributions to the plan consistent with RCW  
32 2.14.080;

33 (2) Credit investment earnings or interest to individual judicial  
34 retirement accounts consistent with RCW 2.14.070;

35 (3) Keep or cause to be kept full and adequate accounts and records  
36 of the assets, obligations, transactions, and affairs of any judicial  
37 retirement accounts created under this chapter; and

1       (4) ~~((File an annual report of the financial condition,~~  
2 ~~transactions, and affairs of the judicial retirement accounts. A copy~~  
3 ~~of the annual report shall be filed with the speaker of the house of~~  
4 ~~representatives, the president of the senate, the governor, and the~~  
5 ~~state auditor; and~~

6       ~~(5))~~) Adopt rules necessary to carry out this chapter.

7       **Sec. 2.** RCW 9.95.212 and 1995 1st sp.s. c 19 s 31 are each amended  
8 to read as follows:

9       ~~((1))~~) The Washington state law and justice advisory council,  
10 appointed under RCW 72.09.300(7), shall by October 1, 1995, develop  
11 proposed standards for the supervision of misdemeanor probationers  
12 sentenced by superior courts under RCW 9.92.060 or 9.95.210. In  
13 developing the standards, the council shall consider realistic current  
14 funding levels or reasonable expansions thereof, the recommendations of  
15 the department of corrections, county probation departments, superior  
16 and district court judges, and the misdemeanor corrections  
17 association. The supervision standards shall establish classifications  
18 of misdemeanor probationers based upon the seriousness of the offense,  
19 the perceived risks to the community, and other relevant factors. The  
20 standards may provide discretion to officials supervising misdemeanor  
21 probationers to adjust the supervision standards, for good cause, based  
22 upon individual circumstances surrounding the probationer. The  
23 supervision standards shall include provisions for reciprocal  
24 supervision of offenders who are sentenced in counties other than their  
25 counties of residence.

26       ~~((2) The department of corrections shall report to the legislature~~  
27 ~~by December 1, 1995, the estimated cost of fully implementing the~~  
28 ~~proposed standards. The report shall rank by relative costs each of~~  
29 ~~the elements of the proposed standards and shall identify the total~~  
30 ~~daily supervision cost per offender. The report shall also include an~~  
31 ~~accounting of the amount of supervision fees assessed and collected by~~  
32 ~~the department under RCW 9.95.214.))~~

33       **Sec. 3.** RCW 17.10.070 and 1997 c 353 s 8 are each amended to read  
34 as follows:

35       (1) In addition to the powers conferred on the state noxious weed  
36 control board under other provisions of this chapter, it has the power  
37 to:

1 (a) Employ a state noxious weed control board executive secretary,  
2 and additional persons as it deems necessary, to disseminate  
3 information relating to noxious weeds to county noxious weed control  
4 boards and weed districts, to coordinate the educational and weed  
5 control efforts of the various county and regional noxious weed control  
6 boards and weed districts, and to assist the board in carrying out its  
7 responsibilities;

8 (b) Adopt, amend, or repeal rules, pursuant to the administrative  
9 procedure act, chapter 34.05 RCW, as may be necessary to carry out the  
10 duties and authorities assigned to the board by this chapter.

11 (2) The state noxious weed control board shall provide a written  
12 report before January 1<sup>st</sup> of each odd-numbered year to (~~the governor,~~  
13 ~~the legislature,~~) the county noxious weed control boards(~~(,)~~) and the  
14 weed districts showing the expenditure of state funds on noxious weed  
15 control; specifically how the funds were spent; the status of the  
16 state, county, and district programs; and recommendations for the  
17 continued best use of state funds for noxious weed control. The report  
18 shall include recommendations as to the long-term needs regarding weed  
19 control.

20 **Sec. 4.** RCW 17.26.015 and 1995 c 255 s 10 are each amended to read  
21 as follows:

22 (1) The state department of agriculture is the lead agency for the  
23 control of spartina and purple loosestrife with the advice of the state  
24 noxious weed control board.

25 (2) Responsibilities of the lead agency include:

26 (a) Coordination of the control program including memorandums of  
27 understanding, contracts, and agreements with local, state, federal,  
28 and tribal governmental entities and private parties;

29 (b) Preparation of a state-wide spartina management plan utilizing  
30 integrated vegetation management strategies that encompass all of  
31 Washington's tidelands. The plan shall be developed in cooperation  
32 with local, state, federal, and tribal governments, private landowners,  
33 and concerned citizens. The plan shall prioritize areas for control.  
34 Nothing in this subsection prohibits the department from taking action  
35 to control spartina in a particular area of the state in accordance  
36 with a plan previously prepared by the state while preparing the state-  
37 wide plan;

1 (c) Directing on the ground control efforts that include, but are  
2 not limited to: (i) Control work and contracts; (ii) spartina survey;  
3 (iii) collection and maintenance of spartina location data; (iv)  
4 purchasing equipment, goods, and services; (v) survey of threatened and  
5 endangered species; and (vi) site-specific environmental information  
6 and documents; and

7 (d) Evaluating the effectiveness of the control efforts.

8 The lead agency shall report to the appropriate standing committees  
9 of the house of representatives and the senate no later than (~~May 15th~~  
10 ~~and~~) December 15th of each year through the year 1999 on the progress  
11 of the program, the number of acres treated by various methods of  
12 control, and on the funds spent.

13 **Sec. 5.** RCW 18.16.050 and 1997 c 179 s 1 are each amended to read  
14 as follows:

15 (1) There is created a state cosmetology, barbering, esthetics, and  
16 manicuring advisory board consisting of seven members appointed by the  
17 director. These seven members of the board shall include a  
18 representative of a private cosmetology school and a representative of  
19 a public vocational technical school involved in cosmetology training,  
20 with the balance made up of currently practicing licensees who have  
21 been engaged in the practice of manicuring, esthetics, barbering, or  
22 cosmetology for at least three years. One member of the board shall be  
23 a consumer who is unaffiliated with the cosmetology, barbering,  
24 esthetics, or manicuring industry. On June 30, 1995, the director  
25 shall appoint seven new members to the board. These new members shall  
26 serve a term of three years. The director shall appoint two new  
27 members including: (a) One representative with employee supervisory  
28 experience from a chain salon having ten or more salons; and (b) one  
29 representative from the industry at large who has substantial salon and  
30 school experience. The board shall cease to exist on June 30, 1998.  
31 Any members serving on the advisory board as of July 1, 1995, or who  
32 are appointed after July 27, 1997, are eligible to be reappointed,  
33 should the advisory board be extended beyond June 30, 1998. Any board  
34 member may be removed for just cause. The director may appoint a new  
35 member to fill any vacancy on the board for the remainder of the  
36 unexpired term.

37 (2) (~~The board appointed on June 30, 1995, together with the~~  
38 ~~director or the director's designee, shall conduct a thorough review of~~

1 educational requirements, licensing requirements, and enforcement and  
2 health standards for persons engaged in cosmetology, barbering,  
3 esthetics, or manicuring and shall prepare a report to be delivered to  
4 the governor, the director, and the chairpersons of the governmental  
5 operations committees of the house of representatives and the senate.  
6 The report must summarize their findings and make recommendations,  
7 including, if appropriate, recommendations for legislation reforming  
8 and restructuring the regulation of cosmetology, barbering, esthetics,  
9 and manicuring.

10 (3)) Board members shall be entitled to compensation pursuant to  
11 RCW 43.03.240 for each day spent conducting official business and to  
12 reimbursement for travel expenses as provided by RCW 43.03.050 and  
13 43.03.060.

14 ((4)) (3) The board may seek the advice and input of officials  
15 from the following state agencies: (a) The work force training and  
16 education coordinating board; (b) the department of employment  
17 security; (c) the department of labor and industries; (d) the  
18 department of health; (e) the department of licensing; and (f) the  
19 department of revenue.

20 **Sec. 6.** RCW 18.50.150 and 1991 c 3 s 115 are each amended to read  
21 as follows:

22 The midwifery advisory committee shall advise and make  
23 recommendations to the secretary on issues including, but not limited  
24 to, continuing education, mandatory reexamination, and peer review.  
25 ((The secretary shall transmit the recommendations to the social and  
26 health services committee of the senate and the human services  
27 committee of the house of representatives on an annual basis.))

28 **Sec. 7.** RCW 19.118.080 and 1995 c 254 s 5 are each amended to read  
29 as follows:

30 (1) Except as provided in RCW 19.118.160, the attorney general  
31 shall contract with one or more private entities to conduct arbitration  
32 proceedings in order to settle disputes between consumers and  
33 manufacturers as provided in this chapter, and each private entity  
34 shall constitute a new motor vehicle arbitration board for purposes of  
35 this chapter. The entities shall not be affiliated with any  
36 manufacturer or new motor vehicle dealer and shall have available the  
37 services of persons with automotive technical expertise to assist in

1 resolving disputes under this chapter. No private entity or its  
2 officers or employees conducting board proceedings and no arbitrator  
3 presiding at such proceedings shall be directly involved in the  
4 manufacture, distribution, sale, or warranty service of any motor  
5 vehicle. Payment to the entities for the arbitration services shall be  
6 made from the new motor vehicle arbitration account.

7 (2) The attorney general shall adopt rules for the uniform conduct  
8 of the arbitrations by the boards whether conducted by a private entity  
9 or by the attorney general pursuant to RCW 19.118.160, which rules  
10 shall include but not be limited to the following procedures:

11 (a) At all arbitration proceedings, the parties are entitled to  
12 present oral and written testimony, to present witnesses and evidence  
13 relevant to the dispute, to cross-examine witnesses, and to be  
14 represented by counsel.

15 (b) A dealer, manufacturer, or other persons shall produce records  
16 and documents requested by a party which are reasonably related to the  
17 dispute. If a dealer, manufacturer, or other person refuses to comply  
18 with such a request, a party may present a request to the board for the  
19 attorney general to issue a subpoena on behalf of the board.

20 The subpoena shall be issued only for the production of records and  
21 documents which the board has determined are reasonably related to the  
22 dispute, including but not limited to documents described in RCW  
23 19.118.031 (4) or (5).

24 If a party fails to comply with the subpoena, the arbitrator may at  
25 the outset of the arbitration hearing impose any of the following  
26 sanctions: (i) Find that the matters which were the subject of the  
27 subpoena, or any other designated facts, shall be taken to be  
28 established for purposes of the hearing in accordance with the claim of  
29 the party which requested the subpoena; (ii) refuse to allow the  
30 disobedient party to support or oppose the designated claims or  
31 defenses, or prohibit that party from introducing designated matters  
32 into evidence; (iii) strike claims or defenses, or parts thereof; or  
33 (iv) render a decision by default against the disobedient party.

34 If a nonparty fails to comply with a subpoena and upon an  
35 arbitrator finding that without such compliance there is insufficient  
36 evidence to render a decision in the dispute, the attorney general  
37 shall enforce such subpoena in superior court and the arbitrator shall  
38 continue the arbitration hearing until such time as the nonparty  
39 complies with the subpoena or the subpoena is quashed.



1 (c) A party may obtain written affidavits from employees and agents  
2 of a dealer, a manufacturer or other party, or from other potential  
3 witnesses, and may submit such affidavits for consideration by the  
4 board.

5 (d) Records of the board proceedings shall be open to the public.  
6 The hearings shall be open to the public to the extent practicable.

7 (e) Where the board proceedings are conducted by one or more  
8 private entities, a single arbitrator may be designated to preside at  
9 such proceedings.

10 (3) A consumer shall exhaust the new motor vehicle arbitration  
11 board remedy or informal dispute resolution settlement procedure under  
12 RCW 19.118.150 before filing any superior court action.

13 (4) The attorney general shall maintain records of each dispute  
14 submitted to the new motor vehicle arbitration board, including an  
15 index of new motor vehicles by year, make, and model.

16 (5) The attorney general shall compile aggregate annual statistics  
17 for all disputes submitted to, and decided by, the new motor vehicle  
18 arbitration board, as well as annual statistics for each manufacturer  
19 that include, but shall not be limited to, the number and percent of:  
20 (a) Replacement motor vehicle requests; (b) purchase price refund  
21 requests; (c) replacement motor vehicles obtained in prehearing  
22 settlements; (d) purchase price refunds obtained in prehearing  
23 settlements; (e) replacement motor vehicles awarded in arbitration; (f)  
24 purchase price refunds awarded in arbitration; (g) board decisions  
25 neither complied with during the forty calendar day period nor  
26 petitioned for appeal within the thirty calendar day period; (h) board  
27 decisions appealed categorized by consumer or manufacturer; (i) the  
28 nature of the court decisions and who the prevailing party was; (j)  
29 appeals that were held by the court to be brought without good cause;  
30 and (k) appeals that were held by the court to be brought solely for  
31 the purpose of harassment. The statistical compilations shall be  
32 public information.

33 ~~(6) ((The attorney general shall submit biennial reports of the  
34 information in this section to the senate and house of representatives  
35 committees on commerce and labor, with the first report due January 1,  
36 1990.~~

37 ~~(7))~~ The attorney general shall adopt rules to implement this  
38 chapter. Such rules shall include uniform standards by which the

1 boards shall make determinations under this chapter, including but not  
2 limited to rules which provide:

3 (a) A board shall find that a nonconformity exists if it determines  
4 that the consumer's new motor vehicle has a defect, serious safety  
5 defect, or condition that substantially impairs the use, value, or  
6 safety of the vehicle.

7 (b) A board shall find that a reasonable number of attempts to  
8 repair a nonconformity have been undertaken if: (i) The same serious  
9 safety defect has been subject to diagnosis or repair two or more  
10 times, at least one of which is during the period of coverage of the  
11 applicable manufacturer's written warranty, and the serious safety  
12 defect continues to exist; (ii) the same nonconformity has been subject  
13 to diagnosis or repair four or more times, at least one of which is  
14 during the period of coverage of the applicable manufacturer's written  
15 warranty, and the nonconformity continues to exist; or (iii) the  
16 vehicle is out-of-service by reason of diagnosis or repair of one or  
17 more nonconformities for a cumulative total of thirty calendar days, at  
18 least fifteen of them during the period of the applicable  
19 manufacturer's written warranty. For purposes of this subsection, the  
20 manufacturer's written warranty shall be at least one year after the  
21 date of the original delivery to the consumer of the vehicle or the  
22 first twelve thousand miles of operation, whichever occurs first.

23 (c) A board shall find that a manufacturer has failed to comply  
24 with RCW 19.118.041 if it finds that the manufacturer, its agent, or  
25 the new motor vehicle dealer has failed to correct a nonconformity  
26 after a reasonable number of attempts and the manufacturer has failed,  
27 within forty days of the consumer's written request, to repurchase the  
28 vehicle or replace the vehicle with a vehicle identical or reasonably  
29 equivalent to the vehicle being replaced.

30 ~~((+8+))~~ (7) The attorney general shall provide consumers with  
31 information regarding the procedures and remedies under this chapter.

32 **Sec. 8.** RCW 19.27A.020 and 1996 c 186 s 502 are each amended to  
33 read as follows:

34 (1) No later than January 1, 1991, the state building code council  
35 shall ~~((promulgate))~~ adopt rules to be known as the Washington state  
36 energy code as part of the state building code.

37 (2) The council shall follow the legislature's standards set forth  
38 in this section to ~~((promulgate))~~ adopt rules to be known as the

1 Washington state energy code. The Washington state energy code shall  
2 be designed to require new buildings to meet a certain level of energy  
3 efficiency, but allow flexibility in building design, construction, and  
4 heating equipment efficiencies within that framework. The Washington  
5 state energy code shall be designed to allow space heating equipment  
6 efficiency to offset or substitute for building envelope thermal  
7 performance.

8 (3) The Washington state energy code shall take into account  
9 regional climatic conditions. Climate zone 1 shall include all  
10 counties not included in climate zone 2. Climate zone 2 includes:  
11 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend  
12 Oreille, Spokane, Stevens, and Whitman counties.

13 (4) The Washington state energy code for residential buildings  
14 shall require:

15 (a) New residential buildings that are space heated with electric  
16 resistance heating systems to achieve energy use equivalent to that  
17 used in typical buildings constructed with:

18 (i) Ceilings insulated to a level of R-38. The code shall contain  
19 an exception which permits single rafter or joist vaulted ceilings  
20 insulated to a level of R-30 (R value includes insulation only);

21 (ii) In zone 1, walls insulated to a level of R-19 (R value  
22 includes insulation only), or constructed with two by four members,  
23 R-13 insulation batts, R-3.2 insulated sheathing, and other normal  
24 assembly components; in zone 2 walls insulated to a level of R-24 (R  
25 value includes insulation only), or constructed with two by six  
26 members, R-22 insulation batts, R-3.2 insulated sheathing, and other  
27 normal construction assembly components; for the purpose of determining  
28 equivalent thermal performance, the wall U-value shall be 0.058 in zone  
29 1 and 0.044 in zone 2;

30 (iii) Below grade walls, insulated on the interior side, to a level  
31 of R-19 or, if insulated on the exterior side, to a level of R-10 in  
32 zone 1 and R-12 in zone 2 (R value includes insulation only);

33 (iv) Floors over unheated spaces insulated to a level of R-30 (R  
34 value includes insulation only);

35 (v) Slab on grade floors insulated to a level of R-10 at the  
36 perimeter;

37 (vi) Double glazed windows with values not more than U-0.4;

38 (vii) In zone 1 the glazing area may be up to twenty-one percent of  
39 floor area and in zone 2 the glazing area may be up to seventeen

1 percent of floor area where consideration of the thermal resistance  
2 values for other building components and solar heat gains through the  
3 glazing result in thermal performance equivalent to that achieved with  
4 thermal resistance values for other components determined in accordance  
5 with the equivalent thermal performance criteria of (a) of this  
6 subsection and glazing area equal to fifteen percent of the floor area.  
7 Throughout the state for the purposes of determining equivalent thermal  
8 performance, the maximum glazing area shall be fifteen percent of the  
9 floor area; and

10 (viii) Exterior doors insulated to a level of R-5; or an exterior  
11 wood door with a thermal resistance value of less than R-5 and values  
12 for other components determined in accordance with the equivalent  
13 thermal performance criteria of (a) of this subsection.

14 (b) New residential buildings which are space-heated with all other  
15 forms of space heating to achieve energy use equivalent to that used in  
16 typical buildings constructed with:

17 (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in  
18 zone 2 the code shall contain an exception which permits single rafter  
19 or joist vaulted ceilings insulated to a level of R-30 (R value  
20 includes insulation only);

21 (ii) Walls insulated to a level of R-19 (R value includes  
22 insulation only), or constructed with two by four members, R-13  
23 insulation batts, R-3.2 insulated sheathing, and other normal assembly  
24 components;

25 (iii) Below grade walls, insulated on the interior side, to a level  
26 of R-19 or, if insulated on the exterior side, to a level of R-10 in  
27 zone 1 and R-12 in zone 2 (R value includes insulation only);

28 (iv) Floors over unheated spaces insulated to a level of R-19 in  
29 zone 1 and R-30 in zone 2 (R value includes insulation only);

30 (v) Slab on grade floors insulated to a level of R-10 at the  
31 perimeter;

32 (vi) Heat pumps with a minimum heating season performance factor  
33 (HSPF) of 6.8 or with all other energy sources with a minimum annual  
34 fuel utilization efficiency (AFUE) of seventy-eight percent;

35 (vii) Double glazed windows with values not more than U-0.65 in  
36 zone 1 and U-0.60 in zone 2. The state building code council, in  
37 consultation with the department of community, trade, and economic  
38 development, shall review these U-values, and, if economically  
39 justified for consumers, shall amend the Washington state energy code

1 to improve the U-values by December 1, 1993. The amendment shall not  
2 take effect until July 1, 1994; and

3 (viii) In zone 1, the maximum glazing area shall be twenty-one  
4 percent of the floor area. In zone 2 the maximum glazing area shall be  
5 seventeen percent of the floor area. Throughout the state for the  
6 purposes of determining equivalent thermal performance, the maximum  
7 glazing area shall be fifteen percent of the floor area.

8 (c) The requirements of (b)(ii) of this subsection do not apply to  
9 residences with log or solid timber walls with a minimum average  
10 thickness of three and one-half inches and with space heat other than  
11 electric resistance.

12 (d) The state building code council may approve an energy code for  
13 pilot projects of residential construction that use innovative energy  
14 efficiency technologies intended to result in savings that are greater  
15 than those realized in the levels specified in this section.

16 (5) U-values for glazing shall be determined using the area  
17 weighted average of all glazing in the building. U-values for vertical  
18 glazing shall be determined, certified, and labeled in accordance with  
19 the appropriate national fenestration rating council (NFRC) standard,  
20 as determined and adopted by the state building code council.  
21 Certification of U-values shall be conducted by a certified,  
22 independent agency licensed by the NFRC. The state building code  
23 council may develop and adopt alternative methods of determining,  
24 certifying, and labeling U-values for vertical glazing that may be used  
25 by fenestration manufacturers if determined to be appropriate by the  
26 council. The state building code council shall review and consider the  
27 adoption of the NFRC standards for determining, certifying, and  
28 labeling U-values for doors and skylights when developed and published  
29 by the NFRC. The state building code council may develop and adopt  
30 appropriate alternative methods for determining, certifying, and  
31 labeling U-values for doors and skylights. U-values for doors and  
32 skylights determined, certified, and labeled in accordance with the  
33 appropriate NFRC standard shall be acceptable for compliance with the  
34 state energy code. Sealed insulation glass, where used, shall conform  
35 to, or be in the process of being tested for, ASTM E-774-81 class A or  
36 better.

37 (6) The minimum state energy code for new nonresidential buildings  
38 shall be the Washington state energy code, 1986 edition, as amended.

1 (7)(a) Except as provided in (b) of this subsection, the Washington  
2 state energy code for residential structures shall preempt the  
3 residential energy code of each city, town, and county in the state of  
4 Washington.

5 (b) The state energy code for residential structures does not  
6 preempt a city, town, or county's energy code for residential  
7 structures which exceeds the requirements of the state energy code and  
8 which was adopted by the city, town, or county prior to March 1, 1990.  
9 Such cities, towns, or counties may not subsequently amend their energy  
10 code for residential structures to exceed the requirements adopted  
11 prior to March 1, 1990.

12 (8) The state building code council shall consult with the  
13 department of community, trade, and economic development as provided in  
14 RCW 34.05.310 prior to publication of proposed rules. The department  
15 of community, trade, and economic development shall review the proposed  
16 rules for consistency with the guidelines adopted in subsection (4) of  
17 this section. The director of the department of community, trade, and  
18 economic development shall recommend to the state building code council  
19 any changes necessary to conform the proposed rules to the requirements  
20 of this section.

21 ~~((9) The state building code council shall conduct a study of~~  
22 ~~county and city enforcement of energy codes in the state. In~~  
23 ~~conducting the study, the council shall conduct public hearings at~~  
24 ~~designated council meetings to seek input from interested individuals~~  
25 ~~and organizations, and to the extent possible, hold these meetings in~~  
26 ~~conjunction with adopting rules under this section. The study shall~~  
27 ~~include recommendations as to how code enforcement may be improved.~~  
28 ~~The findings of the study shall be submitted in a report to the~~  
29 ~~legislature no later than January 1, 1991.~~

30 ~~(10) If any electric utility providing electric service to~~  
31 ~~customers in the state of Washington purchases at least one percent of~~  
32 ~~its firm energy load from a federal agency, pursuant to section~~  
33 ~~5.(b)(1) of the Pacific Northwest electric power planning and~~  
34 ~~conservation act (P.L. 96-501), and such utility is unable to obtain~~  
35 ~~from that agency at least fifty percent of the funds for payments~~  
36 ~~required by RCW 19.27A.035, the amendments to this section by chapter~~  
37 ~~2, Laws of 1990 shall be null and void, and the 1986 state energy code~~  
38 ~~shall be in effect, except that a city, town, or county may enforce a~~

1 ~~local energy code with more stringent energy requirements adopted prior~~  
2 ~~to March 1, 1990. This subsection shall expire June 30, 1995.))~~

3 **Sec. 9.** RCW 19.94.185 and 1995 c 355 s 8 are each amended to read  
4 as follows:

5 (1) Except as provided in subsection (2) of this section, all  
6 moneys collected under this chapter shall be payable to the director  
7 and placed in the weights and measures account hereby established in  
8 the agricultural local fund. Moneys deposited in this account shall be  
9 used solely for the purposes of implementing or enforcing this chapter.  
10 No appropriation is required for the disbursement of moneys from the  
11 weights and measures account by the director.

12 (2) Civil penalties collected by the department under RCW  
13 19.94.510, 19.94.515, and 19.94.517 shall be deposited in the state  
14 general fund.

15 ~~((3) By January 1st of each odd numbered year, the department~~  
16 ~~shall provide a written report on the amount of revenues by major~~  
17 ~~category received under this chapter, including the metrology~~  
18 ~~laboratory, for the administration of the weights and measures program~~  
19 ~~by the department. The report shall include the amount of revenue~~  
20 ~~generated for the two previous biennia, an estimate of the amount of~~  
21 ~~funds to be received during the current biennium, and an estimate of~~  
22 ~~the amount of funds to be generated during the next ensuing biennium.~~  
23 ~~The report shall be submitted to the office of financial management and~~  
24 ~~to each committee in the legislature with jurisdiction over programs~~  
25 ~~administered by the department in the house and the senate.))~~

26 **Sec. 10.** RCW 27.04.110 and 1991 c 91 s 1 are each amended to read  
27 as follows:

28 (1) The learn-in-libraries program is hereby created. The state  
29 library commission shall administer the program.

30 (2) The state library commission may provide grants, with funds  
31 appropriated for that purpose, to local libraries to develop and  
32 implement learn-in-library programs that provide after school and  
33 vacation programs for children. Grant applicants shall be encouraged  
34 to develop programs that use older adult volunteers and other community  
35 volunteer resources. The programs shall be designed to increase  
36 literacy, improve reading skills, encourage reading, and provide  
37 homework assistance for school-age children who would otherwise be

1 unsupervised. Applicants shall be encouraged to develop innovative  
2 models to provide services.

3 (3) In addition to grants provided under subsection (2) of this  
4 section, the state library commission may provide grants, with funds  
5 appropriated for that purpose, to local libraries to develop and  
6 implement other innovative programs for children throughout the year.  
7 Programs may be developed in cooperation with a school district and  
8 occur during the school day. Programs shall be designed to provide  
9 services to children or to help provide training to parents or other  
10 persons working with children in order to increase literacy, encourage  
11 reading, promote reading readiness, and improve reading and other  
12 learning skills. The commission shall encourage grant applicants to  
13 develop programs that use older adult volunteers and other community  
14 volunteer resources and to develop innovative models to provide  
15 services.

16 ~~((4) The state library commission shall report to the legislature  
17 on the results of the program by December 1, 1991.))~~

18 **Sec. 11.** RCW 28A.300.300 and 1996 c 273 s 4 are each amended to  
19 read as follows:

20 (1) After effective programs have been identified in accordance  
21 with RCW 28A.300.290, the center for the improvement of student  
22 learning, or its designee, shall provide information and take other  
23 appropriate steps to inform elementary school teachers, principals,  
24 curriculum directors, superintendents, school board members, college  
25 and university reading instruction faculty, and others of its findings.

26 (2) The center, in cooperation with state-wide organizations  
27 interested in improving literacy, also shall develop and implement  
28 strategies to improve reading instruction in the state, with a special  
29 emphasis on the instruction of reading in the primary grades using the  
30 effective reading programs that have been identified in accordance with  
31 RCW 28A.300.290. The strategies may include, but should not be limited  
32 to, expanding and improving reading instruction of elementary school  
33 teachers in teacher preparation programs, expanded in-service training  
34 in reading instruction, the training of paraprofessionals and  
35 volunteers in reading instruction, improving classroom-based assessment  
36 of reading, and increasing state-wide and regional technical assistance  
37 in reading instruction.



1       ~~((3) The center shall submit a status report to appropriate~~  
2 ~~committees of the legislature by December 31, 1996, regarding its~~  
3 ~~efforts to implement RCW 28A.300.290 and subsections (1) and (2) of~~  
4 ~~this section. The report shall include a description of safeguards~~  
5 ~~enacted to ensure the integrity and objectivity of the assistance and~~  
6 ~~advice provided by the center.))~~

7       **Sec. 12.** RCW 28A.415.260 and 1993 c 336 s 402 are each amended to  
8 read as follows:

9       (1) To the extent specific funds are appropriated for the pilot  
10 program in this section, the superintendent of public instruction shall  
11 establish a pilot program to support the pairing of full-time mentor  
12 teachers with experienced teachers who are having difficulties and  
13 full-time mentor teachers with beginning teachers under RCW  
14 28A.415.250.

15       ~~(2) ((The superintendent of public instruction shall submit a~~  
16 ~~report to the legislature by December 31, 1995, with findings about the~~  
17 ~~pilot program. The report shall include an analysis of the~~  
18 ~~effectiveness of the pilot program in the remediation of teachers~~  
19 ~~having difficulties, recommendations regarding continuing the program,~~  
20 ~~and recommendations on new procedures under chapter 28A.405 RCW~~  
21 ~~regarding teachers who have not shown sufficient progress in the area~~  
22 ~~or areas of teaching skills needing improvement.~~

23       ~~(3))~~ The superintendent of public instruction shall appoint an  
24 oversight committee, which shall include teachers and administrators  
25 from the pilot districts, that shall be involved in the evaluation of  
26 the pilot program under this section.

27       ~~((4))~~ (3) The superintendent of public instruction shall adopt  
28 rules as necessary under chapter 34.05 RCW to implement the pilot  
29 program established under subsection (1) of this section.

30       **Sec. 13.** RCW 28A.630.825 and 1994 c 13 s 4 are each amended to  
31 read as follows:

32       The superintendent of public instruction shall:

33       (1) Approve fifteen to twenty-five demonstration projects in  
34 individual school districts and cooperatives, including at least seven  
35 projects approved after the effective date of this section;

36       (2) Make awards for in-service training of teachers and other  
37 staff;

- 1 (3) Provide technical assistance;
- 2 (4) Grant waivers from state rules needed to implement the  
3 projects, or request such waivers to be granted by the appropriate  
4 agency;
- 5 (5) Perform or contract for an evaluation of the projects; and
- 6 (6) Confer on the evaluation design with the selection advisory  
7 committee(~~(; and~~
- 8 ~~(7) Submit to the legislature an interim report on the evaluation~~  
9 ~~by December 31, 1993, and a final report by December 31, 1995))~~).

10 **Sec. 14.** RCW 28B.10.887 and 1987 c 147 s 8 are each amended to  
11 read as follows:

12 ~~((1))~~ After consulting with the higher education coordinating  
13 board and the state four-year institutions of higher education, the  
14 governor may transfer the administration of this program to another  
15 agency which has an appropriate educationally related mission.

16 ~~((2) By December 1, 1989, the higher education coordinating board~~  
17 ~~and any agency administering this program, if applicable, shall make~~  
18 ~~recommendations to the governor and the legislature on any needed~~  
19 ~~changes in the program.))~~

20 **Sec. 15.** RCW 28B.125.010 and 1993 c 492 s 270 are each amended to  
21 read as follows:

22 (1) The higher education coordinating board, the state board for  
23 community and technical colleges, the superintendent of public  
24 instruction, the state department of health, the Washington health  
25 services commission, and the state department of social and health  
26 services, to be known for the purposes of this section as the  
27 committee, shall establish a state-wide health personnel resource plan.  
28 The governor shall appoint a lead agency from one of the agencies on  
29 the committee.

30 In preparing the state-wide plan the committee shall consult with  
31 the training and education institutions affected by this chapter,  
32 health care providers, employers of health care providers, insurers,  
33 consumers of health care, and other appropriate entities.

34 Should a successor agency or agencies be authorized or created by  
35 the legislature with planning, coordination, or administrative  
36 authority over vocational-technical schools, community colleges, or  
37 four-year higher education institutions, the governor shall grant

1 membership on the committee to such agency or agencies and remove the  
2 member or members it replaces.

3 The committee shall appoint subcommittees for the purpose of  
4 assisting in the development of the institutional plans required under  
5 this chapter. Such subcommittees shall at least include those  
6 committee members that have statutory responsibility for planning,  
7 coordination, or administration of the training and education  
8 institutions for which the institutional plans are being developed. In  
9 preparing the institutional plans for four-year institutes of higher  
10 education, the subcommittee shall be composed of at least the higher  
11 education coordinating board and the state's four-year higher education  
12 institutions. The appointment of subcommittees to develop portions of  
13 the state-wide plan shall not relinquish the committee's responsibility  
14 for assuring overall coordination, integration, and consistency of the  
15 state-wide plan.

16 In establishing and implementing the state-wide health personnel  
17 resource plan the committee shall, to the extent possible, utilize  
18 existing data and information, personnel, equipment, and facilities and  
19 shall minimize travel and take such other steps necessary to reduce the  
20 administrative costs associated with the preparation and implementation  
21 of the plan.

22 (2) The state-wide health resource plan shall include at least the  
23 following:

24 (a)(i) Identification of the type, number, and location of the  
25 health care professional work force necessary to meet health care needs  
26 of the state.

27 (ii) A description and analysis of the composition and numbers of  
28 the potential work force available for meeting health care service  
29 needs of the population to be used for recruitment purposes. This  
30 should include a description of the data, methodology, and process used  
31 to make such determinations.

32 (b) A centralized inventory of the numbers of student applications  
33 to higher education and vocational-technical training and education  
34 programs, yearly enrollments, yearly degrees awarded, and numbers on  
35 waiting lists for all the state's publicly funded health care training  
36 and education programs. The committee shall request similar  
37 information for incorporation into the inventory from private higher  
38 education and vocational-technical training and education programs.

1 (c) A description of state-wide and local specialized provider  
2 training needs to meet the health care needs of target populations and  
3 a plan to meet such needs in a cost-effective and accessible manner.

4 (d) A description of how innovative, cost-effective technologies  
5 such as telecommunications can and will be used to provide higher  
6 education, vocational-technical, continued competency, and skill  
7 maintenance and enhancement education and training to placebound  
8 students who need flexible programs and who are unable to attend  
9 institutions for training.

10 (e) A strategy for assuring higher education and vocational-  
11 technical educational and training programming is sensitive to the  
12 changing work force such as reentry workers, women, minorities, and the  
13 disabled.

14 (f) Strategies to increase the number of persons of color in the  
15 health professions. Such strategies shall incorporate, to the extent  
16 possible, federal and state assistance programs for health career  
17 development, including those for American Indians, economically  
18 disadvantaged persons, physically challenged persons, and persons of  
19 color.

20 (g) A strategy and coordinated state-wide policy developed by the  
21 subcommittees authorized in subsection (1) of this section for  
22 increasing the number of graduates intending to serve in shortage areas  
23 after graduation, including such strategies as the establishment of  
24 preferential admissions and designated enrollment slots.

25 (h) Guidelines and policies developed by the subcommittees  
26 authorized in subsection (1) of this section for allowing academic  
27 credit for on-the-job experience such as internships, volunteer  
28 experience, apprenticeships, and community service programs.

29 (i) A strategy developed by the subcommittees authorized in  
30 subsection (1) of this section for making required internships and  
31 residency programs available that are geographically accessible and  
32 sufficiently diverse to meet both general and specialized training  
33 needs as identified in the plan when such programs are required.

34 (j) A description of the need for multiskilled health care  
35 professionals and an implementation plan to restructure educational and  
36 training programming to meet these needs.

37 (k) An analysis of the types and estimated numbers of health care  
38 personnel that will need to be recruited from out-of-state to meet the  
39 health professional needs not met by in-state trained personnel.

1 (l) An analysis of the need for educational articulation within the  
2 various health care disciplines and a plan for addressing the need.

3 (m) An analysis of the training needs of those members of the long-  
4 term care profession that are not regulated and that have no formal  
5 training requirements. Programs to meet these needs should be  
6 developed in a cost-effective and a state-wide accessible manner that  
7 provide for the basic training needs of these individuals.

8 (n) A designation of the professions and geographic locations in  
9 which loan repayment and scholarships should be available based upon  
10 objective data-based forecasts of health professional shortages. A  
11 description of the criteria used to select professions and geographic  
12 locations shall be included. Designations of professions and  
13 geographic locations may be amended by the department of health when  
14 circumstances warrant as provided for in RCW 28B.115.070.

15 (o) A description of needed changes in regulatory laws governing  
16 the credentialing of health professionals.

17 (p) A description of linguistic and cultural training needs of  
18 foreign-trained health care professionals to assure safe and effective  
19 practice of their health care profession.

20 (q) A plan to implement the recommendations of the state-wide  
21 nursing plan authorized by RCW 74.39.040.

22 (r) A description of criteria and standards that institutional  
23 plans provided for in this section must address in order to meet the  
24 requirements of the state-wide health personnel resource plan,  
25 including funding requirements to implement the plans. The committee  
26 shall also when practical identify specific outcome measures to measure  
27 progress in meeting the requirements of this plan. The criteria and  
28 standards shall be established in a manner as to provide flexibility to  
29 the institutions in meeting state-wide plan requirements. The  
30 committee shall establish required submission dates for the  
31 institutional plans that permit inclusion of funding requests into the  
32 institutions budget requests to the state.

33 (s) A description of how the higher education coordinating board,  
34 state board for community and technical colleges, superintendent of  
35 public instruction, department of health, and department of social and  
36 health services coordinated in the creation and implementation of the  
37 state plan including the areas of responsibility each agency shall  
38 assume. The plan should also include a description of the steps taken  
39 to assure participation by the groups that are to be consulted with.

1 (t) A description of the estimated fiscal requirements for  
2 implementation of the state-wide health resource plan that include a  
3 description of cost saving activities that reduce potential costs by  
4 avoiding administrative duplication, coordinating programming  
5 activities, and other such actions to control costs.

6 (3) The committee may call upon other agencies of the state to  
7 provide available information to assist the committee in meeting the  
8 responsibilities under this chapter. This information shall be  
9 supplied as promptly as circumstances permit.

10 (4) State agencies involved in the development and implementation  
11 of the plan shall to the extent possible utilize existing personnel and  
12 financial resources in the development and implementation of the state-  
13 wide health personnel resource plan.

14 ~~(5) ((The state-wide health personnel resource plan shall be  
15 submitted to the governor by July 1, 1992, and updated by July 1 of  
16 each even-numbered year. The governor, no later than December 1 of  
17 that year, shall approve, approve with modifications, or disapprove the  
18 state-wide health resource plan.~~

19 ~~(6) The approved state-wide health resource plan shall be submitted  
20 to the senate and house of representatives committees on health care,  
21 higher education, and ways and means or appropriations by December 1 of  
22 each even-numbered year.~~

23 ~~(7))~~ Implementation of the state-wide plan shall begin by July 1,  
24 1993.

25 ~~((8) Notwithstanding subsections (5) and (7) of this section, the  
26 committee shall prepare and submit to the higher education coordinating  
27 board by June 1, 1992, the analysis necessary for the initial  
28 implementation of the health professional loan repayment and  
29 scholarship program created in chapter 28B.115 RCW.~~

30 ~~(9))~~ (6) Each publicly funded two-year and four-year institute of  
31 higher education authorized under Title 28B RCW and vocational-  
32 technical institution authorized under Title 28A RCW that offers health  
33 training and education programs shall biennially prepare and submit an  
34 institutional plan to the committee. The institutional plan shall  
35 identify specific programming and activities of the institution that  
36 meet the requirements of the state-wide health professional resource  
37 plan.

38 The committee shall review and assess whether the institutional  
39 plans meet the requirements of the state-wide health personnel resource

1 plan and shall prepare a report with its determination. The report  
2 shall become part of the institutional plan and shall be submitted to  
3 the governor and the legislature.

4 The institutional plan shall be included with the institution's  
5 biennial budget submission. The institution's budget shall identify  
6 proposed spending to meet the requirements of the institutional plan.  
7 Each vocational-technical institution, college, or university shall be  
8 responsible for implementing its institutional plan.

9 **Sec. 16.** RCW 28B.20.130 and 1985 c 370 s 92 are each amended to  
10 read as follows:

11 General powers and duties of the board of regents are as follows:

12 (1) To have full control of the university and its property of  
13 various kinds, except as otherwise provided by law.

14 (2) To employ the president of the university, his or her  
15 assistants, members of the faculty, and employees of the institution,  
16 who except as otherwise provided by law, shall hold their positions  
17 during the pleasure of said board of regents.

18 (3) Establish entrance requirements for students seeking admission  
19 to the university which meet or exceed the standards specified under  
20 RCW 28B.80.350(2). Completion of examinations satisfactory to the  
21 university may be a prerequisite for entrance by any applicant at the  
22 university's discretion. Evidence of completion of public high schools  
23 and other educational institutions whose courses of study meet the  
24 approval of the university may be acceptable for entrance.

25 (4) Establish such colleges, schools, or departments necessary to  
26 carry out the purpose of the university and not otherwise proscribed by  
27 law.

28 (5) With the assistance of the faculty of the university, prescribe  
29 the course of study in the various colleges, schools, and departments  
30 of the institution and publish the necessary catalogues thereof.

31 (6) Grant to students such certificates or degrees as recommended  
32 for such students by the faculty. The board, upon recommendation of  
33 the faculty, may also confer honorary degrees upon persons other than  
34 graduates of this university in recognition of their learning or  
35 devotion to literature, art, or science: PROVIDED, That no degree  
36 shall ever be conferred in consideration of the payment of money or the  
37 giving of property of whatsoever kind.

1 (7) Accept such gifts, grants, conveyances, bequests, and devises,  
2 whether real or personal property, or both, in trust or otherwise, for  
3 the use or benefit of the university, its colleges, schools,  
4 departments, or agencies; and sell, lease or exchange, invest or expend  
5 the same or the proceeds, rents, profits, and income thereof except as  
6 limited by the terms of said gifts, grants, conveyances, bequests, and  
7 devises. The board shall adopt proper rules to govern and protect the  
8 receipt and expenditure of the proceeds of all fees, and the proceeds,  
9 rents, profits, and income of all gifts, grants, conveyances, bequests,  
10 and devises above-mentioned(~~(, and shall make full report of the same  
11 in the customary biennial report to the governor and members of the  
12 legislature, or more frequently if required by law: PROVIDED, HOWEVER,  
13 That nothing herein contained shall be construed to repeal, amend or in  
14 any way modify any of the provisions of RCW 28B.20.380))~~).

15 (8) Except as otherwise provided by law, to enter into such  
16 contracts as the regents deem essential to university purposes.

17 (9) To submit upon request such reports as will be helpful to the  
18 governor and to the legislature in providing for the institution.

19 (10) Subject to the approval of the higher education coordinating  
20 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-  
21 campus programs, participate in consortia or centers, contract for off-  
22 campus educational programs, and purchase or lease major off-campus  
23 facilities.

24 **Sec. 17.** RCW 28B.20.382 and 1996 c 288 s 27 are each amended to  
25 read as follows:

26 Until authorized and empowered to do so by statute of the  
27 legislature, the board of regents of the university, with respect to  
28 that certain tract of land in the city of Seattle originally known as  
29 the "old university grounds" and more recently known as the  
30 "metropolitan tract" and any land contiguous thereto, shall not sell  
31 the land or any part thereof or any improvement thereon, or lease the  
32 land or any part thereof or any improvement thereon or renew or extend  
33 any lease thereof for a term ending more than sixty years beyond  
34 midnight, December 31, 1980. Any sale of the land or any part thereof  
35 or any improvement thereon, or any lease or renewal or extension of any  
36 lease of the land or any part thereof or any improvement thereon for a  
37 term ending more than sixty years after midnight, December 31, 1980,  
38 made or attempted to be made by the board of regents shall be null and



1 void unless and until the same has been approved or ratified and  
2 confirmed by legislative act.

3 The board of regents shall have power from time to time to lease  
4 the land, or any part thereof or any improvement thereon for a term  
5 ending not more than sixty years beyond midnight, December 31, 1980:  
6 (~~PROVIDED, That the board of regents shall make a full, detailed~~  
7 ~~report of all leases and transactions pertaining to the land or any~~  
8 ~~part thereof or any improvement thereon to the joint legislative audit~~  
9 ~~and review committee, including one copy to the staff of the committee,~~  
10 ~~during an odd numbered year:)) PROVIDED ((FURTHER)), That any and all  
11 records, books, accounts, and agreements of any lessee or sublessee  
12 under this section, pertaining to compliance with the terms and  
13 conditions of such lease or sublease, shall be open to inspection by  
14 the board of regents, the ways and means committee of the senate, the  
15 appropriations committee of the house of representatives, and the joint  
16 legislative audit and review committee or any successor committees. It  
17 is not intended by this proviso that unrelated records, books,  
18 accounts, and agreements of lessees, sublessees, or related companies  
19 be open to such inspection.~~

20 **Sec. 18.** RCW 28B.25.020 and 1996 c 110 s 1 are each amended to  
21 read as follows:

22 (1) The joint center shall have authority over all fiscal  
23 activities related to the land and facilities known as the Riverpoint  
24 higher education park subject to the approval of the higher education  
25 coordinating board pursuant to RCW 28B.80.330 through 28B.80.350.

26 (2) The joint center for higher education shall coordinate all  
27 baccalaureate and graduate degree programs, and all other courses and  
28 programs offered in the Spokane area by Washington State University and  
29 by Eastern Washington University outside of its Cheney campus. The  
30 joint center for higher education shall not coordinate the  
31 intercollegiate center for nursing. The joint center for higher  
32 education may mediate disagreements among institutions about degree  
33 programs or courses.

34 (3) The joint center for higher education shall coordinate the  
35 following higher education activities in the Spokane area outside of  
36 the Eastern Washington University Cheney campus:

37 (a) Articulation between lower division and upper division  
38 programs;

1 (b) The participation of Washington State University and Eastern  
2 Washington University in joint academic degree programs with Gonzaga  
3 University and Whitworth College and in joint academic degree programs  
4 with each other;

5 (c) All contractual negotiations between public and independent  
6 colleges and universities; and

7 (d) Programs offered through the intercollegiate research and  
8 technology institute created by RCW 28B.10.060.

9 (4) The participating institutions in the joint center for higher  
10 education shall maintain jurisdiction over the content of the course  
11 offerings and the entitlement to degrees. However, before any degree  
12 program is authorized under this section, it shall be subject to review  
13 and approval of the higher education coordinating board.

14 (5) The joint center shall develop a master plan for the  
15 Riverpoint higher education park. The plan shall be developed in  
16 cooperation with the participating institutions (~~and submitted to the~~  
17 ~~higher education coordinating board, legislature, and office of~~  
18 ~~financial management~~)).

19 (6) The joint center shall adopt rules as necessary to implement  
20 this chapter.

21 (7) Title to or all interest in real estate and other assets,  
22 including but not limited to assignable contracts, cash, equipment,  
23 buildings, facilities, and appurtenances thereto held as of July 1,  
24 1991, shall vest in the joint center for higher education.

25 **Sec. 19.** RCW 28B.30.150 and 1985 c 370 s 93 are each amended to  
26 read as follows:

27 The regents of Washington State University, in addition to other  
28 duties prescribed by law, shall:

29 (1) Have full control of the university and its property of various  
30 kinds, except as otherwise provided by law.

31 (2) Employ the president of the university, his or her assistants,  
32 members of the faculty, and employees of the university, who, except as  
33 otherwise provided by law, shall hold their positions during the  
34 pleasure of said board of regents.

35 (3) Establish entrance requirements for students seeking admission  
36 to the university which meet or exceed the standards specified under  
37 RCW 28B.80.350(2). Completion of examinations satisfactory to the  
38 university may be a prerequisite for entrance by any applicant, at the

1 university's discretion. Evidence of completion of public high schools  
2 and other educational institutions whose courses of study meet the  
3 approval of the university may be acceptable for entrance.

4 (4) Establish such colleges, schools, or departments necessary to  
5 carry out the purpose of the university and not otherwise proscribed by  
6 law.

7 (5) Subject to the approval of the higher education coordinating  
8 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-  
9 campus programs, participate in consortia or centers, contract for off-  
10 campus educational programs, and purchase or lease major off-campus  
11 facilities.

12 (6) With the assistance of the faculty of the university, prescribe  
13 the courses of instruction in the various colleges, schools, and  
14 departments of the institution and publish the necessary catalogues  
15 thereof.

16 (7) Collect such information as the board deems desirable as to the  
17 schemes of technical instruction adopted in other parts of the United  
18 States and foreign countries.

19 (8) Provide for holding agricultural institutes including farm  
20 marketing forums.

21 (9) Provide that instruction given in the university, as far as  
22 practicable, be conveyed by means of laboratory work and provide in  
23 connection with the university one or more physical, chemical, and  
24 biological laboratories, and suitably furnish and equip the same.

25 (10) Provide training in military tactics for those students  
26 electing to participate therein.

27 (11) Establish a department of elementary science and in connection  
28 therewith provide instruction in elementary mathematics, including  
29 elementary trigonometry, elementary mechanics, elementary and  
30 mechanical drawing, and land surveying.

31 (12) Establish a department of agriculture and in connection  
32 therewith provide instruction in physics with special application of  
33 its principles to agriculture, chemistry with special application of  
34 its principles to agriculture, morphology and physiology of plants with  
35 special reference to common grown crops and fungus enemies, morphology  
36 and physiology of the lower forms of animal life, with special  
37 reference to insect pests, morphology and physiology of the higher  
38 forms of animal life and in particular of the horse, cow, sheep, and  
39 swine, agriculture with special reference to the breeding and feeding

1 of livestock and the best mode of cultivation of farm produce, and  
2 mining and metallurgy, appointing demonstrators in each of these  
3 subjects to superintend the equipment of a laboratory and to give  
4 practical instruction therein.

5 (13) Establish agricultural experiment stations in connection with  
6 the department of agriculture, including at least one in the western  
7 portion of the state, and appoint the officers and prescribe  
8 regulations for their management.

9 (14) Grant to students such certificates or degrees, as recommended  
10 for such students by the faculty.

11 (15) Confer honorary degrees upon persons other than graduates of  
12 the university in recognition of their learning or devotion to  
13 literature, art, or science when recommended thereto by the faculty:  
14 PROVIDED, That no degree shall ever be conferred in consideration of  
15 the payment of money or the giving of property of whatsoever kind.

16 (16) Adopt plans and specifications for university buildings and  
17 facilities or improvements thereto and employ skilled architects and  
18 engineers to prepare such plans and specifications and supervise the  
19 construction of buildings or facilities which the board is authorized  
20 to erect, and fix the compensation for such services. The board shall  
21 enter into contracts with one or more contractors for such suitable  
22 buildings, facilities, or improvements as the available funds will  
23 warrant, upon the most advantageous terms offered at a public  
24 competitive letting, pursuant to public notice under (~~regulations~~)  
25 rules established by the board. The board shall require of all persons  
26 with whom they contract for construction and improvements a good and  
27 sufficient bond for the faithful performance of the work and full  
28 protection against all liens.

29 (17) Except as otherwise provided by law, direct the disposition of  
30 all money appropriated to or belonging to the state university.

31 (18) Receive and expend the money appropriated under the act of  
32 congress approved May 8, 1914, entitled "An Act to provide for  
33 cooperative agricultural extension work between the agricultural  
34 colleges in the several States receiving the benefits of the Act of  
35 Congress approved July 2, 1862, and Acts supplemental thereto and the  
36 United States Department of Agriculture" and organize and conduct  
37 agricultural extension work in connection with the state university in  
38 accordance with the terms and conditions expressed in the acts of  
39 congress.

1 (19) Except as otherwise provided by law, to enter into such  
2 contracts as the regents deem essential to university purposes.

3 (20) Acquire by lease, gift, or otherwise, lands necessary to  
4 further the work of the university or for experimental or  
5 demonstrational purposes.

6 (21) Establish and maintain at least one agricultural experiment  
7 station in an irrigation district to conduct investigational work upon  
8 the principles and practices of irrigational agriculture including the  
9 utilization of water and its relation to soil types, crops, climatic  
10 conditions, ditch and drain construction, fertility investigations,  
11 plant disease, insect pests, marketing, farm management, utilization of  
12 fruit byproducts, and general development of agriculture under  
13 irrigation conditions.

14 (22) Supervise and control the agricultural experiment station at  
15 Puyallup.

16 (23) Establish and maintain at Wenatchee an agricultural experiment  
17 substation for the purpose of conducting investigational work upon the  
18 principles and practices of orchard culture, spraying, fertilization,  
19 pollenization, new fruit varieties, fruit diseases and pests,  
20 byproducts, marketing, management, and general horticultural problems.

21 (24) Accept such gifts, grants, conveyances, devises, and bequests,  
22 whether real or personal property, in trust or otherwise, for the use  
23 or benefit of the university, its colleges, schools, or departments;  
24 and sell, lease or exchange, invest or expend the same or the proceeds,  
25 rents, profits, and income thereof except as limited by the terms of  
26 said gifts, grants, conveyances, bequests, and devises; and adopt  
27 proper rules to govern and protect the receipt and expenditure of the  
28 proceeds of all fees, and the proceeds, rents, profits, and income of  
29 all gifts, grants, conveyances, bequests, and devises(~~(, and make full~~  
30 ~~report thereof in a biennial report to the governor and members of the~~  
31 ~~legislature))~~).

32 (25) Construct when the board so determines a new foundry and a  
33 mining, physical, technological building, and fabrication shop at the  
34 university, or add to the present foundry and other buildings, in order  
35 that both instruction and research be expanded to include permanent  
36 molding and die casting with a section for new fabricating techniques,  
37 especially for light metals, including magnesium and aluminum; purchase  
38 equipment for the shops and laboratories in mechanical, electrical, and  
39 civil engineering; establish a pilot plant for the extraction of

1 alumina from native clays and other possible light metal research;  
2 purchase equipment for a research laboratory for technological research  
3 generally; and purchase equipment for research in electronics,  
4 instrumentation, energy sources, plastics, food technology, mechanics  
5 of materials, hydraulics, and similar fields.

6 (26) Make and transmit to the governor and members of the  
7 legislature upon request such reports as will be helpful in providing  
8 for the institution.

9 **Sec. 20.** RCW 28B.30.537 and 1995 c 399 s 28 are each amended to  
10 read as follows:

11 The IMPACT center shall:

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

15 (a) The design and development of information and strategies to  
16 expand the long-term international markets for Washington agricultural  
17 products; and

18 (b) The dissemination of such information and strategies to  
19 Washington exporters, overseas users, and public and private trade  
20 organizations;

21 (2) Research and identify current impediments to increased exports  
22 of Washington agricultural products, and determine methods of  
23 surmounting those impediments and opportunities for exporting new  
24 agricultural products and commodities to foreign markets;

25 (3) Prepare curricula to present and distribute information  
26 concerning international trade in agricultural commodities and products  
27 to students, exporters, international traders, and the public;

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

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

35 (6) Link itself through cooperative agreements with the center for  
36 international trade in forest products at the University of Washington,  
37 the state department of agriculture, the department of community,  
38 trade, and economic development, Washington's agriculture businesses

1 and associations, and other state agency data collection, processing,  
2 and dissemination efforts(~~(; and~~  
3 ~~(7) Subject to RCW 40.07.040, report biennially to the governor and~~  
4 ~~the legislature on the IMPACT center, state agricultural commodities~~  
5 ~~marketing programs, and the center's success in obtaining nonstate~~  
6 ~~funding for its operation)).~~

7 **Sec. 21.** RCW 28B.50.259 and 1993 sp.s. c 18 s 32 are each amended  
8 to read as follows:

9 (1) The state board for community and technical colleges shall  
10 administer a program designed to provide higher education opportunities  
11 to dislocated forest products workers and their unemployed spouses who  
12 are enrolled in a community or technical college for ten or more credit  
13 hours per quarter. In administering the program, the college board  
14 shall have the following powers and duties:

15 (a) With the assistance of an advisory committee, design a  
16 procedure for selecting dislocated forest products workers to  
17 participate in the program;

18 (b) Allocate funding to community and technical colleges attended  
19 by participants; and

20 (c) Monitor the program and report on participants' progress and  
21 outcomes(~~(; and~~

22 ~~(d) Report to the legislature by December 1, 1993, on the status of~~  
23 ~~the program)).~~

24 (2) Unemployed spouses of eligible dislocated forest products  
25 workers may participate in the program, but tuition and fees may be  
26 waived under the program only for the worker or the spouse and not  
27 both.

28 (3) Subject to the limitations of RCW 28B.15.910, the governing  
29 boards of the community and technical colleges may waive all or a  
30 portion of tuition and fees for program participants, for a maximum of  
31 six quarters within a two-year period.

32 (4) During any biennium, the number of full-time equivalent  
33 students to be served in this program shall be determined by the  
34 applicable omnibus appropriations act, and shall be in addition to the  
35 community college enrollment level funded by the applicable omnibus  
36 appropriations act.

1       **Sec. 22.** RCW 28B.65.050 and 1995 c 399 s 30 are each amended to  
2 read as follows:

3       (1) The board shall oversee, coordinate, and evaluate the high-  
4 technology programs.

5       (2) The board shall:

6       (a) Determine the specific high-technology occupational fields in  
7 which technical training is needed and advise the institutions of  
8 higher education and the higher education coordinating board on their  
9 findings;

10       (b) Identify economic areas and high-technology industries in need  
11 of technical training and research and development critical to economic  
12 development and advise the institutions of higher education and the  
13 higher education coordinating board on their findings;

14       (c) Oversee and coordinate the Washington high-technology education  
15 and training program to (~~insure~~) ensure high standards, efficiency,  
16 and effectiveness;

17       (d) Work cooperatively with the superintendent of public  
18 instruction to identify the skills prerequisite to the high-technology  
19 programs in the institutions of higher education;

20       (e) Work cooperatively with and provide any information or advice  
21 which may be requested by the higher education coordinating board  
22 during the board's review of new baccalaureate degree program proposals  
23 which are submitted under this chapter. Nothing in this chapter shall  
24 be construed as altering or superseding the powers or prerogatives of  
25 the higher education coordinating board over the review of new degree  
26 programs as established in section 6(2) of this 1985 act;

27       (f) Work cooperatively with the department of community, trade, and  
28 economic development to identify the high-technology education and  
29 training needs of existing Washington businesses and businesses with  
30 the potential to locate in Washington;

31       (g) Work towards increasing private sector participation and  
32 contributions in Washington high-technology programs;

33       (h) Identify and evaluate the effectiveness of state sponsored  
34 research related to high technology; and

35       (i) Establish and maintain a plan, including priorities, to guide  
36 high-technology program development in public institutions of higher  
37 education, which plan shall include an assessment of current high-  
38 technology programs, steps to increase existing programs, new  
39 initiatives and programs necessary to promote high technology, and



1 methods to coordinate and target high-technology programs to changing  
2 market opportunities in business and industry(~~(i) and~~

3 ~~(j) Prepare and submit to the legislature before the first day of~~  
4 ~~each regular session an annual report on Washington high technology~~  
5 ~~programs including, but not limited to:~~

6 ~~(i) An evaluation of each program;~~

7 ~~(ii) A determination of the feasibility of expanding the program;~~  
8 ~~and~~

9 ~~(iii) Recommendations, including recommendations for further~~  
10 ~~legislation as the board deems necessary)).~~

11 (3) The board may adopt rules under chapter 34.05 RCW as it deems  
12 necessary to carry out the purposes of this chapter.

13 (4) The board shall cease to exist on June 30, 1987, unless  
14 extended by law for an additional fixed period of time.

15 **Sec. 23.** RCW 28B.80.280 and 1985 c 370 s 27 are each amended to  
16 read as follows:

17 The board shall, in cooperation with the state institutions of  
18 higher education and the state board for community and technical  
19 colleges (~~(education)~~), establish and maintain a state-wide transfer of  
20 credit policy and agreement. The policy and agreement shall, where  
21 feasible, include course and program descriptions consistent with  
22 state-wide interinstitutional guidelines. The institutions of higher  
23 education shall provide support and staff resources as necessary to  
24 assist in developing and maintaining this policy and agreement. The  
25 state-wide transfer of credit policy and agreement shall be effective  
26 beginning with the 1985-86 academic year. (~~(The board shall report on~~  
27 ~~developments toward that objective at the 1987 regular session of the~~  
28 ~~legislature.)~~)

29 **Sec. 24.** RCW 28B.80.360 and 1995 1st sp.s. c 9 s 12 are each  
30 amended to read as follows:

31 The board shall perform the following administrative  
32 responsibilities:

33 (1) Administer the programs set forth in the following statutes:  
34 RCW 28A.600.100 through 28A.600.150 (Washington scholars); chapter  
35 28B.04 RCW (displaced homemakers); chapter 28B.85 RCW (degree-granting  
36 institutions); RCW 28B.10.210 through 28B.10.220 (blind students  
37 subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid

1 program); chapter 28B.12 RCW (work study); RCW 28B.15.067 (establishing  
2 tuition and fees); RCW 28B.15.543 (tuition waivers for Washington  
3 scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans);  
4 RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW  
5 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal  
6 programs).

7 (2) Study the delegation of the administration of the following:  
8 RCW 28B.65.040 through 28B.65.060 (high-technology board); chapter  
9 28B.85 RCW (degree-granting institutions); RCW 28B.80.150 through  
10 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state  
11 commission for federal law purposes); RCW 28B.80.210 (enumerated  
12 federal programs); RCW 28B.80.230 (receipt of federal funds); RCW  
13 28B.80.240 (student financial aid programs); RCW 28A.600.120 through  
14 28A.600.150 (Washington scholars); RCW 28B.15.543 (Washington  
15 scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers);  
16 RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790,  
17 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid);  
18 RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100  
19 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon  
20 reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity);  
21 RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW  
22 28B.15.760 through 28B.15.764 (math/science loans). (~~The board shall  
23 report the results of its study and recommendations to the  
24 legislature.~~)

25 **Sec. 25.** RCW 28B.80.612 and 1993 c 363 s 3 are each amended to  
26 read as follows:

27 In cooperation with institutions of higher education, the state  
28 board for community and technical colleges, and appropriate state and  
29 local agencies, the higher education coordinating board may identify  
30 methods to reduce administrative barriers to efficient institutional  
31 operations. These methods may include waivers of statutory  
32 requirements and administrative rules. (~~The higher education  
33 coordinating board shall report to the governor and appropriate  
34 legislative committees its recommendations for any statutory changes  
35 necessary to enhance institutional efficiencies.~~) In cooperation with  
36 affected institutions, the board shall work with appropriate agencies  
37 to reduce administrative barriers that do not require statutory  
38 changes.

1       **Sec. 26.** RCW 29.04.200 and 1991 c 363 s 30 are each amended to  
2 read as follows:

3       (1) Beginning January 1, 1993, no voting device or machine may be  
4 used in a county with a population of seventy thousand or more to  
5 conduct a primary or general or special election in this state unless  
6 it correctly records on a separate ballot the votes cast by each  
7 elector for any person and for or against any measure and such separate  
8 ballots are available for audit purposes after such a primary or  
9 election.

10       (2) Beginning January 1, 1993, the secretary of state shall not  
11 certify under this title any voting device or machine for use in  
12 conducting a primary or general or special election in this state  
13 unless the device or machine correctly records on a separate ballot the  
14 votes cast by each elector for any person and for or against any  
15 measure and such separate ballots are available for audit purposes  
16 after such a primary or election.

17       (3) Beginning January 1, 1993, a county with a population of less  
18 than seventy thousand may use a voting machine or device for conducting  
19 a primary or general or special election which does not record on a  
20 separate ballot, available for audit purposes after the primary or  
21 election, the votes cast by each elector for any person and for or  
22 against any measure if:

23       (a) The device was certified under this title before January 1,  
24 1993, for use in this state;

25       (b) The device otherwise satisfies the requirements of this title;  
26 and

27       (c) Not more than twenty percent of the votes cast during any  
28 primary or general or special election conducted after January 1, 1998,  
29 in the county are cast using such a machine or device.

30       (4) The purpose of subsection (3) of this section is to permit less  
31 populous counties to replace voting equipment in stages over several  
32 years. These less populous counties are, nonetheless, encouraged to  
33 secure as expeditiously as possible voting equipment which would  
34 satisfy the requirements of subsection (1) of this section established  
35 for more populous counties. (~~The secretary of state shall report to  
36 the legislature by January 1st of each odd numbered year through 1997  
37 on the progress of such less populous counties in replacing equipment  
38 which does not satisfy the requirements of subsection (1) of this  
39 section established for more populous counties.~~)

1       **Sec. 27.** RCW 36.32.340 and 1963 c 4 s 36.32.340 are each amended  
2 to read as follows:

3       The county commissioners shall take such action as is necessary to  
4 effect coordination of their administrative programs(~~(7)~~) and prepare  
5 reports annually on the operations of all departments under their  
6 jurisdiction(~~(7, and submit biennially to the governor and the~~  
7 ~~legislature their joint recommendations on procedural changes which~~  
8 ~~would increase the efficiency of any department)~~)).

9       **Sec. 28.** RCW 36.47.020 and 1969 ex.s. c 5 s 1 are each amended to  
10 read as follows:

11       It shall be the duty of the assessor, auditor, clerk, coroner,  
12 sheriff, superintendent of schools, treasurer, and prosecuting attorney  
13 of each county in the state, including appointive officials in charter  
14 counties heading like departments, to take such action as they jointly  
15 deem necessary to effect the coordination of the administrative  
16 programs of each county (~~and to submit to the governor and the~~  
17 ~~legislature biennially a joint report or joint reports containing~~  
18 ~~recommendations for procedural changes which would increase the~~  
19 ~~efficiency of the respective departments headed by such county~~  
20 ~~officials)~~)).

21       **Sec. 29.** RCW 36.47.070 and 1977 ex.s. c 221 s 2 are each amended  
22 to read as follows:

23       It is the desire of the legislature that the Washington State  
24 Association of County Officials, as set forth in chapter 36.47 RCW and  
25 the Washington State Association of Counties, as set forth in RCW  
26 36.32.350, shall merge into one association of elected county officers.  
27 Only one association shall carry out the duties imposed by RCW  
28 36.32.335 through 36.32.360 and 36.47.020 through 36.47.060.

29       (~~The two organizations shall report to the legislature by January~~  
30 ~~1, 1978 on the details of this merger.))~~

31       **Sec. 30.** RCW 36.70A.385 and 1995 c 399 s 43 are each amended to  
32 read as follows:

33       (1) The legislature intends to determine whether the environmental  
34 review process mandated under chapter 43.21C RCW may be enhanced and  
35 simplified, and coordination improved, when applied to comprehensive  
36 plans mandated by this chapter. The department shall undertake pilot

1 projects on environmental review to determine if the review process can  
2 be improved by fostering more coordination and eliminating duplicative  
3 environmental analysis which is made to assist decision makers  
4 approving comprehensive plans pursuant to this chapter. Such pilot  
5 projects should be designed and scoped to consider cumulative impacts  
6 resulting from plan decisions, plan impacts on environmental quality,  
7 impacts on adjacent jurisdictions, and similar factors in sufficient  
8 depth to simplify the analysis of subsequent specific projects being  
9 carried out pursuant to the approved plan.

10 (2) The legislature hereby authorizes the department to establish,  
11 in cooperation with business, industry, cities, counties, and other  
12 interested parties, at least two but not more than four pilot projects,  
13 one of which shall be with a county, on enhanced draft and final  
14 nonproject environmental analysis of comprehensive plans prepared  
15 pursuant to this chapter, for the purposes outlined in subsection (1)  
16 of this section. The department may select appropriate geographic  
17 subareas within a comprehensive plan if that will best serve the  
18 purposes of this section and meet the requirements of chapter 43.21C  
19 RCW.

20 (3) An enhanced draft and final nonproject environmental analysis  
21 prepared pursuant to this section shall follow the rules adopted  
22 pursuant to chapter 43.21C RCW.

23 (4) Not later than December 31, 1993, the department shall evaluate  
24 the overall effectiveness of the pilot projects under this section  
25 regarding preparing enhanced nonproject environmental analysis for the  
26 approval process of comprehensive plans and shall:

27 (a) Provide an interim report of its findings to the legislature  
28 with such recommendations as may be appropriate, including the need, if  
29 any, for further legislation;

30 (b) Consider adoption of any further rules or guidelines as may be  
31 appropriate to assist counties and cities in meeting requirements of  
32 chapter 43.21C RCW when considering comprehensive plans; and

33 (c) Prepare and circulate to counties and cities such instructional  
34 manuals or other information derived from the pilot projects as will  
35 assist all counties and cities in meeting the requirements and  
36 objectives of chapter 43.21C RCW in the most expeditious and efficient  
37 manner in the process of considering comprehensive plans pursuant to  
38 this chapter.

1       (~~(5) The department shall submit a final report to the legislature~~  
2 ~~no later than December 31, 1995.~~)

3       **Sec. 31.** RCW 36.79.060 and 1997 c 81 s 5 are each amended to read  
4 as follows:

5       The board shall:

6       (1) Adopt rules necessary to implement the provisions of this  
7 chapter relating to the allocation of funds in the rural arterial trust  
8 account to counties;

9       (2) Adopt reasonably uniform design standards for county rural  
10 arterials and collectors that meet the requirements for trucks  
11 transporting commodities(~~(+~~

12       ~~(3) Report biennially on the first day of November of the even-~~  
13 ~~numbered years to the legislative transportation committee and the~~  
14 ~~house and senate transportation committees regarding the progress of~~  
15 ~~counties in developing plans for their rural arterial and collector~~  
16 ~~construction programs and the construction of replacement bridges~~  
17 ~~funded by the federal bridge replacement program on access roads in~~  
18 ~~rural areas and the allocation of rural arterial trust funds to the~~  
19 ~~counties)).~~

20       **Sec. 32.** RCW 38.52.535 and 1995 c 243 s 10 are each amended to  
21 read as follows:

22       The state enhanced 911 coordination office and the enhanced 911  
23 advisory committee may participate in efforts to set uniform national  
24 standards for automatic number identification and automatic location  
25 identification data transmission for private telecommunications systems  
26 and private shared telecommunications services. (~~The enhanced 911~~  
27 ~~advisory committee shall report to the legislature by January 1, 1997,~~  
28 ~~the progress of such standards development and shall make~~  
29 ~~recommendations on steps to be taken if such standards have not been~~  
30 ~~adopted.))~~

31       **Sec. 33.** RCW 39.29.068 and 1993 c 433 s 8 are each amended to read  
32 as follows:

33       The office of financial management shall maintain a publicly  
34 available list of all personal service contracts entered into by state  
35 agencies during each fiscal year. The list shall identify the  
36 contracting agency, the contractor, the purpose of the contract,

1 effective dates and periods of performance, the cost of the contract  
2 and funding source, any modifications to the contract, and whether the  
3 contract was competitively procured or awarded on a sole source basis.  
4 The office of financial management shall also ensure that state  
5 accounting definitions and procedures are consistent with RCW 39.29.006  
6 and permit the reporting of personal services expenditures by agency  
7 and by type of service. Designations of type of services shall  
8 include, but not be limited to, management and organizational services,  
9 legal and expert witness services, financial services, computer and  
10 information services, social or technical research, marketing,  
11 communications, and employee training or recruiting services. ((The  
12 office of financial management shall report annually to the fiscal  
13 committees of the senate and house of representatives on sole source  
14 contracts filed under this chapter. The report shall describe: (1)  
15 The number and aggregate value of contracts for each category  
16 established in this section; (2) the number and aggregate value of  
17 contracts of two thousand five hundred dollars or greater but less than  
18 ten thousand dollars; (3) the number and aggregate value of contracts  
19 of ten thousand dollars or greater; (4) the justification provided by  
20 agencies for the use of sole source contracts; and (5) any trends in  
21 the use of sole source contracts.))

22 **Sec. 34.** RCW 39.84.090 and 1995 c 399 s 56 are each amended to  
23 read as follows:

24 (1) Prior to issuance of any revenue bonds, each public corporation  
25 shall submit a copy of its enabling ordinance and charter, a  
26 description of any industrial development facility proposed to be  
27 undertaken, and the basis for its qualification as an industrial  
28 development facility to the department of community, trade, and  
29 economic development.

30 (2) If the industrial development facility is not eligible under  
31 this chapter, the department of community, trade, and economic  
32 development shall give notice to the public corporation, in writing and  
33 by certified mail, within twelve working days of receipt of the  
34 description.

35 (3) ((The department of trade and economic development shall report  
36 annually through 1989 to the chairs of the committees on ways and means  
37 of the senate and house of representatives, including one copy to the  
38 staff of each of the committees, and to the governor on the amount of

1 capital investment undertaken under this chapter and the amount of  
2 permanent employment reasonably related to the existence of such  
3 industrial development facilities.

4 (4)) The department of community, trade, and economic development  
5 shall provide such advice and assistance to public corporations and  
6 municipalities which have created or may wish to create public  
7 corporations as the public corporations or municipalities request and  
8 the department of community, trade, and economic development considers  
9 appropriate.

10 **Sec. 35.** RCW 39.96.070 and 1995 c 192 s 2 are each amended to read  
11 as follows:

12 (1) Except as provided in subsection (3) of this section, no  
13 governmental entity may enter a payment agreement under RCW 39.96.030  
14 after June 30, 2000.

15 (2) The termination of authority to enter payment agreements after  
16 June 30, 2000, shall not affect the validity of any payment agreements  
17 or other contracts entered into under RCW 39.96.030 on or before that  
18 date.

19 (3) A governmental entity may enter into a payment agreement under  
20 and in accordance with this chapter after June 30, 2000, to replace a  
21 payment agreement that relates to specified obligations issued on or  
22 before that date and that has terminated before the final term of those  
23 obligations.

24 (~~(4) The state finance committee shall make a report to the~~  
25 ~~appropriate legislative committees on payment agreements authorized in~~  
26 ~~this chapter. The report shall include the governmental entity~~  
27 ~~entering into a payment agreement, the amount of the agreement, the~~  
28 ~~expected savings resulting from the agreement, the transactions cost,~~  
29 ~~and any other information the state finance committee determines~~  
30 ~~relevant. The report shall be submitted each December.))~~

31 **Sec. 36.** RCW 41.04.630 and 1987 c 475 s 7 are each amended to read  
32 as follows:

33 (1) The committee shall keep or cause to be kept full and adequate  
34 accounts and records of the assets, obligations, transactions, and  
35 affairs of a salary reduction plan created under RCW 41.04.615.

36 (2) The committee shall file an annual report of the financial  
37 condition, transactions, and affairs of the salary reduction plan under



1 the committee's jurisdiction. (~~A copy of the annual report shall be~~  
2 ~~filed with the speaker of the house of representatives, the president~~  
3 ~~of the senate, the governor, and the state auditor.~~)

4 (3) Members of the committee shall be deemed to stand in a  
5 fiduciary relationship to the employees participating in the salary  
6 reduction plan and shall discharge their duties in good faith and with  
7 that diligence, care, and skill which ordinary prudent persons would  
8 exercise under similar circumstances in like positions.

9 **Sec. 37.** RCW 41.05.190 and 1993 c 492 s 221 are each amended to  
10 read as follows:

11 The administrator, in consultation with the public employees'  
12 benefits board, shall design a self-insured medicare supplemental  
13 insurance plan for retired and disabled employees eligible for  
14 medicare. For the purpose of determining the appropriate scope of the  
15 self-funded medicare supplemental plan, the administrator shall  
16 consider the differences in the scope of health services available  
17 under the uniform benefits package and the medicare program. (~~The~~  
18 ~~proposed plan shall be submitted to appropriate committees of the~~  
19 ~~legislature by December 1, 1993.~~)

20 **Sec. 38.** RCW 41.05.220 and 1993 c 492 s 232 are each amended to  
21 read as follows:

22 (1) State general funds appropriated to the department of health  
23 for the purposes of funding community health centers to provide primary  
24 health and dental care services, migrant health services, and maternity  
25 health care services shall be transferred to the state health care  
26 authority. Any related administrative funds expended by the department  
27 of health for this purpose shall also be transferred to the health care  
28 authority. The health care authority shall exclusively expend these  
29 funds through contracts with community health centers to provide  
30 primary health and dental care services, migrant health services, and  
31 maternity health care services. The administrator of the health care  
32 authority shall establish requirements necessary to assure community  
33 health centers provide quality health care services that are  
34 appropriate and effective and are delivered in a cost-efficient manner.  
35 The administrator shall further assure that community health centers  
36 have appropriate referral arrangements for acute care and medical  
37 specialty services not provided by the community health centers.

1       (2) (~~To further the intent of chapter 492, Laws of 1993, the~~  
2 ~~health care authority, in consultation with the department of health,~~  
3 ~~shall evaluate the organization and operation of the federal and state-~~  
4 ~~funded community health centers and other not for profit health care~~  
5 ~~organizations and propose recommendations to the health services~~  
6 ~~commission and the health policy committees of the legislature by~~  
7 ~~November 30, 1994, that identify changes to permit community health~~  
8 ~~centers and other not for profit health care organizations to form~~  
9 ~~certified health plans or other innovative health care delivery~~  
10 ~~arrangements that help ensure access to primary health care services~~  
11 ~~consistent with the purposes of chapter 492, Laws of 1993.~~

12       (3)) The authority, in consultation with the department of health,  
13 shall work with community and migrant health clinics and other  
14 providers of care to underserved populations, to ensure that the number  
15 of people of color and underserved people receiving access to managed  
16 care is expanded in proportion to need, based upon demographic data.

17       **Sec. 39.** RCW 41.05.280 and 1993 c 504 s 3 are each amended to read  
18 as follows:

19       The department of corrections shall consult with the state health  
20 care authority to identify how the department of corrections shall  
21 develop a working plan to correspond to the health care reform measures  
22 that require all departments to place all state purchased health  
23 services in a community-rated, single risk pool under the direct  
24 administrative authority of the state purchasing agent by July 1, 1997.  
25 (~~The department of corrections shall report the findings to the chairs~~  
26 ~~of the house of representatives health care committee and committee on~~  
27 ~~corrections and the chairs of the senate committee on health and human~~  
28 ~~services and the law and justice committee by December 12, 1993.))~~

29       **Sec. 40.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and  
30 1996 c 186 s 109 are each reenacted and amended to read as follows:

31       (1) The provisions of this chapter do not apply to:

32       (a) The members of the legislature or to any employee of, or  
33 position in, the legislative branch of the state government including  
34 members, officers, and employees of the legislative council, joint  
35 legislative audit and review committee, statute law committee, and any  
36 interim committee of the legislature;

1 (b) The justices of the supreme court, judges of the court of  
2 appeals, judges of the superior courts or of the inferior courts, or to  
3 any employee of, or position in the judicial branch of state  
4 government;

5 (c) Officers, academic personnel, and employees of technical  
6 colleges;

7 (d) The officers of the Washington state patrol;

8 (e) Elective officers of the state;

9 (f) The chief executive officer of each agency;

10 (g) In the departments of employment security and social and health  
11 services, the director and the director's confidential secretary; in  
12 all other departments, the executive head of which is an individual  
13 appointed by the governor, the director, his or her confidential  
14 secretary, and his or her statutory assistant directors;

15 (h) In the case of a multimember board, commission, or committee,  
16 whether the members thereof are elected, appointed by the governor or  
17 other authority, serve ex officio, or are otherwise chosen:

18 (i) All members of such boards, commissions, or committees;

19 (ii) If the members of the board, commission, or committee serve on  
20 a part-time basis and there is a statutory executive officer: The  
21 secretary of the board, commission, or committee; the chief executive  
22 officer of the board, commission, or committee; and the confidential  
23 secretary of the chief executive officer of the board, commission, or  
24 committee;

25 (iii) If the members of the board, commission, or committee serve  
26 on a full-time basis: The chief executive officer or administrative  
27 officer as designated by the board, commission, or committee; and a  
28 confidential secretary to the chair of the board, commission, or  
29 committee;

30 (iv) If all members of the board, commission, or committee serve ex  
31 officio: The chief executive officer; and the confidential secretary  
32 of such chief executive officer;

33 (i) The confidential secretaries and administrative assistants in  
34 the immediate offices of the elective officers of the state;

35 (j) Assistant attorneys general;

36 (k) Commissioned and enlisted personnel in the military service of  
37 the state;

1 (l) Inmate, student, part-time, or temporary employees, and part-  
2 time professional consultants, as defined by the Washington personnel  
3 resources board;

4 (m) The public printer or to any employees of or positions in the  
5 state printing plant;

6 (n) Officers and employees of the Washington state fruit  
7 commission;

8 (o) Officers and employees of the Washington state apple  
9 advertising commission;

10 (p) Officers and employees of the Washington state dairy products  
11 commission;

12 (q) Officers and employees of the Washington tree fruit research  
13 commission;

14 (r) Officers and employees of the Washington state beef commission;

15 (s) Officers and employees of any commission formed under chapter  
16 15.66 RCW;

17 (t) Officers and employees of the state wheat commission formed  
18 under chapter 15.63 RCW;

19 (u) Officers and employees of agricultural commissions formed under  
20 chapter 15.65 RCW;

21 (v) Officers and employees of the nonprofit corporation formed  
22 under chapter 67.40 RCW;

23 (w) Executive assistants for personnel administration and labor  
24 relations in all state agencies employing such executive assistants  
25 including but not limited to all departments, offices, commissions,  
26 committees, boards, or other bodies subject to the provisions of this  
27 chapter and this subsection shall prevail over any provision of law  
28 inconsistent herewith unless specific exception is made in such law;

29 (x) In each agency with fifty or more employees: Deputy agency  
30 heads, assistant directors or division directors, and not more than  
31 three principal policy assistants who report directly to the agency  
32 head or deputy agency heads;

33 (y) All employees of the marine employees' commission;

34 (z) Up to a total of five senior staff positions of the western  
35 library network under chapter 27.26 RCW responsible for formulating  
36 policy or for directing program management of a major administrative  
37 unit. This subsection (1)(z) shall expire on June 30, 1997;

1 (aa) Staff employed by the department of community, trade, and  
2 economic development to administer energy policy functions and manage  
3 energy site evaluation council activities under RCW 43.21F.045(2)(m);

4 (bb) Staff employed by Washington State University to administer  
5 energy education, applied research, and technology transfer programs  
6 under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

7 (2) The following classifications, positions, and employees of  
8 institutions of higher education and related boards are hereby exempted  
9 from coverage of this chapter:

10 (a) Members of the governing board of each institution of higher  
11 education and related boards, all presidents, vice-presidents, and  
12 their confidential secretaries, administrative, and personal  
13 assistants; deans, directors, and chairs; academic personnel; and  
14 executive heads of major administrative or academic divisions employed  
15 by institutions of higher education; principal assistants to executive  
16 heads of major administrative or academic divisions; other managerial  
17 or professional employees in an institution or related board having  
18 substantial responsibility for directing or controlling program  
19 operations and accountable for allocation of resources and program  
20 results, or for the formulation of institutional policy, or for  
21 carrying out personnel administration or labor relations functions,  
22 legislative relations, public information, development, senior computer  
23 systems and network programming, or internal audits and investigations;  
24 and any employee of a community college district whose place of work is  
25 one which is physically located outside the state of Washington and who  
26 is employed pursuant to RCW 28B.50.092 and assigned to an educational  
27 program operating outside of the state of Washington;

28 (b) Student, part-time, or temporary employees, and part-time  
29 professional consultants, as defined by the Washington personnel  
30 resources board, employed by institutions of higher education and  
31 related boards;

32 (c) The governing board of each institution, and related boards,  
33 may also exempt from this chapter classifications involving research  
34 activities, counseling of students, extension or continuing education  
35 activities, graphic arts or publications activities requiring  
36 prescribed academic preparation or special training as determined by  
37 the board: PROVIDED, That no nonacademic employee engaged in office,  
38 clerical, maintenance, or food and trade services may be exempted by  
39 the board under this provision;

1 (d) Printing craft employees in the department of printing at the  
2 University of Washington.

3 (3) In addition to the exemptions specifically provided by this  
4 chapter, the Washington personnel resources board may provide for  
5 further exemptions pursuant to the following procedures. The governor  
6 or other appropriate elected official may submit requests for exemption  
7 to the Washington personnel resources board stating the reasons for  
8 requesting such exemptions. The Washington personnel resources board  
9 shall hold a public hearing, after proper notice, on requests submitted  
10 pursuant to this subsection. If the board determines that the position  
11 for which exemption is requested is one involving substantial  
12 responsibility for the formulation of basic agency or executive policy  
13 or one involving directing and controlling program operations of an  
14 agency or a major administrative division thereof, the Washington  
15 personnel resources board shall grant the request and such  
16 determination shall be final as to any decision made before July 1,  
17 1993. The total number of additional exemptions permitted under this  
18 subsection shall not exceed one percent of the number of employees in  
19 the classified service not including employees of institutions of  
20 higher education and related boards for those agencies not directly  
21 under the authority of any elected public official other than the  
22 governor, and shall not exceed a total of twenty-five for all agencies  
23 under the authority of elected public officials other than the  
24 governor. ((The Washington personnel resources board shall report to  
25 each regular session of the legislature during an odd-numbered year all  
26 exemptions granted under subsections (1)(w) and (x) and (2) of this  
27 section, together with the reasons for such exemptions.))

28 The salary and fringe benefits of all positions presently or  
29 hereafter exempted except for the chief executive officer of each  
30 agency, full-time members of boards and commissions, administrative  
31 assistants and confidential secretaries in the immediate office of an  
32 elected state official, and the personnel listed in subsections (1)(j)  
33 through (v), (y), (z), and (2) of this section, shall be determined by  
34 the Washington personnel resources board. However, beginning with  
35 changes proposed for the 1997-99 fiscal biennium, changes to the  
36 classification plan affecting exempt salaries must meet the same  
37 provisions for classified salary increases resulting from adjustments  
38 to the classification plan as outlined in RCW 41.06.152.

1 Any person holding a classified position subject to the provisions  
2 of this chapter shall, when and if such position is subsequently  
3 exempted from the application of this chapter, be afforded the  
4 following rights: If such person previously held permanent status in  
5 another classified position, such person shall have a right of  
6 reversion to the highest class of position previously held, or to a  
7 position of similar nature and salary.

8 Any classified employee having civil service status in a classified  
9 position who accepts an appointment in an exempt position shall have  
10 the right of reversion to the highest class of position previously  
11 held, or to a position of similar nature and salary.

12 A person occupying an exempt position who is terminated from the  
13 position for gross misconduct or malfeasance does not have the right of  
14 reversion to a classified position as provided for in this section.

15 **Sec. 41.** RCW 41.06.285 and 1993 c 379 s 308 are each amended to  
16 read as follows:

17 (1) There is hereby created a fund within the state treasury,  
18 designated as the "higher education personnel service fund," to be used  
19 by the board as a revolving fund for the payment of salaries, wages,  
20 and operations required for the administration of institutions of  
21 higher education and related boards, the budget for which shall be  
22 subject to review and approval and appropriation by the legislature.  
23 Subject to the requirements of subsection (2) of this section, an  
24 amount not to exceed one-half of one percent of the salaries and wages  
25 for all positions in the classified service shall be contributed from  
26 the operations appropriations of each institution and the state board  
27 for community and technical colleges and credited to the higher  
28 education personnel service fund as such allotments are approved  
29 pursuant to chapter 43.88 RCW. Subject to the above limitations, such  
30 amount shall be charged against the allotments pro rata, at a rate to  
31 be fixed by the director of financial management from time to time,  
32 which will provide the board with funds to meet its anticipated  
33 expenditures during the allotment period.

34 (2) If employees of institutions of higher education cease to be  
35 classified under this chapter pursuant to an agreement authorized by  
36 RCW 41.56.201, each institution of higher education and the state board  
37 for community and technical colleges shall continue, for six months  
38 after the effective date of the agreement, to make contributions to the

1 higher education personnel service fund based on employee salaries and  
2 wages that includes the employees under the agreement. At the  
3 expiration of the six-month period, the director of financial  
4 management shall make across-the-board reductions in allotments of the  
5 higher education personnel service fund for the remainder of the  
6 biennium so that the charge to the institutions of higher education and  
7 state board for community and technical colleges based on the salaries  
8 and wages of the remaining employees of institutions of higher  
9 education and related boards classified under this chapter does not  
10 increase during the biennium, unless an increase is authorized by the  
11 legislature. (~~The director of financial management shall report the  
12 amount and impact of any across-the-board reductions made under this  
13 section to the appropriations committee of the house of representatives  
14 and the ways and means committee of the senate, or appropriate  
15 successor committees, within thirty days of making the reductions.~~)

16 (3) Moneys from the higher education personnel service fund shall  
17 be disbursed by the state treasurer by warrants on vouchers duly  
18 authorized by the board.

19 **Sec. 42.** RCW 41.50.780 and 1995 c 239 s 315 are each amended to  
20 read as follows:

21 (1) The deferred compensation principal account is hereby created  
22 in the state treasury. Any deficiency in the deferred compensation  
23 administrative account caused by an excess of administrative expenses  
24 disbursed from that account over earnings of investments of balances  
25 credited to that account shall be eliminated by transferring moneys to  
26 that account from the deferred compensation principal account.

27 (2) The amount of compensation deferred by employees under  
28 agreements entered into under the authority contained in RCW 41.50.770  
29 shall be paid into the deferred compensation principal account and  
30 shall be sufficient to cover costs of administration and staffing in  
31 addition to such other amounts as determined by the department. The  
32 deferred compensation principal account shall be used to carry out the  
33 purposes of RCW 41.50.770. All eligible state employees shall be given  
34 the opportunity to participate in agreements entered into by the  
35 department under RCW 41.50.770. State agencies shall cooperate with  
36 the department in providing employees with the opportunity to  
37 participate.



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

10 (4) All moneys in the deferred compensation principal account, all  
11 property and rights purchased therewith, and all income attributable  
12 thereto, shall remain (until made available to the participating  
13 employee or other beneficiary) solely the money, property, and rights  
14 of the state and participating counties, municipalities, and  
15 subdivisions (without being restricted to the provision of benefits  
16 under the plan) subject only to the claims of the state's and  
17 participating jurisdictions' general creditors. Participating  
18 jurisdictions shall each retain property rights separately.

19 (5) The state investment board, at the request of the employee  
20 retirement benefits board as established under RCW 41.50.086, is  
21 authorized to invest moneys in the deferred compensation principal  
22 account in accordance with RCW 43.84.150. Except as provided in RCW  
23 43.33A.160, one hundred percent of all earnings from these investments  
24 shall accrue directly to the deferred compensation principal account.

25 (6) The deferred compensation administrative account is hereby  
26 created in the state treasury. All expenses of the department  
27 pertaining to the deferred compensation plan including staffing and  
28 administrative expenses shall be paid out of the deferred compensation  
29 administrative account. Any excess of earnings of investments of  
30 balances credited to this account over administrative expenses  
31 disbursed from this account shall be transferred to the deferred  
32 compensation principal account. Any deficiency in the deferred  
33 compensation administrative account caused by an excess of  
34 administrative expenses disbursed from this account over earnings of  
35 investments of balances credited to this account shall be transferred  
36 to this account from the deferred compensation principal account.

37 (7) In addition to the duties specified in this section and RCW  
38 41.50.770, the department shall administer the salary reduction plan  
39 established in RCW 41.04.600 through 41.04.645.

1 (8) The department shall keep or cause to be kept full and adequate  
2 accounts and records of the assets, obligations, transactions, and  
3 affairs of any deferred compensation plans created under RCW 41.50.770  
4 and this section.

5 ~~(9) ((The department shall file an annual report of the financial  
6 condition, transactions, and affairs of the deferred compensation plans  
7 under its jurisdiction. A copy of the annual report shall be filed  
8 with the speaker of the house of representatives, the president of the  
9 senate, the governor, and the state auditor.~~

10 ~~(10))~~ Members of the employee retirement benefits board  
11 established under RCW 41.50.086 shall be deemed to stand in a fiduciary  
12 relationship to the employees participating in the deferred  
13 compensation plans created under RCW 41.50.770 and this section and  
14 shall discharge the duties of their respective positions in good faith  
15 and with that diligence, care, and skill which ordinary prudent persons  
16 would exercise under similar circumstances in like positions.

17 ~~((11))~~ (10) The department may adopt rules necessary to carry out  
18 the purposes of RCW 41.50.770 and this section.

19 **Sec. 43.** RCW 41.52.040 and 1967 c 128 s 2 are each amended to read  
20 as follows:

21 The commission shall have the following powers and duties:

22 (1) Study the pension and benefit laws applicable to officers and  
23 employees in governmental service throughout the state and appraise and  
24 evaluate the existing laws pertaining to this subject;

25 (2) Study and consider the financial problems of the several  
26 retirement and pension funds and make recommendations as to revisions  
27 in financial provisions and methods of amortizing the accrued  
28 liabilities of such funds without impairment of any of the rights and  
29 equities of participants and beneficiaries but in conformity with sound  
30 and established principles of financing pension fund obligations;

31 (3) Study and make recommendations concerning the extension of  
32 pension coverage to public employees to whom pension protection has not  
33 been accorded;

34 (4) Study and make recommendations concerning the preservation and  
35 continuity of earned rights and credits in public employment for  
36 pension purposes including a thorough study of the legal, financial and  
37 other aspects of so-called legal vesting of pension rights;

1 (5) Evaluate all pension proposals in terms of policy, cost  
2 implications, and their impact on other public employee retirement  
3 programs;

4 (6) Consider all aspects of pension planning and operation aiming  
5 toward the development of a standard pension policy grounded in  
6 fundamental principles;

7 (7) Consider the feasibility of codifying pension laws;

8 (8) Make available to such public officers and employees at all  
9 levels of government as it shall deem advisable, information as to  
10 pension and benefit studies, recommendations, and evaluations as to  
11 afford them an opportunity to become familiar with all aspects of  
12 pension problems so they may develop sound legislative and fiscal  
13 policies in accordance with established concepts of good retirement  
14 planning and sound financing;

15 ~~(9) ((Report from time to time, at least biennially, to the members  
16 of the legislature, and to the governor, its conclusions and  
17 recommendations;~~

18 ~~(10))~~ Prepare an explanatory note for each pension bill introduced  
19 in the legislature, which note shall briefly explain the financial  
20 impact and policies of the bill, indicate the impact on the relative  
21 position of the system affected with the other public pension systems,  
22 and which shall be attached to or printed upon the printed bill;

23 ~~((11))~~ (10) Study and make recommendations on the investment  
24 policies and procedures of all public pension systems.

25 **Sec. 44.** RCW 41.52.070 and 1967 c 160 s 1 are each amended to read  
26 as follows:

27 The state public pension commission shall employ on a contractual  
28 basis a qualified investment counsel. Such counsel shall be a business  
29 organization having experience in securities analyses and investment  
30 counseling for both private and public pension funds on a national  
31 basis for a minimum of three consecutive years during the five years  
32 immediately prior to employment by the commission. The counsel shall  
33 not be engaged in the business of buying, selling, or otherwise  
34 marketing securities during the time of its employment by the  
35 commission.

36 The securities counsel shall make periodic examinations of the  
37 transactions and portfolio of each public pension system in the state.  
38 The administrator of each pension system shall cooperate with and make

1 its records available to the counsel. The counsel shall file a copy of  
2 its examination report with the public pension system examined and also  
3 with the public pension commission. (~~The public pension commission~~  
4 ~~shall include in its biennial report to the legislature a summarization~~  
5 ~~of all such examination reports.~~) The securities counsel shall be  
6 available on request of the board of trustees of any public retirement  
7 system in the state of Washington for investment counseling pertaining  
8 to any or all proposed changes in the investment portfolio of that  
9 system.

10 **Sec. 45.** RCW 42.16.017 and 1983 1st ex.s. c 28 s 6 are each  
11 amended to read as follows:

12 The director of financial management shall adopt the necessary  
13 policies and procedures to implement RCW 42.16.010 through 42.16.017,  
14 including the establishment of paydates. Such paydates shall conform  
15 to RCW 42.16.010. The director of financial management shall have  
16 approval over all agency and state payroll systems and shall determine  
17 the payroll systems to be used by state agencies to (~~insure~~) ensure  
18 the implementation of RCW 42.16.010 and 41.04.232: PROVIDED, That for  
19 purposes of the central personnel payroll system, the provisions of RCW  
20 41.07.020 shall apply. (~~The director shall provide a comprehensive~~  
21 ~~report to the legislature on December 31, 1984, on the implementation~~  
22 ~~of and compliance with RCW 42.16.010 and 41.04.232, including the~~  
23 ~~timeliness of payments to state employees.~~)

24 **Sec. 46.** RCW 43.01.240 and 1995 c 215 s 3 are each amended to read  
25 as follows:

26 (1) There is hereby established an account in the state treasury to  
27 be known as the state agency parking account. All parking income  
28 collected from the fees imposed by state agencies on parking spaces at  
29 state-owned or leased facilities, including the capitol campus, shall  
30 be deposited in the state agency parking account. Only the office of  
31 financial management may authorize expenditures from the account. The  
32 account is subject to allotment procedures under chapter 43.88 RCW, but  
33 no appropriation is required for expenditures. No agency may receive  
34 an allotment greater than the amount of revenue deposited into the  
35 state agency parking account.

36 (2) An agency may, as an element of the agency's commute trip  
37 reduction program to achieve the goals set forth in RCW 70.94.527,

1 impose parking rental fees at state-owned and leased properties. These  
2 fees will be deposited in the state agency parking account. Each  
3 agency shall establish a committee to advise the agency director on  
4 parking rental fees, taking into account the market rate of comparable,  
5 privately owned rental parking in each region. The agency shall  
6 solicit representation of the employee population including, but not  
7 limited to, management, administrative staff, production workers, and  
8 state employee bargaining units. Funds shall be used by agencies to:  
9 (a) Support the agencies' commute trip reduction program under RCW  
10 70.94.521 through 70.94.551; (b) support the agencies' parking program;  
11 or (c) support the lease or ownership costs for the agencies' parking  
12 facilities.

13 (3) In order to reduce the state's subsidization of employee  
14 parking, after July 1997 agencies shall not enter into leases for  
15 employee parking in excess of building code requirements, except as  
16 authorized by the director of general administration. In situations  
17 where there are fewer parking spaces than employees at a worksite,  
18 parking must be allocated equitably, with no special preference given  
19 to managers.

20 ~~((4) The director of general administration must report to the  
21 house and senate transportation committees no later than December 1,  
22 1997, regarding the implementation of chapter 215, Laws of 1995. The  
23 report must include an estimate of the reduction in parking supply and  
24 an estimate of the cost savings.))~~

25 **Sec. 47.** RCW 43.06.115 and 1996 c 186 s 505 are each amended to  
26 read as follows:

27 (1) The governor may, by executive order, after consultation with  
28 or notification of the executive-legislative committee on economic  
29 development created by chapter . . . (Senate Bill No. 5300), Laws of  
30 1993, declare a community to be a "military impacted area." A  
31 "military impacted area" means a community or communities, as  
32 identified in the executive order, that experience serious social and  
33 economic hardships because of a change in defense spending by the  
34 federal government in that community or communities.

35 (2) If the governor executes an order under subsection (1) of this  
36 section, the governor shall establish a response team to coordinate  
37 state efforts to assist the military impacted community. The response  
38 team may include, but not be limited to, one member from each of the

1 following agencies: (a) The department of community, trade, and  
2 economic development; (b) the department of social and health services;  
3 (c) the employment security department; (d) the state board for  
4 community and technical colleges; (e) the higher education coordinating  
5 board; and (f) the department of transportation. The governor may  
6 appoint a response team coordinator. The governor shall seek to  
7 actively involve the impacted community or communities in planning and  
8 implementing a response to the crisis. The governor may seek input or  
9 assistance from the community diversification advisory committee, and  
10 the governor may establish task forces in the community or communities  
11 to assist in the coordination and delivery of services to the local  
12 community. The state and community response shall consider economic  
13 development, human service, and training needs of the community or  
14 communities impacted.

15 ~~((3) The governor shall report at the beginning of the next  
16 legislative session to the legislature and the executive legislative  
17 committee on economic development created by chapter . . . (Senate Bill  
18 No. 5300), Laws of 1993, as to the designation of a military impacted  
19 area. The report shall include recommendations regarding whether a  
20 military impacted area should become eligible for (a) funding provided  
21 by the community economic revitalization board, public facilities  
22 construction loan revolving account, Washington state development loan  
23 fund, basic health plan, the public works assistance account,  
24 department of community, trade, and economic development, employment  
25 security department, and department of transportation; (b) training for  
26 dislocated defense workers; or (c) services for dislocated defense  
27 workers.))~~

28 **Sec. 48.** RCW 43.121.130 and 1988 c 278 s 3 are each amended to  
29 read as follows:

30 (1) Funding shall be provided, as funds are available, in  
31 decreasing amounts over a two-year period, with the goal of having the  
32 programs become supported by local communities at the end of a two-year  
33 period. State funding may be continued in areas where local funding  
34 would be difficult to obtain due to local economic conditions to the  
35 extent funding is made available to the council.

36 (2) The council shall work with the projects in the program to  
37 evaluate the results of the projects. The council shall make  
38 recommendations on these projects and the program. A project agreeing

1 to develop an evaluation component shall be considered for a three-year  
2 funding schedule. (~~A report on the evaluations shall be made~~  
3 ~~available to the legislature at the beginning of the legislative~~  
4 ~~session in 1992.~~)

5 **Sec. 49.** RCW 43.147.070 and 1993 c 485 s 4 are each amended to  
6 read as follows:

7 The PNWER-Net working subgroup shall have the following duties:

8 (1) To work with working subgroups from other member states and  
9 provinces in an entity known as the PNWER-Net working group to develop  
10 PNWER-Net; and

11 (2) To assist the PNWER-Net working group in developing criteria to  
12 ensure that designated member libraries use existing telecommunications  
13 infrastructure including the internet(~~;~~ and

14 ~~(3) To report to the legislature by December 1, 1994, concerning~~  
15 ~~the status of PNWER-Net)).~~

16 **Sec. 50.** RCW 43.163.090 and 1997 c 257 s 1 are each amended to  
17 read as follows:

18 The authority shall adopt a general plan of economic development  
19 finance objectives to be implemented by the authority during the period  
20 of the plan. The authority may exercise the powers authorized under  
21 this chapter prior to the adoption of the initial plan. In developing  
22 the plan, the authority shall consider and set objectives for:

23 (1) Employment generation associated with the authority's programs;

24 (2) The application of funds to sectors and regions of the state  
25 economy evidencing need for improved access to capital markets and  
26 funding resources;

27 (3) Geographic distribution of funds and programs available through  
28 the authority;

29 (4) Eligibility criteria for participants in authority programs;

30 (5) The use of funds and resources available from or through  
31 federal, state, local, and private sources and programs;

32 (6) Standards for economic viability and growth opportunities of  
33 participants in authority programs;

34 (7) New programs which serve a targeted need for financing  
35 assistance within the purposes of this chapter; and

1 (8) Opportunities to improve capital access as evidenced by  
2 programs existent in other states or as they are made possible by  
3 results of private capital market circumstances.

4 The authority shall, as part of the finance plan required under  
5 this section, develop an outreach and marketing plan designed to  
6 increase its financial services to distressed counties. As used in  
7 this section, "distressed counties" has the same meaning as distressed  
8 area in RCW 43.168.020.

9 At least one public hearing shall be conducted by the authority on  
10 the plan prior to its adoption. The plan shall be adopted by  
11 resolution of the authority no later than November 15, 1990. (~~The~~  
12 ~~plan shall be submitted to the chief clerk of the house of~~  
13 ~~representatives and secretary of the senate for transmittal to and~~  
14 ~~review by the appropriate standing committees no later than December~~  
15 ~~15, 1990.~~) The authority (~~shall~~) may periodically update the plan  
16 as determined necessary by the authority(~~(, but not less than once~~  
17 ~~every two years)~~). The plan or updated plan shall include a report on  
18 authority activities conducted since the commencement of authority  
19 operation or since the last plan was reported, whichever is more  
20 recent, including a statement of results achieved under the purposes of  
21 this chapter and the plan. Upon adoption, the authority shall conduct  
22 its programs in observance of the objectives established in the plan.

23 **Sec. 51.** RCW 43.163.120 and 1994 c 238 s 3 are each amended to  
24 read as follows:

25 The authority shall receive no appropriation of state funds. The  
26 department of community, trade, and economic development shall provide  
27 staff to the authority, to the extent permitted by law, to enable the  
28 authority to accomplish its purposes; the staff from the department of  
29 community, trade, and economic development may assist the authority in  
30 organizing itself and in designing programs, but shall not be involved  
31 in the issuance of bonds or in making credit decisions regarding  
32 financing provided to borrowers by the authority. (~~The authority~~  
33 ~~shall report each December on its activities to the appropriate~~  
34 ~~standing committees of the house of representatives and senate.~~)

35 **Sec. 52.** RCW 43.168.130 and 1987 c 461 s 7 are each amended to  
36 read as follows:



1       (~~(1)~~) The committee shall develop performance standards for  
2 judging the effectiveness of the program. Such standards shall  
3 include, to the extent possible, examining the effectiveness of grants  
4 in regard to:

5       (~~(a)~~) (1) Job creation for individuals of low and moderate  
6 income;

7       (~~(b)~~) (2) Retention of existing employment;

8       (~~(c)~~) (3) The creation of new employment opportunities;

9       (~~(d)~~) (4) The diversification of the economic base of local  
10 communities;

11       (~~(e)~~) (5) The establishment of employee cooperatives;

12       (~~(f)~~) (6) The provision of assistance in cases of employee buy-  
13 outs of firms to prevent the loss of existing employment;

14       (~~(g)~~) (7) The degree of risk assumed by the development loan  
15 fund, with emphasis on loans which did not receive financing from  
16 commercial lenders, but which are considered financially sound.

17       (~~(2) The committee shall report to the appropriate standing~~  
18 ~~committees of the legislature on the development of performance~~  
19 ~~standards by January 1, 1988.))~~

20       **Sec. 53.** RCW 43.175.020 and 1987 c 348 s 7 are each amended to  
21 read as follows:

22       The governor's small business improvement council shall seek to:  
23 Identify regulatory, administrative, and legislative proposals that  
24 will improve the entrepreneurial environment for small businesses; and  
25 advise and comment on state business programs and the business  
26 assistance center on program policies, and services to assist small  
27 businesses. In consultation with the business assistance center and  
28 the appropriate standing committees of the senate and house of  
29 representatives, the governor's small business improvement council  
30 (~~shall~~) may submit its proposals and recommendations to the governor  
31 and the legislature (~~prior to the convening of each regular session of~~  
32 ~~the legislature)).~~

33       **Sec. 54.** RCW 43.19.19052 and 1995 c 269 s 1403 are each amended to  
34 read as follows:

35       Initial policy determinations for the functions described in RCW  
36 43.19.1905 shall be developed and published within the 1975-77 biennium  
37 by the director for guidance and compliance by all state agencies,

1 including educational institutions, involved in purchasing and material  
2 control. Modifications to these initial supply management policies  
3 established during the 1975-77 biennium shall be instituted by the  
4 director in future biennia as required to maintain an efficient and up-  
5 to-date state supply management system. (~~The director shall transmit  
6 to the governor and the legislature in June 1976 and June 1977 a  
7 progress report which indicates the degree of accomplishment of each of  
8 these assigned duties, and which summarizes specific achievements  
9 obtained in increased effectiveness and dollar savings or cost  
10 avoidance within the overall state purchasing and material control  
11 system. The second progress report in June 1977 shall include a  
12 comprehensive supply management plan which includes the recommended  
13 organization of a state wide purchasing and material control system and  
14 development of an orderly schedule for implementing such  
15 recommendation. In the interim between these annual progress reports,  
16 the director shall furnish periodic reports to the office of financial  
17 management for review of progress being accomplished in achieving  
18 increased efficiencies and dollar savings or cost avoidance.~~)

19 It is the intention of the legislature that measurable improvements  
20 in the effectiveness and economy of supply management in state  
21 government shall be achieved during the 1975-77 biennium, and each  
22 biennium thereafter. All agencies, departments, offices, divisions,  
23 boards, and commissions and educational, correctional, and other types  
24 of institutions are required to cooperate with and support the  
25 development and implementation of improved efficiency and economy in  
26 purchasing and material control. To effectuate this legislative  
27 intention, the director, through the state purchasing and material  
28 control director, shall have the authority to direct and require the  
29 submittal of data from all state organizations concerning purchasing  
30 and material control matters.

31 **Sec. 55.** RCW 43.19.19362 and 1987 c 505 s 25 are each amended to  
32 read as follows:

33 There is hereby created a risk management office within the  
34 department of general administration. The director of general  
35 administration shall implement the risk management policy in RCW  
36 43.19.19361 through the risk management office. The director of  
37 general administration shall appoint a risk manager to supervise the  
38 risk management office. The risk management office shall make

1 recommendations when appropriate to state agencies on the application  
2 of prudent safety, security, loss prevention, and loss minimization  
3 methods so as to reduce or avoid risk or loss. ((The director of  
4 general administration shall submit a risk management report biennially  
5 to the governor, with copies to the chairs of the standing committees  
6 having jurisdiction on judiciary and insurance and the ways and means  
7 and state governmental operations committees in the senate and the  
8 house of representatives, including one copy to the staff of each of  
9 the committees. The management report shall describe the plans,  
10 policies, and operation of the risk management office and shall at  
11 least include the following:

12 (1) Success in implementing stated goals and objectives for the  
13 risk management office;

14 (2) Improving loss control and prevention practices;

15 (3) Self-insuring risks of loss to state-owned property except  
16 where bond indentures or other special considerations require the  
17 purchase of insurance;

18 (4) Consolidating insurance coverages for properties requiring  
19 insurance by bond indenture;

20 (5) Establishing an emergency fund to provide assistance to state  
21 agencies in the event of serious property loss;

22 (6) Self-insuring liability risks to public and professional third  
23 parties;

24 (7) Funding of the tort claims revolving fund on an actuarial  
25 basis;

26 (8) A program of excess liability coverage above a selected self-  
27 insurance limit;

28 (9) Identification of cost savings and cost avoidances achieved  
29 during the preceding two years; and

30 (10) Appropriate recommendations for new or amended legislation.))

31 *\*Sec. 56. RCW 43.19.554 and 1994 sp.s. c 9 s 803 are each amended*  
32 *to read as follows:*

33 (1) *To carry out the purposes of RCW 43.19.550 through 43.19.558*  
34 *and 46.08.065, the director of general administration has the following*  
35 *powers and duties:*

36 (a) *To develop and implement a state-wide information system to*  
37 *collect, analyze, and disseminate data on the acquisition, operation,*  
38 *management, maintenance, repair, disposal, and replacement of all*

1 state-owned passenger motor vehicles. State agencies shall provide the  
2 department with such data as is necessary to implement and maintain the  
3 system. The department shall provide state agencies with information  
4 and reports designed to assist them in achieving efficient and cost-  
5 effective management of their passenger motor vehicle operations.

6 (b) To survey state agencies to identify the location, ownership,  
7 and condition of all state-owned fuel storage tanks.

8 (c) In cooperation with the department of ecology and other public  
9 agencies, to prepare a plan and funding proposal for the inspection and  
10 repair or replacement of state-owned fuel storage tanks, and for the  
11 clean-up of fuel storage sites where leakage has occurred. The plan  
12 and funding proposal shall be submitted to the governor no later than  
13 December 1, 1989.

14 (d) To develop and implement a state-wide motor vehicle fuel  
15 purchase, distribution, and accounting system to be used by all state  
16 agencies and their employees. The director may exempt agencies from  
17 participation in the system if the director determines that  
18 participation interferes with the statutory duties of the agency.

19 (e) To establish minimum standards and requirements for the content  
20 and frequency of safe driving instruction for state employees operating  
21 state-owned passenger motor vehicles, which shall include consideration  
22 of employee driving records. In carrying out this requirement, the  
23 department shall consult with other agencies that have expertise in  
24 this area.

25 (f) To develop a schedule, after consultation with affected state  
26 agencies, for state employees to participate in safe driving  
27 instruction.

28 (g) To require all state employees to provide proof of a driver's  
29 license recognized as valid under Washington state law prior to  
30 operating a state-owned passenger vehicle.

31 (h) To develop standards for the efficient and economical  
32 replacement of all categories of passenger motor vehicles used by state  
33 agencies and provide those standards to state agencies and the office  
34 of financial management.

35 (i) To develop and implement a uniform system and standards to be  
36 used for the marking of passenger motor vehicles as state-owned  
37 vehicles as provided for in RCW 46.08.065. The system shall be  
38 designed to enhance the resale value of passenger motor vehicles, yet

1 ensure that the vehicles are clearly identified as property of the  
2 state.

3 (j) To develop and implement other programs to improve the  
4 performance, efficiency, and cost-effectiveness of passenger motor  
5 vehicles owned and operated by state agencies.

6 (k) To consult with state agencies and institutions of higher  
7 education in carrying out RCW 43.19.550 through 43.19.558.

8 (2) The director shall establish an operational unit within the  
9 department to carry out subsection (1) of this section. The director  
10 shall employ such personnel as are necessary to carry out RCW 43.19.550  
11 through 43.19.558. Not more than three employees within the unit may  
12 be exempt from chapter 41.06 RCW.

13 ~~((3) No later than December 31, 1992, the director shall report to  
14 the governor and appropriate standing committees of the legislature on  
15 the implementation of programs prescribed by this section, any cost  
16 savings and efficiencies realized by their implementation, and  
17 recommendations for statutory changes.))~~

18 \*Sec. 56 was vetoed. See message at end of chapter.

19 **Sec. 57.** RCW 43.19A.030 and 1991 c 297 s 4 are each amended to  
20 read as follows:

21 (1) By January 1, 1993, each local government shall review its  
22 existing procurement policies and specifications to determine whether  
23 recycled products are intentionally or unintentionally excluded. The  
24 policies and specifications shall be revised to include such products  
25 unless a recycled content product does not meet an established  
26 performance standard of the agency.

27 (2) By fiscal year 1994, each local government shall adopt a  
28 minimum purchasing goal for recycled content as a percentage of the  
29 total dollar value of supplies purchased. To assist in achieving this  
30 goal each local government shall adopt a strategy by January 1, 1993,  
31 and shall submit a description of the strategy to the department.  
32 ~~((The department shall report to the appropriate standing committees of  
33 the legislature by October 1, 1993, on the progress of implementation  
34 by local governments, and shall thereafter periodically report on the  
35 progress of recycled product purchasing by state and other public  
36 agencies.))~~ All public agencies shall respond to requests for  
37 information from the department for the purpose of its reporting  
38 requirements under this section.

1 (3) Each local government shall designate a procurement officer who  
2 shall serve as the primary contact with the department for compliance  
3 with the requirements of this chapter.

4 (4) This section shall apply only to local governments with  
5 expenditures for supplies exceeding five hundred thousand dollars for  
6 fiscal year 1989. Expenditures for capital goods and for electricity,  
7 water, or gas for resale shall not be considered a supply expenditure.

8 **Sec. 58.** RCW 43.20.235 and 1993 sp.s. c 4 s 10 are each amended to  
9 read as follows:

10 Water purveyors required to develop a water system plan pursuant to  
11 RCW 43.20.230 shall evaluate the feasibility of adopting and  
12 implementing water delivery rate structures that encourage water  
13 conservation. This information shall be included in water system plans  
14 submitted to the department of health for approval after July 1, 1993.  
15 The department shall evaluate the following:

16 (1) Rate structures currently used by public water systems in  
17 Washington; and

18 (2) Economic and institutional constraints to implementing  
19 conservation rate structures.

20 ~~((The department shall provide its findings to the appropriate  
21 committees of the legislature no later than December 31, 1995.))~~

22 **Sec. 59.** RCW 43.20A.725 and 1993 c 425 s 1 are each amended to  
23 read as follows:

24 (1) The department shall maintain a program whereby TTs, signal  
25 devices, and amplifying accessories capable of serving the needs of the  
26 hearing and speech impaired shall be provided under the standards  
27 established in subsection ~~((11))~~ (10) of this section to an  
28 individual of school age or older:

29 (a) Who is certified as hearing impaired by a licensed physician,  
30 audiologist, or a qualified state agency, and to any subscriber that is  
31 an organization representing the hearing impaired, as determined and  
32 specified by the TRS program advisory committee; or

33 (b) Who is certified as speech impaired by a licensed physician,  
34 speech pathologist, or a qualified state agency, and to any subscriber  
35 that is an organization representing the speech impaired, as determined  
36 and specified by the TRS program advisory committee.

1 For the purpose of this section, certification implies that  
2 individuals cannot use the telephone for expressive or receptive  
3 communications due to hearing or speech impairment.

4 (2) The office shall award contracts on a competitive basis, to  
5 qualified persons for which eligibility to contract is determined by  
6 the office, for the distribution and maintenance of such TTs, signal  
7 devices, and amplifying accessories as shall be determined by the  
8 office. When awarding such contracts, the office may consider the  
9 quality of equipment and, with the director's approval, may award  
10 contracts on a basis other than cost. Such contracts may include a  
11 provision for the employment and use of a qualified trainer and the  
12 training of recipients in the use of such devices.

13 (3) The office shall establish and implement a policy for the  
14 ultimate responsibility for recovery of TTs, signal devices, and  
15 amplifying accessories from recipients who have been provided with the  
16 equipment without cost and who are moving from this state or who for  
17 other reasons are no longer using them.

18 (4) Pursuant to recommendations of the TRS program advisory  
19 committee, until July 26, 1993, the office shall maintain a program  
20 whereby a relay system will be provided state-wide using operator  
21 intervention to connect hearing impaired and speech impaired persons  
22 and offices or organizations representing the hearing impaired and  
23 speech impaired, as determined and specified by the TDD advisory  
24 committee pursuant to RCW 43.20A.730. The relay system shall be the  
25 most cost-effective possible and shall operate in a manner consistent  
26 with federal requirements for such systems.

27 (5) Pursuant to the recommendations of the TDD task force report of  
28 December 1991, and with the express purpose of maintaining state  
29 control and jurisdiction, the office shall seek certification by the  
30 federal communications commission of the state-wide relay service.

31 (6) The office shall award contracts for the operation and  
32 maintenance of the state-wide relay service. The initial contract  
33 shall be for service commencing on or before July 26, 1993. The  
34 contract shall be awarded to an individual company registered as a  
35 telecommunications company by the utilities and transportation  
36 commission, to a group of registered telecommunications companies, or  
37 to any other company or organization determined by the office as  
38 qualified to provide relay services, contingent upon that company or

1 organization being approved as a registered telecommunications company  
2 prior to final contract approval.

3 (7) The program shall be funded by a telecommunications relay  
4 service (TRS) excise tax applied to each switched access line provided  
5 by the local exchange companies. The office shall determine, in  
6 consultation with the TRS program advisory committee, the budget needed  
7 to fund the program on an annual basis, including both operational  
8 costs and a reasonable amount for capital improvements such as  
9 equipment upgrade and replacement. The budget proposed by the office,  
10 together with documentation and supporting materials, shall be  
11 submitted to the office of financial management for review and  
12 approval. The approved budget shall be given by the department in an  
13 annual budget to the utilities and transportation commission no later  
14 than March 1 prior to the beginning of the fiscal year. The utilities  
15 and transportation commission shall then determine the amount of TRS  
16 excise tax to be placed on each access line and shall inform each local  
17 exchange company of this amount no later than May 15. The utilities  
18 and transportation commission shall determine the amount of TRS excise  
19 tax by dividing the total of the program budget, as submitted by the  
20 office, by the total number of access lines, and shall not exercise any  
21 further oversight of the program under this subsection. The TRS excise  
22 tax shall not exceed nineteen cents per month per access line. Each  
23 local exchange company shall impose the amount of excise tax determined  
24 by the commission as of July 1, and shall remit the amount collected  
25 directly to the department on a monthly basis. The TRS excise tax  
26 shall be separately identified on each ratepayer's bill with the  
27 following statement: "Funds federal ADA requirement." All proceeds  
28 from the TRS excise tax shall be put into a fund to be administered by  
29 the office through the department.

30 (8) The office shall administer and control the award of money to  
31 all parties incurring costs in implementing and maintaining  
32 telecommunications services, programs, equipment, and technical support  
33 services in accordance with the provisions of RCW 43.20A.725.

34 ~~(9) ((The department shall provide the legislature with a biennial  
35 report on the operation of the program. The first report shall be  
36 provided no later than December 1, 1990, and successive reports every  
37 two years thereafter. Reports shall be prepared in consultation with  
38 the TRS program advisory committee and the utilities and transportation  
39 commission. The reports shall, at a minimum, briefly outline the~~



1 accomplishments of the program, the number of persons served, revenues  
2 and expenditures, the prioritizing of services to those eligible based  
3 on such factors as degree of physical handicap or the allocation of the  
4 program's revenue between provision of devices to individuals and  
5 operation of the state wide relay service, other major policy or  
6 operational issues, and proposals for improvements or changes for the  
7 program. The first report shall contain a study which includes  
8 examination of like programs in other states, alternative methods of  
9 financing the program, alternative methods of using the  
10 telecommunications system, advantages and disadvantages of operating  
11 the TRS program from within the department, by telecommunications  
12 companies, and by a private, nonprofit corporation, and means to limit  
13 demand for system usage.

14 ~~((10))~~) The program shall be consistent with the requirements of  
15 federal law for the operation of both interstate and intrastate  
16 telecommunications services for the deaf or hearing impaired or speech  
17 impaired. The department and the utilities and transportation  
18 commission shall be responsible for ensuring compliance with federal  
19 requirements and shall provide timely notice to the legislature of any  
20 legislation that may be required to accomplish compliance.

21 ~~((11))~~) (10)(a) The department shall provide TTs, signal devices,  
22 and amplifying accessories to a person eligible under subsection (1) of  
23 this section at no charge in addition to the basic exchange rate if:

24 (i) The person is eligible for participation in the Washington  
25 telephone assistance program under RCW 80.36.470;

26 (ii) The person's annual family income is equal to or less than one  
27 hundred sixty-five percent of the federal poverty level; or

28 (iii) The person is a child eighteen years of age or younger with  
29 a family income less than or equal to two hundred percent of the  
30 federal poverty level.

31 (b) A person eligible under subsection (1) of this section with a  
32 family income greater than one hundred sixty-five percent and less than  
33 or equal to two hundred percent of the federal poverty level shall be  
34 assessed a charge for the cost of TTs, signal devices, and amplifying  
35 accessories based on a sliding scale of charges established by rule  
36 adopted by the department.

37 (c) The department shall charge a person eligible under subsection  
38 (1) of this section whose income exceeds two hundred percent of the

1 federal poverty level the cost to the department of purchasing the  
2 equipment provided to that person.

3 (d) The department may waive part or all of the charges assessed  
4 under this subsection if the department finds that (i) the eligible  
5 person requires telebraille equipment or other equipment of similar  
6 cost and (ii) the charges normally assessed for the equipment under  
7 this subsection would create an exceptional or undue hardship on the  
8 eligible person.

9 (e) For the purposes of this subsection, certification of family  
10 income by the eligible person or the person's guardian or head of  
11 household is sufficient to determine eligibility.

12 **Sec. 60.** RCW 43.21J.030 and 1994 c 264 s 17 are each amended to  
13 read as follows:

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

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

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

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

10 (c) Considering unemployment profile data provided by the  
11 employment security department((;

12 ~~(d) No later than December 31, 1993, providing recommendations to  
13 the appropriate standing committees of the legislature for improving  
14 the administration of grants for projects or training programs funded  
15 under this chapter that prevent habitat and environmental degradation  
16 or provide for its restoration;~~

17 ~~(e) Submitting to the appropriate standing committees of the  
18 legislature a biennial report summarizing the jobs and the  
19 environmental benefits created by the projects funded under this  
20 chapter)).~~

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

23 (a) To solicit and evaluate proposals from state and local  
24 agencies, private nonprofit organizations, and tribes for environmental  
25 and forest restoration projects;

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

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

31 **Sec. 61.** RCW 43.31.411 and 1993 c 280 s 43 are each amended to  
32 read as follows:

33 The Washington investment opportunities office shall:

34 (1) Maintain a list of all entrepreneurs engaged in manufacturing,  
35 wholesaling, transportation services, development of destination  
36 tourism resorts, or traded services throughout the state seeking  
37 capital resources and interested in the services of the investment  
38 opportunities office.

1 (2) Maintain a file on each entrepreneur which may include the  
2 entrepreneur's business plan and any other information which the  
3 entrepreneur offers for review by potential investors.

4 (3) Assist entrepreneurs in procuring the managerial and technical  
5 assistance necessary to attract potential investors. Such assistance  
6 shall include the automatic referral to the small business innovators  
7 opportunity program of any entrepreneur with a new product meriting the  
8 services of the program.

9 (4) Provide entrepreneurs with information about potential  
10 investors and provide investors with information about those  
11 entrepreneurs which meet the investment criteria of the investor.

12 (5) Promote small business securities financing.

13 (6) Remain informed about investment trends in capital markets and  
14 preferences of individual investors or investment firms throughout the  
15 nation through literature surveys, conferences, and private meetings.

16 (7) Publicize the services of the investment opportunities office  
17 through public meetings throughout the state, appropriately targeted  
18 media, and private meetings. Whenever practical, the office shall use  
19 the existing services of local associate development organizations in  
20 outreach and identification of entrepreneurs and investors.

21 ~~((8) Report to the ways and means committees and appropriate~~  
22 ~~economic development committees of the senate and the house of~~  
23 ~~representatives by December 1, 1989, and each year thereafter, on the~~  
24 ~~accomplishments of the office. Such reports shall include:~~

25 ~~(a) The number of entrepreneurs on the list referred to in~~  
26 ~~subsection (1) of this section, segregated by standard industrial~~  
27 ~~classification codes;~~

28 ~~(b) The number of investments made in entrepreneurs, segregated as~~  
29 ~~required by (a) of this subsection, as a result of contact with the~~  
30 ~~investment opportunities office, the dollar amount of each such~~  
31 ~~investment, the source, by state or nation, of each investment, and the~~  
32 ~~number of jobs created as a result of each investment;~~

33 ~~(c) The number of entrepreneurs on the list referred to in~~  
34 ~~subsection (1) of this section segregated by counties, the number of~~  
35 ~~investments, the dollar amount of investments, and the number of jobs~~  
36 ~~created through investments in each county as a result of contact with~~  
37 ~~the investment opportunities office;~~

38 ~~(d) A categorization of jobs created through investments made as a~~  
39 ~~result of contact with the investment opportunities office, the number~~

1 of jobs created in each such category, and the average pay scale for  
2 jobs created in each such category;

3 (e) The results of client satisfaction surveys distributed to  
4 entrepreneurs and investors using the services of the investment  
5 opportunities office; and

6 (f) Such other information as the managing director finds  
7 appropriate.)

8 **Sec. 62.** RCW 43.31.526 and 1994 c 47 s 2 are each amended to read  
9 as follows:

10 (1) The department shall contract with governments, industry  
11 associations, or local nonprofit organizations to foster cooperation  
12 and linkages between distressed and nondistressed areas and between  
13 urban and rural areas, and between Washington and other Northwest  
14 states. The department may enter into joint contracts with multiple  
15 nonprofit organizations. Contracts with economic development  
16 organizations to foster cooperation and linkages between distressed and  
17 nondistressed areas and urban and rural areas shall be structured by  
18 the department and the distressed area marketplace programs. Contracts  
19 with economic development organizations shall:

20 (a) Award contracts based on a competitive bidding process,  
21 pursuant to chapter 43.19 RCW; and

22 (b) Ensure that each location contain sufficient business activity  
23 to permit effective program operation.

24 The department may require that contractors contribute at least  
25 twenty percent local funding.

26 (2) The contracts with governments, industry associations, or local  
27 nonprofit organizations shall be for, but not limited to, the  
28 performance of the following services for the Washington marketplace  
29 program:

30 (a) Contacting Washington state businesses to identify goods and  
31 services they are currently buying or are planning in the future to buy  
32 out-of-state and determine which of these goods and services could be  
33 purchased on competitive terms within the state;

34 (b) Identifying locally sold goods and services which are currently  
35 provided by out-of-state businesses;

36 (c) Determining, in consultation with local business, goods and  
37 services for which the business is willing to make contract agreements;

1 (d) Advertising market opportunities described in (c) of this  
2 subsection;

3 (e) Receiving bid responses from potential suppliers and sending  
4 them to that business for final selection; and

5 (f) Establish linkages with federal, regional, and Northwest  
6 governments, industry associations, and nonprofit organizations to  
7 foster buying leads and information benefiting Washington suppliers and  
8 industry and trade associations.

9 (3) Contracts may include provisions for charging service fees of  
10 businesses that participate in the program.

11 (4) The center shall also perform the following activities in order  
12 to promote the goals of the program:

13 (a) Prepare promotional materials or conduct seminars to inform  
14 communities and organizations about the Washington marketplace program;

15 (b) Provide technical assistance to communities and organizations  
16 interested in developing an import replacement program;

17 (c) Develop standardized procedures for operating the local  
18 component of the Washington marketplace program; and

19 (d) Provide continuing management and technical assistance to local  
20 contractors (~~;~~ and

21 ~~(e) Report by December 31 of each year to the appropriate economic~~  
22 ~~development committees of the senate and the house of representatives~~  
23 ~~describing the activities of the Washington marketplace program)).~~

24 **Sec. 63.** RCW 43.33.130 and 1981 c 3 s 25 are each amended to read  
25 as follows:

26 The state finance committee shall prepare written reports at least  
27 annually summarizing the debt management activities of the finance  
28 committee, which reports shall be sent to (~~the governor, to the senate~~  
29 ~~ways and means committee, the house appropriations committee,))  
30 agencies having a direct financial interest in the issuance and sale of  
31 bonds by the committee, and to other persons on written request.~~

32 **Sec. 64.** RCW 43.41.240 and 1994 sp.s. c 9 s 875 are each amended  
33 to read as follows:

34 A new board or commission not established or required in statute  
35 that must be included in the report required by RCW 43.88.505 may not  
36 be established without the express approval of the director of  
37 financial management. (~~The director shall, by January 8th of each~~

1 ~~year, submit to the legislature a list of those boards and commissions~~  
2 ~~that were requested for approval and those that were approved during~~  
3 ~~the preceding calendar year.))~~

4       **Sec. 65.** RCW 43.43.934 and 1995 c 369 s 16 and 1995 c 243 s 11 are  
5 each reenacted and amended to read as follows:

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

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

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

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

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

36       (d) Develop and adopt a master plan for constructing, equipping,  
37 maintaining, and operating necessary fire service training and

1 education facilities subject to the provisions of chapter 43.19 RCW;  
2 and

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

6 (2) In addition to its responsibilities for fire service training,  
7 the board shall:

8 (a) Adopt a state fire protection master plan;

9 (b) Monitor fire protection in the state and develop objectives and  
10 priorities to improve fire protection for the state's citizens  
11 including: (i) The comprehensiveness of state and local inspections  
12 required by law for fire and life safety; (ii) the level of skills and  
13 training of inspectors, as well as needs for additional training; and  
14 (iii) the efforts of local, regional, and state inspection agencies to  
15 improve coordination and reduce duplication among inspection efforts;

16 (c) Establish and promote state arson control programs and ensure  
17 development of local arson control programs;

18 (d) Provide representation for local fire protection services to  
19 the governor in state-level fire protection planning matters such as,  
20 but not limited to, hazardous materials control;

21 (e) Recommend to the director of community, trade, and economic  
22 development rules on minimum information requirements of automatic  
23 location identification for the purposes of enhanced 911 emergency  
24 service;

25 (f) Seek and solicit grants, gifts, bequests, devises, and matching  
26 funds for use in furthering the objectives and duties of the board, and  
27 establish procedures for administering them;

28 (g) Promote mutual aid and disaster planning for fire services in  
29 this state;

30 (h) Assure the dissemination of information concerning the amount  
31 of fire damage including that damage caused by arson, and its causes  
32 and prevention;

33 (~~(h) Submit an annual report to the governor describing its~~  
34 ~~activities undertaken pursuant to this chapter, and make such studies,~~  
35 ~~reports, and recommendations to the governor and the legislature as are~~  
36 ~~requested;~~) and

37 (i) Implement any legislation enacted by the legislature to meet  
38 the requirements of any acts of congress that apply to this section.



1 (3) In carrying out its statutory duties, the board shall give  
2 particular consideration to the appropriate roles to be played by the  
3 state and by local jurisdictions with fire protection responsibilities.  
4 Any determinations on the division of responsibility shall be made in  
5 consultation with local fire officials and their representatives.

6 To the extent possible, the board shall encourage development of  
7 regional units along compatible geographic, population, economic, and  
8 fire risk dimensions. Such regional units may serve to: (a) Reinforce  
9 coordination among state and local activities in fire service training,  
10 reporting, inspections, and investigations; (b) identify areas of  
11 special need, particularly in smaller jurisdictions with inadequate  
12 resources; (c) assist the state in its oversight responsibilities; (d)  
13 identify funding needs and options at both the state and local levels;  
14 and (e) provide models for building local capacity in fire protection  
15 programs.

16 **Sec. 66.** RCW 43.51.400 and 1994 c 151 s 3 are each amended to read  
17 as follows:

18 The state parks and recreation commission shall:

19 (1) Coordinate a state-wide program of boating safety education  
20 using to the maximum extent possible existing programs offered by the  
21 United States power squadron and the United States coast guard  
22 auxiliary;

23 (2) Adopt rules in accordance with chapter 34.05 RCW, consistent  
24 with United States coast guard regulations, standards, and precedents,  
25 as needed for the efficient administration and enforcement of this  
26 section;

27 (3) Enter into agreements aiding the administration of this  
28 chapter;

29 (4) Adopt and administer a casualty and accident reporting program  
30 consistent with United States coast guard regulations;

31 (5) Adopt and enforce recreational boating safety rules, including  
32 but not necessarily limited to equipment and navigating requirements,  
33 consistent with United States coast guard regulations;

34 (6) Coordinate with local and state agencies the development of  
35 biennial plans and programs for the enhancement of boating safety,  
36 safety education, and enforcement of safety rules and laws; allocate  
37 money appropriated to the commission for these programs as necessary;

1 and accept and administer any public or private grants or federal funds  
2 which are obtained for these purposes under chapter 43.88 RCW; and

3 ~~(7) ((Biennially report to the legislature the effects of the  
4 combined efforts of state and local boating safety programs on the  
5 state's boating accident and fatality rate. The report shall assess  
6 and recommend new or alternative fire safety and accident prevention  
7 laws adopted in other states as well as successful programs employed by  
8 government or industry; and~~

9 ~~(8))~~ Take additional actions necessary to gain acceptance of a  
10 program of boating safety for this state under the federal boating  
11 safety act of 1971.

12 **Sec. 67.** RCW 43.51.944 and 1977 ex.s. c 306 s 4 are each amended  
13 to read as follows:

14 ~~((1))~~ The full market value for department of natural resources'  
15 managed trust lands or interest therein within the conservation area  
16 shall be determined by the department of natural resources for any  
17 lands or interests to be dedicated or leased as provided herein. The  
18 department of natural resources shall determine the value of dedicating  
19 such lands or interests in lands as it may determine to be necessary to  
20 carry out the purposes of ~~((this 1977 amendatory act))~~ chapter 306,  
21 Laws of 1977 ex. sess. either by execution of fifty-five year scenic or  
22 development easements or by execution of fifty-five year leases,  
23 including such conditions as may be necessary to carry out the purposes  
24 of ~~((this 1977 amendatory act))~~ chapter 306, Laws of 1977 ex. sess.  
25 Any lease issued pursuant to ~~((this 1977 amendatory act))~~ chapter 306,  
26 Laws of 1977 ex. sess. may be subject to renewal under the provisions  
27 of RCW 79.01.276 as presently existing or hereafter amended. Nothing  
28 in ~~((this 1977 amendatory act))~~ chapter 306, Laws of 1977 ex. sess.  
29 shall be deemed to alter or affect normal management on lands owned by  
30 the state for which no dedication by easement or lease has been made  
31 and it is further recognized that no restrictions on management of such  
32 lands shall be required unless the applicable trust relating to such  
33 lands shall have been compensated.

34 ~~((The completed report of the cost of obtaining the desired  
35 interest in these lands shall be presented by the department of natural  
36 resources to the interagency committee for outdoor recreation and a  
37 summary of the report to the senate and house committees on parks and  
38 recreation by December 31, 1978.~~

1       ~~(2) The parks and recreation commission shall appraise all lands~~  
2 ~~except those identified in subsection (1) of this section to establish~~  
3 ~~fair market fee title value of the interests therein. The parks and~~  
4 ~~recreation commission shall present to the interagency committee for~~  
5 ~~outdoor recreation the completed report of the cost of obtaining the~~  
6 ~~desired interest in such lands, and a summary of the report to the~~  
7 ~~senate and house committees on parks and recreation by December 31,~~  
8 ~~1978.)~~)

9       **Sec. 68.** RCW 43.52.360 and 1987 c 376 s 11 are each amended to  
10 read as follows:

11       Any two or more cities or public utility districts or combinations  
12 thereof may form an operating agency (herein sometimes called a joint  
13 operating agency) for the purpose of acquiring, constructing, operating  
14 and owning plants, systems and other facilities and extensions thereof,  
15 for the generation and/or transmission of electric energy and power.  
16 Each such agency shall be a municipal corporation of the state of  
17 Washington with the right to sue and be sued in its own name.

18       Application for the formation of an operating agency shall be made  
19 to the director of the department of ecology (herein sometimes referred  
20 to as the director) after the adoption of a resolution by the  
21 legislative body of each city or public utility district to be initial  
22 members thereof authorizing said city or district to participate. Such  
23 application shall set forth (1) the name and address of each  
24 participant, together with a certified copy of the resolution  
25 authorizing its participation; (2) a general description of the project  
26 and the principal project works, including dams, reservoirs, power  
27 houses and transmission lines; (3) the general location of the project  
28 and, if a hydroelectric project, the name of the stream on which such  
29 proposed project is to be located; (4) if the project is for the  
30 generation of electricity, the proposed use or market for the power to  
31 be developed; (5) a general statement of the electric loads and  
32 resources of each of the participants; (6) a statement of the proposed  
33 method of financing the preliminary engineering and other studies and  
34 the participation therein by each of the participants.

35       Within ten days after such application is filed with the director  
36 of the department of ecology notice thereof shall be published by the  
37 director once a week for four consecutive weeks in a newspaper of  
38 general circulation in the county or counties in which such project is

1 to be located, setting forth the names of the participants and the  
2 general nature, extent and location of the project. Any public utility  
3 wishing to do so may object to such application by filing an objection,  
4 setting forth the reasons therefor, with the director of the department  
5 of ecology not later than ten days after the date of last publication  
6 of such notice.

7 Within ninety days after the date of last publication the director  
8 shall either make findings thereon or have instituted a hearing  
9 thereon. In ((~~the~~)) the event the director has neither made findings  
10 nor instituted a hearing within ninety days of the date of last  
11 publication, or if such hearing is instituted within such time but no  
12 findings are made within one hundred and twenty days of the date of  
13 such last publication, the application shall be deemed to have been  
14 approved and the operating agency established. If it shall appear (a)  
15 that the statements set forth in said application are substantially  
16 correct; (b) that the contemplated project is such as is adaptable to  
17 the needs, both actual and prospective, of the participants and such  
18 other public utilities as indicate a good faith intention by contract  
19 or by letter of intent to participate in the use of such project; (c)  
20 that no objection to the formation of such operating agency has been  
21 filed by any other public utility which prior to and at the time of the  
22 filing of the application for such operating agency had on file a  
23 permit or license from an agency of the state or an agency of the  
24 United States, whichever has primary jurisdiction, for the construction  
25 of such project; (d) that adequate provision will be made for financing  
26 the preliminary engineering, legal and other costs necessary thereto;  
27 the director shall make findings to that effect and enter an order  
28 creating such operating agency, establishing the name thereof and the  
29 specific project for the construction and operation for which such  
30 operating agency is formed. Such order shall not be construed to  
31 constitute a bar to any other public utility proceeding according to  
32 law to procure any required governmental permits, licenses or  
33 authority, but such order shall establish the competency of the  
34 operating agency to proceed according to law to procure such permits,  
35 licenses or authority.

36 No operating agency shall undertake projects or conservation  
37 activities in addition to those for which it was formed without the  
38 approval of the legislative bodies of a majority of the members  
39 thereof. Prior to undertaking any new project for acquisition of an

1 energy resource, a joint operating agency shall prepare a plan which  
2 details a least-cost approach for investment in energy resources. The  
3 plan shall include an analysis of the costs of developing conservation  
4 compared with costs of developing other energy resources and a strategy  
5 for implementation of the plan. The plan shall be (~~updated annually~~  
6 ~~and~~) presented to the energy and utilities committees of the senate  
7 and house of representatives for their review and comment. In the  
8 event that an operating agency desires to undertake such a  
9 hydroelectric project at a site or sites upon which any publicly or  
10 privately owned public utility has a license or permit or has a prior  
11 application for a license or permit pending with any commission or  
12 agency, state or federal, having jurisdiction thereof, application to  
13 construct such additional project shall be made to the director of the  
14 department of ecology in the same manner, subject to the same  
15 requirements and with the same notice as required for an initial agency  
16 and project and shall not be constructed until an order authorizing the  
17 same shall have been made by the director in the manner provided for  
18 such original application.

19 Any party who has joined in filing the application for, or  
20 objections against, the creation of such operating agency and/or the  
21 construction of an additional project, and who feels aggrieved by any  
22 order or finding of the director shall have the right to appeal to the  
23 superior court in the manner set forth in RCW 43.52.430.

24 After the formation of an operating agency, any other city or  
25 district may become a member thereof upon application to such agency  
26 after the adoption of a resolution of its legislative body authorizing  
27 said city or district to participate, and with the consent of the  
28 operating agency by the affirmative vote of the majority of its  
29 members. Any member may withdraw from an operating agency, and  
30 thereupon such member shall forfeit any and all rights or interest  
31 which it may have in such operating agency or in any of the assets  
32 thereof: PROVIDED, That all contractual obligations incurred while a  
33 member shall remain in full force and effect. An operating agency may  
34 be dissolved by the unanimous agreement of the members, and the  
35 members, after making provisions for the payment of all debts and  
36 obligations, shall thereupon hold the assets thereof as tenants in  
37 common.

1       **Sec. 69.** RCW 43.52.560 and 1987 c 376 s 1 are each amended to read  
2 as follows:

3       (~~(1)~~) Except as provided otherwise in this chapter, a joint  
4 operating agency shall purchase any item or items of materials,  
5 equipment, or supplies, the estimated cost of which is in excess of  
6 five thousand dollars exclusive of sales tax, or order work for  
7 construction of generating projects and associated facilities, the  
8 estimated cost of which is in excess of ten thousand dollars exclusive  
9 of sales tax, by contract in accordance with RCW 54.04.070 and  
10 54.04.080, which require sealed bids for contracts.

11       (~~(2) When a joint operating agency executes a contract under RCW~~  
12 ~~43.52.565, 43.52.575, or 43.52.580, the managing director shall certify~~  
13 ~~to the committees on energy and utilities of the senate and house of~~  
14 ~~representatives in writing within thirty days after the contract is~~  
15 ~~signed, that such contract is in the public interest, state the reason~~  
16 ~~or reasons why, and indicate the estimated cost savings to the project~~  
17 ~~compared to contracting for the same material, supplies, equipment or~~  
18 ~~work through completion of work as contracted, including termination~~  
19 ~~costs, or through sealed bids.))~~

20       **Sec. 70.** RCW 43.52.565 and 1994 c 27 s 1 are each amended to read  
21 as follows:

22       (1) An operating agency may enter into contracts through  
23 competitive negotiation under subsection (2) of this section for  
24 materials, equipment, supplies, or work to be performed during  
25 commercial operation of a nuclear generating project and associated  
26 facilities (a) to replace a defaulted contract or a contract terminated  
27 in whole or in part, or (b) where consideration of factors in addition  
28 to price, such as technical knowledge, experience, management, staff,  
29 or schedule, is necessary to achieve economical operation of the  
30 project, provided that the managing director or a designee determines  
31 in writing and the executive board finds that execution of a contract  
32 under this section will accomplish project completion or operation more  
33 economically than sealed bids.

34       (2) The selection of a contractor shall be made in accordance with  
35 the following procedures:

36       (a) Proposals shall be solicited through a request for proposals,  
37 which shall state the requirements to be met. Responses shall describe

1 the professional competence of the offeror, the technical merits of the  
2 offer, and the price.

3 (b) The request for proposals shall be given adequate public notice  
4 in the same manner as for sealed bids.

5 (c) As provided in the request for proposals, the operating agency  
6 shall specify at a preproposal conference the contract requirements in  
7 the request for proposal, which may include but are not limited to:  
8 Schedule, managerial, and staffing requirements, productivity and  
9 production levels, technical expertise, approved project quality  
10 assurance procedures, and time and place for submission of proposals.  
11 Any inquiries and responses thereto shall be confirmed in writing and  
12 shall be sent to all potential offerors.

13 (d) Proposals shall be opened so as to avoid disclosure of contents  
14 to competing offerors during the process of negotiation. A register of  
15 proposals shall be open for public inspection after contract award.

16 (e) As provided in the request for proposals, invitations shall be  
17 sent to all responsible offerors who submit proposals to attend  
18 discussions for the purpose of clarification to assure full  
19 understanding of, and responsiveness to, the solicitation requirements.  
20 Any inquiries and responses thereto shall be confirmed in writing and  
21 shall be sent to all offerors. Offerors shall be accorded fair and  
22 equal treatment with respect to any opportunity for discussion and  
23 revision of proposals, and such revisions may be permitted after  
24 submissions and prior to award for the purpose of obtaining best and  
25 final offers. In conducting discussions, there shall be no disclosure  
26 of any information derived from proposals submitted by competing  
27 offerors.

28 (f) The operating agency shall execute a contract with the  
29 responsible offeror whose proposal is determined in writing to be the  
30 most advantageous to the operating agency and the state taking into  
31 consideration the requirements set forth in the request for proposals.  
32 ~~((If a proposed contract exceeds ten million dollars, the operating  
33 agency shall notify the committees on energy and utilities of the  
34 senate and house of representatives at least thirty days prior to the  
35 date of contract execution and shall provide a copy of the contract  
36 with the notification.))~~ The contract file shall contain the basis on  
37 which the successful offeror is selected. The operating agency shall  
38 conduct a briefing conference on the selection if requested by an  
39 offeror.

1 (g) The contract may be fixed price or cost-reimbursable, in whole  
2 or in part, but not cost-plus-percentage-of-cost.

3 (h) The operating agency shall retain authority and responsibility  
4 for inspection, testing, and compliance with applicable regulations or  
5 standards of any state or federal governmental agency.

6 **Sec. 71.** RCW 43.63A.550 and 1990 1st ex.s. c 17 s 21 are each  
7 amended to read as follows:

8 (1) The department shall assist in the process of inventorying and  
9 collecting data on public and private land for the acquisition of data  
10 describing land uses, demographics, infrastructure, critical areas,  
11 transportation corridors physical features, housing, and other  
12 information useful in managing growth throughout the state. For this  
13 purpose the department shall contract with the department of  
14 information services and shall form an advisory group consisting of  
15 representatives from state, local, and federal agencies, colleges and  
16 universities, and private firms with expertise in land planning, and  
17 geographic information systems.

18 (2) The department shall establish a sequence for acquiring data,  
19 giving priority to rapidly growing areas. The data shall be retained  
20 in a manner to facilitate its use in preparing maps, aggregating with  
21 data from multiple jurisdictions, and comparing changes over time.  
22 Data shall further be retained in a manner which permits its access via  
23 computer.

24 ~~(3) ((By December 1, 1990, the department shall report to the~~  
25 ~~appropriate committees of the house of representatives and senate on~~  
26 ~~the availability of existing data; specific data which is needed but~~  
27 ~~not currently available; data compatibility across jurisdictions; the~~  
28 ~~suitability of various types of data for retention on computer; the~~  
29 ~~cost of collecting, storing, updating, mapping, and manipulating data~~  
30 ~~on a computer; and recommendations on how to maintain an inventory of~~  
31 ~~data which is accessible to any user and whether to maintain the data~~  
32 ~~at a central repository or decentralized repositories.~~

33 (4)) The department shall work with other state agencies, local  
34 governments, and private organizations that are inventorying public and  
35 private lands to ensure close coordination and to ensure that  
36 duplication of efforts does not occur.



1       **Sec. 72.** RCW 43.70.066 and 1997 c 274 s 3 are each amended to read  
2 as follows:

3       (1) The department of health shall study the feasibility of a  
4 uniform quality assurance and improvement program for use by all public  
5 and private health plans and health care providers and facilities. In  
6 this study, the department shall consult with:

- 7       (a) Public and private purchasers of health care services;
- 8       (b) Health carriers;
- 9       (c) Health care providers and facilities; and
- 10       (d) Consumers of health services.

11       (2) In conducting the study, the department shall propose standards  
12 that meet the needs of affected persons and organizations, whether  
13 public or private, without creation of differing levels of quality  
14 assurance. All consumers of health services should be afforded the  
15 same level of quality assurance.

16       (3) At a minimum, the study shall include but not be limited to the  
17 following program components and indicators appropriate for consumer  
18 disclosure:

- 19       (a) Health care provider training, credentialing, and licensure  
20 standards;
- 21       (b) Health care facility credentialing and recredentialing;
- 22       (c) Staff ratios in health care facilities;
- 23       (d) Annual mortality and morbidity rates of cases based on a  
24 defined set of procedures performed or diagnoses treated in health care  
25 facilities, adjusted to fairly consider variable factors such as  
26 patient demographics and case severity;
- 27       (e) The average total cost and average length of hospital stay for  
28 a defined set of procedures and diagnoses;
- 29       (f) The total number of the defined set of procedures, by  
30 specialty, performed by each physician at a health care facility within  
31 the previous twelve months;
- 32       (g) Utilization performance profiles by provider, both primary care  
33 and specialty care, that have been adjusted to fairly consider variable  
34 factors such as patient demographics and severity of case;
- 35       (h) Health plan fiscal performance standards;
- 36       (i) Health care provider and facility recordkeeping and reporting  
37 standards;

1 (j) Health care utilization management that monitors trends in  
2 health service underutilization, as well as overutilization of  
3 services;

4 (k) Health monitoring that is responsive to consumer, purchaser,  
5 and public health assessment needs; and

6 (l) Assessment of consumer satisfaction and disclosure of consumer  
7 survey results.

8 (4) In conducting the study, the department shall develop standards  
9 that permit each health care facility, provider group, or health  
10 carrier to assume responsibility for and determine the physical method  
11 of collection, storage, and assimilation of quality indicators for  
12 consumer disclosure. The study may define the forms, frequency, and  
13 posting requirements for disclosure of information.

14 In developing proposed standards under this subsection, the  
15 department shall identify options that would minimize provider burden  
16 and administrative cost resulting from duplicative private sector data  
17 submission requirements.

18 (5) The department shall submit a preliminary report to the  
19 legislature by December 31, 1995, including recommendations for initial  
20 legislation pursuant to subsection (6) of this section, and (~~shall~~)  
21 may submit supplementary reports and recommendations as completed,  
22 consistent with appropriated funds and staffing.

23 (6) The department shall not adopt any rule implementing the  
24 uniform quality assurance program or consumer disclosure provisions  
25 unless expressly directed to do so by an act of law.

26 **Sec. 73.** RCW 43.70.240 and 1989 1st ex.s. c 9 s 304 are each  
27 amended to read as follows:

28 The secretary and each of the professional licensing and  
29 disciplinary boards under the administration of the department shall  
30 enter into written operating agreements on administrative procedures  
31 with input from the regulated profession and the public. The intent of  
32 these agreements is to provide a process for the department to consult  
33 each board on administrative matters and to ensure that the  
34 administration and staff functions effectively enable each board to  
35 fulfill its statutory responsibilities. The agreements shall include,  
36 but not be limited to, the following provisions:

37 (1) Administrative activities supporting the board's policies,  
38 goals, and objectives;

1 (2) Development and review of the agency budget as it relates to  
2 the board; and

3 (3) Board related personnel issues.

4 The agreements shall be reviewed and revised in like manner if  
5 appropriate at the beginning of each fiscal year, and at other times  
6 upon written request by the secretary or the board.

7 ~~((The secretary shall report to the health care committees of the  
8 legislature, on or before February 28, 1990, on the implementation of  
9 the written operating agreement and the need, if any, for modification  
10 of this section.))~~

11 **Sec. 74.** RCW 43.70.330 and 1995 c 399 s 75 are each amended to  
12 read as follows:

13 (1) The department of health shall be the primary inspector of  
14 labor camps and farmworker housing for the state of Washington:  
15 PROVIDED, That the department of labor and industries shall be the  
16 inspector for all farmworker housing not covered by the authority of  
17 the state board of health.

18 (2) The department of health, the department of labor and  
19 industries, the department of community, trade, and economic  
20 development, the state board of health, and the employment security  
21 department shall develop an interagency agreement defining the rules  
22 and responsibilities for the inspection of farmworker housing. This  
23 agreement shall recognize the department of health as the primary  
24 inspector of labor camps for the state, and shall further be designed  
25 to provide a central information center for public information and  
26 education regarding farmworker housing. ~~((The agencies shall provide  
27 the legislature with a report on the results of this agreement by  
28 January 1, 1991.))~~

29 **Sec. 75.** RCW 43.70.530 and 1993 c 179 s 2 are each amended to read  
30 as follows:

31 The department of health, the department of social and health  
32 services, the department of community, trade, and economic development,  
33 the superintendent of public instruction, and the employment security  
34 department shall, collectively and collaboratively, develop a plan for  
35 a home health visitor program that shall have as its primary purpose  
36 the prevention of child abuse and neglect through the provision of

1 selected educational and supportive services to high risk parents of  
2 newborns.

3 (1) The program shall: (a) Be community-based; (b) include early  
4 hospital-based screening to identify high risk parents of newborns; (c)  
5 provide for an effective, in-home outreach and support program for high  
6 risk parents of newborns that involves: (i) Frequent home visits, (ii)  
7 parent training on early childhood development, parenting, and the  
8 stress factors that lead to abuse and neglect, and (iii) referrals to  
9 needed social and health services; and (d) demonstrate effective  
10 coordination among current community-based programs that may also serve  
11 high risk parents and their infants, including child abuse prevention  
12 programs, first steps, second steps, the early childhood education and  
13 assistance program, the healthy kids program, child welfare services,  
14 the women, infants, and ~~((child [children]))~~ children program, the high  
15 priority infant tracking program, the birth to six program, local and  
16 state public health prevention and early intervention services, and  
17 other services as identified.

18 (2) The plan shall: (a) Include an estimate and a description of  
19 the high risk groups to be served; (b) detail the screening process and  
20 mechanisms to be used to identify high risk parents; (c) detail the  
21 services to be included in the in-home program; (d) describe staffing  
22 that may include the use of teams of professionals, paraprofessionals,  
23 and volunteers; (e) describe how the program will be evaluated,  
24 including the measurable outcomes to be achieved; and (f) provide an  
25 estimate of the costs to fully implement the program state-wide, and  
26 for possible consideration, a series of pilot projects with a phased-in  
27 schedule.

28 ~~((3) The plan shall be provided to the appropriate legislative  
29 committees by December 1, 1993.))~~

30 **Sec. 76.** RCW 43.70.545 and 1994 sp.s. c 7 s 202 are each amended  
31 to read as follows:

32 (1) The department of health shall develop, based on  
33 recommendations in the public health services improvement plan and in  
34 consultation with affected groups or agencies, comprehensive rules for  
35 the collection and reporting of data relating to acts of violence, at-  
36 risk behaviors, and risk and protective factors. The data collection  
37 and reporting rules shall be used by any public or private entity that  
38 is required to report data relating to these behaviors and conditions.

1 The department may require any agency or program that is state-funded  
2 or that accepts state funds and any licensed or regulated person or  
3 professional to report these behaviors and conditions. To the extent  
4 possible the department shall require the reports to be filed through  
5 existing data systems. The department may also require reporting of  
6 attempted acts of violence and of nonphysical injuries. For the  
7 purposes of this section "acts of violence" means self-directed and  
8 interpersonal behaviors that can result in suicide, homicide, and  
9 nonfatal intentional injuries. "At-risk behaviors," "protective  
10 factors," and "risk factors" have the same meanings as provided in RCW  
11 70.190.010. A copy of the data used by a school district to prepare  
12 and submit a report to the department shall be retained by the district  
13 and, in the copy retained by the district, identify the reported acts  
14 or behaviors by school site.

15 (2) The department is designated as the state-wide agency for the  
16 coordination of all information relating to violence and other  
17 intentional injuries, at-risk behaviors, and risk and protective  
18 factors.

19 (3) The department shall provide necessary data to the local health  
20 departments for use in planning by or evaluation of any community  
21 network authorized under RCW 70.190.060.

22 ~~(4) ((The department shall publish annual reports on intentional~~  
23 ~~injuries, unintentional injuries, rates of at risk youth, and~~  
24 ~~associated risk and protective factors. The reports shall be submitted~~  
25 ~~to the governor, the legislature, and the Washington state institute~~  
26 ~~for public policy.~~

27 ~~(5))~~ The department shall by rule establish requirements for local  
28 health departments to perform assessment related to at-risk behaviors  
29 and risk and protective factors and to assist community networks in  
30 policy development and in planning and other duties under chapter 7,  
31 Laws of 1994 sp. sess.

32 ~~((6))~~ (5) The department may, consistent with its general  
33 authority and directives under RCW 43.70.540 through 43.70.560,  
34 contract with a college or university that has experience in data  
35 collection relating to the health and overall welfare of children to  
36 provide assistance to:

37 (a) State and local health departments in developing new sources of  
38 data to track acts of violence, at-risk behaviors, and risk and  
39 protective factors; and

1 (b) Local health departments to compile and effectively communicate  
2 data in their communities.

3 **Sec. 77.** RCW 43.70.555 and 1994 sp.s. c 7 s 204 are each amended  
4 to read as follows:

5 The department, in consultation with the family policy council  
6 created in chapter 70.190 RCW, shall establish, by rule, standards for  
7 local health departments and networks to use in assessment, performance  
8 measurement, policy development, and assurance regarding social  
9 development to prevent health problems caused by risk factors  
10 empirically linked to: Violent criminal acts by juveniles, teen  
11 substance abuse, teen pregnancy and male parentage, teen suicide  
12 attempts, dropping out of school, child abuse or neglect, and domestic  
13 violence. The standards shall be based on the standards set forth in  
14 the public health services improvement plan as required by RCW  
15 43.70.550.

16 ~~((The department, in consultation with the family policy council,  
17 shall review the definitions of at risk children and youth, protective  
18 factors, and risk factors contained in RCW 70.190.010 and make any  
19 suggested recommendations for change to the legislature by January 1,  
20 1995.))~~

21 **Sec. 78.** RCW 43.70.600 and 1996 c 323 s 6 are each amended to read  
22 as follows:

23 When funds are appropriated for this purpose, the department shall  
24 conduct a survey of scientific literature regarding the possible health  
25 effects of human exposure to the radio frequency part of the  
26 electromagnetic spectrum (300Hz to 300GHz). The department ~~((shall))~~  
27 may submit the survey results to the legislature, prepare a summary of  
28 that survey, and make the summary available to the public. The  
29 department ~~((shall))~~ may update the survey and summary periodically.

30 **Sec. 79.** RCW 43.72.860 and 1995 c 81 s 2 are each amended to read  
31 as follows:

32 (1) The department of labor and industries, in consultation with  
33 the workers' compensation advisory committee, may conduct pilot  
34 projects to purchase medical services for injured workers through  
35 managed care arrangements. The projects shall assess the effects of

1 managed care on the cost and quality of, and employer and employee  
2 satisfaction with, medical services provided to injured workers.

3 (2) The pilot projects may be limited to specific employers. The  
4 implementation of a pilot project shall be conditioned upon a  
5 participating employer and a majority of its employees, or, if the  
6 employees are represented for collective bargaining purposes, the  
7 exclusive bargaining representative, voluntarily agreeing to the terms  
8 of the pilot. Unless the project is terminated by the department, both  
9 the employer and employees are bound by the project agreements for the  
10 duration of the project.

11 (3) Solely for the purpose and duration of a pilot project, the  
12 specific requirements of Title 51 RCW that are identified by the  
13 department as otherwise prohibiting implementation of the pilot project  
14 shall not apply to the participating employers and employees to the  
15 extent necessary for conducting the project. Managed care arrangements  
16 for the pilot projects may include the designation of doctors  
17 responsible for the care delivered to injured workers participating in  
18 the projects.

19 (4) The projects shall conclude no later than January 1, 1997.  
20 (~~The department shall make an interim report on the projects to the~~  
21 ~~governor and appropriate committees of the legislature on or before~~  
22 ~~October 1, 1996. The department shall present the final results of the~~  
23 ~~pilot projects and any final recommendations related to the projects to~~  
24 ~~the governor and appropriate committees of the legislature on or before~~  
25 ~~April 1, 1997.))~~

26 **Sec. 80.** RCW 43.99F.040 and 1996 c 37 s 1 are each amended to read  
27 as follows:

28 The proceeds from the sale of the bonds deposited in the state and  
29 local improvements revolving account, Waste Disposal Facilities, 1980  
30 of the general fund under the terms of this chapter shall be  
31 administered by the state department of ecology subject to legislative  
32 appropriation. The department may use or permit the use of any funds  
33 derived from the sale of bonds authorized under this chapter to  
34 accomplish the purpose for which the bonds are issued by direct  
35 expenditures and by grants or loans to public bodies, including grants  
36 to public bodies as cost-sharing funds in any case where federal,  
37 local, or other funds are made available on a cost-sharing basis for  
38 improvements within the purposes of this chapter. The department shall

1 ensure that funds derived from the sale of bonds authorized under this  
2 chapter do not constitute more than seventy-five percent of the total  
3 cost of any waste disposal or management facility. Not more than two  
4 percent of the proceeds of the bond issue may be used by the department  
5 of ecology in relation to the administration of the expenditures,  
6 grants, and loans.

7 At least one hundred fifty million dollars of the proceeds of the  
8 bonds authorized by this chapter shall be used exclusively for waste  
9 management systems capable of producing renewable energy or energy  
10 savings as a result of the management of the wastes. "Renewable  
11 energy" means, but is not limited to, the production of steam, hot  
12 water for steam heat, electricity, cogeneration, gas, or fuel through  
13 the use of wastes by incineration, refuse-derived fuel processes,  
14 pyrolysis, hydrolysis, or bioconversion, and energy savings through  
15 material recovery from waste source separation and/or recycling.

16 ~~((Beginning with the biennium ending June 30, 1997, the department  
17 shall present a biennial progress report on the use of moneys from the  
18 account to the chairs of the senate committee on ways and means and the  
19 house of representatives committee on appropriations. The first report  
20 is due June 30, 1996, and the report for each succeeding biennium is  
21 due December 31 of the odd-numbered year. The report shall consist of  
22 a list of each recipient, project description, and amount of the grant,  
23 loan, or both.))~~

24 Integration of the management and operation of systems for solid  
25 waste disposal with systems of liquid waste disposal holds promise of  
26 improved waste disposal efficiency and greater environmental protection  
27 and restoration. To encourage the planning for and development of such  
28 integration, the department may provide for special grant incentives to  
29 public bodies which plan for or operate integrated waste disposal  
30 management systems.

31 Funds provided for waste disposal and management facilities under  
32 this chapter may be used for payments to a service provider under a  
33 service agreement pursuant to RCW 70.150.060. If funds are to be used  
34 for such payments, the department may make periodic disbursements to a  
35 public body or may make a single lump sum disbursement. Disbursements  
36 of funds with respect to a facility owned or operated by a service  
37 provider shall be equivalent in value to disbursements that would  
38 otherwise be made if that facility were owned or operated by a public  
39 body. Payments under this chapter for waste disposal and management



1 facilities made to public bodies entering into service agreements  
2 pursuant to RCW 70.150.060 shall not exceed amounts paid to public  
3 bodies not entering into service agreements.

4 **Sec. 81.** RCW 43.200.180 and 1986 c 2 s 4 are each amended to read  
5 as follows:

6 The department of ecology shall be the state agency responsible for  
7 implementation of the federal low-level radioactive waste policy  
8 amendments act of 1985, including:

9 (1) Collecting and administering the surcharge assessed by the  
10 governor under RCW 43.200.170;

11 (2) Collecting low-level radioactive waste data from disposal  
12 facility operators, generators, intermediate handlers, and the federal  
13 department of energy;

14 (3) Developing and operating a computerized information system to  
15 manage low-level radioactive waste data;

16 (4) Denying and reinstating access to the Hanford low-level  
17 radioactive waste disposal facility pursuant to the authority granted  
18 under federal law;

19 (5) Administering and/or monitoring (a) the maximum waste volume  
20 levels for the Hanford low-level radioactive waste disposal facility,  
21 (b) reactor waste allocations, (c) priority allocations under the  
22 Northwest Interstate Compact on Low-Level Radioactive Waste Management,  
23 and (d) adherence by other states and compact regions to federal  
24 statutory deadlines; and

25 (6) Coordinating the state's low-level radioactive waste disposal  
26 program with similar programs in other states(~~(; and~~

27 ~~(7) Preparing an annual report to the legislature which details the  
28 manifested curie content and cubic foot volume of the material received  
29 at the Hanford low-level radioactive waste disposal facility in a  
30 manner which allows for an assessment of the impact of volume reduction  
31 techniques and imposition of any surcharges on the amount of material  
32 received)).~~

33 **Sec. 82.** RCW 43.200.190 and 1986 c 2 s 6 are each amended to read  
34 as follows:

35 (~~(1)~~) The department of ecology shall perform studies, by  
36 contract or otherwise, to define site closure and perpetual care and  
37 maintenance requirements for the Hanford low-level radioactive waste

1 disposal facility and to assess the adequacy of insurance coverage for  
2 general liability, radiological liability, and transportation liability  
3 for the facility.

4 ~~((2) The department shall complete the studies and report its  
5 findings to the legislature by December 31, 1987. The department shall  
6 make a preliminary progress report to the legislature by December 31,  
7 1986.))~~

8 **Sec. 83.** RCW 43.200.200 and 1992 c 61 s 1 are each amended to read  
9 as follows:

10 (1) The director of the department of ecology shall periodically  
11 review the potential for bodily injury and property damage arising from  
12 the transportation and disposal of commercial low-level radioactive  
13 waste under permits issued by the state.

14 (2) The director may require permit holders to demonstrate  
15 financial assurance in an amount that is adequate to protect the state  
16 and its citizens from all claims, suits, losses, damages, or expenses  
17 on account of injuries to persons and property damage arising or  
18 growing out of the transportation or disposal of commercial low-level  
19 radioactive waste. The financial assurance may be in the form of  
20 insurance, cash deposits, surety bonds, corporate guarantees, and other  
21 acceptable instruments or guarantees determined by the director to be  
22 acceptable evidence of financial assurance.

23 (3) In making the determination of the appropriate level of  
24 financial assurance, the director shall consider:

25 (a) The nature and purpose of the activity and its potential for  
26 injury and damages to or claims against the state and its citizens;

27 (b) The current and cumulative manifested volume and radioactivity  
28 of waste being packaged, transported, buried, or otherwise handled;

29 (c) The location where the waste is being packaged, transported,  
30 buried, or otherwise handled, including the proximity to the general  
31 public and geographic features such as geology and hydrology, if  
32 relevant; and

33 (d) The legal defense cost, if any, that will be paid from the  
34 required financial assurance amount.

35 (4) The director may establish different levels of required  
36 financial assurance for various classes of permit holders.

1 (5) The director shall establish by rule the instruments or  
2 mechanisms by which a permit applicant or holder may demonstrate  
3 financial assurance as required by RCW 43.200.210.

4 ~~((6) The director shall complete a review and determination, and  
5 report the results to the legislature by December 1, 1994, and at least  
6 every five years thereafter, the director shall conduct a new review  
7 and determination and report its results to the legislature.))~~

8 **Sec. 84.** RCW 43.210.050 and 1995 c 399 s 107 are each amended to  
9 read as follows:

10 The small business export finance assistance center formed under  
11 RCW 43.210.020 and 43.210.030 shall enter into a contract under this  
12 chapter with the department of community, trade, and economic  
13 development or its statutory successor. The contract shall require the  
14 center to provide export assistance services, consistent with RCW  
15 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of  
16 two years, and shall require the center to aggressively seek to fund  
17 its continued operation from nonstate funds. The contract shall also  
18 require the center to report annually to the department on its success  
19 in obtaining nonstate funding. Upon expiration of the contract, any  
20 provisions within the contract applicable to the Pacific Northwest  
21 export assistance project shall be automatically renewed without change  
22 provided the legislature appropriates funds for administration of the  
23 small business export assistance center and the Pacific Northwest  
24 export assistance project. The provisions of the contract related to  
25 the Pacific Northwest export assistance project may be changed at any  
26 time if the director of the department of community, trade, and  
27 economic development or the president of the small business export  
28 finance assistance center present compelling reasons supporting the  
29 need for a contract change to the board of directors and a majority of  
30 the board of directors agrees to the changes. The department of  
31 agriculture shall be included in the contracting negotiations with the  
32 department of community, trade, and economic development and the small  
33 business export finance assistance center when the Pacific Northwest  
34 export assistance project provides export services to industrial  
35 sectors within the administrative domain of the Washington state  
36 department of agriculture. ~~((The department of community, trade, and  
37 economic development, the small business export finance assistance  
38 center, and, if appropriate, the department of agriculture, shall~~

1 ~~report annually, as one group, to the appropriate legislative oversight~~  
2 ~~committees on the progress of the Pacific Northwest export assistance~~  
3 ~~project.))~~

4       **Sec. 85.** RCW 43.330.090 and 1994 c 144 s 1 are each amended to  
5 read as follows:

6       (1) The department shall work with private sector organizations,  
7 local governments, local economic development organizations, and higher  
8 education and training institutions to assist in the development of  
9 strategies to diversify the economy, facilitate technology transfer and  
10 diffusion, and increase value-added production by focusing on targeted  
11 sectors. The targeted sectors may include, but are not limited to,  
12 software, forest products, biotechnology, environmental industries,  
13 recycling markets and waste reduction, aerospace, food processing,  
14 tourism, film and video, microelectronics, new materials, robotics, and  
15 machine tools. The department shall, on a continuing basis, evaluate  
16 the potential return to the state from devoting additional resources to  
17 a targeted sector's approach to economic development and including  
18 additional sectors in its efforts. The department shall use  
19 information gathered in each service delivery region in formulating its  
20 sectoral strategies and in designating new targeted sectors.

21       (2) The department shall ensure that the state continues to pursue  
22 a coordinated program to expand the tourism industry throughout the  
23 state in cooperation with the public and private tourism development  
24 organizations. The department shall work to provide a balance of  
25 tourism activities throughout the state and during different seasons of  
26 the year. In addition, the department shall promote, market, and  
27 encourage growth in the production of films and videos, as well as  
28 television commercials within the state; to this end the department is  
29 directed to assist in the location of a film and video production  
30 studio within the state.

31       (3) In assisting in the development of a targeted sector, the  
32 department's activities may include, but are not limited to:

33       (a) Conducting focus group discussions, facilitating meetings, and  
34 conducting studies to identify members of the sector, appraise the  
35 current state of the sector, and identify issues of common concern  
36 within the sector;

1 (b) Supporting the formation of industry associations, publications  
2 of association directories, and related efforts to create or expand the  
3 activities or industry associations;

4 (c) Assisting in the formation of flexible networks by providing  
5 (i) agency employees or private sector consultants trained to act as  
6 flexible network brokers and (ii) funding for potential flexible  
7 network participants for the purpose of organizing or implementing a  
8 flexible network;

9 (d) Helping establish research consortia;

10 (e) Facilitating joint training and education programs;

11 (f) Promoting cooperative market development activities;

12 (g) Analyzing the need, feasibility, and cost of establishing  
13 product certification and testing facilities and services; and

14 (h) Providing for methods of electronic communication and  
15 information dissemination among firms and groups of firms to facilitate  
16 network activity.

17 ~~((By January 10th of each year, the department shall report in  
18 writing on its targeted sector programs to the appropriate legislative  
19 economic development committees. The department's report shall include  
20 an appraisal of the sector, activities the department has undertaken to  
21 assist in the development of each sector, and recommendations to the  
22 legislature regarding activities that the state should implement but  
23 are currently beyond the scope of the department's program or  
24 resources.))~~

25 **Sec. 86.** RCW 43.07.290 and 1997 c 329 s 1 are each amended to read  
26 as follows:

27 (1) The Washington quality award council shall be organized as a  
28 private, nonprofit corporation, in accordance with chapter 24.03 RCW  
29 and this section, with limited staff assistance by the secretary of  
30 state as provided by RCW 43.07.295.

31 (2) The council shall oversee the governor's Washington state  
32 quality achievement award program. The purpose of the program is to  
33 improve the overall competitiveness of the state's economy by  
34 stimulating Washington state industries, business, and organizations to  
35 bring about measurable success through setting standards of  
36 organizational excellence, encouraging organizational self-assessment,  
37 identifying successful organizations as role models, and providing a  
38 valuable mechanism for promoting and strengthening a commitment to

1 continuous quality improvement in all sectors of the state's economy.  
2 The program shall annually recognize organizations that improve the  
3 quality of their products and services and are noteworthy examples of  
4 high-performing work organizations.

5 (3) The council shall consist of the governor and the secretary of  
6 state, or their designees, as chair and vice-chair, respectively, the  
7 director of the department of community, trade, and economic  
8 development, or his or her designee, and twenty-seven members appointed  
9 by the governor. Those twenty-seven council members must be selected  
10 from recognized professionals who shall have backgrounds in or  
11 experience with effective quality improvement techniques, employee  
12 involvement quality of work life initiatives, development of innovative  
13 labor-management relations, and other recognized leaders in state and  
14 local government and private business. The membership of the board  
15 beyond the chair and vice-chair shall be appointed by the governor for  
16 terms of three years.

17 (4) The council shall establish a board of examiners, a recognition  
18 committee, and such other subcouncil groups as it deems appropriate to  
19 carry out its responsibilities. Subcouncil groups established by the  
20 council may be composed of noncouncilmembers.

21 (5) The council shall compile a list of resources available for  
22 organizations interested in productivity improvement, quality  
23 techniques, effective methods of work organization, and upgrading work  
24 force skills as a part of the quality for Washington state foundation's  
25 ongoing educational programs. The council shall make the list of  
26 resources available to the general public.

27 (6) The council may conduct such public information, research,  
28 education, and assistance programs as it deems appropriate to further  
29 quality improvement in organizations operating in the state of  
30 Washington.

31 (7) The council shall:

32 (a) Approve and announce achievement award recipients;

33 (b) Approve guidelines to examine applicant organizations;

34 (c) Approve appointment of judges and examiners;

35 (d) Arrange appropriate annual awards and recognition for  
36 recipients, in conjunction with the quality for Washington state  
37 foundation;

1 (e) Formulate recommendations for change in the nomination form or  
2 award categories, in cooperation with the quality for Washington state  
3 foundation; and

4 (f) Review any related education, training, technology transfer,  
5 and research initiatives proposed to it, and that it determines  
6 (~~merits~~ ~~[merit]~~) merit such a review.

7 (8) By January 1st of each even-numbered year, the council  
8 (~~shall~~) may report to the governor and the appropriate committees of  
9 the legislature on its activities in the proceeding two years and on  
10 any recommendations in state policies or programs that could encourage  
11 quality improvement and the development of high-performance work  
12 organizations.

13 (9) The council shall cease to exist on July 1, 1999, unless  
14 otherwise extended by law.

15 **Sec. 87.** RCW 44.40.070 and 1988 c 167 s 10 are each amended to  
16 read as follows:

17 Prior to October 1st of each even-numbered year all state agencies  
18 whose major programs consist of transportation activities, including  
19 the department of transportation, (~~the utilities and transportation~~  
20 ~~commission,~~) the transportation improvement board, the Washington  
21 state patrol, the department of licensing, the traffic safety  
22 commission, the county road administration board, and the board of  
23 pilotage commissioners, shall adopt or revise, after consultation with  
24 the legislative transportation committee, a comprehensive six-year  
25 program and financial plan for all transportation activities under each  
26 agency's jurisdiction.

27 The comprehensive six-year program and financial plan shall state  
28 the general objectives and needs of each agency's major transportation  
29 programs, including workload and performance estimates.

30 **Sec. 88.** RCW 44.40.150 and 1989 1st ex.s. c 6 s 14 are each  
31 amended to read as follows:

32 (1) The legislative transportation committee shall undertake a  
33 study and develop recommendations for legislative and executive  
34 consideration that will:

35 (a) Increase the efficiency and effectiveness of state  
36 transportation programs and reduce costs;

1 (b) Enhance the accountability and organizational soundness of all  
2 transportation modes;

3 (c) Encourage better communication between local jurisdictions and  
4 the department of transportation in developing engineering plans and  
5 subsequent construction projects;

6 (d) Encourage private sector support and financial participation in  
7 project development and construction of transportation projects;

8 (e) Develop long-range goals that reflect changing technology and  
9 state-of-the-art advancements in transportation;

10 (f) Explore alternatives for the establishment of an integrated and  
11 balanced multimodal state-wide transportation system to meet the needs  
12 of the 21st century; and

13 (g) Explore ways to reduce the demand on the transportation system  
14 and more effectively use the existing system.

15 The committee may study other transportation needs and problems and  
16 make further recommendations.

17 (2) The office of financial management and the department of  
18 transportation shall provide staff support as required by the  
19 legislative transportation committee in developing the recommendations.  
20 To the extent permitted by law, all agencies of the state shall  
21 cooperate fully with the legislative transportation committee in  
22 carrying out its duties under this section.

23 (3) The legislative transportation committee may receive and expend  
24 gifts, grants, and endowments from private sector sources to carry out  
25 the purpose of this section.

26 ~~((4) By December 1991 the legislative transportation committee  
27 shall submit its preliminary findings and recommendations to the  
28 governor, transportation commission, and legislature. A final report  
29 shall be submitted by December 1993.))~~

30 **Sec. 89.** RCW 46.20.520 and 1987 c 454 s 3 are each amended to read  
31 as follows:

32 (1) The director of licensing shall use moneys designated for the  
33 motorcycle safety education account of the highway safety fund to  
34 implement by July 1, 1983, a voluntary motorcycle operator training and  
35 education program. The director may contract with public and private  
36 entities to implement this program.

37 (2) There is created a motorcycle safety education advisory board  
38 to assist the director of licensing in the development of a motorcycle



1 operator training education program. The board shall monitor this  
2 program following implementation and report to the director of  
3 licensing as necessary with recommendations including, but not limited  
4 to, administration, application, and substance of the motorcycle  
5 operator training and education program.

6 The board shall consist of five members appointed by the director  
7 of licensing. Three members of the board, one of whom shall be  
8 appointed chairperson, shall be active motorcycle riders or members of  
9 nonprofit motorcycle organizations which actively support and promote  
10 motorcycle safety education. One member shall be a currently employed  
11 Washington state patrol motorcycle officer with at least five years  
12 experience and at least one year cumulative experience as a motorcycle  
13 officer. One member shall be a member of the public. The term of  
14 appointment shall be two years. The board shall meet at the call of  
15 the director, but not less than two times annually and not less than  
16 five times during its term of appointment, and shall receive no  
17 compensation for services but shall be reimbursed for travel expenses  
18 while engaged in business of the board in accordance with RCW 43.03.050  
19 and 43.03.060 as now existing or hereafter amended.

20 ~~(3) ((The board shall submit a proposed motorcycle operator~~  
21 ~~training and education program to the director and to the legislative~~  
22 ~~transportation committee for review and approval on or before January~~  
23 ~~1, 1988.~~

24 ~~(4))~~ The priorities of the program shall be in the following order  
25 of priority:

26 (a) Public awareness of motorcycle safety.

27 (b) Motorcycle safety education programs conducted by public and  
28 private entities.

29 (c) Classroom and on-cycle training.

30 (d) Improved motorcycle operator testing.

31 **Sec. 90.** RCW 46.61.165 and 1991 sp.s. c 15 s 67 are each amended  
32 to read as follows:

33 The state department of transportation and the local authorities  
34 are authorized to reserve all or any portion of any highway under their  
35 respective jurisdictions, including any designated lane or ramp, for  
36 the exclusive or preferential use of public transportation vehicles or  
37 private motor vehicles carrying no fewer than a specified number of  
38 passengers when such limitation will increase the efficient utilization

1 of the highway or will aid in the conservation of energy resources.  
2 There is hereby appropriated from the transportation fund--state to the  
3 department of transportation, program C for the period ending June 30,  
4 1993, an additional \$15 million for the sole purpose of expediting  
5 completion of the HOV core lane system. Regulations authorizing such  
6 exclusive or preferential use of a highway facility may be declared to  
7 be effective at all times or at specified times of day or on specified  
8 days. ~~((The department shall evaluate the efficacy of the vehicle  
9 occupancy requirements and shall report to the legislative  
10 transportation committee by January 1, 1992.))~~

11 **Sec. 91.** RCW 46.81A.020 and 1993 c 115 s 2 are each amended to  
12 read as follows:

13 (1) The director shall administer and enforce the law pertaining to  
14 the motorcycle skills education program as set forth in this chapter.

15 (2) The director may adopt and enforce reasonable rules that are  
16 consistent with this chapter.

17 (3) The director shall revise the Washington motorcycle safety  
18 program to:

19 (a) Institute a motorcycle skills education course for both novice  
20 and advanced motorcycle riders that is a minimum of eight hours and no  
21 more than sixteen hours at a cost of no more than fifty dollars;

22 (b) Encourage the use of loaned or used motorcycles for use in the  
23 motorcycle skills education course if the instructor approves them;

24 (c) Require all instructors to conduct at least three classes in a  
25 one-year period to maintain their teaching eligibility;

26 (d) Encourage the use of radio or intercom equipped helmets when,  
27 in the opinion of the instructor, radio or intercom equipped helmets  
28 improve the quality of instruction((;

29 ~~(e) Require a biennial report to be submitted to the legislative  
30 transportation committee that includes the following:~~

31 ~~(i) A narrative history of the program;~~

32 ~~(ii) Current biennium program appropriations versus actual program  
33 expenditures;~~

34 ~~(iii) Historical enrollment statistics and enrollment forecasts;~~

35 ~~(iv) Comparative data evaluating motorcycle traffic statistics of  
36 program graduates versus nongraduates;~~

37 ~~(v) Data on the age of the enrollees;~~

1       ~~(vi) Statistical information regarding general trends in motorcycle~~  
2 ~~ridership in Washington state;~~

3       ~~(vii) The number of courses offered throughout the biennium;~~

4       ~~(viii) Information on course dropout rates)).~~

5       (4) The department shall obtain and compile information from  
6 applicants for a motorcycle endorsement regarding whether they have  
7 completed a state approved motorcycle skills education course. ((This  
8 information shall be used for the report required by subsection (3)(e)  
9 of this section.))

10       **Sec. 92.** RCW 47.01.250 and 1990 c 266 s 5 are each amended to read  
11 as follows:

12       The chief of the Washington state patrol, the director of the  
13 traffic safety commission, the executive director of the county road  
14 administration board, and the director of licensing are designated as  
15 official consultants to the transportation commission so that the goals  
16 and activities of their respective agencies which relate to  
17 transportation are fully coordinated with other related  
18 responsibilities of the department of transportation. In this  
19 capacity, the chief of the Washington state patrol, the director of the  
20 traffic safety commission, the executive director of the county road  
21 administration board, and the director of licensing shall consult with  
22 the transportation commission and the secretary of transportation on  
23 the implications and impacts on the transportation related functions  
24 and duties of their respective agencies of any proposed comprehensive  
25 transportation plan, program, or policy.

26       In order to develop fully integrated, balanced, and coordinated  
27 transportation plans, programs, and budgets the chief of the Washington  
28 state patrol, the director of the traffic safety commission, the  
29 executive director of the county road administration board, and the  
30 director of licensing shall consult with the secretary of  
31 transportation on the matter of relative priorities during the  
32 development of their respective agencies' plans, programs, and budgets  
33 as they pertain to transportation activities. ((The secretary of  
34 transportation shall provide written comments to the governor and the  
35 legislature on the extent to which the state patrol's, the traffic  
36 safety commission's, the county road administration board's, and the  
37 department of licensing's final plans, programs, and budgets are

1 ~~compatible with the priorities established in the department of~~  
2 ~~transportation's final plans, programs, and budgets.))~~

3 **Sec. 93.** RCW 47.01.900 and 1996 c 186 s 301 are each amended to  
4 read as follows:

5 (1) All powers, duties, and functions of the state energy office  
6 pertaining to the commute trip reduction program are transferred to the  
7 department of transportation. All references to the director or the  
8 state energy office in the Revised Code of Washington shall be  
9 construed to mean the secretary or the department of transportation  
10 when referring to the functions transferred in this section.

11 (2)(a) All reports, documents, surveys, books, records, files,  
12 papers, or written material in the possession of the state energy  
13 office pertaining to the powers, functions, and duties transferred  
14 shall be delivered to the custody of the department of transportation.  
15 All cabinets, furniture, office equipment, software, data base, motor  
16 vehicles, and other tangible property employed by the state energy  
17 office in carrying out the powers, functions, and duties transferred  
18 shall be made available to the department of transportation. All  
19 funds, credits, or other assets held in connection with the powers,  
20 functions, and duties transferred shall be assigned to the department  
21 of transportation.

22 (b) Any appropriations made to the state energy office for carrying  
23 out the powers, functions, and duties transferred shall, on July 1,  
24 1996, be transferred and credited to the department of transportation.

25 (c) Whenever any question arises as to the transfer of any  
26 personnel, funds, books, documents, records, papers, files, equipment,  
27 or other tangible property used or held in the exercise of the powers  
28 and the performance of the duties and functions transferred, the  
29 director of financial management shall make a determination as to the  
30 proper allocation and certify the same to the state agencies concerned.

31 (3) All employees of the state energy office engaged in performing  
32 the powers, functions, and duties transferred are transferred to the  
33 jurisdiction of the department of transportation. All employees  
34 classified under chapter 41.06 RCW, the state civil service law, are  
35 assigned to the department of transportation to perform their usual  
36 duties upon the same terms as formerly, without any loss of rights,  
37 subject to any action that may be appropriate thereafter in accordance  
38 with the laws and rules governing state civil service.

1 (4) All rules and all pending business before the state energy  
2 office pertaining to the powers, functions, and duties transferred  
3 shall be continued and acted upon by the department of transportation.  
4 All existing contracts and obligations, excluding personnel contracts  
5 and obligations, shall remain in full force and shall be performed by  
6 the department of transportation.

7 (5) The transfer of the powers, duties, functions, and personnel of  
8 the state energy office shall not affect the validity of any act  
9 performed before July 1, 1996.

10 (6) If apportionments of budgeted funds are required because of the  
11 transfers directed by this section, the director of financial  
12 management shall certify the apportionments to the agencies affected,  
13 the state auditor, and the state treasurer. Each of these shall make  
14 the appropriate transfer and adjustments in funds and appropriation  
15 accounts and equipment records in accordance with the certification.

16 ~~((7) The department of transportation shall report to the  
17 legislature by December 1, 1996, on the effects of this section.))~~

18 **Sec. 94.** RCW 47.04.180 and 1989 c 195 s 1 are each amended to read  
19 as follows:

20 On the recommendation of their public works departments or  
21 designees, counties or cities can petition the department of  
22 transportation to create a "twenty-four hour headlight policy" on state  
23 highways in their respective jurisdictions. The department shall  
24 develop criteria for approval or disapproval, such as traffic volume,  
25 accident statistics, and costs of signs. The department shall notify  
26 all counties about this program.

27 A jurisdiction requesting such a policy shall periodically report  
28 to the department regarding its educational efforts. A jurisdiction  
29 may petition the department to remove such a policy.

30 The jurisdiction shall educate its citizens on the "twenty-four  
31 hour headlight policy." The department shall place and maintain  
32 appropriate signs along the designated highway. Participating  
33 jurisdictions shall share in the cost of signing in an amount as  
34 determined by the department.

35 ~~((The department shall periodically report to the legislative  
36 transportation committee regarding petitions and the subsequent  
37 accident statistics. By January 1, 1995, the department shall report  
38 to the legislature on the findings of the program.))~~

1       **Sec. 95.** RCW 47.05.021 and 1993 c 490 s 2 are each amended to read  
2 as follows:

3       (1) The transportation commission is hereby directed to conduct  
4 periodic analyses of the entire state highway system, report thereon to  
5 the chairs of the transportation committees of the senate and house of  
6 representatives, including one copy to the staff of each of the  
7 committees, biennially and based thereon, to subdivide, classify, and  
8 subclassify according to their function and importance all designated  
9 state highways and those added from time to time and periodically  
10 review and revise the classifications into the following three  
11 functional classes:

12       (a) The "principal arterial system" shall consist of a connected  
13 network of rural arterial routes with appropriate extensions into and  
14 through urban areas, including all routes designated as part of the  
15 interstate system, which serve corridor movements having travel  
16 characteristics indicative of substantial state-wide and interstate  
17 travel;

18       (b) The "minor arterial system" shall, in conjunction with the  
19 principal arterial system, form a rural network of arterial routes  
20 linking cities and other activity centers which generate long distance  
21 travel, and, with appropriate extensions into and through urban areas,  
22 form an integrated network providing interstate and interregional  
23 service; and

24       (c) The "collector system" shall consist of routes which primarily  
25 serve the more important intercounty, intracounty, and intraurban  
26 travel corridors, collect traffic from the system of local access roads  
27 and convey it to the arterial system, and on which, regardless of  
28 traffic volume, the predominant travel distances are shorter than on  
29 arterial routes.

30       (2) In making the functional classification the transportation  
31 commission shall adopt and give consideration to criteria consistent  
32 with this section and federal regulations relating to the functional  
33 classification of highways, including but not limited to the following:

34       (a) Urban population centers within and without the state  
35 stratified and ranked according to size;

36       (b) Important traffic generating economic activities, including but  
37 not limited to recreation, agriculture, government, business, and  
38 industry;

1 (c) Feasibility of the route, including availability of alternate  
2 routes within and without the state;

3 (d) Directness of travel and distance between points of economic  
4 importance;

5 (e) Length of trips;

6 (f) Character and volume of traffic;

7 (g) Preferential consideration for multiple service which shall  
8 include public transportation;

9 (h) Reasonable spacing depending upon population density; and

10 (i) System continuity.

11 (3) The transportation commission shall designate a system of state  
12 highways that have state-wide significance. This state-wide system  
13 shall include interstate highways and other state-wide principal  
14 arterials that are needed to connect major communities across the state  
15 and support the state's economy.

16 (4) The transportation commission shall designate a freight and  
17 goods transportation system. This state-wide system shall include  
18 state highways, county roads, and city streets. The commission, in  
19 cooperation with cities and counties, shall review and make  
20 recommendations to the legislature regarding policies governing weight  
21 restrictions and road closures which affect the transportation of  
22 freight and goods. ~~((The first report is due by December 15, 1993, and  
23 biennially thereafter.))~~

24 **Sec. 96.** RCW 47.14.050 and 1987 c 267 s 5 are each amended to read  
25 as follows:

26 The department shall:

27 (1) Give priority to the refinement and modification of right of  
28 way procedures and policies dealing with donation;

29 (2) Reduce or simplify paperwork requirements resulting from right  
30 of way procurement;

31 (3) Increase communication and education efforts as a means to  
32 solicit and encourage voluntary right of way donations;

33 (4) Enhance communication and coordination with local governments  
34 through agreements of understanding that address state acceptance of  
35 right of way donations secured under zoning, use permits, subdivision,  
36 and associated police power authority of local government((~~+~~

37 ~~(5) Report to the legislative transportation committee by January  
38 31, 1988, on its efforts under this section)).~~

1       **Sec. 97.** RCW 47.24.010 and 1979 ex.s. c 86 s 2 are each amended to  
2 read as follows:

3       The transportation commission shall determine what streets,  
4 together with bridges thereon and wharves necessary for use for  
5 ferriage of motor vehicle traffic in connection with such streets, if  
6 any, in any incorporated cities and towns shall form a part of the  
7 route of state highways and between the first and fifteenth days of  
8 July of any year the department of transportation shall (~~certify to~~  
9 ~~the clerk of each city or town,~~) identify by brief description, the  
10 streets, together with the bridges thereon and wharves, if any, in such  
11 city or town which are designated as forming a part of the route of any  
12 state highway; and all such streets, including curbs and gutters and  
13 street intersections and such bridges and wharves, shall thereafter be  
14 a part of the state highway system and as such shall be constructed and  
15 maintained by the department of transportation from any state funds  
16 available therefor:     PROVIDED, That the responsibility for the  
17 construction and maintenance of any such street together with its  
18 appurtenances may be returned to a city or a town upon certification by  
19 the department of transportation to the clerk of any city or town that  
20 such street, or portion thereof, is no longer required as a part of the  
21 state highway system:     PROVIDED FURTHER, That any such certification  
22 that a street, or portion thereof, is no longer required as a part of  
23 the state highway system shall be made between the first and fifteenth  
24 of July following the determination by the department that such street  
25 or portion thereof is no longer required as a part of the state highway  
26 system, but this shall not prevent the department and any city or town  
27 from entering into an agreement that a city or town will accept  
28 responsibility for such a street or portion thereof at some time other  
29 than between the first and fifteenth of July of any year.

30       **Sec. 98.** RCW 48.41.070 and 1989 c 121 s 4 are each amended to read  
31 as follows:

32       The pool shall be subject to examination by the commissioner as  
33 provided under chapter 48.03 RCW. The board of directors shall submit  
34 to the commissioner, not later than one hundred twenty days after the  
35 end of each accounting year, a financial report for the year in a form  
36 approved by the commissioner. (~~The board of directors shall further~~  
37 ~~report to the appropriate standing committees of each house of the~~  
38 ~~legislature by March 1st of each year.~~)



1       **Sec. 99.** RCW 49.30.005 and 1991 c 31 s 1 are each amended to read  
2 as follows:

3       (~~(1)~~) It is the intent of the legislature that the department  
4 assist agricultural employers in mitigating the costs of the state's  
5 unemployment insurance program. The department shall work with members  
6 of the agricultural community to: Improve understanding of the  
7 program's operation; increase compliance with work-search requirements;  
8 provide prompt notification of potential claims against an employer's  
9 experience rating; inform employers of their rights; inform employers  
10 of the actions necessary to appeal a claim and to protect their rights;  
11 and reduce claimant and employer fraud. These efforts shall include:

12       (~~(a)~~) (1) Conducting employer workshops and community seminars;

13       (~~(b)~~) (2) Developing new educational materials; and

14       (~~(c)~~) (3) Developing forms that use lay language.

15       (~~(2) The department shall report to the appropriate standing~~  
16 ~~committees of the legislature by January 10, 1990, 1991, and 1992 and~~  
17 ~~include a description of the activities of the department to carry out~~  
18 ~~the intents of this section and provide quantitative data where~~  
19 ~~possible on the effectiveness of the activities undertaken by the~~  
20 ~~department to comply with the intents of this section during the~~  
21 ~~previous calendar year.))~~

22       **Sec. 100.** RCW 50.44.035 and 1983 1st ex.s. c 23 s 22 are each  
23 amended to read as follows:

24       (1) Any county, city, or town not electing to make payments in lieu  
25 of contributions shall pay a "local government tax." Taxes paid under  
26 this section shall be paid into an administratively identifiable  
27 account in the unemployment compensation fund. This account shall be  
28 self-sustaining. For calendar years 1978 and 1979 all such employers  
29 shall pay local government tax at the rate of one and one-quarter  
30 percent of all remuneration paid by the governmental unit for services  
31 in its employment. For each year after 1979 each such employer's rate  
32 of tax shall be determined in accordance with this section: PROVIDED,  
33 HOWEVER, That whenever it appears to the commissioner that the  
34 anticipated benefit payments from the account would jeopardize  
35 reasonable reserves in this identifiable account the commissioner may  
36 at the commencement of any calendar quarter, impose an emergency excess  
37 tax of not more than one percent of remuneration paid by the  
38 participating governmental units which "excess tax" shall be paid in

1 addition to the applicable rate computed pursuant to this section until  
2 the calendar year following the next September 1<sup>st</sup>.

3 (2) A reserve account shall be established for each such employer.

4 (a) The "reserve account" of each such employer shall be credited  
5 with tax amounts paid and shall be charged with benefit amounts charged  
6 in accordance with the formula set forth in RCW 50.44.060 as now or  
7 hereafter amended except that such employer's account shall be charged  
8 for the full amount of extended benefits so attributable for weeks of  
9 unemployment commencing after January 1, 1979. Such credits and  
10 charges shall be cumulative from January 1, 1978.

11 (b) After the cutoff date, the "reserve ratio" of each such  
12 employer shall be computed by dividing its reserve account balance as  
13 of the computation date by the total remuneration paid during the  
14 preceding calendar year for services in its employment. This division  
15 shall be carried to four decimal places, with the remaining fraction,  
16 if any, disregarded.

17 (3) A "benefit cost ratio" for each such employer shall be computed  
18 by dividing its total benefit charges during the thirty-six months  
19 ending on June 30<sup>th</sup> by its total remuneration during the three  
20 preceding calendar years: PROVIDED, That after August 31<sup>st</sup> in 1979  
21 each employer's total benefit charges for the twelve months ending on  
22 June 30<sup>th</sup> shall be divided by its total remuneration paid in the last  
23 three quarters of calendar year 1978; and after August 31<sup>st</sup> in 1980  
24 each employer's total benefit charges for the twenty-four months ending  
25 June 30<sup>th</sup> shall be divided by its total remuneration paid in the last  
26 three calendar quarters of 1978 and the four calendar quarters of 1979.  
27 Such computations shall be carried to four decimal places, with the  
28 remaining fraction, if any, disregarded.

29 (4) For each such employer its benefit cost ratio shall be  
30 subtracted from its reserve ratio. One-third of the resulting amount  
31 shall be subtracted from its benefit cost ratio. The resulting figure,  
32 expressed as a percentage and rounded to the nearest tenth of one  
33 percent, shall become its local government tax rate for the following  
34 rate year. For the rate year 1980 no tax rate shall be less than 0.6  
35 percent nor more than 2.2 percent. For 1981 no tax rate shall be less  
36 than 0.4 percent nor more than 2.6 percent. For years after 1981 no  
37 tax rate shall be less than 0.2 percent or more than 3.0 percent. No  
38 individual rate shall be increased any more than 1.0 percent from one  
39 rate year to the next.

1 (5) Any county, city, or town electing participation under this  
2 section at any time after December 15, 1977, shall be assigned a tax  
3 rate of one and one-quarter percent of total remuneration for the first  
4 eight quarters of the participation.

5 ~~(6) ((Each year after 1980 the commissioner shall review the local  
6 government tax system and make recommendations to the legislature for  
7 changes in said system.~~

8 ~~(7))~~ "Local government tax" shall be deemed to be "contributions"  
9 to the extent that such usage is consistent with the purposes of this  
10 title. Such construction shall include but not be limited to those  
11 portions of this title and the rules ~~((and regulations))~~ enacted  
12 pursuant thereto dealing with assessments, interest, penalties, liens,  
13 collection procedures and remedies, administrative and judicial review,  
14 and the imposition of administrative, civil, and criminal sanctions.

15 **Sec. 101.** RCW 50.60.901 and 1983 c 207 s 14 are each amended to  
16 read as follows:

17 The department shall adopt such rules as are necessary to carry out  
18 the purposes of this act. ~~((The department shall make a report to the  
19 legislature by January 1, 1984 which describes the implementation of  
20 this act.))~~

21 **Sec. 102.** RCW 50.62.040 and 1987 c 284 s 4 are each amended to  
22 read as follows:

23 (1) Each year the employment security department ~~((shall))~~ may  
24 publish an annual report on the unemployed based on research conducted  
25 on the continuous ~~((usage [wage]))~~ wage and benefit history and other  
26 sources that identifies:

27 (a) The demographic groups of unemployment insurance claimants that  
28 experience the greatest difficulty finding new employment with wages  
29 comparable to their prelayoff earnings;

30 (b) The demographic groups of unemployment insurance claimants that  
31 have the highest rates of failure to find unemployment insurance  
32 covered-employment after a layoff;

33 (c) The demographic, industry, and employment characteristics of  
34 the unemployment insurance claimant population most closely associated  
35 with the exhaustion of an unemployment claim;

1 (d) The demographic, industry, and employment characteristics of  
2 those locked-out workers who are eligible for unemployment compensation  
3 under RCW 50.20.090; and

4 (e) The demographic groups which are defined as the "long-term  
5 unemployed" for purposes of this chapter. This listing shall be  
6 updated each year.

7 (2) The employment security department shall continue to fund the  
8 continuing wage and benefit history at a level necessary to produce the  
9 annual report described in subsection (1) of this section.

10 **Sec. 103.** RCW 50.72.070 and 1994 sp.s. c 3 s 7 are each amended to  
11 read as follows:

12 (1) An applicant selected for funding under this chapter shall  
13 provide the department information on program and participant  
14 accomplishments. The information shall be provided in progress and  
15 final reports as requested by the department.

16 (2) ~~((The department shall prepare an initial evaluation report,~~  
17 ~~which shall be made available to the governor and appropriate~~  
18 ~~legislative committees, on or before December 1, 1995, on the progress~~  
19 ~~of individual programs funded under this chapter.))~~ A final evaluation  
20 report shall be prepared on individual programs at the time of their  
21 completion. The final evaluation report shall include, but is not  
22 limited to, information on the effectiveness of the program, the status  
23 of program participants, and recommendations on program administration  
24 at the state and local level.

25 **Sec. 104.** RCW 51.36.080 and 1993 c 159 s 2 are each amended to  
26 read as follows:

27 (1) All fees and medical charges under this title shall conform to  
28 the fee schedule established by the director and shall be paid within  
29 sixty days of receipt by the department of a proper billing in the form  
30 prescribed by department rule or sixty days after the claim is allowed  
31 by final order or judgment, if an otherwise proper billing is received  
32 by the department prior to final adjudication of claim allowance. The  
33 department shall pay interest at the rate of one percent per month, but  
34 at least one dollar per month, whenever the payment period exceeds the  
35 applicable sixty-day period on all proper fees and medical charges.

36 Beginning in fiscal year 1987, interest payments under this  
37 subsection may be paid only from funds appropriated to the department

1 for administrative purposes. (~~(A record of payments made under this~~  
2 ~~subsection shall be submitted twice yearly to the commerce and labor~~  
3 ~~committees of the senate and the house of representatives and to the~~  
4 ~~ways and means committees of the senate and the house of~~  
5 ~~representatives.)~~)

6 Nothing in this section may be construed to require the payment of  
7 interest on any billing, fee, or charge if the industrial insurance  
8 claim on which the billing, fee, or charge is predicated is ultimately  
9 rejected or the billing, fee, or charge is otherwise not allowable.

10 In establishing fees for medical and other health care services,  
11 the director shall consider the director's duty to purchase health care  
12 in a prudent, cost-effective manner without unduly restricting access  
13 to necessary care by persons entitled to the care. With respect to  
14 workers admitted as hospital inpatients on or after July 1, 1987, the  
15 director shall pay for inpatient hospital services on the basis of  
16 diagnosis-related groups, contracting for services, or other prudent,  
17 cost-effective payment method, which the director shall establish by  
18 rules adopted in accordance with chapter 34.05 RCW.

19 (2) The director may establish procedures for selectively or  
20 randomly auditing the accuracy of fees and medical billings submitted  
21 to the department under this title.

22 **Sec. 105.** RCW 59.22.090 and 1991 c 327 s 4 are each amended to  
23 read as follows:

24 (1) A manufactured housing task force is established to study and  
25 make recommendations concerning the structure state government should  
26 use to regulate manufactured housing in this state. In conducting this  
27 study, the task force shall review the structures used in other states,  
28 including those states with a commission structure. The task force  
29 shall consider the report prepared by the department of licensing, the  
30 department of labor and industries, and the department of community,  
31 trade, and economic development on consolidating mobile home-related  
32 functions in conducting its study. The task force may not consider any  
33 form of mobile home rent control, but shall consider mobile home park  
34 siting and density regulatory issues.

35 (2) (~~(The task force shall submit a final report containing its~~  
36 ~~findings and recommendations to the house of representatives housing~~  
37 ~~committee and the senate commerce and labor committee by December 1,~~  
38 ~~1992.)~~) The task force shall terminate on December 31, 1992.

1 (3) The task force shall consist of the following members:

2 (a) Two members of the house of representatives appointed by the  
3 speaker of the house of representatives, from different political  
4 caucuses;

5 (b) Two members of the senate appointed by the president of the  
6 senate, from different political caucuses;

7 (c) Two members who represent mobile home park owners, appointed by  
8 the governor;

9 (d) Two members who represent mobile home owners, appointed by the  
10 governor;

11 (e) One member who represents mobile home manufacturers, appointed  
12 by the governor;

13 (f) One member who represents mobile home dealers, appointed by the  
14 governor;

15 (g) One member who represents mobile home transporters, appointed  
16 by the governor;

17 (h) One member who represents local building officials, appointed  
18 by the governor;

19 (i) One member who is either an elected or appointed government  
20 official of a county with a population of one hundred thousand or more  
21 persons, appointed by the governor;

22 (j) One member who is either an elected or appointed government  
23 official of a county with a population of less than one hundred  
24 thousand persons, appointed by the governor;

25 (k) One member who is either an elected or appointed government  
26 official of a city with a population of thirty-five thousand persons,  
27 appointed by the governor;

28 (l) One member who is either an elected or appointed government  
29 official of a city with a population of less than thirty-five thousand  
30 persons, appointed by the governor;

31 (m) One member who represents local health officials, appointed by  
32 the governor; and

33 (n) The director, or the director's designee from the department of  
34 community, trade, and economic development, the department of  
35 licensing, the department of labor and industries, and the attorney  
36 general's office. The designees shall be nonvoting, ex officio members  
37 of the task force.

38 (4) The members of the task force shall select the chair or co-  
39 chairs of the task force.

1 (5) Staff assistance for the task force will be provided by  
2 legislative staff and staff from the agencies or offices listed in  
3 subsection (3)(n) of this section.

4 **Sec. 106.** RCW 67.70.050 and 1987 c 511 s 3 and 1987 c 505 s 57 are  
5 each reenacted and amended to read as follows:

6 There is created the office of director of the state lottery. The  
7 director shall be appointed by the governor with the consent of the  
8 senate. The director shall serve at the pleasure of the governor and  
9 shall receive such salary as is determined by the governor, but in no  
10 case may the director's salary be more than ninety percent of the  
11 salary of the governor. The director shall:

12 (1) Supervise and administer the operation of the lottery in  
13 accordance with the provisions of this chapter and with the rules of  
14 the commission.

15 (2) Appoint such deputy and assistant directors as may be required  
16 to carry out the functions and duties of his office: PROVIDED, That  
17 the provisions of the state civil service law, chapter 41.06 RCW, shall  
18 not apply to such deputy and assistant directors.

19 (3) Appoint such professional, technical, and clerical assistants  
20 and employees as may be necessary to perform the duties imposed by this  
21 chapter: PROVIDED, That the provisions of the state civil service law,  
22 chapter 41.06 RCW, shall not apply to such employees as are engaged in  
23 undercover audit or investigative work or security operations but shall  
24 apply to other employees appointed by the director, except as provided  
25 for in subsection (2) of this section.

26 (4) In accordance with the provisions of this chapter and the rules  
27 of the commission, license as agents to sell or distribute lottery  
28 tickets such persons as in his opinion will best serve the public  
29 convenience and promote the sale of tickets or shares. The director  
30 may require a bond from any licensed agent, in such amount as provided  
31 in the rules of the commission. Every licensed agent shall prominently  
32 display his license, or a copy thereof, as provided in the rules of the  
33 commission. License fees may be established by the commission, and, if  
34 established, shall be deposited in the state lottery account created by  
35 RCW 67.70.230.

36 (5) Confer regularly as necessary or desirable with the commission  
37 on the operation and administration of the lottery; make available for  
38 inspection by the commission, upon request, all books, records, files,

1 and other information and documents of the lottery; and advise the  
2 commission and recommend such matters as the director deems necessary  
3 and advisable to improve the operation and administration of the  
4 lottery.

5 (6) Subject to the applicable laws relating to public contracts,  
6 enter into contracts for the operation of the lottery, or any part  
7 thereof, and into contracts for the promotion of the lottery. No  
8 contract awarded or entered into by the director may be assigned by the  
9 holder thereof except by specific approval of the commission:  
10 PROVIDED, That nothing in this chapter authorizes the director to enter  
11 into public contracts for the regular and permanent administration of  
12 the lottery after the initial development and implementation.

13 (7) Certify quarterly to the state treasurer and the commission a  
14 full and complete statement of lottery revenues, prize disbursements,  
15 and other expenses for the preceding quarter.

16 (8) ~~((Report immediately to the governor and the legislature any  
17 matters which require immediate changes in the laws of this state in  
18 order to prevent abuses and evasions of this chapter or rules  
19 promulgated thereunder or to rectify undesirable conditions in  
20 connection with the administration or operation of the lottery.~~

21 ~~(9))~~ Carry on a continuous study and investigation of the lottery  
22 throughout the state: (a) For the purpose of ascertaining any defects  
23 in this chapter or in the rules issued thereunder by reason whereof any  
24 abuses in the administration and operation of the lottery or any  
25 evasion of this chapter or the rules may arise or be practiced, (b) for  
26 the purpose of formulating recommendations for changes in this chapter  
27 and the rules promulgated thereunder to prevent such abuses and  
28 evasions, (c) to guard against the use of this chapter and the rules  
29 issued thereunder as a cloak for the carrying on of professional  
30 gambling and crime, and (d) to ~~((insure))~~ ensure that this chapter and  
31 rules shall be in such form and be so administered as to serve the true  
32 purposes of this chapter.

33 ~~((10))~~ (9) Make a continuous study and investigation of: (a) The  
34 operation and the administration of similar laws which may be in effect  
35 in other states or countries, (b) the operation of an additional game  
36 or games for the benefit of a particular program or purpose, (c) any  
37 literature on the subject which from time to time may be published or  
38 available, (d) any federal laws which may affect the operation of the  
39 lottery, and (e) the reaction of the citizens of this state to existing



1 and potential features of the lottery with a view to recommending or  
2 effecting changes that will tend to serve the purposes of this  
3 chapter.

4 ~~((11))~~ (10) Have all enforcement powers granted in chapter 9.46  
5 RCW.

6 ~~((12))~~ (11) Perform all other matters and things necessary to  
7 carry out the purposes and provisions of this chapter.

8 **Sec. 107.** RCW 69.43.010 and 1988 c 147 s 1 are each amended to  
9 read as follows:

10 (1) Beginning July 1, 1988, a report to the state board of pharmacy  
11 shall be submitted in accordance with this chapter by a manufacturer,  
12 retailer, or other person who sells, transfers, or otherwise furnishes  
13 to any person in this state any of the following substances or their  
14 salts or isomers:

- 15 (a) Anthranilic acid;
- 16 (b) Barbituric acid;
- 17 (c) Chlorephedrine;
- 18 (d) Diethyl malonate;
- 19 (e) D-lysergic acid;
- 20 (f) Ephedrine;
- 21 (g) Ergotamine tartrate;
- 22 (h) Ethylamine;
- 23 (i) Ethyl malonate;
- 24 (j) Ethylephedrine;
- 25 (k) Lead acetate;
- 26 (l) Malonic acid;
- 27 (m) Methylamine;
- 28 (n) Methylformamide;
- 29 (o) Methylephedrine;
- 30 (p) Methylpseudoephedrine;
- 31 (q) N-acetylanthranilic acid;
- 32 (r) Norpseudoephedrine;
- 33 (s) Phenylacetic acid;
- 34 (t) Phenylpropanolamine;
- 35 (u) Piperidine;
- 36 (v) Pseudoephedrine; and
- 37 (w) Pyrrolidine.

1 (2) The state board of pharmacy shall administer this chapter and  
2 may, by rule adopted pursuant to chapter 34.05 RCW, add a substance to  
3 or remove a substance from the list in subsection (1) of this section.  
4 In determining whether to add or remove a substance, the board shall  
5 consider the following:

6 (a) The likelihood that the substance is useable as a precursor in  
7 the illegal production of a controlled substance as defined in chapter  
8 69.50 RCW;

9 (b) The availability of the substance;

10 (c) The relative appropriateness of including the substance in this  
11 chapter or in chapter 69.50 RCW; and

12 (d) The extent and nature of legitimate uses for the substance.

13 ~~(3) ((On or before December 1 of each year, the board shall inform  
14 the committees of reference of the legislature of the substances added,  
15 deleted, or changed in subsection (1) of this section and include an  
16 explanation of these actions.~~

17 ~~(4))~~(a) Beginning on July 1, 1988, any manufacturer, wholesaler,  
18 retailer, or other person shall, before selling, transferring, or  
19 otherwise furnishing any substance specified in subsection (1) of this  
20 section to a person in this state, require proper identification from  
21 the purchaser.

22 (b) For the purposes of this subsection, "proper identification"  
23 means, in the case of a face-to-face purchase, a motor vehicle  
24 operator's license or other official state-issued identification of the  
25 purchaser containing a photograph of the purchaser, and includes the  
26 residential or mailing address of the purchaser, other than a post  
27 office box number, the motor vehicle license number of any motor  
28 vehicle owned or operated by the purchaser, a letter of authorization  
29 from any business for which any substance specified in subsection (1)  
30 of this section is being furnished, which includes the business license  
31 number and address of the business, a description of how the substance  
32 is to be used, and the signature of the purchaser. The person selling,  
33 transferring, or otherwise furnishing any substance specified in  
34 subsection (1) of this section shall affix his or her signature as a  
35 witness to the signature and identification of the purchaser. The  
36 state board of pharmacy shall provide by rule for the proper  
37 identification of purchasers in other than face-to-face purchases.

38 (c) A violation of this subsection is a misdemeanor.

1       (~~(+5)~~) (4) Beginning on July 1, 1988, any manufacturer,  
2 wholesaler, retailer, or other person who sells, transfers, or  
3 otherwise furnishes the substance specified in subsection (1) of this  
4 section to a person in this state shall, not less than twenty-one days  
5 before delivery of the substance, submit a report of the transaction,  
6 which includes the identification information specified in subsection  
7 (~~(+4)~~) (3) of this section to the state board of pharmacy. However,  
8 the state board of pharmacy may authorize the submission of the reports  
9 on a monthly basis with respect to repeated, regular transactions  
10 between the furnisher and the recipient involving the same substance if  
11 the state board of pharmacy determines that either of the following  
12 exist:

13       (a) A pattern of regular supply of the substance exists between the  
14 manufacturer, wholesaler, retailer, or other person who sells,  
15 transfers, or otherwise furnishes such substance and the recipient of  
16 the substance; or

17       (b) The recipient has established a record of using the substance  
18 for lawful purposes.

19       (~~(+6)~~) (5) Any person specified in subsection (~~(+5)~~) (4) of this  
20 section who does not submit a report as required by that subsection is  
21 guilty of a gross misdemeanor.

22       **Sec. 108.** RCW 69.50.201 and 1993 c 187 s 2 are each amended to  
23 read as follows:

24       (a) The state board of pharmacy shall enforce this chapter and may  
25 add substances to or delete or reschedule substances listed in RCW  
26 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to  
27 the procedures of chapter 34.05 RCW.

28       (1) In making a determination regarding a substance, the board  
29 shall consider the following:

30       (i) the actual or relative potential for abuse;

31       (ii) the scientific evidence of its pharmacological effect, if  
32 known;

33       (iii) the state of current scientific knowledge regarding the  
34 substance;

35       (iv) the history and current pattern of abuse;

36       (v) the scope, duration, and significance of abuse;

37       (vi) the risk to the public health;

1 (vii) the potential of the substance to produce psychic or  
2 physiological dependence liability; and

3 (viii) whether the substance is an immediate precursor of a  
4 controlled substance.

5 (2) The board may consider findings of the federal Food and Drug  
6 Administration or the Drug Enforcement Administration as prima facie  
7 evidence relating to one or more of the determinative factors.

8 ~~(b) ((On or before December 1 of each year, the board shall inform  
9 the committees of reference of the legislature of the controlled  
10 substances added, deleted, or changed on the schedules specified in  
11 this chapter and which includes an explanation of these actions.~~

12 ~~(e))~~ After considering the factors enumerated in subsection (a) of  
13 this section, the board shall make findings with respect thereto and  
14 adopt and cause to be published a rule controlling the substance upon  
15 finding the substance has a potential for abuse.

16 ~~((d))~~ (c) The board, without regard to the findings required by  
17 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,  
18 69.50.209, and 69.50.211 or the procedures prescribed by subsections  
19 (a) and ~~((e))~~ (b) of this section, may place an immediate precursor  
20 in the same schedule in which the controlled substance of which it is  
21 an immediate precursor is placed or in any other schedule. If the  
22 board designates a substance as an immediate precursor, substances that  
23 are precursors of the controlled precursor are not subject to control  
24 solely because they are precursors of the controlled precursor.

25 ~~((e))~~ (d) If a substance is designated, rescheduled, or deleted  
26 as a controlled substance under federal law, the board shall similarly  
27 control the substance under this chapter after the expiration of thirty  
28 days from the date of publication in the federal register of a final  
29 order designating the substance as a controlled substance or  
30 rescheduling or deleting the substance or from the date of issuance of  
31 an order of temporary scheduling under Section 508 of the federal  
32 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),  
33 unless within that thirty-day period, the board or an interested party  
34 objects to inclusion, rescheduling, temporary scheduling, or deletion.  
35 If no objection is made, the board shall adopt and cause to be  
36 published, without the necessity of making determinations or findings  
37 as required by subsection (a) of this section or RCW 69.50.203,  
38 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which  
39 notice of proposed rule making is omitted, designating, rescheduling,

1 temporarily scheduling, or deleting the substance. If an objection is  
2 made, the board shall make a determination with respect to the  
3 designation, rescheduling, or deletion of the substance as provided by  
4 subsection (a) of this section. Upon receipt of an objection to  
5 inclusion, rescheduling, or deletion under this chapter by the board,  
6 the board shall publish notice of the receipt of the objection, and  
7 control under this chapter is stayed until the board adopts a rule as  
8 provided by subsection (a) of this section.

9 ~~((f))~~ (e) The board, by rule and without regard to the  
10 requirements of subsection (a) of this section, may schedule a  
11 substance in Schedule I regardless of whether the substance is  
12 substantially similar to a controlled substance in Schedule I or II if  
13 the board finds that scheduling of the substance on an emergency basis  
14 is necessary to avoid an imminent hazard to the public safety and the  
15 substance is not included in any other schedule or no exemption or  
16 approval is in effect for the substance under Section 505 of the  
17 federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt  
18 of notice under RCW 69.50.214, the board shall initiate scheduling of  
19 the controlled substance analog on an emergency basis pursuant to this  
20 subsection. The scheduling of a substance under this subsection  
21 expires one year after the adoption of the scheduling rule. With  
22 respect to the finding of an imminent hazard to the public safety, the  
23 board shall consider whether the substance has been scheduled on a  
24 temporary basis under federal law or factors set forth in subsection  
25 (a)(1)(iv), (v), and (vi) of this section, and may also consider  
26 clandestine importation, manufacture, or distribution, and, if  
27 available, information concerning the other factors set forth in  
28 subsection (a)(1) of this section. A rule may not be adopted under  
29 this subsection until the board initiates a rule-making proceeding  
30 under subsection (a) of this section with respect to the substance. A  
31 rule adopted under this subsection must be vacated upon the conclusion  
32 of the rule-making proceeding initiated under subsection (a) of this  
33 section with respect to the substance.

34 (g) Authority to control under this section does not extend to  
35 distilled spirits, wine, malt beverages, or tobacco as those terms are  
36 defined or used in Titles 66 and 26 RCW.

37 **Sec. 109.** RCW 69.50.525 and 1993 c 187 s 20 are each amended to  
38 read as follows:

1 (a) As used in this section, "diversion" means the transfer of any  
2 controlled substance from a licit to an illicit channel of distribution  
3 or use.

4 (b) The department shall regularly prepare and make available to  
5 other state regulatory, licensing, and law enforcement agencies a  
6 report on the patterns and trends of actual distribution, diversion,  
7 and abuse of controlled substances.

8 (c) The department shall enter into written agreements with local,  
9 state, and federal agencies for the purpose of improving identification  
10 of sources of diversion and to improve enforcement of and compliance  
11 with this chapter and other laws and regulations pertaining to unlawful  
12 conduct involving controlled substances. An agreement must specify the  
13 roles and responsibilities of each agency that has information or  
14 authority to identify, prevent, and control drug diversion and drug  
15 abuse. The department shall convene periodic meetings to coordinate a  
16 state diversion prevention and control program. The department shall  
17 arrange for cooperation and exchange of information among agencies and  
18 with neighboring states and the federal government.

19 ~~((d) The department shall report to the governor and to the  
20 presiding officer of each house of the legislature on the outcome of  
21 this program with respect to its effects on distribution and abuse of  
22 controlled substances, including recommendations for improving control  
23 and prevention of the diversion of controlled substances of this  
24 state.))~~

25 **Sec. 110.** RCW 70.105.160 and 1984 c 254 s 2 are each amended to  
26 read as follows:

27 The department shall conduct a study to determine the best  
28 management practices for categories of waste for the priority waste  
29 management methods established in RCW 70.105.150, with due  
30 consideration in the course of the study to sound environmental  
31 management and available technology. As an element of the study, the  
32 department shall review methods that will help achieve the priority of  
33 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed  
34 ~~((regulations))~~ rules, the department shall conduct public hearings  
35 regarding the best management practices for the various waste  
36 categories studied by the department. After conducting the study, the  
37 department shall prepare new rules or modify existing rules as  
38 appropriate to promote implementation of the priorities established in

1 RCW 70.105.150 for management practices which assure use of sound  
2 environmental management techniques and available technology. The  
3 preliminary study shall be completed by July 1, 1986, and the rules  
4 shall be adopted by July 1, 1987. The solid waste advisory committee  
5 shall review the studies and the new or modified rules ((and submit  
6 recommendations to the legislature by January 1, 1988, regarding policy  
7 options (such as fee incentives, disposal bans, etc.) that will be used  
8 to reduce the production of dangerous and extremely hazardous waste in  
9 Washington state)).

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

13 **Sec. 111.** RCW 70.112.050 and 1975 1st ex.s. c 108 s 5 are each  
14 amended to read as follows:

15 The advisory board shall advise the dean and the chairman of the  
16 department of family medicine in the implementation of the educational  
17 programs provided for in this chapter; including, but not limited to,  
18 the selection of the areas within the state where affiliate residency  
19 programs shall exist, the allocation of funds appropriated under this  
20 chapter, and the procedures for review and evaluation of the residency  
21 programs. ((On or before January 15 of each year the advisory board  
22 shall provide the governor and the legislature with the report on the  
23 status of the state wide family practice residency program.))

24 **Sec. 112.** RCW 70.119A.160 and 1995 c 376 s 4 are each amended to  
25 read as follows:

26 The department shall create a water supply advisory committee.  
27 Membership on the committee shall reflect a broad range of interests in  
28 the regulation of public water supplies, including water utilities of  
29 all sizes, local governments, business groups, special purpose  
30 districts, local health jurisdictions, other state and federal  
31 agencies, financial institutions, environmental organizations, the  
32 legislature, and other groups substantially affected by the  
33 department's role in implementing state and federal requirements for  
34 public water systems. Members shall be appointed for fixed terms of no  
35 less than two years, and may be reappointed. Any members of an  
36 existing advisory committee to the drinking water program may remain as  
37 members of the water supply advisory committee. The committee shall

1 provide advice to the department on the organization, functions,  
2 service delivery methods, and funding of the drinking water program.  
3 The committee shall also review the adequacy and necessity of the  
4 current and prospective funding for the drinking water program, and the  
5 results of the committees' review shall be forwarded to the department  
6 (~~for inclusion in a report to the appropriate standing committees of~~  
7 ~~the legislature no later than November 1, 1996~~). The report shall  
8 include a discussion of the extent to which the drinking water program  
9 has progressed toward achieving the objectives of the public health  
10 improvement plan, and an assessment of any changes to the program  
11 necessitated by modifications to the federal safe drinking water act.

12 **Sec. 113.** RCW 70.129.160 and 1994 c 214 s 18 are each amended to  
13 read as follows:

14 The long-term care ombudsman shall monitor implementation of this  
15 chapter and determine the degree to which veterans' homes, nursing  
16 facilities, adult family homes, and boarding homes ensure that  
17 residents are able to exercise their rights. The long-term care  
18 ombudsman shall consult with the departments of health and social and  
19 health services, long-term care facility organizations, resident  
20 groups, and senior and (~~disable~~[disabled]) disabled citizen  
21 organizations (~~and report to the house of representatives committee on~~  
22 ~~health care and the senate committee on health and human services~~  
23 ~~concerning the implementation of this chapter with any applicable~~  
24 ~~recommendations by July 1, 1995~~).

25 **Sec. 114.** RCW 70.148.020 and 1991 sp.s. c 13 s 90 are each amended  
26 to read as follows:

27 (1) The pollution liability insurance program trust account is  
28 established in the custody of the state treasurer. All funds  
29 appropriated for this chapter and all premiums collected for  
30 reinsurance shall be deposited in the account. Expenditures from the  
31 account shall be used exclusively for the purposes of this chapter  
32 including payment of costs of administering the pollution liability  
33 insurance and underground storage tank community assistance programs.  
34 The account is subject to allotment procedures under chapter 43.88 RCW.  
35 Expenditures for payment of the costs of administering the program may  
36 be made only after appropriation by statute. No appropriation is  
37 required for other expenditures from the account.



1 (2) Each calendar quarter, the director shall report to the  
2 insurance commissioner (~~((and the chairs of the senate ways and means,~~  
3 ~~senate financial institutions, house of representatives revenue, and~~  
4 ~~house of representatives financial institutions committees,))~~) the loss  
5 and surplus reserves required for the calendar quarter. The director  
6 shall notify the department of revenue of this amount by the fifteenth  
7 day of each calendar quarter.

8 (3) Each calendar quarter the director shall (~~(report to the chairs~~  
9 ~~of the senate ways and means, senate financial institutions, house of~~  
10 ~~representatives revenue, and house of representatives financial~~  
11 ~~institutions and insurance committees,)) determine the amount of  
12 reserves necessary to fund commitments made to provide financial  
13 assistance under RCW 70.148.130 to the extent that the financial  
14 assistance reserves do not jeopardize the operations and liabilities of  
15 the pollution liability insurance program. The director shall notify  
16 the department of revenue of this amount by the fifteenth day of each  
17 calendar quarter. The director may immediately establish an initial  
18 financial assistance reserve of five million dollars from available  
19 revenues. The director may not expend more than fifteen million  
20 dollars for the financial assistance program.~~

21 **Sec. 115.** RCW 70.148.050 and 1995 c 12 s 1 are each amended to  
22 read as follows:

23 The director has the following powers and duties:

24 (1) To design and from time to time revise a reinsurance contract  
25 providing coverage to an insurer meeting the requirements of this  
26 chapter. Before initially entering into a reinsurance contract, the  
27 director shall (~~(provide a report to the chairs of the senate ways and~~  
28 ~~means, senate financial institutions, house of representatives revenue,~~  
29 ~~and house of representatives financial institutions committees and~~  
30 ~~shall include)) prepare an actuarial report describing the various  
31 reinsurance methods considered by the director and describing each  
32 method's costs. In designing the reinsurance contract the director  
33 shall consider common insurance industry reinsurance contract  
34 provisions and shall design the contract in accordance with the  
35 following guidelines:~~

36 (a) The contract shall provide coverage to the insurer for the  
37 liability risks of owners and operators of underground storage tanks

1 for third party bodily injury and property damage and corrective action  
2 that are underwritten by the insurer.

3 (b) In the event of an insolvency of the insurer, the reinsurance  
4 contract shall provide reinsurance payable directly to the insurer or  
5 to its liquidator, receiver, or successor on the basis of the liability  
6 of the insurer in accordance with the reinsurance contract. In no  
7 event may the program be liable for or provide coverage for that  
8 portion of any covered loss that is the responsibility of the insurer  
9 whether or not the insurer is able to fulfill the responsibility.

10 (c) The total limit of liability for reinsurance coverage shall not  
11 exceed one million dollars per occurrence and two million dollars  
12 annual aggregate for each policy underwritten by the insurer less the  
13 ultimate net loss retained by the insurer as defined and provided for  
14 in the reinsurance contract.

15 (d) Disputes between the insurer and the insurance program shall be  
16 settled through arbitration.

17 (2) To design and implement a structure of periodic premiums due  
18 the director from the insurer that takes full advantage of revenue  
19 collections and projected revenue collections to ensure affordable  
20 premiums to the insured consistent with sound actuarial principles.

21 (3) To periodically review premium rates for reinsurance to  
22 determine whether revenue appropriations supporting the program can be  
23 reduced without substantially increasing the insured's premium costs.

24 (4) To solicit bids from insurers and select an insurer to provide  
25 pollution liability insurance to owners and operators of underground  
26 storage tanks for third party bodily injury and property damage and  
27 corrective action.

28 (5) To monitor the activities of the insurer to ensure compliance  
29 with this chapter and protect the program from excessive loss exposure  
30 resulting from claims mismanagement by the insurer.

31 (6) To monitor the success of the program and periodically make  
32 such reports and recommendations to the legislature as the director  
33 deems appropriate, and to annually publish a financial report on the  
34 pollution liability insurance program trust account showing, among  
35 other things, administrative and other expenses paid from the fund.

36 (7) To annually report the financial and loss experience of the  
37 insurer as to policies issued under the program and the financial and  
38 loss experience of the program to the legislature.

1 (8) To evaluate the effects of the program upon the private market  
2 for liability insurance for owners and operators of underground storage  
3 tanks and make recommendations to the legislature on the necessity for  
4 continuing the program to ensure availability of such coverage.

5 (9) To enter into contracts with public and private agencies to  
6 assist the director in his or her duties to design, revise, monitor,  
7 and evaluate the program and to provide technical or professional  
8 assistance to the director.

9 (10) To examine the affairs, transactions, accounts, records,  
10 documents, and assets of insurers as the director deems advisable.

11 **Sec. 116.** RCW 70.162.050 and 1989 c 315 s 6 are each amended to  
12 read as follows:

13 (1) The superintendent of public instruction may implement a model  
14 indoor air quality program in a school district selected by the  
15 superintendent.

16 (2) The superintendent shall ensure that the model program  
17 includes:

18 (a) An initial evaluation by an indoor air quality expert of the  
19 current indoor air quality in the school district. The evaluation  
20 shall be completed within ninety days after the beginning of the school  
21 year;

22 (b) Establishment of procedures to ensure the maintenance and  
23 operation of any ventilation and filtration system used. These  
24 procedures shall be implemented within thirty days of the initial  
25 evaluation;

26 (c) A reevaluation by an indoor air quality expert, to be conducted  
27 approximately two hundred seventy days after the initial evaluation;  
28 and

29 (d) The implementation of other procedures or plans that the  
30 superintendent deems necessary to implement the model program.

31 ~~((3) The superintendent shall make a report by December 1, 1990,~~  
32 ~~to the appropriate committees of the legislature that includes:~~

33 ~~(a) A summary and evaluation of the model program;~~

34 ~~(b) An evaluation of the adequacy of mechanical ventilation and~~  
35 ~~filtration systems used in public schools; and~~

36 ~~(c) Recommendations to ensure acceptable indoor air quality in all~~  
37 ~~public schools.))~~

1       **Sec. 117.** RCW 70.168.030 and 1988 c 183 s 3 are each amended to  
2 read as follows:

3       (1) Upon the recommendation of the steering committee, the director  
4 of the office of financial management shall contract with an  
5 independent party for an analysis of the state's trauma system.

6       (2) The analysis shall contain at a minimum, the following:

7       (a) The identification of components of a functional state-wide  
8 trauma care system, including standards; and

9       (b) An assessment of the current trauma care program compared with  
10 the functional state-wide model identified in subsection (a) of this  
11 section, including an analysis of deficiencies and reasons for the  
12 deficiencies.

13       (3) The analysis shall provide a design for a state-wide trauma  
14 care system based on the findings of the committee under subsection (2)  
15 of this section, with a plan for phased-in implementation. The plan  
16 shall include, at a minimum, the following:

17       (a) Responsibility for implementation;

18       (b) Administrative authority at the state, regional, and local  
19 levels;

20       (c) Facility, equipment, and personnel standards;

21       (d) Triage and care criteria;

22       (e) Data collection and use;

23       (f) Cost containment strategies;

24       (g) System evaluation; and

25       (h) Projected costs.

26       (~~(4) The steering committee shall submit to the appropriate~~  
27 ~~committees of the legislature the results of the identification and~~  
28 ~~assessment phase of the analysis by July 1, 1989, and the design plan~~  
29 ~~by January 1, 1990.))~~

30       **Sec. 118.** RCW 70.170.060 and 1989 1st ex.s. c 9 s 506 are each  
31 amended to read as follows:

32       (1) No hospital or its medical staff shall adopt or maintain  
33 admission practices or policies which result in:

34       (a) A significant reduction in the proportion of patients who have  
35 no third-party coverage and who are unable to pay for hospital  
36 services;

37       (b) A significant reduction in the proportion of individuals  
38 admitted for inpatient hospital services for which payment is, or is

1 likely to be, less than the anticipated charges for or costs of such  
2 services; or

3 (c) The refusal to admit patients who would be expected to require  
4 unusually costly or prolonged treatment for reasons other than those  
5 related to the appropriateness of the care available at the hospital.

6 (2) No hospital shall adopt or maintain practices or policies which  
7 would deny access to emergency care based on ability to pay. No  
8 hospital which maintains an emergency department shall transfer a  
9 patient with an emergency medical condition or who is in active labor  
10 unless the transfer is performed at the request of the patient or is  
11 due to the limited medical resources of the transferring hospital.  
12 Hospitals must follow reasonable procedures in making transfers to  
13 other hospitals including confirmation of acceptance of the transfer by  
14 the receiving hospital.

15 (3) The department shall develop definitions by rule, as  
16 appropriate, for subsection (1) of this section and, with reference to  
17 federal requirements, subsection (2) of this section. The department  
18 shall monitor hospital compliance with subsections (1) and (2) of this  
19 section. The department shall report (~~to the legislature and the~~  
20 ~~governor on hospital compliance with these requirements and shall~~  
21 ~~report~~) individual instances of possible noncompliance to the state  
22 attorney general or the appropriate federal agency.

23 (4) The department shall establish and maintain by rule, consistent  
24 with the definition of charity care in RCW 70.170.020, the following:

25 (a) Uniform procedures, data requirements, and criteria for  
26 identifying patients receiving charity care;

27 (b) A definition of residual bad debt including reasonable and  
28 uniform standards for collection procedures to be used in efforts to  
29 collect the unpaid portions of hospital charges that are the patient's  
30 responsibility.

31 (5) For the purpose of providing charity care, each hospital shall  
32 develop, implement, and maintain a charity care policy which,  
33 consistent with subsection (1) of this section, shall enable people  
34 below the federal poverty level access to appropriate hospital-based  
35 medical services, and a sliding fee schedule for determination of  
36 discounts from charges for persons who qualify for such discounts by  
37 January 1, 1990. The department shall develop specific guidelines to  
38 assist hospitals in setting sliding fee schedules required by this  
39 section. All persons with family income below one hundred percent of

1 the federal poverty standard shall be deemed charity care patients for  
2 the full amount of hospital charges, provided that such persons are not  
3 eligible for other private or public health coverage sponsorship.  
4 Persons who may be eligible for charity care shall be notified by the  
5 hospital.

6 (6) Each hospital shall make every reasonable effort to determine  
7 the existence or nonexistence of private or public sponsorship which  
8 might cover in full or part the charges for care rendered by the  
9 hospital to a patient; the family income of the patient as classified  
10 under federal poverty income guidelines; and the eligibility of the  
11 patient for charity care as defined in this chapter and in accordance  
12 with hospital policy. An initial determination of sponsorship status  
13 shall precede collection efforts directed at the patient.

14 (7) The department shall monitor the distribution of charity care  
15 among hospitals, with reference to factors such as relative need for  
16 charity care in hospital service areas and trends in private and public  
17 health coverage. The department shall ~~((report to the legislature and  
18 executive))~~ prepare reports that identify any problems in distribution  
19 which are in contradiction of the intent of this chapter. The report  
20 shall include an assessment of the effects of the provisions of this  
21 chapter on access to hospital and health care services, as well as an  
22 evaluation of the contribution of all purchasers of care to hospital  
23 charity care.

24 (8) The department shall issue a report on the subjects addressed  
25 in this section at least annually, with the first report due on July 1,  
26 1990.

27 **Sec. 119.** RCW 70.175.100 and 1989 1st ex.s. c 9 s 710 are each  
28 amended to read as follows:

29 (1) The department shall establish and adopt such standards and  
30 ~~((regulations))~~ rules pertaining to the construction, maintenance, and  
31 operation of a rural health care facility and the scope of health care  
32 services, and rescind, amend, or modify ~~((such regulations))~~ the rules  
33 from time to time as necessary in the public interest. In developing  
34 the ~~((regulations))~~ rules, the department shall consult with  
35 representatives of rural hospitals, community mental health centers,  
36 public health departments, community and migrant health clinics, and  
37 other providers of health care in rural communities. The department  
38 shall also consult with third-party payers, consumers, local officials,

1 and others to (~~insure~~) ensure broad participation in defining  
2 regulatory standards and requirements that are appropriate for a rural  
3 health care facility.

4 (2) When developing the rural health care facility licensure rules,  
5 the department shall consider the report of the Washington rural health  
6 care commission established under chapter 207, Laws of 1988. Nothing  
7 in this chapter requires the department to follow any specific  
8 recommendation contained in that report except as it may also be  
9 included in this chapter.

10 (3) Upon developing rules, the department shall enter into  
11 negotiations with appropriate federal officials to seek medicare  
12 approval of the facility and financial participation of medicare and  
13 other federal programs in developing and operating the rural health  
14 care facility.

15 (~~(4) The department shall report periodically to the appropriate  
16 committees of the legislature on the progress of rule development and  
17 negotiations with the federal government.~~)

18 **Sec. 120.** RCW 70.180.110 and 1990 c 271 s 15 are each amended to  
19 read as follows:

20 (1) The department, in consultation with at least the higher  
21 education coordinating board, the state board for community and  
22 technical colleges (~~education~~), the superintendent of public  
23 instruction, and state-supported education programs in medicine,  
24 pharmacy, and nursing, shall develop a plan for increasing rural  
25 training opportunities for students in medicine, pharmacy, and nursing.  
26 The plan shall provide for direct exposure to rural health professional  
27 practice conditions for students planning careers in medicine,  
28 pharmacy, and nursing.

29 (2) The department and the medical, pharmacy, and nurse education  
30 programs shall:

31 (a) Inventory existing rural-based clinical experience programs,  
32 including internships, clerkships, residencies, and other training  
33 opportunities available to students pursuing degrees in nursing,  
34 pharmacy, and medicine;

35 (b) Identify where training opportunities do not currently exist  
36 and are needed;

37 (c) Develop recommendations for improving the availability of rural  
38 training opportunities;

1 (d) Develop recommendations on establishing agreements between  
2 education programs to assure that all students in medical, pharmacist,  
3 and nurse education programs in the state have access to rural training  
4 opportunities; and

5 (e) Review private and public funding sources to finance rural-  
6 based training opportunities.

7 ~~((3) The department shall report to the house of representatives  
8 and senate standing committees on health care by December 1, 1990, with  
9 their findings and recommendations including needed legislative  
10 changes.))~~

11 **Sec. 121.** RCW 70.180.120 and 1990 c 271 s 16 are each amended to  
12 read as follows:

13 The department, in consultation with training programs that lead to  
14 licensure in midwifery and certification as a certified nurse midwife,  
15 and other appropriate private and public groups, shall develop a state-  
16 wide plan to address access to midwifery services.

17 The plan shall include at least the following: (1) Identification  
18 of maternity service shortage areas in the state where midwives could  
19 reduce the shortage of services; (2) an inventory of current training  
20 programs and preceptorship activities available to train licensed and  
21 certified nurse midwives; (3) identification of gaps in the  
22 availability of training due to such factors as geographic or economic  
23 conditions that prevent individuals from seeking training; (4)  
24 identification of other barriers to utilizing midwives; (5)  
25 identification of strategies to train future midwives such as  
26 developing training programs at community colleges and universities,  
27 using innovative telecommunications for training in rural areas, and  
28 establishing preceptorship programs accessible to prospective midwives  
29 in shortage areas; (6) development of recruitment strategies; and (7)  
30 estimates of expected costs associated in recruitment and training.

31 The plan shall identify the most expeditious and cost-efficient  
32 manner to recruit and train midwives to meet the current shortages.  
33 Plan development and implementation shall be coordinated with other  
34 state policy efforts directed toward, but not limited to, maternity  
35 care access, rural health care system organization, and provider  
36 recruitment for shortage and medically underserved areas of the state.

37 ~~((The department shall submit a copy of the plan to the senate and  
38 house of representatives health care committees by December 1, 1990.))~~



1       **Sec. 122.** RCW 70.190.050 and 1994 sp.s. c 7 s 207 are each amended  
2 to read as follows:

3       (1) The Washington state institute for public policy shall conduct  
4 or contract for monitoring and tracking of the implementation of  
5 chapter 7, Laws of 1994 sp. sess. to determine whether these efforts  
6 result in a measurable reduction of violence. The institute shall also  
7 conduct or contract for an evaluation of the effectiveness of the  
8 community public health and safety networks in reducing the rate of at-  
9 risk youth through reducing risk factors and increasing protective  
10 factors. The evaluation plan shall result in statistically valid  
11 evaluation at both state-wide and community levels. (~~The evaluation  
12 plan shall be submitted to the governor and appropriate legislative  
13 committees by July 1, 1995.~~)

14       (2) Starting five years after the initial grant to a community  
15 network, if the community network fails to meet the outcome standards  
16 and goals in any two consecutive years, the institute shall make  
17 recommendations to the legislature concerning whether the funds  
18 received by that community network should revert back to the  
19 originating agency. In making this determination, the institute shall  
20 consider the adequacy of the level of intervention relative to the risk  
21 factors in the community and any external events having a significant  
22 impact on risk factors or outcomes.

23       (3) The outcomes required under this chapter and social development  
24 standards and measures established by the department of health under  
25 RCW 43.70.555 shall be used in conducting the outcome evaluation of the  
26 community networks.

27       **Sec. 123.** RCW 70.190.100 and 1994 sp.s. c 7 s 307 are each amended  
28 to read as follows:

29       The family policy council shall:

30       (1) Establish network boundaries no later than July 1, 1994. There  
31 is a presumption that no county may be divided between two or more  
32 community networks and no network shall have fewer than forty thousand  
33 population. When approving multicounty networks, considering dividing  
34 a county between networks, or creating a network with a population of  
35 less than forty thousand, the council must consider: (a) Common  
36 economic, geographic, and social interests; (b) historical and existing  
37 shared governance; and (c) the size and location of population centers.  
38 Individuals and groups within any area shall be given ample opportunity

1 to propose network boundaries in a manner designed to assure full  
2 consideration of their expressed wishes;

3 (2) Develop a technical assistance and training program to assist  
4 communities in creating and developing community networks and  
5 comprehensive plans;

6 (3) Approve the structure, purpose, goals, plan, and performance  
7 measurements of each community network;

8 (4) Identify all prevention and early intervention programs and  
9 funds, including all programs funded under RCW 69.50.520, in addition  
10 to the programs set forth in RCW 70.190.110, which could be  
11 transferred, in all or part, to the community networks, and report  
12 their findings and recommendations to the governor and the legislature  
13 regarding any appropriate program transfers by January 1 of each year;

14 (5) Reward community networks that show exceptional success as  
15 provided in RCW 43.41.195;

16 (6) Seek every opportunity to maximize federal and other funding  
17 that is consistent with the plans approved by the council for the  
18 purpose and goals of this chapter;

19 (7) Review the state-funded out-of-home placement rate before the  
20 end of each contract to determine whether the region has sufficiently  
21 reduced the rate. If the council determines that there has not been a  
22 sufficient reduction in the rate, it may reduce the immediately  
23 succeeding grant to the network;

24 (8)(a) The council shall monitor the implementation of programs  
25 contracted by participating state agencies by reviewing periodic  
26 reports on the extent to which services were delivered to intended  
27 populations, the quality of services, and the extent to which service  
28 outcomes were achieved at the conclusion of service interventions.  
29 This monitoring shall include provision for periodic feedback to  
30 community networks;

31 (b) The legislature intends that this monitoring be used by the  
32 Washington state institute for public policy, together with public  
33 health data on at-risk behaviors and risk and protective factors, to  
34 produce an external evaluation of the effectiveness of the networks and  
35 their programs. For this reason, and to conserve public funds, the  
36 council shall not conduct or contract for the conduct of control group  
37 studies, quasi-experimental design studies, or other analysis efforts  
38 to attempt to determine the impact of network programs on at-risk  
39 behaviors or risk and protective factors; and

1 (9) Review the implementation of chapter 7, Laws of 1994 sp. sess.  
2 (~~and report its recommendations to the legislature annually.~~) The  
3 report shall use measurable performance standards to evaluate the  
4 implementation.

5 **Sec. 124.** RCW 70.190.110 and 1994 sp.s. c 7 s 308 are each amended  
6 to read as follows:

7 (1) The council, and each network, shall biennially review all  
8 state and federal funded programs serving individuals, families, or  
9 communities to determine whether a network may be better able to  
10 integrate and coordinate these services within the community.

11 (2) The council, and each network, shall specifically review (~~and~~  
12 ~~report, to the governor and the legislature, on~~) the feasibility and  
13 desirability of decategorizing and granting, all or part of, the  
14 following program funds to the networks:

15 (a) Consolidated juvenile services;

16 (b) Family preservation and support services;

17 (c) Readiness to learn;

18 (d) Community mobilization;

19 (e) Violence prevention;

20 (f) Community-police partnership;

21 (g) Child care;

22 (h) Early intervention and educational services, including but not  
23 limited to, birth to three, birth to six, early childhood education and  
24 assistance, and headstart;

25 (i) Crisis residential care;

26 (j) Victims' assistance;

27 (k) Foster care;

28 (l) Adoption support;

29 (m) Continuum of care; and

30 (n) Drug and alcohol abuse prevention and early intervention in  
31 schools.

32 (3) In determining the desirability of decategorizing these  
33 programs the report shall analyze whether:

34 (a) The program is an integral part of the comprehensive plan  
35 without decategorization;

36 (b) The program is already adequately integrated and coordinated  
37 with other programs that are, or will be, funded by the network;

1 (c) The network could develop the capacity to provide the program's  
2 services;

3 (d) The program goals might receive greater community support and  
4 reinforcement through the network;

5 (e) The program presently ensures that adequate follow-up efforts  
6 are utilized, and whether the network could improve on those efforts  
7 through decategorization of the funds;

8 (f) The decategorization would benefit the community; and

9 (g) The decategorization would assist the network in achieving its  
10 goals.

11 (4) If the council or a network determines that a program should  
12 not be decategorized, the council or network shall make recommendations  
13 regarding programmatic changes that are necessary to improve the  
14 coordination and integration of services and programs, regardless of  
15 the funding source for those programs.

16 **Sec. 125.** RCW 70.195.010 and 1992 c 198 s 15 are each amended to  
17 read as follows:

18 For the purposes of implementing this chapter, the governor shall  
19 appoint a state birth-to-six interagency coordinating council and  
20 ensure that state agencies involved in the provision of, or payment  
21 for, early intervention services to infants and toddlers with  
22 disabilities and their families shall coordinate and collaborate in the  
23 planning and delivery of such services. ((The coordinating council  
24 shall report to the appropriate committees of the legislature on the  
25 implementation of this chapter by January 15, 1993.))

26 No state or local agency currently providing early intervention  
27 services to infants and toddlers with disabilities may use funds  
28 appropriated for early intervention services for infants and toddlers  
29 with disabilities to supplant funds from other sources.

30 All state and local agencies shall ensure that the implementation  
31 of this chapter will not cause any interruption in existing early  
32 intervention services for infants and toddlers with disabilities.

33 Nothing in this chapter shall be construed to permit the  
34 restriction or reduction of eligibility under Title V of the Social  
35 Security Act, P.L. 90-248, relating to maternal and child health or  
36 Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid  
37 for infants and toddlers with disabilities.

1       **Sec. 126.** RCW 70.24.400 and 1991 c 3 s 327 are each amended to  
2 read as follows:

3       The department shall establish a state-wide system of regional  
4 acquired immunodeficiency syndrome (AIDS) service networks as follows:

5       (1) The secretary of health shall direct that all state or federal  
6 funds, excluding those from federal Title XIX for services or other  
7 activities authorized in this chapter, shall be allocated to the office  
8 on AIDS established in RCW 70.24.250. The secretary shall further  
9 direct that all funds for services and activities specified in  
10 subsection (3) of this section shall be provided to lead counties  
11 through contractual agreements based on plans developed as provided in  
12 subsection (2) of this section, unless direction of such funds is  
13 explicitly prohibited by federal law, federal regulation, or federal  
14 policy. The department shall deny funding allocations to lead counties  
15 only if the denial is based upon documented incidents of nonfeasance,  
16 misfeasance, or malfeasance. However, the department shall give  
17 written notice and thirty days for corrective action in incidents of  
18 misfeasance or nonfeasance before funding may be denied. The  
19 department shall designate six AIDS service network regions  
20 encompassing the state. In doing so, the department shall use the  
21 boundaries of the regional structures in place for the community  
22 services administration on January 1, 1988.

23       (2) The department shall request that a lead county within each  
24 region, which shall be the county with the largest population, prepare,  
25 through a cooperative effort of local health departments within the  
26 region, a regional organizational and service plan, which meets the  
27 requirements set forth in subsection (3) of this section. Efforts  
28 should be made to use existing plans, where appropriate. The plan  
29 should place emphasis on contracting with existing hospitals, major  
30 voluntary organizations, or health care organizations within a region  
31 that have in the past provided quality services similar to those  
32 mentioned in subsection (3) of this section and that have demonstrated  
33 an interest in providing any of the components listed in subsection (3)  
34 of this section. If any of the counties within a region do not  
35 participate, it shall be the lead county's responsibility to develop  
36 the part of the plan for the nonparticipating county or counties. If  
37 all of the counties within a region do not participate, the department  
38 shall assume the responsibility.

1 (3) The regional AIDS service network plan shall include the  
2 following components:

3 (a) A designated single administrative or coordinating agency;

4 (b) A complement of services to include:

5 (i) Voluntary and anonymous counseling and testing;

6 (ii) Mandatory testing and/or counseling services for certain  
7 individuals, as required by law;

8 (iii) Notification of sexual partners of infected persons, as  
9 required by law;

10 (iv) Education for the general public, health professionals, and  
11 high-risk groups;

12 (v) Intervention strategies to reduce the incidence of HIV  
13 infection among high-risk groups, possibly including needle  
14 sterilization and methadone maintenance;

15 (vi) Related community outreach services for runaway youth;

16 (vii) Case management;

17 (viii) Strategies for the development of volunteer networks;

18 (ix) Strategies for the coordination of related agencies within the  
19 network; and

20 (x) Other necessary information, including needs particular to the  
21 region;

22 (c) A service delivery model that includes:

23 (i) Case management services; and

24 (ii) A community-based continuum-of-care model encompassing both  
25 medical, mental health, and social services with the goal of  
26 maintaining persons with AIDS in a home-like setting, to the extent  
27 possible, in the least-expensive manner; and

28 (d) Budget, caseload, and staffing projections.

29 (4) Efforts shall be made by both the counties and the department  
30 to use existing service delivery systems, where possible, in developing  
31 the networks.

32 (5) The University of Washington health science program, in  
33 cooperation with the office on AIDS may, within available resources,  
34 establish a center for AIDS education, which shall be linked to the  
35 networks. The center for AIDS education is not intended to engage in  
36 state-funded research related to HIV infection, AIDS, or HIV-related  
37 conditions. Its duties shall include providing the office on AIDS with  
38 the appropriate educational materials necessary to carry out that  
39 office's duties.

1 (6) The department shall implement this section, consistent with  
2 available funds, by October 1, 1988, by establishing six regional AIDS  
3 service networks whose combined jurisdictions shall include the entire  
4 state.

5 (a) Until June 30, 1991, available funding for each regional AIDS  
6 service network shall be allocated as follows:

7 (i) Seventy-five percent of the amount provided for regional AIDS  
8 service networks shall be allocated per capita based on the number of  
9 persons residing within each region, but in no case less than one  
10 hundred fifty thousand dollars for each regional AIDS service network  
11 per fiscal year. This amount shall be expended for testing,  
12 counseling, education, case management, notification of sexual partners  
13 of infected persons, planning, coordination, and other services  
14 required by law, except for those enumerated in (a)(ii) of this  
15 subsection.

16 (ii) Twenty-five percent of the amount provided for regional AIDS  
17 service networks shall be allocated for intervention strategies  
18 specifically addressing groups that are at a high risk of being  
19 infected with the human immunodeficiency virus. The allocation shall  
20 be made by the office on AIDS based on documented need as specified in  
21 regional AIDS network plans.

22 (b) After June 30, 1991, the funding shall be allocated as provided  
23 by law. ~~((By December 15, 1990, the department shall report to the  
24 appropriate committees of the legislature on proposed methods of  
25 funding regional AIDS service networks.))~~

26 (7) The regional AIDS service networks shall be the official state  
27 regional agencies for AIDS information education and coordination of  
28 services. The state public health officer, as designated by the  
29 secretary of health, shall make adequate efforts to publicize the  
30 existence and functions of the networks.

31 (8) If the department is not able to establish a network by an  
32 agreement solely with counties, it may contract with nonprofit agencies  
33 for any or all of the designated network responsibilities.

34 (9) The department, in establishing the networks, shall study  
35 mechanisms that could lead to reduced costs and/or increased access to  
36 services. The methods shall include capitation.

37 (10) The department shall reflect in its departmental biennial  
38 budget request the funds necessary to implement this section.

1       (11) (~~The department shall submit an implementation plan to the~~  
2 ~~appropriate committees of the legislature by July 1, 1988.~~

3       ~~(12))~~ The use of appropriate materials may be authorized by  
4 regional AIDS service networks in the prevention or control of HIV  
5 infection.

6       **Sec. 127.** RCW 70.41.320 and 1995 1st sp.s. c 18 s 5 are each  
7 amended to read as follows:

8       (1) Hospitals and acute care facilities shall:

9       (a) Work cooperatively with the department of social and health  
10 services, area agencies on aging, and local long-term care information  
11 and assistance organizations in the planning and implementation of  
12 patient discharges to long-term care services.

13       (b) Establish and maintain a system for discharge planning and  
14 designate a person responsible for system management and  
15 implementation.

16       (c) Establish written policies and procedures to:

17       (i) Identify patients needing further nursing, therapy, or  
18 supportive care following discharge from the hospital;

19       (ii) Develop a documented discharge plan for each identified  
20 patient, including relevant patient history, specific care  
21 requirements, and date such follow-up care is to be initiated;

22       (iii) Coordinate with patient, family, caregiver, and appropriate  
23 members of the health care team;

24       (iv) Provide any patient, regardless of income status, written  
25 information and verbal consultation regarding the array of long-term  
26 care options available in the community, including the relative cost,  
27 eligibility criteria, location, and contact persons;

28       (v) Promote an informed choice of long-term care services on the  
29 part of patients, family members, and legal representatives; and

30       (vi) Coordinate with the department and specialized case management  
31 agencies, including area agencies on aging and other appropriate long-  
32 term care providers, as necessary, to ensure timely transition to  
33 appropriate home, community residential, or nursing facility care.

34       (d) Work in cooperation with the department which is responsible  
35 for ensuring that patients eligible for medicaid long-term care receive  
36 prompt assessment and appropriate service authorization.

37       (2) In partnership with selected hospitals, the department of  
38 social and health services shall develop and implement pilot projects



1 in up to three areas of the state with the goal of providing  
2 information about appropriate in-home and community services to  
3 individuals and their families early during the individual's hospital  
4 stay.

5 The department shall not delay hospital discharges but shall assist  
6 and support the activities of hospital discharge planners. The  
7 department also shall coordinate with home health and hospice agencies  
8 whenever appropriate. The role of the department is to assist the  
9 hospital and to assist patients and their families in making informed  
10 choices by providing information regarding home and community options.

11 ~~((The department shall by December 12, 1995, report to the house of  
12 representatives health care committee and the senate health and long-  
13 term care committee regarding the progress and results of the pilot  
14 projects along with recommendations regarding continuation or  
15 modification of the pilot projects.))~~

16 In conducting the pilot projects, the department shall:

17 (a) Assess and offer information regarding appropriate in-home and  
18 community services to individuals who are medicaid clients or  
19 applicants; and

20 (b) Offer assessment and information regarding appropriate in-home  
21 and community services to individuals who are reasonably expected to  
22 become medicaid recipients within one hundred eighty days of admission  
23 to a nursing facility.

24 **Sec. 128.** RCW 70.93.250 and 1990 c 66 s 3 are each amended to read  
25 as follows:

26 The department shall provide grants to local units of government to  
27 establish, conduct, and evaluate community service programs for litter  
28 cleanup. Programs eligible for grants under this section shall  
29 include, but not be limited to, programs established pursuant to RCW  
30 72.09.260. ~~((The department shall report to the appropriate standing  
31 committees of the legislature by December 31, 1991, on the  
32 effectiveness of community service litter cleanup programs funded from  
33 grants under this section.))~~

34 **Sec. 129.** RCW 70.94.162 and 1993 c 252 s 6 are each amended to  
35 read as follows:

36 (1) The department and delegated local air authorities are  
37 authorized to determine, assess, and collect, and each permit program

1 source shall pay, annual fees sufficient to cover the direct and  
2 indirect costs of implementing a state operating permit program  
3 approved by the United States environmental protection agency under the  
4 federal clean air act. However, a source that receives its operating  
5 permit from the United States environmental protection agency shall not  
6 be considered a permit program source so long as the environmental  
7 protection agency continues to act as the permitting authority for that  
8 source. Each permitting authority shall develop by rule a fee schedule  
9 allocating among its permit program sources the costs of the operating  
10 permit program, and may, by rule, establish a payment schedule whereby  
11 periodic installments of the annual fee are due and payable more  
12 frequently. All operating permit program fees collected by the  
13 department shall be deposited in the air operating permit account. All  
14 operating permit program fees collected by the delegated local air  
15 authorities shall be deposited in their respective air operating permit  
16 accounts or other accounts dedicated exclusively to support of the  
17 operating permit program. The fees assessed under this subsection  
18 shall first be due not less than forty-five days after the United  
19 States environmental protection agency delegates to the department the  
20 authority to administer the operating permit program and then annually  
21 thereafter.

22 The department shall establish, by rule, procedures for  
23 administrative appeals to the department regarding the fee assessed  
24 pursuant to this subsection.

25 (2) The fee schedule developed by each permitting authority shall  
26 fully cover and not exceed both its permit administration costs and the  
27 permitting authority's share of state-wide program development and  
28 oversight costs.

29 (a) Permit administration costs are those incurred by each  
30 permitting authority, including the department, in administering and  
31 enforcing the operating permit program with respect to sources under  
32 its jurisdiction. Costs associated with the following activities are  
33 fee eligible as these activities relate to the operating permit program  
34 and to the sources permitted by a permitting authority, including,  
35 where applicable, sources subject to a general permit:

36 (i) Preapplication assistance and review of an application and  
37 proposed compliance plan for a permit, permit revision, or renewal;

- 1 (ii) Source inspections, testing, and other data-gathering  
2 activities necessary for the development of a permit, permit revision,  
3 or renewal;
- 4 (iii) Acting on an application for a permit, permit revision, or  
5 renewal, including the costs of developing an applicable requirement as  
6 part of the processing of a permit, permit revision, or renewal,  
7 preparing a draft permit and fact sheet, and preparing a final permit,  
8 but excluding the costs of developing BACT, LAER, BART, or RACT  
9 requirements for criteria and toxic air pollutants;
- 10 (iv) Notifying and soliciting, reviewing and responding to comment  
11 from the public and contiguous states and tribes, conducting public  
12 hearings regarding the issuance of a draft permit and other costs of  
13 providing information to the public regarding operating permits and the  
14 permit issuance process;
- 15 (v) Modeling necessary to establish permit limits or to determine  
16 compliance with permit limits;
- 17 (vi) Reviewing compliance certifications and emissions reports and  
18 conducting related compilation and reporting activities;
- 19 (vii) Conducting compliance inspections, complaint investigations,  
20 and other activities necessary to ensure that a source is complying  
21 with permit conditions;
- 22 (viii) Administrative enforcement activities and penalty  
23 assessment, excluding the costs of proceedings before the pollution  
24 control hearings board and all costs of judicial enforcement;
- 25 (ix) The share attributable to permitted sources of the development  
26 and maintenance of emissions inventories;
- 27 (x) The share attributable to permitted sources of ambient air  
28 quality monitoring and associated recording and reporting activities;
- 29 (xi) Training for permit administration and enforcement;
- 30 (xii) Fee determination, assessment, and collection, including the  
31 costs of necessary administrative dispute resolution and penalty  
32 collection;
- 33 (xiii) Required fiscal audits, periodic performance audits, and  
34 reporting activities;
- 35 (xiv) Tracking of time, revenues and expenditures, and accounting  
36 activities;
- 37 (xv) Administering the permit program including the costs of  
38 clerical support, supervision, and management;

1 (xvi) Provision of assistance to small businesses under the  
2 jurisdiction of the permitting authority as required under section 507  
3 of the federal clean air act; and

4 (xvii) Other activities required by operating permit regulations  
5 issued by the United States environmental protection agency under the  
6 federal clean air act.

7 (b) Development and oversight costs are those incurred by the  
8 department in developing and administering the state operating permit  
9 program, and in overseeing the administration of the program by the  
10 delegated local permitting authorities. Costs associated with the  
11 following activities are fee eligible as these activities relate to the  
12 operating permit program:

13 (i) Review and determinations necessary for delegation of authority  
14 to administer and enforce a permit program to a local air authority  
15 under RCW 70.94.161(2) and 70.94.860;

16 (ii) Conducting fiscal audits and periodic performance audits of  
17 delegated local authorities, and other oversight functions required by  
18 the operating permit program;

19 (iii) Administrative enforcement actions taken by the department on  
20 behalf of a permitting authority, including those actions taken by the  
21 department under RCW 70.94.785, but excluding the costs of proceedings  
22 before the pollution control hearings board and all costs of judicial  
23 enforcement;

24 (iv) Determination and assessment with respect to each permitting  
25 authority of the fees covering its share of the costs of development  
26 and oversight;

27 (v) Training and assistance for permit program administration and  
28 oversight, including training and assistance regarding technical,  
29 administrative, and data management issues;

30 (vi) Development of generally applicable regulations or guidance  
31 regarding the permit program or its implementation or enforcement;

32 (vii) State codification of federal rules or standards for  
33 inclusion in operating permits;

34 (viii) Preparation of delegation package and other activities  
35 associated with submittal of the state permit program to the United  
36 States environmental protection agency for approval, including ongoing  
37 coordination activities;

1 (ix) General administration and coordination of the state permit  
2 program, related support activities, and other agency indirect costs,  
3 including necessary data management and quality assurance;

4 (x) Required fiscal audits and periodic performance audits of the  
5 department, and reporting activities;

6 (xi) Tracking of time, revenues and expenditures, and accounting  
7 activities;

8 (xii) Public education and outreach related to the operating permit  
9 program, including the maintenance of a permit register;

10 (xiii) The share attributable to permitted sources of compiling and  
11 maintaining emissions inventories;

12 (xiv) The share attributable to permitted sources of ambient air  
13 quality monitoring, related technical support, and associated recording  
14 activities;

15 (xv) The share attributable to permitted sources of modeling  
16 activities;

17 (xvi) Provision of assistance to small business as required under  
18 section 507 of the federal clean air act as it exists on July 25, 1993,  
19 or its later enactment as adopted by reference by the director by rule;

20 (xvii) Provision of services by the department of revenue and the  
21 office of the state attorney general and other state agencies in  
22 support of permit program administration;

23 (xviii) A one-time revision to the state implementation plan to  
24 make those administrative changes necessary to ensure coordination of  
25 the state implementation plan and the operating permit program; and

26 (xix) Other activities required by operating permit regulations  
27 issued by the United States environmental protection agency under the  
28 federal clean air act.

29 (3) The responsibility for operating permit fee determination,  
30 assessment, and collection is to be shared by the department and  
31 delegated local air authorities as follows:

32 (a) Each permitting authority, including the department, acting in  
33 its capacity as a permitting authority, shall develop a fee schedule  
34 and mechanism for collecting fees from the permit program sources under  
35 its jurisdiction; the fees collected by each authority shall be  
36 sufficient to cover its costs of permit administration and its share of  
37 the department's costs of development and oversight. Each delegated  
38 local authority shall remit to the department its share of the  
39 department's development and oversight costs.

1 (b) Only those local air authorities to whom the department has  
2 delegated the authority to administer the program pursuant to RCW  
3 70.94.161(2) (b) and (c) and 70.94.860 shall have the authority to  
4 administer and collect operating permit fees. The department shall  
5 retain the authority to administer and collect such fees with respect  
6 to the sources within the jurisdiction of a local air authority until  
7 the effective date of program delegation to that air authority.

8 (c) The department shall allocate its development and oversight  
9 costs among all permitting authorities, including the department, in  
10 proportion to the number of permit program sources under the  
11 jurisdiction of each authority, except that extraordinary costs or  
12 other costs readily attributable to a specific permitting authority may  
13 be assessed that authority. For purposes of this subsection, all  
14 sources covered by a single general permit shall be treated as one  
15 source.

16 (4) The department and each delegated local air authority shall  
17 adopt by rule a general permit fee schedule for sources under their  
18 respective jurisdictions after such time as the department adopts  
19 provisions for general permit issuance. Within ninety days of the time  
20 that the department adopts a general permit fee schedule, the  
21 department shall report to the relevant standing committees of the  
22 legislature regarding the general permit fee schedules adopted by the  
23 department and by the delegated local air authorities. The permit  
24 administration costs of each general permit shall be allocated  
25 equitably among only those sources subject to that general permit. The  
26 share of development and oversight costs attributable to each general  
27 permit shall be determined pursuant to subsection (3)(c) of this  
28 section.

29 (5) The fee schedule developed by the department shall allocate  
30 among the sources for whom the department acts as a permitting  
31 authority, other than sources subject to a general permit, those  
32 portions of the department's permit administration costs and the  
33 department's share of the development and oversight costs which the  
34 department does not plan to recover under its general permit fee  
35 schedule or schedules as follows:

36 (a) The department shall allocate its permit administration costs  
37 and its share of the development and oversight costs not recovered  
38 through general permit fees according to a three-tiered model based  
39 upon:

1 (i) The number of permit program sources under its jurisdiction;  
2 (ii) The complexity of permit program sources under its  
3 jurisdiction; and

4 (iii) The size of permit program sources under its jurisdiction, as  
5 measured by the quantity of each regulated pollutant emitted by the  
6 source.

7 (b) Each of the three tiers shall be equally weighted.

8 (c) The department may, in addition, allocate activities-based  
9 costs readily attributable to a specific source to that source under  
10 RCW 70.94.152(1) and 70.94.154(7).

11 The quantity of each regulated pollutant emitted by a source shall  
12 be determined based on the annual emissions during the most recent  
13 calendar year for which data is available.

14 (6) The department shall, after opportunity for public review and  
15 comment, adopt rules that establish a process for development and  
16 review of its operating permit program fee schedule, a methodology for  
17 tracking program revenues and expenditures and, for both the department  
18 and the delegated local air authorities, a system of fiscal audits,  
19 reports, and periodic performance audits.

20 (a) The fee schedule development and review process shall include  
21 the following:

22 (i) The department shall conduct a biennial workload analysis. The  
23 department shall provide the opportunity for public review of and  
24 comment on the workload analysis. The department shall review and  
25 update its workload analysis during each biennial budget cycle, taking  
26 into account information gathered by tracking previous revenues, time,  
27 and expenditures and other information obtained through fiscal audits  
28 and performance audits.

29 (ii) The department shall prepare a biennial budget based upon the  
30 resource requirements identified in the workload analysis for that  
31 biennium. In preparing the budget, the department shall take into  
32 account the projected operating permit account balance at the start of  
33 the biennium. The department shall provide the opportunity for public  
34 review of and comment on the proposed budget. The department shall  
35 review and update its budget each biennium.

36 (iii) The department shall develop a fee schedule allocating the  
37 department's permit administration costs and its share of the  
38 development and oversight costs among the department's permit program  
39 sources using the methodology described in subsection (5) of this

1 section. The department shall provide the opportunity for public  
2 review of and comment on the allocation methodology and fee schedule.  
3 The department shall provide procedures for administrative resolution  
4 of disputes regarding the source data on which allocation  
5 determinations are based; these procedures shall be designed such that  
6 resolution occurs prior to the completion of the allocation process.  
7 The department shall review and update its fee schedule annually.

8 (b) The methodology for tracking revenues and expenditures shall  
9 include the following:

10 (i) The department shall develop a system for tracking revenues and  
11 expenditures that provides the maximum practicable information. At a  
12 minimum, revenues from fees collected under the operating permit  
13 program shall be tracked on a source-specific basis and time and  
14 expenditures required to administer the program shall be tracked on the  
15 basis of source categories and functional categories. Each general  
16 permit will be treated as a separate source category for tracking and  
17 accounting purposes.

18 (ii) The department shall use the information obtained from  
19 tracking revenues, time, and expenditures to modify the workload  
20 analysis required in subsection (6)(a) of this section.

21 (iii) The information obtained from tracking revenues, time, and  
22 expenditures shall not provide a basis for challenge to the amount of  
23 an individual source's fee.

24 ~~((iv) On or before December 1, 1996, the department shall report  
25 to the appropriate standing committees of the legislature  
26 recommendations on the administrative feasibility and benefits of  
27 source-specific tracking of time and expenditures. The report may  
28 include findings from demonstration projects wherein time and  
29 expenditures are tracked on a source-specific basis.))~~

30 (c) The system of fiscal audits, reports, and periodic performance  
31 audits shall include the following:

32 (i) The department and the delegated local air authorities shall  
33 prepare annual reports and shall submit the reports to, respectively,  
34 the appropriate standing committees of the legislature and the board of  
35 directors of the local air authority.

36 (ii) The department shall arrange for fiscal audits and routine  
37 performance audits and for periodic intensive performance audits of  
38 each permitting authority and of the department.



1 (7) Each local air authority requesting delegation shall, after  
2 opportunity for public review and comment, publish regulations which  
3 establish a process for development and review of its operating permit  
4 program fee schedule, and a methodology for tracking its revenues and  
5 expenditures. These regulations shall be submitted to the department  
6 for review and approval as part of the local authority's delegation  
7 request.

8 (8) As used in this section and in RCW 70.94.161(14), "regulated  
9 pollutant" shall have the same meaning as defined in section 502(b) of  
10 the federal clean air act as it exists on July 25, 1993, or its later  
11 enactment as adopted by reference by the director by rule.

12 (9) ~~((The department shall report to the appropriate standing  
13 committees of the legislature by December 1, 1995, regarding the  
14 appropriateness of the fee structures authorized under this section for  
15 those sources not subject to permit program requirements as of July 25,  
16 1993, but which later become subject to such permit program  
17 requirements. In preparing the report, the department shall consult  
18 with representatives of such sources, local air authorities,  
19 environmental groups, and other interested parties.))~~ Fee structures  
20 as authorized under this section shall remain in effect until such time  
21 as the legislature authorizes an alternative structure following  
22 receipt of the report required by this subsection.

23 **Sec. 130.** RCW 70.94.656 and 1995 c 261 s 1 are each amended to  
24 read as follows:

25 It is hereby declared to be the policy of this state that strong  
26 efforts should be made to minimize adverse effects on air quality from  
27 the open burning of field and turf grasses grown for seed. To such end  
28 this section is intended to promote the development of economical and  
29 practical alternate agricultural practices to such burning, and to  
30 provide for interim regulation of such burning until practical  
31 alternates are found.

32 (1) The department shall approve of a study or studies for the  
33 exploration and identification of economical and practical alternate  
34 agricultural practices to the open burning of field and turf grasses  
35 grown for seed. Any study conducted pursuant to this section shall be  
36 conducted by Washington State University. The university may not  
37 charge more than eight percent for administrative overhead. Prior to  
38 the issuance of any permit for such burning under RCW 70.94.650, there

1 shall be collected a fee not to exceed one dollar per acre of crop to  
2 be burned. Any such fees received by any authority shall be  
3 transferred to the department of ecology. The department of ecology  
4 shall deposit all such acreage fees in a special grass seed burning  
5 research account, hereby created, in the state treasury.

6 (2) The department shall allocate moneys annually from this account  
7 for the support of any approved study or studies as provided for in  
8 subsection (1) of this section. Whenever the department of ecology  
9 shall conclude that sufficient reasonably available alternates to open  
10 burning have been developed, and at such time as all costs of any  
11 studies have been paid, the grass seed burning research account shall  
12 be dissolved, and any money remaining therein shall revert to the  
13 general fund. The fee collected under subsection (1) of this section  
14 shall constitute the research portion of fees required under RCW  
15 70.94.650 for open burning of grass grown for seed.

16 (3) Whenever on the basis of information available to it, the  
17 department after public hearings have been conducted wherein testimony  
18 will be received and considered from interested parties wishing to  
19 testify shall conclude that any procedure, program, technique, or  
20 device constitutes a practical alternate agricultural practice to the  
21 open burning of field or turf grasses grown for seed, the department  
22 shall, by order, certify approval of such alternate. Thereafter, in  
23 any case which any such approved alternate is reasonably available, the  
24 open burning of field and turf grasses grown for seed shall be  
25 disallowed and no permit shall issue therefor.

26 (4) Until approved alternates become available, the department or  
27 the authority may limit the number of acres on a pro rata basis among  
28 those affected for which permits to burn will be issued in order to  
29 effectively control emissions from this source.

30 (5) Permits issued for burning of field and turf grasses may be  
31 conditioned to minimize emissions insofar as practical, including  
32 denial of permission to burn during periods of adverse meteorological  
33 conditions.

34 (6) By November 1, 1996, and every two years thereafter until grass  
35 seed burning is prohibited, Washington State University (~~shall submit~~  
36 ~~to the appropriate standing committees of the legislature~~) may prepare  
37 a brief report assessing the potential of the university's research to  
38 result in economical and practical alternatives to grass seed burning.

1       **Sec. 131.** RCW 70.95.263 and 1975-'76 2nd ex.s. c 41 s 5 are each  
2 amended to read as follows:

3       The department shall in addition to its other duties and powers  
4 under this chapter:

5       (1) Prepare the following:

6       (a) A management system for recycling waste paper generated by  
7 state offices and institutions in cooperation with such offices and  
8 institutions;

9       (b) An evaluation of existing and potential systems for recovery of  
10 energy and materials from solid waste with recommendations to affected  
11 governmental agencies as to those systems which would be the most  
12 appropriate for implementation;

13       (c) A data management system to evaluate and assist the progress of  
14 state and local jurisdictions and private industry in resource  
15 recovery;

16       (d) Identification of potential markets, in cooperation with  
17 private industry, for recovered resources and the impact of the  
18 distribution of such resources on existing markets;

19       (e) Studies on methods of transportation, collection, reduction,  
20 separation, and packaging which will encourage more efficient  
21 utilization of existing waste recovery facilities;

22       (f) Recommendations on incentives, including state grants, loans,  
23 and other assistance, to local governments which will encourage the  
24 recovery and recycling of solid wastes.

25       (2) Provide technical information and assistance to state and local  
26 jurisdictions, the public, and private industry on solid waste recovery  
27 and/or recycling.

28       (3) Procure and expend funds available from federal agencies and  
29 other sources to assist the implementation by local governments of  
30 solid waste recovery and/or recycling programs, and projects.

31       (4) Conduct necessary research and studies to carry out the  
32 purposes of this chapter.

33       (5) Encourage and assist local governments and private industry to  
34 develop pilot solid waste recovery and/or recycling projects.

35       (6) Monitor, assist with research, and collect data for use in  
36 assessing feasibility for others to develop solid waste recovery and/or  
37 recycling projects.

1       (~~(7) Make periodic recommendations to the governor and the~~  
2 ~~legislature on actions and policies which would further implement the~~  
3 ~~objectives of chapter 41, Laws of 1975-'76 2nd ex. sess.))~~)

4       **Sec. 132.** RCW 70.95.810 and 1995 c 399 s 191 are each amended to  
5 read as follows:

6       (1) In order to establish the feasibility of composting food and  
7 yard wastes, the department shall provide funds, as available, to local  
8 governments submitting a proposal to compost such wastes.

9       (2) The department, in cooperation with the department of  
10 community, trade, and economic development, may approve an application  
11 if the project can demonstrate the essential parameters for successful  
12 composting, including, but not limited to, cost-effectiveness, handling  
13 and safety requirements, and current and potential markets.

14       (~~(3) The department shall periodically report to the appropriate~~  
15 ~~standing committees of the legislature on the need for, and feasibility~~  
16 ~~of, composting systems for food and yard wastes.))~~)

17       **Sec. 133.** RCW 70.95C.030 and 1990 c 114 s 3 are each amended to  
18 read as follows:

19       (1) There is established in the department an office of waste  
20 reduction. The office shall use its authorities to encourage the  
21 voluntary reduction of hazardous substance usage and waste generation  
22 by waste generators and hazardous substance users. The office shall  
23 prepare and submit a quarterly progress report to the director (~~and~~  
24 ~~the director shall submit an annual progress report to the appropriate~~  
25 ~~environmental standing committees of the legislature beginning December~~  
26 ~~31, 1988)).~~)

27       (2) The office shall be the coordinating center for all state  
28 agency programs that provide technical assistance to waste generators  
29 and hazardous substance users and shall serve as the state's lead  
30 agency and promoter for such programs. In addition to this  
31 coordinating function, the office shall encourage hazardous substance  
32 use reduction and waste reduction by:

33       (a) Providing for the rendering of advice and consultation to waste  
34 generators and hazardous substance users on hazardous substance use  
35 reduction and waste reduction techniques, including assistance in  
36 preparation of plans provided for in RCW 70.95C.200;

1 (b) Sponsoring or co-sponsoring with public or private  
2 organizations technical workshops and seminars on waste reduction and  
3 hazardous substance use reduction;

4 (c) Administering a waste reduction and hazardous substance use  
5 reduction data base and hotline providing comprehensive referral  
6 services to waste generators and hazardous substance users;

7 (d) Administering a waste reduction and hazardous substance use  
8 reduction research and development program;

9 (e) Coordinating a waste reduction and hazardous substance use  
10 reduction public education program that includes the utilization of  
11 existing publications from public and private sources, as well as  
12 publishing necessary new materials on waste reduction;

13 (f) Recommending to institutions of higher education in the state  
14 courses and curricula in areas related to waste reduction and hazardous  
15 substance use reduction; and

16 (g) Operating an intern program in cooperation with institutions of  
17 higher education and other outside resources to provide technical  
18 assistance on hazardous substance use reduction and waste reduction  
19 techniques and to carry out research projects as needed within the  
20 office.

21 **Sec. 134.** RCW 70.95C.250 and 1994 c 248 s 1 are each amended to  
22 read as follows:

23 (1) Not later than January 1, 1995, the department shall designate  
24 an industry type and up to ten individual facilities within that  
25 industry type to be the focus of a pilot multimedia program. The  
26 program shall be designed to coordinate department actions related to  
27 environmental permits, plans, approvals, certificates, registrations,  
28 technical assistance, and inspections. The program shall also  
29 investigate the feasibility of issuing facility-wide permits. The  
30 director shall determine the industry type and facilities based on:

31 (a) A review of at least three industry types; and

32 (b) Criteria which shall include at least the following factors:

33 (i) The potential for the industry to serve as a state-wide model  
34 for multimedia environmental programs including pollution prevention;

35 (ii) Whether the industry type is subject to regulatory  
36 requirements relating to at least two of the following subject areas:  
37 Air quality, water quality, or hazardous waste management;

1 (iii) The existence within the industry type of a range of business  
2 sizes; and

3 (iv) Voluntary participation in the program.

4 (2) (~~Not later than January 1, 1997, the department shall submit~~  
5 ~~to the governor and the appropriate standing committees of the~~  
6 ~~legislature:~~

7 ~~(a) A report evaluating the pilot multimedia program. The report~~  
8 ~~shall consider the program's effect on the efficiency and effectiveness~~  
9 ~~of program delivery and shall evaluate the feasibility of expanding the~~  
10 ~~program to other industry types; and~~

11 ~~(b) A report analyzing the feasibility of a facility-wide permit~~  
12 ~~program.~~

13 ~~(3))~~ In developing the program, the department shall consult with  
14 and seek the cooperation of the environmental protection agency.

15 ~~((4))~~ (3) For purposes of this section, "facility-wide permit"  
16 means a single multimedia permit issued by the department to the owner  
17 or operator of a facility incorporating the permits and any other  
18 relevant department approvals previously issued to the owner or  
19 operator or currently required by the department.

20 **Sec. 135.** RCW 70.96A.420 and 1995 c 321 s 3 are each amended to  
21 read as follows:

22 (1) The department, in consultation with opiate substitution  
23 treatment service providers and counties authorizing opiate  
24 substitution treatment programs, shall establish state-wide treatment  
25 standards for opiate substitution treatment programs. The department  
26 and counties that authorize opiate substitution treatment programs  
27 shall enforce these treatment standards. The treatment standards shall  
28 include, but not be limited to, reasonable provisions for all  
29 appropriate and necessary medical procedures, counseling requirements,  
30 urinalysis, and other suitable tests as needed to ensure compliance  
31 with this chapter. A opiate substitution treatment program shall not  
32 have a caseload in excess of three hundred fifty persons.

33 (2) The department, in consultation with opiate substitution  
34 treatment programs and counties authorizing opiate substitution  
35 treatment programs, shall establish state-wide operating standards for  
36 opiate substitution treatment programs. The department and counties  
37 that authorize opiate substitution treatment programs shall enforce  
38 these operating standards. The operating standards shall include, but

1 not be limited to, reasonable provisions necessary to enable the  
2 department and authorizing counties to monitor certified and licensed  
3 opiate substitution treatment programs for compliance with this chapter  
4 and the treatment standards authorized by this chapter and to minimize  
5 the impact of the opiate substitution treatment programs upon the  
6 business and residential neighborhoods in which the program is located.

7 (3) The department shall establish criteria for evaluating the  
8 compliance of opiate ~~((substitute—[substitution]))~~ substitution  
9 treatment programs with the goals and standards established under this  
10 chapter. As a condition of certification, opiate substitution programs  
11 shall submit an annual report to the department and county legislative  
12 authority, including data as specified by the department necessary for  
13 outcome analysis. The department shall analyze and evaluate the data  
14 submitted by each treatment program and take corrective action where  
15 necessary to ensure compliance with the goals and standards enumerated  
16 under this chapter. ~~((Before January 1 of each year, the department  
17 shall submit an annual report to the legislature, including the outcome  
18 analysis of each treatment program.))~~

19 **Sec. 136.** RCW 70.96A.500 and 1995 c 54 s 2 are each amended to  
20 read as follows:

21 ~~((1))~~ The department shall contract with the University of  
22 Washington fetal alcohol syndrome clinic to provide fetal alcohol  
23 exposure screening and assessment services. The University indirect  
24 charges shall not exceed ten percent of the total contract amount. The  
25 contract shall require the University of Washington fetal alcohol  
26 syndrome clinic to provide the following services:

27 ~~((a))~~ (1) Training for health care staff in community-based fetal  
28 alcohol exposure clinics to ensure the accurate diagnosis of  
29 individuals with fetal alcohol exposure and the development and  
30 implementation of appropriate service referral plans;

31 ~~((b))~~ (2) Development of written or visual educational materials  
32 for the individuals diagnosed with fetal alcohol exposure and their  
33 families or caregivers;

34 ~~((c))~~ (3) Systematic information retrieval from each community  
35 clinic to ~~((i))~~ (a) maintain diagnostic accuracy and reliability  
36 across all community clinics, ~~((ii))~~ (b) facilitate the development  
37 of effective and efficient screening tools for population-based  
38 identification of individuals with fetal alcohol exposure, ~~((iii))~~

1 (c) facilitate identification of the most clinically efficacious and  
2 cost-effective educational, social, vocational, and health service  
3 interventions for individuals with fetal alcohol exposure;

4 ~~((d))~~ (4) Based on available funds, establishment of a network of  
5 community-based fetal alcohol exposure clinics across the state to meet  
6 the demand for fetal alcohol exposure diagnostic and referral services;  
7 and

8 ~~((e))~~ (5) Preparation of an annual report for submission to the  
9 department of health, the department of social and health services, the  
10 department of corrections, and the office of the superintendent of  
11 public instruction which includes the information retrieved under  
12 subsection ~~((1)(e))~~ (3) of this section.

13 ~~((2) The department shall submit to the legislature, by January 1,  
14 1996, a copy of the governor's fetal alcohol syndrome advisory board  
15 report.)~~

16 **Sec. 137.** RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, and  
17 1991 c 29 s 1 are each reenacted and amended to read as follows:

18 (1) The department is designated as the state mental health  
19 authority.

20 (2) The secretary may provide for public, client, and licensed  
21 service provider participation in developing the state mental health  
22 program.

23 (3) The secretary shall provide for participation in developing the  
24 state mental health program for children and other underserved  
25 populations, by including representatives on any committee established  
26 to provide oversight to the state mental health program.

27 (4) The secretary shall be designated as the county authority if a  
28 county fails to meet state minimum standards or refuses to exercise  
29 responsibilities under RCW 71.24.045.

30 (5) The secretary shall:

31 (a) Develop a biennial state mental health program that  
32 incorporates county biennial needs assessments and county mental health  
33 service plans and state services for mentally ill adults and children.  
34 The secretary may also develop a six-year state mental health plan;

35 (b) Assure that any county community mental health program provides  
36 access to treatment for the county's residents in the following order  
37 of priority: (i) The acutely mentally ill; (ii) chronically mentally



1 ill adults and severely emotionally disturbed children; and (iii) the  
2 seriously disturbed. Such programs shall provide:

3 (A) Outpatient services;

4 (B) Emergency care services for twenty-four hours per day;

5 (C) Day treatment for mentally ill persons which includes training  
6 in basic living and social skills, supported work, vocational  
7 rehabilitation, and day activities. Such services may include  
8 therapeutic treatment. In the case of a child, day treatment includes  
9 age-appropriate basic living and social skills, educational and  
10 prevocational services, day activities, and therapeutic treatment;

11 (D) Screening for patients being considered for admission to state  
12 mental health facilities to determine the appropriateness of admission;

13 (E) Employment services, which may include supported employment,  
14 transitional work, placement in competitive employment, and other work-  
15 related services, that result in mentally ill persons becoming engaged  
16 in meaningful and gainful full or part-time work. Other sources of  
17 funding such as the division of vocational rehabilitation may be  
18 utilized by the secretary to maximize federal funding and provide for  
19 integration of services;

20 (F) Consultation and education services; and

21 (G) Community support services;

22 (c) Develop and (~~promulgate~~) adopt rules establishing state  
23 minimum standards for the delivery of mental health services including,  
24 but not limited to:

25 (i) Licensed service providers;

26 (ii) Regional support networks; and

27 (iii) Residential and inpatient services, evaluation and treatment  
28 services and facilities under chapter 71.05 RCW, resource management  
29 services, and community support services;

30 (d) Assure that the special needs of minorities, the elderly,  
31 disabled, children, and low-income persons are met within the  
32 priorities established in this section;

33 (e) Establish a standard contract or contracts, consistent with  
34 state minimum standards, which shall be used by the counties;

35 (f) Establish, to the extent possible, a standardized auditing  
36 procedure which minimizes paperwork requirements of county authorities  
37 and licensed service providers;

38 (g) Develop and maintain an information system to be used by the  
39 state, counties, and regional support networks when they are

1 established which shall include a tracking method which allows the  
2 department and regional support networks to identify mental health  
3 clients' participation in any mental health service or public program  
4 on an immediate basis. The information system shall not include  
5 individual patient's case history files. Confidentiality of client  
6 information and records shall be maintained as provided in this chapter  
7 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and  
8 71.05.440. The system shall be fully operational no later than January  
9 1, 1993: PROVIDED, HOWEVER, That when a regional support network is  
10 established, the department shall have an operational interim tracking  
11 system for that network that will be adequate for the regional support  
12 network to perform its required duties under this chapter;

13 (h) License service providers who meet state minimum standards;

14 (i) Certify regional support networks that meet state minimum  
15 standards;

16 (j) Periodically inspect certified regional support networks and  
17 licensed service providers at reasonable times and in a reasonable  
18 manner; and

19 (k) Fix fees to be paid by evaluation and treatment centers to the  
20 secretary for the required inspections;

21 (l) Monitor and audit counties, regional support networks, and  
22 licensed service providers as needed to assure compliance with  
23 contractual agreements authorized by this chapter;

24 (m) Prior to September 1, 1989, adopt such rules as are necessary  
25 to implement the department's responsibilities under this chapter  
26 pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be  
27 submitted to the appropriate committees of the legislature for review  
28 and comment prior to adoption; and

29 (n) Beginning July 1, 1989, and continuing through July 1, 1993,  
30 track by region and county the use and cost of state hospital and local  
31 evaluation and treatment facilities for seventy-two hour detention,  
32 fourteen, ninety, and one hundred eighty day commitments pursuant to  
33 chapter 71.05 RCW, voluntary care in state hospitals, and voluntary  
34 community inpatient care covered by the medical assistance program.  
35 Service use and cost reports shall be provided to regions in a timely  
36 fashion at six-month intervals.

37 (6) The secretary shall use available resources appropriated  
38 specifically for community mental health programs only for programs  
39 under RCW 71.24.045. After July 1, 1995, or when regional support

1 networks are established, available resources may be used only for  
2 regional support networks.

3 (7) Each certified regional support network and licensed service  
4 provider shall file with the secretary, on request, such data,  
5 statistics, schedules, and information as the secretary reasonably  
6 requires. A certified regional support network or licensed service  
7 provider which, without good cause, fails to furnish any data,  
8 statistics, schedules, or information as requested, or files fraudulent  
9 reports thereof, may have its certification or license revoked or  
10 suspended.

11 (8) The secretary may suspend, revoke, limit, or restrict a  
12 certification or license, or refuse to grant a certification or license  
13 for failure to conform to the law, applicable rules and regulations, or  
14 applicable standards, or failure to meet the minimum standards  
15 established pursuant to this section.

16 (9) The superior court may restrain any regional support network or  
17 service provider from operating without certification or a license or  
18 any other violation of this section. The court may also review,  
19 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
20 suspension, limitation, restriction, or revocation of certification or  
21 license, and grant other relief required to enforce the provisions of  
22 this chapter.

23 (10) Upon petition by the secretary, and after hearing held upon  
24 reasonable notice to the facility, the superior court may issue a  
25 warrant to an officer or employee of the secretary authorizing him or  
26 her to enter at reasonable times, and examine the records, books, and  
27 accounts of any regional support network or service provider refusing  
28 to consent to inspection or examination by the authority.

29 (11) The secretary shall adopt such rules as may be necessary to  
30 effectuate the intent and purposes of this chapter, which shall include  
31 but not be limited to certification and licensing and other action  
32 relevant to certifying regional support networks and licensing service  
33 providers.

34 (12) Notwithstanding the existence or pursuit of any other remedy,  
35 the secretary may, in the manner provided by law, upon the advice of  
36 the attorney general who shall represent the secretary in the  
37 proceedings, maintain an action in the name of the state for an  
38 injunction or other process against any person or governmental unit to  
39 restrain or prevent the establishment, conduct, or operation of a

1 regional support network or service provider without certification or  
2 a license under this chapter.

3 (13) The standards for certification of evaluation and treatment  
4 facilities shall include standards relating to maintenance of good  
5 physical and mental health and other services to be afforded persons  
6 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise  
7 assure the effectuation of the purposes and intent of this chapter and  
8 chapter 71.05 RCW.

9 (14)(a) The department, in consultation with affected parties,  
10 shall establish a distribution formula that reflects county needs  
11 assessments based on the number of persons who are acutely mentally  
12 ill, chronically mentally ill, severely emotionally disturbed, and  
13 seriously disturbed as defined in chapter 71.24 RCW. The formula shall  
14 take into consideration the impact on counties of demographic factors  
15 in counties which result in concentrations of priority populations as  
16 defined in subsection (15) of this section. These factors shall  
17 include the population concentrations resulting from commitments under  
18 the involuntary treatment act, chapter 71.05 RCW, to state psychiatric  
19 hospitals, as well as concentration in urban areas, at border crossings  
20 at state boundaries, and other significant demographic and workload  
21 factors.

22 (b) (~~The department shall submit a proposed distribution formula~~  
23 ~~in accordance with this section to the ways and means and health and~~  
24 ~~long term care committees of the senate and to the ways and means and~~  
25 ~~human services committees of the house of representatives by October 1,~~  
26 ~~1991.~~) The formula shall also include a projection of the funding  
27 allocations that will result for each county, which specifies  
28 allocations according to priority populations, including the allocation  
29 for services to children and other underserved populations.

30 (15) To supersede duties assigned under subsection (5)(a) and (b)  
31 of this section, and to assure a county-based, integrated system of  
32 care for acutely mentally ill adults and children, chronically mentally  
33 ill adults, severely emotionally disturbed children, and seriously  
34 disturbed adults and children who are determined by regional support  
35 networks at their sole discretion to be at risk of becoming acutely or  
36 chronically mentally ill, or severely emotionally disturbed, the  
37 secretary shall encourage the development of regional support networks  
38 as follows:

1 By December 1, 1989, the secretary shall recognize regional support  
2 networks requested by counties or groups of counties.

3 All counties wishing to be recognized as a regional support network  
4 on December 1, 1989, shall submit their intentions regarding  
5 participation in the regional support networks by October 30, 1989,  
6 along with preliminary plans. Counties wishing to be recognized as a  
7 regional support network by January 1<sup>st</sup> of any year thereafter shall  
8 submit their intentions by October 30<sup>th</sup> of the previous year along with  
9 preliminary plans. The secretary shall assume all duties assigned to  
10 the nonparticipating counties under chapters 71.05 and 71.24 RCW on  
11 July 1, 1995. Such responsibilities shall include those which would  
12 have been assigned to the nonparticipating counties under regional  
13 support networks.

14 The implementation of regional support networks, or the secretary's  
15 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,  
16 shall be included in all state and federal plans affecting the state  
17 mental health program including at least those required by this  
18 chapter, the medicaid program, and P.L. 99-660. Nothing in these plans  
19 shall be inconsistent with the intent and requirements of this chapter.

20 (16) By January 1, 1992, the secretary shall provide available  
21 resources to regional support networks to operate freestanding  
22 evaluation and treatment facilities or for regional support networks to  
23 contract with local hospitals to assure access for regional support  
24 network patients.

25 (17) The secretary shall:

26 (a) Disburse the first funds for the regional support networks that  
27 are ready to begin implementation by January 1, 1990, or within sixty  
28 days of approval of the biennial contract. The department must either  
29 approve or reject the biennial contract within sixty days of receipt.

30 (b) Enter into biennial contracts with regional support networks to  
31 begin implementation between January 1, 1990, and March 1, 1990, and  
32 complete implementation by June 1995. The contracts shall be  
33 consistent with available resources. No contract shall be approved  
34 that does not include progress toward meeting the goals of this chapter  
35 by taking responsibility for: (i) Short-term commitments; (ii)  
36 residential care; and (iii) emergency response systems.

37 (c) By July 1, 1993, allocate one hundred percent of available  
38 resources to regional support networks created by January 1, 1990, in  
39 a single grant. Regional support networks created by January 1, 1991,

1 shall receive a single block grant by July 1, 1993; regional support  
2 networks created by January 1, 1992, shall receive a single block grant  
3 by July 1, 1994; and regional support networks created by January 1,  
4 1993, shall receive a single block grant by July 1, 1995. The grants  
5 shall include funds currently provided for all residential services,  
6 all services pursuant to chapter 71.05 RCW, and all community support  
7 services and shall be distributed in accordance with a formula  
8 submitted to the legislature by January 1, 1993, in accordance with  
9 subsection (14) of this section.

10 (d) By January 1, 1990, allocate available resources to regional  
11 support networks for community support services, resource management  
12 services, and residential services excluding evaluation and treatment  
13 facilities provided pursuant to chapter 71.05 RCW in a single grant  
14 using the distribution formula established in subsection (14) of this  
15 section.

16 (e) By March 1, 1990, or within sixty days of approval of the  
17 contract continuing through July 1, 1993, provide grants as  
18 specifically appropriated by the legislature to regional support  
19 networks for evaluation and treatment facilities for persons detained  
20 or committed for periods up to seventeen days according to chapter  
21 71.05 RCW. For regional support networks created by January 1, 1993,  
22 provide grants as specifically appropriated by the legislature to  
23 regional support networks for evaluation and treatment facilities for  
24 persons detained or committed for periods up to seventeen days  
25 according to chapter 71.05 RCW through July 1, 1995.

26 (f) Notify regional support networks of their allocation of  
27 available resources at least sixty days prior to the start of a new  
28 biennial contract period.

29 (g) Deny funding allocations to regional support networks based  
30 solely upon formal findings of noncompliance with the terms of the  
31 regional support network's contract with the department. Written  
32 notice and at least thirty days for corrective action must precede any  
33 such action. In such cases, regional support networks shall have full  
34 rights to appeal under chapter 34.05 RCW.

35 (h) Identify in its departmental biennial operating and capital  
36 budget requests the funds requested by regional support networks to  
37 implement their responsibilities under this chapter.

1 (i) Contract to provide or, if requested, make grants to counties  
2 to provide technical assistance to county authorities or groups of  
3 county authorities to develop regional support networks.

4 (18) The department of social and health services, in cooperation  
5 with the state congressional delegation, shall actively seek waivers of  
6 federal requirements and such modifications of federal regulations as  
7 are necessary to allow federal medicaid reimbursement for services  
8 provided by free-standing evaluation and treatment facilities certified  
9 under chapter 71.05 RCW. The department shall periodically report its  
10 efforts to the health care and corrections committee of the senate and  
11 the human services committee of the house of representatives.

12 (19) The secretary shall establish a task force to examine the  
13 recruitment, training, and compensation of qualified mental health  
14 professionals in the community, which shall include the advantages and  
15 disadvantages of establishing a training academy, loan forgiveness  
16 program, or educational stipends offered in exchange for commitments of  
17 employment in mental health. ~~((The task force shall report back to the  
18 appropriate committees of the legislature by January 1, 1990.))~~

19 **Sec. 138.** RCW 71.24.410 and 1994 c 259 s 3 are each amended to  
20 read as follows:

21 The project established in RCW 71.24.405 must be implemented by  
22 July 1, 1995, in at least two regional support networks, ~~((with annual  
23 progress reports submitted to the appropriate committees of the  
24 legislature beginning November 1, 1994,))~~ and in all regional support  
25 networks state-wide with full implementation of the most effective and  
26 efficient practices identified by the evaluation in RCW 71.24.405 no  
27 later than July 1, 1997. ~~((In addition, the department of social and  
28 health services, the participating regional support networks, and the  
29 local mental health service providers shall report to the appropriate  
30 policy and fiscal committees of the legislature on the need for any  
31 changes in state statute, rule, policy, or procedure, and any change in  
32 federal statute, regulation, policy, or procedure to ensure the  
33 purposes specified in RCW 71.24.400 are carried out.))~~

34 **Sec. 139.** RCW 72.09.040 and 1981 c 136 s 4 are each amended to  
35 read as follows:

36 All powers, duties, and functions assigned to the secretary of  
37 social and health services and to the department of social and health

1 services relating to adult correctional programs and institutions are  
2 hereby transferred to the secretary of corrections and to the  
3 department of corrections. Except as may be specifically provided, all  
4 functions of the department of social and health services relating to  
5 juvenile rehabilitation and the juvenile justice system shall remain in  
6 the department of social and health services. Where functions of the  
7 department of social and health services and the department of  
8 corrections overlap in the juvenile rehabilitation and/or juvenile  
9 justice area, the governor may allocate such functions between these  
10 departments.

11 ~~((The secretaries of the department of social and health services  
12 and the department of corrections shall submit to the 1983 session of  
13 the Washington state legislature a joint report which addresses the  
14 question of in which agency juvenile rehabilitation and state level  
15 juvenile justice programs should be located.))~~

16 **Sec. 140.** RCW 72.09.560 and 1995 1st sp.s. c 19 s 21 are each  
17 amended to read as follows:

18 ~~((1))~~ The department is authorized to establish a camp for alien  
19 offenders and shall be ready to assign offenders to the camp not later  
20 than January 1, 1997. The secretary shall locate the camp within the  
21 boundaries of an existing department facility.

22 ~~((2) The secretary, in consultation with the committee established  
23 in RCW 72.09.570, shall prepare a report to the legislature by December  
24 1, 1995, on an implementation plan for the camp. The plan shall  
25 include recommendations on meeting the following goals: (a) Expedited  
26 deportation of alien offenders; (b) reduced daily costs of  
27 incarceration; (c) enhanced public benefit through an emphasis on  
28 inmate work and exemption from education programs other than those  
29 programs necessary for offenders to understand and follow directions;  
30 (d) minimum access to privileges; and (e) maximized use of nonstate  
31 resources for the costs of incarceration.~~

32 ~~(3) In preparing the plan, the secretary shall address at least the  
33 following: (a) Eligibility criteria for prompt admission to the camp;  
34 (b) whether to have a minimum and maximum length of stay in the camp;  
35 (c) operational elements including residential arrangements, inmate  
36 conduct and programming standards, and achieving maximum cooperation  
37 with the United States government to expedite deportation of alien  
38 offenders and reduce the likelihood that alien offenders who complete~~



1 ~~the camp will avoid deportation; (d) mitigating adverse impacts the~~  
2 ~~camp may have on other offender programs; (e) meeting the goals set~~  
3 ~~forth in this section; and (f) any state law and fiscal issues that are~~  
4 ~~necessary for implementation of the camp.~~

5 ~~(4) The department shall consult with all appropriate public safety~~  
6 ~~organizations and the committee created under RCW 72.09.570 in~~  
7 ~~developing the plan.))~~

8 **Sec. 141.** RCW 72.23.025 and 1992 c 230 s 1 are each amended to  
9 read as follows:

10 (1) It is the intent of the legislature to improve the quality of  
11 service at state hospitals, eliminate overcrowding, and more  
12 specifically define the role of the state hospitals. The legislature  
13 intends that eastern and western state hospitals shall become clinical  
14 centers for handling the most complicated long-term care needs of  
15 patients with a primary diagnosis of mental disorder. Over the next  
16 six years, their involvement in providing short-term, acute care, and  
17 less complicated long-term care shall be diminished in accordance with  
18 the revised responsibilities for mental health care under chapter 71.24  
19 RCW. To this end, the legislature intends that funds appropriated for  
20 mental health programs, including funds for regional support networks  
21 and the state hospitals be used for persons with primary diagnosis of  
22 mental disorder. The legislature finds that establishment of the  
23 eastern state hospital board, the western state hospital board, and  
24 institutes for the study and treatment of mental disorders at both  
25 eastern state hospital and western state hospital will be instrumental  
26 in implementing the legislative intent.

27 (2)(a) The eastern state hospital board and the western state  
28 hospital board are each established. Members of the boards shall be  
29 appointed by the governor with the consent of the senate. Each board  
30 shall include:

31 (i) The director of the institute for the study and treatment of  
32 mental disorders established at the hospital;

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

34 (iii) One consumer of services;

35 (iv) One community mental health service provider;

36 (v) Two citizens with no financial or professional interest in  
37 mental health services;

1 (vi) One representative of the regional support network in which  
2 the hospital is located;

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

4 (viii) One representative from the nursing staff;

5 (ix) One representative from the other professional staff;

6 (x) One representative from the nonprofessional staff; and

7 (xi) One representative of a minority community.

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

10 (c) Members shall serve four-year terms. Members of the board  
11 shall be reimbursed for travel expenses as provided in RCW 43.03.050  
12 and 43.03.060 and shall receive compensation as provided in RCW  
13 43.03.240.

14 (3) The boards established under this section shall:

15 (a) Monitor the operation and activities of the hospital;

16 (b) Review and advise on the hospital budget;

17 (c) Make recommendations to the governor and the legislature for  
18 improving the quality of service provided by the hospital;

19 (d) Monitor and review the activities of the hospital in  
20 implementing the intent of the legislature set forth in this section;  
21 and

22 ~~(e) ((Report periodically to the governor and the legislature on  
23 the implementation of the legislative intent set forth in this section;  
24 and~~

25 ~~(f)))~~ Consult with the secretary regarding persons the secretary  
26 may select as the superintendent of the hospital whenever a vacancy  
27 occurs.

28 (4)(a) There is established at eastern state hospital and western  
29 state hospital, institutes for the study and treatment of mental  
30 disorders. The institutes shall be operated by joint operating  
31 agreements between state colleges and universities and the department  
32 of social and health services. The institutes are intended to conduct  
33 training, research, and clinical program development activities that  
34 will directly benefit mentally ill persons receiving treatment in  
35 Washington state by performing the following activities:

36 (i) Promote recruitment and retention of highly qualified  
37 professionals at the state hospitals and community mental health  
38 programs;

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

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

6 (iv) Promote bilateral understanding of treatment orientation,  
7 possibilities, and challenges between state hospital professionals and  
8 community mental health professionals.

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

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

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

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

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

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

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

32 **Sec. 142.** RCW 72.65.210 and 1995 c 399 s 203 are each amended to  
33 read as follows:

34 (1) The department shall establish, by rule, inmate eligibility  
35 standards for participation in the work release program.

36 (2) The department shall:

37 (a) Conduct an annual examination of each work release facility and  
38 its security procedures;

1 (b) Investigate and set standards for the inmate supervision  
2 policies of each work release facility;

3 (c) Establish physical standards for future work release structures  
4 to ensure the safety of inmates, employees, and the surrounding  
5 communities;

6 (d) Evaluate its recordkeeping of serious infractions to determine  
7 if infractions are properly and consistently assessed against inmates  
8 eligible for work release;

9 (e) (~~Report to the legislature on a case management procedure to~~  
10 ~~evaluate and determine those inmates on work release who are in need of~~  
11 ~~treatment.~~) The department shall establish (~~in the report~~) a  
12 written treatment plan best suited to the inmate's needs, cost, and the  
13 relationship of community placement and community corrections officers  
14 to a system of case management;

15 (f) Adopt a policy to encourage businesses employing work release  
16 inmates to contact the appropriate work release facility whenever an  
17 inmate is absent from his or her work schedule. The department of  
18 corrections shall provide each employer with written information and  
19 instructions on who should be called if a work release employee is  
20 absent from work or leaves the job site without authorization; and

21 (g) Develop a siting policy, in conjunction with cities, counties,  
22 community groups, and the department of community, trade, and economic  
23 development for the establishment of additional work release  
24 facilities. Such policy shall include at least the following elements:

25 (i) Guidelines for appropriate site selection of work-release  
26 facilities; (ii) notification requirements to local government and  
27 community groups of intent to site a work release facility; and (iii)  
28 guidelines for effective community relations by the work release  
29 program operator.

30 The department shall comply with the requirements of this section  
31 by July 1, 1990.

32 **Sec. 143.** RCW 74.04.025 and 1983 1st ex.s. c 41 s 33 are each  
33 amended to read as follows:

34 (1) The department and the office of administrative hearings shall  
35 (~~insure~~) ensure that bilingual services are provided to non-English  
36 speaking applicants and recipients. The services shall be provided to  
37 the extent necessary to assure that non-English speaking persons are

1 not denied, or unable to obtain or maintain, services or benefits  
2 because of their inability to speak English.

3 (2) If the number of non-English speaking applicants or recipients  
4 sharing the same language served by any community service office client  
5 contact job classification equals or exceeds fifty percent of the  
6 average caseload of a full-time position in such classification, the  
7 department shall, through attrition, employ bilingual personnel to  
8 serve such applicants or recipients.

9 (3) Regardless of the applicant or recipient caseload of any  
10 community service office, each community service office shall ensure  
11 that bilingual services required to supplement the community service  
12 office staff are provided through contracts with interpreters, local  
13 agencies, or other community resources.

14 (4) Initial client contact materials shall inform clients in all  
15 primary languages of the availability of interpretation services for  
16 non-English speaking persons. Basic informational pamphlets shall be  
17 translated into all primary languages.

18 (5) To the extent all written communications directed to applicants  
19 or recipients are not in the primary language of the applicant or  
20 recipient, the department and the office of administrative hearings  
21 shall include with the written communication a notice in all primary  
22 languages of applicants or recipients describing the significance of  
23 the communication and specifically how the applicants or recipients may  
24 receive assistance in understanding, and responding to if necessary,  
25 the written communication. The department shall assure that sufficient  
26 resources are available to assist applicants and recipients in a timely  
27 fashion with understanding, responding to, and complying with the  
28 requirements of all such written communications.

29 (6) As used in this section, "primary languages" includes but is  
30 not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

31 ~~((7) The department shall report to the legislature by July 1,  
32 1984, on the cost effectiveness of translating all written forms,  
33 notices, and other documents provided to non-English speaking  
34 applicants or recipients into primary languages.))~~

35 **Sec. 144.** RCW 74.09.415 and 1990 c 296 s 2 are each amended to  
36 read as follows:

37 (1) There is hereby established a program to be known as the  
38 children's health program.

1 To the extent of available funds:

2 (a) Health care services may be provided to persons who are under  
3 eighteen years of age with household incomes at or below the federal  
4 poverty level and not otherwise eligible for medical assistance or the  
5 limited casualty program for the medically needy.

6 (b) The determination of eligibility of recipients for health care  
7 services shall be the responsibility of the department. The  
8 application process shall be easy to understand and, to the extent  
9 possible, applications shall be made available at local schools and  
10 other appropriate locations. The department shall make eligibility  
11 determinations within the timeframes for establishing eligibility for  
12 children on medical assistance, as defined by RCW 74.09.510.

13 (c) The amount, scope, and duration of health care services  
14 provided to eligible children under the children's health program shall  
15 be the same as that provided to children under medical assistance, as  
16 defined in RCW 74.09.520.

17 (2) The legislature is interested in assessing the effectiveness of  
18 the prenatal care program. However, the legislature recognizes the  
19 cost and complexity associated with such assessment.

20 The legislature accepts the effectiveness of prenatal and maternity  
21 care at improving birth outcomes when these services are received by  
22 eligible persons. Therefore, the legislature intends to focus scarce  
23 assessment resources to determine the extent to which support services  
24 such as child care, psychosocial and nutritional assessment and  
25 counseling, case management, transportation, and other support services  
26 authorized by chapter 296, Laws of 1990, result in receipt of prenatal  
27 and maternity care by eligible persons.

28 The University of Washington shall conduct a study, based on a  
29 statistically significant state-wide sampling of data, to evaluate the  
30 effectiveness of the maternity care access program set forth in RCW  
31 74.09.760 through 74.09.820 based on the principles set forth in RCW  
32 74.09.770.

33 The University of Washington shall develop a plan and budget for  
34 the study in consultation with the joint legislative ((budget)) audit  
35 and review committee. The joint legislative ((budget)) audit and  
36 review committee shall also monitor the progress of the study.

37 The department of social and health services shall make data and  
38 other information available as needed to the University of Washington  
39 as required to conduct this study.

1 The study shall determine:

2 (a) The characteristics of women receiving services, including  
3 health risk factors;

4 (b) The extent to which access to maternity care and support  
5 services have improved in this state as a result of this program;

6 (c) The utilization of services and birth outcomes for women and  
7 infants served by this program by type of practitioner;

8 (d) The extent to which birth outcomes for women receiving services  
9 under this program have improved in comparison to birth outcomes of  
10 nonmedicaid mothers;

11 (e) The impact of increased medicaid reimbursement to physicians on  
12 provider participation;

13 (f) The difference between costs for services provided under this  
14 program and medicaid reimbursement for the services;

15 (g) The gaps in services, if any, that may still exist for women  
16 and their infants as defined by RCW 74.09.790 (1) and (4) served by  
17 this program, excluding pregnant substance abusers, and women covered  
18 by private health insurance; and

19 (h) The number and mix of services provided to eligible women as  
20 defined by subsection (2)(g) of this section and the effect on birth  
21 outcomes as compared to nonmedicaid birth outcomes.

22 ~~((Results of the study shall be submitted to the legislative budget  
23 committee and appropriate committees of the legislature, by December 1  
24 of each year through December 1, 1994, beginning with December 1,  
25 1991.))~~

26 **Sec. 145.** RCW 74.09.520 and 1995 1st sp.s. c 18 s 39 are each  
27 amended to read as follows:

28 (1) The term "medical assistance" may include the following care  
29 and services: (a) Inpatient hospital services; (b) outpatient hospital  
30 services; (c) other laboratory and x-ray services; (d) nursing facility  
31 services; (e) physicians' services, which shall include prescribed  
32 medication and instruction on birth control devices; (f) medical care,  
33 or any other type of remedial care as may be established by the  
34 secretary; (g) home health care services; (h) private duty nursing  
35 services; (i) dental services; (j) physical and occupational therapy  
36 and related services; (k) prescribed drugs, dentures, and prosthetic  
37 devices; and eyeglasses prescribed by a physician skilled in diseases  
38 of the eye or by an optometrist, whichever the individual may select;

1 (l) personal care services, as provided in this section; (m) hospice  
2 services; (n) other diagnostic, screening, preventive, and  
3 rehabilitative services; and (o) like services when furnished to a  
4 child by a school district in a manner consistent with the requirements  
5 of this chapter. For the purposes of this section, the department may  
6 not cut off any prescription medications, oxygen supplies, respiratory  
7 services, or other life-sustaining medical services or supplies.

8 "Medical assistance," notwithstanding any other provision of law,  
9 shall not include routine foot care, or dental services delivered by  
10 any health care provider, that are not mandated by Title XIX of the  
11 social security act unless there is a specific appropriation for these  
12 services.

13 (2) The department shall amend the state plan for medical  
14 assistance under Title XIX of the federal social security act to  
15 include personal care services, as defined in 42 C.F.R. 440.170(f), in  
16 the categorically needy program.

17 (3) The department shall adopt, amend, or rescind such  
18 administrative rules as are necessary to ensure that Title XIX personal  
19 care services are provided to eligible persons in conformance with  
20 federal regulations.

21 (a) These administrative rules shall include financial eligibility  
22 indexed according to the requirements of the social security act  
23 providing for medicaid eligibility.

24 (b) The rules shall require clients be assessed as having a medical  
25 condition requiring assistance with personal care tasks. Plans of care  
26 must be reviewed by a nurse.

27 (4) The department shall design and implement a means to assess the  
28 level of functional disability of persons eligible for personal care  
29 services under this section. The personal care services benefit shall  
30 be provided to the extent funding is available according to the  
31 assessed level of functional disability. Any reductions in services  
32 made necessary for funding reasons should be accomplished in a manner  
33 that assures that priority for maintaining services is given to persons  
34 with the greatest need as determined by the assessment of functional  
35 disability.

36 ~~(5) ((The department shall report to the appropriate fiscal~~  
37 ~~committees of the legislature on the utilization and associated costs~~  
38 ~~of the personal care option under Title XIX of the federal social~~  
39 ~~security act, as defined in 42 C.F.R. 440.170(f), in the categorically~~



1 ~~needy program. This report shall be submitted by January 1, 1990, and~~  
2 ~~submitted on a yearly basis thereafter.~~

3 ~~(6))~~ Effective July 1, 1989, the department shall offer hospice  
4 services in accordance with available funds.

5 ~~((7))~~ (6) For Title XIX personal care services administered by  
6 aging and adult services administration of the department, the  
7 department shall contract with area agencies on aging:

8 (a) To provide case management services to individuals receiving  
9 Title XIX personal care services in their own home; and

10 (b) To reassess and reauthorize Title XIX personal care services or  
11 other home and community services as defined in RCW 74.39A.008 in home  
12 or in other settings for individuals consistent with the intent of this  
13 section:

14 (i) Who have been initially authorized by the department to receive  
15 Title XIX personal care services or other home and community services  
16 as defined in RCW 74.39A.008; and

17 (ii) Who, at the time of reassessment and reauthorization, are  
18 receiving such services in their own home.

19 ~~((8))~~ (7) In the event that an area agency on aging is unwilling  
20 to enter into or satisfactorily fulfill a contract to provide these  
21 services, the department is authorized to:

22 (a) Obtain the services through competitive bid; and

23 (b) Provide the services directly until a qualified contractor can  
24 be found.

25 **Sec. 146.** RCW 74.13.045 and 1991 c 340 s 2 are each amended to  
26 read as follows:

27 The department shall develop and implement an informal,  
28 nonadversarial complaint resolution process to be used by clients of  
29 the department, foster parents, and other affected individuals who have  
30 complaints regarding a department policy or procedure, or the  
31 application of such a policy or procedure, related to programs  
32 administered under this chapter. The process shall not apply in  
33 circumstances where the complainant has the right under Title 13, 26,  
34 or 74 RCW to seek resolution of the complaint through judicial review  
35 or through an adjudicative proceeding.

36 Nothing in this section shall be construed to create substantive or  
37 procedural rights in any person. Participation in the complaint  
38 resolution process shall not entitle any person to an adjudicative

1 proceeding under chapter 34.05 RCW or to superior court review.  
2 Participation in the process shall not affect the right of any person  
3 to seek other statutorily or constitutionally permitted remedies.

4 The department shall develop procedures to assure that clients and  
5 foster parents are informed of the availability of the complaint  
6 resolution process and how to access it. The department shall  
7 incorporate information regarding the complaint resolution process into  
8 the training for foster parents and caseworkers.

9 The department shall compile complaint resolution data including  
10 the nature of the complaint and the outcome of the process. ((The  
11 department shall submit semiannual reports, due January and July of  
12 each year, beginning July 1992, to the senate children and family  
13 services committee and the house of representatives human services  
14 committee.))

15 **Sec. 147.** RCW 74.13.055 and 1982 c 118 s 1 are each amended to  
16 read as follows:

17 The department shall adopt rules pursuant to chapter 34.05 RCW  
18 which establish goals as to the maximum number of children who will  
19 remain in foster care for a period of longer than twenty-four months.  
20 The department shall also work cooperatively with the major private  
21 child care providers to assure that a partnership plan for utilizing  
22 the resources of the public and private sector in all matters  
23 pertaining to child welfare is developed and implemented. ((The  
24 department shall report to the legislature, no later than January 15,  
25 1983, on the implementation of the partnership plan.))

26 **Sec. 148.** RCW 74.13.260 and 1990 c 284 s 4 are each amended to  
27 read as follows:

28 Regular on-site monitoring of foster homes to assure quality care  
29 improves care provided to children in family foster care. An on-site  
30 monitoring program shall be established by the department to assure  
31 quality care and regularly identify problem areas. ((The department  
32 shall report to the legislature by June 1 of each year, beginning with  
33 June 1, 1991, the results of the monitoring, including identified  
34 problem areas, and make policy recommendations to improve the quality  
35 of foster care based on the results of the monitoring.)) Monitoring  
36 shall be done by the department on a random sample basis of no less

1 than ten percent of the total licensed family foster homes licensed by  
2 the department on July 1 of each year.

3 **Sec. 149.** RCW 74.14A.050 and 1993 c 508 s 7 are each amended to  
4 read as follows:

5 The secretary shall:

6 (1)(a) Consult with relevant qualified professionals to develop a  
7 set of minimum guidelines to be used for identifying all children who  
8 are in a state-assisted support system, whether at-home or out-of-home,  
9 who are likely to need long-term care or assistance, because they face  
10 physical, emotional, medical, mental, or other long-term challenges;

11 (b) The guidelines must, at a minimum, consider the following  
12 criteria for identifying children in need of long-term care or  
13 assistance:

14 (i) Placement within the foster care system for two years or more;

15 (ii) Multiple foster care placements;

16 (iii) Repeated unsuccessful efforts to be placed with a permanent  
17 adoptive family;

18 (iv) Chronic behavioral or educational problems;

19 (v) Repetitive criminal acts or offenses;

20 (vi) Failure to comply with court-ordered disciplinary actions and  
21 other imposed guidelines of behavior, including drug and alcohol  
22 rehabilitation; and

23 (vii) Chronic physical, emotional, medical, mental, or other  
24 similar conditions necessitating long-term care or assistance;

25 (2) Develop programs that are necessary for the long-term care of  
26 children and youth that are identified for the purposes of this  
27 section. Programs must: (a) Effectively address the educational,  
28 physical, emotional, mental, and medical needs of children and youth;  
29 and (b) incorporate an array of family support options, to individual  
30 needs and choices of the child and family. The programs must be ready  
31 for implementation by January 1, 1995;

32 (3) Conduct an evaluation of all children currently within the  
33 foster care agency caseload to identify those children who meet the  
34 criteria set forth in this section. The evaluation shall be completed  
35 by January 1, 1994. All children entering the foster care system after  
36 January 1, 1994, must be evaluated for identification of long-term  
37 needs within thirty days of placement;

1 (4) Study and develop a comprehensive plan for the evaluation and  
2 identification of all children and youth in need of long-term care or  
3 assistance, including, but not limited to, the mentally ill,  
4 developmentally disabled, medically fragile, seriously emotionally or  
5 behaviorally disabled, and physically impaired;

6 (5) Study and develop a plan for the children and youth in need of  
7 long-term care or assistance to ensure the coordination of services  
8 between the department's divisions and between other state agencies who  
9 are involved with the child or youth;

10 (6) Study and develop guidelines for transitional services, between  
11 long-term care programs, based on the person's age or mental, physical,  
12 emotional, or medical condition; and

13 (7) Study and develop a statutory proposal for the emancipation of  
14 minors (~~and report its findings and recommendations to the legislature~~  
15 ~~by January 1, 1994~~)).

16 **Sec. 150.** RCW 74.20.340 and 1979 ex.s. c 171 s 25 are each amended  
17 to read as follows:

18 The department shall develop workload standards for each employee  
19 classification involved in support enforcement activities for each  
20 category of support enforcement cases. (~~The department shall submit~~  
21 ~~the workload standards and a preliminary forecast of the level of~~  
22 ~~staffing required to meet the workload standards to the senate ways and~~  
23 ~~means committee and the house of representatives revenue and~~  
24 ~~appropriations committees six months before the regular legislative~~  
25 ~~sessions and whenever this information is requested by the senate ways~~  
26 ~~and means committee and the house of representatives revenue and~~  
27 ~~appropriations committees.~~)

28 **Sec. 151.** RCW 74.41.070 and 1987 c 409 s 5 are each amended to  
29 read as follows:

30 (~~(1)~~) The area agencies administering respite care programs shall  
31 maintain data which indicates demand for respite care, and which  
32 includes information on in-home and out-of-home day care and in-home  
33 and out-of-home overnight care demand.

34 (~~(2)~~) ~~The department shall provide a progress report to the~~  
35 ~~legislature on the respite care programs authorized in this chapter.~~  
36 ~~The report shall at least include a comparison of the relative cost-~~  
37 ~~effectiveness of the services provided under this chapter with all~~

1 other programs and services which are intended to forestall  
2 institutionalization. In addition, the report shall include a similar  
3 comparison between in home and out of home respite care services. The  
4 department shall make recommendations on the inclusion of respite care  
5 services under the senior citizens act for delivery and funding of  
6 respite care services described in this chapter. The report shall be  
7 provided to the legislature not later than thirty days prior to the  
8 1989 legislative session.))

9       **Sec. 152.** RCW 75.24.060 and 1985 c 256 s 1 are each amended to  
10 read as follows:

11       It is the policy of the state to improve state oyster reserves so  
12 that they are productive and yield a revenue sufficient for their  
13 maintenance. In fixing the price of oysters and other shellfish sold  
14 from the reserves, the director shall take into consideration this  
15 policy. It is also the policy of the state to maintain the oyster  
16 reserves to furnish shellfish to growers and processors and to stock  
17 public beaches.

18       Shellfish may be harvested from state oyster reserves for personal  
19 use as prescribed by rule of the director.

20       The department shall periodically inventory the state oyster  
21 reserves and assign the reserve lands into management categories:

- 22       (1) Native Olympia oyster broodstock reserves;  
23       (2) Commercial shellfish harvesting zones;  
24       (3) Commercial shellfish propagation zones designated for long-term  
25 leasing to private aquaculturists;  
26       (4) Public recreational shellfish harvesting zones;  
27       (5) Unproductive land.

28       The department shall manage each category of oyster reserve land to  
29 maximize the sustained yield production of shellfish consistent with  
30 the purpose for establishment of each management category.

31       The department shall develop an oyster reserve management plan, to  
32 include recommendations for leasing reserve lands, in coordination with  
33 the shellfish industry, by January 1, 1986. ((The report shall be  
34 presented to the house and senate committees on natural resources.))

35       The director shall protect, reseed, improve the habitat of, and  
36 replant state oyster reserves and issue cultch permits.

1       **Sec. 153.** RCW 75.28.770 and 1994 c 264 s 46 are each amended to  
2 read as follows:

3       The department shall evaluate and recommend, in consultation with  
4 the Indian tribes, salmon fishery management strategies and gear types,  
5 as well as a schedule for implementation, that will minimize the impact  
6 of commercial and recreational fishing in the mixed stock fishery on  
7 critical and depressed wild stocks of salmonids. As part of this  
8 evaluation, the department, in conjunction with the commercial and  
9 recreational fishing industries, shall evaluate commercial and  
10 recreational salmon fishing gear types developed by these industries.  
11 (~~The department shall present status reports to the appropriate~~  
12 ~~committees of the legislature by December 31 of each year in 1993,~~  
13 ~~1994, and 1995, and shall present the final evaluation and~~  
14 ~~recommendations by December 31, 1996.~~)

15       **Sec. 154.** RCW 75.30.480 and 1994 c 260 s 20 are each amended to  
16 read as follows:

17       The department, with input from Dungeness crab coastal fishery  
18 licensees and processors, shall prepare a resource plan to achieve  
19 even-flow harvesting and long-term stability of the coastal Dungeness  
20 crab resource. The plan may include pot limits, further reduction in  
21 the number of vessels, individual quotas, trip limits, area quotas, or  
22 other measures as determined by the department. (~~The plan shall be~~  
23 ~~submitted to the appropriate standing committees of the legislature by~~  
24 ~~December 1, 1995.~~)

25       **Sec. 155.** RCW 75.50.100 and 1995 1st sp.s. c 2 s 39 are each  
26 amended to read as follows:

27       The dedicated regional fisheries enhancement group account is  
28 created in the custody of the state treasurer. Only the commission or  
29 the commission's designee may authorize expenditures from the account.  
30 The account is subject to allotment procedures under chapter 43.88 RCW,  
31 but no appropriation is required for expenditures.

32       A surcharge of one dollar shall be collected on each recreational  
33 personal use food fish license sold in the state. A surcharge of one  
34 hundred dollars shall be collected on each commercial salmon fishery  
35 license, each salmon delivery license, and each salmon charter license  
36 sold in the state. (~~The department shall study methods for collecting~~  
37 ~~and making available, an annual list, including names and addresses, of~~

1 all persons who obtain recreational and commercial salmon fishing  
2 licenses. This list may be used to assist formation of the regional  
3 fisheries enhancement groups and allow the broadest participation of  
4 license holders in enhancement efforts. The results of the study shall  
5 be reported to the house of representatives fisheries and wildlife  
6 committee and the senate environment and natural resources committee by  
7 October 1, 1990.) All receipts shall be placed in the regional  
8 fisheries enhancement group account and shall be used exclusively for  
9 regional fisheries enhancement group projects for the purposes of RCW  
10 75.50.110. Funds from the regional fisheries enhancement group account  
11 shall not serve as replacement funding for department operated salmon  
12 projects that exist on January 1, 1991.

13 All revenue from the department's sale of salmon carcasses and eggs  
14 that return to group facilities shall be deposited in the regional  
15 fisheries enhancement group account for use by the regional fisheries  
16 enhancement group that produced the surplus. The commission shall  
17 adopt rules to implement this section pursuant to chapter 34.05 RCW.

18 **Sec. 156.** RCW 75.52.110 and 1993 sp.s. c 2 s 53 are each amended  
19 to read as follows:

20 The department shall chair a technical committee, which shall  
21 review the preparation of enhancement plans and construction designs  
22 for a Cedar river sockeye spawning channel. The technical committee  
23 shall consist of not more than eight members: One representative each  
24 from the department, national marine fisheries service, United States  
25 fish and wildlife service, and Muckleshoot Indian tribe; and four  
26 representatives from the public utility described in RCW 75.52.130.  
27 The technical committee will be guided by a policy committee, also to  
28 be chaired by the department, which shall consist of not more than six  
29 members: One representative from the department, one from the  
30 Muckleshoot Indian tribe, and one from either the national marine  
31 fisheries service or the United States fish and wildlife service; and  
32 three representatives from the public utility described in RCW  
33 75.52.130. The policy committee shall (~~present a progress report to~~  
34 ~~the senate and house of representatives natural resources and~~  
35 ~~environment committees by January 1, 1990, and shall~~) oversee the  
36 operation and evaluation of the spawning channel. The policy committee  
37 will continue its oversight until the policy committee concludes that  
38 the channel is meeting the production goals specified in RCW 75.52.120.

1       **Sec. 157.** RCW 75.54.010 and 1993 sp.s. c 2 s 83 are each amended  
2 to read as follows:

3       There is created within the department of fish and wildlife the  
4 Puget Sound recreational salmon and marine fish enhancement program.  
5 The department of fish and wildlife shall identify a coordinator for  
6 the program who shall act as spokesperson for the program and shall:

7       (1) Coordinate the activities of the Puget Sound recreational  
8 salmon and marine fish enhancement program, including the Lake  
9 Washington salmon fishery; and

10       (2) ~~((Provide reports as needed to the legislature and the public;~~  
11 ~~and~~

12       (3)) Work within and outside of the department to achieve the  
13 goals stated in this chapter.

14       **Sec. 158.** RCW 77.12.690 and 1987 c 506 s 55 are each amended to  
15 read as follows:

16       The migratory waterfowl art committee is responsible for the  
17 selection of the annual migratory waterfowl stamp design and shall  
18 provide the design to the department. If the committee does not  
19 perform this duty within the time frame necessary to achieve proper and  
20 timely distribution of the stamps to license dealers, the director  
21 shall initiate the art work selection for that year. The committee  
22 shall create collector art prints and related artwork, utilizing the  
23 same design as provided to the department. The administration, sale,  
24 distribution, and other matters relating to the prints and sales of  
25 stamps with prints and related artwork shall be the responsibility of  
26 the migratory waterfowl art committee.

27       The total amount brought in from the sale of prints and related  
28 artwork shall be deposited in the state wildlife fund. The costs of  
29 producing and marketing of prints and related artwork, including  
30 administrative expenses mutually agreed upon by the committee and the  
31 director, shall be paid out of the total amount brought in from sales  
32 of those same items. Net funds derived from the sale of prints and  
33 related artwork shall be used by the director to contract with one or  
34 more appropriate individuals or nonprofit organizations for the  
35 development of waterfowl propagation projects within Washington which  
36 specifically provide waterfowl for the Pacific flyway. The department  
37 shall not contract with any individual or organization that obtains  
38 compensation for allowing waterfowl hunting except if the individual or



1 organization does not permit hunting for compensation on the subject  
2 property.

3 The migratory waterfowl art committee shall have an annual audit of  
4 its finances conducted by the state auditor and shall furnish a copy of  
5 the audit to the commission (~~and to the natural resources committees~~  
6 ~~of the house and senate~~)).

7 **Sec. 159.** RCW 77.12.710 and 1995 c 399 s 208 are each amended to  
8 read as follows:

9 The legislature hereby directs the department to determine the  
10 feasibility and cost of doubling the state-wide game fish production by  
11 the year 2000. The department shall seek to equalize the effort and  
12 investment expended on anadromous and resident game fish programs. The  
13 department shall provide the legislature with a specific plan for  
14 legislative approval that will outline the feasibility of increasing  
15 game fish production by one hundred percent over current levels by the  
16 year 2000. The plan shall contain specific provisions to increase both  
17 hatchery and naturally spawning game fish to a level that will support  
18 the production goal established in this section consistent with  
19 department policies. Steelhead trout, searun cutthroat trout, resident  
20 trout, and warmwater fish producing areas of the state shall be  
21 included in the plan. (~~The department shall provide the plan to the~~  
22 ~~house of representatives and senate ways and means, environment and~~  
23 ~~natural resources, environmental affairs, fisheries and wildlife, and~~  
24 ~~natural resources committees by December 31, 1990.~~)

25 The plan shall include the following critical elements:

26 (1) Methods of determining current catch and production, and catch  
27 and production in the year 2000;

28 (2) Methods of involving fishing groups, including Indian tribes,  
29 in a cooperative manner;

30 (3) Methods for using low capital cost projects to produce game  
31 fish as inexpensively as possible;

32 (4) Methods for renovating and modernizing all existing hatcheries  
33 and rearing ponds to maximize production capability;

34 (5) Methods for increasing the productivity of natural spawning  
35 game fish;

36 (6) Application of new technology to increase hatchery and natural  
37 productivity;

1 (7) Analysis of the potential for private contractors to produce  
2 game fish for public fisheries;

3 (8) Methods to optimize public volunteer efforts and cooperative  
4 projects for maximum efficiency;

5 (9) Methods for development of trophy game fish fisheries;

6 (10) Elements of coordination with the Pacific Northwest Power  
7 Council programs to ensure maximum Columbia river benefits;

8 (11) The role that should be played by private consulting companies  
9 in developing and implementing the plan;

10 (12) Coordination with federal fish and wildlife agencies, Indian  
11 tribes, and department fish production programs;

12 (13) Future needs for game fish predator control measures;

13 (14) Development of disease control measures;

14 (15) Methods for obtaining access to waters currently not available  
15 to anglers; and

16 (16) Development of research programs to support game fish  
17 management and enhancement programs.

18 The department, in cooperation with the department of revenue,  
19 shall assess various funding mechanisms and make recommendations to the  
20 legislature in the plan. The department, in cooperation with the  
21 department of community, trade, and economic development, shall prepare  
22 an analysis of the economic benefits to the state that will occur when  
23 the game fish production is increased by one hundred percent in the  
24 year 2000.

25 **Sec. 160.** RCW 77.32.060 and 1996 c 101 s 9 are each amended to  
26 read as follows:

27 The director may adopt rules establishing the amount a license  
28 dealer may charge and keep for each license, tag, permit, stamp, or  
29 raffle ticket issued. The director shall establish the amount to be  
30 retained by dealers to be at least fifty cents for each license issued,  
31 and twenty-five cents for each tag, permit, stamp, or raffle ticket,  
32 issued. (~~The director shall report to the next regular session of the~~  
33 ~~legislature explaining any increase in the amount retained by license~~  
34 ~~dealers.)) Fees retained by dealers shall be uniform throughout the  
35 state.~~

36 **Sec. 161.** RCW 78.56.160 and 1994 c 232 s 16 are each amended to  
37 read as follows:

1 (1) Until June 30, 1996, there shall be a moratorium on metals  
2 mining and milling operations using the heap leach extraction process.  
3 The department of natural resources and the department of ecology shall  
4 jointly review the existing laws and regulations pertaining to the heap  
5 leach extraction process for their adequacy in safeguarding the  
6 environment (~~and shall report their findings to the legislature by~~  
7 ~~December 30, 1994~~)).

8 (2) Metals mining using the process of in situ extraction is  
9 permanently prohibited in the state of Washington.

10 **Sec. 162.** RCW 79.01.295 and 1993 sp.s. c 4 s 5 are each amended to  
11 read as follows:

12 (1) By December 31, 1993, the department of fish and wildlife (~~and~~  
13 ~~the department of fisheries~~)) shall (~~each~~) develop goals for the  
14 wildlife and fish that (~~these agencies respectively~~) this agency  
15 manages, to preserve, protect, and perpetuate wildlife and fish on  
16 shrub steppe habitat or on lands that are presently agricultural lands,  
17 rangelands, or grazable woodlands. These goals shall be consistent  
18 with the maintenance of a healthy ecosystem.

19 (2) By July 31, 1993, the conservation commission shall appoint a  
20 technical advisory committee to develop standards that achieve the  
21 goals developed in subsection (1) of this section. The committee  
22 members shall include but not be limited to technical experts  
23 representing the following interests: Agriculture, academia, range  
24 management, utilities, environmental groups, commercial and  
25 recreational fishing interests, the Washington rangelands committee,  
26 Indian tribes, the department of fish and wildlife, (~~the department of~~  
27 ~~fisheries,~~) the department of natural resources, the department of  
28 ecology, conservation districts, and the department of agriculture. A  
29 member of the conservation commission shall chair the committee.

30 (3) By December 31, 1994, the committee shall develop standards to  
31 meet the goals developed under subsection (1) of this section. These  
32 standards shall not conflict with the recovery of wildlife or fish  
33 species that are listed or proposed for listing under the federal  
34 endangered species act. These standards shall be utilized to the  
35 extent possible in development of coordinated resource management plans  
36 to provide a level of management that sustains and perpetuates  
37 renewable resources, including fish and wildlife, riparian areas, soil,  
38 water, timber, and forage for livestock and wildlife. Furthermore, the

1 standards are recommended for application to model watersheds  
2 designated by the Northwest power planning council in conjunction with  
3 the conservation commission. The maintenance and restoration of  
4 sufficient habitat to preserve, protect, and perpetuate wildlife and  
5 fish shall be a major component included in the standards and  
6 coordinated resource management plans. Application of standards to  
7 privately owned lands is voluntary and may be dependent on funds to  
8 provide technical assistance through conservation districts.

9 (4) The conservation commission shall approve the standards and  
10 shall provide them to the departments of natural resources and fish and  
11 wildlife, each of the conservation districts, and Washington State  
12 University cooperative extension service(~~(, and the appropriate~~  
13 ~~committees of the legislature)~~). The conservation districts shall make  
14 these standards available to the public and for coordinated resource  
15 management planning. Application to private lands is voluntary.

16 (5) The department of natural resources shall implement practices  
17 necessary to meet the standards developed pursuant to this section on  
18 department managed agricultural and grazing lands, consistent with the  
19 trust mandate of the Washington state Constitution and Title 79 RCW.  
20 The standards may be modified on a site-specific basis as needed to  
21 achieve the fish and wildlife goals, and as determined by the  
22 department of (~~fisheries or~~) fish and wildlife, and the department of  
23 natural resources. Existing lessees shall be provided an opportunity  
24 to participate in any site-specific field review. Department  
25 agricultural and grazing leases issued after December 31, 1994, shall  
26 be subject to practices to achieve the standards that meet those  
27 developed pursuant to this section.

28 **Sec. 163.** RCW 80.01.090 and 1987 c 505 s 77 are each amended to  
29 read as follows:

30 All proceedings of the commission and all documents and records in  
31 its possession shall be public records, and it shall adopt and use an  
32 official seal. (~~Subject to RCW 40.07.040, the commission shall make~~  
33 ~~and submit to the governor and the legislature a biennial report~~  
34 ~~containing a statement of the transactions and proceedings of its~~  
35 ~~office, together with the information gathered by the commission and~~  
36 ~~such other facts, suggestions, and recommendations as the governor may~~  
37 ~~require or the legislature request.))~~

1       **Sec. 164.** RCW 81.04.520 and 1990 c 21 s 8 are each amended to read  
2 as follows:

3       The commission, together with the Hanford low-level radioactive  
4 waste disposal site operator and other state agencies and parties as  
5 necessary, shall study and assess the need for procedures that include,  
6 but are not limited to: Assuring that the operator's rates are fair,  
7 just, reasonable, and sufficient considering the value of the  
8 operator's leasehold and license interests, the unique nature of its  
9 business operations, and the operator's liability associated with the  
10 site and its investment incurred over the term of its operations, and  
11 the rate of return equivalent to that earned by comparable enterprises;  
12 and for ensuring that the commission's costs of regulation are  
13 recovered when the federal low-level waste policy act amendment of 1985  
14 results in the regional site being the exclusive site option for  
15 Northwest low-level waste compact generators, after January 1, 1993.  
16 (~~The commission shall issue its report for such procedures, containing~~  
17 ~~comments by the operator and other parties, to the legislature by~~  
18 ~~December 1, 1990, for its consideration.)) If, following receipt of  
19 the study, the legislature authorizes the commission to regulate the  
20 operator's rates, such rates shall not take effect until January 1,  
21 1993, when the regional site will be the exclusive site option for  
22 Northwest low-level waste compact generators.~~

23       **Sec. 165.** RCW 81.104.110 and 1991 c 318 s 10 and 1991 c 309 s 3  
24 are each reenacted and amended to read as follows:

25       The legislature recognizes that the planning processes described in  
26 RCW 81.104.100 provide a recognized framework for guiding high capacity  
27 transportation studies. However, the process cannot guarantee  
28 appropriate decisions unless key study assumptions are reasonable.

29       To assure appropriate system plan assumptions and to provide for  
30 review of system plan results, an expert review panel shall be  
31 appointed to provide independent technical review for development of  
32 any system plan which is to be funded in whole or in part by the  
33 imposition of any voter-approved local option funding sources  
34 enumerated in RCW 81.104.140.

35       (1) The expert review panel shall consist of five to ten members  
36 who are recognized experts in relevant fields, such as transit  
37 operations, planning, emerging transportation technologies,

1 engineering, finance, law, the environment, geography, economics, and  
2 political science.

3 (2) The expert review panel shall be selected cooperatively by the  
4 chair of the legislative transportation committee, the secretary of the  
5 department of transportation, and the governor to assure a balance of  
6 disciplines. In the case of counties adjoining another state or  
7 Canadian province the expert review panel membership shall be selected  
8 cooperatively with representatives of the adjoining state or Canadian  
9 province.

10 (3) The chair of the expert review panel shall be designated by the  
11 appointing authorities.

12 (4) The expert review panel shall serve without compensation but  
13 shall be reimbursed for expenses according to chapter 43.03 RCW.

14 (5) The panel shall carry out the duties set forth in subsections  
15 (6) and (7) of this section until the date on which an election is held  
16 to consider the high capacity transportation system and financing  
17 plans. Funds appropriated for expenses of the expert panel shall be  
18 administered by the department of transportation.

19 (6) The expert panel shall review all reports required in RCW  
20 81.104.100(2) and shall concentrate on service modes and concepts,  
21 costs, patronage and financing evaluations.

22 (7) The expert panel shall provide timely reviews and comments on  
23 individual reports and study conclusions to (~~the governor, the~~  
24 ~~legislative transportation committee,~~) the department of  
25 transportation, the regional transportation planning organization, the  
26 joint regional policy committee, and the submitting lead transit  
27 agency. In the case of counties adjoining another state or Canadian  
28 province, the expert review panel shall provide its reviews, comments,  
29 and conclusions to the representatives of the adjoining state or  
30 Canadian province.

31 (8) The legislative transportation committee shall contract for  
32 consulting services for expert review panels. The amount of consultant  
33 support shall be negotiated with each expert review panel by the  
34 legislative transportation committee and shall be paid from  
35 appropriations for that purpose from the high capacity transportation  
36 account.

37 **Sec. 166.** RCW 81.53.281 and 1987 c 257 s 1 are each amended to  
38 read as follows:

1       There is hereby created in the state treasury a "grade crossing  
2 protective fund," to which shall be transferred all moneys appropriated  
3 for the purpose of carrying out the provisions of RCW 81.53.261,  
4 81.53.271, 81.53.281, 81.53.291, and 81.53.295. At the time the  
5 commission makes each allocation of cost to said grade crossing  
6 protective fund, it shall certify that such cost shall be payable out  
7 of said fund. When federal-aid highway funds are not involved, the  
8 railroad shall, upon completion of the installation of any such signal  
9 or other protective device and related work, present its claim for  
10 reimbursement for the cost of installation and related work from said  
11 fund of the amount allocated thereto by the commission. The annual  
12 cost of maintenance shall be presented and paid in a like manner. When  
13 federal-aid highway funds are involved, the department of  
14 transportation shall, upon entry of an order by the commission  
15 requiring the installation or upgrading of a grade crossing protective  
16 device, submit to the commission an estimate for the cost of the  
17 proposed installation and related work. Upon receipt of the estimate  
18 the commission shall pay to the department of transportation the  
19 percentage of the estimate specified in RCW 81.53.295, as now or  
20 hereafter amended, to be used as the grade crossing protective fund  
21 portion of the cost of the installation and related work. The  
22 commission is hereby authorized to recover administrative costs from  
23 said fund in an amount not to exceed three percent of the direct  
24 appropriation provided for any biennium, and in the event  
25 administrative costs exceed three percent of the appropriation, the  
26 excess shall be chargeable to regulatory fees paid by railroads  
27 pursuant to RCW 81.24.010.

28       (~~Within ninety days of the end of each fiscal year, the commission~~  
29 ~~shall report to the legislative transportation committee, and the~~  
30 ~~senate and house committees on transportation, the status of the grade~~  
31 ~~crossing protective fund, including revenue sources, fund balances, and~~  
32 ~~expenditures.))~~

33       The office of financial management shall direct the state treasurer  
34 to transfer to the motor vehicle fund an amount not to exceed  
35 \$1,331,000 from the grade crossing protective fund for the 1987-89  
36 fiscal biennium.

37       **Sec. 167.** RCW 81.80.450 and 1995 c 399 s 212 are each amended to  
38 read as follows:

1 (1) The department of community, trade, and economic development,  
2 in conjunction with the utilities and transportation commission and the  
3 department of ecology, shall evaluate the effect of exempting motor  
4 vehicles transporting recovered materials from rate regulation as  
5 provided under RCW 81.80.440. The evaluation shall, at a minimum,  
6 describe the effect of such exemption on:

7 (a) The cost and timeliness of transporting recovered materials  
8 within the state;

9 (b) The volume of recovered materials transported within the state;

10 (c) The number of safety violations and traffic accidents related  
11 to transporting recovered materials within the state; and

12 (d) The availability of service related to transporting recovered  
13 materials from rural areas of the state.

14 (2) ~~((The department shall report the results of its evaluation to  
15 the appropriate standing committees of the legislature by October 1,  
16 1993.~~

17 ~~(3))~~) The commission shall adopt rules requiring persons  
18 transporting recovered materials to submit information required under  
19 RCW 70.95.280. In adopting such rules, the commission shall include  
20 procedures to ensure the confidentiality of proprietary information.

21 **Sec. 168.** RCW 82.33A.010 and 1996 c 152 s 2 are each amended to  
22 read as follows:

23 (1) The economic climate council is hereby created.

24 (2) The council shall select a series of no more than ten  
25 benchmarks that characterize the competitive environment of the state.  
26 The benchmarks should be indicators of the cost of doing business; the  
27 education and skills of the work force; a sound infrastructure; and the  
28 quality of life. In selecting the appropriate benchmarks, the council  
29 shall use the following criteria:

30 (a) The availability of comparative information for other states  
31 and countries;

32 (b) The timeliness with which benchmark information can be  
33 obtained; and

34 (c) The accuracy and validity of the benchmarks in measuring the  
35 economic climate indicators named in this section.

36 ~~((The council shall report to the legislature by September 30,  
37 1996, on the benchmarks selected under this subsection (2).))~~



1       (3) (~~Twice~~) Each year the council shall prepare an official state  
2 economic climate report on the present status of benchmarks, changes in  
3 the benchmarks since the previous report, and the reasons for the  
4 changes. The reports shall include current benchmark comparisons with  
5 other states and countries, and an analysis of factors related to the  
6 benchmarks that may affect the ability of the state to compete  
7 economically at the national and international level.

8       (4) (~~The council shall submit reports prepared under this section~~  
9 ~~to the governor and the fiscal committees of the senate and the house~~  
10 ~~of representatives on or before March 31st and September 30th of each~~  
11 ~~year. The first report shall be made by September 30, 1996.~~

12       (5)) All agencies of state government shall provide to the council  
13 immediate access to all information relating to economic climate  
14 reports.

15       **Sec. 169.** RCW 82.60.110 and 1994 sp.s. c 1 s 8 are each amended to  
16 read as follows:

17       If the department determines that an investment project for which  
18 an exemption is granted under this chapter competes with an investment  
19 project for which a deferral is granted under this chapter, the  
20 department shall study the impacts on the project for which a deferral  
21 is granted (~~and report to the fiscal committees of the legislature~~  
22 ~~concerning revenue matters)).~~

23       **Sec. 170.** RCW 84.33.200 and 1989 c 175 s 179 are each amended to  
24 read as follows:

25       (1) The legislature shall review the system of distribution and  
26 allocation of all timber excise tax revenues in January 1975 and each  
27 year thereafter to provide a uniform and equitable distribution and  
28 allocation of such revenues to the state and local taxing districts.

29       (2) In order to allow legislative review of the rules to be adopted  
30 by the department of revenue establishing the stumpage values provided  
31 for in RCW 84.33.091, such rules shall be effective not less than sixty  
32 days after transmitting to the staffs of the senate and house ways and  
33 means committees (or their successor committees) the same proposed  
34 rules as have been previously filed with the office of the code reviser  
35 pursuant to RCW 34.05.320.

36       (3) (~~In the event that a permanent timber tax rate is not set in~~  
37 ~~1979, a joint timber tax advisory committee shall be established. The~~

1 ~~joint advisory committee shall be composed of members of the house of~~  
2 ~~representatives and the senate and co-chaired by a member of the house~~  
3 ~~revenue committee and a member of the senate ways and means committee.~~  
4 ~~The joint advisory committee shall recommend a rate level and~~  
5 ~~distribution system on or before the convening of the forty-seventh~~  
6 ~~legislature.~~

7 (4)) The department of revenue and the department of natural  
8 resources shall make available to the revenue committees of the senate  
9 and house of representatives of the state legislature information and  
10 data, as it may be available, pertaining to the status of forest land  
11 grading throughout the state, the collection of timber excise tax  
12 revenues, the distribution and allocation of timber excise tax revenues  
13 to the state and local taxing districts, and any other information as  
14 may be necessary for the proper legislative review and implementation  
15 of the timber excise tax system, and in addition, the departments shall  
16 provide an annual report of such matters in January of each year to  
17 such committees.

18 **Sec. 171.** RCW 84.41.130 and 1975 1st ex.s. c 278 s 203 are each  
19 amended to read as follows:

20 Each county assessor, before October 15th each year, shall prepare  
21 and submit to the department of revenue a detailed report of the  
22 progress made in the revaluation program in his or her county to the  
23 date of the report and be made a matter of public record. Such report  
24 shall be submitted upon forms supplied by the department of revenue and  
25 shall consist of such information as the department of revenue  
26 requires. ((The department of revenue shall transmit a copy of such  
27 report to the legislature.))

28 **Sec. 172.** RCW 90.22.060 and 1993 sp.s. c 4 s 13 are each amended  
29 to read as follows:

30 By December 31, 1993, the department of ecology shall, in  
31 cooperation with the Indian tribes, and the ((departments of  
32 fisheries)) department of fish and wildlife, establish a state-wide  
33 list of priorities for evaluation of instream flows. In establishing  
34 these priorities, the department shall consider the achievement of wild  
35 salmonid production as its primary goal.

1       (~~The priority list shall be presented to the appropriate~~  
2 ~~legislative committees and to the water resources forum by December 31,~~  
3 ~~1993.~~)

4       **Sec. 173.** RCW 90.42.010 and 1993 sp.s. c 4 s 14 and 1993 c 98 s 1  
5 are each reenacted and amended to read as follows:

6       (~~(1)~~) The legislature finds that a need exists to develop and  
7 test a means to facilitate the voluntary transfer of water and water  
8 rights, including conserved water, to provide water for presently unmet  
9 needs and emerging needs. Further, the legislature finds that water  
10 conservation activities have the potential of affecting the quantity of  
11 return flow waters to which existing water right holders have a right  
12 to and rely upon. It is the intent of the legislature that persons  
13 holding rights to water, including return flows, not be adversely  
14 affected in the implementation of the provisions of this chapter.

15       (~~(2) The department shall provide to the appropriate legislative~~  
16 ~~committees by December 31, 1993, a written evaluation of the~~  
17 ~~implementation of RCW 90.42.010 through 90.42.090 and recommendations~~  
18 ~~for future application. Recommendations shall include methods of~~  
19 ~~applying RCW 90.42.010 through 90.42.090 to the rivers that are~~  
20 ~~designated as high priority by the department of ecology under RCW~~  
21 ~~90.22.060 in order to use net water savings to enhance stream flows.~~)

22       **Sec. 174.** RCW 90.48.480 and 1985 c 249 s 2 are each amended to  
23 read as follows:

24       (~~(1)~~) The department of ecology shall work with local governments  
25 to develop reasonable plans and compliance schedules for the greatest  
26 reasonable reduction of combined sewer overflows. The plan shall  
27 address various options, including construction of storage tanks for  
28 sewage and separation of sewage and stormwater transport systems. The  
29 compliance schedule shall be designed to achieve the greatest  
30 reasonable reduction of combined sewer overflows at the earliest  
31 possible date. The plans and compliance schedules shall be completed  
32 by January 1, 1988. A compliance schedule will be a condition of any  
33 waste discharge permit issued or renewed after January 1, 1988.

34       (~~(2) By September 1, 1987, the department of ecology shall report~~  
35 ~~to the legislature any statutory changes necessary to implement the~~  
36 ~~plans and compliance schedules described in subsection (1) of this~~  
37 ~~section. The report shall include (a) a recommended date by which all~~

1 ~~sewage treatment facilities shall achieve the greatest reasonable~~  
2 ~~reduction of combined sewer overflows, and (b) a comprehensive~~  
3 ~~assessment of the total cost to achieve compliance, the projected need~~  
4 ~~and recommended distribution of local, state, and federal funding, and~~  
5 ~~the availability of local, state, and federal funding. A thorough~~  
6 ~~discussion of the potential funding sources shall accompany the~~  
7 ~~report.))~~

8       **Sec. 175.** RCW 90.56.100 and 1994 c 264 s 94 are each amended to  
9 read as follows:

10       (1) The Washington wildlife rescue coalition shall be established  
11 for the purpose of coordinating the rescue and rehabilitation of  
12 wildlife injured or endangered by oil spills or the release of other  
13 hazardous substances into the environment.

14       (2) The Washington wildlife rescue coalition shall be composed of:

15       (a) A representative of the department of fish and wildlife  
16 designated by the director of fish and wildlife. The department of  
17 fish and wildlife shall be designated as lead agency in the operations  
18 of the coalition. The coalition shall be chaired by the representative  
19 from the department of fish and wildlife;

20       (b) A representative of the department of ecology designated by the  
21 director;

22       (c) A representative of the department of community, trade, and  
23 economic development emergency management program designated by the  
24 director of community, trade, and economic development;

25       (d) A licensed veterinarian, with experience and training in  
26 wildlife rehabilitation, appointed by the veterinary board of  
27 governors;

28       (e) The director of the Washington conservation corps;

29       (f) A lay person, with training and experience in the rescue and  
30 rehabilitation of wildlife appointed by the department; and

31       (g) A person designated by the legislative authority of the county  
32 where oil spills or spills of other hazardous substances may occur.  
33 This member of the coalition shall serve on the coalition until  
34 wildlife rescue and rehabilitation is completed in that county. The  
35 completion of any rescue or rehabilitation project shall be determined  
36 by the director of fish and wildlife.

37       (3) The duties of the Washington wildlife rescue coalition shall be  
38 to:

1 (a) Develop an emergency mobilization plan to rescue and  
2 rehabilitate waterfowl and other wildlife that are injured or  
3 endangered by an oil spill or the release of other hazardous substances  
4 into the environment;

5 (b) Develop and maintain a resource directory of persons,  
6 governmental agencies, and private organizations that may provide  
7 assistance in an emergency rescue effort;

8 (c) Provide advance training and instruction to volunteers in  
9 rescuing and rehabilitating waterfowl and wildlife injured or  
10 endangered by oil spills or the release of other hazardous substances  
11 into the environment. The training may be provided through grants to  
12 community colleges or to groups that conduct programs for training  
13 volunteers. The coalition representatives from the agencies described  
14 in subsection (2) of this section shall coordinate training efforts  
15 with the director of the Washington conservation corps and work to  
16 provide training opportunities for young citizens;

17 (d) Obtain and maintain equipment and supplies used in emergency  
18 rescue efforts(;

19 ~~(e) Report to the appropriate standing committees of the~~  
20 ~~legislature on the progress of the coalition's efforts and detail~~  
21 ~~future funding options necessary for the implementation of this section~~  
22 ~~and RCW 90.56.110. The coalition shall report by January 30, 1991)).~~

23 (4)(a) Expenses for the coalition may be provided by the coastal  
24 protection fund administered according to RCW 90.48.400.

25 (b) The coalition is encouraged to seek grants, gifts, or donations  
26 from private sources in order to carry out the provisions of this  
27 section and RCW 90.56.110. Any private funds donated to the commission  
28 shall be deposited into the wildlife rescue account hereby created  
29 within the wildlife fund as authorized under Title 77 RCW.

30 \*NEW SECTION. **Sec. 176.** The following acts or parts of acts are  
31 each repealed:

32 (1) RCW 13.04.460 and 1986 c 288 s 4;

33 (2) RCW 19.02.885 and 1990 c 264 s 3;

34 (3) RCW 19.27.078 and 1989 c 266 s 4 & 1985 c 360 s 3;

35 (4) RCW 26.23.0401 and 1989 c 360 s 40;

36 (5) RCW 28B.04.070 and 1987 c 505 s 10, 1985 c 370 s 41, 1982 1st  
37 ex.s. c 15 s 5, & 1979 c 73 s 7;

38 (6) RCW 28B.06.050 and 1996 c 11 s 2 & 1987 c 518 s 108;

1 (7) RCW 28B.10.692 and 1993 c 414 s 3;  
2 (8) RCW 28B.30.636 and 1990 c 289 s 4;  
3 (9) RCW 28B.50.900 and 1991 c 238 s 29;  
4 (10) RCW 28B.106.900 and 1988 c 125 s 15;  
5 (11) RCW 41.50.100 and 1975-'76 2nd ex.s. c 105 s 12;  
6 (12) RCW 43.03.260 and 1986 c 158 s 8 & 1984 c 287 s 113;  
7 (13) RCW 43.05.900 and 1995 c 403 s 621;  
8 **(14) RCW 43.43.560 and 1986 c 196 s 1;**  
9 **(15) RCW 43.43.752 and 1989 c 350 s 2;**  
10 (16) RCW 43.59.130 and 1987 c 505 s 31, 1971 ex.s. c 195 s 5, &  
11 1967 ex.s. c 147 s 14;  
12 **(17) RCW 43.63A.215 and 1993 c 478 s 7;**  
13 (18) RCW 43.63A.220 and 1993 c 280 s 62, 1987 c 505 s 34, & 1985 c  
14 263 s 2;  
15 (19) RCW 43.72.850 and 1995 c 81 s 1 & 1993 c 492 s 485;  
16 (20) RCW 43.88.065 and 1983 1st ex.s. c 47 s 2;  
17 (21) RCW 43.121.090 and 1987 c 505 s 38, 1984 c 261 s 2, & 1982 c  
18 4 s 9;  
19 (22) RCW 43.163.900 and 1989 c 279 s 24;  
20 (23) RCW 46.23.030 and 1987 c 505 s 47 & 1982 c 212 s 3;  
21 (24) RCW 47.01.220 and 1984 c 7 s 81, 1977 ex.s. c 235 s 13, 1973  
22 2nd ex.s. c 12 s 3, & 1961 c 13 s 47.01.220;  
23 (25) RCW 47.12.249 and 1991 c 291 s 5;  
24 (26) RCW 47.26.163 and 1988 c 167 s 5;  
25 (27) RCW 47.60.470 and 1987 c 505 s 52, 1984 c 7 s 332, & 1961  
26 ex.s. c 9 s 9;  
27 (28) RCW 47.60.544 and 1979 c 27 s 8;  
28 (29) RCW 47.82.050 and 1990 c 43 s 40;  
29 (30) RCW 48.87.090 and 1993 c 112 s 9;  
30 (31) RCW 48.88.060 and 1986 c 141 s 6;  
31 (32) RCW 49.46.150 and 1989 c 1 s 4;  
32 (33) RCW 50.65.331 and 1993 sp.s. c 7 s 17;  
33 (34) RCW 51.32.116 and 1988 c 114 s 4;  
34 (35) RCW 59.28.110 and 1995 c 399 s 163 & 1989 c 188 s 11;  
35 (36) RCW 66.08.028 and 1987 c 505 s 56, 1977 c 75 s 79, 1955 c 182  
36 s 1, 1935 c 174 s 13, & 1933 ex.s. c 62 s 72;  
37 (37) RCW 67.32.120 and 1970 ex.s. c 76 s 12;  
38 (38) RCW 69.51.070 and 1979 c 136 s 7;  
39 (39) RCW 70.95C.090 and 1989 c 431 s 48;

- 1 (40) RCW 70.95E.070 and 1990 c 114 s 17;  
2 (41) RCW 70.98.210 and 1975-'76 2nd ex.s. c 108 s 14 & 1961 c 207  
3 s 24;  
4 (42) RCW 70.114A.090 and 1995 c 220 s 9;  
5 (43) RCW 70.120.180 and 1989 c 240 s 10;  
6 (44) RCW 70.120.220 and 1996 c 186 s 519 & 1991 c 199 s 215;  
7 (45) RCW 70.123.060 and 1987 c 505 s 63 & 1979 ex.s. c 245 s 6;  
8 (46) RCW 70.128.180 and 1995 c 399 s 196;  
9 (47) RCW 70.149.110 and 1995 c 20 s 11;  
10 (48) RCW 70.180.900 and 1990 c 271 s 17;  
11 (49) RCW 72.02.170 and 1982 c 49 s 5;  
12 (50) RCW 75.08.460 and 1995 1st sp.s. c 2 s 18 (Referendum Bill No.  
13 45) & 1990 c 91 s 2;  
14 (51) RCW 75.50.050 and 1995 1st sp.s. c 2 s 37 (Referendum Bill No.  
15 45), 1987 c 505 s 72, & 1985 c 458 s 5;  
16 (52) RCW 75.50.120 and 1995 c 367 s 7 & 1990 c 58 s 5;  
17 (53) RCW 77.04.111 and 1987 c 506 s 10;  
18 (54) RCW 80.36.380 and 1987 c 505 s 78, 1987 c 293 s 6, & 1985 c  
19 450 s 41;  
20 (55) RCW 80.36.860 and 1989 c 282 s 6;  
21 (56) RCW 82.01.110 and 1980 c 157 s 4;  
22 (57) RCW 82.61.070 and 1995 c 399 s 215, 1993 sp.s. c 25 s 409,  
23 1988 c 41 s 3, 1986 c 116 s 11, & 1985 ex.s. c 2 s 6;  
24 (58) RCW 82.63.080 and 1994 sp.s. c 5 s 10;  
25 (59) RCW 90.48.369 and 1991 c 200 s 817 & 1989 c 388 s 5;  
26 (60) RCW 90.58.330 and 1971 ex.s. c 286 s 33;  
27 (61) 1994 sp.s. c 7 s 517 (uncodified);  
28 (62) 1994 c 40 s 5 (uncodified); and  
29 (63) 1996 c 152 s 3 (uncodified).  
30 **\*Sec. 176 was partially vetoed. See message at end of chapter.**

31 NEW SECTION. **Sec. 177.** Section 13 of this act expires September  
32 1, 2001.

33 NEW SECTION. **Sec. 178.** Sections 114 and 115 of this act expire  
34 June 1, 2001.

Passed the Senate March 7, 1998.

Passed the House February 27, 1998.

Approved by the Governor March 31, 1998, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State March 31, 1998.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 56,  
3 176(14), 176(15), and 176(17), Senate Bill No. 6219 entitled:

4 "AN ACT Relating to reports to the legislature;"

5 Senate Bill No. 6219 is an excellent piece of legislation that will  
6 contribute to the efficiency of state government. It eliminates  
7 approximately 230 obsolete or unnecessary reports that agencies are  
8 required to submit to the Legislature by amending or repealing numerous  
9 sections of law.

10 However, the statutes that would be repealed by sections 176 (14),  
11 (15), and (17) also contain substantive language regarding ongoing  
12 programs that should be retained in law. To avoid inadvertent  
13 disruption of the programs, I have vetoed those sections.

14 Section 56 of SB 6219 would amend RCW 43.19.554 by removing a  
15 reference to a report from the Department of General Administration on  
16 motor vehicle management. However, HB 2568, which I signed on March  
17 23, 1998, already repealed that section.

18 For these reasons, I have vetoed sections 56, 176 (14), 176 (15),  
19 and 176 (17) of Senate Bill No. 6219.

20 With the exception of sections 56, and 176 (14), 176 (15), and 176  
21 (17), I am approving Senate Bill No. 6219."