
SENATE BILL 5255

State of Washington 58th Legislature 2003 Regular Session

By Senators Roach, Hale, Stevens, Mulliken, T. Sheldon, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

Read first time 01/20/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the rule-making authority of various
2 governmental entities; amending RCW 28A.300.040, 41.50.050, 43.06A.030,
3 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.150, 43.31C.060,
4 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580,
5 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050,
6 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040,
7 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501,
8 77.04.055, and 80.01.040; and adding a new section to chapter 43.17
9 RCW.

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

11 **Sec. 1.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
12 read as follows:

13 In addition to any other powers and duties as provided by law, the
14 powers and duties of the superintendent of public instruction shall be:

15 (1) To have supervision over all matters pertaining to the public
16 schools of the state;

17 (2) To report to the governor and the legislature such information
18 and data as may be required for the management and improvement of the
19 schools;

1 (3) To prepare and have printed such forms, registers, courses of
2 study, rules for the government of the common schools, and such other
3 material and books as may be necessary for the discharge of the duties
4 of teachers and officials charged with the administration of the laws
5 relating to the common schools, and to distribute the same to
6 educational service district superintendents;

7 (4) To travel, without neglecting his or her other official duties
8 as superintendent of public instruction, for the purpose of attending
9 educational meetings or conventions, of visiting schools, of consulting
10 educational service district superintendents or other school officials;

11 (5) To prepare and from time to time to revise a manual of the
12 Washington state common school code, copies of which shall be provided
13 in such numbers as determined by the superintendent of public
14 instruction at no cost to those public agencies within the common
15 school system and which shall be sold at approximate actual cost of
16 publication and distribution per volume to all other public and
17 nonpublic agencies or individuals, said manual to contain Titles 28A
18 and 28C RCW, rules related to the common schools, and such other matter
19 as the state superintendent or the state board of education shall
20 determine. Proceeds of the sale of such code shall be transmitted to
21 the public printer who shall credit the state superintendent's account
22 within the state printing plant revolving fund by a like amount;

23 (6) To act as ex officio member and the chief executive officer of
24 the state board of education;

25 (7) To file all papers, reports and public documents transmitted to
26 the superintendent by the school officials of the several counties or
27 districts of the state, each year separately. Copies of all papers
28 filed in the superintendent's office, and the superintendent's official
29 acts, may, or upon request, shall be certified by the superintendent
30 and attested by the superintendent's official seal, and when so
31 certified shall be evidence of the papers or acts so certified to;

32 (8) To require annually, on or before the 15th day of August, of
33 the president, manager, or principal of every educational institution
34 in this state, a report as required by the superintendent of public
35 instruction; and it is the duty of every president, manager, or
36 principal, to complete and return such forms within such time as the
37 superintendent of public instruction shall direct;

1 (9) To keep in the superintendent's office a record of all teachers
2 receiving certificates to teach in the common schools of this state;

3 (10) To issue certificates as provided by law;

4 (11) To keep in the superintendent's office at the capital of the
5 state, all books and papers pertaining to the business of the
6 superintendent's office, and to keep and preserve in the
7 superintendent's office a complete record of statistics, as well as a
8 record of the meetings of the state board of education;

9 (12) With the assistance of the office of the attorney general, to
10 decide all points of law which may be submitted to the superintendent
11 in writing by any educational service district superintendent, or that
12 may be submitted to the superintendent by any other person, upon appeal
13 from the decision of any educational service district superintendent;
14 and the superintendent shall publish his or her rulings and decisions
15 from time to time for the information of school officials and teachers;
16 and the superintendent's decision shall be final unless set aside by a
17 court of competent jurisdiction;

18 (13) To administer oaths and affirmations in the discharge of the
19 superintendent's official duties;

20 (14) To deliver to his or her successor, at the expiration of the
21 superintendent's term of office, all records, books, maps, documents
22 and papers of whatever kind belonging to the superintendent's office or
23 which may have been received by the superintendent's for the use of the
24 superintendent's office;

25 (15) To administer family services and programs to promote the
26 state's policy as provided in RCW 74.14A.025;

27 (16) To perform such other duties as may be required by law.

28 For rules adopted under the provisions of this chapter after July
29 1, 2003, the superintendent of public instruction may only adopt rules
30 derived from a specific grant of legislative authority. The rules must
31 include the specific statutory section or sections from which the grant
32 of authority is derived, and may not rely solely on a section of law
33 stating a statute's intent or purpose or the general enabling
34 provisions establishing the office of the superintendent of public
35 instruction.

36 **Sec. 2.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to
37 read as follows:

1 The director shall:

2 (1) Have the authority to organize the department into not more
3 than four divisions, each headed by an assistant director;

4 (2) Have free access to all files and records of various funds
5 assigned to the department and inspect and audit the files and records
6 as deemed necessary;

7 (3) Employ personnel to carry out the general administration of the
8 department;

9 (4) Submit an annual written report of the activities of the
10 department to the governor and the chairs of the appropriate
11 legislative committees with one copy to the staff of each of the
12 committees, including recommendations for statutory changes the
13 director believes to be desirable;

14 (5) Adopt (~~such~~) rules (~~and regulations~~) as are necessary to
15 carry out the powers, duties, and functions of the department pursuant
16 to the provisions of chapter 34.05 RCW. For rules adopted under the
17 provisions of this chapter after July 1, 2003, the director may only
18 adopt rules derived from a specific grant of legislative authority.
19 The rules must include the specific statutory section or sections from
20 which the grant of authority is derived, and may not rely solely on a
21 section of law stating a statute's intent or purpose or the general
22 enabling provisions establishing the department.

23 **Sec. 3.** RCW 43.06A.030 and 1996 c 131 s 4 are each amended to read
24 as follows:

25 The ombudsman shall perform the following duties:

26 (1) Provide information as appropriate on the rights and
27 responsibilities of individuals receiving family and children's
28 services, and on the procedures for providing these services;

29 (2) Investigate, upon his or her own initiative or upon receipt of
30 a complaint, an administrative act alleged to be contrary to law, rule,
31 or policy, imposed without an adequate statement of reason, or based on
32 irrelevant, immaterial, or erroneous grounds; however, the ombudsman
33 may decline to investigate any complaint as provided by rules adopted
34 under this chapter;

35 (3) Monitor the procedures as established, implemented, and
36 practiced by the department to carry out its responsibilities in

1 delivering family and children's services with a view toward
2 appropriate preservation of families and ensuring children's health and
3 safety;

4 (4) Review periodically the facilities and procedures of state
5 institutions serving children, and state-licensed facilities or
6 residences;

7 (5) Recommend changes in the procedures for addressing the needs of
8 families and children;

9 (6) Submit annually to the committee and to the governor by
10 November 1st a report analyzing the work of the office including
11 recommendations;

12 (7) Grant the committee access to all relevant records in the
13 possession of the ombudsman unless prohibited by law; and

14 (8) Adopt rules necessary to implement this chapter. For rules
15 adopted under the provisions of this chapter after July 1, 2003, the
16 ombudsman may only adopt rules derived from a specific grant of
17 legislative authority. The rules must include the specific statutory
18 section or sections from which the grant of authority is derived, and
19 may not rely solely on a section of law stating a statute's intent or
20 purpose or the general enabling provisions establishing the department
21 or the ombudsman's office.

22 NEW SECTION. Sec. 4. A new section is added to chapter 43.17 RCW
23 to read as follows:

24 For rules adopted under the provisions of this chapter after July
25 1, 2003, the director of each department may only adopt rules derived
26 from a specific grant of legislative authority. The rules must include
27 the specific statutory section or sections from which the grant of
28 authority is derived, and may not rely solely on a section of law
29 stating a statute's intent or purpose or the general enabling
30 provisions establishing each department.

31 **Sec. 5.** RCW 43.19.011 and 1999 c 229 s 2 are each amended to read
32 as follows:

33 (1) The director of general administration shall supervise and
34 administer the activities of the department of general administration
35 and shall advise the governor and the legislature with respect to
36 matters under the jurisdiction of the department.

1 (2) In addition to other powers and duties granted to the director,
2 the director shall have the following powers and duties:

3 (a) Enter into contracts on behalf of the state to carry out the
4 purposes of this chapter;

5 (b) Accept and expend gifts and grants that are related to the
6 purposes of this chapter, whether such grants be of federal or other
7 funds;

8 (c) Appoint a deputy director and such assistant directors and
9 special assistants as may be needed to administer the department.
10 These employees are exempt from the provisions of chapter 41.06 RCW;

11 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
12 all other functions necessary and proper to carry out the purposes of
13 this chapter. For rules adopted under the provisions of this chapter
14 after July 1, 2003, the director may only adopt rules derived from a
15 specific grant of legislative authority. The rules must include the
16 specific statutory section or sections from which the grant of
17 authority is derived, and may not rely solely on a section of law
18 stating a statute's intent or purpose or the general enabling
19 provisions establishing the department of general administration;

20 (e) Delegate powers, duties, and functions as the director deems
21 necessary for efficient administration, but the director shall be
22 responsible for the official acts of the officers and employees of the
23 department; and

24 (f) Perform other duties as are necessary and consistent with law.

25 (3) The director may establish additional advisory groups as may be
26 necessary to carry out the purposes of this chapter.

27 (4) The internal affairs of the department shall be under the
28 control of the director in order that the director may manage the
29 department in a flexible and intelligent manner as dictated by changing
30 contemporary circumstances. Unless specifically limited by law, the
31 director shall have complete charge and supervisory powers over the
32 department. The director may create such administrative structures as
33 the director deems appropriate, except as otherwise specified by law,
34 and the director may employ such personnel as may be necessary in
35 accordance with chapter 41.06 RCW, except as otherwise provided by law.

36 **Sec. 6.** RCW 43.21A.064 and 1997 c 443 s 2 are each amended to read
37 as follows:

1 Subject to RCW 43.21A.068, the director of the department of
2 ecology shall have the following powers and duties:

3 (1) The supervision of public waters within the state and their
4 appropriation, diversion, and use, and of the various officers
5 connected therewith;

6 (2) Insofar as may be necessary to (~~assure~~) ensure safety to life
7 or property, the director shall inspect the construction of all dams,
8 canals, ditches, irrigation systems, hydraulic power plants, and all
9 other works, systems, and plants pertaining to the use of water, and
10 may require such necessary changes in the construction or maintenance
11 of said works, to be made from time to time, as will reasonably secure
12 safety to life and property;

13 (3) The director shall regulate and control the diversion of water
14 in accordance with the rights thereto;

15 (4) The director shall determine the discharge of streams and
16 springs and other sources of water supply, and the capacities of lakes
17 and of reservoirs whose waters are being or may be utilized for
18 beneficial purposes;

19 (5) The director shall, if requested, provide assistance to an
20 applicant for a water right in obtaining or developing an adequate and
21 appropriate supply of water consistent with the land use permitted for
22 the area in which the water is to be used and the population forecast
23 for the area under RCW 43.62.035. If the applicant is a public water
24 supply system, the supply being sought must be used in a manner
25 consistent with applicable land use, watershed and water system plans,
26 and the population forecast for that area provided under RCW 43.62.035;

27 (6) The director shall keep such records as may be necessary for
28 the recording of the financial transactions and statistical data
29 thereof, and shall procure all necessary documents, forms, and blanks.
30 The director shall keep a seal of the office, and all certificates
31 covering any of the director's acts or the acts of the director's
32 office, or the records and files of that office, under such seal, shall
33 be taken as evidence thereof in all courts;

34 (7) The director shall render when required by the governor, a full
35 written report of the office's work with such recommendations for
36 legislation as the director deems advisable for the better control and
37 development of the water resources of the state;

38 (8) The director and duly authorized deputies may administer oaths;

1 (9) The director shall establish and (~~promulgate~~) adopt rules
2 governing the administration of chapter 90.03 RCW. For rules adopted
3 under the provisions of this chapter after July 1, 2003, the director
4 may only adopt rules derived from a specific grant of legislative
5 authority. The rules must include the specific statutory section or
6 sections from which the grant of authority is derived, and may not rely
7 solely on a section of law stating a statute's intent or purpose or the
8 general enabling provisions establishing the department;

9 (10) The director shall perform such other duties as may be
10 prescribed by law.

11 **Sec. 7.** RCW 43.24.016 and 1999 c 240 s 4 are each amended to read
12 as follows:

13 (1) The director of licensing shall supervise and administer the
14 activities of the department of licensing and shall advise the governor
15 and the legislature with respect to matters under the jurisdiction of
16 the department.

17 (2) In addition to other powers and duties granted to the director,
18 the director has the following powers and duties:

19 (a) Enter into contracts on behalf of the state to carry out the
20 responsibilities of the department;

21 (b) Accept and expend gifts and grants, whether such grants be of
22 federal or other funds;

23 (c) Appoint a deputy director and such assistant directors, special
24 assistants, and administrators as may be needed to administer the
25 department. These employees are exempt from the provisions of chapter
26 41.06 RCW;

27 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
28 all other functions necessary to carry out the responsibilities of the
29 department. For rules adopted under the provisions of this chapter
30 after July 1, 2003, the director may only adopt rules derived from a
31 specific grant of legislative authority. The rules must include the
32 specific statutory section or sections from which the grant of
33 authority is derived, and may not rely solely on a section of law
34 stating a statute's intent or purpose or the general enabling
35 provisions establishing the department;

36 (e) Delegate powers, duties, and functions as the director deems

1 necessary for efficient administration, but the director is responsible
2 for the official acts of the officers and employees of the department;
3 and

4 (f) Perform other duties as are necessary and consistent with law.

5 (3) The director may establish advisory groups as may be necessary
6 to carry out the responsibilities of the department.

7 (4) The internal affairs of the department shall be under the
8 control of the director in order that the director may manage the
9 department in a flexible and intelligent manner as dictated by changing
10 contemporary circumstances. Unless specifically limited by law, the
11 director shall have complete charge and supervisory powers over the
12 department. The director may create such administrative structures as
13 the director deems appropriate, except as otherwise specified by law,
14 and the director may employ such personnel as may be necessary in
15 accordance with chapter 41.06 RCW, except as otherwise provided by law.

16 **Sec. 8.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to
17 read as follows:

18 The department shall be empowered as follows:

19 (1) To represent the state at, and fully participate in, the
20 activities of any basin or regional commission, interagency committee,
21 or any other joint interstate or federal-state agency, committee or
22 commission, or publicly financed entity engaged in the planning,
23 development, administration, management, conservation or preservation
24 of the water resources of the state.

25 (2) To prepare the views and recommendations of the state of
26 Washington on any project, plan or program relating to the planning,
27 development, administration, management, conservation and preservation
28 of any waters located in or affecting the state of Washington,
29 including any federal permit or license proposal, and appear on behalf
30 of, and present views and recommendations of the state at any
31 proceeding, negotiation or hearing conducted by the federal government,
32 interstate agency, state or other agency.

33 (3) To cooperate with, assist, advise and coordinate plans with the
34 federal government and its officers and agencies, and serve as a state
35 liaison agency with the federal government in matters relating to the
36 use, conservation, preservation, quality, disposal or control of water
37 and activities related thereto.

1 (4) To cooperate with appropriate agencies of the federal
2 government and/or agencies of other states, to enter into contracts,
3 and to make appropriate contributions to federal or interstate projects
4 and programs and governmental bodies to carry out the provisions of
5 this chapter.

6 (5) To apply for, accept, administer and expend grants, gifts and
7 loans from the federal government or any other entity to carry out the
8 purposes of this chapter and make contracts and do such other acts as
9 are necessary insofar as they are not inconsistent with other
10 provisions hereof.

11 (6) To develop and maintain a coordinated and comprehensive state
12 water and water resources related development plan, and adopt, with
13 regard to such plan, such policies as are necessary to (~~insure~~)
14 ensure that the waters of the state are used, conserved and preserved
15 for the best interest of the state. There shall be included in the
16 state plan a description of developmental objectives and a statement of
17 the recommended means of accomplishing these objectives. To the extent
18 the director deems desirable, the plan shall integrate into the state
19 plan, the plans, programs, reports, research and studies of other state
20 agencies.

21 (7) To assemble and correlate information relating to water supply,
22 power development, irrigation, watersheds, water use, future
23 possibilities of water use and prospective demands for all purposes
24 served through or affected by water resources development.

25 (8) To assemble and correlate state, local and federal laws,
26 regulations, plans, programs and policies affecting the beneficial use,
27 disposal, pollution, control or conservation of water, river basin
28 development, flood prevention, parks, reservations, forests, wildlife
29 refuges, drainage and sanitary systems, waste disposal, water works,
30 watershed protection and development, soil conservation, power
31 facilities and area and municipal water supply needs, and recommend
32 suitable legislation or other action to the legislature, the congress
33 of the United States, or any city, municipality, or to responsible
34 state, local or federal executive departments or agencies.

35 (9) To cooperate with federal, state, regional, interstate and
36 local public and private agencies in the making of plans for drainage,
37 flood control, use, conservation, allocation and distribution of

1 existing water supplies and the development of new water resource
2 projects.

3 (10) To encourage, assist and advise regional, and city and
4 municipal agencies, officials or bodies responsible for planning in
5 relation to water aspects of their programs, and coordinate local water
6 resources activities, programs, and plans.

7 (11) To (~~promulgate such~~) adopt rules (~~and regulations~~) as are
8 necessary to carry out the purposes of this chapter. For rules adopted
9 under the provisions of this chapter after July 1, 2003, the department
10 may only adopt rules derived from a specific grant of legislative
11 authority. The rules must include the specific statutory section or
12 sections from which the grant of authority is derived, and may not rely
13 solely on a section of law stating a statute's intent or purpose or the
14 general enabling provisions establishing the department.

15 (12) To hold public hearings, and make such investigations, studies
16 and surveys as are necessary to carry out the purposes of the chapter.

17 (13) To subpoena witnesses, compel their attendance, administer
18 oaths, take the testimony of any person under oath and require the
19 production of any books or papers when the department deems such
20 measures necessary in the exercise of its rule-making power or in
21 determining whether or not any license, certificate, or permit shall be
22 granted or extended.

23 **Sec. 9.** RCW 43.30.150 and 1988 c 128 s 10 are each amended to read
24 as follows:

25 The board shall:

26 (1) Perform duties relating to appraisal, appeal, approval and
27 hearing functions as provided by law;

28 (2) Establish policies to (~~insure~~) ensure that the acquisition,
29 management and disposition of all lands and resources within the
30 department's jurisdiction are based on sound principles designed to
31 achieve the maximum effective development and use of such lands and
32 resources consistent with laws applicable thereto;

33 (3) Constitute the board of appraisers provided for in Article 16,
34 section 2 of the state Constitution;

35 (4) Constitute the commission on harbor lines provided for in
36 Article 15, section 1 of the state Constitution as amended;

1 (5) Hold regular monthly meetings at such times as it may
2 determine, and such special meetings as may be called by the
3 (~~chairman~~) chair or majority of the board membership upon written
4 notice to all members thereof: PROVIDED, That the board may dispense
5 with any regular meetings, except that the board shall not dispense
6 with two consecutive regular meetings;

7 (6) Adopt and enforce (~~such~~) rules (~~and regulations~~) as may be
8 deemed necessary and proper for carrying out the powers, duties and
9 functions imposed upon it by this chapter. For rules adopted under the
10 provisions of this chapter after July 1, 2003, the board may only adopt
11 rules derived from a specific grant of legislative authority. The
12 rules must include the specific statutory section or sections from
13 which the grant of authority is derived, and may not rely solely on a
14 section of law stating a statute's intent or purpose or the general
15 enabling provisions establishing the board or the department;

16 (7) Employ and fix the compensation of such technical, clerical and
17 other personnel as may be deemed necessary for the performance of its
18 duties;

19 (8) Appoint such advisory committees as it may deem appropriate to
20 advise and assist it to more effectively discharge its
21 responsibilities. The members of such committees shall receive no
22 compensation, but shall be entitled to reimbursement for travel
23 expenses in attending committee meetings in accordance with RCW
24 43.03.050 and 43.03.060 as now existing or hereafter amended;

25 (9) Meet and organize within thirty days after March 6, 1957, and
26 on the third Monday of each January following a state general election
27 at which the elected ex officio members of the board are elected. The
28 board shall select its own (~~chairman~~) chair. The commissioner of
29 public lands shall be the secretary of the board. The board may select
30 a (~~vice-chairman~~) vice-chair from among its members. In the absence
31 of the (~~chairman~~) chair and (~~vice-chairman~~) vice-chair at a meeting
32 of the board, the members shall elect a (~~chairman~~) chair pro tem. No
33 action shall be taken by the board except by the agreement of at least
34 four members. The department and the board shall maintain its
35 principal office at the capital;

36 (10) Be entitled to reimbursement individually for travel expenses
37 incurred in the discharge of their official duties in accordance with
38 RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

1 **Sec. 10.** RCW 43.31C.060 and 2000 c 212 s 7 are each amended to
2 read as follows:

3 The department must administer this chapter and has the following
4 powers and duties:

5 (1) To monitor the implementation of chapter 212, Laws of 2000 and
6 submit reports evaluating the effectiveness of the program and any
7 suggestions for legislative changes to the governor and legislature by
8 December 1, 2000;

9 (2) To develop evaluation and performance measures for local
10 governments to measure the effectiveness of the program at the local
11 level on meeting the objectives of this chapter;

12 (3) To provide information and appropriate assistance to persons
13 desiring to locate and operate a business in a community empowerment
14 zone;

15 (4) To work with appropriate state agencies to coordinate the
16 delivery of programs, including but not limited to housing, community
17 and economic development, small business assistance, social service,
18 and employment and training programs which are carried on in a
19 community empowerment zone; and

20 (5) To develop rules necessary for the administration of this
21 chapter. For rules adopted under the provisions of this chapter after
22 July 1, 2003, the department may only adopt rules derived from a
23 specific grant of legislative authority. The rules must include the
24 specific statutory section or sections from which the grant of
25 authority is derived, and may not rely solely on a section of law
26 stating a statute's intent or purpose or the general enabling
27 provisions establishing the department.

28 **Sec. 11.** RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended
29 to read as follows:

30 The state finance committee may ~~((make))~~ adopt appropriate rules
31 ~~((and regulations))~~ for the performance of its duties. The state
32 treasurer shall act as ~~((chairman))~~ chair of the committee. For rules
33 adopted under the provisions of this chapter after July 1, 2003, the
34 state finance committee may only adopt rules derived from a specific
35 grant of legislative authority. The rules must include the specific
36 statutory section or sections from which the grant of authority is

1 derived, and may not rely solely on a section of law stating a
2 statute's intent or purpose or the general enabling provisions
3 establishing the state finance committee.

4 **Sec. 12.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to
5 read as follows:

6 The state investment board may (~~make~~) adopt appropriate rules
7 (~~and regulations~~) for the performance of its duties. The board shall
8 establish investment policies and procedures designed exclusively to
9 maximize return at a prudent level of risk. However, in the case of
10 the department of labor and industries' accident, medical aid, and
11 reserve funds, the board shall establish investment policies and
12 procedures designed to attempt to limit fluctuations in industrial
13 insurance premiums and, subject to this purpose, to maximize return at
14 a prudent level of risk. The board shall adopt rules to ensure that
15 its members perform their functions in compliance with chapter 42.52
16 RCW. Rules adopted by the board shall be adopted pursuant to chapter
17 34.05 RCW.

18 For rules adopted under the provisions of this chapter after July
19 1, 2003, the state investment board may only adopt rules derived from
20 a specific grant of legislative authority. The rules must include the
21 specific statutory section or sections from which the grant of
22 authority is derived, and may not rely solely on a section of law
23 stating a statute's intent or purpose or the general enabling
24 provisions establishing the state investment board.

25 **Sec. 13.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended
26 to read as follows:

27 The director shall be secretary of the commission and shall be
28 responsible for carrying into effect the commission's orders and rules
29 (~~and regulations promulgated~~) adopted by the commission. The
30 director shall also be authorized to employ such staff as is necessary
31 pursuant to the provisions of chapter 41.06 RCW. The commission shall
32 adopt (~~such~~) rules (~~and regulations~~) as shall be necessary to carry
33 into effect the purposes of this chapter.

34 For rules adopted under the provisions of this chapter after July
35 1, 2003, the Washington state traffic safety commission may only adopt
36 rules derived from a specific grant of legislative authority. The

1 rules must include the specific statutory section or sections from
2 which the grant of authority is derived, and may not rely solely on a
3 section of law stating a statute's intent or purpose or the general
4 enabling provisions establishing the commission.

5 **Sec. 14.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to read
6 as follows:

7 The director of veterans affairs shall (~~make such~~) adopt rules
8 (~~and regulations~~) as may be necessary to carry out the purposes of
9 this chapter. For rules adopted under the provisions of this chapter
10 after July 1, 2003, the director of veterans affairs may only adopt
11 rules derived from a specific grant of legislative authority. The
12 rules must include the specific statutory section or sections from
13 which the grant of authority is derived, and may not rely solely on a
14 section of law stating a statute's intent or purpose or the general
15 enabling provisions establishing the department of veterans affairs.
16 The department shall furnish information, advice, and assistance to
17 veterans and coordinate all programs and services in the field of
18 veterans' claims service, education, health, vocational guidance and
19 placement, and services not provided by some other agency of the state
20 or by the federal government. The director shall submit a report of
21 the departments' activities hereunder each year to the governor.

22 **Sec. 15.** RCW 43.63A.475 and 1993 c 124 s 2 are each amended to
23 read as follows:

24 The department shall adopt all rules under chapter 34.05 RCW
25 necessary to implement chapter 124, Laws of 1993, giving due
26 consideration to standards and regulations adopted by the secretary of
27 housing and urban development under the National Manufactured Housing
28 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
29 Secs. 5401-5426) for manufactured housing construction and safety
30 standards. For rules adopted under the provisions of this chapter
31 after July 1, 2003, the department of community, trade, and economic
32 development may only adopt rules derived from a specific grant of
33 legislative authority. The rules must include the specific statutory
34 section or sections from which the grant of authority is derived, and
35 may not rely solely on a section of law stating a statute's intent or

1 purpose or the general enabling provisions establishing the department
2 of community, trade, and economic development.

3 **Sec. 16.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read
4 as follows:

5 The primary responsibility of the public health system, is to take
6 those actions necessary to protect, promote, and improve the health of
7 the population. In order to accomplish this, the department shall:

8 (1) Identify, as part of the public health improvement plan, the
9 key health outcomes sought for the population and the capacity needed
10 by the public health system to fulfill its responsibilities in
11 improving health outcomes.

12 (2)(a) Distribute state funds that, in conjunction with local
13 revenues, are intended to improve the capacity of the public health
14 system. The distribution methodology shall encourage system-wide
15 effectiveness and efficiency and provide local health jurisdictions
16 with the flexibility both to determine governance structures and
17 address their unique needs.

18 (b) Enter into with each local health jurisdiction performance-
19 based contracts that establish clear measures of the degree to which
20 the local health jurisdiction is attaining the capacity necessary to
21 improve health outcomes. The contracts negotiated between the local
22 health jurisdictions and the department of health must identify the
23 specific measurable progress that local health jurisdictions will make
24 toward achieving health outcomes. A community assessment conducted by
25 the local health jurisdiction according to the public health
26 improvement plan, which shall include the results of the comprehensive
27 plan prepared according to RCW 70.190.130, will be used as the basis
28 for identifying the health outcomes. The contracts shall include
29 provisions to encourage collaboration among local health jurisdictions.
30 State funds shall be used solely to expand and complement, but not to
31 supplant city and county government support for public health programs.

32 (3) Develop criteria to assess the degree to which capacity is
33 being achieved and ensure compliance by public health jurisdictions.

34 (4) Adopt rules necessary to carry out the purposes of chapter 43,
35 Laws of 1995. For rules adopted under the provisions of this chapter
36 after July 1, 2003, the department may only adopt rules derived from a
37 specific grant of legislative authority. The rules must include the

1 specific statutory section or sections from which the grant of
2 authority is derived, and may not rely solely on a section of law
3 stating a statute's intent or purpose or the general enabling
4 provisions establishing the department.

5 (5) Biennially, within the public health improvement plan, evaluate
6 the effectiveness of the public health system, assess the degree to
7 which the public health system is attaining the capacity to improve the
8 status of the public's health, and report progress made by each local
9 health jurisdiction toward improving health outcomes.

10 **Sec. 17.** RCW 43.101.085 and 2001 c 167 s 7 are each amended to
11 read as follows:

12 In addition to its other powers granted under this chapter, the
13 commission has authority and power to:

14 (1) Adopt, amend, or repeal rules as necessary to carry out this
15 chapter. For rules adopted under the provisions of this chapter after
16 July 1, 2003, the commission may only adopt rules derived from a
17 specific grant of legislative authority. The rules must include the
18 specific statutory section or sections from which the grant of
19 authority is derived, and may not rely solely on a section of law
20 stating a statute's intent or purpose or the general enabling
21 provisions establishing the commission;

22 (2) Issue subpoenas and administer oaths in connection with
23 investigations, hearings, or other proceedings held under this chapter;

24 (3) Take or cause to be taken depositions and other discovery
25 procedures as needed in investigations, hearings, and other proceedings
26 held under this chapter;

27 (4) Appoint members of a hearings board as provided under RCW
28 43.101.380;

29 (5) Enter into contracts for professional services determined by
30 the commission to be necessary for adequate enforcement of this
31 chapter;

32 (6) Grant, deny, or revoke certification of peace officers under
33 the provisions of this chapter;

34 (7) Designate individuals authorized to sign subpoenas and
35 statements of charges under the provisions of this chapter; and

36 (8) Employ such investigative, administrative, and clerical staff
37 as necessary for the enforcement of this chapter.

1 **Sec. 18.** RCW 43.115.040 and 1993 c 261 s 3 are each amended to
2 read as follows:

3 The commission shall have the following powers and duties:

4 (1) Elect one of its members to serve as (~~(chairman)~~) chair;

5 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
6 For rules adopted under the provisions of this chapter after July 1,
7 2003, the commission may only adopt rules derived from a specific grant
8 of legislative authority. The rules must include the specific
9 statutory section or sections from which the grant of authority is
10 derived, and may not rely solely on a section of law stating a
11 statute's intent or purpose or the general enabling provisions
12 establishing the commission;

13 (3) Examine and define issues pertaining to the rights and needs of
14 Hispanics, and make recommendations to the governor and state agencies
15 for changes in programs and laws;

16 (4) Advise the governor and state agencies on the development and
17 implementation of policies, plans, and programs that relate to the
18 special needs of Hispanics;

19 (5) Advise the legislature on issues of concern to the Hispanic
20 community;

21 (6) Establish relationships with state agencies, local governments,
22 and private sector organizations that promote equal opportunity and
23 benefits for Hispanics; and

24 (7) Receive gifts, grants, and endowments from public or private
25 sources that are made for the use or benefit of the commission and
26 expend, without appropriation, the same or any income from the gifts,
27 grants, or endowments according to their terms.

28 **Sec. 19.** RCW 43.117.050 and 1974 ex.s. c 140 s 5 are each amended
29 to read as follows:

30 The commission shall:

31 (1) Elect one of its members to serve as (~~(chairman)~~) chair; and
32 also such other officers as necessary to form an executive committee;

33 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
34 For rules adopted under the provisions of this chapter after July 1,
35 2003, the commission may only adopt rules derived from a specific grant
36 of legislative authority. The rules must include the specific
37 statutory section or sections from which the grant of authority is

1 derived, and may not rely solely on a section of law stating a
2 statute's intent or purpose or the general enabling provisions
3 establishing the commission;

4 (3) Meet at the call of the ((~~chairman~~)) chair or the call of a
5 majority of its members, but in no case less often than once during any
6 three month period;

7 (4) Be authorized to appoint such citizen task force as it deems
8 appropriate.

9 **Sec. 20.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to
10 read as follows:

11 To carry out the purposes of this chapter, the council may:

12 (1) Contract with public or private nonprofit organizations,
13 agencies, schools, or with qualified individuals for the establishment
14 of community-based educational and service programs designed to:

15 (a) Reduce the occurrence of child abuse and neglect; and

16 (b) Provide for parenting skills which include: Consistency in
17 parenting; providing children with positive discipline that provides
18 firm order without hurting children physically or emotionally; and
19 preserving and nurturing the family unit. Programs to provide these
20 parenting skills may include the following:

21 (i) Programs to teach positive methods of disciplining children;

22 (ii) Programs to educate parents about the physical, mental, and
23 emotional development of children;

24 (iii) Programs to enhance the skills of parents in providing for
25 their children's learning and development; and

26 (iv) Learning experiences for children and parents to help prepare
27 parents and children for the experiences in school. Contracts also may
28 be awarded for research programs related to primary and secondary
29 prevention of child abuse and neglect, and to develop and strengthen
30 community child abuse and neglect prevention networks. Each contract
31 entered into by the council shall contain a provision for the
32 evaluation of services provided under the contract. Contracts for
33 services to prevent child abuse and child neglect shall be awarded as
34 demonstration projects with continuation based upon goal attainment.
35 Contracts for services to prevent child abuse and child neglect shall
36 be awarded on the basis of probability of success based in part upon
37 sound research data.

1 (2) Facilitate the exchange of information between groups concerned
2 with families and children.

3 (3) Consult with applicable state agencies, commissions, and boards
4 to help determine the probable effectiveness, fiscal soundness, and
5 need for proposed educational and service programs for the prevention
6 of child abuse and neglect.

7 (4) Establish fee schedules to provide for the recipients of
8 services to reimburse the state general fund for the cost of services
9 received.

10 (5) Adopt its own bylaws.

11 (6) Adopt rules under chapter 34.05 RCW as necessary to carry out
12 the purposes of this chapter. For rules adopted under the provisions
13 of this chapter after July 1, 2003, the council may only adopt rules
14 derived from a specific grant of legislative authority. The rules must
15 include the specific statutory section or sections from which the grant
16 of authority is derived, and may not rely solely on a section of law
17 stating a statute's intent or purpose or the general enabling
18 provisions establishing the council.

19 **Sec. 21.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to
20 read as follows:

21 The board may:

22 (1) Accept from any state or federal agency, loans or grants for
23 the planning or financing of any public works project and enter into
24 agreements with any such agency concerning the loans or grants;

25 (2) Provide technical assistance to local governments;

26 (3) Accept any gifts, grants, or loans of funds, property, or
27 financial or other aid in any form from any other source on any terms
28 and conditions which are not in conflict with this chapter;

29 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out
30 the purposes of this chapter. For rules adopted under the provisions
31 of this chapter after July 1, 2003, the board may only adopt rules
32 derived from a specific grant of legislative authority. The rules must
33 include the specific statutory section or sections from which the grant
34 of authority is derived, and may not rely solely on a section of law
35 stating a statute's intent or purpose or the general enabling
36 provisions establishing the board;

1 (5) Do all acts and things necessary or convenient to carry out the
2 powers expressly granted or implied under this chapter.

3 **Sec. 22.** RCW 43.160.050 and 1996 c 51 s 4 are each amended to read
4 as follows:

5 The board may:

6 (1) Adopt bylaws for the regulation of its affairs and the conduct
7 of its business.

8 (2) Adopt an official seal and alter the seal at its pleasure.

9 (3) Utilize the services of other governmental agencies.

10 (4) Accept from any federal agency loans or grants for the planning
11 or financing of any project and enter into an agreement with the agency
12 respecting the loans or grants.

13 (5) Conduct examinations and investigations and take testimony at
14 public hearings of any matter material for its information that will
15 assist in determinations related to the exercise of the board's lawful
16 powers.

17 (6) Accept any gifts, grants, or loans of funds, property, or
18 financial or other aid in any form from any other source on any terms
19 and conditions which are not in conflict with this chapter.

20 (7) Exercise all the powers of a public corporation under chapter
21 39.84 RCW.

22 (8) Invest any funds received in connection with industrial
23 development revenue bond financing not required for immediate use, as
24 the board considers appropriate, subject to any agreements with owners
25 of bonds.

26 (9) Arrange for lines of credit for industrial development revenue
27 bonds from and enter into participation agreements with any financial
28 institution.

29 (10) Issue industrial development revenue bonds in one or more
30 series for the purpose of defraying the cost of acquiring or improving
31 any industrial development facility or facilities and securing the
32 payment of the bonds as provided in this chapter.

33 (11) Enter into agreements or other transactions with and accept
34 grants and the cooperation of any governmental agency in furtherance of
35 this chapter.

36 (12) Sell, purchase, or insure loans to finance the costs of
37 industrial development facilities.

1 (13) Service, contract, and pay for the servicing of loans for
2 industrial development facilities.

3 (14) Provide financial analysis and technical assistance for
4 industrial development facilities when the board reasonably considers
5 it appropriate.

6 (15) Collect, with respect to industrial development revenue bonds,
7 reasonable interest, fees, and charges for making and servicing its
8 lease agreements, loan agreements, mortgage loans, notes, bonds,
9 commitments, and other evidences of indebtedness. Interest, fees, and
10 charges are limited to the amounts required to pay the costs of the
11 board, including operating and administrative expenses and reasonable
12 allowances for losses that may be incurred.

13 (16) Procure insurance or guarantees from any party as allowable
14 under law, including a governmental agency, against any loss in
15 connection with its lease agreements, loan agreements, mortgage loans,
16 and other assets or property.

17 (17) Adopt rules under chapter 34.05 RCW as necessary to carry out
18 the purposes of this chapter. For rules adopted under the provisions
19 of this chapter after July 1, 2003, the board may only adopt rules
20 derived from a specific grant of legislative authority. The rules must
21 include the specific statutory section or sections from which the grant
22 of authority is derived, and may not rely solely on a section of law
23 stating a statute's intent or purpose or the general enabling
24 provisions establishing the board.

25 (18) Do all acts and things necessary or convenient to carry out
26 the powers expressly granted or implied under this chapter.

27 **Sec. 23.** RCW 43.163.100 and 1990 c 53 s 6 are each amended to read
28 as follows:

29 In addition to accomplishing the economic development finance
30 programs specifically authorized in this chapter, the authority may:

- 31 (1) Maintain an office or offices;
32 (2) Sue and be sued in its own name, and plead and be impleaded;
33 (3) Engage consultants, agents, attorneys, and advisers, contract
34 with federal, state, and local governmental entities for services, and
35 hire such employees, agents and other personnel as the authority deems
36 necessary, useful, or convenient to accomplish its purposes;

1 (4) Make and execute all manner of contracts, agreements and
2 instruments and financing documents with public and private parties as
3 the authority deems necessary, useful, or convenient to accomplish its
4 purposes;

5 (5) Acquire and hold real or personal property, or any interest
6 therein, in the name of the authority, and to sell, assign, lease,
7 encumber, mortgage, or otherwise dispose of the same in such manner as
8 the authority deems necessary, useful, or convenient to accomplish its
9 purposes;

10 (6) Open and maintain accounts in qualified public depositaries and
11 otherwise provide for the investment of any funds not required for
12 immediate disbursement, and provide for the selection of investments;

13 (7) Appear in its own behalf before boards, commissions,
14 departments, or agencies of federal, state, or local government;

15 (8) Procure such insurance in such amounts and from such insurers
16 as the authority deems desirable, including, but not limited to,
17 insurance against any loss or damage to its property or other assets,
18 public liability insurance for injuries to persons or property, and
19 directors and officers liability insurance;

20 (9) Apply for and accept subventions, grants, loans, advances, and
21 contributions from any source of money, property, labor, or other
22 things of value, to be held, used and applied as the authority deems
23 necessary, useful, or convenient to accomplish its purposes;

24 (10) Establish guidelines for the participation by eligible banking
25 organizations in programs conducted by the authority under this
26 chapter;

27 (11) Act as an agent, by agreement, for federal, state, or local
28 governmental entities to carry out the programs authorized in this
29 chapter;

30 (12) Establish, revise, and collect such fees and charges as the
31 authority deems necessary, useful, or convenient to accomplish its
32 purposes;

33 (13) Make such expenditures as are appropriate for paying the
34 administrative costs and expenses of the authority in carrying out the
35 provisions of this chapter: PROVIDED, That expenditures with respect
36 to the economic development financing programs of the authority shall
37 not be made from funds of the state;

1 (14) Establish such reserves and special funds, and controls on
2 deposits to and disbursements from them, as the authority deems
3 necessary, useful, or convenient to accomplish its purposes;

4 (15) Give assistance to public bodies by providing information,
5 guidelines, forms, and procedures for implementing their financing
6 programs;

7 (16) Prepare, publish and distribute, with or without charge, such
8 studies, reports, bulletins, and other material as the authority deems
9 necessary, useful, or convenient to accomplish its purposes;

10 (17) Delegate any of its powers and duties if consistent with the
11 purposes of this chapter;

12 (18) Adopt rules concerning its exercise of the powers authorized
13 by this chapter. For rules adopted under the provisions of this
14 chapter after July 1, 2003, the authority may only adopt rules derived
15 from a specific grant of legislative authority. The rules must include
16 the specific statutory section or sections from which the grant of
17 authority is derived, and may not rely solely on a section of law
18 stating a statute's intent or purpose or the general enabling
19 provisions establishing the authority; and

20 (19) Exercise any other power the authority deems necessary,
21 useful, or convenient to accomplish its purposes and exercise the
22 powers expressly granted in this chapter.

23 **Sec. 24.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
24 read as follows:

25 (1) There is ((~~hereby~~)) established a public body corporate and
26 politic, with perpetual corporate succession, to be known as the
27 Washington state housing finance commission. The commission is an
28 instrumentality of the state exercising essential government functions
29 and, for purposes of the code, acts as a constituted authority on
30 behalf of the state when it issues bonds pursuant to this chapter. The
31 commission is a "public body" within the meaning of RCW 39.53.010.

32 (2) The commission shall consist of the following voting members:

33 (a) The state treasurer, ex officio;

34 (b) The director of community, trade, and economic development, ex
35 officio;

36 (c) An elected local government official, ex officio, with

1 experience in local housing programs, who shall be appointed by the
2 governor with the consent of the senate;

3 (d) A representative of housing consumer interests, appointed by
4 the governor with the consent of the senate;

5 (e) A representative of labor interests, appointed by the governor,
6 with the consent of the senate, after consultation with representatives
7 of organized labor;

8 (f) A representative of low-income persons, appointed by the
9 governor with the consent of the senate;

10 (g) Five members of the public appointed by the governor, with the
11 consent of the senate, on the basis of geographic distribution and
12 their expertise in housing, real estate, finance, energy efficiency, or
13 construction, one of whom shall be appointed by the governor as chair
14 of the commission and who shall serve on the commission and as chair of
15 the commission at the pleasure of the governor.

16 The term of the persons appointed by the governor, other than the
17 chair, shall be four years from the date of their appointment, except
18 that the terms of three of the initial appointees shall be for two
19 years from the date of their appointment. The governor shall designate
20 the appointees who will serve the two-year terms. An appointee may be
21 removed by the governor for cause pursuant to RCW 43.06.070 and
22 43.06.080. The governor shall fill any vacancy in an appointed
23 position by appointment for the remainder of the unexpired term. If
24 the department of community, trade, and economic development is
25 abolished, the resulting vacancy shall be filled by a state official
26 who shall be appointed to the commission by the governor. If this
27 official occupies an office or position for which senate confirmation
28 is not required, then his or her appointment to the commission shall be
29 subject to the consent of the senate. The members of the commission
30 shall be compensated in accordance with RCW 43.03.240 and may be
31 reimbursed, solely from the funds of the commission, for expenses
32 incurred in the discharge of their duties under this chapter, subject
33 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the
34 commission constitutes a quorum. Designees shall be appointed in such
35 manner and shall exercise such powers as are specified by the rules of
36 the commission.

37 (3) The commission may adopt an official seal and may select from
38 its membership a vice_chair, a secretary, and a treasurer. The

1 commission shall establish rules concerning its exercise of the powers
2 authorized by this chapter. The rules shall be adopted in conformance
3 with chapter 34.05 RCW. For rules adopted under the provisions of this
4 chapter after July 1, 2003, the commission may only adopt rules derived
5 from a specific grant of legislative authority. The rules must include
6 the specific statutory section or sections from which the grant of
7 authority is derived, and may not rely solely on a section of law
8 stating a statute's intent or purpose or the general enabling
9 provisions establishing the commission.

10 **Sec. 25.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to
11 read as follows:

12 The department of ecology shall adopt such rules as are necessary
13 to carry out responsibilities under this chapter. The department of
14 ecology is authorized to adopt such rules as are necessary to carry out
15 its responsibilities under chapter 43.145 RCW. For rules adopted under
16 the provisions of this chapter after July 1, 2003, the department of
17 ecology may only adopt rules derived from a specific grant of
18 legislative authority. The rules must include the specific statutory
19 section or sections from which the grant of authority is derived, and
20 may not rely solely on a section of law stating a statute's intent or
21 purpose or the general enabling provisions establishing the department
22 of ecology.

23 **Sec. 26.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
24 read as follows:

25 The department of community, trade, and economic development or its
26 statutory successor shall adopt rules under chapter 34.05 RCW as
27 necessary to carry out the purposes of this chapter. For rules adopted
28 under the provisions of this chapter after July 1, 2003, the department
29 of community, trade, and economic development may only adopt rules
30 derived from a specific grant of legislative authority. The rules must
31 include the specific statutory section or sections from which the grant
32 of authority is derived, and may not rely solely on a section of law
33 stating a statute's intent or purpose or the general enabling
34 provisions establishing the department of community, trade, and
35 economic development.

1 **Sec. 27.** RCW 43.250.090 and 1986 c 294 s 9 are each amended to
2 read as follows:

3 The state finance committee shall administer this chapter and adopt
4 appropriate rules. For rules adopted under the provisions of this
5 chapter after July 1, 2003, the state finance committee may only adopt
6 rules derived from a specific grant of legislative authority. The
7 rules must include the specific statutory section or sections from
8 which the grant of authority is derived, and may not rely solely on a
9 section of law stating a statute's intent or purpose or the general
10 enabling provisions establishing the state finance committee.

11 **Sec. 28.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to
12 read as follows:

13 The director of financial institutions may adopt any rules, under
14 chapter 34.05 RCW, necessary to implement the powers and duties of the
15 director under this chapter. For rules adopted under the provisions of
16 this chapter after July 1, 2003, the director of financial institutions
17 may only adopt rules derived from a specific grant of legislative
18 authority. The rules must include the specific statutory section or
19 sections from which the grant of authority is derived, and may not rely
20 solely on a section of law stating a statute's intent or purpose or the
21 general enabling provisions establishing the department of financial
22 institutions.

23 **Sec. 29.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to
24 read as follows:

25 (1) The director shall supervise and administer the activities of
26 the department and shall advise the governor and the legislature with
27 respect to community and economic development matters affecting the
28 state.

29 (2) In addition to other powers and duties granted to the director,
30 the director shall have the following powers and duties:

31 (a) Enter into contracts on behalf of the state to carry out the
32 purposes of this chapter;

33 (b) Act for the state in the initiation of or participation in any
34 multigovernmental program relative to the purpose of this chapter;

35 (c) Accept and expend gifts and grants, whether such grants be of
36 federal or other funds;

1 (d) Appoint such deputy directors, assistant directors, and up to
2 seven special assistants as may be needed to administer the department.
3 These employees are exempt from the provisions of chapter 41.06 RCW;

4 (e) Prepare and submit budgets for the department for executive and
5 legislative action;

6 (f) Submit recommendations for legislative actions as are deemed
7 necessary to further the purposes of this chapter;

8 (g) Adopt rules in accordance with chapter 34.05 RCW and perform
9 all other functions necessary and proper to carry out the purposes of
10 this chapter. For rules adopted under the provisions of this chapter
11 after July 1, 2003, the director may only adopt rules derived from a
12 specific grant of legislative authority. The rules must include the
13 specific statutory section or sections from which the grant of
14 authority is derived, and may not rely solely on a section of law
15 stating a statute's intent or purpose or the general enabling
16 provisions establishing the department;

17 (h) Delegate powers, duties, and functions as the director deems
18 necessary for efficient administration, but the director shall be
19 responsible for the official acts of the officers and employees of the
20 department; and

21 (i) Perform other duties as are necessary and consistent with law.

22 (3) When federal or other funds are received by the department,
23 they shall be promptly transferred to the state treasurer and
24 thereafter expended only upon the approval of the director.

25 (4) The director may request information and assistance from all
26 other agencies, departments, and officials of the state, and may
27 reimburse such agencies, departments, or officials if such a request
28 imposes any additional expenses upon any such agency, department, or
29 official.

30 (5) The director shall, in carrying out the responsibilities of
31 office, consult with governmental officials, private groups, and
32 individuals and with officials of other states. All state agencies and
33 their officials and the officials of any political subdivision of the
34 state shall cooperate with and give such assistance to the department,
35 including the submission of requested information, to allow the
36 department to carry out its purposes under this chapter.

37 (6) The director may establish additional advisory or coordinating
38 groups with the legislature, within state government, with state and

1 other governmental units, with the private sector and nonprofit
2 entities or in specialized subject areas as may be necessary to carry
3 out the purposes of this chapter.

4 (7) The internal affairs of the department shall be under the
5 control of the director in order that the director may manage the
6 department in a flexible and intelligent manner as dictated by changing
7 contemporary circumstances. Unless specifically limited by law, the
8 director shall have complete charge and supervisory powers over the
9 department. The director may create such administrative structures as
10 the director deems appropriate, except as otherwise specified by law,
11 and the director may employ such personnel as may be necessary in
12 accordance with chapter 41.06 RCW, except as otherwise provided by law.

13 **Sec. 30.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
14 as follows:

15 The transportation commission shall have the following functions,
16 powers, and duties:

17 (1) To propose policies to be adopted by the legislature designed
18 to (~~assure~~) ensure the development and maintenance of a comprehensive
19 and balanced statewide transportation system which will meet the needs
20 of the people of this state for safe and efficient transportation
21 services. Wherever appropriate the policies shall provide for the use
22 of integrated, intermodal transportation systems to implement the
23 social, economic, and environmental policies, goals, and objectives of
24 the people of the state, and especially to conserve nonrenewable
25 natural resources including land and energy. To this end the
26 commission shall:

27 (a) Develop transportation policies which are based on the
28 policies, goals, and objectives expressed and inherent in existing
29 state laws;

30 (b) Inventory the adopted policies, goals, and objectives of the
31 local and area-wide governmental bodies of the state and define the
32 role of the state, regional, and local governments in determining
33 transportation policies, in transportation planning, and in
34 implementing the state transportation plan;

35 (c) Propose a transportation policy for the state, and after notice
36 and public hearings, submit the proposal to the legislative

1 transportation committee and the senate and house transportation
2 committees by January 1, 1978, for consideration in the next
3 legislative session;

4 (d) Establish a procedure for review and revision of the state
5 transportation policy and for submission of proposed changes to the
6 legislature;

7 (e) To integrate the statewide transportation plan with the needs
8 of the elderly and handicapped, and to coordinate federal and state
9 programs directed at assisting local governments to answer such needs;

10 (2) To establish the policy of the department to be followed by the
11 secretary on each of the following items:

12 (a) To provide for the effective coordination of state
13 transportation planning with national transportation policy, state and
14 local land use policies, and local and regional transportation plans
15 and programs;

16 (b) To provide for public involvement in transportation designed to
17 elicit the public's views both with respect to adequate transportation
18 services and appropriate means of minimizing adverse social, economic,
19 environmental, and energy impact of transportation programs;

20 (c) To provide for the administration of grants in aid and other
21 financial assistance to counties and municipal corporations for
22 transportation purposes;

23 (d) To provide for the management, sale, and lease of property or
24 property rights owned by the department which are not required for
25 transportation purposes;

26 (3) To direct the secretary to prepare and submit to the commission
27 a comprehensive and balanced statewide transportation plan which shall
28 be based on the transportation policy adopted by the legislature and
29 applicable state and federal laws. After public notice and hearings,
30 the commission shall adopt the plan and submit it to the legislative
31 transportation committee and to the house and senate standing
32 committees on transportation before January 1, 1980, for consideration
33 in the 1980 regular legislative session. The plan shall be reviewed
34 and revised prior to each regular session of the legislature during an
35 even-numbered year thereafter. A preliminary plan shall be submitted
36 to such committees by January 1, 1979.

37 The plan shall take into account federal law and regulations

1 relating to the planning, construction, and operation of transportation
2 facilities;

3 (4) To propose to the governor and the legislature prior to the
4 convening of each regular session held in an odd-numbered year a
5 recommended budget for the operations of the commission as required by
6 RCW 47.01.061;

7 (5) To approve and propose to the governor and to the legislature
8 prior to the convening of each regular session during an odd-numbered
9 year a recommended budget for the operation of the department and for
10 carrying out the program of the department for the ensuing biennium.
11 The proposed budget shall separately state the appropriations to be
12 made from the motor vehicle fund for highway purposes in accordance
13 with constitutional limitations and appropriations and expenditures to
14 be made from the general fund, or accounts thereof, and other available
15 sources for other operations and programs of the department;

16 (6) To review and authorize all departmental requests for
17 legislation;

18 (7) To approve the issuance and sale of all bonds authorized by the
19 legislature for capital construction of state highways, toll
20 facilities, Columbia Basin county roads (for which reimbursement to the
21 motor vehicle fund has been provided), urban arterial projects, and
22 aviation facilities;

23 (8) To adopt ((such)) rules((, regulations,)) and policy directives
24 as may be necessary to carry out reasonably and properly those
25 functions expressly vested in the commission by statute. For rules
26 adopted under the provisions of this chapter after July 1, 2003, the
27 commission may only adopt rules derived from a specific grant of
28 legislative authority. The rules must include the specific statutory
29 section or sections from which the grant of authority is derived, and
30 may not rely solely on a section of law stating a statute's intent or
31 purpose or the general enabling provisions establishing the department;

32 (9) To delegate any of its powers to the secretary of
33 transportation whenever it deems it desirable for the efficient
34 administration of the department and consistent with the purposes of
35 this title;

36 (10) To exercise such other specific powers and duties as may be
37 vested in the transportation commission by this or any other provision
38 of law.

1 **Sec. 31.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to
2 read as follows:

3 (1) The commissioner shall have the authority expressly conferred
4 upon him or her by or reasonably implied from the provisions of this
5 code.

6 (2) The commissioner shall execute his or her duties and shall
7 enforce the provisions of this code.

8 (3) The commissioner may:

9 (a) ~~((Make))~~ Adopt reasonable rules ~~((and regulations))~~ for
10 effectuating any provision of this code, except those relating to his
11 or her election, qualifications, or compensation. No ~~((such))~~ rules
12 ~~((and regulations shall be))~~ are effective prior to their being filed
13 for public inspection in the commissioner's office. For rules adopted
14 under the provisions of this chapter after July 1, 2003, the
15 commissioner may only adopt rules derived from a specific grant of
16 legislative authority. The rules must include the specific statutory
17 section or sections from which the grant of authority is derived, and
18 may not rely solely on a section of law stating a statute's intent or
19 purpose or the general enabling provisions establishing the office of
20 the insurance commissioner.

21 (b) Conduct investigations to determine whether any person has
22 violated any provision of this code.

23 (c) Conduct examinations, investigations, hearings, in addition to
24 those specifically provided for, useful and proper for the efficient
25 administration of any provision of this code.

26 **Sec. 32.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read
27 as follows:

28 The insurance commissioner shall ~~((make))~~ adopt reasonable
29 ~~((regulations))~~ rules in aid of the administration of this chapter
30 which may include, but shall not be limited to ~~((regulations))~~ rules
31 concerning the maintenance of adequate insurance, bonds, or cash
32 deposits, information required of registrants, and methods of
33 expediting speedy and fair payments to claimants. For rules adopted
34 under the provisions of this chapter after July 1, 2003, the insurance
35 commissioner may only adopt rules derived from a specific grant of
36 legislative authority. The rules must include the specific statutory
37 section or sections from which the grant of authority is derived, and

1 may not rely solely on a section of law stating a statute's intent or
2 purpose or the general enabling provisions establishing the office of
3 the insurance commissioner.

4 **Sec. 33.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each
5 amended to read as follows:

6 The commissioner may, in accordance with the provisions of the
7 administrative procedure act, chapter 34.05 RCW, (~~promulgate~~) adopt
8 rules ((and regulations)) as necessary or proper to carry out the
9 provisions of this chapter. For rules adopted under the provisions of
10 this chapter after July 1, 2003, the commissioner may only adopt rules
11 derived from a specific grant of legislative authority. The rules must
12 include the specific statutory section or sections from which the grant
13 of authority is derived, and may not rely solely on a section of law
14 stating a statute's intent or purpose or the general enabling
15 provisions establishing the office of the insurance commissioner.
16 Nothing in this chapter shall be construed to prohibit the commissioner
17 from requiring changes in procedures previously approved by him.

18 **Sec. 34.** RCW 66.08.0501 and 1997 c 321 s 56 are each amended to
19 read as follows:

20 The liquor control board may adopt appropriate rules pursuant to
21 chapter 34.05 RCW for the purpose of carrying out the provisions of
22 chapter 321, Laws of 1997. For rules adopted under the provisions of
23 this chapter after July 1, 2003, the liquor control board may only
24 adopt rules derived from a specific grant of legislative authority.
25 The rules must include the specific statutory section or sections from
26 which the grant of authority is derived, and may not rely solely on a
27 section of law stating a statute's intent or purpose or the general
28 enabling provisions establishing the liquor control board.

29 **Sec. 35.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
30 read as follows:

31 (1) In establishing policies to preserve, protect, and perpetuate
32 wildlife, fish, and wildlife and fish habitat, the commission shall
33 meet annually with the governor to:

34 (a) Review and prescribe basic goals and objectives related to
35 those policies; and

1 (b) Review the performance of the department in implementing fish
2 and wildlife policies.

3 The commission shall maximize fishing, hunting, and outdoor
4 recreational opportunities compatible with healthy and diverse fish and
5 wildlife populations.

6 (2) The commission shall establish hunting, trapping, and fishing
7 seasons and prescribe the time, place, manner, and methods that may be
8 used to harvest or enjoy game fish and wildlife.

9 (3) The commission shall establish provisions regulating food fish
10 and shellfish as provided in RCW 77.12.047.

11 (4) The commission shall have final approval authority for tribal,
12 interstate, international, and any other department agreements relating
13 to fish and wildlife.

14 (5) The commission shall adopt rules to implement the state's fish
15 and wildlife laws. For rules adopted under the provisions of this
16 chapter after July 1, 2003, the commission may only adopt rules derived
17 from a specific grant of legislative authority. The rules must include
18 the specific statutory section or sections from which the grant of
19 authority is derived, and may not rely solely on a section of law
20 stating a statute's intent or purpose or the general enabling
21 provisions establishing the commission or the department.

22 (6) The commission shall have final approval authority for the
23 department's budget proposals.

24 (7) The commission shall select its own staff and shall appoint the
25 director of the department. The director and commission staff shall
26 serve at the pleasure of the commission.

27 **Sec. 36.** RCW 80.01.040 and 1985 c 450 s 10 are each amended to
28 read as follows:

29 The utilities and transportation commission shall:

30 (1) Exercise all the powers and perform all the duties prescribed
31 therefor by this title and by Title 81 RCW, or by any other law.

32 (2) Regulate in the public interest, as provided by the public
33 service laws, the rates, services, facilities, and practices of all
34 persons engaging in the transportation by whatever means of persons or
35 property within this state for compensation, and related activities;
36 including, but not limited to, air transportation companies, auto
37 transportation companies, express companies, freight and freight line

1 companies, motor freight companies, motor transportation agents,
2 private car companies, railway companies, sleeping car companies,
3 steamboat companies, street railway companies, toll bridge companies,
4 storage warehousemen, and wharfingers and warehousemen.

5 (3) Regulate in the public interest, as provided by the public
6 service laws, the rates, services, facilities, and practices of all
7 persons engaging within this state in the business of supplying any
8 utility service or commodity to the public for compensation, and
9 related activities; including, but not limited to, electrical
10 companies, gas companies, irrigation companies, telecommunications
11 companies, and water companies.

12 (4) (~~Make such~~) Adopt rules (~~and regulations~~) as may be
13 necessary to carry out its other powers and duties. For rules adopted
14 under the provisions of this chapter after July 1, 2003, the commission
15 may only adopt rules derived from a specific grant of legislative
16 authority. The rules must include the specific statutory section or
17 sections from which the grant of authority is derived, and may not rely
18 solely on a section of law stating a statute's intent or purpose or the
19 general enabling provisions establishing the commission.

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