

**EHB 2242** - S COMM AMD

By Committee on Economic Development, Trade & Innovation

1       Strike everything after the enacting clause and insert the  
2 following:

3       "**Sec. 1.** RCW 43.330.007 and 1993 c 280 s 2 are each amended to  
4 read as follows:

5       The purpose of this chapter is to establish the broad outline of  
6 the structure of the department of (~~community, trade, and economic~~  
7 ~~development~~) commerce, leaving specific details of its internal  
8 organization and management to those charged with its administration.  
9 This chapter identifies the broad functions and responsibilities of the  
10 (~~new~~) department and is intended to provide flexibility to the  
11 director to reorganize these functions and to make recommendations for  
12 changes (~~through the implementation plan required in section 8,~~  
13 ~~chapter 280, Laws of 1993~~)).

14       "**Sec. 2.** RCW 43.330.010 and 2007 c 322 s 2 are each amended to read  
15 as follows:

16       Unless the context clearly requires otherwise, the definitions in  
17 this section apply throughout this chapter.

18       (1) "Associate development organization" means a local economic  
19 development nonprofit corporation that is broadly representative of  
20 community interests.

21       (2) "Department" means the department of (~~community, trade, and~~  
22 ~~economic development~~) commerce.

23       (3) "Director" means the director of the department of (~~community,~~  
24 ~~trade, and economic development~~) commerce.

25       (4) "Financial institution" means a bank, trust company, mutual  
26 savings bank, savings and loan association, or credit union authorized  
27 to do business in this state under state or federal law.

28       (5) "Microenterprise development organization" means a community

1 development corporation, a nonprofit development organization, a  
2 nonprofit social services organization or other locally operated  
3 nonprofit entity that provides services to low-income entrepreneurs.

4 (6) "Statewide microenterprise association" means a nonprofit  
5 entity with microenterprise development organizations as members that  
6 serves as an intermediary between the department of (~~community, trade,~~  
7 ~~and — economic — development~~) commerce and local microenterprise  
8 development organizations.

9 **Sec. 3.** RCW 43.330.020 and 1993 c 280 s 4 are each amended to read  
10 as follows:

11 A department of (~~community, trade, and economic development~~)  
12 commerce is created. The department shall be vested with all powers  
13 and duties established or transferred to it under this chapter and such  
14 other powers and duties as may be authorized by law. Unless otherwise  
15 specifically provided (~~in chapter 280, Laws of 1993~~), the existing  
16 responsibilities and functions of the agency programs will continue to  
17 be administered in accordance with their implementing legislation.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330 RCW  
19 to read as follows:

20 (1) The director shall, in collaboration with the office of the  
21 governor, the office of financial management, the Washington economic  
22 development commission, the chairs and ranking minority members of the  
23 community and economic development and trade committee of the house of  
24 representatives and the economic development, trade and innovation  
25 committee of the senate, develop a report with analysis and  
26 recommendations on statutory changes that would ensure that the  
27 department's efforts are efficient, effective, and:

28 (a) Are organized around a concise core mission and aligned with  
29 the state's comprehensive plan for economic development;

30 (b) Are capable of providing focused and flexible responses to  
31 changing economic conditions;

32 (c) Generate greater local capacity to respond to local  
33 opportunities and needs;

34 (d) Face no administrative barriers to leveraging state resources  
35 or procuring private and federal resources;

1 (e) Maximize results through partnerships and the use of  
2 intermediaries; and

3 (f) Provide transparency and increased accountability to the  
4 public, the governor, and the legislature.

5 (2) The report shall include recommendations for creating or  
6 consolidating programs deemed important to meeting the department's  
7 core mission and recommendations for terminating or transferring  
8 specific programs if they are not consistent with the department's core  
9 mission.

10 (3) In developing the recommendations, the director shall solicit  
11 the input of businesses, employees, economic development practitioners,  
12 local governments, planning professionals, community and housing  
13 organizations, and other key economic and community development  
14 stakeholders.

15 (4) The recommendations must be delivered to the governor and the  
16 appropriate legislative committees by November 1, 2009.

17 **Sec. 5.** RCW 43.330.092 and 2005 c 136 s 15 are each amended to  
18 read as follows:

19 The film and video promotion account is created in the state  
20 treasury. All revenue received for film and video promotion purposes  
21 under RCW 43.330.090(~~(+4)~~) (2)(b) and all receipts from RCW  
22 36.102.060(14) must be deposited into the account. Moneys in the  
23 account may be spent only after appropriation. Expenditures from the  
24 account may be used by the department of (~~community, trade, and~~  
25 ~~economic development~~) commerce only for the purposes of promotion of  
26 the film and video production industry in the state of Washington.

27 **Sec. 6.** RCW 43.330.094 and 2007 c 228 s 202 are each amended to  
28 read as follows:

29 The tourism development and promotion account is created in the  
30 state treasury. All receipts from RCW 36.102.060(10) must be deposited  
31 into the account. Moneys in the account may be spent only after  
32 appropriation. Expenditures from the account may be used by the  
33 department of (~~community, trade, and economic development~~) commerce  
34 only for the purposes of expanding and promoting the tourism industry  
35 in the state of Washington.

1       **Sec. 7.** RCW 43.330.125 and 1995 c 347 s 430 are each amended to  
2 read as follows:

3       The department of (~~community, trade, and economic development~~)  
4 commerce shall provide training and technical assistance to counties  
5 and cities to assist them in fulfilling the requirements of chapter  
6 36.70B RCW.

7       **Sec. 8.** RCW 43.330.135 and 1995 c 13 s 1 are each amended to read  
8 as follows:

9       (1) The department of (~~community, — trade, — and — economic~~  
10 ~~development~~) commerce shall distribute such funds as are appropriated  
11 for the statewide technical support, development, and enhancement of  
12 court-appointed special advocate programs.

13       (2) In order to receive money under subsection (1) of this section,  
14 an organization providing statewide technical support, development, and  
15 enhancement of court-appointed special advocate programs must meet all  
16 of the following requirements:

17       (a) The organization must provide statewide support, development,  
18 and enhancement of court-appointed special advocate programs that offer  
19 guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and  
20 13.34.100;

21       (b) All guardians ad litem working under court-appointed special  
22 advocate programs supported, developed, or enhanced by the organization  
23 must be volunteers and may not receive payment for services rendered  
24 pursuant to the program. The organization may include paid positions  
25 that are exclusively administrative in nature, in keeping with the  
26 scope and purpose of this section; and

27       (c) The organization providing statewide technical support,  
28 development, and enhancement of court-appointed special advocate  
29 programs must be a public benefit nonprofit corporation as defined in  
30 RCW 24.03.490.

31       (3) If more than one organization is eligible to receive money  
32 under this section, the department shall develop criteria for  
33 allocation of appropriated money among the eligible organizations.

34       **Sec. 9.** RCW 43.330.167 and 2004 c 276 s 718 are each amended to  
35 read as follows:

36       (1)(a) There is created in the custody of the state treasurer an

1 account to be known as the homeless families services fund. Revenues  
2 to the fund consist of a one-time appropriation by the legislature,  
3 private contributions, and all other sources deposited in the fund.

4 (b) Expenditures from the fund may only be used for the purposes of  
5 the program established in this section, including administrative  
6 expenses. Only the director of the department of (~~community, trade,  
7 and economic development~~) commerce, or the director's designee, may  
8 authorize expenditures.

9 (c) Expenditures from the fund are exempt from appropriations and  
10 the allotment provisions of chapter 43.88 RCW. However, money used for  
11 program administration by the department is subject to the allotment  
12 and budgetary controls of chapter 43.88 RCW, and an appropriation is  
13 required for these expenditures.

14 (2) The department may expend moneys from the fund to provide state  
15 matching funds for housing-based supportive services for homeless  
16 families over a period of at least ten years.

17 (3) Activities eligible for funding through the fund include, but  
18 are not limited to, the following:

19 (a) Case management;

20 (b) Counseling;

21 (c) Referrals to employment support and job training services and  
22 direct employment support and job training services;

23 (d) Domestic violence services and programs;

24 (e) Mental health treatment, services, and programs;

25 (f) Substance abuse treatment, services, and programs;

26 (g) Parenting skills education and training;

27 (h) Transportation assistance;

28 (i) Child care; and

29 (j) Other supportive services identified by the department to be an  
30 important link for housing stability.

31 (4) Organizations that may receive funds from the fund include  
32 local housing authorities, nonprofit community or neighborhood-based  
33 organizations, public development authorities, federally recognized  
34 Indian tribes in the state, and regional or statewide nonprofit housing  
35 assistance organizations.

36 **Sec. 10.** RCW 43.330.170 and 2002 c 294 s 4 are each amended to  
37 read as follows:

1       The office of community development of the department of  
2       (~~community, trade, and economic development~~) commerce is directed to  
3       conduct a statewide housing market analysis by region. The purpose of  
4       the analysis is to identify areas of greatest need for the appropriate  
5       investment of state affordable housing funds, using vacancy data and  
6       other appropriate measures of need for low-income housing. The  
7       analysis shall include the number and types of projects that counties  
8       have developed using the funds collected under chapter 294, Laws of  
9       2002. The analysis shall be completed by September 2003, and updated  
10      every two years thereafter.

11       **Sec. 11.** RCW 43.330.250 and 2008 c 329 s 914 are each amended to  
12      read as follows:

13       (1) The economic development strategic reserve account is created  
14      in the state treasury to be used only for the purposes of this section.

15       (2) Only the governor, with the recommendation of the director of  
16      the department of (~~community, trade, and economic development~~)  
17      commerce and the economic development commission, may authorize  
18      expenditures from the account.

19       (3) Expenditures from the account shall be made in an amount  
20      sufficient to fund a minimum of one staff position for the economic  
21      development commission and to cover any other operational costs of the  
22      commission.

23       (4) During the 2007-2009 fiscal biennium, moneys in the account may  
24      also be transferred into the state general fund.

25       (5) Expenditures from the account may be made to prevent closure of  
26      a business or facility, to prevent relocation of a business or facility  
27      in the state to a location outside the state, or to recruit a business  
28      or facility to the state. Expenditures may be authorized for:

29       (a) Workforce development;

30       (b) Public infrastructure needed to support or sustain the  
31      operations of the business or facility; and

32       (c) Other lawfully provided assistance, including, but not limited  
33      to, technical assistance, environmental analysis, relocation  
34      assistance, and planning assistance. Funding may be provided for such  
35      assistance only when it is in the public interest and may only be  
36      provided under a contractual arrangement ensuring that the state will

1 receive appropriate consideration, such as an assurance of job creation  
2 or retention.

3 (6) The funds shall not be expended from the account unless:

4 (a) The circumstances are such that time does not permit the  
5 director of the department of (~~community, trade, and economic~~  
6 ~~development~~) commerce or the business or facility to secure funding  
7 from other state sources;

8 (b) The business or facility produces or will produce significant  
9 long-term economic benefits to the state, a region of the state, or a  
10 particular community in the state;

11 (c) The business or facility does not require continuing state  
12 support;

13 (d) The expenditure will result in new jobs, job retention, or  
14 higher incomes for citizens of the state;

15 (e) The expenditure will not supplant private investment; and

16 (f) The expenditure is accompanied by private investment.

17 (7) No more than three million dollars per year may be expended  
18 from the account for the purpose of assisting an individual business or  
19 facility pursuant to the authority specified in this section.

20 (8) If the account balance in the strategic reserve account exceeds  
21 fifteen million dollars at any time, the amount in excess of fifteen  
22 million dollars shall be transferred to the education construction  
23 account.

24 **Sec. 12.** RCW 43.330.280 and 2007 c 227 s 2 are each amended to  
25 read as follows:

26 (1) The Washington state economic development commission shall,  
27 with the advice of an innovation partnership advisory group selected by  
28 the commission, have oversight responsibility for the implementation of  
29 the state's efforts to further innovation partnerships throughout the  
30 state. The commission shall:

31 (a) Provide information and advice to the department of  
32 (~~community, trade, and economic development~~) commerce to assist in  
33 the implementation of the innovation partnership zone program,  
34 including criteria to be used in the selection of grant applicants for  
35 funding;

36 (b) Document clusters of companies throughout the state that have  
37 comparative competitive advantage or the potential for comparative

1 competitive advantage, using the process and criteria for identifying  
2 strategic clusters developed by the working group specified in  
3 subsection (2) of this section;

4 (c) Conduct an innovation opportunity analysis to identify (i) the  
5 strongest current intellectual assets and research teams in the state  
6 focused on emerging technologies and their commercialization, and (ii)  
7 faculty and researchers that could increase their focus on  
8 commercialization of technology if provided the appropriate technical  
9 assistance and resources;

10 (d) Based on its findings and analysis, and in conjunction with the  
11 higher education coordinating board and research institutions:

12 (i) Develop a plan to build on existing, and develop new,  
13 intellectual assets and innovation research teams in the state in  
14 research areas where there is a high potential to commercialize  
15 technologies. The commission shall present the plan to the governor  
16 and legislature by December 31, 2007. The higher education  
17 coordinating board shall be responsible for implementing the plan in  
18 conjunction with the publicly funded research institutions in the  
19 state. The plan shall address the following elements and such other  
20 elements as the commission deems important:

21 (A) Specific mechanisms to support, enhance, or develop innovation  
22 research teams and strengthen their research and commercialization  
23 capacity in areas identified as useful to strategic clusters and  
24 innovative firms in the state;

25 (B) Identification of the funding necessary for laboratory  
26 infrastructure needed to house innovation research teams;

27 (C) Specification of the most promising research areas meriting  
28 enhanced resources and recruitment of significant entrepreneurial  
29 researchers to join or lead innovation research teams;

30 (D) The most productive approaches to take in the recruitment, in  
31 the identified promising research areas, of a minimum of ten  
32 significant entrepreneurial researchers over the next ten years to join  
33 or lead innovation research teams;

34 (E) Steps to take in solicitation of private sector support for the  
35 recruitment of entrepreneurial researchers and the commercialization  
36 activity of innovation research teams; and

37 (F) Mechanisms for ensuring the location of innovation research  
38 teams in innovation partnership zones;



1 (ii) Provide direction for the development of comprehensive  
2 entrepreneurial assistance programs at research institutions. The  
3 programs may involve multidisciplinary students, faculty,  
4 entrepreneurial researchers, entrepreneurs, and investors in building  
5 business models and evolving business plans around innovative ideas.  
6 The programs may provide technical assistance and the support of an  
7 entrepreneur-in-residence to innovation research teams and offer  
8 entrepreneurial training to faculty, researchers, undergraduates, and  
9 graduate students. Curriculum leading to a certificate in  
10 entrepreneurship may also be offered;

11 (e) Develop performance measures to be used in evaluating the  
12 performance of innovation research teams, the implementation of the  
13 plan and programs under (d)(i) and (ii) of this subsection, and the  
14 performance of innovation partnership zone grant recipients, including  
15 but not limited to private investment measures, business initiation  
16 measures, job creation measures, and measures of innovation such as  
17 licensing of ideas in research institutions, patents, or other  
18 recognized measures of innovation. The performance measures developed  
19 shall be consistent with the economic development commission's  
20 comprehensive plan for economic development and its standards and  
21 metrics for program evaluation. The commission shall report to the  
22 legislature and the governor by December 31, 2008, on the measures  
23 developed; and

24 (f) Using the performance measures developed, perform a biennial  
25 assessment and report, the first of which shall be due December 31,  
26 2012, on:

27 (i) Commercialization of technologies developed at state  
28 universities, found at other research institutions in the state, and  
29 facilitated with public assistance at existing companies;

30 (ii) Outcomes of the funding of innovation research teams and  
31 recruitment of significant entrepreneurial researchers;

32 (iii) Comparison with other states of Washington's outcomes from  
33 the innovation research teams and efforts to recruit significant  
34 entrepreneurial researchers; and

35 (iv) Outcomes of the grants for innovation partnership zones.  
36 The report shall include recommendations for modifications of chapter  
37 227, Laws of 2007 and of state commercialization efforts that would  
38 enhance the state's economic competitiveness.

1 (2) The economic development commission and the workforce training  
2 and education coordinating board shall jointly convene a working group  
3 to:

4 (a) Specify the process and criteria for identification of substate  
5 geographic concentrations of firms or employment in an industry and the  
6 industry's customers, suppliers, supporting businesses, and  
7 institutions, which process will include the use of labor market  
8 information from the employment security department and local labor  
9 markets; and

10 (b) Establish criteria for identifying strategic clusters which are  
11 important to economic prosperity in the state, considering cluster  
12 size, growth rate, and wage levels among other factors.

13 **Sec. 13.** RCW 43.330.290 and 2007 c 322 s 3 are each amended to  
14 read as follows:

15 The microenterprise development program is established in the  
16 department of (~~community, trade, and economic development~~) commerce.  
17 In implementing the program, the department:

18 (1) Shall provide organizational support to a statewide  
19 microenterprise association and shall contract with the association for  
20 the delivery of services and distribution of grants;

21 (a) The association shall serve as the department's agent in  
22 carrying out the purpose and service delivery requirements of this  
23 section;

24 (b) The association's contract with the department shall specify  
25 that in administering the funds provided for under subsection (3) of  
26 this section, the association may use no greater than ten percent of  
27 the funds to cover administrative expenses;

28 (2) Shall provide funds for capacity building for the statewide  
29 microenterprise association and microenterprise development  
30 organizations throughout the state;

31 (3) Shall provide grants to microenterprise development  
32 organizations for the delivery of training and technical assistance  
33 services;

34 (4) Shall identify and facilitate the availability of state,  
35 federal, and private sources of funds which may enhance microenterprise  
36 development in the state;

1 (5) Shall develop with the statewide microenterprise association  
2 criteria for the distribution of grants to microenterprise development  
3 organizations. Such criteria may include:

4 (a) The geographic representation of all regions of the state,  
5 including both urban and rural communities;

6 (b) The ability of the microenterprise development organization to  
7 provide business development services in low-income communities;

8 (c) The scope of services offered by a microenterprise development  
9 organization and their efficiency in delivery of such services;

10 (d) The ability of the microenterprise development organization to  
11 monitor the progress of its customers and identify technical and  
12 financial assistance needs;

13 (e) The ability of the microenterprise development organization to  
14 work with other organizations, public entities, and financial  
15 institutions to meet the technical and financial assistance needs of  
16 its customers;

17 (f) The sufficiency of operating funds for the microenterprise  
18 development organization; and

19 (g) Such other criteria as agreed by the department and the  
20 association;

21 (6) Shall require the statewide microenterprise association and any  
22 microenterprise development organization receiving funds through the  
23 microenterprise development program to raise and contribute to the  
24 effort funded by the microenterprise development program an amount  
25 equal to twenty-five percent of the microenterprise development program  
26 funds received. Such matching funds may come from private foundations,  
27 federal or local sources, financial institutions, or any other source  
28 other than funds appropriated from the legislature;

29 (7) Shall require under its contract with the statewide  
30 microenterprise association an annual accounting of program outcomes,  
31 including job creation, access to capital, leveraging of nonstate  
32 funds, and other outcome measures specified by the department. By  
33 January 1, 2012, the joint legislative audit and review committee shall  
34 use these outcome data and other relevant information to evaluate the  
35 program's effectiveness; and

36 (8) May adopt rules as necessary to implement this section.

1       **Sec. 14.** RCW 43.330.300 and 2008 c 290 s 1 are each amended to  
2 read as follows:

3       (1) The financial fraud and identity theft crimes investigation and  
4 prosecution program is created in the department of (~~community, trade,~~  
5 ~~and economic development~~) commerce. The department shall:

6       (a) Appoint members of the financial fraud task forces created in  
7 subsection (2) of this section;

8       (b) Administer the account created in subsection (3) of this  
9 section; and

10       (c) By December 31st of each year submit a report to the  
11 appropriate committees of the legislature and the governor regarding  
12 the progress of the program and task forces. The report must include  
13 recommendations on changes to the program, including expansion.

14       (2)(a) The department shall establish two regional financial fraud  
15 and identity theft crime task forces that include a central Puget Sound  
16 task force that includes King and Pierce counties, and a Spokane county  
17 task force. Each task force must be comprised of local law  
18 enforcement, county prosecutors, representatives of the office of the  
19 attorney general, financial institutions, and other state and local law  
20 enforcement.

21       (b) The department shall appoint: (i) Representatives of local law  
22 enforcement from a list provided by the Washington association of  
23 sheriffs and police chiefs; (ii) representatives of county prosecutors  
24 from a list provided by the Washington association of prosecuting  
25 attorneys; and (iii) representatives of financial institutions.

26       (c) Each task force shall:

27       (i) Hold regular meetings to discuss emerging trends and threats of  
28 local financial fraud and identity theft crimes;

29       (ii) Set priorities for the activities for the task force;

30       (iii) Apply to the department for funding to (A) hire prosecutors  
31 and/or law enforcement personnel dedicated to investigating and  
32 prosecuting financial fraud and identity theft crimes; and (B) acquire  
33 other needed resources to conduct the work of the task force;

34       (iv) Establish outcome-based performance measures; and

35       (v) Twice annually report to the department regarding the  
36 activities and performance of the task force.

37       (3) The financial fraud and identity theft crimes investigation and  
38 prosecution account is created in the state treasury. Moneys in the

1 account may be spent only after appropriation. Revenue to the account  
2 may include appropriations, revenues generated by the surcharge imposed  
3 in RCW 62A.9A-525, federal funds, and any other gifts or grants.  
4 Expenditures from the account may be used only to support the  
5 activities of the financial fraud and identity theft crime  
6 investigation and prosecution task forces and the program  
7 administrative expenses of the department, which may not exceed ten  
8 percent of the amount appropriated.

9 (4) For purposes of this section, "financial fraud and identity  
10 theft crimes" includes those that involve: Check fraud, chronic  
11 unlawful issuance of bank checks, embezzlement, credit/debit card  
12 fraud, identity theft, forgery, counterfeit instruments such as checks  
13 or documents, organized counterfeit check rings, and organized  
14 identification theft rings.

15 **Sec. 15.** RCW 43.330.900 and 1993 c 280 s 79 are each amended to  
16 read as follows:

17 ~~((1))~~ All references to the director or department of community,  
18 trade, and economic development in the Revised Code of Washington shall  
19 be construed to mean the director of ~~((community, trade, and economic~~  
20 ~~development))~~ commerce or the department of ~~((community, trade, and~~  
21 ~~economic development))~~ commerce.

22 ~~((2) All references to the director or department of trade and~~  
23 ~~economic development in the Revised Code of Washington shall be~~  
24 ~~construed to mean the director of community, trade, and economic~~  
25 ~~development or the department of community, trade, and economic~~  
26 ~~development.))~~

27 **Sec. 16.** RCW 19.260.020 and 2006 c 194 s 1 are each amended to  
28 read as follows:

29 The definitions in this section apply throughout this chapter  
30 unless the context clearly requires otherwise.

31 (1) "Automatic commercial ice cube machine" means a factory-made  
32 assembly, not necessarily shipped in one package, consisting of a  
33 condensing unit and ice-making section operating as an integrated unit  
34 with means for making and harvesting ice cubes. It may also include  
35 integrated components for storing or dispensing ice, or both.

1 (2) "Ballast" means a device used with an electric discharge lamp  
2 to obtain necessary circuit conditions, such as voltage, current, and  
3 waveform, for starting and operating the lamp.

4 (3) "Commercial clothes washer" means a soft mount horizontal or  
5 vertical-axis clothes washer that: (a) Has a clothes container  
6 compartment no greater than 3.5 cubic feet in the case of a horizontal-  
7 axis product or no greater than 4.0 cubic feet in the case of a  
8 vertical-axis product; and (b) is designed for use by more than one  
9 household, such as in multifamily housing, apartments, or coin  
10 laundries.

11 (4) "Commercial prerinse spray valve" means a handheld device  
12 designed and marketed for use with commercial dishwashing and  
13 warewashing equipment and that sprays water on dishes, flatware, and  
14 other food service items for the purpose of removing food residue prior  
15 to their cleaning.

16 (5)(a) "Commercial refrigerators and freezers" means refrigerators,  
17 freezers, or refrigerator-freezers designed for use by commercial or  
18 institutional facilities for the purpose of storing or merchandising  
19 food products, beverages, or ice at specified temperatures that: (i)  
20 Incorporate most components involved in the vapor-compression cycle and  
21 the refrigerated compartment in a single cabinet; and (ii) may be  
22 configured with either solid or transparent doors as a reach-in  
23 cabinet, pass-through cabinet, roll-in cabinet, or roll-through  
24 cabinet.

25 (b) "Commercial refrigerators and freezers" does not include: (i)  
26 Products with 85 cubic feet or more of internal volume; (ii) walk-in  
27 refrigerators or freezers; (iii) consumer products that are federally  
28 regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products  
29 without doors; or (v) freezers specifically designed for ice cream.

30 (6) "Compensation" means money or any other valuable thing,  
31 regardless of form, received or to be received by a person for services  
32 rendered.

33 (7) "Department" means the department of (~~community, trade, and~~  
34 ~~economic development~~) commerce.

35 (8) "High-intensity discharge lamp" means a lamp in which light is  
36 produced by the passage of an electric current through a vapor or gas,  
37 and in which the light-producing arc is stabilized by bulb wall

1 temperature and the arc tube has a bulb wall loading in excess of three  
2 watts per square centimeter.

3 (9) "Metal halide lamp" means a high-intensity discharge lamp in  
4 which the major portion of the light is produced by radiation of metal  
5 halides and their products of dissociation, possibly in combination  
6 with metallic vapors.

7 (10) "Metal halide lamp fixture" means a light fixture designed to  
8 be operated with a metal halide lamp and a ballast for a metal halide  
9 lamp.

10 (11) "Pass-through cabinet" means a commercial refrigerator or  
11 freezer with hinged or sliding doors on both the front and rear of the  
12 unit.

13 (12) "Probe-start metal halide ballast" means a ballast used to  
14 operate metal halide lamps which does not contain an igniter and which  
15 instead starts lamps by using a third starting electrode "probe" in the  
16 arc tube.

17 (13) "Reach-in cabinet" means a commercial refrigerator or freezer  
18 with hinged or sliding doors or lids, but does not include roll-in or  
19 roll-through cabinets or pass-through cabinets.

20 (14)(a) "Roll-in cabinet" means a commercial refrigerator or  
21 freezer with hinged or sliding doors that allow wheeled racks of  
22 product to be rolled into the unit.

23 (b) "Roll-through cabinet" means a commercial refrigerator or  
24 freezer with hinged or sliding doors on two sides of the cabinet that  
25 allow wheeled racks of product to be rolled through the unit.

26 (15)(a) "Single-voltage external AC to DC power supply" means a  
27 device that: (i) Is designed to convert line voltage alternating  
28 current input into lower voltage direct current output; (ii) is able to  
29 convert to only one DC output voltage at a time; (iii) is sold with, or  
30 intended to be used with, a separate end-use product that constitutes  
31 the primary power load; (iv) is contained within a separate physical  
32 enclosure from the end-use product; (v) is connected to the end-use  
33 product via a removable or hard-wired male/female electrical  
34 connection, cable, cord, or other wiring; and (vi) has a nameplate  
35 output power less than or equal to 250 watts.

36 (b) "Single-voltage external AC to DC power supply" does not  
37 include: (i) Products with batteries or battery packs that physically  
38 attach directly to the power supply unit; (ii) products with a battery

1 chemistry or type selector switch and indicator light; or (iii)  
2 products with a battery chemistry or type selector switch and a state  
3 of charge meter.

4 (16) "State-regulated incandescent reflector lamp" means a lamp  
5 that is not colored or designed for rough or vibration service  
6 applications, that has an inner reflective coating on the outer bulb to  
7 direct the light, an E26 medium screw base, and a rated voltage or  
8 voltage range that lies at least partially within 115 to 130 volts, and  
9 that falls into one of the following categories:

10 (a) A bulged reflector or elliptical reflector bulb shape and which  
11 has a diameter which equals or exceeds 2.25 inches;

12 (b) A reflector, parabolic aluminized reflector, or similar bulb  
13 shape and which has a diameter of 2.25 to 2.75 inches.

14 (17) "Transformer" means a device consisting of two or more coils  
15 of insulated wire and that is designed to transfer alternating current  
16 by electromagnetic induction from one coil to another to change the  
17 original voltage or current value.

18 (18)(a) "Unit heater" means a self-contained, vented fan-type  
19 commercial space heater that uses natural gas or propane, and that is  
20 designed to be installed without ducts within a heated space.

21 (b) "Unit heater" does not include any products covered by federal  
22 standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any  
23 product that is a direct vent, forced flue heater with a sealed  
24 combustion burner.

25 **Sec. 17.** RCW 19.280.020 and 2006 c 195 s 2 are each amended to  
26 read as follows:

27 The definitions in this section apply throughout this chapter  
28 unless the context clearly requires otherwise.

29 (1) "Commission" means the utilities and transportation commission.

30 (2) "Conservation and efficiency resources" means any reduction in  
31 electric power consumption that results from increases in the  
32 efficiency of energy use, production, transmission, or distribution.

33 (3) "Consumer-owned utility" includes a municipal electric utility  
34 formed under Title 35 RCW, a public utility district formed under Title  
35 54 RCW, an irrigation district formed under chapter 87.03 RCW, a  
36 cooperative formed under chapter 23.86 RCW, a mutual corporation or  
37 association formed under chapter 24.06 RCW, a port district formed



1 under Title 53 RCW, or a water-sewer district formed under Title 57  
2 RCW, that is engaged in the business of distributing electricity to one  
3 or more retail electric customers in the state.

4 (4) "Department" means the department of (~~community, trade, and~~  
5 ~~economic development~~) commerce.

6 (5) "Electric utility" means a consumer-owned or investor-owned  
7 utility.

8 (6) "Full requirements customer" means an electric utility that  
9 relies on the Bonneville power administration for all power needed to  
10 supply its total load requirement other than that served by  
11 nondispatchable generating resources totaling no more than six  
12 megawatts or renewable resources.

13 (7) "Governing body" means the elected board of directors, city  
14 council, commissioners, or board of any consumer-owned utility.

15 (8) "High efficiency cogeneration" means the sequential production  
16 of electricity and useful thermal energy from a common fuel source,  
17 where, under normal operating conditions, the facility has a useful  
18 thermal energy output of no less than thirty-three percent of the total  
19 energy output.

20 (9) "Integrated resource plan" means an analysis describing the mix  
21 of generating resources and conservation and efficiency resources that  
22 will meet current and projected needs at the lowest reasonable cost to  
23 the utility and its ratepayers and that complies with the requirements  
24 specified in RCW 19.280.030(1).

25 (10) "Investor-owned utility" means a corporation owned by  
26 investors that meets the definition in RCW 80.04.010 and is engaged in  
27 distributing electricity to more than one retail electric customer in  
28 the state.

29 (11) "Lowest reasonable cost" means the lowest cost mix of  
30 generating resources and conservation and efficiency resources  
31 determined through a detailed and consistent analysis of a wide range  
32 of commercially available resources. At a minimum, this analysis must  
33 consider resource cost, market-volatility risks, demand-side resource  
34 uncertainties, resource dispatchability, resource effect on system  
35 operation, the risks imposed on the utility and its ratepayers, public  
36 policies regarding resource preference adopted by Washington state or  
37 the federal government, and the cost of risks associated with  
38 environmental effects including emissions of carbon dioxide.

1 (12) "Plan" means either an "integrated resource plan" or a  
2 "resource plan."

3 (13) "Renewable resources" means electricity generation facilities  
4 fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal  
5 energy; (e) landfill gas; (f) biomass energy utilizing animal waste,  
6 solid organic fuels from wood, forest, or field residues or dedicated  
7 energy crops that do not include wood pieces that have been treated  
8 with chemical preservatives such as creosote, pentachlorophenol, or  
9 copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing  
10 processes, including but not limited to bark, wood chips, sawdust, and  
11 lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal  
12 power; or (i) gas from sewage treatment facilities.

13 (14) "Resource plan" means an assessment that estimates electricity  
14 loads and resources over a defined period of time and complies with the  
15 requirements in RCW 19.280.030(2).

16 **Sec. 18.** RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No.  
17 937) are each amended to read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

20 (1) "Attorney general" means the Washington state office of the  
21 attorney general.

22 (2) "Auditor" means: (a) The Washington state auditor's office or  
23 its designee for qualifying utilities under its jurisdiction that are  
24 not investor-owned utilities; or (b) an independent auditor selected by  
25 a qualifying utility that is not under the jurisdiction of the state  
26 auditor and is not an investor-owned utility.

27 (3) "Commission" means the Washington state utilities and  
28 transportation commission.

29 (4) "Conservation" means any reduction in electric power  
30 consumption resulting from increases in the efficiency of energy use,  
31 production, or distribution.

32 (5) "Cost-effective" has the same meaning as defined in RCW  
33 80.52.030.

34 (6) "Council" means the Washington state apprenticeship and  
35 training council within the department of labor and industries.

36 (7) "Customer" means a person or entity that purchases electricity  
37 for ultimate consumption and not for resale.

1 (8) "Department" means the department of (~~community, trade, and~~  
2 ~~economic development~~) commerce or its successor.

3 (9) "Distributed generation" means an eligible renewable resource  
4 where the generation facility or any integrated cluster of such  
5 facilities has a generating capacity of not more than five megawatts.

6 (10) "Eligible renewable resource" means:

7 (a) Electricity from a generation facility powered by a renewable  
8 resource other than fresh water that commences operation after March  
9 31, 1999, where: (i) The facility is located in the Pacific Northwest;  
10 or (ii) the electricity from the facility is delivered into Washington  
11 state on a real-time basis without shaping, storage, or integration  
12 services; or

13 (b) Incremental electricity produced as a result of efficiency  
14 improvements completed after March 31, 1999, to hydroelectric  
15 generation projects owned by a qualifying utility and located in the  
16 Pacific Northwest or to hydroelectric generation in irrigation pipes  
17 and canals located in the Pacific Northwest, where the additional  
18 generation in either case does not result in new water diversions or  
19 impoundments.

20 (11) "Investor-owned utility" has the same meaning as defined in  
21 RCW 19.29A.010.

22 (12) "Load" means the amount of kilowatt-hours of electricity  
23 delivered in the most recently completed year by a qualifying utility  
24 to its Washington retail customers.

25 (13) "Nonpower attributes" means all environmentally related  
26 characteristics, exclusive of energy, capacity reliability, and other  
27 electrical power service attributes, that are associated with the  
28 generation of electricity from a renewable resource, including but not  
29 limited to the facility's fuel type, geographic location, vintage,  
30 qualification as an eligible renewable resource, and avoided emissions  
31 of pollutants to the air, soil, or water, and avoided emissions of  
32 carbon dioxide and other greenhouse gases.

33 (14) "Pacific Northwest" has the same meaning as defined for the  
34 Bonneville power administration in section 3 of the Pacific Northwest  
35 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.  
36 Sec. 839a).

37 (15) "Public facility" has the same meaning as defined in RCW  
38 39.35C.010.

1 (16) "Qualifying utility" means an electric utility, as the term  
2 "electric utility" is defined in RCW 19.29A.010, that serves more than  
3 twenty-five thousand customers in the state of Washington. The number  
4 of customers served may be based on data reported by a utility in form  
5 861, "annual electric utility report," filed with the energy  
6 information administration, United States department of energy.

7 (17) "Renewable energy credit" means a tradable certificate of  
8 proof of at least one megawatt-hour of an eligible renewable resource  
9 where the generation facility is not powered by fresh water, the  
10 certificate includes all of the nonpower attributes associated with  
11 that one megawatt-hour of electricity, and the certificate is verified  
12 by a renewable energy credit tracking system selected by the  
13 department.

14 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar  
15 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or  
16 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel  
17 fuel as defined in RCW 82.29A.135 that is not derived from crops raised  
18 on land cleared from old growth or first-growth forests where the  
19 clearing occurred after December 7, 2006; and (i) biomass energy based  
20 on animal waste or solid organic fuels from wood, forest, or field  
21 residues, or dedicated energy crops that do not include (i) wood pieces  
22 that have been treated with chemical preservatives such as creosote,  
23 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor  
24 byproduct from paper production; (iii) wood from old growth forests; or  
25 (iv) municipal solid waste.

26 (19) "Rule" means rules adopted by an agency or other entity of  
27 Washington state government to carry out the intent and purposes of  
28 this chapter.

29 (20) "Year" means the twelve-month period commencing January 1st  
30 and ending December 31st.

31 **Sec. 19.** RCW 35.105.010 and 2008 c 299 s 2 are each amended to  
32 read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Community and urban forest assessment" means an analysis of  
36 the community and urban forest inventory to: Establish the scope and  
37 scale of forest-related benefits and services; determine the economic

1 valuation of such benefits, highlight trends, and issues of concern;  
2 identify high priority areas to be addressed; outline strategies for  
3 addressing the critical issues and urban landscapes; and identify  
4 opportunities for retaining trees, expanding forest canopy, and  
5 planting additional trees to sustain Washington's urban and community  
6 forests.

7 (2) "Community and urban forest inventory" means a management tool  
8 designed to gauge the condition, management status, health, and  
9 diversity of a community and urban forest. An inventory may evaluate  
10 individual trees or groups of trees or canopy cover within community  
11 and urban forests, and will be periodically updated by the department  
12 of natural resources.

13 (3) "Department" means the department of (~~community, trade, and~~  
14 ~~economic development~~) commerce.

15 (4) "Evergreen community ordinances" means ordinances adopted by  
16 the legislative body of a city, town, or county that relate to urban  
17 forests and are consistent with this chapter.

18 (5) "Evergreen community" means a city, town, or county designated  
19 as such under RCW 35.105.030.

20 (6) "Management plan" means an evergreen community urban forest  
21 management plan developed pursuant to this chapter.

22 (7) "Public facilities" has the same meaning as defined in RCW  
23 36.70A.030.

24 (8) "Public forest" means urban forests owned by the state, city,  
25 town, county, or other public entity within or adjacent to the urban  
26 growth areas.

27 (9) "Reforestation" means establishing and maintaining trees and  
28 urban forest canopy in plantable spaces such as street rights-of-way,  
29 transportation corridors, interchanges and highways, riparian areas,  
30 unstable slopes, shorelines, public lands, and property of willing  
31 private landowners.

32 (10) "Tree canopy" means the layer of leaves, branches, and stems  
33 of trees that cover the ground when viewed from above and that can be  
34 measured as a percentage of a land area shaded by trees.

35 (11) "Urban forest" has the same definition as provided for the  
36 term "community and urban forest" in RCW 76.15.010.

1           **Sec. 20.** RCW 36.70A.030 and 2005 c 423 s 2 are each amended to  
2 read as follows:

3           Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5           (1) "Adopt a comprehensive land use plan" means to enact a new  
6 comprehensive land use plan or to update an existing comprehensive land  
7 use plan.

8           (2) "Agricultural land" means land primarily devoted to the  
9 commercial production of horticultural, viticultural, floricultural,  
10 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
11 straw, turf, seed, Christmas trees not subject to the excise tax  
12 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
13 hatcheries, or livestock, and that has long-term commercial  
14 significance for agricultural production.

15           (3) "City" means any city or town, including a code city.

16           (4) "Comprehensive land use plan," "comprehensive plan," or "plan"  
17 means a generalized coordinated land use policy statement of the  
18 governing body of a county or city that is adopted pursuant to this  
19 chapter.

20           (5) "Critical areas" include the following areas and ecosystems:  
21 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
22 used for potable water; (c) fish and wildlife habitat conservation  
23 areas; (d) frequently flooded areas; and (e) geologically hazardous  
24 areas.

25           (6) "Department" means the department of (~~community, trade, and~~  
26 ~~economic development~~) commerce.

27           (7) "Development regulations" or "regulation" means the controls  
28 placed on development or land use activities by a county or city,  
29 including, but not limited to, zoning ordinances, critical areas  
30 ordinances, shoreline master programs, official controls, planned unit  
31 development ordinances, subdivision ordinances, and binding site plan  
32 ordinances together with any amendments thereto. A development  
33 regulation does not include a decision to approve a project permit  
34 application, as defined in RCW 36.70B.020, even though the decision may  
35 be expressed in a resolution or ordinance of the legislative body of  
36 the county or city.

37           (8) "Forest land" means land primarily devoted to growing trees for  
38 long-term commercial timber production on land that can be economically

1 and practically managed for such production, including Christmas trees  
2 subject to the excise tax imposed under RCW 84.33.100 through  
3 84.33.140, and that has long-term commercial significance. In  
4 determining whether forest land is primarily devoted to growing trees  
5 for long-term commercial timber production on land that can be  
6 economically and practically managed for such production, the following  
7 factors shall be considered: (a) The proximity of the land to urban,  
8 suburban, and rural settlements; (b) surrounding parcel size and the  
9 compatibility and intensity of adjacent and nearby land uses; (c) long-  
10 term local economic conditions that affect the ability to manage for  
11 timber production; and (d) the availability of public facilities and  
12 services conducive to conversion of forest land to other uses.

13 (9) "Geologically hazardous areas" means areas that because of  
14 their susceptibility to erosion, sliding, earthquake, or other  
15 geological events, are not suited to the siting of commercial,  
16 residential, or industrial development consistent with public health or  
17 safety concerns.

18 (10) "Long-term commercial significance" includes the growing  
19 capacity, productivity, and soil composition of the land for long-term  
20 commercial production, in consideration with the land's proximity to  
21 population areas, and the possibility of more intense uses of the land.

22 (11) "Minerals" include gravel, sand, and valuable metallic  
23 substances.

24 (12) "Public facilities" include streets, roads, highways,  
25 sidewalks, street and road lighting systems, traffic signals, domestic  
26 water systems, storm and sanitary sewer systems, parks and recreational  
27 facilities, and schools.

28 (13) "Public services" include fire protection and suppression, law  
29 enforcement, public health, education, recreation, environmental  
30 protection, and other governmental services.

31 (14) "Recreational land" means land so designated under RCW  
32 36.70A.1701 and that, immediately prior to this designation, was  
33 designated as agricultural land of long-term commercial significance  
34 under RCW 36.70A.170. Recreational land must have playing fields and  
35 supporting facilities existing before July 1, 2004, for sports played  
36 on grass playing fields.

37 (15) "Rural character" refers to the patterns of land use and

1 development established by a county in the rural element of its  
2 comprehensive plan:

3 (a) In which open space, the natural landscape, and vegetation  
4 predominate over the built environment;

5 (b) That foster traditional rural lifestyles, rural-based  
6 economies, and opportunities to both live and work in rural areas;

7 (c) That provide visual landscapes that are traditionally found in  
8 rural areas and communities;

9 (d) That are compatible with the use of the land by wildlife and  
10 for fish and wildlife habitat;

11 (e) That reduce the inappropriate conversion of undeveloped land  
12 into sprawling, low-density development;

13 (f) That generally do not require the extension of urban  
14 governmental services; and

15 (g) That are consistent with the protection of natural surface  
16 water flows and groundwater and surface water recharge and discharge  
17 areas.

18 (16) "Rural development" refers to development outside the urban  
19 growth area and outside agricultural, forest, and mineral resource  
20 lands designated pursuant to RCW 36.70A.170. Rural development can  
21 consist of a variety of uses and residential densities, including  
22 clustered residential development, at levels that are consistent with  
23 the preservation of rural character and the requirements of the rural  
24 element. Rural development does not refer to agriculture or forestry  
25 activities that may be conducted in rural areas.

26 (17) "Rural governmental services" or "rural services" include  
27 those public services and public facilities historically and typically  
28 delivered at an intensity usually found in rural areas, and may include  
29 domestic water systems, fire and police protection services,  
30 transportation and public transit services, and other public utilities  
31 associated with rural development and normally not associated with  
32 urban areas. Rural services do not include storm or sanitary sewers,  
33 except as otherwise authorized by RCW 36.70A.110(4).

34 (18) "Urban growth" refers to growth that makes intensive use of  
35 land for the location of buildings, structures, and impermeable  
36 surfaces to such a degree as to be incompatible with the primary use of  
37 land for the production of food, other agricultural products, or fiber,  
38 or the extraction of mineral resources, rural uses, rural development,



1 and natural resource lands designated pursuant to RCW 36.70A.170. A  
2 pattern of more intensive rural development, as provided in RCW  
3 36.70A.070(5)(d), is not urban growth. When allowed to spread over  
4 wide areas, urban growth typically requires urban governmental  
5 services. "Characterized by urban growth" refers to land having urban  
6 growth located on it, or to land located in relationship to an area  
7 with urban growth on it as to be appropriate for urban growth.

8 (19) "Urban growth areas" means those areas designated by a county  
9 pursuant to RCW 36.70A.110.

10 (20) "Urban governmental services" or "urban services" include  
11 those public services and public facilities at an intensity  
12 historically and typically provided in cities, specifically including  
13 storm and sanitary sewer systems, domestic water systems, street  
14 cleaning services, fire and police protection services, public transit  
15 services, and other public utilities associated with urban areas and  
16 normally not associated with rural areas.

17 (21) "Wetland" or "wetlands" means areas that are inundated or  
18 saturated by surface water or groundwater at a frequency and duration  
19 sufficient to support, and that under normal circumstances do support,  
20 a prevalence of vegetation typically adapted for life in saturated soil  
21 conditions. Wetlands generally include swamps, marshes, bogs, and  
22 similar areas. Wetlands do not include those artificial wetlands  
23 intentionally created from nonwetland sites, including, but not limited  
24 to, irrigation and drainage ditches, grass-lined swales, canals,  
25 detention facilities, wastewater treatment facilities, farm ponds, and  
26 landscape amenities, or those wetlands created after July 1, 1990, that  
27 were unintentionally created as a result of the construction of a road,  
28 street, or highway. Wetlands may include those artificial wetlands  
29 intentionally created from nonwetland areas created to mitigate  
30 conversion of wetlands.

31 **Sec. 21.** RCW 39.86.110 and 1995 c 399 s 57 are each amended to  
32 read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Agency" means the department of (~~community, trade, and~~  
36 ~~economic development~~) commerce.

1 (2) "Board" means the community economic revitalization board  
2 established under chapter 43.160 RCW.

3 (3) "Bonds" means bonds, notes, or other obligations of an issuer.

4 (4) "Bond use category" means any of the following categories of  
5 bonds which are subject to the state ceiling: (a) Housing, (b) student  
6 loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f)  
7 public utility; and (g) remainder.

8 (5) "Carryforward" is an allocation or reallocation of the state  
9 ceiling which is carried from one calendar year to a later year, in  
10 accordance with the code.

11 (6) "Code" means the federal internal revenue code of 1986 as it  
12 exists on May 8, 1987. It also means the code as amended after May 8,  
13 1987, but only if the amendments are approved by the agency under RCW  
14 39.86.180.

15 (7) "Director" means the director of the agency or the director's  
16 designee.

17 (8) "Exempt facility" means the bond use category which includes  
18 all bonds which are exempt facility bonds as described in the code,  
19 except those for qualified residential rental projects.

20 (9) "Firm and convincing evidence" means documentation that  
21 satisfies the director that the issuer is committed to the prompt  
22 financing of, and will issue tax exempt bonds for, the project or  
23 program for which it requests an allocation from the state ceiling.

24 (10) "Housing" means the bond use category which includes: (a)  
25 Mortgage revenue bonds and mortgage credit certificates as described in  
26 the code; and (b) exempt facility bonds for qualified residential  
27 rental projects as described in the code.

28 (11) "Initial allocation" means the portion or dollar value of the  
29 state ceiling which initially in each calendar year is allocated to a  
30 bond use category for the issuance of private activity bonds, in  
31 accordance with RCW 39.86.120.

32 (12) "Issuer" means the state, any agency or instrumentality of the  
33 state, any political subdivision, or any other entity authorized to  
34 issue private activity bonds under state law.

35 (13) "Private activity bonds" means obligations that are private  
36 activity bonds as defined in the code or bonds for purposes described  
37 in section 1317(25) of the tax reform act of 1986.

1 (14) "Program" means the activities for which housing bonds or  
2 student loan bonds may be issued.

3 (15) "Public utility" means the bond use category which includes  
4 those bonds described in section 1317(25) of the tax reform act of  
5 1986.

6 (16) "Redevelopment" means the bond use category which includes  
7 qualified redevelopment bonds as described in the code.

8 (17) "Remainder" means that portion of the state ceiling remaining  
9 after initial allocations are made under RCW 39.86.120 for any other  
10 bond use category.

11 (18) "Small issue" means the bond use category which includes all  
12 industrial development bonds that constitute qualified small issue  
13 bonds, as described in the code.

14 (19) "State" means the state of Washington.

15 (20) "State ceiling" means the volume limitation for each calendar  
16 year on tax-exempt private activity bonds, as imposed by the code.

17 (21) "Student loans" means the bond use category which includes  
18 qualified student loan bonds as described in the code.

19 **Sec. 22.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and  
20 2007 c 15 s 1 are each reenacted and amended to read as follows:

21 For the purposes of RCW 42.17.240, the term "executive state  
22 officer" includes:

23 (1) The chief administrative law judge, the director of  
24 agriculture, the administrator of the Washington basic health plan, the  
25 director of the department of services for the blind, the director of  
26 the state system of community and technical colleges, the director of  
27 (~~community, trade, and economic development~~) commerce, the secretary  
28 of corrections, the director of early learning, the director of  
29 ecology, the commissioner of employment security, the chair of the  
30 energy facility site evaluation council, the secretary of the state  
31 finance committee, the director of financial management, the director  
32 of fish and wildlife, the executive secretary of the forest practices  
33 appeals board, the director of the gambling commission, the director of  
34 general administration, the secretary of health, the administrator of  
35 the Washington state health care authority, the executive secretary of  
36 the health care facilities authority, the executive secretary of the  
37 higher education facilities authority, the executive secretary of the

1 horse racing commission, the executive secretary of the human rights  
2 commission, the executive secretary of the indeterminate sentence  
3 review board, the director of the department of information services,  
4 the executive director of the state investment board, the director of  
5 labor and industries, the director of licensing, the director of the  
6 lottery commission, the director of the office of minority and women's  
7 business enterprises, the director of parks and recreation, the  
8 director of personnel, the executive director of the public disclosure  
9 commission, the executive director of the Puget Sound partnership, the  
10 director of the recreation and conservation office, the director of  
11 retirement systems, the director of revenue, the secretary of social  
12 and health services, the chief of the Washington state patrol, the  
13 executive secretary of the board of tax appeals, the secretary of  
14 transportation, the secretary of the utilities and transportation  
15 commission, the director of veterans affairs, the president of each of  
16 the regional and state universities and the president of The Evergreen  
17 State College, and each district and each campus president of each  
18 state community college;

19 (2) Each professional staff member of the office of the governor;

20 (3) Each professional staff member of the legislature; and

21 (4) Central Washington University board of trustees, the boards of  
22 trustees of each community college and each technical college, each  
23 member of the state board for community and technical colleges, state  
24 convention and trade center board of directors, committee for deferred  
25 compensation, Eastern Washington University board of trustees,  
26 Washington economic development finance authority, The Evergreen State  
27 College board of trustees, executive ethics board, forest practices  
28 appeals board, forest practices board, gambling commission, life  
29 sciences discovery fund authority board of trustees, Washington health  
30 care facilities authority, each member of the Washington health  
31 services commission, higher education coordinating board, higher  
32 education facilities authority, horse racing commission, state housing  
33 finance commission, human rights commission, indeterminate sentence  
34 review board, board of industrial insurance appeals, information  
35 services board, recreation and conservation funding board, state  
36 investment board, commission on judicial conduct, legislative ethics  
37 board, liquor control board, lottery commission, marine oversight  
38 board, Pacific Northwest electric power and conservation planning

1 council, parks and recreation commission, board of pilotage  
2 commissioners, pollution control hearings board, public disclosure  
3 commission, public pension commission, shorelines (~~hearings~~)  
4 hearings board, public employees' benefits board, salmon recovery  
5 funding board, board of tax appeals, transportation commission,  
6 University of Washington board of regents, utilities and transportation  
7 commission, Washington state maritime commission, Washington personnel  
8 resources board, Washington public power supply system executive board,  
9 Washington State University board of regents, Western Washington  
10 University board of trustees, and fish and wildlife commission.

11 **Sec. 23.** RCW 43.17.010 and 2007 c 341 s 46 are each amended to  
12 read as follows:

13 There shall be departments of the state government which shall be  
14 known as (1) the department of social and health services, (2) the  
15 department of ecology, (3) the department of labor and industries, (4)  
16 the department of agriculture, (5) the department of fish and wildlife,  
17 (6) the department of transportation, (7) the department of licensing,  
18 (8) the department of general administration, (9) the department of  
19 (~~community, trade, and economic development~~) commerce, (10) the  
20 department of veterans affairs, (11) the department of revenue, (12)  
21 the department of retirement systems, (13) the department of  
22 corrections, (14) the department of health, (15) the department of  
23 financial institutions, (16) the department of archaeology and historic  
24 preservation, (17) the department of early learning, and (18) the Puget  
25 Sound partnership, which shall be charged with the execution,  
26 enforcement, and administration of such laws, and invested with such  
27 powers and required to perform such duties, as the legislature may  
28 provide.

29 **Sec. 24.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to  
30 read as follows:

31 There shall be a chief executive officer of each department to be  
32 known as: (1) The secretary of social and health services, (2) the  
33 director of ecology, (3) the director of labor and industries, (4) the  
34 director of agriculture, (5) the director of fish and wildlife, (6) the  
35 secretary of transportation, (7) the director of licensing, (8) the  
36 director of general administration, (9) the director of (~~community,~~

1 ~~trade, and economic development~~) commerce, (10) the director of  
2 veterans affairs, (11) the director of revenue, (12) the director of  
3 retirement systems, (13) the secretary of corrections, (14) the  
4 secretary of health, (15) the director of financial institutions, (16)  
5 the director of the department of archaeology and historic  
6 preservation, (17) the director of early learning, and (18) the  
7 executive director of the Puget Sound partnership.

8 Such officers, except the director of fish and wildlife, shall be  
9 appointed by the governor, with the consent of the senate, and hold  
10 office at the pleasure of the governor. The director of fish and  
11 wildlife shall be appointed by the fish and wildlife commission as  
12 prescribed by RCW 77.04.055.

13 **Sec. 25.** RCW 43.21F.025 and 1996 c 186 s 102 are each amended to  
14 read as follows:

15 (1) "Energy" means petroleum or other liquid fuels; natural or  
16 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear  
17 material; electricity; solar radiation; geothermal resources;  
18 hydropower; organic waste products; wind; tidal activity; any other  
19 substance or process used to produce heat, light, or motion; or the  
20 savings from nongeneration technologies, including conservation or  
21 improved efficiency in the usage of any of the sources described in  
22 this subsection;

23 (2) "Person" means an individual, partnership, joint venture,  
24 private or public corporation, association, firm, public service  
25 company, political subdivision, municipal corporation, government  
26 agency, public utility district, joint operating agency, or any other  
27 entity, public or private, however organized;

28 (3) "Director" means the director of the department of (~~community,~~  
29 ~~trade, and economic development~~) commerce;

30 (4) "Assistant director" means the assistant director of the  
31 department of (~~community, trade, and economic development~~) commerce  
32 responsible for energy policy activities;

33 (5) "Department" means the department of (~~community, trade, and~~  
34 ~~economic development~~) commerce;

35 (6) "Distributor" means any person, private corporation,  
36 partnership, individual proprietorship, utility, including investor-  
37 owned utilities, municipal utility, public utility district, joint

1 operating agency, or cooperative, which engages in or is authorized to  
2 engage in the activity of generating, transmitting, or distributing  
3 energy in this state; and

4 (7) "State energy strategy" means the document and energy policy  
5 direction developed under section 1, chapter 201, Laws of 1991  
6 including any related appendices.

7 **Sec. 26.** RCW 43.31.455 and 2005 c 402 s 3 are each amended to read  
8 as follows:

9 The definitions in this section apply throughout RCW 43.31.450  
10 through 43.31.475 unless the context clearly requires otherwise.

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

13 (2) "Director" means the director of the department of (~~community,~~  
14 ~~trade, and economic development~~) commerce.

15 (3) "Foster youth" means a person who is fifteen years of age or  
16 older who is a dependent of the department of social and health  
17 services; or a person who is at least fifteen years of age, but not  
18 more than twenty-three years of age, who was a dependent of the  
19 department of social and health services for at least twenty-four  
20 months after attaining thirteen years of age.

21 (4) "Individual development account" or "account" means an account  
22 established by contract between a low-income individual and a  
23 sponsoring organization for the benefit of the low-income individual  
24 and funded through periodic contributions by the low-income individual  
25 which are matched with contributions by or through the sponsoring  
26 organization.

27 (5) "Low-income individual" means a person whose household income  
28 is equal to or less than either:

29 (a) Eighty percent of the median family income, adjusted for  
30 household size, for the county or metropolitan statistical area where  
31 the person resides; or

32 (b) Two hundred percent of the federal poverty guidelines updated  
33 periodically in the federal register by the United States department of  
34 health and human services under the authority of 42 U.S.C. 9902(2).

35 (6) "Program" means the individual development account program  
36 established pursuant to RCW 43.31.450 through 43.31.475.

1 (7) "Sponsoring organization" means: (a) A nonprofit, fund-raising  
2 organization that is exempt from taxation under section 501(c)(3) of  
3 the internal revenue code as amended and in effect on January 1, 2005;  
4 (b) a housing authority established under RCW 35.82.030; or (c) a  
5 federally recognized Indian tribe.

6 **Sec. 27.** RCW 43.31.522 and 2005 c 136 s 17 are each amended to  
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout RCW 43.31.524:

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

12 (2) "Director" means the director of (~~community, trade, and~~  
13 ~~economic development~~) commerce.

14 (3) "Local nonprofit organization" means a local nonprofit  
15 organization organized to provide economic development or community  
16 development services, including but not limited to associate  
17 development organizations, economic development councils, and community  
18 development corporations.

19 **Sec. 28.** RCW 43.31.800 and 1993 c 280 s 52 are each amended to  
20 read as follows:

21 "Director" as used in RCW 43.31.790 through 43.31.850 and 67.16.100  
22 means the director of (~~community, trade, and economic development~~)  
23 commerce.

24 **Sec. 29.** RCW 43.31C.010 and 2000 c 212 s 2 are each amended to  
25 read as follows:

26 The definitions in this section apply throughout this chapter  
27 unless the context clearly requires otherwise.

28 (1) "Area" means a geographic area within a local government that  
29 is described by a close perimeter boundary.

30 (2) "Community empowerment zone" means an area meeting the  
31 requirements of RCW 43.31C.020 and officially designated by the  
32 director.

33 (3) "Department" means the department of (~~community, trade, and~~  
34 ~~economic development~~) commerce.



1 (4) "Director" means the director of the department of (~~community,~~  
2 ~~trade, and economic development~~) commerce.

3 (5) "Local government" means a city, code city, town, or county.

4 **Sec. 30.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read  
5 as follows:

6 As used in this chapter, unless the context indicates otherwise,  
7 the following definitions shall apply:

8 (1) "Department" means the department of information services;

9 (2) "Board" means the information services board;

10 (3) "Committee" means the state interoperability executive  
11 committee;

12 (4) "Local governments" includes all municipal and quasi municipal  
13 corporations and political subdivisions, and all agencies of such  
14 corporations and subdivisions authorized to contract separately;

15 (5) "Director" means the director of the department;

16 (6) "Purchased services" means services provided by a vendor to  
17 accomplish routine, continuing, and necessary functions. This term  
18 includes, but is not limited to, services acquired for equipment  
19 maintenance and repair, operation of a physical plant, security,  
20 computer hardware and software installation and maintenance,  
21 telecommunications installation and maintenance, data entry, keypunch  
22 services, programming services, and computer time-sharing;

23 (7) "Backbone network" means the shared high-density portions of  
24 the state's telecommunications transmission facilities. It includes  
25 specially conditioned high-speed communications carrier lines,  
26 multiplexors, switches associated with such communications lines, and  
27 any equipment and software components necessary for management and  
28 control of the backbone network;

29 (8) "Telecommunications" means the transmission of information by  
30 wire, radio, optical cable, electromagnetic, or other means;

31 (9) "Information" includes, but is not limited to, data, text,  
32 voice, and video;

33 (10) "Information processing" means the electronic capture,  
34 collection, storage, manipulation, transmission, retrieval, and  
35 presentation of information in the form of data, text, voice, or image  
36 and includes telecommunications and office automation functions;

1 (11) "Information services" means data processing,  
2 telecommunications, office automation, and computerized information  
3 systems;

4 (12) "Equipment" means the machines, devices, and transmission  
5 facilities used in information processing, such as computers, word  
6 processors, terminals, telephones, wireless communications system  
7 facilities, cables, and any physical facility necessary for the  
8 operation of such equipment;

9 (13) "Information technology portfolio" or "portfolio" means a  
10 strategic management process documenting relationships between agency  
11 missions and information technology and telecommunications investments;

12 (14) "Oversight" means a process of comprehensive risk analysis and  
13 management designed to ensure optimum use of information technology  
14 resources and telecommunications;

15 (15) "Proprietary software" means that software offered for sale or  
16 license;

17 (16) "Video telecommunications" means the electronic  
18 interconnection of two or more sites for the purpose of transmitting  
19 and/or receiving visual and associated audio information. Video  
20 telecommunications shall not include existing public television  
21 broadcast stations as currently designated by the department of  
22 (~~community, trade, and economic development~~) commerce under chapter  
23 43.330 RCW;

24 (17) "K-20 educational network board" or "K-20 board" means the K-  
25 20 educational network board created in RCW 43.105.800;

26 (18) "K-20 network technical steering committee" or "committee"  
27 means the K-20 network technical steering committee created in RCW  
28 43.105.810;

29 (19) "K-20 network" means the network established in RCW  
30 43.105.820;

31 (20) "Educational sectors" means those institutions of higher  
32 education, school districts, and educational service districts that use  
33 the network for distance education, data transmission, and other uses  
34 permitted by the K-20 board.

35 **Sec. 31.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to  
36 read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section shall apply throughout this chapter.

3 (1) "Board" means the public works board created in RCW 43.155.030.

4 (2) "Capital facility plan" means a capital facility plan required  
5 by the growth management act under chapter 36.70A RCW or, for local  
6 governments not fully planning under the growth management act, a plan  
7 required by the public works board.

8 (3) "Department" means the department of (~~community, trade, and~~  
9 ~~economic development~~) commerce.

10 (4) "Financing guarantees" means the pledge of money in the public  
11 works assistance account, or money to be received by the public works  
12 assistance account, to the repayment of all or a portion of the  
13 principal of or interest on obligations issued by local governments to  
14 finance public works projects.

15 (5) "Local governments" means cities, towns, counties, special  
16 purpose districts, and any other municipal corporations or quasi-  
17 municipal corporations in the state excluding school districts and port  
18 districts.

19 (6) "Public works project" means a project of a local government  
20 for the planning, acquisition, construction, repair, reconstruction,  
21 replacement, rehabilitation, or improvement of streets and roads,  
22 bridges, water systems, or storm and sanitary sewage systems and solid  
23 waste facilities, including recycling facilities. A planning project  
24 may include the compilation of biological, hydrological, or other data  
25 on a county, drainage basin, or region necessary to develop a base of  
26 information for a capital facility plan.

27 (7) "Solid waste or recycling project" means remedial actions  
28 necessary to bring abandoned or closed landfills into compliance with  
29 regulatory requirements and the repair, restoration, and replacement of  
30 existing solid waste transfer, recycling facilities, and landfill  
31 projects limited to the opening of landfill cells that are in existing  
32 and permitted landfills.

33 (8) "Technical assistance" means training and other services  
34 provided to local governments to: (a) Help such local governments  
35 plan, apply, and qualify for loans and financing guarantees from the  
36 board, and (b) help local governments improve their ability to plan  
37 for, finance, acquire, construct, repair, replace, rehabilitate, and  
38 maintain public facilities.

1       **Sec. 32.** RCW 43.157.010 and 2004 c 275 s 63 are each amended to  
2 read as follows:

3       (1) For purposes of this chapter and RCW 28A.525.166, 28B.76.210,  
4 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and an industrial  
5 project of statewide significance is a border crossing project that  
6 involves both private and public investments carried out in conjunction  
7 with adjacent states or provinces or a private industrial development  
8 with private capital investment in manufacturing or research and  
9 development. To qualify as an industrial project of statewide  
10 significance: (a) The project must be completed after January 1, 1997;  
11 (b) the applicant must submit an application for designation as an  
12 industrial project of statewide significance to the department of  
13 (~~community, trade, and economic development~~) commerce; and (c) the  
14 project must have:

15       (i) In counties with a population of less than or equal to twenty  
16 thousand, a capital investment of twenty million dollars;

17       (ii) In counties with a population of greater than twenty thousand  
18 but no more than fifty thousand, a capital investment of fifty million  
19 dollars;

20       (iii) In counties with a population of greater than fifty thousand  
21 but no more than one hundred thousand, a capital investment of one  
22 hundred million dollars;

23       (iv) In counties with a population of greater than one hundred  
24 thousand but no more than two hundred thousand, a capital investment of  
25 two hundred million dollars;

26       (v) In counties with a population of greater than two hundred  
27 thousand but no more than four hundred thousand, a capital investment  
28 of four hundred million dollars;

29       (vi) In counties with a population of greater than four hundred  
30 thousand but no more than one million, a capital investment of six  
31 hundred million dollars;

32       (vii) In counties with a population of greater than one million, a  
33 capital investment of one billion dollars;

34       (viii) In counties with fewer than one hundred persons per square  
35 mile as determined annually by the office of financial management and  
36 published by the department of revenue effective for the period July  
37 1st through June 30th, projected full-time employment positions after  
38 completion of construction of fifty or greater;

1 (ix) In counties with one hundred or more persons per square mile  
2 as determined annually by the office of financial management and  
3 published by the department of revenue effective for the period July  
4 1st through June 30th, projected full-time employment positions after  
5 completion of construction of one hundred or greater; or

6 (x) Been designated by the director of community, trade, and  
7 economic development as an industrial project of statewide significance  
8 either: (A) Because the county in which the project is to be located  
9 is a distressed county and the economic circumstances of the county  
10 merit the additional assistance such designation will bring; or (B)  
11 because the impact on a region due to the size and complexity of the  
12 project merits such designation.

13 (2) The term manufacturing shall have the meaning assigned it in  
14 RCW 82.61.010.

15 (3) The term research and development shall have the meaning  
16 assigned it in RCW 82.61.010.

17 (4) The term applicant means a person applying to the department of  
18 (~~community, trade, and economic development~~) commerce for designation  
19 of a development project as an industrial project of statewide  
20 significance.

21 **Sec. 33.** RCW 43.160.020 and 2008 c 327 s 2 and 2008 c 131 s 1 are  
22 each reenacted and amended to read as follows:

23 Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this chapter.

25 (1) "Board" means the community economic revitalization board.

26 (2) "Department" means the department of (~~community, trade, and  
27 economic development~~) commerce.

28 (3) "Local government" or "political subdivision" means any port  
29 district, county, city, town, special purpose district, and any other  
30 municipal corporations or quasi-municipal corporations in the state  
31 providing for public facilities under this chapter.

32 (4) "Public facilities" means a project of a local government or a  
33 federally recognized Indian tribe for the planning, acquisition,  
34 construction, repair, reconstruction, replacement, rehabilitation, or  
35 improvement of bridges, roads, domestic and industrial water, earth  
36 stabilization, sanitary sewer, storm sewer, railroad, electricity,

1 telecommunications, transportation, natural gas, buildings or  
2 structures, and port facilities, all for the purpose of job creation,  
3 job retention, or job expansion.

4 (5) "Rural county" means a county with a population density of  
5 fewer than one hundred persons per square mile or a county smaller than  
6 two hundred twenty-five square miles, as determined by the office of  
7 financial management and published each year by the department for the  
8 period July 1st to June 30th.

9 **Sec. 34.** RCW 43.168.020 and 2008 c 131 s 2 are each amended to  
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in  
12 this section apply throughout this chapter.

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

15 (2) "Director" means the director of (~~community, trade, and~~  
16 ~~economic development~~) commerce.

17 (3) "Distressed area" means: (a) A rural county; (b) a county  
18 which has an unemployment rate which is twenty percent above the state  
19 average for the immediately previous three years; (c) a county that has  
20 a median household income that is less than seventy-five percent of the  
21 state median household income for the previous three years; (d) a  
22 metropolitan statistical area, as defined by the office of federal  
23 statistical policy and standards, United States department of commerce,  
24 in which the average level of unemployment for the calendar year  
25 immediately preceding the year in which an application is filed under  
26 this chapter exceeds the average state unemployment for such calendar  
27 year by twenty percent; or (e) an area within a county, which area:  
28 (i) Is composed of contiguous census tracts; (ii) has a minimum  
29 population of five thousand persons; (iii) has at least seventy percent  
30 of its families and unrelated individuals with incomes below eighty  
31 percent of the county's median income for families and unrelated  
32 individuals; and (iv) has an unemployment rate which is at least forty  
33 percent higher than the county's unemployment rate. For purposes of  
34 this definition, "families and unrelated individuals" has the same  
35 meaning that is ascribed to that term by the federal department of  
36 housing and urban development in its regulations authorizing action

1 grants for economic development and neighborhood revitalization  
2 projects.

3 (4) "Fund" means the rural Washington loan fund.

4 (5) "Local development organization" means a nonprofit organization  
5 which is organized to operate within an area, demonstrates a commitment  
6 to a long-standing effort for an economic development program, and  
7 makes a demonstrable effort to assist in the employment of unemployed  
8 or underemployed residents in an area.

9 (6) "Project" means the establishment of a new or expanded business  
10 in an area which when completed will provide employment opportunities.  
11 "Project" also means the retention of an existing business in an area  
12 which when completed will provide employment opportunities.

13 (7) "Rural county" has the same meaning as provided in RCW  
14 82.14.370.

15 **Sec. 35.** RCW 43.185.020 and 1995 c 399 s 101 are each amended to  
16 read as follows:

17 "Department" means the department of (~~community, trade, and~~  
18 ~~economic development~~) commerce. "Director" means the director of the  
19 department of (~~community, trade, and economic development~~) commerce.

20 **Sec. 36.** RCW 43.185A.010 and 2008 c 6 s 301 are each amended to  
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in  
23 this section apply throughout this chapter.

24 (1) "Affordable housing" means residential housing for rental  
25 occupancy which, as long as the same is occupied by low-income  
26 households, requires payment of monthly housing costs, including  
27 utilities other than telephone, of no more than thirty percent of the  
28 family's income. The department shall adopt policies for residential  
29 homeownership housing, occupied by low-income households, which specify  
30 the percentage of family income that may be spent on monthly housing  
31 costs, including utilities other than telephone, to qualify as  
32 affordable housing.

33 (2) "Department" means the department of (~~community, trade, and~~  
34 ~~economic development~~) commerce.

35 (3) "Director" means the director of the department of (~~community,~~  
36 ~~trade, and economic development~~) commerce.

1 (4) "First-time home buyer" means an individual or his or her  
2 spouse or domestic partner who have not owned a home during the three-  
3 year period prior to purchase of a home.

4 (5) "Low-income household" means a single person, family or  
5 unrelated persons living together whose adjusted income is less than  
6 eighty percent of the median family income, adjusted for household  
7 size, for the county where the project is located.

8 **Sec. 37.** RCW 43.185B.010 and 1995 c 399 s 104 are each amended to  
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter.

12 (1) "Affordable housing" means residential housing that is rented  
13 or owned by a person or household whose monthly housing costs,  
14 including utilities other than telephone, do not exceed thirty percent  
15 of the household's monthly income.

16 (2) "Department" means the department of (~~community, trade, and~~  
17 ~~economic development~~) commerce.

18 (3) "Director" means the director of (~~community, trade, and~~  
19 ~~economic development~~) commerce.

20 (4) "Nonprofit organization" means any public or private nonprofit  
21 organization that: (a) Is organized under federal, state, or local  
22 laws; (b) has no part of its net earnings inuring to the benefit of any  
23 member, founder, contributor, or individual; and (c) has among its  
24 purposes significant activities related to the provision of decent  
25 housing that is affordable to very low-income, low-income, or moderate-  
26 income households and special needs populations.

27 (5) "Regulatory barriers to affordable housing" and "regulatory  
28 barriers" mean any public policies (including those embodied in  
29 statutes, ordinances, regulations, or administrative procedures or  
30 processes) required to be identified by the state or local government  
31 in connection with its strategy under section 105(b)(4) of the  
32 Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et  
33 seq.).

34 (6) "Tenant-based organization" means a nonprofit organization  
35 whose governing body includes a majority of members who reside in the  
36 housing development and are considered low-income households.



1       **Sec. 38.** RCW 43.185C.010 and 2007 c 427 s 3 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

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

7       (2) "Director" means the director of the department of (~~community,~~  
8 ~~trade, and economic development~~) commerce.

9       (3) "Homeless person" means an individual living outside or in a  
10 building not meant for human habitation or which they have no legal  
11 right to occupy, in an emergency shelter, or in a temporary housing  
12 program which may include a transitional and supportive housing program  
13 if habitation time limits exist. This definition includes substance  
14 abusers, people with mental illness, and sex offenders who are  
15 homeless.

16       (4) "Washington homeless census" means an annual statewide census  
17 conducted as a collaborative effort by towns, cities, counties,  
18 community-based organizations, and state agencies, with the technical  
19 support and coordination of the department, to count and collect data  
20 on all homeless individuals in Washington.

21       (5) "Home security fund account" means the state treasury account  
22 receiving the state's portion of income from revenue from the sources  
23 established by RCW 36.22.179, RCW 36.22.1791, and all other sources  
24 directed to the homeless housing and assistance program.

25       (6) "Homeless housing grant program" means the vehicle by which  
26 competitive grants are awarded by the department, utilizing moneys from  
27 the (~~homeless housing~~) home security fund account, to local  
28 governments for programs directly related to housing homeless  
29 individuals and families, addressing the root causes of homelessness,  
30 preventing homelessness, collecting data on homeless individuals, and  
31 other efforts directly related to housing homeless persons.

32       (7) "Local government" means a county government in the state of  
33 Washington or a city government, if the legislative authority of the  
34 city affirmatively elects to accept the responsibility for housing  
35 homeless persons within its borders.

36       (8) "Housing continuum" means the progression of individuals along  
37 a housing-focused continuum with homelessness at one end and  
38 homeownership at the other.

1 (9) "Local homeless housing task force" means a voluntary local  
2 committee created to advise a local government on the creation of a  
3 local homeless housing plan and participate in a local homeless housing  
4 program. It must include a representative of the county, a  
5 representative of the largest city located within the county, at least  
6 one homeless or formerly homeless person, such other members as may be  
7 required to maintain eligibility for federal funding related to housing  
8 programs and services and if feasible, a representative of a private  
9 nonprofit organization with experience in low-income housing.

10 (10) "Long-term private or public housing" means subsidized and  
11 unsubsidized rental or owner-occupied housing in which there is no  
12 established time limit for habitation of less than two years.

13 (11) "Interagency council on homelessness" means a committee  
14 appointed by the governor and consisting of, at least, policy level  
15 representatives of the following entities: (a) The department of  
16 (~~community, trade, and economic development~~) commerce; (b) the  
17 department of corrections; (c) the department of social and health  
18 services; (d) the department of veterans affairs; and (e) the  
19 department of health.

20 (12) "Performance measurement" means the process of comparing  
21 specific measures of success against ultimate and interim goals.

22 (13) "Community action agency" means a nonprofit private or public  
23 organization established under the economic opportunity act of 1964.

24 (14) "Housing authority" means any of the public corporations  
25 created by chapter 35.82 RCW.

26 (15) "Homeless housing program" means the program authorized under  
27 this chapter as administered by the department at the state level and  
28 by the local government or its designated subcontractor at the local  
29 level.

30 (16) "Homeless housing plan" means the ten-year plan developed by  
31 the county or other local government to address housing for homeless  
32 persons.

33 (17) "Homeless housing strategic plan" means the ten-year plan  
34 developed by the department, in consultation with the interagency  
35 council on homelessness and the affordable housing advisory board.

36 (18) "Washington homeless client management information system"  
37 means a database of information about homeless individuals in the state  
38 used to coordinate resources to assist homeless clients to obtain and

1 retain housing and reach greater levels of self-sufficiency or economic  
2 independence when appropriate, depending upon their individual  
3 situations.

4 **Sec. 39.** RCW 43.325.010 and 2007 c 348 s 301 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Applicant" means any political subdivision of the state,  
9 including port districts, counties, cities, towns, special purpose  
10 districts, and other municipal corporations or quasi-municipal  
11 corporations. "Applicant" may also include federally recognized tribes  
12 and state institutions of higher education with appropriate research  
13 capabilities.

14 (2) "Alternative fuel" means all products or energy sources used to  
15 propel motor vehicles, other than conventional gasoline, diesel, or  
16 reformulated gasoline. "Alternative fuel" includes, but is not limited  
17 to, cellulose, liquefied petroleum gas, liquefied natural gas,  
18 compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels  
19 containing seventy percent or more by volume of alcohol fuel, fuels  
20 that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel,  
21 nonhazardous motor fuel, or electricity, excluding onboard electric  
22 generation.

23 (3) "Assistance" includes loans, leases, product purchases, or  
24 other forms of financial or technical assistance.

25 (4) "Biofuel" includes, but is not limited to, biodiesel, ethanol,  
26 and ethanol blend fuels and renewable liquid natural gas or liquid  
27 compressed natural gas made from biogas.

28 (5) "Biogas" includes waste gases derived from landfills and  
29 wastewater treatment plants and dairy and farm wastes.

30 (6) "Cellulose" means lignocellulosic, hemicellulosic, or other  
31 cellulosic matter that is available on a renewable or recurring basis,  
32 including dedicated energy crops and trees, wood and wood residues,  
33 plants, grasses, agricultural residues, fibers, animal wastes and other  
34 waste materials, and municipal solid waste.

35 (7) "Coordinator" means the person appointed by the director of the  
36 department of (~~community, trade, and economic development~~) commerce.

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

3 (9) "Director" means the director of the department of (~~community,~~  
4 ~~trade, and economic development~~) commerce.

5 (10) "Green highway zone" means an area in the state designated by  
6 the department that is within reasonable proximity of state route  
7 number 5, state route number 90, and state route number 82.

8 (11) "Peer review committee" means a board, appointed by the  
9 director, that includes bioenergy specialists, energy conservation  
10 specialists, scientists, and individuals with specific recognized  
11 expertise.

12 (12) "Project" means the construction of facilities, including the  
13 purchase of equipment, to convert farm products or wastes into  
14 electricity or gaseous or liquid fuels or other coproducts associated  
15 with such conversion. These specifically include fixed or mobile  
16 facilities to generate electricity or methane from the anaerobic  
17 digestion of organic matter, and fixed or mobile facilities for  
18 extracting oils from canola, rape, mustard, and other oilseeds.  
19 "Project" may also include the construction of facilities associated  
20 with such conversion for the distribution and storage of such  
21 feedstocks and fuels.

22 (13) "Refueling project" means the construction of new alternative  
23 fuel refueling facilities, as well as upgrades and expansion of  
24 existing refueling facilities, that will enable these facilities to  
25 offer alternative fuels to the public.

26 (14) "Research and development project" means research and  
27 development, by an institution of higher education as defined in  
28 subsection (1) of this section, relating to:

29 (a) Bioenergy sources including but not limited to biomass and  
30 associated gases; or

31 (b) The development of markets for bioenergy coproducts.

32 **Sec. 40.** RCW 43.336.010 and 2007 c 228 s 101 are each amended to  
33 read as follows:

34 The definitions in this section apply throughout this chapter  
35 unless the context clearly requires otherwise.

36 (1) "Commission" means the Washington tourism commission.

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

3 (3) "Director" means the director of the department.

4 (4) "Executive director" means the executive director of the  
5 commission.

6 **Sec. 41.** RCW 43.338.010 and 2008 c 315 s 2 are each amended to  
7 read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Costs of extension services" and "extension service costs"  
11 mean the direct costs experienced under a contract with a qualified  
12 manufacturing extension partnership affiliate for modernization  
13 extension services, including but not limited to amounts in the  
14 contract for costs of consulting, instruction, materials, equipment,  
15 rental of class space, marketing, and overhead.

16 (2) "Department" means the department of (~~community, trade, and~~  
17 ~~economic development~~) commerce.

18 (3) "Director" means the director of the department of (~~community,~~  
19 ~~trade, and economic development~~) commerce.

20 (4) "Innovation and modernization extension voucher" and "voucher"  
21 mean an instrument issued to a successful applicant from the  
22 department, verifying that funds from the manufacturing innovation and  
23 modernization account will be forwarded to the qualified manufacturing  
24 extension partnership affiliate selected by the participant and will  
25 cover identified costs of extension services.

26 (5) "Innovation and modernization extension services" and "service"  
27 mean a service funded under this chapter and performed by a qualified  
28 manufacturing extension partnership affiliate. The services may  
29 include but are not limited to strategic planning, continuous  
30 improvement, business development, six sigma, quality improvement,  
31 environmental health and safety, lean processes, energy management,  
32 innovation and product development, human resources and training,  
33 supply chain management, and project management.

34 (6) "Outreach services" means those activities performed by an  
35 affiliate to either assess the technical assistance needs of Washington  
36 manufacturers or increase manufacturers' awareness of the opportunities  
37 and benefits of implementing cutting edge technology, techniques, and

1 best practices. "Outreach services" includes but is not limited to  
2 salaries of outreach staff, needs assessments, client follow-up, public  
3 educational events, manufacturing orientated trade shows, electronic  
4 communications, newsletters, advertising, direct mail efforts, and  
5 contacting business organizations for names of manufacturers who might  
6 need assistance.

7 (7) "Program" means the Washington manufacturing innovation and  
8 modernization extension service program created in RCW 43.338.020.

9 (8) "Program participant" and "participant" mean an applicant for  
10 assistance under the program that has received a voucher or a small  
11 manufacturer receiving services through an industry association or  
12 cluster association that has received a voucher.

13 (9) "Qualified manufacturing extension partnership affiliate" and  
14 "affiliate" mean a private nonprofit organization established under RCW  
15 24.50.010 or other organization that is eligible or certified to  
16 receive federal matching funds from the national institute of standards  
17 and technology manufacturing extension partnership program of the  
18 United States department of commerce.

19 (10) "Small manufacturer" means a private employer whose primary  
20 business is adding value to a product through a manufacturing process  
21 and employs one hundred or fewer employees within Washington state.

22 **Sec. 42.** RCW 43.360.010 and 2005 c 514 s 908 are each amended to  
23 read as follows:

24 The definitions in this section apply throughout this chapter  
25 unless the context clearly requires otherwise.

26 (1) "Area" means a geographic area within a local government that  
27 is described by a closed perimeter boundary.

28 (2) "Department" means the department of (~~community, trade, and~~  
29 ~~economic development~~) commerce.

30 (3) "Director" means the director of the department of (~~community,~~  
31 ~~trade, and economic development~~) commerce.

32 (4) "Local government" means a city, code city, or town.

33 (5) "Qualified levels of participation" means a local downtown or  
34 neighborhood commercial district revitalization program that has been  
35 designated by the department.

1       **Sec. 43.** RCW 43.362.010 and 2007 c 482 s 2 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

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

7       (2) "Nongovernmental entities" includes nonprofit or membership  
8 organizations with experience or expertise in transferring development  
9 rights.

10       (3) "Transfer of development rights" includes methods for  
11 protecting land from development by voluntarily removing the  
12 development rights from a sending area and transferring them to a  
13 receiving area for the purpose of increasing development density in the  
14 receiving area.

15       **Sec. 44.** RCW 43.365.010 and 2006 c 247 s 2 are each amended to  
16 read as follows:

17       The following definitions apply to this chapter, unless the context  
18 clearly requires otherwise.

19       (1) "Approved motion picture competitiveness program" means a  
20 nonprofit organization under the internal revenue code, section  
21 501(c)(6), with the sole purpose of revitalizing the state's economic,  
22 cultural, and educational standing in the national and international  
23 market of motion picture production by recommending and awarding  
24 financial assistance for costs associated with motion pictures in the  
25 state of Washington.

26       (2) "Contribution" means cash contributions.

27       (3) "Costs" means actual expenses of production and postproduction  
28 expended in Washington state for the production of motion pictures,  
29 including but not limited to payments made for salaries, wages, and  
30 health insurance and retirement benefits, the rental costs of machinery  
31 and equipment and the purchase of services, food, property, lodging,  
32 and permits for work conducted in Washington state.

33       (4) "Department" means the department of (~~community, trade, and~~  
34 ~~economic development~~) commerce.

35       (5) "Motion picture" means a recorded audio-visual production  
36 intended for distribution to theaters, DVD, video, or the internet, or  
37 television, or one or more episodes of a single television series,

1 television pilots or presentations, or a commercial. "Motion picture"  
2 does not mean production of a television commercial of an amount less  
3 than two hundred fifty thousand dollars in actual total investment or  
4 one or more segments of a newscast or sporting event.

5 (6) "Funding assistance" means cash expenditures from an approved  
6 motion picture competitiveness program.

7 (7) "Person" has the same meaning as provided in RCW 82.04.030.

8 **Sec. 45.** RCW 59.21.010 and 2002 c 257 s 1 are each amended to read  
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter.

12 (1) "Director" means the director of the department of (~~community,~~  
13 ~~trade, and economic development~~) commerce.

14 (2) "Department" means the department of (~~community, trade, and~~  
15 ~~economic development~~) commerce.

16 (3) "Fund" means the mobile home park relocation fund established  
17 under RCW 59.21.050.

18 (4) "Mobile home park" or "park" means real property that is rented  
19 or held out for rent to others for the placement of two or more mobile  
20 homes for the primary purpose of production of income, except where the  
21 real property is rented or held out for rent for seasonal recreational  
22 purpose only and is not intended for year-round occupancy.

23 (5) "Landlord" or "park-owner" means the owner of the mobile home  
24 park that is being closed at the time relocation assistance is  
25 provided.

26 (6) "Relocate" means to remove the mobile home from the mobile home  
27 park being closed and to either reinstall it in another location or to  
28 demolish it and purchase another mobile/manufactured home constructed  
29 to the standards set by the department of housing and urban  
30 development.

31 (7) "Relocation assistance" means the monetary assistance provided  
32 under this chapter.

33 **Sec. 46.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to  
34 read as follows:

35 The following definitions shall apply throughout this chapter  
36 unless the context clearly requires otherwise:



- 1 (1) "Account" means the (~~mobile-home-affairs~~) manufactured  
2 housing account created under RCW 59.22.070.
- 3 (2) "Affordable" means that, where feasible, low-income residents  
4 should not pay more than thirty percent of their monthly income for  
5 housing costs.
- 6 (3) "Conversion costs" includes the cost of acquiring the mobile  
7 home park, the costs of planning and processing the conversion, the  
8 costs of any needed repairs or rehabilitation, and any expenditures  
9 required by a government agency or lender for the project.
- 10 (4) "Department" means the department of (~~community, trade, and~~  
11 ~~economic development~~) commerce.
- 12 (5) "Fee" means the mobile home title transfer fee imposed under  
13 RCW 59.22.080.
- 14 (6) "Fund" or "park purchase account" means the mobile home park  
15 purchase account created pursuant to RCW 59.22.030.
- 16 (7) "Housing costs" means the total cost of owning, occupying, and  
17 maintaining a mobile home and a lot or space in a mobile home park.
- 18 (8) "Individual interest in a mobile home park" means any interest  
19 which is fee ownership or a lesser interest which entitles the holder  
20 to occupy a lot or space in a mobile home park for a period of not less  
21 than either fifteen years or the life of the holder. Individual  
22 interests in a mobile home park include, but are not limited to, the  
23 following:
- 24 (a) Ownership of a lot or space in a mobile home park or  
25 subdivision;
- 26 (b) A membership or shares in a stock cooperative, or a limited  
27 equity housing cooperative; or
- 28 (c) Membership in a nonprofit mutual benefit corporation which  
29 owns, operates, or owns and operates the mobile home park.
- 30 (9) "Low-income resident" means an individual or household who  
31 resided in the mobile home park prior to application for a loan  
32 pursuant to this chapter and with an annual income at or below eighty  
33 percent of the median income for the county of standard metropolitan  
34 statistical area of residence. Net worth shall be considered in the  
35 calculation of income with the exception of the resident's  
36 mobile/manufactured home which is used as their primary residence.
- 37 (10) "Low-income spaces" means those spaces in a mobile home park

1 operated by a resident organization which are occupied by low-income  
2 residents.

3 (11) "Mobile home park" means a mobile home park, as defined in RCW  
4 59.20.030(~~(+4)~~) (10), or a manufactured home park subdivision as  
5 defined by RCW 59.20.030(~~(+6)~~) (12) created by the conversion to  
6 resident ownership of a mobile home park.

7 (12) "Resident organization" means a group of mobile home park  
8 residents who have formed a nonprofit corporation, cooperative  
9 corporation, or other entity or organization for the purpose of  
10 acquiring the mobile home park in which they reside and converting the  
11 mobile home park to resident ownership. The membership of a resident  
12 organization shall include at least two-thirds of the households  
13 residing in the mobile home park at the time of application for  
14 assistance from the department.

15 (13) "Resident ownership" means, depending on the context, either  
16 the ownership, by a resident organization, as defined in this section,  
17 of an interest in a mobile home park which entitles the resident  
18 organization to control the operations of the mobile home park for a  
19 term of no less than fifteen years, or the ownership of individual  
20 interests in a mobile home park, or both.

21 (14) "Landlord" shall have the same meaning as it does in RCW  
22 59.20.030.

23 (15) "Manufactured housing" means residences constructed on one or  
24 more chassis for transportation, and which bear an insignia issued by  
25 a state or federal regulatory agency indication compliance with all  
26 applicable construction standards of the United States department of  
27 housing and urban development.

28 (16) "Mobile home" shall have the same meaning as it does in RCW  
29 46.04.302.

30 (17) "Mobile home lot" shall have the same meaning as it does in  
31 RCW 59.20.030.

32 (18) "Tenant" means a person who rents a mobile home lot for a term  
33 of one month or longer and owns the mobile home on the lot.

34 **Sec. 47.** RCW 70.103.020 and 2003 c 322 s 2 are each amended to  
35 read as follows:

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

1 (1) "Abatement" means any measure or set of measures designed to  
2 permanently eliminate lead-based paint hazards.

3 (a) Abatement includes, but is not limited to:

4 (i) The removal of paint and dust, the permanent enclosure or  
5 encapsulation of lead-based paint, the replacement of painted surfaces  
6 or fixtures, or the removal or permanent covering of soil, when lead-  
7 based paint hazards are present in such paint, dust, or soil; and

8 (ii) All preparation, cleanup, disposal, and postabatement  
9 clearance testing activities associated with such measures.

10 (b) Specifically, abatement includes, but is not limited to:

11 (i) Projects for which there is a written contract or other  
12 documentation, which provides that an individual or firm will be  
13 conducting activities in or to a residential dwelling or child-occupied  
14 facility that:

15 (A) Shall result in the permanent elimination of lead-based paint  
16 hazards; or

17 (B) Are designed to permanently eliminate lead-based paint hazards  
18 and are described in (a)(i) and (ii) of this subsection;

19 (ii) Projects resulting in the permanent elimination of lead-based  
20 paint hazards, conducted by certified firms or individuals, unless such  
21 projects are covered by (c) of this subsection;

22 (iii) Projects resulting in the permanent elimination of lead-based  
23 paint hazards, conducted by firms or individuals who, through their  
24 company name or promotional literature, represent, advertise, or hold  
25 themselves out to be in the business of performing lead-based paint  
26 activities as identified and defined by this section, unless such  
27 projects are covered by (c) of this subsection; or

28 (iv) Projects resulting in the permanent elimination of lead-based  
29 paint hazards, that are conducted in response to state or local  
30 abatement orders.

31 (c) Abatement does not include renovation, remodeling, landscaping,  
32 or other activities, when such activities are not designed to  
33 permanently eliminate lead-based paint hazards, but, instead, are  
34 designed to repair, restore, or remodel a given structure or dwelling,  
35 even though these activities may incidentally result in a reduction or  
36 elimination of lead-based paint hazards. Furthermore, abatement does  
37 not include interim controls, operations and maintenance activities, or

1 other measures and activities designed to temporarily, but not  
2 permanently, reduce lead-based paint hazards.

3 (2) "Accredited training program" means a training program that has  
4 been accredited by the department to provide training for individuals  
5 engaged in lead-based paint activities.

6 (3) "Certified inspector" means an individual who has been trained  
7 by an accredited training program, meets all the qualifications  
8 established by the department, and is certified by the department to  
9 conduct inspections.

10 (4) "Certified abatement worker" means an individual who has been  
11 trained by an accredited training program, meets all the qualifications  
12 established by the department, and is certified by the department to  
13 perform abatements.

14 (5) "Certified firm" includes a company, partnership, corporation,  
15 sole proprietorship, association, agency, or other business entity that  
16 meets all the qualifications established by the department and performs  
17 lead-based paint activities to which the department has issued a  
18 certificate.

19 (6) "Certified project designer" means an individual who has been  
20 trained by an accredited training program, meets all the qualifications  
21 established by the department, and is certified by the department to  
22 prepare abatement project designs, occupant protection plans, and  
23 abatement reports.

24 (7) "Certified risk assessor" means an individual who has been  
25 trained by an accredited training program, meets all the qualifications  
26 established by the department, and is certified by the department to  
27 conduct risk assessments and sample for the presence of lead in dust  
28 and soil for the purposes of abatement clearance testing.

29 (8) "Certified supervisor" means an individual who has been trained  
30 by an accredited training program, meets all the qualifications  
31 established by the department, and is certified by the department to  
32 supervise and conduct abatements, and to prepare occupant protection  
33 plans and abatement reports.

34 (9) "Department" means the Washington state department of  
35 (~~community, trade, and economic development~~) commerce.

36 (10) "Director" means the director of the Washington state  
37 department of (~~community, trade, and economic development~~) commerce.

38 (11) "Federal laws and rules" means:

1 (a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et  
2 seq.) and the rules adopted by the United States environmental  
3 protection agency under that law for authorization of state programs;

4 (b) Any regulations or requirements adopted by the United States  
5 department of housing and urban development regarding eligibility for  
6 grants to states and local governments; and

7 (c) Any other requirements adopted by a federal agency with  
8 jurisdiction over lead-based paint hazards.

9 (12) "Lead-based paint" means paint or other surface coatings that  
10 contain lead equal to or in excess of 1.0 milligrams per square  
11 centimeter or more than 0.5 percent by weight.

12 (13) "Lead-based paint activity" includes inspection, testing, risk  
13 assessment, lead-based paint hazard reduction project design or  
14 planning, or abatement of lead-based paint hazards.

15 (14) "Lead-based paint hazard" means any condition that causes  
16 exposure to lead from lead-contaminated dust, lead-contaminated soil,  
17 or lead-contaminated paint that is deteriorated or present in  
18 accessible surfaces, friction surfaces, or impact surfaces that would  
19 result in adverse human health effects as identified by the  
20 administrator of the United States environmental protection agency  
21 under the toxic substances control act, section 403.

22 (15) "State program" means a state administered lead-based paint  
23 activities certification and training program that meets the federal  
24 environmental protection agency requirements.

25 (16) "Person" includes an individual, corporation, firm,  
26 partnership, or association, an Indian tribe, state, or political  
27 subdivision of a state, and a state department or agency.

28 (17) "Risk assessment" means:

29 (a) An on-site investigation to determine the existence, nature,  
30 severity, and location of lead-based paint hazards; and

31 (b) The provision of a report by the individual or the firm  
32 conducting the risk assessment, explaining the results of the  
33 investigation and options for reducing lead-based paint hazards.

34 **Sec. 48.** RCW 70.125.030 and 2000 c 54 s 1 are each amended to read  
35 as follows:

36 As used in this chapter and unless the context indicates otherwise:

1 (1) "Core services" means treatment services for victims of sexual  
2 assault including information and referral, crisis intervention,  
3 medical advocacy, legal advocacy, support, system coordination, and  
4 prevention for potential victims of sexual assault.

5 (2) "Department" means the department of (~~community, trade, and~~  
6 ~~economic development~~) commerce.

7 (3) "Law enforcement agencies" means police and sheriff's  
8 departments of this state.

9 (4) "Personal representative" means a friend, relative, attorney,  
10 or employee or volunteer from a community sexual assault program or  
11 specialized treatment service provider.

12 (5) "Rape crisis center" means a community-based social service  
13 agency which provides services to victims of sexual assault.

14 (6) "Community sexual assault program" means a community-based  
15 social service agency that is qualified to provide and provides core  
16 services to victims of sexual assault.

17 (7) "Sexual assault" means one or more of the following:

- 18 (a) Rape or rape of a child;
- 19 (b) Assault with intent to commit rape or rape of a child;
- 20 (c) Incest or indecent liberties;
- 21 (d) Child molestation;
- 22 (e) Sexual misconduct with a minor;
- 23 (f) Custodial sexual misconduct;
- 24 (g) Crimes with a sexual motivation; or
- 25 (h) An attempt to commit any of the aforementioned offenses.

26 (8) "Specialized services" means treatment services for victims of  
27 sexual assault including support groups, therapy, and specialized  
28 sexual assault medical examination.

29 (9) "Victim" means any person who suffers physical and/or mental  
30 anguish as a proximate result of a sexual assault.

31 **Sec. 49.** RCW 70.164.020 and 1995 c 399 s 199 are each amended to  
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

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

1 (2) "Energy assessment" means an analysis of a dwelling unit to  
2 determine the need for cost-effective energy conservation measures as  
3 determined by the department.

4 (3) "Household" means an individual or group of individuals living  
5 in a dwelling unit as defined by the department.

6 (4) "Low income" means household income that is at or below one  
7 hundred twenty-five percent of the federally established poverty level.

8 (5) "Nonutility sponsor" means any sponsor other than a public  
9 service company, municipality, public utility district, mutual or  
10 cooperative, furnishing gas or electricity used to heat low-income  
11 residences.

12 (6) "Residence" means a dwelling unit as defined by the department.

13 (7) "Sponsor" means any entity that submits a proposal under RCW  
14 70.164.040, including but not limited to any local community action  
15 agency, community service agency, or any other participating agency or  
16 any public service company, municipality, public utility district,  
17 mutual or cooperative, or any combination of such entities that jointly  
18 submits a proposal.

19 (8) "Sponsor match" means the share, if any, of the cost of  
20 weatherization to be paid by the sponsor.

21 (9) "Weatherization" means materials or measures, and their  
22 installation, that are used to improve the thermal efficiency of a  
23 residence.

24 (10) "Weatherizing agency" means any approved department grantee or  
25 any public service company, municipality, public utility district,  
26 mutual or cooperative, or other entity that bears the responsibility  
27 for ensuring the performance of weatherization of residences under this  
28 chapter and has been approved by the department.

29 **Sec. 50.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to  
30 read as follows:

31 Unless the context clearly requires otherwise, the definitions in  
32 this section apply throughout this chapter.

33 (1) "Administrative costs" means the costs associated with  
34 procurement; payroll processing; personnel functions; management;  
35 maintenance and operation of space and property; data processing and  
36 computer services; accounting; budgeting; auditing; indirect costs; and  
37 organizational planning, consultation, coordination, and training.

1 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

2 (3) "At-risk" children are children who engage in or are victims of  
3 at-risk behaviors.

4 (4) "At-risk behaviors" means violent delinquent acts, teen  
5 substance abuse, teen pregnancy and male parentage, teen suicide  
6 attempts, dropping out of school, child abuse or neglect, and domestic  
7 violence.

8 (5) "Community public health and safety networks" or "networks"  
9 means the organizations authorized under RCW 70.190.060.

10 (6) "Comprehensive plan" means a two-year plan that examines  
11 available resources and unmet needs for a county or multicounty area,  
12 barriers that limit the effective use of resources, and a plan to  
13 address these issues that is broadly supported by local residents.

14 (7) "Participating state agencies" means the office of the  
15 superintendent of public instruction, the department of social and  
16 health services, the department of health, the employment security  
17 department, the department of (~~community, trade, and economic~~  
18 ~~development~~) commerce, and such other departments as may be  
19 specifically designated by the governor.

20 (8) "Family policy council" or "council" means the superintendent  
21 of public instruction, the secretary of social and health services, the  
22 secretary of health, the commissioner of the employment security  
23 department, and the director of the department of (~~community, trade,~~  
24 ~~and economic development~~) commerce or their designees, one legislator  
25 from each caucus of the senate and house of representatives, and one  
26 representative of the governor.

27 (9) "Fiduciary interest" means (a) the right to compensation from  
28 a health, educational, social service, or justice system organization  
29 that receives public funds, or (b) budgetary or policy-making authority  
30 for an organization listed in (a) of this subsection. A person who  
31 acts solely in an advisory capacity and receives no compensation from  
32 a health, educational, social service, or justice system organization,  
33 and who has no budgetary or policy-making authority is deemed to have  
34 no fiduciary interest in the organization.

35 (10) "Outcome" or "outcome based" means defined and measurable  
36 outcomes used to evaluate progress in reducing the rate of at-risk  
37 children and youth through reducing risk factors and increasing  
38 protective factors.



1 (11) "Matching funds" means an amount no less than twenty-five  
2 percent of the amount budgeted for a network. The network's matching  
3 funds may be in-kind goods and services. Funding sources allowable for  
4 match include appropriate federal or local levy funds, private  
5 charitable funding, and other charitable giving. Basic education funds  
6 shall not be used as a match. State general funds shall not be used as  
7 a match for violence reduction and drug enforcement account funds  
8 created under RCW 69.50.520.

9 (12) "Policy development" has the same meaning as provided in RCW  
10 43.70.010.

11 (13) "Protective factors" means those factors determined by the  
12 department of health to be empirically associated with behaviors that  
13 contribute to socially acceptable and healthy nonviolent behaviors.  
14 Protective factors include promulgation, identification, and acceptance  
15 of community norms regarding appropriate behaviors in the area of  
16 delinquency, early sexual activity, alcohol and substance abuse,  
17 educational opportunities, employment opportunities, and absence of  
18 crime.

19 (14) "Risk factors" means those factors determined by the  
20 department of health to be empirically associated with at-risk  
21 behaviors that contribute to violence.

22 **Sec. 51.** RCW 80.36.005 and 2003 c 134 s 1 are each amended to read  
23 as follows:

24 The definitions in this section apply throughout RCW 80.36.410  
25 through 80.36.475, unless the context clearly requires otherwise.

26 (1) "Community agency" means local community agencies that  
27 administer community service voice mail programs.

28 (2) "Community service voice mail" means a computerized voice mail  
29 system that provides low-income recipients with: (a) An individually  
30 assigned telephone number; (b) the ability to record a personal  
31 greeting; and (c) a private security code to retrieve messages.

32 (3) "Department" means the department of social and health  
33 services.

34 (4) "Service year" means the period between July 1st and June 30th.

35 (5) "Community action agency" means local community action agencies  
36 or local community service agencies designated by the department of

1 ((community, trade, and economic development)) commerce under chapter  
2 43.63A RCW.

3 **Sec. 52.** RCW 80.80.010 and 2007 c 307 s 2 are each amended to read  
4 as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "Attorney general" means the Washington state office of the  
8 attorney general.

9 (2) "Auditor" means: (a) The Washington state auditor's office or  
10 its designee for consumer-owned utilities under its jurisdiction; or  
11 (b) an independent auditor selected by a consumer-owned utility that is  
12 not under the jurisdiction of the state auditor.

13 (3) "Average available greenhouse ((gases-[gas])) gas emissions  
14 output" means the level of greenhouse ((gases-[gas])) gas emissions as  
15 surveyed and determined by the energy policy division of the department  
16 of ((community, trade, and economic development)) commerce under RCW  
17 80.80.050.

18 (4) "Baseload electric generation" means electric generation from  
19 a power plant that is designed and intended to provide electricity at  
20 an annualized plant capacity factor of at least sixty percent.

21 (5) "Cogeneration facility" means a power plant in which the heat  
22 or steam is also used for industrial or commercial heating or cooling  
23 purposes and that meets federal energy regulatory commission standards  
24 for qualifying facilities under the public utility regulatory policies  
25 act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

26 (6) "Combined-cycle natural gas thermal electric generation  
27 facility" means a power plant that employs a combination of one or more  
28 gas turbines and steam turbines in which electricity is produced in the  
29 steam turbine from otherwise lost waste heat exiting from one or more  
30 of the gas turbines.

31 (7) "Commission" means the Washington utilities and transportation  
32 commission.

33 (8) "Consumer-owned utility" means a municipal utility formed under  
34 Title 35 RCW, a public utility district formed under Title 54 RCW, an  
35 irrigation district formed under chapter 87.03 RCW, a cooperative  
36 formed under chapter 23.86 RCW, a mutual corporation or association  
37 formed under chapter 24.06 RCW, or port district within which an

1 industrial district has been established as authorized by Title 53 RCW,  
2 that is engaged in the business of distributing electricity to more  
3 than one retail electric customer in the state.

4 (9) "Department" means the department of ecology.

5 (10) "Distributed generation" means electric generation connected  
6 to the distribution level of the transmission and distribution grid,  
7 which is usually located at or near the intended place of use.

8 (11) "Electric utility" means an electrical company or a consumer-  
9 owned utility.

10 (12) "Electrical company" means a company owned by investors that  
11 meets the definition of RCW 80.04.010.

12 (13) "Governing board" means the board of directors or legislative  
13 authority of a consumer-owned utility.

14 (14) "Greenhouse gases" includes carbon dioxide, methane, nitrous  
15 oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

16 (15) "Long-term financial commitment" means:

17 (a) Either a new ownership interest in baseload electric generation  
18 or an upgrade to a baseload electric generation facility; or

19 (b) A new or renewed contract for baseload electric generation with  
20 a term of five or more years for the provision of retail power or  
21 wholesale power to end-use customers in this state.

22 (16) "Plant capacity factor" means the ratio of the electricity  
23 produced during a given time period, measured in kilowatt-hours, to the  
24 electricity the unit could have produced if it had been operated at its  
25 rated capacity during that period, expressed in kilowatt-hours.

26 (17) "Power plant" means a facility for the generation of  
27 electricity that is permitted as a single plant by the energy facility  
28 site evaluation council or a local jurisdiction.

29 (18) "Upgrade" means any modification made for the primary purpose  
30 of increasing the electric generation capacity of a baseload electric  
31 generation facility. "Upgrade" does not include routine or necessary  
32 maintenance, installation of emission control equipment, installation,  
33 replacement, or modification of equipment that improves the heat rate  
34 of the facility, or installation, replacement, or modification of  
35 equipment for the primary purpose of maintaining reliable generation  
36 output capability that does not increase the heat input or fuel usage  
37 as specified in existing generation air quality permits as of July 22,  
38 2007, but may result in incidental increases in generation capacity.

1       **Sec. 53.** RCW 82.73.010 and 2005 c 514 s 902 are each amended to  
2 read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Applicant" means a person applying for a tax credit under this  
6 chapter.

7       (2) "Contribution" means cash contributions.

8       (3) "Department" means the department of revenue.

9       (4) "Person" has the meaning given in RCW 82.04.030.

10       (5) "Program" means a nonprofit organization under internal revenue  
11 code sections 501(c)(3) or 501(c)(6), with the sole mission of  
12 revitalizing a downtown or neighborhood commercial district area, that  
13 is designated by the department of (~~community, trade, and economic~~  
14 ~~development~~) commerce as described in RCW 43.360.010 through  
15 43.360.050.

16       (6) "Main street trust fund" means the department of (~~community,~~  
17 ~~trade, and economic development's~~) commerce's main street trust fund  
18 account under RCW 43.360.050.

19       NEW SECTION. **Sec. 54.** A new section is added to chapter 43.330  
20 RCW to read as follows:

21       (1)(a) All powers, duties, and functions of the department of  
22 community, trade, and economic development described in (b) of this  
23 subsection are transferred to the department of social and health  
24 services. All references to the director or the department of  
25 community, trade, and economic development in the Revised Code of  
26 Washington shall be construed to mean the secretary or the department  
27 of social and health services when referring to the functions  
28 transferred in this section.

29       (b) The following functions and programs are transferred to the  
30 department of social and health services:

31       (i) The developmental disabilities council, under RCW 43.330.210  
32 through 43.330.240, to government and community relations within the  
33 office of the secretary of the department of social and health  
34 services;

35       (ii) The office of crime victims advocacy, under RCW 43.280.080  
36 through 43.280.090, to government and community relations within the

1 office of the secretary of the department of social and health  
2 services;

3 (iii) The safe and drug-free communities programs, to government  
4 and community relations within the office of the secretary of the  
5 department of social and health services, which include the following:

6 (A) The children and families of incarcerated parents program,  
7 under RCW 43.63A.068;

8 (B) The community mobilization program, under chapter 43.270 RCW;

9 (C) Federally funded criminal justice treatment programs;

10 (D) The drug prosecution assistance program under RCW 36.27.100  
11 through 36.27.120;

12 (E) The governor's council on substance abuse;

13 (F) Federally funded justice assistance grants;

14 (G) The municipal criminal justice fund distribution program;

15 (H) The offender reentry program, under chapter 72.78 RCW;

16 (I) Federally funded project safe neighborhoods;

17 (J) Public health funding;

18 (K) Public safety research; and

19 (L) Prostitution prevention and intervention services under RCW  
20 43.63A.720 through 43.63A.740;

21 (iv) The emergency food assistance program authorized under RCW  
22 43.330.130, to emergency programs within the community services  
23 division of the department of social and health services; and

24 (v) The long-term care ombudsman program under chapter 43.190 RCW;  
25 to government and community relations within the office of the  
26 secretary of the department of social and health services.

27 (2)(a) All reports, documents, surveys, books, records, files,  
28 papers, or written material in the possession of the department of  
29 community, trade, and economic development pertaining to the powers,  
30 functions, and duties transferred shall be delivered to the custody of  
31 the department of social and health services. All cabinets, furniture,  
32 office equipment, motor vehicles, and other tangible property employed  
33 by the department of community, trade, and economic development in  
34 carrying out the powers, functions, and duties transferred shall be  
35 made available to the department of social and health services. All  
36 funds, credits, or other assets held in connection with the powers,  
37 functions, and duties transferred shall be assigned to the department  
38 of social and health services.

1 (b) Any appropriations made to the department of community, trade,  
2 and economic development for carrying out the powers, functions, and  
3 duties transferred shall, on the effective date of this section, be  
4 transferred and credited to the department of social and health  
5 services.

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

12 (3) All employees of the department of community, trade, and  
13 economic development engaged in performing the powers, functions, and  
14 duties transferred are transferred to the jurisdiction of the  
15 department of social and health services. All employees classified  
16 under chapter 41.06 RCW, the state civil service law, are assigned to  
17 the department of social and health services to perform their usual  
18 duties upon the same terms as formerly, without any loss of rights,  
19 subject to any action that may be appropriate thereafter in accordance  
20 with the laws and rules governing state civil service.

21 (4) All rules and all pending business before the department of  
22 community, trade, and economic development pertaining to the powers,  
23 functions, and duties transferred shall be continued and acted upon by  
24 the department of social and health services. All existing contracts  
25 and obligations shall remain in full force and shall be performed by  
26 the department of social and health services.

27 (5) The transfer of the powers, duties, functions, and personnel of  
28 the department of community, trade, and economic development shall not  
29 affect the validity of any act performed before the effective date of  
30 this section.

31 (6) If apportionments of budgeted funds are required because of the  
32 transfers directed by this section, the director of financial  
33 management shall certify the apportionments to the agencies affected,  
34 the state auditor, and the state treasurer. Each of these shall make  
35 the appropriate transfer and adjustments in funds and appropriation  
36 accounts and equipment records in accordance with the certification.

1        NEW SECTION.    **Sec. 55.**    A new section is added to chapter 43.330  
2    RCW to read as follows:

3        (1)(a) All powers, duties, and functions of the department of  
4    community, trade, and economic development described in (b) of this  
5    subsection are transferred to the employment security department. All  
6    references to the director or the department of community, trade, and  
7    economic development in the Revised Code of Washington shall be  
8    construed to mean the commissioner or the employment security  
9    department when referring to the functions transferred in this section.

10       (b) Reemployment support centers are transferred to the employment  
11    security department.

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

24       (b) Any appropriations made to the department of community, trade,  
25    and economic development for carrying out the powers, functions, and  
26    duties transferred shall, on the effective date of this section, be  
27    transferred and credited to the employment security department.

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

34       (3) All employees of the department of community, trade, and  
35    economic development engaged in performing the powers, functions, and  
36    duties transferred are transferred to the jurisdiction of the  
37    employment security department. All employees classified under chapter  
38    41.06 RCW, the state civil service law, are assigned to the employment

1 security department to perform their usual duties upon the same terms  
2 as formerly, without any loss of rights, subject to any action that may  
3 be appropriate thereafter in accordance with the laws and rules  
4 governing state civil service.

5 (4) All rules and all pending business before the department of  
6 community, trade, and economic development pertaining to the powers,  
7 functions, and duties transferred shall be continued and acted upon by  
8 the employment security department. All existing contracts and  
9 obligations shall remain in full force and shall be performed by the  
10 employment security department.

11 (5) The transfer of the powers, duties, functions, and personnel of  
12 the department of community, trade, and economic development shall not  
13 affect the validity of any act performed before the effective date of  
14 this section.

15 (6) If apportionments of budgeted funds are required because of the  
16 transfers directed by this section, the director of financial  
17 management shall certify the apportionments to the agencies affected,  
18 the state auditor, and the state treasurer. Each of these shall make  
19 the appropriate transfer and adjustments in funds and appropriation  
20 accounts and equipment records in accordance with the certification.

21 **Sec. 56.** RCW 43.330.210 and 2000 c 120 s 5 are each amended to  
22 read as follows:

23 The developmental disabilities endowment governing board is  
24 established to design and administer the developmental disabilities  
25 endowment. To the extent funds are appropriated for this purpose, the  
26 ((director)) secretary of the department of ((community, trade, and  
27 economic development)) social and health services shall provide staff  
28 and administrative support to the governing board.

29 (1) The governing board shall consist of seven members as follows:

30 (a) Three of the members, who shall be appointed by the governor,  
31 shall be persons who have demonstrated expertise and leadership in  
32 areas such as finance, actuarial science, management, business, or  
33 public policy.

34 (b) Three members of the board, who shall be appointed by the  
35 governor, shall be persons who have demonstrated expertise and  
36 leadership in areas such as business, developmental disabilities



1 service design, management, or public policy, and shall be family  
2 members of persons with developmental disabilities.

3 (c) The seventh member of the board, who shall serve as chair of  
4 the board, shall be appointed by the remaining six members of the  
5 board.

6 (2) Members of the board shall serve terms of four years and may be  
7 appointed for successive terms of four years at the discretion of the  
8 appointing authority. However, the governor may stagger the terms of  
9 the initial six members of the board so that approximately one-fourth  
10 of the members' terms expire each year.

11 (3) Members of the board shall be compensated for their service  
12 under RCW 43.03.240 and shall be reimbursed for travel expenses as  
13 provided in RCW 43.03.050 and 43.03.060.

14 (4) The board shall meet periodically as specified by the call of  
15 the chair, or a majority of the board.

16 (5) Members of the governing board and the state investment board  
17 shall not be considered an insurer of the funds or assets of the  
18 endowment trust fund or the individual trust accounts. Neither of  
19 these two boards or their members shall be liable for the action or  
20 (~~inactions~~ [~~inaction~~]) inaction of the other.

21 (6) Members of the governing board and the state investment board  
22 are not liable to the state, to the fund, or to any other person as a  
23 result of their activities as members, whether ministerial or  
24 discretionary, except for willful dishonesty or intentional violations  
25 of law. The department and the state investment board, respectively,  
26 may purchase liability insurance for members.

27 **Sec. 57.** RCW 43.330.240 and 2000 c 120 s 9 are each amended to  
28 read as follows:

29 The department of (~~community, trade, and economic development~~)  
30 social and health services shall adopt rules for the implementation of  
31 policies established by the governing board in RCW 43.330.200 through  
32 43.330.230. Such rules will be consistent with those statutes and  
33 chapter 34.05 RCW.

34 **Sec. 58.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to  
35 read as follows:

36 The office of crime victims advocacy is established in the

1 department of (~~community, trade, and economic development~~) social and  
2 health services. The office shall assist communities in planning and  
3 implementing services for crime victims, advocate on behalf of crime  
4 victims in obtaining needed services and resources, and advise local  
5 and state governments on practices, policies, and priorities that  
6 impact crime victims. In addition, the office shall administer grant  
7 programs for sexual assault treatment and prevention services, as  
8 authorized in this chapter.

9 **Sec. 59.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to  
10 read as follows:

11 The (~~director~~) secretary of the department of (~~community, trade,~~  
12 ~~and economic development~~) social and health services may establish ad  
13 hoc advisory committees, as necessary, to obtain advice and guidance  
14 regarding the office of crime victims advocacy program.

15 **Sec. 60.** RCW 43.63A.068 and 2007 c 384 s 6 are each amended to  
16 read as follows:

17 (1)(a) The department of (~~community, — trade, — and — economic~~  
18 ~~development~~) social and health services shall establish an advisory  
19 committee to monitor, guide, and report on recommendations relating to  
20 policies and programs for children and families with incarcerated  
21 parents.

22 (b) The advisory committee shall include representatives of the  
23 department of corrections, (~~the — department — of — social — and — health~~  
24 ~~services,~~) the department of early learning, the office of the  
25 superintendent of public instruction, representatives of the private  
26 nonprofit and business sectors, child advocates, representatives of  
27 Washington state Indian tribes as defined under the federal Indian  
28 welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the  
29 administrative office of the courts, the Washington association of  
30 sheriffs and police chiefs, jail administrators, the office of the  
31 governor, and others who have an interest in these issues.

32 (c) The advisory committee shall:

33 (i) Gather the data collected by the departments as required in RCW  
34 72.09.495, 74.04.800, 43.215.065, and 28A.300.520;

35 (ii) Monitor and provide consultation on the implementation of

1 recommendations contained in the 2006 children of incarcerated parents  
2 report;

3 (iii) Identify areas of need and develop recommendations for the  
4 legislature, (~~the department of social and health services,~~) the  
5 department of corrections, the department of early learning, and the  
6 office of the superintendent of public instruction to better meet the  
7 needs of children and families of persons incarcerated in department of  
8 corrections facilities; and

9 (iv) Advise the department of (~~community, trade, and economic~~  
10 ~~development~~) social and health services regarding community programs  
11 the department should fund with moneys appropriated for this purpose in  
12 the operating budget. The advisory committee shall provide  
13 recommendations to the department regarding the following:

- 14 (A) The goals for geographic distribution of programs and funding;
- 15 (B) The scope and purpose of eligible services and the priority of  
16 such services;
- 17 (C) Grant award funding limits;
- 18 (D) Entities eligible to apply for the funding;
- 19 (E) Whether the funding should be directed towards starting or  
20 supporting new programs, expanding existing programs, or whether the  
21 funding should be open to all eligible services and providers; and
- 22 (F) Other areas the advisory committee determines appropriate.

23 (d) The children of incarcerated parents advisory committee shall  
24 update the legislature and governor annually on committee activities,  
25 with the first update due by January 1, 2008.

26 (2) The department of (~~community, trade, and economic~~  
27 ~~development~~) social and health services shall select community  
28 programs or services to receive funding that focus on children and  
29 families of inmates incarcerated in a department of corrections  
30 facility and sustaining the family during the period of the inmate's  
31 incarceration.

32 (a) Programs or services which meet the needs of the children of  
33 incarcerated parents should be the greatest consideration in the  
34 programs that are identified by the department.

35 (b) The department shall consider the recommendations of the  
36 advisory committee regarding which services or programs the department  
37 should fund.

1 (c) The programs selected shall collaborate with an agency, or  
2 agencies, experienced in providing services to aid families and victims  
3 of sexual assault and domestic violence to ensure that the programs  
4 identify families who have a history of sexual assault or domestic  
5 violence and ensure the services provided are appropriate for the  
6 children and families.

7 **Sec. 61.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to read  
8 as follows:

9 (1) There is established in the department of (~~community, trade,~~  
10 ~~and economic development~~) social and health services a grant program  
11 to provide incentive for and support for communities to develop  
12 targeted and coordinated strategies to reduce the incidence and impact  
13 of alcohol, tobacco, or other drug abuse, or violence.

14 (2) The department of (~~community, — trade, — and — economic~~  
15 ~~development~~) social and health services shall make awards, subject to  
16 funds appropriated by the legislature, under the following terms:

17 (a) Starting July 1, 2001, funds will be available to countywide  
18 programs through a formula developed by the department of (~~community,~~  
19 ~~trade, — and — economic — development~~) social and health services in  
20 consultation with program contractors, which will take into  
21 consideration county population size.

22 (b) In order to be eligible for consideration, applicants must  
23 demonstrate, at a minimum:

24 (i) That the community has developed and is committed to carrying  
25 out a coordinated strategy of prevention, treatment, and law  
26 enforcement activities;

27 (ii) That the community has considered research-based theory when  
28 developing its strategy;

29 (iii) That proposals submitted for funding are based on a local  
30 assessment of need and address specific objectives contained in a  
31 coordinated strategy of prevention, treatment, and law enforcement  
32 against alcohol, tobacco, or other drug abuse, or violence;

33 (iv) Evidence of active participation in preparation of the  
34 proposal and specific commitments to implementing the community-wide  
35 agenda by leadership from education, law enforcement, local government,  
36 tribal government, and treatment entities in the community, and the  
37 opportunity for meaningful involvement from others such as neighborhood

1 and citizen groups, businesses, human service, health and job training  
2 organizations, and other key elements of the community, particularly  
3 those whose responsibilities in law enforcement, treatment, prevention,  
4 education, or other community efforts provide direct, ongoing contact  
5 with substance abusers or those who exhibit violent behavior, or those  
6 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

7 (v) Evidence of additional local resources committed to the  
8 applicant's strategy totaling at least twenty-five percent of funds  
9 awarded under this section. These resources may consist of public or  
10 private funds, donated goods or services, and other measurable  
11 commitments, including in-kind contributions such as volunteer  
12 services, materials, supplies, physical facilities, or a combination  
13 thereof; and

14 (vi) That the funds applied for, if received, will not be used to  
15 replace funding for existing activities.

16 (c) At a minimum, grant applications must include the following:

17 (i) A definition of geographic area;

18 (ii) A needs assessment describing the extent and impact of  
19 alcohol, tobacco, or other drug abuse, and violence in the community,  
20 including an explanation of those who are most severely impacted and  
21 those most at risk of substance abuse or violent behavior;

22 (iii) An explanation of the community-wide strategy for prevention,  
23 treatment, and law enforcement activities related to alcohol, tobacco,  
24 or other drug abuse, or violence, with particular attention to those  
25 who are most severely impacted and/or those most at risk of alcohol,  
26 tobacco, or other drug abuse, or violent behavior;

27 (iv) An explanation of who was involved in development of the  
28 strategy and what specific commitments have been made to carry it out;

29 (v) Identification of existing prevention, education, treatment,  
30 and law enforcement resources committed by the applicant, including  
31 financial and other support, and an explanation of how the applicant's  
32 strategy involves and builds on the efforts of existing organizations  
33 or coalitions that have been carrying out community efforts against  
34 alcohol, tobacco, or other drug abuse, or violence;

35 (vi) Identification of activities that address specific objectives  
36 in the strategy for which additional resources are needed;

37 (vii) Identification of additional local resources, including

1 public or private funds, donated goods or services, and other  
2 measurable commitments, that have been committed to the activities  
3 identified in (c)(vi) of this subsection;

4 (viii) Identification of activities that address specific  
5 objectives in the strategy for which funding is requested;

6 (ix) For each activity for which funding is requested, an  
7 explanation in sufficient detail to demonstrate:

8 (A) Feasibility through deliberative design, specific objectives,  
9 and a realistic plan for implementation;

10 (B) A rationale for how this activity will achieve measurable  
11 results and how it will be evaluated;

12 (C) That funds requested are necessary and appropriate to  
13 effectively carry out the activity; and

14 (x) Identification of a contracting agent meeting state  
15 requirements for each activity proposed for funding.

16 Each contracting agent must execute a written agreement with its  
17 local community mobilization advisory board that reflects the duties  
18 and powers of each party.

19 (3) Activities that may be funded through this grant program  
20 include those that:

21 (a) Prevent alcohol, tobacco, or other drug abuse, or violence  
22 through educational efforts, development of positive alternatives,  
23 intervention with high-risk groups, and other prevention strategies;

24 (b) Support effective treatment by increasing access to and  
25 availability of treatment opportunities, particularly for underserved  
26 or highly impacted populations, developing aftercare and support  
27 mechanisms, and other strategies to increase the availability and  
28 effectiveness of treatment;

29 (c) Provide meaningful consequences for participation in illegal  
30 activity and promote safe and healthy communities through support of  
31 law enforcement strategies;

32 (d) Create or build on efforts by existing community programs,  
33 coordinate their efforts, and develop cooperative efforts or other  
34 initiatives to make most effective use of resources to carry out the  
35 community's strategy against alcohol, tobacco, or other drug abuse, or  
36 violence; and

37 (e) Other activities that demonstrate both feasibility and a

1 rationale for how the activity will achieve measurable results in the  
2 strategy against alcohol, tobacco, or other drug abuse, or violence.

3 **Sec. 62.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to read  
4 as follows:

5 The department of (~~community, trade, and economic development~~)  
6 social and health services shall ask communities for suggestions on  
7 state practices, policies, and priorities that would help communities  
8 implement their strategies against alcohol, tobacco, or other drug  
9 abuse, or violence. The department of (~~community, trade, and economic  
10 development~~) social and health services shall review and respond to  
11 those suggestions making necessary changes where feasible, making  
12 recommendations to the legislature where appropriate, and providing an  
13 explanation as to why suggested changes cannot be accomplished, if the  
14 suggestions cannot be acted upon.

15 **Sec. 63.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to read  
16 as follows:

17 The department of (~~community, trade, and economic development~~)  
18 social and health services may receive such gifts, grants, and  
19 endowments from public or private sources as may be made from time to  
20 time, in trust or otherwise, for the use and benefit of the purposes of  
21 RCW 43.270.010 through 43.270.080 and expend the same or any income  
22 therefrom according to the terms of the gifts, grants, or endowments.

23 **Sec. 64.** RCW 36.27.100 and 1995 c 399 s 41 are each amended to  
24 read as follows:

25 The legislature recognizes that, due to the magnitude or volume of  
26 offenses in a given area of the state, there is a recurring need for  
27 supplemental assistance in the prosecuting of drug and drug-related  
28 offenses that can be directed to the area of the state with the  
29 greatest need for short-term assistance. A statewide drug prosecution  
30 assistance program is created within the department of (~~community,  
31 trade, and economic development~~) social and health services to assist  
32 county prosecuting attorneys in the prosecution of drug and drug-  
33 related offenses.

1       **Sec. 65.** RCW 72.78.030 and 2007 c 483 s 103 are each amended to  
2 read as follows:

3       (1) The department of (~~community, — trade, — and — economic~~  
4 ~~development~~) social and health services shall establish a community  
5 transition coordination network pilot program for the purpose of  
6 awarding grants to counties or groups of counties for implementing  
7 coordinated reentry efforts for offenders returning to the community.  
8 Grant awards are subject to the availability of amounts appropriated  
9 for this specific purpose.

10       (2) By September 1, 2007, the Washington state institute for public  
11 policy shall, in consultation with the department of (~~community,~~  
12 ~~trade, and economic development~~) social and health services, develop  
13 criteria for the counties in conducting its evaluation as directed by  
14 subsection (6)(c) of this section.

15       (3) Effective February 1, 2008, any county or group of counties may  
16 apply for participation in the community transition coordination  
17 network pilot program by submitting a proposal for a community  
18 transition coordination network.

19       (4) A proposal for a community transition coordination network  
20 initiated under this section must be collaborative in nature and must  
21 seek locally appropriate evidence-based or research-based solutions and  
22 promising practices utilizing the participation of public and private  
23 entities or programs to support successful, community-based offender  
24 reentry.

25       (5) In developing a proposal for a community transition  
26 coordination network, counties or groups of counties and the department  
27 of corrections shall collaborate in addressing:

28       (a) Efficiencies that may be gained by sharing space or resources  
29 in the provision of reentry services to offenders;

30       (b) Mechanisms for communication of information about offenders,  
31 including the feasibility of shared access to databases;

32       (c) Partnerships to establish neighborhood corrections initiatives  
33 as defined in RCW 72.09.280.

34       (6) A proposal for a community transition coordination network must  
35 include:

36       (a) Descriptions of collaboration and coordination between local  
37 community policing and supervision programs and those agencies and  
38 entities identified in the inventory conducted pursuant to RCW



1 72.78.020 to address the risks and needs of offenders under a  
2 participating county or city misdemeanor probation or other  
3 supervision program including:

4 (i) A proposed method of assessing offenders to identify the  
5 offenders' risks and needs. Counties and cities are encouraged, where  
6 possible, to make use of assessment tools developed by the department  
7 of corrections in this regard;

8 (ii) A proposal for developing and/or maintaining an individual  
9 reentry plan for offenders;

10 (iii) Connecting offenders to services and resources that meet the  
11 offender's needs as identified in his or her individual reentry plan  
12 including the identification of community representatives or volunteers  
13 that may assist the offender with his or her transition; and

14 (iv) The communication of assessment information, individual  
15 reentry plans, and service information between parties involved with  
16 (~~{the}~~) the offender's reentry;

17 (b) Mechanisms to provide information to former offenders regarding  
18 services available to them in the community regardless of the length of  
19 time since the offender's release and regardless of whether the  
20 offender was released from prison or jail. Mechanisms shall, at a  
21 minimum, provide for:

22 (i) Maintenance of the information gathered in RCW 72.78.020  
23 regarding services currently existing within the community that are  
24 available to offenders; and

25 (ii) Coordination of access to existing services with community  
26 providers and provision of information to offenders regarding how to  
27 access the various type of services and resources that are available in  
28 the community; and

29 (c) An evaluation of the county's or group of counties' readiness  
30 to implement a community transition coordination network including the  
31 social service needs of offenders in general, capacity of local  
32 facilities and resources to meet offenders' needs, and the cost to  
33 implement and maintain a community transition coordination network for  
34 the duration of the pilot project.

35 (7) The department of community, trade, and economic development  
36 shall review county applications for funding through the community  
37 transition coordination network pilot program and, no later than April

1 1, 2008, shall select up to four counties or groups of counties. In  
2 selecting pilot counties or regions, the department shall consider the  
3 extent to which the proposal:

4 (a) Addresses the requirements set out in subsection (6) of this  
5 section;

6 (b) Proposes effective partnerships and coordination between local  
7 community policing and supervision programs, social service and  
8 treatment providers, and the department of corrections' community  
9 justice center, if a center is located in the county or region;

10 (c) Focuses on measurable outcomes such as increased employment and  
11 income, treatment objectives, maintenance of stable housing, and  
12 reduced recidivism;

13 (d) Contributes to the diversity of pilot programs, considering  
14 factors such as geographic location, size of county or region, and  
15 reentry services currently available. The department shall ensure that  
16 a grant is awarded to at least one rural county or group of counties  
17 and at least one county or group of counties where a community justice  
18 center operated by the department of corrections is located; and

19 (e) Is feasible, given the evaluation of the social service needs  
20 of offenders, the existing capacity of local facilities and resources  
21 to meet offenders' needs, and the cost to implement a community  
22 transition coordination network in the county or group of counties.

23 (8) The department of (~~community, — trade, — and — economic~~  
24 ~~development~~) social and health services shall convene a policy  
25 advisory committee composed of representatives from the senate, the  
26 house of representatives, the governor's office of financial  
27 management, the department of corrections, to include one  
28 representative who is a community corrections officer, the office of  
29 crime victims' advocacy, the Washington state association of counties,  
30 association of Washington cities, a nonprofit provider of reentry  
31 services, and an ex-offender who has discharged the terms of his or her  
32 sentence. The advisory committee shall meet no less than annually to  
33 receive status reports on the implementation of community transition  
34 coordination networks, review annual reports and the pilot project  
35 evaluations submitted pursuant to RCW 72.78.050, and identify evidence-  
36 based, research-based, and promising practices for other counties  
37 seeking to establish community transition coordination networks.

1 (9) Pilot networks established under this section shall extend for  
2 a period of four fiscal years, beginning July 1, 2008, and ending June  
3 30, 2012.

4 (10) This section expires June 30, 2013.

5 **Sec. 66.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to  
6 read as follows:

7 There is established in the department of (~~community, trade, and~~  
8 ~~economic development~~) social and health services a grant program to  
9 enhance funding for prostitution prevention and intervention services.  
10 Activities that can be funded through this grant program shall provide  
11 effective prostitution prevention and intervention services, such as  
12 counseling, parenting, housing relief, education, and vocational  
13 training, that:

14 (1) Comprehensively address the problems of persons who are  
15 prostitutes; and

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

17 **Sec. 67.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended to  
18 read as follows:

19 (1) Subject to funds appropriated by the legislature, including  
20 funds in the prostitution prevention and intervention account, the  
21 department of (~~community, trade, and economic development~~) social and  
22 health services shall make awards under the grant program established  
23 by RCW 43.63A.720.

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

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

31 (4) The department of (~~community, — trade, — and — economic~~  
32 ~~development~~) social and health services may receive such gifts,  
33 grants, and endowments from public or private sources as may be made  
34 from time to time, in trust or otherwise, for the use and benefit of  
35 the purposes of the grant program established under RCW 43.63A.720 and

1 expend the same or any income from these sources according to the terms  
2 of the gifts, grants, or endowments.

3 (5) The department of (~~community, — trade, — and — economic~~  
4 ~~development~~) social and health services may expend up to five percent  
5 of the funds appropriated for the grant program for administrative  
6 costs and grant supervision.

7 **Sec. 68.** RCW 43.330.130 and 1993 c 280 s 16 are each amended to  
8 read as follows:

9 (1) The department shall coordinate services to communities that  
10 are directed to the poor and disadvantaged through private and public  
11 nonprofit organizations and units of general purpose local governments.  
12 The department shall coordinate these programs using, to the extent  
13 possible, integrated case management methods, with other community and  
14 economic development efforts that promote self-sufficiency.

15 (2) These services may include, but not be limited to,  
16 comprehensive education services to preschool children from low-income  
17 families, providing for human service needs and advocacy(~~(~~τ~~)~~) and  
18 promoting volunteerism and citizen service as a means for accomplishing  
19 local community and economic development goals(~~(~~τ~~—coordinating—and~~  
20 ~~providing emergency food assistance to distribution centers and needy~~  
21 ~~individuals)~~), and providing for human service needs through community-  
22 based organizations.

23 (3) (~~The department shall provide local communities and at-risk~~  
24 ~~individuals with programs that provide community protection and assist~~  
25 ~~in developing strategies to reduce substance abuse. The department~~  
26 ~~shall administer programs that develop collaborative approaches to~~  
27 ~~prevention, intervention, and interdiction programs. The department~~  
28 ~~shall administer programs that support crime victims, address youth and~~  
29 ~~domestic violence problems, provide indigent defense for low income~~  
30 ~~persons, border town disputes, and administer family services and~~  
31 ~~programs to promote the state's policy as provided in RCW 74.14A.025.~~

32 (~~4~~) The department shall provide fire protection and emergency  
33 management services to support and strengthen local capacity for  
34 controlling risk to life, property, and community vitality that may  
35 result from fires, emergencies, and disasters.

1       **Sec. 69.** RCW 43.190.030 and 1997 c 194 s 1 are each amended to  
2 read as follows:

3       There is created the office of the state long-term care ombudsman.  
4 The department of (~~community, trade, and economic development~~) social  
5 and health services shall contract with a private nonprofit  
6 organization to provide long-term care ombudsman services as specified  
7 under, and consistent with, the federal older Americans act as amended,  
8 federal mandates, the goals of the state, and the needs of its  
9 citizens. The department of (~~community, trade, and economic~~  
10 ~~development~~) social and health services shall ensure that all program  
11 and staff support necessary to enable the ombudsman to effectively  
12 protect the interests of residents, patients, and clients of all long-  
13 term care facilities is provided by the nonprofit organization that  
14 contracts to provide long-term care ombudsman services. The department  
15 of (~~community, trade, and economic development~~) social and health  
16 services shall adopt rules to carry out this chapter and the long-term  
17 care ombudsman provisions of the federal older Americans act, as  
18 amended, and applicable federal regulations. The long-term care  
19 ombudsman program shall have the following powers and duties:

20       (1) To provide services for coordinating the activities of long-  
21 term care ombudsmen throughout the state;

22       (2) Carry out such other activities as the department of  
23 (~~community, trade, and economic development~~) social and health  
24 services deems appropriate;

25       (3) Establish procedures consistent with RCW 43.190.110 for  
26 appropriate access by long-term care ombudsmen to long-term care  
27 facilities and patients' records, including procedures to protect the  
28 confidentiality of the records and ensure that the identity of any  
29 complainant or resident will not be disclosed without the written  
30 consent of the complainant or resident, or upon court order;

31       (4) Establish a statewide uniform reporting system to collect and  
32 analyze data relating to complaints and conditions in long-term care  
33 facilities for the purpose of identifying and resolving significant  
34 problems, with provision for submission of such data to the department  
35 of social and health services and to the federal department of health  
36 and human services, or its successor agency, on a regular basis; and

37       (5) Establish procedures to assure that any files maintained by  
38 ombudsman programs shall be disclosed only at the discretion of the

1 ombudsman having authority over the disposition of such files, except  
2 that the identity of any complainant or resident of a long-term care  
3 facility shall not be disclosed by such ombudsman unless:

4 (a) Such complainant or resident, or the complainant's or  
5 resident's legal representative, consents in writing to such  
6 disclosure; or

7 (b) Such disclosure is required by court order.

8 NEW SECTION. **Sec. 70.** RCW 43.330.005 and 43.330.904 are  
9 decodified.

10 NEW SECTION. **Sec. 71.** (1) Section 14 of this act expires July 1,  
11 2015.

12 (2) Section 39 of this act expires June 30, 2016.

13 NEW SECTION. **Sec. 72.** The code reviser shall note wherever  
14 director or department of community, trade, and economic development is  
15 used or referred to in statute that the name of the department has  
16 changed. The code reviser shall prepare legislation for the 2010  
17 regular session that changes all statutory references to director or  
18 department of community, trade, and economic development to director or  
19 department of commerce."

**EHB 2242** - S COMM AMD  
By Committee on Economic Development, Trade & Innovation

20 On page 1, line 1 of the title, after "commerce;" strike the  
21 remainder of the title and insert "amending RCW 43.330.007, 43.330.010,  
22 43.330.020, 43.330.092, 43.330.094, 43.330.125, 43.330.135, 43.330.167,  
23 43.330.170, 43.330.250, 43.330.280, 43.330.290, 43.330.300, 43.330.900,  
24 19.260.020, 19.280.020, 19.285.030, 35.105.010, 36.70A.030, 39.86.110,  
25 43.17.010, 43.17.020, 43.21F.025, 43.31.455, 43.31.522, 43.31.800,  
26 43.31C.010, 43.105.020, 43.155.020, 43.157.010, 43.168.020, 43.185.020,  
27 43.185A.010, 43.185B.010, 43.185C.010, 43.325.010, 43.336.010,

1 43.338.010, 43.360.010, 43.362.010, 43.365.010, 59.21.010, 59.22.020,  
2 70.103.020, 70.125.030, 70.164.020, 70.190.010, 80.36.005, 80.80.010,  
3 82.73.010, 43.330.210, 43.330.240, 43.280.080, 43.280.090, 43.63A.068,  
4 43.270.020, 43.270.070, 43.270.080, 36.27.100, 72.78.030, 43.63A.720,  
5 43.63A.735, 43.330.130, and 43.190.030; reenacting and amending RCW  
6 42.17.2401 and 43.160.020; adding new sections to chapter 43.330 RCW;  
7 creating a new section; decodifying RCW 43.330.005 and 43.330.904; and  
8 providing expiration dates."

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