
HOUSE BILL 2658

State of Washington

61st Legislature

2010 Regular Session

By Representatives Kenney, Maxwell, McCoy, and Morrell; by request of Washington State Department of Commerce

Read first time 01/12/10. Referred to Committee on Community & Economic Development & Trade.

1 AN ACT Relating to refocusing the mission of the department of
2 commerce, including transferring programs; amending RCW 70.05.125,
3 43.270.020, 43.270.070, 43.270.080, 43.330.210, 43.330.240, 82.14.400,
4 43.63A.305, 43.63A.307, 43.63A.311, 43.63A.313, 9.94A.8673, 43.63A.720,
5 43.63A.735, 43.280.011, 43.280.020, 43.280.060, 43.280.070, 43.280.080,
6 43.280.090, 74.14B.060, 80.50.030, 43.190.030, 43.190.120, 19.27.070,
7 19.27.150, 19.27A.020, 19.27A.140, 19.27A.150, 19.27A.180, 43.21F.010,
8 43.21F.090, 36.27.100, 43.110.030, 43.110.060, 43.110.080, 43.15.020,
9 35.21.185, 35.102.040, and 36.70B.220; reenacting and amending RCW
10 70.125.030; adding new sections to chapter 43.70 RCW; adding new
11 sections to chapter 43.20A RCW; adding a new section to chapter 43.21F
12 RCW; creating new sections; recodifying RCW 43.330.195, 43.330.200,
13 43.330.205, 43.330.210, 43.330.220, 43.330.225, 43.330.230, 43.330.240,
14 43.63A.305, 43.63A.307, 43.63A.309, 43.63A.311, 43.63A.313, 43.63A.315,
15 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, and 43.63A.740;
16 decodifying RCW 43.280.081 and 43.63A.150; repealing RCW 43.21F.015,
17 43.21F.055, 43.110.010, 43.110.040, and 43.110.070; and providing an
18 effective date.

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

1 NEW SECTION. **Sec. 1.** In 2009, the legislature changed the name of
2 the department of community, trade, and economic development to the
3 department of commerce and directed the agency to organize around a
4 concise core mission aligned with the state's economic development plan
5 and around jobs. In accordance with that legislation, chapter 262,
6 Laws of 2009, in November 2009 the department of commerce submitted a
7 plan that establishes a mission of growing and improving jobs in the
8 state. The plan also outlines agency priorities, efficiencies, and
9 program transfers that will help to advance the new mission.

10 The primary purpose of this act is to implement portions of the
11 department of commerce plan by transferring certain programs from the
12 department of commerce to other state agencies whose missions are more
13 closely aligned with the core functions of those programs. This act
14 also directs additional efficiencies in state government and directs
15 development of a statewide clean energy strategy, which will better
16 enable the department of commerce to focus on its new mission.

17 **PART I**

18 **DEPARTMENT OF HEALTH--PUBLIC HEALTH**

19 **Sec. 101.** RCW 70.05.125 and 2009 c 479 s 48 are each amended to
20 read as follows:

21 (1) The county public health account is created in the state
22 treasury. Funds deposited in the county public health account shall be
23 distributed by the state treasurer to each local public health
24 jurisdiction based upon amounts certified to it by the department of
25 (~~community, trade, and economic development~~) health in consultation
26 with the Washington state association of counties. The account shall
27 include funds distributed under RCW 82.14.200(8) and such funds as are
28 appropriated to the account from the state general fund, the public
29 health services account under RCW 43.72.902, and such other funds as
30 the legislature may appropriate to it.

31 (2)(a) The (~~director~~) secretary of the department of (~~community,~~
32 ~~trade, and economic development~~) health shall certify the amounts to
33 be distributed to each local public health jurisdiction using 1995 as
34 the base year of actual city contributions to local public health.

35 (b) Only if funds are available and in an amount no greater than
36 available funds under RCW 82.14.200(8), the department of community,

1 trade, and economic development shall adjust the amount certified under
2 (a) of this subsection to compensate for any annexation of an area with
3 fifty thousand residents or more to any city as a result of a petition
4 during calendar year 1996 or 1997, or for any city that became newly
5 incorporated as a result of an election during calendar year 1994 or
6 1995. The amount to be adjusted shall be equal to the amount which
7 otherwise would have been lost to the health jurisdiction due to the
8 annexation or incorporation as calculated using the jurisdiction's 1995
9 funding formula.

10 (c) The county treasurer shall certify the actual 1995 city
11 contribution to the department. Funds in excess of the base shall be
12 distributed proportionately among the health jurisdictions based on
13 incorporated population figures as last determined by the office of
14 financial management.

15 (3) Moneys distributed under this section shall be expended
16 exclusively for local public health purposes.

17 NEW SECTION. **Sec. 102.** (1) All powers, duties, and functions of
18 the department of commerce pertaining to county public health
19 assistance are transferred to the department of health. All references
20 to the director or the department of commerce in the Revised Code of
21 Washington shall be construed to mean the secretary or the department
22 of health when referring to the functions transferred in this section.

23 (2)(a) All reports, documents, surveys, books, records, files,
24 papers, or written material in the possession of the department of
25 commerce pertaining to the powers, functions, and duties transferred
26 shall be delivered to the custody of the department of health. All
27 cabinets, furniture, office equipment, motor vehicles, and other
28 tangible property employed by the department of commerce in carrying
29 out the powers, functions, and duties transferred shall be made
30 available to the department of health. All funds, credits, or other
31 assets held in connection with the powers, functions, and duties
32 transferred shall be assigned to the department of health.

33 (b) Any appropriations made to the department of commerce for
34 carrying out the powers, functions, and duties transferred shall, on
35 the effective date of this section, be transferred and credited to the
36 department of health.

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

7 (3) All employees of the department of commerce engaged in
8 performing the powers, functions, and duties transferred are
9 transferred to the jurisdiction of the department of health. All
10 employees classified under chapter 41.06 RCW, the state civil service
11 law, are assigned to the department of health to perform their usual
12 duties upon the same terms as formerly, without any loss of rights,
13 subject to any action that may be appropriate thereafter in accordance
14 with the laws and rules governing state civil service.

15 (4) All rules and all pending business before the department of
16 commerce pertaining to the powers, functions, and duties transferred
17 shall be continued and acted upon by the department of health. All
18 existing contracts and obligations shall remain in full force and shall
19 be performed by the department of health.

20 (5) The transfer of the powers, duties, functions, and personnel of
21 the department of commerce shall not affect the validity of any act
22 performed before the effective date of this section.

23 (6) If apportionments of budgeted funds are required because of the
24 transfers directed by this section, the director of financial
25 management shall certify the apportionments to the agencies affected,
26 the state auditor, and the state treasurer. Each of these shall make
27 the appropriate transfer and adjustments in funds and appropriation
28 accounts and equipment records in accordance with the certification.

29 (7) All classified employees of the department of commerce assigned
30 to the department of health under this section whose positions are
31 within an existing bargaining unit description at the department of
32 health shall become a part of the existing bargaining unit at the
33 department of health and shall be considered an appropriate inclusion
34 or modification of the existing bargaining unit under the provisions of
35 chapter 41.80 RCW.

36 **PART II**

1 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SUBSTANCE ABUSE PROGRAMS**

2 **Sec. 201.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
3 read as follows:

4 (1) There is established in the department of (~~community, trade,~~
5 ~~and economic development~~) social and health services a grant program
6 to provide incentive for and support for communities to develop
7 targeted and coordinated strategies to reduce the incidence and impact
8 of alcohol, tobacco, or other drug abuse, or violence. This program is
9 known as the community mobilization program.

10 (2) The department (~~of community, trade, and economic~~
11 ~~development~~) shall make awards, subject to funds appropriated by the
12 legislature, under the following terms:

13 (a) Starting July 1, 2001, funds will be available to countywide
14 programs through a formula developed by the department (~~of community,~~
15 ~~trade, and economic development~~) in consultation with program
16 contractors, which will take into consideration county population size.

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

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

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

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

28 (iv) Evidence of active participation in preparation of the
29 proposal and specific commitments to implementing the community-wide
30 agenda by leadership from education, law enforcement, local government,
31 tribal government, and treatment entities in the community, and the
32 opportunity for meaningful involvement from others such as neighborhood
33 and citizen groups, businesses, human service, health and job training
34 organizations, and other key elements of the community, particularly
35 those whose responsibilities in law enforcement, treatment, prevention,
36 education, or other community efforts provide direct, ongoing contact
37 with substance abusers or those who exhibit violent behavior, or those
38 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

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

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

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

11 (i) A definition of geographic area;

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

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

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

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

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

31 (vii) Identification of additional local resources, including
32 public or private funds, donated goods or services, and other
33 measurable commitments, that have been committed to the activities
34 identified in (c)(vi) of this subsection;

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

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

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

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

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

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

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

12 (3) Activities that may be funded through this grant program
13 include those that:

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

17 (b) Support effective treatment by increasing access to and
18 availability of treatment opportunities, particularly for underserved
19 or highly impacted populations, developing aftercare and support
20 mechanisms, and other strategies to increase the availability and
21 effectiveness of treatment;

22 (c) Provide meaningful consequences for participation in illegal
23 activity and promote safe and healthy communities through support of
24 law enforcement strategies;

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

30 (e) Other activities that demonstrate both feasibility and a
31 rationale for how the activity will achieve measurable results in the
32 strategy against alcohol, tobacco, or other drug abuse, or violence.

33 **Sec. 202.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
34 read as follows:

35 The department of (~~community, trade, and economic development~~)
36 social and health services shall ask communities for suggestions on
37 state practices, policies, and priorities that would help communities

1 implement their strategies against alcohol, tobacco, or other drug
2 abuse, or violence. The department of (~~community, trade, and economic~~
3 ~~development~~) social and health services shall review and respond to
4 those suggestions making necessary changes where feasible, making
5 recommendations to the legislature where appropriate, and providing an
6 explanation as to why suggested changes cannot be accomplished, if the
7 suggestions cannot be acted upon.

8 **Sec. 203.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
9 read as follows:

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

16 NEW SECTION. **Sec. 204.** (1) All powers, duties, and functions of
17 the department of commerce pertaining to the community mobilization
18 against substance abuse program are transferred to the department of
19 social and health services. All references to the director or the
20 department of commerce in the Revised Code of Washington shall be
21 construed to mean the secretary or the department of social and health
22 services when referring to the functions transferred in this section.

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

34 (b) Any appropriations made to the department of commerce for
35 carrying out the powers, functions, and duties transferred shall, on

1 the effective date of this section, be transferred and credited to the
2 department of social and health services.

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

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

18 (4) All rules and all pending business before the department of
19 commerce pertaining to the powers, functions, and duties transferred
20 shall be continued and acted upon by the department of social and
21 health services. All existing contracts and obligations shall remain
22 in full force and shall be performed by the department of social and
23 health services.

24 (5) The transfer of the powers, duties, functions, and personnel of
25 the department of commerce shall not affect the validity of any act
26 performed before the effective date of this section.

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

33 (7) All classified employees of the department of commerce assigned
34 to the department of social and health services under this section
35 whose positions are within an existing bargaining unit description at
36 the department of social and health services shall become a part of the
37 existing bargaining unit at the department of social and health

1 services and shall be considered an appropriate inclusion or
2 modification of the existing bargaining unit under the provisions of
3 chapter 41.80 RCW.

4 **PART III**

5 **DEPARTMENT OF HEALTH--DEVELOPMENTAL DISABILITIES**

6 **Sec. 301.** RCW 43.330.210 and 2009 c 565 s 11 are each amended to
7 read as follows:

8 The developmental disabilities endowment governing board is
9 established to design and administer the developmental disabilities
10 endowment. To the extent funds are appropriated for this purpose, the
11 director of the department (~~(of commerce)~~) shall provide staff and
12 administrative support to the governing board.

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

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

18 (b) Three members of the board, who shall be appointed by the
19 governor, shall be persons who have demonstrated expertise and
20 leadership in areas such as business, developmental disabilities
21 service design, management, or public policy, and shall be family
22 members of persons with developmental disabilities.

23 (c) The seventh member of the board, who shall serve as chair of
24 the board, shall be appointed by the remaining six members of the
25 board.

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

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

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

1 (5) Members of the governing board and the state investment board
2 shall not be considered an insurer of the funds or assets of the
3 endowment trust fund or the individual trust accounts. Neither of
4 these two boards or their members shall be liable for the action or
5 inaction of the other.

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

12 **Sec. 302.** RCW 43.330.240 and 2009 c 565 s 12 are each amended to
13 read as follows:

14 The department (~~(of commerce)~~) shall adopt rules for the
15 implementation of policies established by the governing board in RCW
16 43.330.200 through 43.330.230 (as recodified by this act). Such rules
17 will be consistent with those statutes and chapter 34.05 RCW.

18 NEW SECTION. **Sec. 303.** The following sections are each recodified
19 as sections in chapter 43.70 RCW:

- 20 RCW 43.330.195
- 21 RCW 43.330.200
- 22 RCW 43.330.205
- 23 RCW 43.330.210
- 24 RCW 43.330.220
- 25 RCW 43.330.225
- 26 RCW 43.330.230
- 27 RCW 43.330.240

28 NEW SECTION. **Sec. 304.** (1) All powers, duties, and functions of
29 the department of commerce pertaining to the developmental disabilities
30 endowment are transferred to the department of health. All references
31 to the director or the department of commerce in the Revised Code of
32 Washington shall be construed to mean the secretary or the department
33 of health when referring to the functions transferred in this section.

34 (2)(a) All reports, documents, surveys, books, records, files,
35 papers, or written material in the possession of the department of

1 commerce pertaining to the powers, functions, and duties transferred
2 shall be delivered to the custody of the department of health. All
3 cabinets, furniture, office equipment, motor vehicles, and other
4 tangible property employed by the department of commerce in carrying
5 out the powers, functions, and duties transferred shall be made
6 available to the department of health. All funds, credits, or other
7 assets held in connection with the powers, functions, and duties
8 transferred shall be assigned to the department of health.

9 (b) Any appropriations made to the department of commerce for
10 carrying out the powers, functions, and duties transferred shall, on
11 the effective date of this section, be transferred and credited to the
12 department of health.

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

19 (3) All employees of the department of commerce engaged in
20 performing the powers, functions, and duties transferred are
21 transferred to the jurisdiction of the department of health. All
22 employees classified under chapter 41.06 RCW, the state civil service
23 law, are assigned to the department of health to perform their usual
24 duties upon the same terms as formerly, without any loss of rights,
25 subject to any action that may be appropriate thereafter in accordance
26 with the laws and rules governing state civil service.

27 (4) All rules and all pending business before the department of
28 commerce pertaining to the powers, functions, and duties transferred
29 shall be continued and acted upon by the department of health. All
30 existing contracts and obligations shall remain in full force and shall
31 be performed by the department of health.

32 (5) The transfer of the powers, duties, functions, and personnel of
33 the department of commerce shall not affect the validity of any act
34 performed before the effective date of this section.

35 (6) If apportionments of budgeted funds are required because of the
36 transfers directed by this section, the director of financial
37 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 (7) All classified employees of the department of commerce assigned
5 to the department of health under this section whose positions are
6 within an existing bargaining unit description at the department of
7 health shall become a part of the existing bargaining unit at the
8 department of health and shall be considered an appropriate inclusion
9 or modification of the existing bargaining unit under the provisions of
10 chapter 41.80 RCW.

11 **PART IV**
12 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL NEEDS**
13 **HOUSING ASSISTANCE**

14 **Sec. 401.** RCW 82.14.400 and 2000 c 240 s 1 are each amended to
15 read as follows:

16 (1) Upon the joint request of a metropolitan park district, a city
17 with a population of more than one hundred fifty thousand, and a county
18 legislative authority in a county with a national park and a population
19 of more than five hundred thousand and less than one million five
20 hundred thousand, the county shall submit an authorizing proposition to
21 the county voters, fixing and imposing a sales and use tax in
22 accordance with this chapter for the purposes designated in subsection
23 (4) of this section and identified in the joint request. Such
24 proposition must be placed on a ballot for a special or general
25 election to be held no later than one year after the date of the joint
26 request.

27 (2) The proposition is approved if it receives the votes of a
28 majority of those voting on the proposition.

29 (3) The tax authorized in this section is in addition to any other
30 taxes authorized by law and shall be collected from those persons who
31 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
32 occurrence of any taxable event within the county. The rate of tax
33 shall equal no more than one-tenth of one percent of the selling price
34 in the case of a sales tax, or value of the article used, in the case
35 of a use tax.

1 (4) Moneys received from any tax imposed under this section shall
2 be used solely for the purpose of providing funds for:

3 (a) Costs associated with financing, design, acquisition,
4 construction, equipping, operating, maintaining, remodeling, repairing,
5 reequipping, or improvement of zoo, aquarium, and wildlife preservation
6 and display facilities that are currently accredited by the American
7 zoo and aquarium association; or

8 (b) Those costs associated with (a) of this subsection and costs
9 related to parks located within a county described in subsection (1) of
10 this section.

11 (5) The department of revenue shall perform the collection of such
12 taxes on behalf of the county at no cost to the county. In lieu of the
13 charge for the administration and collection of local sales and use
14 taxes under RCW 82.14.050 from which the county is exempt under this
15 subsection (5), a percentage of the tax revenues authorized by this
16 section equal to one-half of the maximum percentage provided in RCW
17 82.14.050 shall be transferred annually to the department of
18 ~~((community, trade, and economic development, or its successor
19 agency,)) social and health services from the funds allocated under
20 subsection (6)(b) of this section for a period of twelve years from the
21 first date of distribution of funds under subsection (6)(b) of this
22 section. The department of ~~((community, trade, and economic
23 development, or its successor agency,)) social and health services
24 shall use funds transferred to it pursuant to this subsection (5) to
25 provide, operate, and maintain community-based housing ~~((under chapter
26 43.185 RCW))~~ for persons who are mentally ill.~~~~

27 (6) If the joint request and the authorizing proposition include
28 provisions for funding those costs included within subsection (4)(b) of
29 this section, the tax revenues authorized by this section shall be
30 allocated annually as follows:

31 (a) Fifty percent to the zoo and aquarium advisory authority; and

32 (b) Fifty percent to be distributed on a per capita basis as set
33 out in the most recent population figures for unincorporated and
34 incorporated areas only within that county, as determined by the office
35 of financial management, solely for parks, as follows: To any
36 metropolitan park district, to cities and towns not contained within a
37 metropolitan park district, and the remainder to the county. Moneys

1 received under this subsection (6)(b) by a county may not be used to
2 replace or supplant existing per capita funding.

3 (7) Funds shall be distributed annually by the county treasurer to
4 the county, and cities and towns located within the county, in the
5 manner set out in subsection (6)(b) of this section.

6 (8) Prior to expenditure of any funds received by the county under
7 subsection (6)(b) of this section, the county shall establish a process
8 which considers needs throughout the unincorporated areas of the county
9 in consultation with community advisory councils established by
10 ordinance.

11 (9) By December 31, 2005, and thereafter, the county or any city
12 with a population greater than eighty thousand must provide at least
13 one dollar match for every two dollars received under this section.

14 (10) Properties subject to a memorandum of agreement between the
15 federal bureau of land management, the advisory council on historic
16 preservation, and the Washington state historic preservation officer
17 have priority for funding from money received under subsection (6)(b)
18 of this section for implementation of the stipulations in the
19 memorandum of agreement.

20 (a) At least one hundred thousand dollars of the first four years
21 of allocations under subsection (6)(b) of this section, to be matched
22 by the county or city with one dollar for every two dollars received,
23 shall be used to implement the stipulations of the memorandum of
24 agreement and for other historical, archaeological, architectural, and
25 cultural preservation and improvements related to the properties.

26 (b) The amount in (a) of this subsection shall come equally from
27 the allocations to the county and to the city in which the properties
28 are located, unless otherwise agreed to by the county and the city.

29 (c) The amount in (a) of this subsection shall not be construed to
30 displace or be offered in lieu of any lease payment from a county or
31 city to the state for the properties in question.

32 NEW SECTION. **Sec. 402.** (1) Powers, duties, and functions of the
33 department of commerce pertaining to housing assistance for persons
34 with mental illness, that are transferred in this act, are transferred
35 to the department of social and health services. All references to the
36 director or the department of commerce in the Revised Code of

1 Washington shall be construed to mean the secretary or the department
2 of social and health services when referring to the functions
3 transferred in this section.

4 (2)(a) All reports, documents, surveys, books, records, files,
5 papers, or written material in the possession of the department of
6 commerce pertaining to the powers, functions, and duties transferred
7 shall be delivered to the custody of the department of social and
8 health services. All cabinets, furniture, office equipment, motor
9 vehicles, and other tangible property employed by the department of
10 commerce in carrying out the powers, functions, and duties transferred
11 shall be made available to the department of social and health
12 services. All funds, credits, or other assets held in connection with
13 the powers, functions, and duties transferred shall be assigned to the
14 department of social and health services.

15 (b) Any appropriations made to the department of commerce for
16 carrying out the powers, functions, and duties transferred shall, on
17 the effective date of this section, be transferred and credited to the
18 department of social and health services.

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

25 (3) All employees of the department of commerce engaged in
26 performing the powers, functions, and duties transferred are
27 transferred to the jurisdiction of the department of social and health
28 services. All employees classified under chapter 41.06 RCW, the state
29 civil service law, are assigned to the department of social and health
30 services to perform their usual duties upon the same terms as formerly,
31 without any loss of rights, subject to any action that may be
32 appropriate thereafter in accordance with the laws and rules governing
33 state civil service.

34 (4) All rules and all pending business before the department of
35 commerce pertaining to the powers, functions, and duties transferred
36 shall be continued and acted upon by the department of social and
37 health services. All existing contracts and obligations shall remain

1 in full force and shall be performed by the department of social and
2 health services.

3 (5) The transfer of the powers, duties, functions, and personnel of
4 the department of commerce shall not affect the validity of any act
5 performed before the effective date of this section.

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

12 (7) All classified employees of the department of commerce assigned
13 to the department of social and health services under this section
14 whose positions are within an existing bargaining unit description at
15 the department of social and health services shall become a part of the
16 existing bargaining unit at the department of social and health
17 services and shall be considered an appropriate inclusion or
18 modification of the existing bargaining unit under the provisions of
19 chapter 41.80 RCW.

20 **Sec. 403.** RCW 43.63A.305 and 2009 c 148 s 1 are each amended to
21 read as follows:

22 (1) The independent youth housing program is created in the
23 department to provide housing stipends to eligible youth to be used for
24 independent housing. In developing a plan for the design,
25 implementation, and operation of the independent youth housing program,
26 the department shall:

27 (a) Adopt policies, requirements, and procedures necessary to
28 administer the program;

29 (b) Contract with one or more eligible organizations (~~described~~)
30 listed under RCW 43.185A.040 to provide services and conduct
31 administrative activities as described in subsection (3) of this
32 section;

33 (c) Establish eligibility criteria for youth to participate in the
34 independent youth housing program, giving priority to youth who have
35 been dependents of the state for at least one year;

36 (d) Refer interested youth to the designated subcontractor

1 organization administering the program in the area in which the youth
2 intends to reside;

3 (e) Develop a method for determining the amount of the housing
4 stipend, first and last month's rent, and security deposit, where
5 applicable, to be dedicated to participating youth. The method for
6 determining a housing stipend must take into account a youth's age, the
7 youth's total income from all sources, the fair market rent for the
8 area in which the youth lives or intends to live, and a variety of
9 possible living situations for the youth. The amount of housing
10 stipends must be adjusted, by a method and formula established by the
11 department, to promote the successful transition for youth to complete
12 housing self-sufficiency over time;

13 (f) Ensure that the independent youth housing program is integrated
14 and aligned with other state rental assistance and case management
15 programs operated by the department of commerce, as well as case
16 management and supportive services programs, including the independent
17 living program, the transitional living program, and other related
18 programs offered by the department (~~of social and health services~~);
19 and

20 (g) Consult with (~~the department of social and health services and~~
21 ~~other~~) stakeholders involved with dependent youth, homeless youth, and
22 homeless young adults, as appropriate.

23 (2) The department (~~of social and health services~~) shall
24 collaborate with the department of commerce in implementing and
25 operating the independent youth housing program including, but not
26 limited to, the following:

27 (a) Refer potential eligible youth to the department before the
28 youth's eighteenth birthday, if feasible, to include an indication, if
29 known, of where the youth plans to reside after aging out of foster
30 care;

31 (b) Provide information to all youth aged fifteen or older, who are
32 dependents of the state under chapter 13.34 RCW, about the independent
33 youth housing program, encouraging dependents nearing their eighteenth
34 birthday to consider applying for enrollment in the program;

35 (c) Encourage organizations participating in the independent living
36 program and the transitional living program to collaborate with
37 independent youth housing program providers whenever possible to

1 capitalize on resources and provide the greatest amount and variety of
2 services to eligible youth;

3 (d) Annually provide to the department of commerce data reflecting
4 changes in the percentage of youth aging out of the state dependency
5 system each year who are eligible for state assistance, as well as any
6 other data and performance measures that may assist the department of
7 commerce to measure program success; and

8 (e) Annually, beginning by December 31, 2007, provide to the
9 appropriate committees of the legislature and the interagency council
10 on homelessness as described under RCW 43.185C.170 recommendations of
11 strategies to reach the goals described in RCW 43.63A.311(2)(g) (as
12 recodified by this act).

13 (3) Under the independent youth housing program, subcontractor
14 organizations shall:

15 (a) Use moneys awarded to the organizations for housing stipends,
16 security deposits, first and last month's rent stipends, case
17 management program costs, and administrative costs. When subcontractor
18 organizations determine that it is necessary to assist participating
19 youth in accessing and maintaining independent housing, subcontractor
20 organizations may also use moneys awarded to pay for professional
21 mental health services and tuition costs for court-ordered classes and
22 programs;

23 (i) Administrative costs for each subcontractor organization may
24 not exceed twelve percent of the estimated total annual grant amount to
25 the subcontractor organization;

26 (ii) All housing stipends, security deposits, and first and last
27 month's rent stipends must be payable only to a landlord or housing
28 manager of any type of independent housing;

29 (b) Enroll eligible youth who are referred by the department and
30 who choose to reside in their assigned service area;

31 (c) Enter eligible youth program participants into the homeless
32 client management information system as described in RCW 43.185C.180;

33 (d) Monitor participating youth's housing status;

34 (e) Evaluate participating youth's eligibility and compliance with
35 department policies and procedures at least twice a year;

36 (f) Assist participating youth to develop or update an independent
37 living plan focused on obtaining and retaining independent housing or

1 collaborate with a case manager with whom the youth is already involved
2 to ensure that the youth has an independent living plan;

3 (g) Educate participating youth on tenant rights and
4 responsibilities;

5 (h) Provide support to participating youth in the form of general
6 case management and information and referral services, when necessary,
7 or collaborate with a case manager with whom the youth is already
8 involved to ensure that the youth is receiving the case management and
9 information and referral services needed;

10 (i) Connect participating youth, when possible, with individual
11 development account programs, other financial literacy programs, and
12 other programs that are designed to help young people acquire economic
13 independence and self-sufficiency, or collaborate with a case manager
14 with whom the youth is already involved to ensure that the youth is
15 receiving information and referrals to these programs, when
16 appropriate;

17 (j) Submit expenditure and performance reports, including
18 information related to the performance measures in RCW 43.63A.311 (as
19 recodified by this act), to the department on a time schedule
20 determined by the department; and

21 (k) Provide recommendations to the department regarding program
22 improvements and strategies that might assist the state to reach its
23 goals as described in RCW 43.63A.311(2)(g) (as recodified by this act).

24 **Sec. 404.** RCW 43.63A.307 and 2009 c 148 s 2 are each amended to
25 read as follows:

26 The definitions in this section apply throughout ~~((this chapter))~~
27 RCW 43.63A.305 through 43.63A.315 (as recodified by this act) unless
28 the context clearly requires otherwise.

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

31 ~~(2))~~ "Eligible youth" means an individual who:

32 (a) On or after September 1, 2006, is at least eighteen, was a
33 dependent of the state under chapter 13.34 RCW at any time during the
34 four-month period before his or her eighteenth birthday, and has not
35 yet reached the age of twenty-three;

36 (b) Except as provided in RCW 43.63A.309(2)(a) (as recodified by
37 this act), has a total income from all sources, except for temporary

1 sources that include, but are not limited to, overtime wages, bonuses,
2 or short-term temporary assignments, that does not exceed fifty percent
3 of the area median income;

4 (c) Is not receiving services under RCW 74.13.031(10)(b);

5 (d) Complies with other eligibility requirements the department may
6 establish.

7 ((+3)) (2) "Fair market rent" means the fair market rent in each
8 county of the state, as determined by the United States department of
9 housing and urban development.

10 ((+4)) (3) "Independent housing" means a housing unit that is not
11 owned by or located within the home of the eligible youth's biological
12 parents or any of the eligible youth's former foster care families or
13 dependency guardians. "Independent housing" may include a unit in a
14 transitional or other supportive housing facility.

15 ((+5)) (4) "Individual development account" or "account" means an
16 account established by contract between a low-income individual and a
17 sponsoring organization for the benefit of the low-income individual
18 and funded through periodic contributions by the low-income individual
19 that are matched with contributions by or through the sponsoring
20 organization.

21 ((+6)) (5) "Subcontractor organization" means an eligible
22 organization described under RCW 43.185A.040 that contracts with the
23 department to administer the independent youth housing program.

24 **Sec. 405.** RCW 43.63A.311 and 2007 c 316 s 5 are each amended to
25 read as follows:

26 Beginning in 2007, the department must annually review and report
27 on the performance of subcontractor organizations participating in the
28 independent youth housing program, as well as the performance of the
29 program as a whole.

30 (1) Reporting should be within the context of the state homeless
31 housing strategic plan under RCW 43.185C.040 and any other relevant
32 state or local homeless or affordable housing plans. The outcomes of
33 the independent youth housing program must be included in the
34 measurement of any performance measures described in chapter 43.185C
35 RCW.

36 (2) The independent youth housing program report must include, at
37 a minimum, an update on the following program performance measures, as

1 well as any other performance measures the department may establish,
2 for enrolled youth (~~(in consultation with the department of social and~~
3 ~~health services)~~), to be measured statewide and by county:

4 (a) Increases in housing stability;

5 (b) Increases in economic self-sufficiency;

6 (c) Increases in independent living skills;

7 (d) Increases in education and job training attainment;

8 (e) Decreases in the use of all state-funded services over time;

9 (f) Decreases in the percentage of youth aging out of the state
10 dependency system each year who are eligible for state assistance (~~(as~~
11 ~~reported to the department by the department of social and health~~
12 ~~services)~~); and

13 (g) Recommendations to the legislature and to the interagency
14 council on homelessness as described under RCW 43.185C.170 on program
15 improvements and on departmental strategies that might assist the state
16 to reach its goals of:

17 (i) Ensuring that all youth aging out of the state dependency
18 system have access to a decent, appropriate, and affordable home in a
19 healthy safe environment to prevent such youth from experiencing
20 homelessness; and

21 (ii) Reducing each year the percentage of young people eligible for
22 state assistance upon aging out of the state dependency system.

23 **Sec. 406.** RCW 43.63A.313 and 2007 c 316 s 6 are each amended to
24 read as follows:

25 Chapter 316, Laws of 2007 does not create:

26 (1) An entitlement to services;

27 (2) Judicial authority to (a) extend the jurisdiction of juvenile
28 court in a proceeding under chapter 13.34 RCW to a youth who has
29 reached the age of eighteen or (b) order the provision of services to
30 the youth; or

31 (3) A private right of action or claim on the part of any
32 individual, entity, or agency against the department(~~(, the department~~
33 ~~of social and health services,)~~) or any contractor of the
34 department(~~(s)~~).

35 NEW SECTION. **Sec. 407.** The following sections are each recodified
36 as sections in chapter 43.20A RCW:

1 RCW 43.63A.305
2 RCW 43.63A.307
3 RCW 43.63A.309
4 RCW 43.63A.311
5 RCW 43.63A.313
6 RCW 43.63A.315

7 NEW SECTION. **Sec. 408.** (1) All powers, duties, and functions of
8 the department of commerce pertaining to the independent youth housing
9 program are transferred to the department of social and health
10 services. All references to the director or the department of commerce
11 in the Revised Code of Washington shall be construed to mean the
12 secretary or the department of social and health services when
13 referring to the functions transferred in this section.

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

25 (b) Any appropriations made to the department of commerce for
26 carrying out the powers, functions, and duties transferred shall, on
27 the effective date of this section, be transferred and credited to the
28 department of social and health services.

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

35 (3) All employees of the department of commerce engaged in
36 performing the powers, functions, and duties transferred are
37 transferred to the jurisdiction of the department of social and health

1 services. All employees classified under chapter 41.06 RCW, the state
2 civil service law, are assigned to the department of social and health
3 services to perform their usual duties upon the same terms as formerly,
4 without any loss of rights, subject to any action that may be
5 appropriate thereafter in accordance with the laws and rules governing
6 state civil service.

7 (4) All rules and all pending business before the department of
8 commerce pertaining to the powers, functions, and duties transferred
9 shall be continued and acted upon by the department of social and
10 health services. All existing contracts and obligations shall remain
11 in full force and shall be performed by the department of social and
12 health services.

13 (5) The transfer of the powers, duties, functions, and personnel of
14 the department of commerce shall not affect the validity of any act
15 performed before the effective date of this section.

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

22 (7) All classified employees of the department of commerce assigned
23 to the department of social and health services under this section
24 whose positions are within an existing bargaining unit description at
25 the department of social and health services shall become a part of the
26 existing bargaining unit at the department of social and health
27 services and shall be considered an appropriate inclusion or
28 modification of the existing bargaining unit under the provisions of
29 chapter 41.80 RCW.

30 **PART V**

31 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CRIME VICTIMS' PROGRAMS**

32 **Sec. 501.** RCW 9.94A.8673 and 2008 c 249 s 3 are each amended to
33 read as follows:

34 (1) The sex offender policy board shall consist of thirteen voting
35 members. Unless the member is specifically named in this section, the
36 following organizations shall designate a person to sit on the board.

- 1 (a) The Washington association of sheriffs and police chiefs;
2 (b) The Washington association of prosecuting attorneys;
3 (c) The Washington association of criminal defense lawyers;
4 (d) The chair of the indeterminate sentence review board or his or
5 her designee;
6 (e) The Washington association for the treatment of sex abusers;
7 (f) The secretary of the department of corrections or his or her
8 designee;
9 (g) The Washington state superior court judge's association;
10 (h) The assistant secretary of the juvenile rehabilitation
11 administration or his or her designee;
12 (i) The office of crime victims advocacy in the department of
13 (~~community, trade, and economic development~~) social and health
14 services;
15 (j) The Washington state association of counties;
16 (k) The association of Washington cities;
17 (l) The Washington association of sexual assault programs; and
18 (m) The director of the special commitment center or his or her
19 designee.
20 (2) The person so named in subsection (1) of this section has the
21 authority to make decisions on behalf of the organization he or she
22 represents.
23 (3) The nonvoting membership shall consist of the following:
24 (a) Two members of the sentencing guidelines commission chosen by
25 the chair of the commission; and
26 (b) A representative of the criminal justice division in the
27 attorney general's office.
28 (4) The board shall choose its chair by majority vote from among
29 its voting membership. The chair's term shall be two years.
30 (5) The chair of the sentencing guidelines commission shall convene
31 the first meeting.
32 (6) The Washington institute for public policy shall act as an
33 advisor to the board.

34 **Sec. 502.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to
35 read as follows:

36 There is established in the department (~~of community, trade, and~~
37 ~~economic development~~) a grant program to enhance funding for

1 prostitution prevention and intervention services. Activities that can
2 be funded through this grant program shall provide effective
3 prostitution prevention and intervention services, such as counseling,
4 parenting, housing relief, education, and vocational training, that:

5 (1) Comprehensively address the problems of persons who are
6 prostitutes; and

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

8 **Sec. 503.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended to
9 read as follows:

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

15 (2) Awards shall be made competitively based on the purposes of and
16 criteria in RCW 43.63A.720 through 43.63A.730 (as recodified by this
17 act).

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

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

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

33 **Sec. 504.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to
34 read as follows:

35 The Washington state sexual assault services advisory committee
36 issued a report to the department of community, trade, and economic

1 development and the department of social and health services in June of
2 1995. The committee made several recommendations to improve the
3 delivery of services to victims of sexual abuse and assault: (1)
4 Consolidate the administration and funding of sexual assault and abuse
5 services in one agency instead of splitting those functions between the
6 department of social and health services and the department of
7 community, trade, and economic development; (2) adopt a funding
8 allocation plan to pool all funds for sexual assault services and to
9 distribute them across the state to ensure the delivery of core and
10 specialized services; (3) establish service, data collection, and
11 management standards and outcome measurements for recipients of grants;
12 and (4) create a data collection system to gather pertinent data
13 concerning the delivery of sexual assault services to victims.

14 The legislature approves the recommendations of the advisory
15 committee and consolidates the functions and funding for sexual assault
16 services in the department of (~~community, trade, and economic~~
17 ~~development~~) social and health services to implement the advisory
18 committee's recommendations.

19 (~~The legislature does not intend to effect a reduction in service~~
20 ~~levels within available funding by transferring department of social~~
21 ~~and health services' powers and duties to the department of community,~~
22 ~~trade, and economic development.~~) At a minimum, the department of
23 (~~community, trade, and economic development~~) social and health
24 services shall distribute the same percentage of the services it
25 provides victims of sexual assault and abuse, pursuant to RCW
26 43.280.020, 70.125.080, and 74.14B.060, to children as were distributed
27 to children through these programs in fiscal year 1996.

28 **Sec. 505.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to
29 read as follows:

30 There is established in the department of (~~community, trade, and~~
31 ~~economic development~~) social and health services a grant program to
32 enhance the funding for treating the victims of sex offenders.
33 Activities that can be funded through this grant program are limited to
34 those that:

- 35 (1) Provide effective treatment to victims of sex offenders;
36 (2) Increase access to and availability of treatment for victims of
37 sex offenders, particularly if from underserved populations; and

1 (3) Create or build on efforts by existing community programs,
2 coordinate those efforts, or develop cooperative efforts or other
3 initiatives to make the most effective use of resources to provide
4 treatment services to these victims.

5 Funding shall be given to those applicants that emphasize providing
6 stable, victim-focused sexual abuse services and possess the
7 qualifications to provide core services, as defined in RCW 70.125.030.
8 Funds for specialized services, as defined in RCW 70.125.030, shall be
9 disbursed through the request for proposal or request for
10 qualifications process.

11 **Sec. 506.** RCW 43.280.060 and 1996 c 123 s 5 are each amended to
12 read as follows:

13 (1) Subject to funds appropriated by the legislature, the
14 department of (~~community, trade, and economic development~~) social and
15 health services shall make awards under the grant program established
16 by RCW 43.280.020.

17 (2) To aid the department of (~~community, trade, and economic~~
18 ~~development~~) social and health services in making its funding
19 determinations, the department shall form a peer review committee
20 comprised of individuals who are knowledgeable or experienced in the
21 management or delivery of treatment services to victims of sex
22 offenders. The peer review committee shall advise the department on
23 the extent to which each eligible applicant meets the treatment and
24 management standards, as developed by the department. The department
25 shall consider this advice in making awards.

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 under this chapter shall not
29 constitute an obligation by the state of Washington to provide ongoing
30 funding.

31 **Sec. 507.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to
32 read as follows:

33 The department of (~~community, trade, and economic development~~)
34 social and health services may receive such gifts, grants, and
35 endowments from public or private sources as may be made from time to

1 time, in trust or otherwise, for the use and benefit of the purposes of
2 this chapter and expend the same or any income therefrom according to
3 the terms of the gifts, grants, or endowments.

4 **Sec. 508.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to
5 read as follows:

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

15 **Sec. 509.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to
16 read as follows:

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

21 **Sec. 510.** RCW 70.125.030 and 2009 c 565 s 50 are each reenacted
22 and amended to read as follows:

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

24 (1) "Community sexual assault program" means a community-based
25 social service agency that is qualified to provide and provides core
26 services to victims of sexual assault.

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

31 (3) "Department" means the department of (~~commerce~~) social and
32 health services.

33 (4) "Law enforcement agencies" means police and sheriff's
34 departments of this state.

1 (5) "Personal representative" means a friend, relative, attorney,
2 or employee or volunteer from a community sexual assault program or
3 specialized treatment service provider.

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

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

7 (a) Rape or rape of a child;

8 (b) Assault with intent to commit rape or rape of a child;

9 (c) Incest or indecent liberties;

10 (d) Child molestation;

11 (e) Sexual misconduct with a minor;

12 (f) Custodial sexual misconduct;

13 (g) Crimes with a sexual motivation; or

14 (h) An attempt to commit any of the aforementioned offenses.

15 (8) "Specialized services" means treatment services for victims of
16 sexual assault including support groups, therapy, and specialized
17 sexual assault medical examination.

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

20 **Sec. 511.** RCW 74.14B.060 and 1996 c 123 s 8 are each amended to
21 read as follows:

22 (1) Treatment services for children who have been sexually
23 assaulted must be designed and delivered in a manner that accommodates
24 their unique developmental needs and also considers the impact of
25 family dynamics on treatment issues. In addition, the complexity of
26 the civil and criminal justice systems requires that children who are
27 involved receive appropriate consideration and attention that
28 recognizes their unique vulnerability in a system designed primarily
29 for adults.

30 (2) The department of (~~community, trade, and economic~~
31 ~~development~~) social and health services shall provide, subject to
32 available funds, comprehensive sexual assault services to sexually
33 abused children and their families. The department shall provide
34 treatment services by qualified, registered, certified, or licensed
35 professionals on a one-to-one or group basis as may be deemed
36 appropriate.

1 (3) Funds appropriated under this section shall be provided solely
2 for contracts or direct purchase of specific treatment services from
3 community organizations and private service providers for child victims
4 of sexual assault and sexual abuse. Funds shall be disbursed through
5 the request for proposal or request for qualifications process.

6 (4) As part of the request for proposal or request for
7 qualifications process the department of (~~community, trade, and~~
8 ~~economic development~~) social and health services shall ensure that
9 there be no duplication of services with existing programs including
10 the crime victims' compensation program as provided in chapter 7.68
11 RCW. The department shall also ensure that victims exhaust private
12 insurance benefits available to the child victim before providing
13 services to the child victim under this section.

14 NEW SECTION. Sec. 512. The following sections are each recodified
15 as sections in chapter 43.20A RCW:

16 RCW 43.63A.720

17 RCW 43.63A.725

18 RCW 43.63A.730

19 RCW 43.63A.735

20 RCW 43.63A.740

21 NEW SECTION. Sec. 513. (1) All powers, duties, and functions of
22 the department of commerce pertaining to the office of crime victims
23 advocacy are transferred to the department of social and health
24 services. All references to the director or the department of commerce
25 in the Revised Code of Washington shall be construed to mean the
26 secretary or the department of social and health services when
27 referring to the functions transferred in this section.

28 (2)(a) All reports, documents, surveys, books, records, files,
29 papers, or written material in the possession of the department of
30 commerce pertaining to the powers, functions, and duties transferred
31 shall be delivered to the custody of the department of social and
32 health services. All cabinets, furniture, office equipment, motor
33 vehicles, and other tangible property employed by the department of
34 commerce in carrying out the powers, functions, and duties transferred
35 shall be made available to the department of social and health

1 services. All funds, credits, or other assets held in connection with
2 the powers, functions, and duties transferred shall be assigned to the
3 department of social and health services.

4 (b) Any appropriations made to the department of commerce for
5 carrying out the powers, functions, and duties transferred shall, on
6 the effective date of this section, be transferred and credited to the
7 department of social and health services.

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

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

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

29 (5) The transfer of the powers, duties, functions, and personnel of
30 the department of commerce shall not affect the validity of any act
31 performed before the effective date of this section.

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

1 (7) All classified employees of the department of commerce assigned
2 to the department of social and health services under this section
3 whose positions are within an existing bargaining unit description at
4 the department of social and health services shall become a part of the
5 existing bargaining unit at the department of social and health
6 services and shall be considered an appropriate inclusion or
7 modification of the existing bargaining unit under the provisions of
8 chapter 41.80 RCW.

9 NEW SECTION. **Sec. 514.** RCW 43.280.081 is decodified.

10 **PART VI**

11 **WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION--ENERGY**

12 **Sec. 601.** RCW 80.50.030 and 2001 c 214 s 4 are each amended to
13 read as follows:

14 (1) There is created and established the energy facility site
15 evaluation council.

16 (2)(a) The chair of the council shall be appointed by the governor
17 with the advice and consent of the senate, shall have a vote on matters
18 before the council, shall serve for a term coextensive with the term of
19 the governor, and is removable for cause. The chair may designate a
20 member of the council to serve as acting chair in the event of the
21 chair's absence. The salary of the chair shall be determined under RCW
22 43.03.040. The chair is a "state employee" for the purposes of chapter
23 42.52 RCW. As applicable, when attending meetings of the council,
24 members may receive reimbursement for travel expenses in accordance
25 with RCW 43.03.050 and 43.03.060, and are eligible for compensation
26 under RCW 43.03.250.

27 (b) The chair or a designee shall execute all official documents,
28 contracts, and other materials on behalf of the council. The
29 Washington (~~state department of community, trade, and economic~~
30 ~~development~~) utilities and transportation commission shall provide all
31 administrative and staff support for the council. The (~~director of~~
32 ~~the department of community, trade, and economic development~~) chair of
33 the commission has supervisory authority over the staff of the council
34 and shall employ such personnel as are necessary to implement this

1 chapter. Not more than three such employees may be exempt from chapter
2 41.06 RCW.

3 (3)(a) The council shall consist of the directors, administrators,
4 or their designees, of the following departments, agencies,
5 commissions, and committees or their statutory successors:

- 6 (i) Department of ecology;
- 7 (ii) Department of fish and wildlife;
- 8 (iii) Department of (~~community, trade, and economic development~~)
9 commerce;
- 10 (iv) Utilities and transportation commission; and
- 11 (v) Department of natural resources.

12 (b) The directors, administrators, or their designees, of the
13 following departments, agencies, and commissions, or their statutory
14 successors, may participate as councilmembers at their own discretion
15 provided they elect to participate no later than sixty days after an
16 application is filed:

- 17 (i) Department of agriculture;
- 18 (ii) Department of health;
- 19 (iii) Military department; and
- 20 (iv) Department of transportation.

21 (c) Council membership is discretionary for agencies that choose to
22 participate under (b) of this subsection only for applications that are
23 filed with the council on or after May 8, 2001. For applications filed
24 before May 8, 2001, council membership is mandatory for those agencies
25 listed in (b) of this subsection.

26 (4) The appropriate county legislative authority of every county
27 wherein an application for a proposed site is filed shall appoint a
28 member or designee as a voting member to the council. The member or
29 designee so appointed shall sit with the council only at such times as
30 the council considers the proposed site for the county which he or she
31 represents, and such member or designee shall serve until there has
32 been a final acceptance or rejection of the proposed site.

33 (5) The city legislative authority of every city within whose
34 corporate limits an energy plant is proposed to be located shall
35 appoint a member or designee as a voting member to the council. The
36 member or designee so appointed shall sit with the council only at such
37 times as the council considers the proposed site for the city which he

1 or she represents, and such member or designee shall serve until there
2 has been a final acceptance or rejection of the proposed site.

3 (6) For any port district wherein an application for a proposed
4 port facility is filed subject to this chapter, the port district shall
5 appoint a member or designee as a nonvoting member to the council. The
6 member or designee so appointed shall sit with the council only at such
7 times as the council considers the proposed site for the port district
8 which he or she represents, and such member or designee shall serve
9 until there has been a final acceptance or rejection of the proposed
10 site. The provisions of this subsection shall not apply if the port
11 district is the applicant, either singly or in partnership or
12 association with any other person.

13 NEW SECTION. **Sec. 602.** (1) All administrative powers, duties, and
14 functions of the department of commerce pertaining to the energy
15 facility site evaluation council are transferred to the Washington
16 utilities and transportation commission. All references to the
17 director or the department of commerce in the Revised Code of
18 Washington shall be construed to mean the chair or the Washington
19 utilities and transportation commission when referring to the functions
20 transferred in this section.

21 (2)(a) All reports, documents, surveys, books, records, files,
22 papers, or written material in the possession of the department of
23 commerce pertaining to the powers, functions, and duties transferred
24 shall be delivered to the custody of the Washington utilities and
25 transportation commission. All cabinets, furniture, office equipment,
26 motor vehicles, and other tangible property employed by the department
27 of commerce in carrying out the powers, functions, and duties
28 transferred shall be made available to the Washington utilities and
29 transportation commission. All funds, credits, or other assets held in
30 connection with the powers, functions, and duties transferred shall be
31 assigned to the Washington utilities and transportation commission.

32 (b) Any appropriations made to the department of commerce for
33 carrying out the powers, functions, and duties transferred shall, on
34 the effective date of this section, be transferred and credited to the
35 Washington utilities and transportation commission.

36 (c) Whenever any question arises as to the transfer of any
37 personnel, funds, books, documents, records, papers, files, equipment,

1 or other tangible property used or held in the exercise of the powers
2 and the performance of the duties and functions transferred, the
3 director of financial management shall make a determination as to the
4 proper allocation and certify the same to the state agencies concerned.

5 (3) All employees of the department of commerce engaged in
6 performing the powers, functions, and duties transferred are
7 transferred to the jurisdiction of the Washington utilities and
8 transportation commission. All employees classified under chapter
9 41.06 RCW, the state civil service law, are assigned to the Washington
10 utilities and transportation commission to perform their usual duties
11 upon the same terms as formerly, without any loss of rights, subject to
12 any action that may be appropriate thereafter in accordance with the
13 laws and rules governing state civil service.

14 (4) All rules and all pending business before the department of
15 commerce pertaining to the powers, functions, and duties transferred
16 shall be continued and acted upon by the Washington utilities and
17 transportation commission. All existing contracts and obligations
18 shall remain in full force and shall be performed by the Washington
19 utilities and transportation commission.

20 (5) The transfer of the powers, duties, functions, and personnel of
21 the department of commerce shall not affect the validity of any act
22 performed before the effective date of this section.

23 (6) If apportionments of budgeted funds are required because of the
24 transfers directed by this section, the director of financial
25 management shall certify the apportionments to the agencies affected,
26 the state auditor, and the state treasurer. Each of these shall make
27 the appropriate transfer and adjustments in funds and appropriation
28 accounts and equipment records in accordance with the certification.

29 (7) All classified employees of the department of commerce assigned
30 to the Washington utilities and transportation commission under this
31 section whose positions are within an existing bargaining unit
32 description at the Washington utilities and transportation commission
33 shall become a part of the existing bargaining unit at the Washington
34 utilities and transportation commission and shall be considered an
35 appropriate inclusion or modification of the existing bargaining unit
36 under the provisions of chapter 41.80 RCW.

PART VII

OFFICE OF FINANCIAL MANAGEMENT--LONG-TERM CARE OMBUDSMAN

Sec. 701. RCW 43.190.030 and 1997 c 194 s 1 are each amended to read as follows:

There is created the office of the state long-term care ombudsman. The (~~department of community, trade, and economic development~~) office of financial management shall contract with a private nonprofit organization to provide long-term care ombudsman services as specified under, and consistent with, the federal older Americans act as amended, federal mandates, the goals of the state, and the needs of its citizens. The (~~department of community, trade, and economic development~~) office of financial management shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of residents, patients, and clients of all long-term care facilities is provided by the nonprofit organization that contracts to provide long-term care ombudsman services. The (~~department of community, trade, and economic development~~) office of financial management shall adopt rules to carry out this chapter and the long-term care ombudsman provisions of the federal older Americans act, as amended, and applicable federal regulations. The long-term care ombudsman program shall have the following powers and duties:

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

(2) Carry out such other activities as the (~~department of community, trade, and economic development~~) office of financial management deems appropriate;

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

(4) Establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department

1 of social and health services and to the federal department of health
2 and human services, or its successor agency, on a regular basis; and

3 (5) Establish procedures to assure that any files maintained by
4 ombudsman programs shall be disclosed only at the discretion of the
5 ombudsman having authority over the disposition of such files, except
6 that the identity of any complainant or resident of a long-term care
7 facility shall not be disclosed by such ombudsman unless:

8 (a) Such complainant or resident, or the complainant's or
9 resident's legal representative, consents in writing to such
10 disclosure; or

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

12 **Sec. 702.** RCW 43.190.120 and 1983 c 290 s 12 are each amended to
13 read as follows:

14 It is the intent that federal requirements be complied with and the
15 ((department)) office of financial management annually expend at least
16 one percent of the state's allotment of social services funds from
17 Title III B of the Older Americans Act of 1965, as it exists as of July
18 24, 1983, or twenty thousand dollars, whichever is greater to establish
19 the state long-term care ombudsman program established by this chapter
20 if funds are appropriated by the legislature.

21 NEW SECTION. **Sec. 703.** (1) All powers, duties, and functions of
22 the department of commerce pertaining to the long-term care ombudsman
23 program are transferred to the office of financial management. All
24 references to the director or the department of commerce in the Revised
25 Code of Washington shall be construed to mean the director or the
26 office of financial management when referring to the functions
27 transferred in this section.

28 (2)(a) All reports, documents, surveys, books, records, files,
29 papers, or written material in the possession of the department of
30 commerce pertaining to the powers, functions, and duties transferred
31 shall be delivered to the custody of the office of financial
32 management. All cabinets, furniture, office equipment, motor vehicles,
33 and other tangible property employed by the department of commerce in
34 carrying out the powers, functions, and duties transferred shall be
35 made available to the office of financial management. All funds,

1 credits, or other assets held in connection with the powers, functions,
2 and duties transferred shall be assigned to the office of financial
3 management.

4 (b) Any appropriations made to the department of commerce for
5 carrying out the powers, functions, and duties transferred shall, on
6 the effective date of this section, be transferred and credited to the
7 office of financial management.

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

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

23 (4) All rules and all pending business before the department of
24 commerce pertaining to the powers, functions, and duties transferred
25 shall be continued and acted upon by the office of financial
26 management. All existing contracts and obligations shall remain in
27 full force and shall be performed by the office of financial
28 management.

29 (5) The transfer of the powers, duties, functions, and personnel of
30 the department of commerce shall not affect the validity of any act
31 performed before the effective date of this section.

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

1 (7) All classified employees of the department of commerce assigned
2 to the office of financial management under this section whose
3 positions are within an existing bargaining unit description at the
4 office of financial management shall become a part of the existing
5 bargaining unit at the office of financial management and shall be
6 considered an appropriate inclusion or modification of the existing
7 bargaining unit under the provisions of chapter 41.80 RCW.

8 **PART VIII**

9 **BUILDING CODE COUNCIL**

10 **Sec. 801.** RCW 19.27.070 and 1995 c 399 s 8 are each amended to
11 read as follows:

12 There is hereby established a state building code council to be
13 appointed by the governor.

14 (1) The state building code council shall consist of fifteen
15 members, two of whom shall be county elected legislative body members
16 or elected executives and two of whom shall be city elected legislative
17 body members or mayors. One of the members shall be a local government
18 building code enforcement official and one of the members shall be a
19 local government fire service official. Of the remaining nine members,
20 one member shall represent general construction, specializing in
21 commercial and industrial building construction; one member shall
22 represent general construction, specializing in residential and
23 multifamily building construction; one member shall represent the
24 architectural design profession; one member shall represent the
25 structural engineering profession; one member shall represent the
26 mechanical engineering profession; one member shall represent the
27 construction building trades; one member shall represent manufacturers,
28 installers, or suppliers of building materials and components; one
29 member shall be a person with a physical disability and shall represent
30 the disability community; and one member shall represent the general
31 public. At least six of these fifteen members shall reside east of the
32 crest of the Cascade mountains. The council shall include: Two
33 members of the house of representatives appointed by the speaker of the
34 house, one from each caucus; two members of the senate appointed by the
35 president of the senate, one from each caucus; and an employee of the
36 electrical division of the department of labor and industries, as ex

1 officio, nonvoting members with all other privileges and rights of
2 membership. Terms of office shall be for three years. The council
3 shall elect a member to serve as chair of the council for one-year
4 terms of office. Any member who is appointed by virtue of being an
5 elected official or holding public employment shall be removed from the
6 council if he or she ceases being such an elected official or holding
7 such public employment. Before making any appointments to the building
8 code council, the governor shall seek nominations from recognized
9 organizations which represent the entities or interests listed in this
10 subsection. Members serving on the council on July 28, 1985, may
11 complete their terms of office. Any vacancy shall be filled by
12 alternating appointments from governmental and nongovernmental entities
13 or interests until the council is constituted as required by this
14 subsection.

15 (2) Members shall not be compensated but shall receive
16 reimbursement for travel expenses in accordance with RCW 43.03.050 and
17 43.03.060.

18 (3) The department of (~~community, trade, and economic~~
19 ~~development~~) labor and industries shall provide administrative and
20 clerical assistance to the building code council.

21 **Sec. 802.** RCW 19.27.150 and 1995 c 399 s 10 are each amended to
22 read as follows:

23 Every month a copy of the United States department of commerce,
24 bureau of the census' "report of building or zoning permits issued and
25 local public construction" or equivalent report shall be transmitted by
26 the governing bodies of counties and cities to the department of
27 (~~community, trade, and economic development~~) labor and industries.

28 **Sec. 803.** RCW 19.27A.020 and 2009 c 423 s 4 are each amended to
29 read as follows:

30 (1) The state building code council shall adopt rules to be known
31 as the Washington state energy code as part of the state building code.

32 (2) The council shall follow the legislature's standards set forth
33 in this section to adopt rules to be known as the Washington state
34 energy code. The Washington state energy code shall be designed to:

35 (a) Construct increasingly energy efficient homes and buildings

1 that help achieve the broader goal of building zero fossil-fuel
2 greenhouse gas emission homes and buildings by the year 2031;

3 (b) Require new buildings to meet a certain level of energy
4 efficiency, but allow flexibility in building design, construction, and
5 heating equipment efficiencies within that framework; and

6 (c) Allow space heating equipment efficiency to offset or
7 substitute for building envelope thermal performance.

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

13 (4) The Washington state energy code for residential buildings
14 shall be the 2006 edition of the Washington state energy code, or as
15 amended by rule by the council.

16 (5) The minimum state energy code for new nonresidential buildings
17 shall be the Washington state energy code, 2006 edition, or as amended
18 by the council by rule.

19 (6)(a) Except as provided in (b) of this subsection, the Washington
20 state energy code for residential structures shall preempt the
21 residential energy code of each city, town, and county in the state of
22 Washington.

23 (b) The state energy code for residential structures does not
24 preempt a city, town, or county's energy code for residential
25 structures which exceeds the requirements of the state energy code and
26 which was adopted by the city, town, or county prior to March 1, 1990.
27 Such cities, towns, or counties may not subsequently amend their energy
28 code for residential structures to exceed the requirements adopted
29 prior to March 1, 1990.

30 (7) The state building code council shall consult with the
31 department of (~~community, trade, and economic development~~) labor and
32 industries as provided in RCW 34.05.310 prior to publication of
33 proposed rules. The director of the department of (~~community, trade,~~
34 ~~and economic development~~) labor and industries shall recommend to the
35 state building code council any changes necessary to conform the
36 proposed rules to the requirements of this section.

37 (8) The state building code council shall evaluate and consider

1 adoption of the international energy conservation code in Washington
2 state in place of the existing state energy code.

3 (9) The definitions in RCW 19.27A.140 apply throughout this
4 section.

5 **Sec. 804.** RCW 19.27A.140 and 2009 c 423 s 2 are each amended to
6 read as follows:

7 The definitions in this section apply to RCW 19.27A.130 through
8 19.27A.190 and 19.27A.020 unless the context clearly requires
9 otherwise.

10 (1) "Benchmark" means the energy used by a facility as recorded
11 monthly for at least one year and the facility characteristics
12 information inputs required for a portfolio manager.

13 (2) "Conditioned space" means conditioned space, as defined in the
14 Washington state energy code.

15 (3) "Consumer-owned utility" includes a municipal electric utility
16 formed under Title 35 RCW, a public utility district formed under Title
17 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
18 cooperative formed under chapter 23.86 RCW, a mutual corporation or
19 association formed under chapter 24.06 RCW, a port district formed
20 under Title 53 RCW, or a water-sewer district formed under Title 57
21 RCW, that is engaged in the business of distributing electricity to one
22 or more retail electric customers in the state.

23 (4) "Cost-effectiveness" means that a project or resource is
24 forecast:

25 (a) To be reliable and available within the time it is needed; and

26 (b) To meet or reduce the power demand of the intended consumers at
27 an estimated incremental system cost no greater than that of the least-
28 cost similarly reliable and available alternative project or resource,
29 or any combination thereof.

30 (5) "Council" means the state building code council.

31 (6) (~~"Department" means the department of community, trade, and~~
32 ~~economic development.~~

33 (+7+)) "Embodied energy" means the total amount of fossil fuel
34 energy consumed to extract raw materials and to manufacture, assemble,
35 transport, and install the materials in a building and the life-cycle
36 cost benefits including the recyclability and energy efficiencies with
37 respect to building materials, taking into account the total sum of

1 current values for the costs of investment, capital, installation,
2 operating, maintenance, and replacement as estimated for the lifetime
3 of the product or project.

4 ~~((+8))~~ (7) "Energy consumption data" means the monthly amount of
5 energy consumed by a customer as recorded by the applicable energy
6 meter for the most recent twelve-month period.

7 ~~((+9))~~ (8) "Energy service company" has the same meaning as in RCW
8 43.19.670.

9 ~~((+10))~~ (9) "General administration" means the department of
10 general administration.

11 ~~((+11))~~ (10) "Greenhouse gas" and "greenhouse gases" includes
12 carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,
13 perfluorocarbons, and sulfur hexafluoride.

14 ~~((+12))~~ (11) "Investment grade energy audit" means an intensive
15 engineering analysis of energy efficiency and management measures for
16 the facility, net energy savings, and a cost-effectiveness
17 determination.

18 ~~((+13))~~ (12) "Investor-owned utility" means a corporation owned by
19 investors that meets the definition of "corporation" as defined in RCW
20 80.04.010 and is engaged in distributing either electricity or natural
21 gas, or both, to more than one retail electric customer in the state.

22 ~~((+14))~~ (13) "Major facility" means any publicly owned or leased
23 building, or a group of such buildings at a single site, having ten
24 thousand square feet or more of conditioned floor space.

25 ~~((+15))~~ (14) "National energy performance rating" means the score
26 provided by the energy star program, to indicate the energy efficiency
27 performance of the building compared to similar buildings in that
28 climate as defined in the United States environmental protection agency
29 "ENERGY STAR® Performance Ratings Technical Methodology."

30 ~~((+16))~~ (15) "Net zero energy use" means a building with net
31 energy consumption of zero over a typical year.

32 ~~((+17))~~ (16) "Portfolio manager" means the United States
33 environmental protection agency's energy star portfolio manager or an
34 equivalent tool adopted by the department of general administration.

35 ~~((+18))~~ (17) "Preliminary energy audit" means a quick evaluation
36 by an energy service company of the energy savings potential of a
37 building.

1 ~~((+19+))~~ (18) "Qualifying public agency" includes all state
2 agencies, colleges, and universities.

3 ~~((+20+))~~ (19) "Qualifying utility" means a consumer-owned or
4 investor-owned gas or electric utility that serves more than twenty-
5 five thousand customers in the state of Washington.

6 ~~((+21+))~~ (20) "Reporting public facility" means any of the
7 following:

8 (a) A building or structure, or a group of buildings or structures
9 at a single site, owned by a qualifying public agency, that exceed ten
10 thousand square feet of conditioned space;

11 (b) Buildings, structures, or spaces leased by a qualifying public
12 agency that exceeds ten thousand square feet of conditioned space,
13 where the qualifying public agency purchases energy directly from the
14 investor-owned or consumer-owned utility;

15 (c) A wastewater treatment facility owned by a qualifying public
16 agency; or

17 (d) Other facilities selected by the qualifying public agency.

18 ~~((+22+))~~ (21) "State portfolio manager master account" means a
19 portfolio manager account established to provide a single shared
20 portfolio that includes reports for all the reporting public
21 facilities.

22 **Sec. 805.** RCW 19.27A.150 and 2009 c 423 s 3 are each amended to
23 read as follows:

24 (1) To the extent that funding is appropriated specifically for the
25 purposes of this section, the department of commerce shall develop and
26 implement a strategic plan for enhancing energy efficiency in and
27 reducing greenhouse gas emissions from homes, buildings, districts, and
28 neighborhoods. The strategic plan must be used to help direct the
29 future code increases in RCW 19.27A.020, with targets for new buildings
30 consistent with RCW 19.27A.160. The strategic plan will identify
31 barriers to achieving net zero energy use in homes and buildings and
32 identify how to overcome these barriers in future energy code updates
33 and through complementary policies.

34 (2) The department of commerce must complete and release the
35 strategic plan to the legislature and the council by December 31, 2010,
36 and update the plan every three years.

1 (3) The strategic plan must include recommendations to the council
2 on energy code upgrades. At a minimum, the strategic plan must:

3 (a) Consider development of aspirational codes separate from the
4 state energy code that contain economically and technically feasible
5 optional standards that could achieve higher energy efficiency for
6 those builders that elected to follow the aspirational codes in lieu of
7 or in addition to complying with the standards set forth in the state
8 energy code;

9 (b) Determine the appropriate methodology to measure achievement of
10 state energy code targets using the United States environmental
11 protection agency's target finder program or equivalent methodology;

12 (c) Address the need for enhanced code training and enforcement;

13 (d) Include state strategies to support research, demonstration,
14 and education programs designed to achieve a seventy percent reduction
15 in annual net energy consumption as specified in RCW 19.27A.160 and
16 enhance energy efficiency and on-site renewable energy production in
17 buildings;

18 (e) Recommend incentives, education, training programs and
19 certifications, particularly state-approved training or certification
20 programs, joint apprenticeship programs, or labor-management
21 partnership programs that train workers for energy-efficiency projects
22 to ensure proposed programs are designed to increase building
23 professionals' ability to design, construct, and operate buildings that
24 will meet the seventy percent reduction in annual net energy
25 consumption as specified in RCW 19.27A.160;

26 (f) Address barriers for utilities to serve net zero energy homes
27 and buildings and policies to overcome those barriers;

28 (g) Address the limits of a prescriptive code in achieving net zero
29 energy use homes and buildings and propose a transition to performance-
30 based codes;

31 (h) Identify financial mechanisms such as tax incentives, rebates,
32 and innovative financing to motivate energy consumers to take action to
33 increase energy efficiency and their use of on-site renewable energy.
34 Such incentives, rebates, or financing options may consider the role of
35 government programs as well as utility-sponsored programs;

36 (i) Address the adequacy of education and technical assistance,
37 including school curricula, technical training, and peer-to-peer
38 exchanges for professional and trade audiences;

1 (j) Develop strategies to develop and install district and
2 neighborhood-wide energy systems that help meet net zero energy use in
3 homes and buildings;

4 (k) Identify costs and benefits of energy efficiency measures on
5 residential and nonresidential construction; and

6 (l) Investigate methodologies and standards for the measurement of
7 the amount of embodied energy used in building materials.

8 (4) The department of commerce and the council shall convene a work
9 group with the affected parties to inform the initial development of
10 the strategic plan.

11 **Sec. 806.** RCW 19.27A.180 and 2009 c 423 s 7 are each amended to
12 read as follows:

13 By December 31, 2009, to the extent that funding is appropriated
14 specifically for the purposes of this section, the department of
15 commerce shall develop and recommend to the legislature a methodology
16 to determine an energy performance score for residential buildings and
17 an implementation strategy to use such information to improve the
18 energy efficiency of the state's existing housing supply. In
19 developing its strategy, the department of commerce shall seek input
20 from providers of residential energy audits, utilities, building
21 contractors, mixed use developers, the residential real estate
22 industry, and real estate listing and form providers.

23 NEW SECTION. **Sec. 807.** (1) All powers, duties, and functions of
24 the department of commerce pertaining to administrative and support
25 services for the state building code council are transferred to the
26 department of labor and industries. All references to the director or
27 the department of commerce in the Revised Code of Washington shall be
28 construed to mean the director or the department of labor and
29 industries when referring to the functions transferred in this section.
30 Policy and planning assistance functions performed by the department of
31 commerce remain with the department of commerce.

32 (2)(a) All reports, documents, surveys, books, records, files,
33 papers, or written material in the possession of the department of
34 commerce pertaining to the powers, functions, and duties transferred
35 shall be delivered to the custody of the department of labor and
36 industries. All cabinets, furniture, office equipment, motor vehicles,

1 and other tangible property employed by the department of commerce in
2 carrying out the powers, functions, and duties transferred shall be
3 made available to the department of labor and industries. All funds,
4 credits, or other assets held in connection with the powers, functions,
5 and duties transferred shall be assigned to the department of labor and
6 industries.

7 (b) Any appropriations made to the department of commerce for
8 carrying out the powers, functions, and duties transferred shall, on
9 the effective date of this section, be transferred and credited to the
10 department of labor and industries.

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

17 (3) All employees of the department of commerce engaged in
18 performing the powers, functions, and duties transferred are
19 transferred to the jurisdiction of the department of labor and
20 industries. All employees classified under chapter 41.06 RCW, the
21 state civil service law, are assigned to the department of labor and
22 industries to perform their usual duties upon the same terms as
23 formerly, without any loss of rights, subject to any action that may be
24 appropriate thereafter in accordance with the laws and rules governing
25 state civil service.

26 (4) All rules and all pending business before the department of
27 commerce pertaining to the powers, functions, and duties transferred
28 shall be continued and acted upon by the department of labor and
29 industries. All existing contracts and obligations shall remain in
30 full force and shall be performed by the department of labor and
31 industries.

32 (5) The transfer of the powers, duties, functions, and personnel of
33 the department of commerce shall not affect the validity of any act
34 performed before the effective date of this section.

35 (6) If apportionments of budgeted funds are required because of the
36 transfers directed by this section, the director of financial
37 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 (7) All classified employees of the department of commerce assigned
5 to the department of labor and industries under this section whose
6 positions are within an existing bargaining unit description at the
7 department of labor and industries shall become a part of the existing
8 bargaining unit at the department of labor and industries and shall be
9 considered an appropriate inclusion or modification of the existing
10 bargaining unit under the provisions of chapter 41.80 RCW.

11 **PART IX**

12 **DEPARTMENT OF COMMERCE--ENERGY POLICY**

13 **Sec. 901.** RCW 43.21F.010 and 1975-'76 2nd ex.s. c 108 s 1 are each
14 amended to read as follows:

15 (1) The legislature finds that energy drives the entire modern
16 economy from petroleum for vehicles to electricity to light homes and
17 businesses. The legislature further finds that the state's dependence
18 on fossil fuels is both an economic and environmental liability, as the
19 citizens of Washington spend significant resources on the import of
20 fossil fuels that are subject to volatile prices because of finite
21 resources and growing world demand, and fossil fuel combustion is the
22 single biggest human source of greenhouse gas emissions in Washington
23 state. The legislature further finds that the nation and the world
24 have started the transition to a clean energy economy, with massive
25 improvements in energy efficiency and investments in new clean and
26 renewable energy resources and technologies.

27 (2) The legislature finds and declares that it is the continuing
28 purpose of state government, consistent with other essential
29 considerations of state policy, to foster wise and efficient energy use
30 and to promote energy self-sufficiency through the use of indigenous
31 and renewable energy sources, consistent with the promotion of reliable
32 energy sources, the general welfare, and the protection of
33 environmental quality.

34 (3) The legislature further declares that the goals of the state's
35 energy strategy are to:

- 1 (a) Increase competitiveness and economic security by reducing
2 fossil fuel imports;
- 3 (b) Develop a clean energy economy and jobs through business and
4 workforce development;
- 5 (c) Meet the state's obligations to reduce greenhouse gas
6 emissions; and
- 7 (d) Maintain competitive energy prices that have been an
8 instrumental part of our state's economic success to date.

9 NEW SECTION. Sec. 902. A new section is added to chapter 43.21F
10 RCW to read as follows:

11 To meet the state energy strategy goals as specified in RCW
12 43.21F.010, it is the policy of the state of Washington to:

13 (1) Pursue energy efficiency and conservation as the state's
14 preferred energy resource;

15 (2) Ensure that the state's energy system meets the health,
16 welfare, and economic needs of its citizens with particular emphasis on
17 meeting the needs of low-income and vulnerable populations;

18 (3) Reduce dependence on fossil fuel energy sources through
19 improved efficiency and development of clean energy sources;

20 (4) Improve transportation energy use through increased vehicle and
21 system efficiencies, development of electricity, biofuels, and other
22 clean fuels, and land use policies that provide improved transportation
23 choices;

24 (5) Meet the state's statutory climate change goals and targets and
25 other environmental requirements as the state develops and uses energy
26 resources;

27 (6) Maintain and enhance economic competitiveness by supporting
28 clean energy technology innovation, access to clean energy markets
29 worldwide, and clean energy business and workforce development;

30 (7) Build on the advantage provided by the state's clean regional
31 electrical grid by expanding and integrating additional carbon-free
32 generation and improving the state's transmission capacity;

33 (8) Make state government a model for energy efficiency, use of
34 clean and renewable energy, and greenhouse gas-neutral operations;

35 (9) During energy shortage emergencies, give priority in the
36 allocation of energy resources to maintaining the public health,

1 safety, and welfare of the state's citizens and industry in order to
2 minimize adverse impacts on their physical, social, and economic well-
3 being;

4 (10) Develop and disseminate impartial and objective energy
5 information and analysis, while taking full advantage of the
6 capabilities of the state's institutions of higher education;

7 (11) Actively seek to maximize federal and other nonstate funding
8 and support to the state for energy efficiency, renewable energy,
9 emerging energy technologies, and other activities of benefit to the
10 state's overall energy future; and

11 (12) Establish a state energy strategy that provides primary
12 guidance for implementation of the state's energy policy.

13 **Sec. 903.** RCW 43.21F.090 and 1996 c 186 s 106 are each amended to
14 read as follows:

15 (1) The department of commerce shall review the state energy
16 strategy as developed under section 1, chapter 201, Laws of 1991,
17 periodically with the guidance of an advisory committee. For each
18 review, an advisory committee shall be established with a membership
19 resembling as closely as possible the original energy strategy advisory
20 committee specified under section 1, chapter 201, Laws of 1991. Upon
21 completion of a public hearing regarding the advisory committee's
22 advice and recommendations for revisions to the energy strategy, a
23 written report shall be conveyed by the department to the governor and
24 the appropriate legislative committees. Any advisory committee
25 established under this section shall be dissolved within three months
26 after their written report is conveyed.

27 (2) By December 1, 2010, and every five years thereafter, the
28 department of commerce shall produce a fully updated and revised state
29 energy strategy and implementation report. The strategy shall, to the
30 maximum extent feasible, examine the state's entire energy system and
31 provide specific recommendations for both further development of state
32 analytical capabilities and policies as well as implementation
33 recommendations to the governor and legislature. As part of the
34 development of the strategy, the department shall convene a state
35 energy strategy committee, as provided in this section, and shall also
36 engage key public agencies and interested stakeholders. In addition,
37 the department shall review related processes and documents relevant to

1 a state energy strategy including but not limited to the work of the
2 clean energy leadership council, the climate advisory and action teams,
3 the evergreen jobs committee, and the northwest power and conservation
4 council.

5 (3) To assist in updates of the state energy strategy, the
6 department of commerce shall actively seek both in-kind and financial
7 support for this process from the United States department of energy
8 and its national laboratories, other public agencies, private sector
9 entities, foundations, and other energy organizations. The department
10 of commerce shall develop a work plan for update of the strategy that
11 reflects the levels of activities and deliverables commensurate with
12 the level of funding and in-kind support available from state and
13 nonstate sources.

14 NEW SECTION. Sec. 904. The following acts or parts of acts are
15 each repealed:

16 (1) RCW 43.21F.015 (State policy) and 1994 c 207 s 3 & 1981 c 295
17 s 1; and

18 (2) RCW 43.21F.055 (Intervention in certain regulatory proceedings
19 prohibited--Application to energy facility site evaluation council--
20 Avoidance of duplication of activity) and 1996 c 186 s 104 & 1981 c 295
21 s 5.

22 **PART X**

23 **CRIMINAL JUSTICE TRAINING COMMISSION--SUBSTANCE ABUSE PROGRAM**

24 **Sec. 1001.** RCW 36.27.100 and 1995 c 399 s 41 are each amended to
25 read as follows:

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

1 NEW SECTION. **Sec. 1002.** (1) All powers, duties, and functions of
2 the department of commerce pertaining to the drug prosecution
3 assistance program are transferred to the criminal justice training
4 commission. All references to the director or the department of
5 commerce in the Revised Code of Washington shall be construed to mean
6 the director or the criminal justice training commission when referring
7 to the functions transferred in this section.

8 (2)(a) All reports, documents, surveys, books, records, files,
9 papers, or written material in the possession of the department of
10 commerce pertaining to the powers, functions, and duties transferred
11 shall be delivered to the custody of the criminal justice training
12 commission. All cabinets, furniture, office equipment, motor vehicles,
13 and other tangible property employed by the department of commerce in
14 carrying out the powers, functions, and duties transferred shall be
15 made available to the criminal justice training commission. All funds,
16 credits, or other assets held in connection with the powers, functions,
17 and duties transferred shall be assigned to the criminal justice
18 training commission.

19 (b) Any appropriations made to the department of commerce for
20 carrying out the powers, functions, and duties transferred shall, on
21 the effective date of this section, be transferred and credited to the
22 criminal justice training commission.

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

29 (3) All employees of the department of commerce engaged in
30 performing the powers, functions, and duties transferred are
31 transferred to the jurisdiction of the criminal justice training
32 commission. All employees classified under chapter 41.06 RCW, the
33 state civil service law, are assigned to the criminal justice training
34 commission to perform their usual duties upon the same terms as
35 formerly, without any loss of rights, subject to any action that may be
36 appropriate thereafter in accordance with the laws and rules governing
37 state civil service.

1 (4) All rules and all pending business before the department of
2 commerce pertaining to the powers, functions, and duties transferred
3 shall be continued and acted upon by the criminal justice training
4 commission. All existing contracts and obligations shall remain in
5 full force and shall be performed by the criminal justice training
6 commission.

7 (5) The transfer of the powers, duties, functions, and personnel of
8 the department of commerce shall not affect the validity of any act
9 performed before the effective date of this section.

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

16 (7) All classified employees of the department of commerce assigned
17 to the criminal justice training commission under this section whose
18 positions are within an existing bargaining unit description at the
19 criminal justice training commission shall become a part of the
20 existing bargaining unit at the criminal justice training commission
21 and shall be considered an appropriate inclusion or modification of the
22 existing bargaining unit under the provisions of chapter 41.80 RCW.

23 **PART XI**

24 **MUNICIPAL RESEARCH COUNCIL**

25 **Sec. 1101.** RCW 43.110.030 and 2000 c 227 s 3 are each amended to
26 read as follows:

27 (1) The (~~municipal research council~~) department of commerce shall
28 contract for the provision of municipal research and services to
29 cities, towns, and counties. Contracts for municipal research and
30 services shall be made with state agencies, educational institutions,
31 or private consulting firms, that in the judgment of (~~council~~
32 ~~members~~) the department are qualified to provide such research and
33 services. Contracts for staff support may be made with state agencies,
34 educational institutions, or private consulting firms that in the
35 judgment of the (~~council members~~) department are qualified to provide
36 such support.

1 (2) Municipal research and services shall consist of:

2 (~~(1)~~) (a) Studying and researching city, town, and county
3 government and issues relating to city, town, and county government;

4 (~~(2)~~) (b) Acquiring, preparing, and distributing publications
5 related to city, town, and county government and issues relating to
6 city, town, and county government;

7 (~~(3)~~) (c) Providing educational conferences relating to city,
8 town, and county government and issues relating to city, town, and
9 county government; and

10 (~~(4)~~) (d) Furnishing legal, technical, consultative, and field
11 services to cities, towns, and counties concerning planning, public
12 health, utility services, fire protection, law enforcement, public
13 works, and other issues relating to city, town, and county government.

14 (3) Requests for legal services by county officials shall be sent
15 to the office of the county prosecuting attorney. Responses by the
16 (~~municipal research council~~) department of commerce to county
17 requests for legal services shall be provided to the requesting
18 official and the county prosecuting attorney.

19 (4) The (~~activities, programs, and services of the municipal~~
20 ~~research council shall be carried on in cooperation~~) department of
21 commerce shall coordinate with the association of Washington cities and
22 the Washington state association of counties in carrying out the
23 activities in this section. Services to cities and towns shall be
24 based upon the moneys appropriated to the (~~municipal research~~
25 ~~council~~) department from the city and town research services account
26 under RCW 43.110.060. Services to counties shall be based upon the
27 moneys appropriated to the (~~municipal research council~~) department
28 from the county research services account under RCW 43.110.050.

29 **Sec. 1102.** RCW 43.110.060 and 2002 c 38 s 4 are each amended to
30 read as follows:

31 The city and town research services account is created in the state
32 treasury. Moneys in the account shall consist of amounts transferred
33 under RCW 66.08.190(2) and any other transfers or appropriations to the
34 account. Moneys in the account may be spent only after an
35 appropriation. Expenditures from the account may be used only for city
36 and town research.

1 All unobligated moneys remaining in the account at the end of the
2 fiscal biennium shall be distributed by the treasurer to the
3 incorporated cities and towns of the state in the same manner as the
4 distribution under RCW 66.08.190(1)(b)(iii).

5 ~~((The treasurer may disburse amounts appropriated to the municipal
6 research council from the city and town research services account by
7 warrant or check to the contracting parties on invoices or vouchers
8 certified by the chair of the municipal research council or his or her
9 designee.))~~ Payments to public agencies may be made in advance of
10 actual work contracted for, at the discretion of the ~~((council))~~
11 department of commerce.

12 **Sec. 1103.** RCW 43.110.080 and 2006 c 328 s 1 are each amended to
13 read as follows:

14 (1) The ~~((municipal research council))~~ department of commerce shall
15 contract for the provision of research and services to special purpose
16 districts. A contract shall be made with a state agency, educational
17 institution, or private consulting firm, that in the judgment of
18 ~~((council members))~~ the department is qualified to provide such
19 research and services.

20 (2) Research and services to special purpose districts shall
21 consist of:

22 (a) Studying and researching issues relating to special purpose
23 district government;

24 (b) Acquiring, preparing, and distributing publications related to
25 special purpose districts; and

26 (c) Furnishing legal, technical, consultative, and field services
27 to special purpose districts concerning issues relating to special
28 purpose district government.

29 (3) The ~~((activities, programs, and services of the municipal
30 research council to special purpose districts shall be carried on in
31 cooperation))~~ department of commerce shall coordinate with the
32 associations representing the various special purpose districts with
33 respect to carrying out the activities in this section. Services to
34 special purpose districts shall be based upon the moneys appropriated
35 to the ~~((municipal research council))~~ department of commerce from the
36 special purpose district research services account under RCW
37 43.110.090.

1 **Sec. 1104.** RCW 43.15.020 and 2009 c 560 s 27 are each amended to
2 read as follows:

3 The lieutenant governor serves as president of the senate and is
4 responsible for making appointments to, and serving on, the committees
5 and boards as set forth in this section.

6 (1) The lieutenant governor serves on the following boards and
7 committees:

8 (a) Capitol furnishings preservation committee, RCW 27.48.040;

9 (b) Washington higher education facilities authority, RCW
10 28B.07.030;

11 (c) Productivity board, also known as the employee involvement and
12 recognition board, RCW 41.60.015;

13 (d) State finance committee, RCW 43.33.010;

14 (e) State capitol committee, RCW 43.34.010;

15 (f) Washington health care facilities authority, RCW 70.37.030;

16 (g) State medal of merit nominating committee, RCW 1.40.020;

17 (h) Medal of valor committee, RCW 1.60.020; and

18 (i) Association of Washington generals, RCW 43.15.030.

19 (2) The lieutenant governor, and when serving as president of the
20 senate, appoints members to the following boards and committees:

21 (a) Civil legal aid oversight committee, RCW 2.53.010;

22 (b) Office of public defense advisory committee, RCW 2.70.030;

23 (c) Washington state gambling commission, RCW 9.46.040;

24 (d) Sentencing guidelines commission, RCW 9.94A.860;

25 (e) State building code council, RCW 19.27.070;

26 (f) Women's history consortium board of advisors, RCW 27.34.365;

27 (g) Financial ((literacy)) education public-private partnership,
28 RCW 28A.300.450;

29 (h) Joint administrative rules review committee, RCW 34.05.610;

30 (i) Capital projects advisory review board, RCW 39.10.220;

31 (j) Select committee on pension policy, RCW 41.04.276;

32 (k) Legislative ethics board, RCW 42.52.310;

33 (l) Washington citizens' commission on salaries, RCW 43.03.305;

34 (m) Legislative oral history committee, RCW 44.04.325;

35 (n) State council on aging, RCW 43.20A.685;

36 (o) State investment board, RCW 43.33A.020;

37 (p) Capitol campus design advisory committee, RCW 43.34.080;

38 (q) Washington state arts commission, RCW 43.46.015;

1 (r) Information services board, RCW 43.105.032;
2 (s) K-20 educational network board, RCW 43.105.800;
3 (t) (~~(Municipal research council, RCW 43.110.010;~~
4 ~~(u))~~) Council for children and families, RCW 43.121.020;
5 (~~(v))~~) (u) PNWER-Net working subgroup under chapter 43.147 RCW;
6 (~~(w))~~) (v) Community economic revitalization board, RCW
7 43.160.030;
8 (~~(x))~~) (w) Washington economic development finance authority, RCW
9 43.163.020;
10 (~~(y))~~) (x) Life sciences discovery fund authority, RCW 43.350.020;
11 (~~(z))~~) (y) Legislative children's oversight committee, RCW
12 44.04.220;
13 (~~(aa))~~) (z) Joint legislative audit and review committee, RCW
14 44.28.010;
15 (~~(bb))~~) (aa) Joint committee on energy supply and energy
16 conservation, RCW 44.39.015;
17 (~~(cc))~~) (bb) Legislative evaluation and accountability program
18 committee, RCW 44.48.010;
19 (~~(dd))~~) (cc) Agency council on coordinated transportation, RCW
20 47.06B.020;
21 (~~(ee))~~) (dd) Manufactured housing task force, RCW 59.22.090;
22 (~~(ff))~~) (ee) Washington horse racing commission, RCW 67.16.014;
23 (~~(gg))~~) (ff) Correctional industries board of directors, RCW
24 72.09.080;
25 (~~(hh))~~) (gg) Joint committee on veterans' and military affairs,
26 RCW 73.04.150;
27 (~~(ii))~~) (hh) Joint legislative committee on water supply during
28 drought, RCW 90.86.020;
29 (~~(jj))~~) (ii) Statute law committee, RCW 1.08.001; and
30 (~~(kk))~~) (jj) Joint legislative oversight committee on trade
31 policy, RCW 44.55.020.

32 **Sec. 1105.** RCW 35.21.185 and 1995 c 21 s 1 are each amended to
33 read as follows:

34 (1) It is the purpose of this section to provide a means whereby
35 all cities and towns may obtain, through a single source, information
36 regarding ordinances of other cities and towns that may be of
37 assistance to them in enacting appropriate local legislation.

1 (2) For the purposes of this section, (a) "clerk" means the city or
2 town clerk or other person who is lawfully designated to perform the
3 recordkeeping function of that office, and (b) "~~((municipal research
4 council)) department~~" means the ~~((municipal research council created by
5 chapter 43.110 RCW)) department of commerce~~.

6 (3) The clerk of every city and town is directed to provide to the
7 ~~((municipal research council)) department~~ or its designee, promptly
8 after adoption, a copy of each of its regulatory ordinances and such
9 other ordinances or kinds of ordinances as may be described in a list
10 or lists promulgated by the ~~((municipal research council)) department~~
11 or its designee from time to time, and may provide such copies without
12 charge. The ~~((municipal research council)) department~~ may provide that
13 information to the entity with which it contracts for the provision of
14 municipal research and services, in order to provide a pool of
15 information for all cities and towns in the state of Washington.

16 (4) This section is intended to be directory and not mandatory.

17 **Sec. 1106.** RCW 35.102.040 and 2006 c 301 s 7 are each amended to
18 read as follows:

19 (1)(a) The cities, working through the association of Washington
20 cities, shall form a model ordinance development committee made up of
21 a representative sampling of cities that as of July 27, 2003, impose a
22 business and occupation tax. This committee shall work through the
23 association of Washington cities to adopt a model ordinance on
24 municipal gross receipts business and occupation tax. The model
25 ordinance and subsequent amendments shall be adopted using a process
26 that includes opportunity for substantial input from business
27 stakeholders and other members of the public. Input shall be solicited
28 from statewide business associations and from local chambers of
29 commerce and downtown business associations in cities that levy a
30 business and occupation tax.

31 (b) The ~~((municipal research council)) department of commerce~~ shall
32 contract to post the model ordinance on an internet web site and to
33 make paper copies available for inspection upon request. The
34 department of revenue and the department of licensing shall post copies
35 of or links to the model ordinance on their internet web sites.
36 Additionally, a city that imposes a business and occupation tax must

1 make copies of its ordinance available for inspection and copying as
2 provided in chapter 42.56 RCW.

3 (c) The definitions and tax classifications in the model ordinance
4 may not be amended more frequently than once every four years, however
5 the model ordinance may be amended at any time to comply with changes
6 in state law. Any amendment to a mandatory provision of the model
7 ordinance must be adopted with the same effective date by all cities.

8 (2) A city that imposes a business and occupation tax must adopt
9 the mandatory provisions of the model ordinance. The following
10 provisions are mandatory:

11 (a) A system of credits that meets the requirements of RCW
12 35.102.060 and a form for such use;

13 (b) A uniform, minimum small business tax threshold of at least the
14 equivalent of twenty thousand dollars in gross income annually. A city
15 may elect to deviate from this requirement by creating a higher
16 threshold or exemption but it shall not deviate lower than the level
17 required in this subsection. If a city has a small business threshold
18 or exemption in excess of that provided in this subsection as of
19 January 1, 2003, and chooses to deviate below the threshold or
20 exemption level that was in place as of January 1, 2003, the city must
21 notify all businesses licensed to do business within the city at least
22 one hundred twenty days prior to the potential implementation of a
23 lower threshold or exemption amount;

24 (c) Tax reporting frequencies that meet the requirements of RCW
25 35.102.070;

26 (d) Penalty and interest provisions that meet the requirements of
27 RCW 35.102.080 and 35.102.090;

28 (e) Claim periods that meet the requirements of RCW 35.102.100;

29 (f) Refund provisions that meet the requirements of RCW 35.102.110;
30 and

31 (g) Definitions, which at a minimum, must include the definitions
32 enumerated in RCW 35.102.030 and 35.102.120. The definitions in
33 chapter 82.04 RCW shall be used as the baseline for all definitions in
34 the model ordinance, and any deviation in the model ordinance from
35 these definitions must be described by a comment in the model
36 ordinance.

37 (3) Except for the deduction required by RCW 35.102.160 and the

1 system of credits developed to address multiple taxation under
2 subsection (2)(a) of this section, a city may adopt its own provisions
3 for tax exemptions, tax credits, and tax deductions.

4 (4) Any city that adopts an ordinance that deviates from the
5 nonmandatory provisions of the model ordinance shall make a description
6 of such differences available to the public, in written and electronic
7 form.

8 **Sec. 1107.** RCW 36.70B.220 and 2005 c 274 s 272 are each amended to
9 read as follows:

10 (1) Each county and city having populations of ten thousand or more
11 that plan under RCW 36.70A.040 shall designate permit assistance staff
12 whose function it is to assist permit applicants. An existing employee
13 may be designated as the permit assistance staff.

14 (2) Permit assistance staff designated under this section shall:

15 (a) Make available to permit applicants all current local
16 government regulations and adopted policies that apply to the subject
17 application. The local government shall provide counter copies thereof
18 and, upon request, provide copies according to chapter 42.56 RCW. The
19 staff shall also publish and keep current one or more handouts
20 containing lists and explanations of all local government regulations
21 and adopted policies;

22 (b) Establish and make known to the public the means of obtaining
23 the handouts and related information; and

24 (c) Provide assistance regarding the application of the local
25 government's regulations in particular cases.

26 (3) Permit assistance staff designated under this section may
27 obtain technical assistance and support in the compilation and
28 production of the handouts under subsection (2) of this section from
29 the ~~((municipal research council and the department of community,
30 trade, and economic development))~~ department of commerce.

31 NEW SECTION. **Sec. 1108.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 43.110.010 (Council created--Membership--Terms--Travel
34 expenses) and 2001 c 290 s 1, 1997 c 437 s 1, 1990 c 104 s 1, 1983 c 22
35 s 1, 1975-'76 2nd ex.s. c 34 s 129, 1975 1st ex.s. c 218 s 1, & 1969 c
36 108 s 2;

1 (2) RCW 43.110.040 (Local government regulation and policy
2 handouts--Technical assistance) and 1996 c 206 s 10; and

3 (3) RCW 43.110.070 (Hazardous liquid and gas pipeline--Model
4 ordinance and franchise agreement) and 2000 c 191 s 8.

5 NEW SECTION. **Sec. 1109.** (1) The municipal research council is
6 hereby abolished and its powers, duties, and functions are hereby
7 transferred to the department of commerce. All references to the
8 municipal research council in the Revised Code of Washington shall be
9 construed to mean the department of commerce.

10 (2)(a) All reports, documents, surveys, books, records, files,
11 papers, or written material in the possession of the municipal research
12 council shall be delivered to the custody of the department of
13 commerce. All cabinets, furniture, office equipment, motor vehicles,
14 and other tangible property employed by the municipal research council
15 shall be made available to the department of commerce. All funds,
16 credits, or other assets held by the municipal research council shall
17 be assigned to the department of commerce.

18 (b) Any appropriations made to the municipal research council
19 shall, on the effective date of this section, be transferred and
20 credited to the department of commerce.

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

27 (3) All rules and all pending business before the municipal
28 research council shall be continued and acted upon by the department of
29 commerce. All existing contracts and obligations shall remain in full
30 force and shall be performed by the department of commerce.

31 (4) The transfer of the powers, duties, and functions of the
32 municipal research council shall not affect the validity of any act
33 performed before the effective date of this section.

34 (5) If apportionments of budgeted funds are required because of the
35 transfers directed by this section, the director of financial
36 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 **PART XII**

5 **MISCELLANEOUS PROVISIONS**

6 NEW SECTION. **Sec. 1201.** RCW 43.63A.150 is decodified.

7 NEW SECTION. **Sec. 1202.** This act takes effect July 1, 2010.

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