
HOUSE BILL 1673

State of Washington 59th Legislature 2005 Regular Session

By Representatives Clements, Armstrong, Dunn, Newhouse, Serben, McDonald, Anderson, Ahern, Condotta, Curtis, McCune, Alexander, Bailey, Cox, Hinkle, Shabro, Rodne, Holmquist, Schindler, Skinner, Buck, Kretz, Priest, Orcutt, Ericksen, Haler, Woods, Kristiansen, Strow, Crouse, Pearson and Talcott

Read first time 02/01/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to regulatory reform; amending RCW 34.05.570,
2 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016,
3 43.27A.090, 43.30.215, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070,
4 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050,
5 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070,
6 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060,
7 48.44.050, 48.46.200, 66.08.0501, 77.04.055, 80.01.040, and 34.05.360;
8 reenacting and amending RCW 34.05.328; adding a new section to chapter
9 43.17 RCW; adding a new section to chapter 34.05 RCW; adding a new
10 chapter to Title 34 RCW; creating new sections; providing an effective
11 date; and declaring an emergency.

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

13 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. (1) The legislature
14 finds that:

15 (a) There is an alarming increase of rules that duplicate or
16 contradict each other, are outdated, or do more harm than good;

17 (b) The central function and purpose of government is to protect
18 the basic freedoms of its citizens;

1 (c) One of the most pressing public issues is the ever-expanding
2 scope and burden of government regulations, and the implications this
3 trend has for the people's economic liberties; and

4 (d) The development, proposal, and adoption of rules, as well as
5 the existing rules, in this state are in need of careful examination in
6 order to assure that they faithfully execute the laws of the state
7 without unduly burdening the state's economy and imposing needless
8 costs and requirements on the businesses, local governments, and
9 citizens of this state.

10 (2) The legislature intends to:

11 (a) Direct agencies to analyze the costs and benefits of their
12 rules and to consider using regulatory approaches designed to avoid
13 undue deleterious or overly burdensome impacts on regulated parties,
14 the economy, and the administration of state and local governmental
15 agencies, to the extent consistent with the objectives of applicable
16 statutes; and

17 (b) Create a permanent office of regulatory reform within the
18 executive branch to review all state rules and determine which rules
19 duplicate or contradict each other, are no longer needed, or do more
20 harm than good to the public interest.

21 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
22 section apply throughout this chapter unless the context clearly
23 requires otherwise.

24 (1) "Director" means the director of the office of regulatory
25 reform.

26 (2) "Agency" means an agency as defined in RCW 34.05.010(2).

27 (3) "Rule" means a rule as defined in RCW 34.05.010(16).

28 NEW SECTION. **Sec. 3.** RESPONSIBILITIES OF THE DIRECTOR. The
29 director of the office of regulatory reform has the following
30 responsibilities:

31 (1) To provide oversight of the regulatory processes of state
32 agencies through the review and analysis of proposed and existing
33 rules;

34 (2) To encourage state agencies to eliminate, consolidate,
35 simplify, expedite, or otherwise improve permits, permitting

1 procedures, and paperwork burdens affecting business and local
2 government undertakings and to offer permit assistance to businesses
3 and local governments;

4 (3) To analyze, or require the analysis of, the impact of proposed
5 and existing rules on matters such as, but not limited to, the public
6 health, safety, and welfare and job creation, and make recommendations
7 for simplifying the rules and regulatory processes of state agencies;

8 (4) Subject to the availability of funds appropriated for this
9 specific purpose, and subject to the approval of the director of the
10 office of financial management, to enter into contracts and expend
11 money, and to employ such personnel as the director deems necessary and
12 desirable to carry out the powers and responsibilities provided for in
13 this chapter;

14 (5) Consistent with section 5 of this act, to require an agency to
15 prepare a cost-benefit analysis, risk assessment, and/or an analysis of
16 the rule's effect on the creation and retention of jobs in the state;

17 (6) For any existing rule, to request an agency to prepare a cost-
18 benefit analysis, risk assessment, and/or an analysis of the rule's
19 effect on the creation and retention of jobs in the state and to
20 recommend to the governor, the attorney general, and the director of
21 the office of financial management, that the agency be directed to
22 prepare any such analysis or assessment;

23 (7) To require that any cost-benefit analysis or risk assessment
24 that is prepared for a rule undergo a peer review, in accordance with
25 such requirements and procedures as the director may establish;

26 (8) To consider requests for and to issue determinations regarding
27 whether any action taken by an agency should be taken pursuant to a
28 rule;

29 (9) To request an agency developing a proposed rule to initiate a
30 policy dialogue with interested parties, or convene a negotiated rule
31 making in an appropriate case, wherein interested parties and the
32 agency, with the assistance of a neutral facilitator, negotiate to
33 reach consensus on the terms of a rule;

34 (10) To propose to any agency that it consider for amendment or
35 repeal any existing rule that may be obsolete, harmful to the economy
36 or job growth in the state, or excessive in view of state or federal
37 statutes, rules, or regulations, and to recommend to the governor, the

1 attorney general, and the director of the office of financial
2 management that any agency be directed to develop rule making to amend
3 or repeal any such rule;

4 (11) To exclude a particular rule or category of rules, at the
5 director's initiative or at the request of an agency, from all or part
6 of the requirements of this chapter, based on a determination by the
7 director that the application of this chapter to such rule or category
8 of rules lacks a substantial public benefit; and

9 (12) To develop procedures for the conduct of activities and the
10 discharge of responsibilities established in this chapter.

11 NEW SECTION. **Sec. 4.** CRITERIA FOR RULES. The director may
12 evaluate rules using as criteria whether the rule:

13 (1) Is clearly within the authority delegated by law;

14 (2) Is consistent with and necessary to achieve a specific
15 legislative purpose;

16 (3) Is clearly written so that its meaning will be easily
17 understood by those persons affected by it;

18 (4) Does not unnecessarily duplicate or exceed existing federal or
19 state statutes, rules, or regulations;

20 (5) Is consistent with existing state statutes and rules;

21 (6) Will produce public benefits that will outweigh the costs, if
22 any, imposed on affected parties;

23 (7) Does not impose a mandate on local governments or school
24 districts that is not fully funded, except as specifically required by
25 state statute;

26 (8) Prescribes methodologies or requirements that allow regulated
27 parties flexibility and encourage innovation in meeting the legislative
28 or administrative requirements and objectives underlying the statute or
29 rule;

30 (9) Is based on credible assessments, using recognized standards,
31 of the degree and nature of the risks that may be regulated, including
32 a comparison with everyday risks familiar to the public;

33 (10) Gives preference to the least costly, least burdensome
34 regulatory and paperwork requirements needed to accomplish legislative
35 and administrative objectives;

36 (11) Is based upon the best scientific, technical, and economic
37 information that can reasonably and affordably be obtained; and

1 (12) If possible and practical, favors market-oriented solutions
2 and performance standards over command-and-control regulation.

3 NEW SECTION. **Sec. 5.** PROCEDURES. (1) Before submitting a notice
4 of proposed or revised rule making for publication in the Washington
5 State Register, the agency head shall submit to the director the
6 complete text of the proposed rule, any regulatory impact statement,
7 and any cost-benefit analysis, risk assessment, analysis of the rule's
8 effect on the creation and retention of jobs in the state, and/or the
9 results of a policy dialogue or negotiated rule making undertaken in
10 conjunction with the development of the rule. The director shall
11 review the agency's submission to determine whether it is complete and
12 in accordance with the goals, criteria, and requirements of this
13 chapter.

14 (2) If the director determines that the submission is complete, the
15 director shall submit it with a recommendation to the governor, the
16 attorney general, and the director of the office of financial
17 management for approval or disapproval. The governor, the attorney
18 general, and the director of the office of financial management may:

19 (a) Authorize the submission by the agency of a notice of proposed
20 or revised rule making for publication in the Washington State
21 Register;

22 (b) Prohibit the agency from proposing or revising the rule; or

23 (c) Prohibit the agency from proposing or revising the rule unless
24 such changes as may be specified are incorporated into the rule making.

25 (3) If the director determines the submission is not complete, the
26 director shall return it to the agency, together with any direction
27 that the agency do either or both of the following:

28 (a) Amend or prepare a regulatory impact analysis, cost-benefit
29 analysis, risk assessment, or analysis of the rule's effect on the
30 creation and retention of jobs in the state;

31 (b) Undertake a policy dialogue or negotiated rule making to
32 develop a proposed rule.

33 (4) Consistent with subsections (1) through (3) of this section,
34 agencies must comply with the procedures in chapter 34.05 RCW for the
35 transmission of rule-making notices for publication in the Washington
36 State Register.

1 (5)(a) At the time a notice is submitted to the code reviser for
2 publication in the Washington State Register, an agency must transmit
3 to the director all rule-making notices provided for under chapter
4 34.05 RCW, including the complete rule text, any regulatory impact
5 statement, and any other information submitted to the code reviser
6 pursuant to chapter 34.05 RCW.

7 (b)(i) Except as provided in (b)(ii) of this subsection, the
8 director must review rule makings that are the subject of a notice of
9 proposed or revised rule making submitted for publication in the
10 Washington State Register for compliance with the criteria contained in
11 section 4 of this act. If the director determines the proposed or
12 revised rule making does not meet the criteria in section 4 of this
13 act, the director may so notify the agency within forty-five days of
14 publication of the notice of proposed rule making or thirty days of the
15 publication of the notice of revised rule making in the Washington
16 State Register. The determination shall indicate that the agency may
17 not adopt the rule sooner than thirty days after it responds in writing
18 to the director.

19 (ii) In the case of a proposed or revised rule making that was
20 reviewed pursuant to subsection (1) of this section, the director may
21 issue a notification pursuant to (b)(i) of this subsection only on
22 finding changed circumstances or new information since the initial
23 review.

24 (c) After receiving a notice under (b) of this subsection, the
25 agency may, unless it decides to withdraw the proposal, provide the
26 director with further clarifications or justifications of its rule or
27 the regulatory impact statement, proposed changes in the rule, or state
28 that it will submit a revised rule making pursuant to chapter 34.05
29 RCW. The director may, within fifteen days after receipt of the
30 agency's response, notify the agency not to adopt the proposed or
31 revised rule on a temporary basis.

32 (6) Upon issuing a notification under subsection (5)(b)(i) of this
33 section, the director shall promptly advise the governor, the attorney
34 general, and the director of the office of financial management so they
35 may consider the matter in consultation with the director. After
36 consideration of the director's determination and any information
37 presented by the agency, the governor, the attorney general, and the

1 director of the office of financial management may confirm or modify
2 the director's determination or authorize the agency to adopt the rule
3 in whole or in part.

4 NEW SECTION. **Sec. 6.** CONSTRUCTION. The powers and
5 responsibilities provided by this chapter to the director, the
6 governor, the attorney general, and the director of the office of
7 financial management shall be construed and exercised consistently with
8 the duty of the executive branch to ensure that the laws of the state
9 are faithfully executed. This chapter shall not be deemed to authorize
10 the director, the governor, the attorney general, or the director of
11 the office of financial management to act in contravention of statutory
12 or constitutional requirements.

13 **Sec. 7.** RCW 34.05.570 and 2004 c 30 s 1 are each amended to read
14 as follows:

15 (1) Generally. Except to the extent that this chapter or another
16 statute provides otherwise:

17 (a) The burden of demonstrating the invalidity of agency action is
18 on the party asserting invalidity except that the agency bears the
19 burden of demonstrating that an agency action was authorized by law;

20 (b) The validity of agency action shall be determined in accordance
21 with the standards of review provided in this section, as applied to
22 the agency action at the time it was taken;

23 (c) The court shall make a separate and distinct ruling on each
24 material issue on which the court's decision is based; and

25 (d) The court shall grant relief only if it determines that a
26 person seeking judicial relief has been substantially prejudiced by the
27 action complained of.

28 (2) Review of rules. (a) A rule may be reviewed by petition for
29 declaratory judgment filed pursuant to this subsection or in the
30 context of any other review proceeding under this section. In an
31 action challenging the validity of a rule, the agency shall be made a
32 party to the proceeding.

33 (b)(i) The validity of any rule may be determined upon petition for
34 a declaratory judgment addressed to the superior court (A) of Thurston
35 county, (B) of the county of the petitioner's residence or principal
36 place of business, or (C) in a county where property owned by the

1 petitioner and affected by the contested rule is located, when it
2 appears that the rule, or its threatened application, interferes with
3 or impairs or immediately threatens to interfere with or impair the
4 legal rights or privileges of the petitioner. The declaratory judgment
5 order may be entered whether or not the petitioner has first requested
6 the agency to pass upon the validity of the rule in question.

7 (ii) From June 10, 2004, until July 1, 2008:

8 (A) If the petitioner's residence or principal place of business is
9 within the geographical boundaries of the third division of the court
10 of appeals as defined by RCW 2.06.020(3), the petition may be filed in
11 the superior court of Spokane, Yakima, or Thurston county; and

12 (B) If the petitioner's residence or principal place of business is
13 within the geographical boundaries of district three of the first
14 division of the court of appeals as defined by RCW 2.06.020(1), the
15 petition may be filed in the superior court of Whatcom or Thurston
16 county.

17 (c) In a proceeding involving review of a rule, the court shall
18 declare the rule invalid only if it finds that: The rule violates
19 constitutional provisions; the rule exceeds the statutory authority of
20 the agency; the rule was adopted without compliance with statutory
21 rule-making procedures; or the rule is arbitrary and capricious. For
22 purposes of this subsection, in determining whether a rule exceeds the
23 agency's statutory authority, the court must also consider whether the
24 rule exceeds the limited delegation under section 47 of this act.

25 (3) Review of agency orders in adjudicative proceedings. The court
26 shall grant relief from an agency order in an adjudicative proceeding
27 only if it determines that:

28 (a) The order, or the statute or rule on which the order is based,
29 is in violation of constitutional provisions on its face or as applied;

30 (b) The order is outside the statutory authority or jurisdiction of
31 the agency conferred by any provision of law;

32 (c) The agency has engaged in unlawful procedure or decision-making
33 process, or has failed to follow a prescribed procedure;

34 (d) The agency has erroneously interpreted or applied the law;

35 (e) The order is not supported by evidence that is substantial when
36 viewed in light of the whole record before the court, which includes
37 the agency record for judicial review, supplemented by any additional
38 evidence received by the court under this chapter;

1 (f) The agency has not decided all issues requiring resolution by
2 the agency;

3 (g) A motion for disqualification under RCW 34.05.425 or 34.12.050
4 was made and was improperly denied or, if no motion was made, facts are
5 shown to support the grant of such a motion that were not known and
6 were not reasonably discoverable by the challenging party at the
7 appropriate time for making such a motion;

8 (h) The order is inconsistent with a rule of the agency unless the
9 agency explains the inconsistency by stating facts and reasons to
10 demonstrate a rational basis for inconsistency; or

11 (i) The order is arbitrary or capricious.

12 (4) Review of other agency action.

13 (a) All agency action not reviewable under subsection (2) or (3) of
14 this section shall be reviewed under this subsection.

15 (b) A person whose rights are violated by an agency's failure to
16 perform a duty that is required by law to be performed may file a
17 petition for review pursuant to RCW 34.05.514, seeking an order
18 pursuant to this subsection requiring performance. Within twenty days
19 after service of the petition for review, the agency shall file and
20 serve an answer to the petition, made in the same manner as an answer
21 to a complaint in a civil action. The court may hear evidence,
22 pursuant to RCW 34.05.562, on material issues of fact raised by the
23 petition and answer.

24 (c) Relief for persons aggrieved by the performance of an agency
25 action, including the exercise of discretion, or an action under (b) of
26 this subsection can be granted only if the court determines that the
27 action is:

28 (i) Unconstitutional;

29 (ii) Outside the statutory authority of the agency or the authority
30 conferred by a provision of law;

31 (iii) Arbitrary or capricious; or

32 (iv) Taken by persons who were not properly constituted as agency
33 officials lawfully entitled to take such action.

34 NEW SECTION. **Sec. 8.** The Constitution of the state of Washington
35 vests the power to make laws in the legislature. In order for the
36 legislature to properly carry out its responsibility for establishing

1 new laws, this act revises rule-making requirements to assure that the
2 legislature can carefully review rules that impose significant
3 requirements on citizens before the rules take effect.

4 **Sec. 9.** RCW 34.05.328 and 2003 c 165 s 2 and 2003 c 39 s 13 are
5 each reenacted and amended to read as follows:

6 (1) Before adopting a rule described in subsection (5) of this
7 section, an agency shall:

8 (a) Clearly state in detail the general goals and specific
9 objectives of the statute that the rule implements;

10 (b) Determine that the rule is needed to achieve the general goals
11 and specific objectives stated under (a) of this subsection, and
12 analyze alternatives to rule making and the consequences of not
13 adopting the rule;

14 (c) Provide notification in the notice of proposed rule making
15 under RCW 34.05.320 that a preliminary cost-benefit analysis is
16 available. The preliminary cost-benefit analysis must fulfill the
17 requirements of the cost-benefit analysis under (d) of this subsection.
18 If the agency files a supplemental notice under RCW 34.05.340, the
19 supplemental notice shall include notification that a revised
20 preliminary cost-benefit analysis is available. A final cost-benefit
21 analysis shall be available when the rule is adopted under RCW
22 34.05.360;

23 (d) Determine that the probable benefits of the rule are greater
24 than its probable costs, taking into account both the qualitative and
25 quantitative benefits and costs and the specific directives of the
26 statute being implemented;

27 (e) Determine, after considering alternative versions of the rule
28 and the analysis required under (b), (c), and (d) of this subsection,
29 that the rule being adopted is the least burdensome alternative for
30 those required to comply with it that will achieve the general goals
31 and specific objectives stated under (a) of this subsection;

32 (f) Determine that the rule does not require those to whom it
33 applies to take an action that violates requirements of another federal
34 or state law;

35 (g) Determine that the rule does not impose more stringent
36 performance requirements on private entities than on public entities
37 unless required to do so by federal or state law;

1 (h) Determine if the rule differs from any federal regulation or
2 statute applicable to the same activity or subject matter and, if so,
3 determine that the difference is justified by the following:

4 (i) A state statute that explicitly allows the agency to differ
5 from federal standards; or

6 (ii) Substantial evidence that the difference is necessary to
7 achieve the general goals and specific objectives stated under (a) of
8 this subsection; and

9 (i) Coordinate the rule, to the maximum extent practicable, with
10 other federal, state, and local laws applicable to the same activity or
11 subject matter.

12 (2) In making its determinations pursuant to subsection (1)(b)
13 through (h) of this section, the agency shall place in the rule-making
14 file documentation of sufficient quantity and quality so as to persuade
15 a reasonable person that the determinations are justified.

16 (3) Before adopting rules described in subsection ~~((+5+))~~ (6) of
17 this section, an agency shall place in the rule-making file a rule
18 implementation plan for rules filed under each adopting order. The
19 plan shall describe how the agency intends to:

20 (a) Implement and enforce the rule, including a description of the
21 resources the agency intends to use;

22 (b) Inform and educate affected persons about the rule;

23 (c) Promote and assist voluntary compliance; and

24 (d) Evaluate whether the rule achieves the purpose for which it was
25 adopted, including, to the maximum extent practicable, the use of
26 interim milestones to assess progress and the use of objectively
27 measurable outcomes.

28 (4) The adoption of rules described in subsection (6) of this
29 section must be made before December 1st of any year, and the rules may
30 not take effect before the end of the regular legislative session in
31 the next year.

32 (5) After adopting a rule described in subsection ~~((+5+))~~ (6) of
33 this section regulating the same activity or subject matter as another
34 provision of federal or state law, an agency shall do all of the
35 following:

36 (a) Provide to the ~~((business—assistance—center))~~ office of
37 regulatory reform a list citing by reference the other federal and
38 state laws that regulate the same activity or subject matter;

1 (b) Coordinate implementation and enforcement of the rule with the
2 other federal and state entities regulating the same activity or
3 subject matter by making every effort to do one or more of the
4 following:

- 5 (i) Deferring to the other entity;
- 6 (ii) Designating a lead agency; or
- 7 (iii) Entering into an agreement with the other entities specifying
8 how the agency and entities will coordinate implementation and
9 enforcement.

10 If the agency is unable to comply with this subsection (~~((4))~~)
11 (5)(b), the agency shall report to the legislature pursuant to (c) of
12 this subsection;

13 (c) Report to the joint administrative rules review committee:

14 (i) The existence of any overlap or duplication of other federal or
15 state laws, any differences from federal law, and any known overlap,
16 duplication, or conflict with local laws; and

17 (ii) Make recommendations for any legislation that may be necessary
18 to eliminate or mitigate any adverse effects of such overlap,
19 duplication, or difference.

20 (~~((5))~~) (6)(a) Except as provided in (b) of this subsection, this
21 section applies to:

22 (i) Significant legislative rules of the departments of ecology,
23 labor and industries, health, revenue, social and health services, and
24 natural resources, the employment security department, the forest
25 practices board, the office of the insurance commissioner, and to the
26 legislative rules of the department of fish and wildlife implementing
27 chapter 77.55 RCW; and

28 (ii) Any rule of any agency, if this section is voluntarily made
29 applicable to the rule by the agency, or is made applicable to the rule
30 by a majority vote of the joint administrative rules review committee
31 within forty-five days of receiving the notice of proposed rule making
32 under RCW 34.05.320.

33 (b) This section does not apply to:

34 (i) Emergency rules adopted under RCW 34.05.350;
35 (ii) Rules relating only to internal governmental operations that
36 are not subject to violation by a nongovernment party;

37 (iii) Rules adopting or incorporating by reference without material
38 change federal statutes or regulations, Washington state statutes,

1 rules of other Washington state agencies, shoreline master programs
2 other than those programs governing shorelines of statewide
3 significance, or, as referenced by Washington state law, national
4 consensus codes that generally establish industry standards, if the
5 material adopted or incorporated regulates the same subject matter and
6 conduct as the adopting or incorporating rule;

7 (iv) Rules that only correct typographical errors, make address or
8 name changes, or clarify language of a rule without changing its
9 effect;

10 (v) Rules the content of which is explicitly and specifically
11 dictated by statute;

12 (vi) Rules that set or adjust fees or rates pursuant to legislative
13 standards; or

14 (vii) Rules of the department of social and health services
15 relating only to client medical or financial eligibility and rules
16 concerning liability for care of dependents.

17 (c) For purposes of this subsection:

18 (i) A "procedural rule" is a rule that adopts, amends, or repeals
19 (A) any procedure, practice, or requirement relating to any agency
20 hearings; (B) any filing or related process requirement for making
21 application to an agency for a license or permit; or (C) any policy
22 statement pertaining to the consistent internal operations of an
23 agency.

24 (ii) An "interpretive rule" is a rule, the violation of which does
25 not subject a person to a penalty or sanction, that sets forth the
26 agency's interpretation of statutory provisions it administers.

27 (iii) A "significant legislative rule" is a rule other than a
28 procedural or interpretive rule that (A) adopts substantive provisions
29 of law pursuant to delegated legislative authority, the violation of
30 which subjects a violator of such rule to a penalty or sanction; (B)
31 establishes, alters, or revokes any qualification or standard for the
32 issuance, suspension, or revocation of a license or permit; or (C)
33 adopts a new, or makes significant amendments to, a policy or
34 regulatory program.

35 (d) In the notice of proposed rule making under RCW 34.05.320, an
36 agency shall state whether this section applies to the proposed rule
37 pursuant to (a)(i) of this subsection, or if the agency will apply this
38 section voluntarily.

1 (6) By January 31, 1996, and by January 31st of each even-numbered
2 year thereafter, the office of financial management, after consulting
3 with state agencies, counties, and cities, and business, labor, and
4 environmental organizations, shall report to the governor and the
5 legislature regarding the effects of this section on the regulatory
6 system in this state. The report shall document:

7 (a) The rules proposed to which this section applied and to the
8 extent possible, how compliance with this section affected the
9 substance of the rule, if any, that the agency ultimately adopted;

10 (b) The costs incurred by state agencies in complying with this
11 section;

12 (c) Any legal action maintained based upon the alleged failure of
13 any agency to comply with this section, the costs to the state of such
14 action, and the result;

15 (d) The extent to which this section has adversely affected the
16 capacity of agencies to fulfill their legislatively prescribed mission;

17 (e) The extent to which this section has improved the acceptability
18 of state rules to those regulated; and

19 (f) Any other information considered by the office of financial
20 management to be useful in evaluating the effect of this section.

21 **Sec. 10.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
22 read as follows:

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

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

27 (2) To report to the governor and the legislature such information
28 and data as may be required for the management and improvement of the
29 schools;

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

36 (4) To travel, without neglecting his or her other official duties

1 as superintendent of public instruction, for the purpose of attending
2 educational meetings or conventions, of visiting schools, of consulting
3 educational service district superintendents or other school officials;

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

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

18 (7) To file all papers, reports and public documents transmitted to
19 the superintendent by the school officials of the several counties or
20 districts of the state, each year separately. Copies of all papers
21 filed in the superintendent's office, and the superintendent's official
22 acts, may, or upon request, shall be certified by the superintendent
23 and attested by the superintendent's official seal, and when so
24 certified shall be evidence of the papers or acts so certified to;

25 (8) To require annually, on or before the 15th day of August, of
26 the president, manager, or principal of every educational institution
27 in this state, a report as required by the superintendent of public
28 instruction; and it is the duty of every president, manager, or
29 principal, to complete and return such forms within such time as the
30 superintendent of public instruction shall direct;

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

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

34 (11) To keep in the superintendent's office at the capital of the
35 state, all books and papers pertaining to the business of the
36 superintendent's office, and to keep and preserve in the
37 superintendent's office a complete record of statistics, as well as a
38 record of the meetings of the state board of education;

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

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

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

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

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

20 For rules adopted under the provisions of this chapter after July
21 1, 2005, the superintendent of public instruction may adopt only rules
22 derived from a specific grant of legislative authority. The rules must
23 include the specific statutory section or sections from which the grant
24 of authority is derived, and may not rely solely on a section of law
25 stating a statute's intent or purpose or the general enabling
26 provisions establishing the office of the superintendent of public
27 instruction.

28 **Sec. 11.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to
29 read as follows:

30 The director shall:

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

33 (2) Have free access to all files and records of various funds
34 assigned to the department and inspect and audit the files and records
35 as deemed necessary;

36 (3) Employ personnel to carry out the general administration of the
37 department;

1 (4) Submit an annual written report of the activities of the
2 department to the governor and the chairs of the appropriate
3 legislative committees with one copy to the staff of each of the
4 committees, including recommendations for statutory changes the
5 director believes to be desirable;

6 (5) Adopt (~~such~~) rules (~~and regulations~~) as are necessary to
7 carry out the powers, duties, and functions of the department pursuant
8 to the provisions of chapter 34.05 RCW. For rules adopted under the
9 provisions of this chapter after July 1, 2005, the director may adopt
10 only rules derived from a specific grant of legislative authority. The
11 rules must include the specific statutory section or sections from
12 which the grant of authority is derived, and may not rely solely on a
13 section of law stating a statute's intent or purpose or the general
14 enabling provisions establishing the department.

15 **Sec. 12.** RCW 43.06A.030 and 1996 c 131 s 4 are each amended to
16 read as follows:

17 The ombudsman shall perform the following duties:

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

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

27 (3) Monitor the procedures as established, implemented, and
28 practiced by the department to carry out its responsibilities in
29 delivering family and children's services with a view toward
30 appropriate preservation of families and ensuring children's health and
31 safety;

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

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

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

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

6 (8) Adopt rules necessary to implement this chapter. For rules
7 adopted under the provisions of this chapter after July 1, 2005, the
8 ombudsman may adopt only rules derived from a specific grant of
9 legislative authority. The rules must include the specific statutory
10 section or sections from which the grant of authority is derived, and
11 may not rely solely on a section of law stating a statute's intent or
12 purpose or the general enabling provisions establishing the department
13 or the ombudsman's office.

14 NEW SECTION. Sec. 13. A new section is added to chapter 43.17 RCW
15 to read as follows:

16 For rules adopted under the provisions of this chapter after July
17 1, 2005, the director of each department may adopt only rules derived
18 from a specific grant of legislative authority. The rules must include
19 the specific statutory section or sections from which the grant of
20 authority is derived, and may not rely solely on a section of law
21 stating a statute's intent or purpose or the general enabling
22 provisions establishing each department.

23 **Sec. 14.** RCW 43.19.011 and 1999 c 229 s 2 are each amended to read
24 as follows:

25 (1) The director of general administration shall supervise and
26 administer the activities of the department of general administration
27 and shall advise the governor and the legislature with respect to
28 matters under the jurisdiction of the department.

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) Accept and expend gifts and grants that are related to the
34 purposes of this chapter, whether such grants be of federal or other
35 funds;

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

4 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
5 all other functions necessary and proper to carry out the purposes of
6 this chapter. For rules adopted under the provisions of this chapter
7 after July 1, 2005, the director may adopt only rules derived from a
8 specific grant of legislative authority. The rules must include the
9 specific statutory section or sections from which the grant of
10 authority is derived, and may not rely solely on a section of law
11 stating a statute's intent or purpose or the general enabling
12 provisions establishing the department of general administration;

13 (e) Delegate powers, duties, and functions as the director deems
14 necessary for efficient administration, but the director shall be
15 responsible for the official acts of the officers and employees of the
16 department; and

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

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

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

29 **Sec. 15.** RCW 43.21A.064 and 1997 c 443 s 2 are each amended to
30 read as follows:

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

33 (1) The supervision of public waters within the state and their
34 appropriation, diversion, and use, and of the various officers
35 connected therewith;

36 (2) Insofar as may be necessary to ((assure)) ensure safety to life
37 or property, the director shall inspect the construction of all dams,

1 canals, ditches, irrigation systems, hydraulic power plants, and all
2 other works, systems, and plants pertaining to the use of water, and
3 may require such necessary changes in the construction or maintenance
4 of said works, to be made from time to time, as will reasonably secure
5 safety to life and property;

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

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

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

20 (6) The director shall keep such records as may be necessary for
21 the recording of the financial transactions and statistical data
22 thereof, and shall procure all necessary documents, forms, and blanks.
23 The director shall keep a seal of the office, and all certificates
24 covering any of the director's acts or the acts of the director's
25 office, or the records and files of that office, under such seal, shall
26 be taken as evidence thereof in all courts;

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

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

32 (9) The director shall establish and (~~promulgate~~) adopt rules
33 governing the administration of chapter 90.03 RCW. For rules adopted
34 under the provisions of this chapter after July 1, 2005, the director
35 may adopt only rules derived from a specific grant of legislative
36 authority. The rules must include the specific statutory section or
37 sections from which the grant of authority is derived, and may not rely

1 solely on a section of law stating a statute's intent or purpose or the
2 general enabling provisions establishing the department;

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

5 **Sec. 16.** RCW 43.24.016 and 1999 c 240 s 4 are each amended to read
6 as follows:

7 (1) The director of licensing shall supervise and administer the
8 activities of the department of licensing and shall advise the governor
9 and the legislature with respect to matters under the jurisdiction of
10 the department.

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

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

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

17 (c) Appoint a deputy director and such assistant directors, special
18 assistants, and administrators as may be needed to administer the
19 department. These employees are exempt from the provisions of chapter
20 41.06 RCW;

21 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
22 all other functions necessary to carry out the responsibilities of the
23 department. For rules adopted under the provisions of this chapter
24 after July 1, 2005, the director may adopt only rules derived from a
25 specific grant of legislative authority. The rules must include the
26 specific statutory section or sections from which the grant of
27 authority is derived, and may not rely solely on a section of law
28 stating a statute's intent or purpose or the general enabling
29 provisions establishing the department;

30 (e) Delegate powers, duties, and functions as the director deems
31 necessary for efficient administration, but the director is responsible
32 for the official acts of the officers and employees of the department;
33 and

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

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

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

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

12 The department shall be empowered as follows:

13 (1) To represent the state at, and fully participate in, the
14 activities of any basin or regional commission, interagency committee,
15 or any other joint interstate or federal-state agency, committee or
16 commission, or publicly financed entity engaged in the planning,
17 development, administration, management, conservation or preservation
18 of the water resources of the state.

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

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

32 (4) To cooperate with appropriate agencies of the federal
33 government and/or agencies of other states, to enter into contracts,
34 and to make appropriate contributions to federal or interstate projects
35 and programs and governmental bodies to carry out the provisions of
36 this chapter.

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

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

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

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

30 (9) To cooperate with federal, state, regional, interstate and
31 local public and private agencies in the making of plans for drainage,
32 flood control, use, conservation, allocation and distribution of
33 existing water supplies and the development of new water resource
34 projects.

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

1 (11) To (~~promulgate such~~) adopt rules (~~and regulations~~) as are
2 necessary to carry out the purposes of this chapter. For rules adopted
3 under the provisions of this chapter after July 1, 2005, the department
4 may adopt only 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 (12) To hold public hearings, and make such investigations, studies
10 and surveys as are necessary to carry out the purposes of the chapter.

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

17 **Sec. 18.** RCW 43.30.215 and 2003 c 334 s 112 are each amended to
18 read as follows:

19 The board shall:

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

22 (2) Establish policies to ensure that the acquisition, management,
23 and disposition of all lands and resources within the department's
24 jurisdiction are based on sound principles designed to achieve the
25 maximum effective development and use of such lands and resources
26 consistent with laws applicable thereto;

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

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

31 (5) Adopt and enforce rules as may be deemed necessary and proper
32 for carrying out the powers, duties, and functions imposed upon it by
33 this chapter. For rules adopted under the provisions of this chapter
34 after July 1, 2005, the board may adopt only rules derived from a
35 specific grant of legislative authority. The rules must include the
36 specific statutory section or sections from which the grant of

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

4 **Sec. 19.** RCW 43.31C.060 and 2000 c 212 s 7 are each amended to
5 read as follows:

6 The department must administer this chapter and has the following
7 powers and duties:

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

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

15 (3) To provide information and appropriate assistance to persons
16 desiring to locate and operate a business in a community empowerment
17 zone;

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

23 (5) To develop rules necessary for the administration of this
24 chapter. For rules adopted under the provisions of this chapter after
25 July 1, 2005, the department may adopt only rules derived from a
26 specific grant of legislative authority. The rules must include the
27 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 the department.

31 **Sec. 20.** RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended
32 to read as follows:

33 The state finance committee may ~~((make))~~ adopt appropriate rules
34 ~~((and regulations))~~ for the performance of its duties. The state
35 treasurer shall act as ~~((chairman))~~ chair of the committee. For rules
36 adopted under the provisions of this chapter after July 1, 2005, the

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

7 **Sec. 21.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to
8 read as follows:

9 The state investment board may (~~make~~) adopt appropriate rules
10 (~~and regulations~~) for the performance of its duties. The board shall
11 establish investment policies and procedures designed exclusively to
12 maximize return at a prudent level of risk. However, in the case of
13 the department of labor and industries' accident, medical aid, and
14 reserve funds, the board shall establish investment policies and
15 procedures designed to attempt to limit fluctuations in industrial
16 insurance premiums and, subject to this purpose, to maximize return at
17 a prudent level of risk. The board shall adopt rules to ensure that
18 its members perform their functions in compliance with chapter 42.52
19 RCW. Rules adopted by the board shall be adopted pursuant to chapter
20 34.05 RCW.

21 For rules adopted under the provisions of this chapter after July
22 1, 2005, the state investment board may adopt only rules derived from
23 a 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 state investment board.

28 **Sec. 22.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended
29 to read as follows:

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

1 For rules adopted under the provisions of this chapter after July
2 1, 2005, the Washington state traffic safety commission may adopt only
3 rules derived from a specific grant of legislative authority. The
4 rules must include the specific statutory section or sections from
5 which the grant of authority is derived, and may not rely solely on a
6 section of law stating a statute's intent or purpose or the general
7 enabling provisions establishing the commission.

8 **Sec. 23.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to read
9 as follows:

10 The director of veterans affairs shall (~~make such~~) adopt rules
11 (~~and regulations~~) as may be necessary to carry out the purposes of
12 this chapter. For rules adopted under the provisions of this chapter
13 after July 1, 2005, the director of veterans affairs may adopt only
14 rules derived from a specific grant of legislative authority. The
15 rules must include the specific statutory section or sections from
16 which the grant of authority is derived, and may not rely solely on a
17 section of law stating a statute's intent or purpose or the general
18 enabling provisions establishing the department of veterans affairs.
19 The department shall furnish information, advice, and assistance to
20 veterans and coordinate all programs and services in the field of
21 veterans' claims service, education, health, vocational guidance and
22 placement, and services not provided by some other agency of the state
23 or by the federal government. The director shall submit a report of
24 the departments' activities hereunder each year to the governor.

25 **Sec. 24.** RCW 43.63A.475 and 1993 c 124 s 2 are each amended to
26 read as follows:

27 The department shall adopt all rules under chapter 34.05 RCW
28 necessary to implement chapter 124, Laws of 1993, giving due
29 consideration to standards and regulations adopted by the secretary of
30 housing and urban development under the National Manufactured Housing
31 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
32 Secs. 5401-5426) for manufactured housing construction and safety
33 standards. For rules adopted under the provisions of this chapter
34 after July 1, 2005, the department of community, trade, and economic
35 development may adopt only rules derived from a specific grant of
36 legislative authority. The rules must include the specific statutory

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

5 **Sec. 25.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read
6 as follows:

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

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

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

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

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

36 (4) Adopt rules necessary to carry out the purposes of chapter 43,
37 Laws of 1995. For rules adopted under the provisions of this chapter

1 after July 1, 2005, the department may adopt only rules derived from a
2 specific grant of legislative authority. The rules must include the
3 specific statutory section or sections from which the grant of
4 authority is derived, and may not rely solely on a section of law
5 stating a statute's intent or purpose or the general enabling
6 provisions establishing the department.

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

12 **Sec. 26.** RCW 43.101.085 and 2001 c 167 s 7 are each amended to
13 read as follows:

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

16 (1) Adopt, amend, or repeal rules as necessary to carry out this
17 chapter. For rules adopted under the provisions of this chapter after
18 July 1, 2005, the commission may adopt only rules derived from a
19 specific grant of legislative authority. The rules must include the
20 specific statutory section or sections from which the grant of
21 authority is derived, and may not rely solely on a section of law
22 stating a statute's intent or purpose or the general enabling
23 provisions establishing the commission;

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

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

29 (4) Appoint members of a hearings board as provided under RCW
30 43.101.380;

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

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

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

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

3 **Sec. 27.** RCW 43.115.040 and 1993 c 261 s 3 are each amended to
4 read as follows:

5 The commission shall have the following powers and duties:

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

7 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
8 For rules adopted under the provisions of this chapter after July 1,
9 2005, the commission may adopt only rules derived from a specific grant
10 of legislative authority. The rules must include the specific
11 statutory section or sections from which the grant of authority is
12 derived, and may not rely solely on a section of law stating a
13 statute's intent or purpose or the general enabling provisions
14 establishing the commission;

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

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

21 (5) Advise the legislature on issues of concern to the Hispanic
22 community;

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

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

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

32 The commission shall:

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

35 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
36 For rules adopted under the provisions of this chapter after July 1,

1 2005, the commission may adopt only rules derived from a specific grant
2 of legislative authority. The rules must include the specific
3 statutory section or sections from which the grant of authority is
4 derived, and may not rely solely on a section of law stating a
5 statute's intent or purpose or the general enabling provisions
6 establishing the commission;

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

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

12 **Sec. 29.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to
13 read as follows:

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

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

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

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

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

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

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

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

1 Contracts for services to prevent child abuse and child neglect shall
2 be awarded on the basis of probability of success based in part upon
3 sound research data.

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

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

10 (4) Establish fee schedules to provide for the recipients of
11 services to reimburse the state general fund for the cost of services
12 received.

13 (5) Adopt its own bylaws.

14 (6) Adopt rules under chapter 34.05 RCW as necessary to carry out
15 the purposes of this chapter. For rules adopted under the provisions
16 of this chapter after July 1, 2005, the council may adopt only rules
17 derived from a specific grant of legislative authority. The rules must
18 include the specific statutory section or sections from which the grant
19 of 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 council.

22 **Sec. 30.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to
23 read as follows:

24 The board may:

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

28 (2) Provide technical assistance to local governments;

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

32 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out
33 the purposes of this chapter. For rules adopted under the provisions
34 of this chapter after July 1, 2005, the board may adopt only rules
35 derived from a specific grant of legislative authority. The rules must
36 include the specific statutory section or sections from which the grant

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

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

6 **Sec. 31.** RCW 43.160.050 and 1996 c 51 s 4 are each amended to read
7 as follows:

8 The board may:

9 (1) Adopt bylaws for the regulation of its affairs and the conduct
10 of its business.

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

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

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

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

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

23 (7) Exercise all the powers of a public corporation under chapter
24 39.84 RCW.

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

29 (9) Arrange for lines of credit for industrial development revenue
30 bonds from and enter into participation agreements with any financial
31 institution.

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

36 (11) Enter into agreements or other transactions with and accept

1 grants and the cooperation of any governmental agency in furtherance of
2 this chapter.

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

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

7 (14) Provide financial analysis and technical assistance for
8 industrial development facilities when the board reasonably considers
9 it appropriate.

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

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

21 (17) Adopt rules under chapter 34.05 RCW as necessary to carry out
22 the purposes of this chapter. For rules adopted under the provisions
23 of this chapter after July 1, 2005, the board may adopt only rules
24 derived from a specific grant of legislative authority. The rules must
25 include the specific statutory section or sections from which the grant
26 of authority is derived, and may not rely solely on a section of law
27 stating a statute's intent or purpose or the general enabling
28 provisions establishing the board.

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

31 **Sec. 32.** RCW 43.163.100 and 1990 c 53 s 6 are each amended to read
32 as follows:

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

- 35 (1) Maintain an office or offices;
36 (2) Sue and be sued in its own name, and plead and be impleaded;

1 (3) Engage consultants, agents, attorneys, and advisers, contract
2 with federal, state, and local governmental entities for services, and
3 hire such employees, agents and other personnel as the authority deems
4 necessary, useful, or convenient to accomplish its purposes;

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

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

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

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

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

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

28 (10) Establish guidelines for the participation by eligible banking
29 organizations in programs conducted by the authority under this
30 chapter;

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

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

37 (13) Make such expenditures as are appropriate for paying the
38 administrative costs and expenses of the authority in carrying out the

1 provisions of this chapter: PROVIDED, That expenditures with respect
2 to the economic development financing programs of the authority shall
3 not be made from funds of the state;

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

7 (15) Give assistance to public bodies by providing information,
8 guidelines, forms, and procedures for implementing their financing
9 programs;

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

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

15 (18) Adopt rules concerning its exercise of the powers authorized
16 by this chapter. For rules adopted under the provisions of this
17 chapter after July 1, 2005, the authority may adopt only rules derived
18 from a specific grant of legislative authority. The rules must include
19 the specific statutory section or sections from which the grant of
20 authority is derived, and may not rely solely on a section of law
21 stating a statute's intent or purpose or the general enabling
22 provisions establishing the authority; and

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

26 **Sec. 33.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
27 read as follows:

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

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

36 (a) The state treasurer, ex officio;

1 (b) The director of community, trade, and economic development, ex
2 officio;

3 (c) An elected local government official, ex officio, with
4 experience in local housing programs, who shall be appointed by the
5 governor with the consent of the senate;

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

8 (e) A representative of labor interests, appointed by the governor,
9 with the consent of the senate, after consultation with representatives
10 of organized labor;

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

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

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

1 manner and shall exercise such powers as are specified by the rules of
2 the commission.

3 (3) The commission may adopt an official seal and may select from
4 its membership a vice_chair, a secretary, and a treasurer. The
5 commission shall establish rules concerning its exercise of the powers
6 authorized by this chapter. The rules shall be adopted in conformance
7 with chapter 34.05 RCW. For rules adopted under the provisions of this
8 chapter after July 1, 2005, the commission may adopt only rules derived
9 from a specific grant of legislative authority. The rules must include
10 the specific statutory section or sections from which the grant of
11 authority is derived, and may not rely solely on a section of law
12 stating a statute's intent or purpose or the general enabling
13 provisions establishing the commission.

14 **Sec. 34.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to
15 read as follows:

16 The department of ecology shall adopt such rules as are necessary
17 to carry out responsibilities under this chapter. The department of
18 ecology is authorized to adopt such rules as are necessary to carry out
19 its responsibilities under chapter 43.145 RCW. For rules adopted under
20 the provisions of this chapter after July 1, 2005, the department of
21 ecology may adopt only rules derived from a specific grant of
22 legislative authority. The rules must include the specific statutory
23 section or sections from which the grant of authority is derived, and
24 may not rely solely on a section of law stating a statute's intent or
25 purpose or the general enabling provisions establishing the department
26 of ecology.

27 **Sec. 35.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
28 read as follows:

29 The department of community, trade, and economic development or its
30 statutory successor shall adopt rules under chapter 34.05 RCW as
31 necessary to carry out the purposes of this chapter. For rules adopted
32 under the provisions of this chapter after July 1, 2005, the department
33 of community, trade, and economic development may adopt only rules
34 derived from a specific grant of legislative authority. The rules must
35 include the specific statutory section or sections from which the grant
36 of authority is derived, and may not rely solely on a section of law

1 stating a statute's intent or purpose or the general enabling
2 provisions establishing the department of community, trade, and
3 economic development.

4 **Sec. 36.** RCW 43.250.090 and 1986 c 294 s 9 are each amended to
5 read as follows:

6 The state finance committee shall administer this chapter and adopt
7 appropriate rules. For rules adopted under the provisions of this
8 chapter after July 1, 2005, the state finance committee may adopt only
9 rules derived from a specific grant of legislative authority. The
10 rules must include the specific statutory section or sections from
11 which the grant of authority is derived, and may not rely solely on a
12 section of law stating a statute's intent or purpose or the general
13 enabling provisions establishing the state finance committee.

14 **Sec. 37.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to
15 read as follows:

16 The director of financial institutions may adopt any rules, under
17 chapter 34.05 RCW, necessary to implement the powers and duties of the
18 director under this chapter. For rules adopted under the provisions of
19 this chapter after July 1, 2005, the director of financial institutions
20 may adopt only rules derived from a specific grant of legislative
21 authority. The rules must include the specific statutory section or
22 sections from which the grant of authority is derived, and may not rely
23 solely on a section of law stating a statute's intent or purpose or the
24 general enabling provisions establishing the department of financial
25 institutions.

26 **Sec. 38.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to
27 read as follows:

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

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

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

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

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

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

8 (e) Prepare and submit budgets for the department for executive and
9 legislative action;

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

12 (g) Adopt rules in accordance with chapter 34.05 RCW and perform
13 all other functions necessary and proper to carry out the purposes of
14 this chapter. For rules adopted under the provisions of this chapter
15 after July 1, 2005, the director may adopt only rules derived from a
16 specific grant of legislative authority. The rules must include the
17 specific statutory section or sections from which the grant of
18 authority is derived, and may not rely solely on a section of law
19 stating a statute's intent or purpose or the general enabling
20 provisions establishing the department;

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

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

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

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

34 (5) The director shall, in carrying out the responsibilities of
35 office, consult with governmental officials, private groups, and
36 individuals and with officials of other states. All state agencies and
37 their officials and the officials of any political subdivision of the

1 state shall cooperate with and give such assistance to the department,
2 including the submission of requested information, to allow the
3 department to carry out its purposes under this chapter.

4 (6) The director may establish additional advisory or coordinating
5 groups with the legislature, within state government, with state and
6 other governmental units, with the private sector and nonprofit
7 entities or in specialized subject areas as may be necessary to carry
8 out the purposes of this chapter.

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

18 **Sec. 39.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
19 as follows:

20 The transportation commission shall have the following functions,
21 powers, and duties:

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

32 (a) Develop transportation policies which are based on the
33 policies, goals, and objectives expressed and inherent in existing
34 state laws;

35 (b) Inventory the adopted policies, goals, and objectives of the
36 local and area-wide governmental bodies of the state and define the

1 role of the state, regional, and local governments in determining
2 transportation policies, in transportation planning, and in
3 implementing the state transportation plan;

4 (c) Propose a transportation policy for the state, and after notice
5 and public hearings, submit the proposal to the legislative
6 transportation committee and the senate and house transportation
7 committees by January 1, 1978, for consideration in the next
8 legislative session;

9 (d) Establish a procedure for review and revision of the state
10 transportation policy and for submission of proposed changes to the
11 legislature;

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

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

17 (a) To provide for the effective coordination of state
18 transportation planning with national transportation policy, state and
19 local land use policies, and local and regional transportation plans
20 and programs;

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

25 (c) To provide for the administration of grants in aid and other
26 financial assistance to counties and municipal corporations for
27 transportation purposes;

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

31 (3) To direct the secretary to prepare and submit to the commission
32 a comprehensive and balanced statewide transportation plan which shall
33 be based on the transportation policy adopted by the legislature and
34 applicable state and federal laws. After public notice and hearings,
35 the commission shall adopt the plan and submit it to the legislative
36 transportation committee and to the house and senate standing
37 committees on transportation before January 1, 1980, for consideration
38 in the 1980 regular legislative session. The plan shall be reviewed

1 and revised prior to each regular session of the legislature during an
2 even-numbered year thereafter. A preliminary plan shall be submitted
3 to such committees by January 1, 1979.

4 The plan shall take into account federal law and regulations
5 relating to the planning, construction, and operation of transportation
6 facilities;

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

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

20 (6) To review and authorize all departmental requests for
21 legislation;

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

27 (8) To adopt ((such)) rules((, regulations,)) and policy directives
28 as may be necessary to carry out reasonably and properly those
29 functions expressly vested in the commission by statute. For rules
30 adopted under the provisions of this chapter after July 1, 2005, the
31 commission may adopt only rules derived from a specific grant of
32 legislative authority. The rules must include the specific statutory
33 section or sections from which the grant of authority is derived, and
34 may not rely solely on a section of law stating a statute's intent or
35 purpose or the general enabling provisions establishing the department;

36 (9) To delegate any of its powers to the secretary of
37 transportation whenever it deems it desirable for the efficient

1 administration of the department and consistent with the purposes of
2 this title;

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

6 **Sec. 40.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to
7 read as follows:

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

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

13 (3) The commissioner may:

14 (a) ~~((Make))~~ Adopt reasonable rules ~~((and regulations))~~ for
15 effectuating any provision of this code, except those relating to his
16 or her election, qualifications, or compensation. No ~~((such))~~ rules
17 ~~((and regulations shall be))~~ are effective prior to their being filed
18 for public inspection in the commissioner's office. For rules adopted
19 under the provisions of this chapter after July 1, 2005, the
20 commissioner may adopt only rules derived from a specific grant of
21 legislative authority. The rules must include the specific statutory
22 section or sections from which the grant of authority is derived, and
23 may not rely solely on a section of law stating a statute's intent or
24 purpose or the general enabling provisions establishing the office of
25 the insurance commissioner.

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

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

31 **Sec. 41.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read
32 as follows:

33 The insurance commissioner shall ~~((make))~~ adopt reasonable
34 ~~((regulations))~~ rules in aid of the administration of this chapter
35 which may include, but shall not be limited to ~~((regulations))~~ rules
36 concerning the maintenance of adequate insurance, bonds, or cash

1 deposits, information required of registrants, and methods of
2 expediting speedy and fair payments to claimants. For rules adopted
3 under the provisions of this chapter after July 1, 2005, the insurance
4 commissioner may adopt only rules derived from a specific grant of
5 legislative authority. The rules must include the specific statutory
6 section or sections from which the grant of authority is derived, and
7 may not rely solely on a section of law stating a statute's intent or
8 purpose or the general enabling provisions establishing the office of
9 the insurance commissioner.

10 **Sec. 42.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each
11 amended to read as follows:

12 The commissioner may, in accordance with the provisions of the
13 administrative procedure act, chapter 34.05 RCW, (~~promulgate~~) adopt
14 rules ((and regulations)) as necessary or proper to carry out the
15 provisions of this chapter. For rules adopted under the provisions of
16 this chapter after July 1, 2005, the commissioner may adopt only rules
17 derived from a specific grant of legislative authority. The rules must
18 include the specific statutory section or sections from which the grant
19 of 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 office of the insurance commissioner.
22 Nothing in this chapter shall be construed to prohibit the commissioner
23 from requiring changes in procedures previously approved by him.

24 **Sec. 43.** RCW 66.08.0501 and 1997 c 321 s 56 are each amended to
25 read as follows:

26 The liquor control board may adopt appropriate rules pursuant to
27 chapter 34.05 RCW for the purpose of carrying out the provisions of
28 chapter 321, Laws of 1997. For rules adopted under the provisions of
29 this chapter after July 1, 2005, the liquor control board may adopt
30 only rules derived from a specific grant of legislative authority. The
31 rules must include the specific statutory section or sections from
32 which the grant of authority is derived, and may not rely solely on a
33 section of law stating a statute's intent or purpose or the general
34 enabling provisions establishing the liquor control board.

1 **Sec. 44.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
2 read as follows:

3 (1) In establishing policies to preserve, protect, and perpetuate
4 wildlife, fish, and wildlife and fish habitat, the commission shall
5 meet annually with the governor to:

6 (a) Review and prescribe basic goals and objectives related to
7 those policies; and

8 (b) Review the performance of the department in implementing fish
9 and wildlife policies.

10 The commission shall maximize fishing, hunting, and outdoor
11 recreational opportunities compatible with healthy and diverse fish and
12 wildlife populations.

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

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

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

21 (5) The commission shall adopt rules to implement the state's fish
22 and wildlife laws. For rules adopted under the provisions of this
23 chapter after July 1, 2005, the commission may adopt only rules derived
24 from a specific grant of legislative authority. The rules must include
25 the specific statutory section or sections from which the grant of
26 authority is derived, and may not rely solely on a section of law
27 stating a statute's intent or purpose or the general enabling
28 provisions establishing the commission or the department.

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

31 (7) The commission shall select its own staff and shall appoint the
32 director of the department. The director and commission staff shall
33 serve at the pleasure of the commission.

34 **Sec. 45.** RCW 80.01.040 and 1985 c 450 s 10 are each amended to
35 read as follows:

36 The utilities and transportation commission shall:

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

3 (2) Regulate in the public interest, as provided by the public
4 service laws, the rates, services, facilities, and practices of all
5 persons engaging in the transportation by whatever means of persons or
6 property within this state for compensation, and related activities;
7 including, but not limited to, air transportation companies, auto
8 transportation companies, express companies, freight and freight line
9 companies, motor freight companies, motor transportation agents,
10 private car companies, railway companies, sleeping car companies,
11 steamboat companies, street railway companies, toll bridge companies,
12 storage warehousemen, and wharfingers and warehousemen.

13 (3) Regulate in the public interest, as provided by the public
14 service laws, the rates, services, facilities, and practices of all
15 persons engaging within this state in the business of supplying any
16 utility service or commodity to the public for compensation, and
17 related activities; including, but not limited to, electrical
18 companies, gas companies, irrigation companies, telecommunications
19 companies, and water companies.

20 (4) (~~Make such~~) Adopt rules (~~and regulations~~) as may be
21 necessary to carry out its other powers and duties. For rules adopted
22 under the provisions of this chapter after July 1, 2005, the commission
23 may adopt only rules derived from a specific grant of legislative
24 authority. The rules must include the specific statutory section or
25 sections from which the grant of authority is derived, and may not rely
26 solely on a section of law stating a statute's intent or purpose or the
27 general enabling provisions establishing the commission.

28 **Sec. 46.** RCW 34.05.360 and 1988 c 288 s 311 are each amended to
29 read as follows:

30 The order of adoption by which each rule is adopted by an agency
31 shall contain all of the following:

- 32 (1) The signature of the governor;
33 (2) The date the agency adopted the rule;
34 (~~(+2)~~) (3) A concise statement of the purpose of the rule;
35 (~~(+3)~~) (4) A reference to all rules repealed, amended, or
36 suspended by the rule;

1 (~~(4)~~) (5) A reference to the specific statutory or other
2 authority authorizing adoption of the rule;
3 (~~(5)~~) (6) Any findings required by any provision of law as a
4 precondition to adoption or effectiveness of the rule; and
5 (~~(6)~~) (7) The effective date of the rule if other than that
6 specified in RCW 34.05.380(2).

7 NEW SECTION. **Sec. 47.** A new section is added to chapter 34.05 RCW
8 to read as follows:

9 When delegating authority to an agency through legislation, the
10 legislature, unless it specifically states otherwise, limits its
11 delegation of authority to:

- 12 (1) The minimum delegation necessary to administer the
13 legislation's clear and unambiguous directives; and
- 14 (2) The administration of circumstances and behaviors foreseeable
15 at the time of the legislation's enactment.

16 NEW SECTION. **Sec. 48.** Captions used in this act are not any part
17 of the law.

18 NEW SECTION. **Sec. 49.** Sections 1 through 6 of this act constitute
19 a new chapter in Title 34 RCW.

20 NEW SECTION. **Sec. 50.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 July 1, 2005.

--- END ---