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**SUBSTITUTE SENATE BILL 5995**

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**State of Washington****61st Legislature****2009 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senators Pridemore, Schoesler, and Honeyford; by request of Governor Gregoire)

READ FIRST TIME 02/25/09.

1       AN ACT Relating to eliminating certain boards, committees, and  
2 commissions and the transfer of certain duties effective June 30, 2009;  
3 amending RCW 18.06.080, 70.128.163, 18.44.011, 18.44.195, 18.44.221,  
4 18.44.251, 43.121.015, 43.121.050, 43.121.060, 43.121.180, 13.40.462,  
5 13.40.510, 19.188.030, 43.08.250, 43.41.195, 43.63A.725, 43.70.545,  
6 43.70.555, 43.70.580, 74.14A.060, 19.146.225, 46.20.520, 70.149.040,  
7 79A.75.900, 70.14.060, 4.92.130, 18.84.040, 18.84.070, 70.104.090,  
8 15.92.070, 17.21.020, 70.94.524, 70.94.527, 70.94.528, 70.94.534,  
9 70.94.537, 70.94.541, 70.94.551, 70.94.996, 82.70.060, 28B.116.020,  
10 28B.12.040, 46.01.325, 46.01.140, and 43.15.020; reenacting and  
11 amending RCW 69.50.520; adding new sections to chapter 43.121 RCW;  
12 creating new sections; recodifying RCW 70.190.005; repealing RCW  
13 28B.04.085, 70.128.225, 18.20.260, 70.96A.070, 18.44.500, 18.44.510,  
14 43.41.190, 43.121.175, 70.190.010, 70.190.020, 70.190.030, 70.190.040,  
15 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080,  
16 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130,  
17 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 74.14C.050,  
18 79A.25.220, 19.146.280, 43.09.430, 43.09.435, 43.09.440, 43.09.445,  
19 43.09.450, 43.09.455, 43.09.460, 4.92.230, 21.20.550, 21.20.560,  
20 21.20.570, 21.20.580, 21.20.590, 17.15.040, 17.21.230, 17.21.240,  
21 17.21.250, 17.21.260, 17.21.270, 70.104.070, 70.104.080, 70.94.544,

1 43.360.040, 28B.116.040, 46.01.320, 18.155.050, 74.32.100, 74.32.110,  
2 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, and  
3 74.32.180; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311  
4 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008  
5 c 311 s 4 (uncodified); repealing 1997 c 406 s 1 (uncodified);  
6 providing an effective date; providing an expiration date; and  
7 declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** One of the key roles of advisory boards,  
10 committees, and commissions is to provide input, advice and  
11 recommendations from stakeholders, other interested parties, and the  
12 public to state agencies. These advisory boards, committees, and  
13 commissions may be abolished without detriment to the mission of the  
14 agency each supports. Most of the advisory functions of these boards,  
15 committees, and commissions can be performed without the administrative  
16 costs of maintaining formal organizations. In the interest of building  
17 a leaner, more efficient, and more responsible government, this vital  
18 communications conduit must be maintained for the benefit of the state  
19 and its citizens, through the use of modern communication technology.  
20 It is the intent of this legislation that while advisory boards,  
21 committees, and commissions be eliminated, agencies should identify  
22 new, less costly, and more effective opportunities to ensure a broad  
23 range of citizen participation is provided and that all reasonable  
24 efforts are made to ensure that channels are maintained for vital input  
25 from the citizens of Washington.

26 **Acupuncture Ad Hoc Committee**

27 **Sec. 2.** RCW 18.06.080 and 1995 c 323 s 7 are each amended to read  
28 as follows:

29 (1) The secretary is hereby authorized and empowered to execute the  
30 provisions of this chapter and shall offer examinations in acupuncture  
31 at least twice a year at such times and places as the secretary may  
32 select. The examination shall be a written examination and may include  
33 a practical examination.

1 (2) The secretary shall develop or approve a licensure examination  
2 in the subjects that the secretary determines are within the scope of  
3 and commensurate with the work performed by licensed acupuncturists and  
4 shall include but not necessarily be limited to anatomy, physiology,  
5 microbiology, biochemistry, pathology, hygiene, and acupuncture. All  
6 application papers shall be deposited with the secretary and there  
7 retained for at least one year, when they may be destroyed.

8 (3) If the examination is successfully passed, the secretary shall  
9 confer on such candidate the title of Licensed Acupuncturist.

10 ~~(4) ((The secretary may appoint members of the profession to serve~~  
11 ~~in an ad hoc advisory capacity to the secretary in carrying out this~~  
12 ~~chapter. The members will serve for designated times and provide~~  
13 ~~advice on matters specifically identified and requested by the~~  
14 ~~secretary. The members shall be compensated in accordance with RCW~~  
15 ~~43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and~~  
16 ~~43.03.060.~~

17 (5)) The secretary, ad hoc committee members, or individuals  
18 acting in their behalf are immune from suit in a civil action based on  
19 any certification or disciplinary proceedings or other official acts  
20 performed in the course of their duties.

#### 21 **Displaced Homemaker Program Statewide Advisory Committee**

22 NEW SECTION. **Sec. 3.** RCW 28B.04.085 (Displaced homemaker program  
23 advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each  
24 repealed.

#### 25 **Adult Family Home Advisory Committee**

26 NEW SECTION. **Sec. 4.** RCW 70.128.225 (Advisory committee) and 2007  
27 c 40 s 1 & 2002 c 223 s 4 are each repealed.

28 **Sec. 5.** RCW 70.128.163 and 2001 c 193 s 6 are each amended to read  
29 as follows:

30 (1) When the department has summarily suspended a license, the

1 licensee may, subject to the department's approval, elect to  
2 participate in a temporary management program. All provisions of this  
3 section shall apply.

4 The purposes of a temporary management program are as follows:

5 (a) To mitigate dislocation and transfer trauma of residents while  
6 the department and licensee may pursue dispute resolution or appeal of  
7 a summary suspension of license;

8 (b) To facilitate the continuity of safe and appropriate resident  
9 care and services;

10 (c) To preserve a residential option that meets a specialized  
11 service need and/or is in a geographical area that has a lack of  
12 available providers; and

13 (d) To provide residents with the opportunity for orderly  
14 discharge.

15 (2) Licensee participation in the temporary management program is  
16 voluntary. The department shall have the discretion to approve any  
17 temporary manager and the temporary management arrangements. The  
18 temporary management shall assume the total responsibility for the  
19 daily operations of the home.

20 (3) The temporary management shall contract with the licensee as an  
21 independent contractor and is responsible for ensuring that all minimum  
22 licensing requirements are met. The temporary management shall protect  
23 the health, safety, and well-being of the residents for the duration of  
24 the temporary management and shall perform all acts reasonably  
25 necessary to ensure that residents' needs are met. The licensee is  
26 responsible for all costs related to administering the temporary  
27 management program and contracting with the temporary management. The  
28 temporary management agreement shall at a minimum address the  
29 following:

30 (a) Provision of liability insurance to protect residents and their  
31 property;

32 (b) Preservation of resident trust funds;

33 (c) The timely payment of past due or current accounts, operating  
34 expenses, including but not limited to staff compensation, and all debt  
35 that comes due during the period of the temporary management;

36 (d) The responsibilities for addressing all other financial  
37 obligations that would interfere with the ability of the temporary  
38 manager to provide adequate care and services to residents; and

1 (e) The authority of the temporary manager to manage the home,  
2 including the hiring, managing, and firing of employees for good cause,  
3 and to provide adequate care and services to residents.

4 (4) The licensee and department shall provide written notification  
5 immediately to all residents, legal representatives, interested family  
6 members, and the state long-term care ombudsman program, of the  
7 temporary management and the reasons for it. This notification shall  
8 include notice that residents may move from the home without notifying  
9 the licensee in advance, and without incurring any charges, fees, or  
10 costs otherwise available for insufficient advance notice, during the  
11 temporary management period.

12 (5) The temporary management period under this section concludes  
13 twenty-eight days after issuance of the formal notification of  
14 enforcement action or conclusion of administrative proceedings,  
15 whichever date is later. Nothing in this section precludes the  
16 department from revoking its approval of the temporary management  
17 and/or exercising its licensing enforcement authority under this  
18 chapter. The department's decision whether to approve or to revoke a  
19 temporary management arrangement is not subject to the administrative  
20 procedure act, chapter 34.05 RCW.

21 (6) The department is authorized to adopt rules implementing this  
22 section. In implementing this section, the department shall consult  
23 with consumers, advocates, (~~the adult family home advisory committee~~  
24 ~~established under chapter 18.48 RCW,~~) and organizations representing  
25 adult family homes. The department may recruit and approve qualified,  
26 licensed providers interested in serving as temporary managers.

27 **Boarding Home Advisory Board**

28 NEW SECTION. **Sec. 6.** RCW 18.20.260 (Advisory board) and 2000 c  
29 47 s 8 are each repealed.

30 **Citizens Advisory Council on Alcoholism and Drug Addiction**

31 NEW SECTION. **Sec. 7.** RCW 70.96A.070 (Citizens advisory council--

1 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c  
2 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each  
3 repealed.

4 **Citizens' Work Group on Health Care Reform**

5 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each  
6 repealed:

- 7 2008 c 311 s 1 (uncodified);  
8 2008 c 311 s 2 (uncodified);  
9 2008 c 311 s 3 (uncodified); and  
10 2008 c 311 s 4 (uncodified).

11 **Escrow Commission**

12 **Sec. 9.** RCW 18.44.011 and 1999 c 30 s 1 are each amended to read  
13 as follows:

14 Unless a different meaning is apparent from the context, terms used  
15 in this chapter shall have the following meanings:

- 16 (1) "Department" means the department of financial institutions.  
17 (2) "Director" means the director of financial institutions, or his  
18 or her duly authorized representative.  
19 (3) "Director of licensing" means the director of the department of  
20 licensing, or his or her duly authorized representative.  
21 (4) "Escrow" means any transaction, except the acts of a qualified  
22 intermediary in facilitating an exchange under section 1031 of the  
23 internal revenue code, wherein any person or persons, for the purpose  
24 of effecting and closing the sale, purchase, exchange, transfer,  
25 encumbrance, or lease of real or personal property to another person or  
26 persons, delivers any written instrument, money, evidence of title to  
27 real or personal property, or other thing of value to a third person to  
28 be held by such third person until the happening of a specified event  
29 or the performance of a prescribed condition or conditions, when it is  
30 then to be delivered by such third person, in compliance with  
31 instructions under which he or she is to act, to a grantee, grantor,

1 promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor,  
2 or any agent or employee thereof.

3 (5) "Split escrow" means a transaction in which two or more escrow  
4 agents act to effect and close an escrow transaction.

5 (6) "Escrow agent" means any person engaged in the business of  
6 performing for compensation the duties of the third person referred to  
7 in subsection (4) of this section.

8 (7) "Licensed escrow agent" means any sole proprietorship, firm,  
9 association, partnership, or corporation holding a license as an escrow  
10 agent under the provisions of this chapter.

11 (8) "Person" means a natural person, firm, association,  
12 partnership, corporation, limited liability company, or the plural  
13 thereof, whether resident, nonresident, citizen, or not.

14 (9) "Licensed escrow officer" means any natural person handling  
15 escrow transactions and licensed as such by the director.

16 (10) "Designated escrow officer" means any licensed escrow officer  
17 designated by a licensed escrow agent and approved by the director as  
18 the licensed escrow officer responsible for supervising that agent's  
19 handling of escrow transactions, management of the agent's trust  
20 account, and supervision of all other licensed escrow officers employed  
21 by the agent.

22 (11) (~~"Escrow commission" means the escrow commission of the state  
23 of Washington created by RCW 18.44.500.~~

24 ~~(12))~~) "Controlling person" is any person who owns or controls ten  
25 percent or more of the beneficial ownership of any escrow agent,  
26 regardless of the form of business organization employed and regardless  
27 of whether such interest stands in such person's true name or in the  
28 name of a nominee.

29 **Sec. 10.** RCW 18.44.195 and 1999 c 30 s 4 are each amended to read  
30 as follows:

31 (1) Any person desiring to become a licensed escrow officer must  
32 successfully pass an examination.

33 (2) The escrow officer examination shall encompass the following:

34 (a) Appropriate knowledge of the English language, including  
35 reading, writing, and arithmetic;

36 (b) An understanding of the principles of real estate conveyancing  
37 and the general purposes and legal effects of deeds, mortgages, deeds

1 of trust, contracts of sale, exchanges, rental and optional agreements,  
2 leases, earnest money agreements, personal property transfers, and  
3 encumbrances;

4 (c) An understanding of the obligations between principal and  
5 agent;

6 (d) An understanding of the meaning and nature of encumbrances upon  
7 real property;

8 (e) An understanding of the principles and practice of trust  
9 accounting; and

10 (f) An understanding of the escrow agent registration act and other  
11 applicable law such as the real estate settlement procedures act, 12  
12 U.S.C. Sec. 2601, and regulation X, 24 C.F.R. Sec. 3500.

13 (3) The examination shall be in such form as prescribed by the  
14 director (~~((with the advice of the escrow commission,))~~) and shall be  
15 given at least annually.

16 **Sec. 11.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read  
17 as follows:

18 The director shall, within thirty days after ~~((the))~~ a written  
19 request (~~((of the escrow commission))~~), hold a public hearing to  
20 determine whether the fidelity bond, surety bond, and/or the errors and  
21 omissions policy specified in RCW 18.44.201 is reasonably available to  
22 a substantial number of licensed escrow agents. If the director  
23 determines and the insurance commissioner concurs that such bond or  
24 bonds and/or policy is not reasonably available, the director shall  
25 waive the requirements for such bond or bonds and/or policy for a fixed  
26 period of time.

27 **Sec. 12.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read  
28 as follows:

29 A request for a waiver of the required errors and omissions policy  
30 may be accomplished under the statute by submitting to the director an  
31 affidavit that substantially addresses the following:

32  
33

34 REQUEST FOR WAIVER OF  
35 ERRORS AND OMISSIONS POLICY



1 I, . . . . ., residing at . . . . ., City of . . . . ., County  
2 of . . . . ., State of Washington, declare the following:

3 (1) ~~((The state escrow commission has determined~~  
4 ~~that))~~ An errors and omissions policy is not reasonably  
5 available to a substantial number of licensed escrow  
6 officers; and

7 (2) Purchasing an errors and omissions policy is cost-  
8 prohibitive at this time; and

9 (3) I have not engaged in any conduct that resulted in  
10 the termination of my escrow certificate; and

11 (4) I have not paid, directly or through an errors and  
12 omissions policy, claims in excess of ten thousand dollars,  
13 exclusive of costs and attorneys' fees, during the calendar  
14 year preceding submission of this affidavit; and

15 (5) I have not paid, directly or through an errors and  
16 omissions policy, claims, exclusive of costs and attorneys'  
17 fees, totaling in excess of twenty thousand dollars in the  
18 three calendar years immediately preceding submission of  
19 this affidavit; and

20 (6) I have not been convicted of a crime involving  
21 honesty or moral turpitude during the calendar year  
22 preceding submission of this application.

23 THEREFORE, in consideration of the above, I,  
24 . . . . ., respectfully request that the director of financial  
25 institutions grant this request for a waiver of the  
26 requirement that I purchase and maintain an errors and  
27 omissions policy covering my activities as an escrow agent  
28 licensed by the state of Washington for the period from  
29 . . . . ., 19 . . . . , to . . . . ., 19 . . . .

30 Submitted this day of . . . . day of . . . . ., 19 . . . .

31 .....  
32 (signature)

33 State of Washington, }  
34 } ss.  
35 County of . . . . . }

1 I certify that I know or have satisfactory evidence that  
2 ..... , signed this instrument and acknowledged it to  
3 be ..... free and voluntary act for the uses and  
4 purposes mentioned in the instrument.

5 Dated .....  
6 Signature of  
7 Notary Public .....  
8 (Seal or stamp) Title .....  
9 My appointment expires .....

10 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
11 each repealed:

12 (1) RCW 18.44.500 (Escrow commission--Members--Terms--Compensation  
13 and travel expenses) and 1995 c 238 s 3, 1985 c 340 s 3, & 1984 c 287  
14 s 36; and

15 (2) RCW 18.44.510 (Compensation and travel expenses of commission  
16 members) and 1984 c 287 s 37 & 1977 ex.s. c 156 s 29.

17 **Family Policy Council and Council on Children and Families**

18 **Sec. 14.** RCW 43.121.015 and 2008 c 152 s 8 are each amended to  
19 read as follows:

20 As used in this chapter, the following terms have the meanings  
21 indicated unless the context clearly requires otherwise.

22 (1) "Administrative costs" means the costs associated with  
23 procurement; payroll processing; personnel functions; management;  
24 maintenance and operation of space and property; data processing and  
25 computer services; accounting; budgeting; auditing; indirect costs; and  
26 organizational planning, consultation, coordination, and training.

27 (2) "Assessment" means the regular collection, analysis, and  
28 sharing of information within a defined locale, a county or a  
29 multicounty area about specific needs of the family, programs, and the  
30 community, the specific risk factors affecting these, and the data that  
31 confirms these needs. Among the information useful for inclusion in an  
32 assessment are economic and environmental risk factors, community

1 concerns, community health indicators, and the array of resources, if  
2 any, to address identified needs and gaps in service.

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

5 (4) "Child" means an unmarried person who is under eighteen years  
6 of age.

7 ((+2)) (5) "Community public health and safety networks" or  
8 "networks" means the organizations authorized under section 20 of this  
9 act.

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

14 (7) "Council" means the council for children and families.

15 ((+3)) (8) "Evidence-based" means a program or practice that has  
16 had multiple site random controlled trials across heterogeneous  
17 populations demonstrating that the program or practice is effective for  
18 the population.

19 (9) "Fiduciary interest" means: (a) The right to compensation from  
20 a health, educational, social service, or justice system organization  
21 that receives public funds; or (b) budgetary or policy-making authority  
22 for an organization listed in (a) of this subsection. A person who  
23 acts solely in an advisory capacity and receives no compensation from  
24 a health, educational, social service, or justice system organization,  
25 and who has no budgetary or policy-making authority is deemed to have  
26 no fiduciary interest in the organization.

27 (10) "Home visitation" means providing services in the permanent or  
28 temporary residence, or in other familiar surroundings, of the family  
29 receiving such services.

30 (11) "Outcome" or "outcome-based" means defined and measurable  
31 outcomes used to evaluate progress in increasing protective factors for  
32 children, their primary caregivers, and communities.

33 (12) "Policy development" has the same meaning as provided in RCW  
34 43.70.010.

35 (13) "Primary prevention" of child abuse and neglect means any  
36 effort designed to inhibit or preclude the initial occurrence of child  
37 abuse and neglect, both by the promotion of positive parenting and

1 family interaction, and the remediation of factors linked to causes of  
2 child maltreatment.

3 ~~((+4))~~ (14) "Protective factors" means those factors determined by  
4 the extensive review of the research literature on the practices that  
5 most improve a child's chances of growing up in an environment that  
6 results in the prevention of at-risk behaviors and promotes the child's  
7 optimal development.

8 (15) "Research-based" means a program or practice that has some  
9 research demonstrating effectiveness, but that does not yet meet the  
10 standard of evidence-based practices.

11 (16) "Secondary prevention" means services and programs that  
12 identify and assist families under such stress that abuse or neglect is  
13 likely or families display symptoms associated with child abuse or  
14 neglect.

15 **Sec. 15.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to  
16 read as follows:

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

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

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

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

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

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

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

32 (iv) Learning experiences for children and parents to help prepare  
33 parents and children for the experiences in school. Contracts also may  
34 be awarded for research programs related to primary and secondary  
35 prevention of child abuse and neglect, and to develop and strengthen  
36 community child abuse and neglect prevention networks. Each contract  
37 entered into by the council shall contain a provision for the

1 evaluation of services provided under the contract. Contracts for  
2 services to prevent child abuse and child neglect shall be awarded as  
3 demonstration projects with continuation based upon goal attainment.  
4 Contracts for services to prevent child abuse and child neglect shall  
5 be awarded on the basis of probability of success based in part upon  
6 sound research data.

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

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

13 (4) Establish fee schedules to provide for the recipients of  
14 services to reimburse the state general fund for the cost of services  
15 received.

16 (5) Oversee the community public health and safety networks.

17 (6) Adopt its own bylaws.

18 ~~((+6+))~~ (7) Adopt rules under chapter 34.05 RCW as necessary to  
19 carry out the purposes of this chapter.

20 **Sec. 16.** RCW 43.121.060 and 1982 c 4 s 6 are each amended to read  
21 as follows:

22 Programs contracted for under this chapter are intended to provide  
23 primary child abuse and neglect prevention services. Such programs may  
24 include, but are not limited to:

25 (1) Community-based educational programs on prenatal care,  
26 perinatal bonding, child development, basic child care, care of  
27 children with special needs, and coping with family stress; and

28 (2) Community-based programs relating to crisis care, aid to  
29 parents, child-abuse counseling, support groups for abusive or  
30 potentially abusive parents and their children, and early  
31 identification of families where the potential for child abuse and  
32 neglect exists.

33 (3) Those programs listed in section 24 of this act.

34 The council shall develop policies to determine whether programs  
35 will be demonstration or will receive continuous funding. Nothing in  
36 this chapter requires continued funding by the state.

1       **Sec. 17.** RCW 43.121.180 and 2008 c 152 s 6 are each amended to  
2 read as follows:

3       ~~((1))~~ Within available funds, the council for children and  
4 families shall fund evidence-based and research-based home visitation  
5 programs for improving parenting skills and outcomes for children.  
6 Home visitation programs must be voluntary and must address the needs  
7 of families to alleviate the effect on child development of factors  
8 such as poverty, single parenthood, parental unemployment or  
9 underemployment, parental disability, or parental lack of high school  
10 diploma, which research shows are risk factors for child abuse and  
11 neglect and poor educational outcomes.

12       ~~((2) The council for children and families shall develop a plan  
13 with the department of social and health services, the department of  
14 health, the department of early learning, and the family policy council  
15 to coordinate or consolidate home visitation services for children and  
16 families and report to the appropriate committees of the legislature by  
17 December 1, 2007, with their recommendations for implementation of the  
18 plan.))~~

19       NEW SECTION. **Sec. 18.** A new section is added to chapter 43.121  
20 RCW to read as follows:

21       To the extent that any power or duty of the council may duplicate  
22 efforts of existing councils, commissions, advisory committees, or  
23 other entities, the governor is authorized to take necessary actions to  
24 eliminate such duplication. This shall include authority to  
25 consolidate similar councils or activities in a manner consistent with  
26 the goals of this chapter.

27       NEW SECTION. **Sec. 19.** A new section is added to chapter 43.121  
28 RCW to read as follows:

29       The council shall annually solicit from community networks  
30 proposals to facilitate greater flexibility, coordination, and  
31 responsiveness, and consolidation when justified by outcome-based  
32 evaluation data, of prevention services at the community level. The  
33 council shall consider such proposals only if:

34       (1) A comprehensive plan has been prepared by the community  
35 networks;

1 (2) The community network has identified potential matching funds;  
2 and

3 (3) The community network has designed into its comprehensive plan  
4 standards for accountability. Accountability standards include, but  
5 are not limited to, the public hearing process eliciting public comment  
6 about the appropriateness of the proposed comprehensive plan. The  
7 community network must submit reports to the council outlining the  
8 public response regarding the appropriateness and effectiveness of the  
9 comprehensive plan.

10 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.121  
11 RCW to read as follows:

12 (1) The networks have only those powers and duties expressly  
13 authorized by the legislature under this chapter. The networks should  
14 empower parents and other citizens by being a means of expressing their  
15 attitudes, spirit, and perspectives regarding safe and healthy family  
16 and community life. It is not the intent of the legislature that  
17 health, social service, or educational professionals dominate community  
18 public health and safety network processes or programs, but rather that  
19 these professionals use their skills to lend support to parents and  
20 other citizens in expressing their values as parents and other citizens  
21 identify community needs and establish community priorities. To this  
22 end, the legislature intends full participation of parents and other  
23 citizens in community public health and safety networks. The intent is  
24 that local community values are reflected in the operations of and  
25 recommendations by the network.

26 (2) A group of persons described in subsection (3) of this section  
27 may apply to be a community public health and safety network.

28 (3) Each community public health and safety network shall be  
29 composed of at least thirteen people, nine of whom shall be citizens  
30 who live within the network boundary and who have no fiduciary  
31 interest. In selecting these members, first priority shall be given to  
32 members of community mobilization advisory boards, city or county  
33 children's services commissions, human services advisory boards, or  
34 other such organizations. The nine persons shall be selected as  
35 follows: Two by chambers of commerce, two by school board members,  
36 three by county and/or city legislative authorities, one high school  
37 student, selected by student organizations, and one parent leader. The

1 remaining four members shall live or work within the network boundary  
2 and shall include local representation selected by the following groups  
3 and entities: Parent organizations; cities; counties; federally  
4 recognized Indian tribes; parks and recreation programs; law  
5 enforcement agencies; state children's service workers; employment  
6 assistance workers; private social service providers, broad-based  
7 nonsecular organizations, or health service providers; and public  
8 education.

9 (4) All members of each community public health and safety network  
10 must sign an annual declaration under penalty of perjury or a notarized  
11 statement that clearly, in plain and understandable language, states  
12 whether or not he or she has a fiduciary interest. If a member has a  
13 fiduciary interest, the nature of that interest must be made clear, in  
14 plain understandable language, on the signed statement.

15 (5) Members of the network shall serve terms of three years.

16 The terms of the initial members of each network shall be as  
17 follows: (a) One-third shall serve for one year; (b) one-third shall  
18 serve for two years; and (c) one-third shall serve for three years.  
19 Initial members may agree which shall serve fewer than three years or  
20 the decision may be made by lot. Any vacancy occurring during the term  
21 may be filled by the chair for the balance of the unexpired term.

22 (6) Not less than sixty days before the expiration of a network  
23 member's term, the chair shall submit the name of a nominee to the  
24 network for its approval. The network shall comply with subsection (3)  
25 of this section.

26 (7) Networks are subject to the open public meetings act under  
27 chapter 42.30 RCW and the public records provisions of chapter 42.56  
28 RCW.

29 (8) The composition requirements of the networks in this section  
30 shall apply prospectively only and are not intended to affect the  
31 composition of any community public health and safety network's  
32 membership that was previously approved by the family policy council.

33 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.121  
34 RCW to read as follows:

35 No network member may vote to recommend to the council any  
36 expenditure in which the member's immediate family has a fiduciary



1 interest. For the purpose of this section "immediate family" means a  
2 spouse, domestic partner, parent, grandparent, adult child, brother, or  
3 sister.

4 NEW SECTION. **Sec. 22.** A new section is added to chapter 43.121  
5 RCW to read as follows:

6 The community public health and safety networks shall:

7 (1) Review state and local public health data and analysis relating  
8 to protective factors and at-risk children and youth;

9 (2) Prioritize the protective factors to reduce the likelihood of  
10 the children and youth in the network's catchment area being at risk;

11 (3) Develop a long-term comprehensive plan using assessments to  
12 reduce the rate of at-risk children and youth; set definitive,  
13 measurable goals; and project their desired outcomes;

14 (4) Conduct outcome-based evaluations of services and service  
15 delivery systems within network catchment areas.

16 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.121  
17 RCW to read as follows:

18 (1) The council shall act as lead fiscal agent for the networks and  
19 shall have authority to perform fiscal, accounting, contract  
20 administration, legal, and other administrative duties, including the  
21 provision of liability insurance.

22 (2) The council shall perform fiscal, accounting, and other  
23 administrative duties on behalf of the networks.

24 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.121  
25 RCW to read as follows:

26 (1) The community network's plan may include recommending that the  
27 council fund evidence-based or research-based home visitation programs  
28 in accordance with RCW 43.121.180.

29 (2) In developing long-term comprehensive plans to reduce the rate  
30 of at-risk children and youth, the community networks may recommend  
31 that the council consider increasing employment and job training  
32 opportunities in recognition that they constitute a strong protective  
33 factor.

34 (3) The community network may recommend that the council fund:

1 (a) Peer-to-peer, group, and individual counseling, including  
2 crisis intervention, for at-risk youth and their parents;

3 (b) Youth coalitions that provide opportunities to develop  
4 leadership skills and gain appropriate respect, recognition, and  
5 rewards for their positive contribution to their community.

6 (4) The community network's plan may include recommendations for  
7 coordination of services and/or decategorization of funding for  
8 services when intended to improve the outcomes for at-risk youth and  
9 their parents.

10 (5) The community network's plan may include recommending and  
11 delivering technical assistance to applicants to increase their  
12 organizational capacity and improve the likelihood of successful  
13 service outcomes.

14 NEW SECTION. **Sec. 25.** A new section is added to chapter 43.121  
15 RCW to read as follows:

16 (1) No later than February 1st of each odd-numbered year, the  
17 council shall request from the network its plan for the upcoming  
18 biennial period.

19 (2) The council shall notify the networks of their allocation of  
20 available resources in their catchment area at least sixty days prior  
21 to the start of a new biennial period.

22 (3) With the advice of the networks, the council shall, by  
23 contract, distribute funds: (a) Appropriated for plan implementation  
24 by the legislature; and (b) obtained from nonstate or federal sources.  
25 In distributing funds, the council shall ensure that administrative  
26 costs are held to a maximum of ten percent.

27 (4) A network shall not provide services or operate programs.

28 NEW SECTION. **Sec. 26.** A new section is added to chapter 43.121  
29 RCW to read as follows:

30 The council shall maintain the network boundaries established as of  
31 the effective date of this section.

32 NEW SECTION. **Sec. 27.** A new section is added to chapter 43.121  
33 RCW to read as follows:

34 (1) The council shall only disburse funds to a program recommended  
35 by a network after a comprehensive plan has been prepared by the

1 network and approved by the council. If the local network objects to  
2 the program or programs to which the council wants to distribute funds,  
3 the council shall resolve any objections from the local network before  
4 disbursing the funds.

5 (2) The council may establish a maximum amount to be expended by a  
6 network for purposes of planning and administrative duties, that shall  
7 not, in total, exceed ten percent of funds to be allotted by the  
8 council in a network catchment area.

9 (3) The council may determine that a network is not in compliance  
10 with this chapter if it fails to comply with statutory requirements.  
11 Upon a determination of noncompliance, the council may suspend or  
12 revoke a network's status or contract and specify a process and  
13 deadline for the network's compliance.

14 NEW SECTION. **Sec. 28.** A new section is added to chapter 43.121  
15 RCW to read as follows:

16 (1) The network members are immune from all civil liability arising  
17 from their actions done in their decision-making capacity as a network  
18 member, except for their intentional tortious acts or acts of official  
19 misconduct.

20 (2) The assets of a network are not subject to attachment or  
21 execution in satisfaction of a judgment for the tortious acts or  
22 official misconduct of any network member or for the acts of any agency  
23 or program to which it provides funds.

24 **Sec. 29.** RCW 13.40.462 and 2006 c 304 s 2 are each amended to read  
25 as follows:

26 (1) The department of social and health services juvenile  
27 rehabilitation administration shall establish a reinvesting in youth  
28 program that awards grants to counties for implementing research-based  
29 early intervention services that target juvenile justice-involved youth  
30 and reduce crime, subject to the availability of amounts appropriated  
31 for this specific purpose.

32 (2) Effective July 1, 2007, any county or group of counties may  
33 apply for participation in the reinvesting in youth program.

34 (3) Counties that participate in the reinvesting in youth program  
35 shall have a portion of their costs of serving youth through the

1 research-based intervention service models paid for with moneys from  
2 the reinvesting in youth account established pursuant to RCW 13.40.466.

3 (4) The department of social and health services juvenile  
4 rehabilitation administration shall review county applications for  
5 funding through the reinvesting in youth program and shall select the  
6 counties that will be awarded grants with funds appropriated to  
7 implement this program. The department, in consultation with the  
8 Washington state institute for public policy, shall develop guidelines  
9 to determine which counties will be awarded funding in accordance with  
10 the reinvesting in youth program. At a minimum, counties must meet the  
11 following criteria in order to participate in the reinvesting in youth  
12 program:

13 (a) Counties must match state moneys awarded for research-based  
14 early intervention services with nonstate resources that are at least  
15 proportional to the expected local government share of state and local  
16 government cost avoidance that would result from the implementation of  
17 such services;

18 (b) Counties must demonstrate that state funds allocated pursuant  
19 to this section are used only for the intervention service models  
20 authorized pursuant to RCW 13.40.464;

21 (c) Counties must participate fully in the state quality assurance  
22 program established in RCW 13.40.468 to ensure fidelity of program  
23 implementation. If no state quality assurance program is in effect for  
24 a particular selected research-based service, the county must submit a  
25 quality assurance plan for state approval with its grant application.  
26 Failure to demonstrate continuing compliance with quality assurance  
27 plans shall be grounds for termination of state funding; and

28 (d) Counties that submit joint applications must submit for  
29 approval by the department of social and health services juvenile  
30 rehabilitation administration multicounty plans for efficient program  
31 delivery.

32 (5) The department of social and health services juvenile  
33 rehabilitation administration shall convene a technical advisory  
34 committee comprised of representatives from the house of  
35 representatives, the senate, the governor's office of financial  
36 management, the department of social and health services juvenile  
37 rehabilitation administration, (~~the family policy council,~~) the

1 juvenile court administrator's association, and the Washington  
2 association of counties to assist in the implementation of chapter 304,  
3 Laws of 2006.

4 **Sec. 30.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to  
5 read as follows:

6 (1) In order to receive funds under RCW 13.40.500 through  
7 13.40.540, local governments may, through their respective agencies  
8 that administer funding for consolidated juvenile services, submit  
9 proposals that establish community juvenile accountability programs  
10 within their communities. These proposals must be submitted to the  
11 juvenile rehabilitation administration of the department of social and  
12 health services for certification.

13 (2) The proposals must:

14 (a) Demonstrate that the proposals were developed with the input of  
15 the community public health and safety networks (~~established under RCW~~  
16 ~~70.190.060~~), and the local law and justice councils established under  
17 RCW 72.09.300;

18 (b) Describe how local community groups or members are involved in  
19 the implementation of the programs funded under RCW 13.40.500 through  
20 13.40.540;

21 (c) Include a description of how the grant funds will contribute to  
22 the expected outcomes of the program and the reduction of youth  
23 violence and juvenile crime in their community. Data approaches are  
24 not required to be replicated if the networks have information that  
25 addresses risks in the community for juvenile offenders.

26 (3) A local government receiving a grant under this section shall  
27 agree that any funds received must be used efficiently to encourage the  
28 use of community-based programs that reduce the reliance on secure  
29 confinement as the sole means of holding juvenile offenders accountable  
30 for their crimes. The local government shall also agree to account for  
31 the expenditure of all funds received under the grant and to submit to  
32 audits for compliance with the grant criteria developed under RCW  
33 13.40.520.

34 (4) The juvenile rehabilitation administration, in consultation  
35 with the Washington association of juvenile court administrators, and  
36 the state law and justice advisory council, (~~and the family policy~~

1 ~~council,~~) shall establish guidelines for programs that may be funded  
2 under RCW 13.40.500 through 13.40.540. The guidelines must:

3 (a) Target diverted and adjudicated juvenile offenders;

4 (b) Include assessment methods to determine services, programs, and  
5 intervention strategies most likely to change behaviors and norms of  
6 juvenile offenders;

7 (c) Provide maximum structured supervision in the community.  
8 Programs should use natural surveillance and community guardians such  
9 as employers, relatives, teachers, clergy, and community mentors to the  
10 greatest extent possible;

11 (d) Promote good work ethic values and educational skills and  
12 competencies necessary for the juvenile offender to function  
13 effectively and positively in the community;

14 (e) Maximize the efficient delivery of treatment services aimed at  
15 reducing risk factors associated with the commission of juvenile  
16 offenses;

17 (f) Maximize the reintegration of the juvenile offender into the  
18 community upon release from confinement;

19 (g) Maximize the juvenile offender's opportunities to make full  
20 restitution to the victims and amends to the community;

21 (h) Support and encourage increased court discretion in imposing  
22 community-based intervention strategies;

23 (i) Be compatible with research that shows which prevention and  
24 early intervention strategies work with juvenile offenders;

25 (j) Be outcome-based in that it describes what outcomes will be  
26 achieved or what outcomes have already been achieved;

27 (k) Include an evaluation component; and

28 (l) Recognize the diversity of local needs.

29 (5) The state law and justice advisory council, with the assistance  
30 of (~~the family policy council and~~) the governor's juvenile justice  
31 advisory committee, may provide support and technical assistance to  
32 local governments for training and education regarding community-based  
33 prevention and intervention strategies.

34 **Sec. 31.** RCW 19.188.030 and 1994 sp.s. c 7 s 806 are each amended  
35 to read as follows:

36 The legislature finds that, as a matter of public health and

1 safety, access by minors to violent videos and violent video games is  
2 the responsibility of parents and guardians.

3 Public libraries, with the exception of university, college, and  
4 community college libraries, shall establish policies on minors' access  
5 to violent videos and violent video games. Libraries shall make their  
6 policies known to the public in their communities.

7 Each library system shall formulate its own policies, and may, in  
8 its discretion, include public hearings, (~~consultation with community~~  
9 ~~networks as defined under chapter 70.190 RCW,~~) or consultation with  
10 the Washington library association in the development of its policies.

11 **Sec. 32.** RCW 43.08.250 and 2008 c 329 s 913 are each amended to  
12 read as follows:

13 (1) The money received by the state treasurer from fees, fines,  
14 forfeitures, penalties, reimbursements or assessments by any court  
15 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be  
16 deposited in the public safety and education account which is hereby  
17 created in the state treasury. The legislature shall appropriate the  
18 funds in the account to promote traffic safety education, highway  
19 safety, criminal justice training, crime victims' compensation,  
20 judicial education, the judicial information system, civil  
21 representation of indigent persons under RCW 2.53.030, winter  
22 recreation parking, drug court operations, and state game programs.  
23 Through the fiscal biennium ending June 30, 2009, the legislature may  
24 appropriate moneys from the public safety and education account for  
25 purposes of appellate indigent defense and other operations of the  
26 office of public defense, the criminal litigation unit of the attorney  
27 general's office, the treatment alternatives to street crimes program,  
28 crime victims advocacy programs, justice information network  
29 telecommunication planning, treatment for supplemental security income  
30 clients, sexual assault treatment, operations of the administrative  
31 office of the courts, security in the common schools, alternative  
32 school start-up grants, programs for disruptive students, criminal  
33 justice data collection, Washington state patrol criminal justice  
34 activities, drug court operations, unified family courts, local court  
35 backlog assistance, financial assistance to local jurisdictions for  
36 extraordinary costs incurred in the adjudication of criminal cases,  
37 domestic violence treatment and related services, the department of

1 corrections' costs in implementing chapter 196, Laws of 1999,  
2 reimbursement of local governments for costs associated with  
3 implementing criminal and civil justice legislation, the replacement of  
4 the department of corrections' offender-based tracking system, secure  
5 and semi-secure crisis residential centers, HOPE beds, the ((family  
6 policy)) council ((and community public health and safety networks))  
7 for children and families, the street youth program, public  
8 notification about registered sex offenders, and narcotics or  
9 methamphetamine-related enforcement, education, training, and drug and  
10 alcohol treatment services. During the 2007-2009 fiscal biennium, the  
11 legislature may transfer from the public safety and education account  
12 to the state general fund such amounts as to reflect the excess fund  
13 balance of the fund.

14 (2)(a) The equal justice subaccount is created as a subaccount of  
15 the public safety and education account. The money received by the  
16 state treasurer from the increase in fees imposed by sections 9, 10,  
17 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in  
18 the equal justice subaccount and shall be appropriated only for:

19 (i) Criminal indigent defense assistance and enhancement at the  
20 trial court level, including a criminal indigent defense pilot program;

21 (ii) Representation of parents in dependency and termination  
22 proceedings;

23 (iii) Civil legal representation of indigent persons; and

24 (iv) Contribution to district court judges' salaries and to  
25 eligible elected municipal court judges' salaries.

26 (b) For the 2005-07 fiscal biennium, an amount equal to twenty-five  
27 percent of revenues to the equal justice subaccount, less one million  
28 dollars, shall be appropriated from the equal justice subaccount to the  
29 administrator for the courts for purposes of (a)(iv) of this  
30 subsection. For the 2007-09 fiscal biennium and subsequent fiscal  
31 biennia, an amount equal to fifty percent of revenues to the equal  
32 justice subaccount shall be appropriated from the equal justice  
33 subaccount to the administrator for the courts for the purposes of  
34 (a)(iv) of this subsection.

35 **Sec. 33.** RCW 43.41.195 and 1999 c 372 s 8 are each amended to read  
36 as follows:

37 ((+1)) The office of financial management, in consultation with



1 affected parties, shall establish a fund distribution formula for  
2 determining allocations to the council for children and families for  
3 the community networks (~~authorized under RCW 70.190.130~~) and programs  
4 funded in the network's catchment area. The formula shall reflect the  
5 local needs assessment for at-risk children and consider:

6 ~~((a))~~ (1) The number of arrests and convictions for juvenile  
7 violent offenses;

8 ~~((b))~~ (2) The number of arrests and convictions for crimes  
9 relating to juvenile drug offenses and alcohol-related offenses;

10 ~~((c))~~ (3) The number of teen pregnancies and parents;

11 ~~((d))~~ (4) The number of child and teenage suicides and attempted  
12 suicides; and

13 ~~((e))~~ (5) The high school graduation rate.

14 ~~((2) In developing the formula, the office of financial management~~  
15 ~~shall reserve five percent of the funds for the purpose of rewarding~~  
16 ~~community networks.~~

17 ~~(3) The reserve fund shall be used by the council to reward~~  
18 ~~community networks that show exceptional reductions in: State-funded~~  
19 ~~out-of-home placements, violent criminal acts by juveniles, substance~~  
20 ~~abuse, teen pregnancy and male parentage, teen suicide attempts, or~~  
21 ~~school dropout rates.))~~

22 **Sec. 34.** RCW 43.63A.725 and 1995 c 353 s 8 are each amended to  
23 read as follows:

24 (1) Applications for funding under this chapter must:

25 (a) Meet the criteria in RCW 43.63A.720; and

26 (b) Contain evidence of active participation of the community and  
27 its commitment to providing effective prevention and intervention  
28 services for prostitutes through the participation of local  
29 governments, tribal governments, (~~networks under chapter 70.190 RCW,~~)  
30 human service and health organizations, and treatment entities and  
31 through meaningful involvement of others, including citizen groups.

32 (2) Local governments, (~~networks under chapter 70.190 RCW,~~)  
33 nonprofit community groups, and nonprofit treatment providers including  
34 organizations that provide services, such as emergency housing,  
35 counseling, and crisis intervention shall, among others, be eligible  
36 for grants established under RCW 43.63A.720.

1           **Sec. 35.** RCW 43.70.545 and 1998 c 245 s 76 are each amended to  
2 read as follows:

3           (1) The department of health shall develop, based on  
4 recommendations in the public health services improvement plan and in  
5 consultation with affected groups or agencies, comprehensive rules for  
6 the collection and reporting of data relating to acts of violence, at-  
7 risk behaviors, and risk and protective factors. The data collection  
8 and reporting rules shall be used by any public or private entity that  
9 is required to report data relating to these behaviors and conditions.  
10 The department may require any agency or program that is state-funded  
11 or that accepts state funds and any licensed or regulated person or  
12 professional to report these behaviors and conditions. To the extent  
13 possible the department shall require the reports to be filed through  
14 existing data systems. The department may also require reporting of  
15 attempted acts of violence and of nonphysical injuries. For the  
16 purposes of this section "acts of violence" means self-directed and  
17 interpersonal behaviors that can result in suicide, homicide, and  
18 nonfatal intentional injuries. (~~("At-risk behaviors," "protective  
19 factors," and "risk factors" have the same meanings as provided in RCW  
20 70.190.010.~~)) A copy of the data used by a school district to prepare  
21 and submit a report to the department shall be retained by the district  
22 and, in the copy retained by the district, identify the reported acts  
23 or behaviors by school site.

24           (2) The department is designated as the statewide agency for the  
25 coordination of all information relating to violence and other  
26 intentional injuries, at-risk behaviors, and risk and protective  
27 factors.

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

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

36           (5)) The department may, consistent with its general authority and  
37 directives under RCW 43.70.540 through 43.70.560, contract with a

1 college or university that has experience in data collection relating  
2 to the health and overall welfare of children to provide assistance to:

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

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

8 **Sec. 36.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to  
9 read as follows:

10 The department(~~(, in consultation with the family policy council~~  
11 ~~created in chapter 70.190 RCW,)) shall establish, by rule, standards~~  
12 for local health departments (~~and networks~~) to use in assessment,  
13 performance measurement, policy development, and assurance regarding  
14 social development to prevent health problems caused by risk factors  
15 empirically linked to: Violent criminal acts by juveniles, teen  
16 substance abuse, teen pregnancy and male parentage, teen suicide  
17 attempts, dropping out of school, child abuse or neglect, and domestic  
18 violence. The standards shall be based on the standards set forth in  
19 the public health services improvement plan as required by RCW  
20 43.70.550.

21 **Sec. 37.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read  
22 as follows:

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

26 (1) Identify, as part of the public health improvement plan, the  
27 key health outcomes sought for the population and the capacity needed  
28 by the public health system to fulfill its responsibilities in  
29 improving health outcomes.

30 (2)(a) Distribute state funds that, in conjunction with local  
31 revenues, are intended to improve the capacity of the public health  
32 system. The distribution methodology shall encourage system-wide  
33 effectiveness and efficiency and provide local health jurisdictions  
34 with the flexibility both to determine governance structures and  
35 address their unique needs.

1 (b) Enter into with each local health jurisdiction performance-  
2 based contracts that establish clear measures of the degree to which  
3 the local health jurisdiction is attaining the capacity necessary to  
4 improve health outcomes. The contracts negotiated between the local  
5 health jurisdictions and the department of health must identify the  
6 specific measurable progress that local health jurisdictions will make  
7 toward achieving health outcomes. A community assessment conducted by  
8 the local health jurisdiction according to the public health  
9 improvement plan(~~(, which shall include the results of the~~  
10 ~~comprehensive plan prepared according to RCW 70.190.130,)~~) will be used  
11 as the basis for identifying the health outcomes. The contracts shall  
12 include provisions to encourage collaboration among local health  
13 jurisdictions. State funds shall be used solely to expand and  
14 complement, but not to supplant city and county government support for  
15 public health programs.

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

18 (4) Adopt rules necessary to carry out the purposes of chapter 43,  
19 Laws of 1995.

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

25 **Sec. 38.** RCW 69.50.520 and 2005 c 518 s 937, and 2005 c 514 s  
26 1107, and 2005 c 514 s 202 are each reenacted and amended to read as  
27 follows:

28 The violence reduction and drug enforcement account is created in  
29 the state treasury. All designated receipts from RCW 9.41.110(8),  
30 66.24.210(4), 66.24.290(2), 69.50.505(9)(a), 82.08.150 (5) and  
31 (7)(b)(iii), 82.24.020(2), 82.24.026(2)(c), 82.64.020, and section 420,  
32 chapter 271, Laws of 1989 shall be deposited into the account.  
33 Expenditures from the account may be used only for funding services and  
34 programs under chapter 271, Laws of 1989 (~~and chapter 7, Laws of 1994~~  
35 ~~sp. sess.~~) and chapter 43.121 RCW, including state incarceration  
36 costs. Funds from the account may also be appropriated to reimburse  
37 local governments for costs associated with implementing criminal

1 justice legislation including chapter 338, Laws of 1997. ((During the  
2 2003-2005 and 2005-2007 bienniums, funds from the account may also be  
3 used for costs associated with providing grants to local governments in  
4 accordance with chapter 338, Laws of 1997, funding drug offender  
5 treatment services in accordance with RCW 70.96A.350, maintenance and  
6 operating costs of the Washington association of sheriffs and police  
7 chiefs jail reporting system, maintenance and operating costs of the  
8 juvenile rehabilitation administration's client activity tracking  
9 system, civil indigent legal representation, multijurisdictional  
10 narcotics task forces, transfers to the health services account, and  
11 grants to community networks under chapter 70.190 RCW by the family  
12 policy council.))

13 **Sec. 39.** RCW 74.14A.060 and 2000 c 219 s 2 are each amended to  
14 read as follows:

15 The secretary of the department of social and health services shall  
16 charge appropriated funds to support blended funding projects for youth  
17 subject to any current or future waiver the department receives to the  
18 requirements of IV-E funding. To be eligible for blended funding a  
19 child must be eligible for services designed to address a behavioral,  
20 mental, emotional, or substance abuse issue from the department of  
21 social and health services and require services from more than one  
22 categorical service delivery system. ((Before any blended funding  
23 project is established by the secretary, any entity or person proposing  
24 the project shall seek input from the public health and safety network  
25 or networks established in the catchment area of the project. The  
26 network or networks shall submit recommendations on the blended funding  
27 project to the family policy council. The family policy council shall  
28 advise the secretary whether to approve the proposed blended funding  
29 project. The network shall review the proposed blended funding project  
30 pursuant to its authority to examine the decategorization of program  
31 funds under RCW 70.190.110, within the current appropriation level.))

32 The department shall document the number of children who participate in  
33 blended funding projects, the total blended funding amounts per child,  
34 the amount charged to each appropriation by program, and services  
35 provided to each child through each blended funding project and report  
36 this information to the appropriate committees of the legislature by  
37 December 1st of each year, beginning in December 1, 2000.

1        NEW SECTION.    **Sec. 40.**    RCW 70.190.005 is recodified as a section  
2 in chapter 43.121 RCW.

3        NEW SECTION.    **Sec. 41.**    The following acts or parts of acts are  
4 each repealed:

5            (1)    RCW    43.41.190    (Community network programs--Recommended  
6 legislation) and 1994 sp.s. c 7 s 318;

7            (2)    RCW 43.121.175 (Home visitation programs--Definitions) and 2007  
8 c 466 s 2;

9            (3)    RCW 70.190.010 (Definitions) and 1996 c 132 s 2, 1995 c 399 s  
10 200, & 1992 c 198 s 3;

11           (4)    RCW 70.190.020 (Consolidate efforts of existing entities) and  
12 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;

13           (5)    RCW 70.190.030 (Proposals to facilitate services at the  
14 community level) and 1994 sp.s. c 7 s 316 & 1992 c 198 s 5;

15           (6)    RCW 70.190.040 (Finding--Grants to improve readiness to learn)  
16 and 1993 c 336 s 901;

17           (7)    RCW 70.190.050 (Community networks--Outcome evaluation) and  
18 1998 c 245 s 122 & 1994 sp.s. c 7 s 207;

19           (8)    RCW 70.190.060 (Community networks--Legislative intent--  
20 Membership--Open meetings) and 2005 c 274 s 345, 1998 c 314 s 12, 1996  
21 c 132 s 3, & 1994 sp.s. c 7 s 303;

22           (9)    RCW 70.190.065 (Member's authorization of expenditures--  
23 Limitation) and 1996 c 132 s 5;

24           (10)    RCW 70.190.070 (Community networks--Duties) and 1994 sp.s. c  
25 7 s 304;

26           (11)    RCW 70.190.075 (Lead fiscal agent) and 1996 c 132 s 4;

27           (12)    RCW 70.190.080 (Community networks--Programs and plans) and  
28 1996 c 132 s 6 & 1994 sp.s. c 7 s 305;

29           (13)    RCW 70.190.085 (Community networks--Sexual abstinence and  
30 activity campaign) and 1994 c 299 s 5;

31           (14)    RCW 70.190.090 (Community networks--Planning grants and  
32 contracts--Distribution of funds--Reports) and 1999 c 309 s 918, 1996  
33 c 132 s 7, & 1994 sp.s. c 7 s 306;

34           (15)    RCW 70.190.100 (Duties of council) and 1998 c 245 s 123 & 1994  
35 sp.s. c 7 s 307;

36           (16)    RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994  
37 sp.s. c 7 s 308;

1 (17) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s  
2 309;

3 (18) RCW 70.190.130 (Comprehensive plan--Approval process--Network  
4 expenditures--Penalty for noncompliance with chapter) and 1998 c 314 s  
5 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;

6 (19) RCW 70.190.150 (Federal restrictions on funds transfers,  
7 waivers) and 1994 sp.s. c 7 s 312;

8 (20) RCW 70.190.160 (Community networks--Implementation in federal  
9 and state plans) and 1994 sp.s. c 7 s 314;

10 (21) RCW 70.190.170 (Transfer of funds and programs to state  
11 agency) and 1994 sp.s. c 7 s 320;

12 (22) RCW 70.190.180 (Community network--Grants for use of school  
13 facilities) and 1994 sp.s. c 7 s 604;

14 (23) RCW 70.190.190 (Network members immune from civil liability--  
15 Network assets not subject to attachment or execution) and 1996 c 132  
16 s 9; and

17 (24) RCW 74.14C.050 (Implementation and evaluation plan) and 1995  
18 c 311 s 9 & 1992 c 214 s 6.

19 **Firearms Range Advisory Committee**

20 NEW SECTION. **Sec. 42.** RCW 79A.25.220 (Firearms range advisory  
21 committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3  
22 are each repealed.

23 **Model Toxic Control Act Science Advisory Board**

24 NEW SECTION. **Sec. 43.** 1997 c 406 s 1 (uncodified) is repealed.

25 **Mortgage Brokers**

26 NEW SECTION. **Sec. 44.** RCW 19.146.280 (Mortgage broker  
27 commission--Code of conduct--Complaint review) and 2006 c 19 s 17, 2001  
28 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each  
29 repealed.

1       **Sec. 45.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to  
2 read as follows:

3       In accordance with the administrative procedure act, chapter 34.05  
4 RCW, the director may issue rules under this chapter only (~~after~~  
5 ~~seeking the advice of the mortgage broker commission and only~~) for the  
6 purpose of governing the activities of licensed mortgage brokers, loan  
7 originators, and other persons subject to this chapter.

8                                   **Motorcycle Safety Education Advisory Board**

9       **Sec. 46.** RCW 46.20.520 and 1998 c 245 s 89 are each amended to  
10 read as follows:

11       (1) The director of licensing shall use moneys designated for the  
12 motorcycle safety education account of the highway safety fund to  
13 implement by July 1, 1983, a voluntary motorcycle operator training and  
14 education program. The director may contract with public and private  
15 entities to implement this program.

16       (2) (~~There is created a motorcycle safety education advisory board~~  
17 ~~to assist the director of licensing in the development of a motorcycle~~  
18 ~~operator training education program. The board shall monitor this~~  
19 ~~program following implementation and report to the director of~~  
20 ~~licensing as necessary with recommendations including, but not limited~~  
21 ~~to, administration, application, and substance of the motorcycle~~  
22 ~~operator training and education program.~~

23       ~~The board shall consist of five members appointed by the director~~  
24 ~~of licensing. Three members of the board, one of whom shall be~~  
25 ~~appointed chairperson, shall be active motorcycle riders or members of~~  
26 ~~nonprofit motorcycle organizations which actively support and promote~~  
27 ~~motorcycle safety education. One member shall be a currently employed~~  
28 ~~Washington state patrol motorcycle officer with at least five years~~  
29 ~~experience and at least one year cumulative experience as a motorcycle~~  
30 ~~officer. One member shall be a member of the public. The term of~~  
31 ~~appointment shall be two years. The board shall meet at the call of~~  
32 ~~the director, but not less than two times annually and not less than~~  
33 ~~five times during its term of appointment, and shall receive no~~  
34 ~~compensation for services but shall be reimbursed for travel expenses~~



1 ~~while engaged in business of the board in accordance with RCW 43.03.050~~  
2 ~~and 43.03.060 as now existing or hereafter amended.~~

3 (3)) The priorities of the program shall be in the following order  
4 of priority:

- 5 (a) Public awareness of motorcycle safety.
- 6 (b) Motorcycle safety education programs conducted by public and  
7 private entities.
- 8 (c) Classroom and on-cycle training.
- 9 (d) Improved motorcycle operator testing.

10 **Oil Heat Advisory Committee**

11 **Sec. 47.** RCW 70.149.040 and 2007 c 240 s 1 are each amended to  
12 read as follows:

13 The director shall:

14 (1) Design a program, consistent with RCW 70.149.120, for providing  
15 pollution liability insurance for heating oil tanks that provides up to  
16 sixty thousand dollars per occurrence coverage and aggregate limits,  
17 and protects the state of Washington from unwanted or unanticipated  
18 liability for accidental release claims;

19 (2) Administer, implement, and enforce the provisions of this  
20 chapter. To assist in administration of the program, the director is  
21 authorized to appoint up to two employees who are exempt from the civil  
22 service law, chapter 41.06 RCW, and who shall serve at the pleasure of  
23 the director;

24 (3) Administer the heating oil pollution liability trust account,  
25 as established under RCW 70.149.070;

26 (4) Employ and discharge, at his or her discretion, agents,  
27 attorneys, consultants, companies, organizations, and employees as  
28 deemed necessary, and to prescribe their duties and powers, and fix  
29 their compensation;

30 (5) Adopt rules under chapter 34.05 RCW as necessary to carry out  
31 the provisions of this chapter;

32 (6) Design and from time to time revise a reinsurance contract  
33 providing coverage to an insurer or insurers meeting the requirements  
34 of this chapter. The director is authorized to provide reinsurance  
35 through the pollution liability insurance program trust account;

1           (7) Solicit bids from insurers and select an insurer to provide  
2 pollution liability insurance for third-party bodily injury and  
3 property damage, and corrective action to owners and operators of  
4 heating oil tanks;

5           (8) Register, and design a means of accounting for, operating  
6 heating oil tanks;

7           (9) Implement a program to provide advice and technical assistance  
8 to owners and operators of active and abandoned heating oil tanks if  
9 contamination from an active or abandoned heating oil tank is  
10 suspected. Advice and assistance regarding administrative and  
11 technical requirements may include observation of testing or site  
12 assessment and review of the results of reports. If the director finds  
13 that contamination is not present or that the contamination is  
14 apparently minor and not a threat to human health or the environment,  
15 the director may provide written opinions and conclusions on the  
16 results of the investigation to owners and operators of active and  
17 abandoned heating oil tanks. The agency is authorized to collect, from  
18 persons requesting advice and assistance, the costs incurred by the  
19 agency in providing such advice and assistance. The costs may include  
20 travel costs and expenses associated with review of reports and  
21 preparation of written opinions and conclusions. Funds from cost  
22 reimbursement must be deposited in the heating oil pollution liability  
23 trust account. The state of Washington, the pollution liability  
24 insurance agency, and its officers and employees are immune from all  
25 liability, and no cause of action arises from any act or omission in  
26 providing, or failing to provide, such advice, opinion, conclusion, or  
27 assistance;

28           (10) Establish a public information program to provide information  
29 regarding liability, technical, and environmental requirements  
30 associated with active and abandoned heating oil tanks;

31           (11) Monitor agency expenditures and seek to minimize costs and  
32 maximize benefits to ensure responsible financial stewardship;

33           ~~(12) ((Create an advisory committee of stakeholders to advise the  
34 director on all aspects of program operations and fees authorized by  
35 this chapter, including pollution prevention programs. The advisory  
36 committee must have one member each from the Pacific Northwest oil heat  
37 council, the Washington oil marketers association, the western states  
38 petroleum association, and the department of ecology and three members~~

1 ~~from among the owners of home heating oil tanks registered with the~~  
2 ~~pollution liability insurance agency who are generally representative~~  
3 ~~of the geographical distribution and types of registered owners. The~~  
4 ~~committee should meet at least quarterly, or more frequently at the~~  
5 ~~discretion of the director; and~~

6 (13)) Study if appropriate user fees to supplement program funding  
7 are necessary and develop recommendations for legislation to authorize  
8 such fees.

9 **Parks Centennial Advisory Committee**

10 **Sec. 48.** RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read  
11 as follows:

12 This act expires (~~December 31, 2013~~) June 30, 2009.

13 **Performance Audit Citizen Advisory Board**

14 NEW SECTION. **Sec. 49.** The following acts or parts of acts are  
15 each repealed:

16 (1) RCW 43.09.430 (Performance audits--Definitions) and 2005 c 385  
17 s 2;

18 (2) RCW 43.09.435 (Performance audits--Citizen advisory board) and  
19 2005 c 385 s 3;

20 (3) RCW 43.09.440 (Performance audits--Collaboration with joint  
21 legislative audit and review committee--Criteria--Statewide performance  
22 review--Contracting out--Release of audit reports) and 2005 c 385 s 5;

23 (4) RCW 43.09.445 (Performance audits--Local jurisdictions) and  
24 2005 c 385 s 6;

25 (5) RCW 43.09.450 (Performance audits--Audit of performance audit  
26 program) and 2005 c 385 s 8;

27 (6) RCW 43.09.455 (Performance audits--Follow-up and corrective  
28 action--Progress reports) and 2005 c 385 s 9; and

29 (7) RCW 43.09.460 (Performance audits--Appropriation--Budget  
30 request) and 2005 c 385 s 11.

1           **Prescription Drug Purchasing Consortium Advisory Commission**

2           **Sec. 50.** RCW 70.14.060 and 2005 c 129 s 1 are each amended to read  
3 as follows:

4           (1) The administrator of the state health care authority shall,  
5 directly or by contract, adopt policies necessary for establishment of  
6 a prescription drug purchasing consortium. The consortium's purchasing  
7 activities shall be based upon the evidence-based prescription drug  
8 program established under RCW 70.14.050. State purchased health care  
9 programs as defined in RCW 41.05.011 shall purchase prescription drugs  
10 through the consortium for those prescription drugs that are purchased  
11 directly by the state and those that are purchased through  
12 reimbursement of pharmacies, unless exempted under this section. The  
13 administrator shall not require any supplemental rebate offered to the  
14 department of social and health services by a pharmaceutical  
15 manufacturer for prescription drugs purchased for medical assistance  
16 program clients under chapter 74.09 RCW be extended to any other state  
17 purchased health care program, or to any other individuals or entities  
18 participating in the consortium. The administrator shall explore joint  
19 purchasing opportunities with other states.

20           (2) Participation in the purchasing consortium shall be offered as  
21 an option beginning January 1, 2006. Participation in the consortium  
22 is purely voluntary for units of local government, private entities,  
23 labor organizations, and for individuals who lack or are underinsured  
24 for prescription drug coverage. The administrator may set reasonable  
25 fees, including enrollment fees, to cover administrative costs  
26 attributable to participation in the prescription drug consortium.

27           ~~(3) ((The prescription drug consortium advisory committee is~~  
28 ~~created within the authority. The function of the prescription drug~~  
29 ~~advisory committee is to advise the administrator of the state health~~  
30 ~~care authority on the implementation of the prescription drug~~  
31 ~~purchasing consortium.~~

32           ~~(4) The prescription drug consortium advisory committee shall be~~  
33 ~~composed of eleven members selected as provided in this subsection.~~

1       ~~(a) The administrator shall select one member of the prescription~~  
2 ~~drug consortium advisory committee from each list of three nominees~~  
3 ~~submitted by statewide organizations representing the following:~~

4       ~~(i) One representative of state employees, who represents an~~  
5 ~~employee union certified as exclusive representative of at least one~~  
6 ~~bargaining unit of classified employees;~~

7       ~~(ii) One member who is a licensed physician;~~

8       ~~(iii) One member who is a licensed pharmacist;~~

9       ~~(iv) One member who is a licensed advanced registered nurse~~  
10 ~~practitioner;~~

11       ~~(v) One member representing a health carrier licensed under Title~~  
12 ~~48 RCW; and~~

13       ~~(vi) One member representing unions that represent private sector~~  
14 ~~employees;~~

15       ~~(b) The administrator shall select two members of the advisory~~  
16 ~~committee from a list of nominees submitted by statewide organizations~~  
17 ~~representing consumers. One of the consumer members shall have~~  
18 ~~knowledge or experience regarding senior citizen prescription drug cost~~  
19 ~~and utilization issues;~~

20       ~~(c) The administrator shall select two members of the advisory~~  
21 ~~committee from a list of nominees submitted by statewide organizations~~  
22 ~~representing business, one of whom shall represent small businesses who~~  
23 ~~employ fifty or fewer employees and one of whom shall represent large~~  
24 ~~businesses; and~~

25       ~~(d) The administrator shall select one member who is versed in~~  
26 ~~biologic medicine through research or academia from the University of~~  
27 ~~Washington or Washington State University.~~

28       ~~(5) The administrator shall consult with the advisory committee on~~  
29 ~~at least a quarterly basis on significant policy decisions related to~~  
30 ~~implementation of the purchasing consortium.~~

31       ~~(6))~~ This section does not apply to state purchased health care  
32 services that are purchased from or through health carriers as defined  
33 in RCW 48.43.005, or group model health maintenance organizations that  
34 are accredited by the national committee for quality assurance.

35       ~~((7))~~ (4) The state health care authority is authorized to adopt  
36 rules implementing chapter 129, Laws of 2005.

37       ~~((8))~~ (5) State purchased health care programs are exempt from  
38 the requirements of this section if they can demonstrate to the

1 administrator that, as a result of the availability of federal programs  
2 or other purchasing arrangements, their other purchasing mechanisms  
3 will result in greater discounts and aggregate cost savings than would  
4 be realized through participation in the consortium.

5 **Risk Management Advisory Committee**

6 NEW SECTION. **Sec. 51.** RCW 4.92.230 (Risk management--Advisory  
7 committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are  
8 each repealed.

9 **Sec. 52.** RCW 4.92.130 and 2002 c 332 s 14 are each amended to read  
10 as follows:

11 A liability account in the custody of the treasurer is hereby  
12 created as a nonappropriated account to be used solely and exclusively  
13 for the payment of liability settlements and judgments against the  
14 state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of  
15 its officers, employees, and volunteers and all related legal defense  
16 costs.

17 (1) The purpose of the liability account is to: (a) Expeditiously  
18 pay legal liabilities and defense costs of the state resulting from  
19 tortious conduct; (b) promote risk control through a cost allocation  
20 system which recognizes agency loss experience, levels of self-  
21 retention, and levels of risk exposure; and (c) establish an  
22 actuarially sound system to pay incurred losses, within defined limits.

23 (2) The liability account shall be used to pay claims for injury  
24 and property damages and legal defense costs exclusive of agency-  
25 retained expenses otherwise budgeted.

26 (3) No money shall be paid from the liability account, except for  
27 defense costs, unless all proceeds available to the claimant from any  
28 valid and collectible liability insurance shall have been exhausted and  
29 unless:

30 (a) The claim shall have been reduced to final judgment in a court  
31 of competent jurisdiction; or

32 (b) The claim has been approved for payment.

33 (4) The liability account shall be financed through annual premiums

1 assessed to state agencies, based on sound actuarial principles, and  
2 shall be for liability coverage in excess of agency-budgeted self-  
3 retention levels.

4 (5) Annual premium levels shall be determined by the risk  
5 manager(~~(, with the consultation and advice of the risk management~~  
6 ~~advisory committee)~~). An actuarial study shall be conducted to assist  
7 in determining the appropriate level of funding.

8 (6) Disbursements for claims from the liability account shall be  
9 made to the claimant, or to the clerk of the court for judgments, upon  
10 written request to the state treasurer from the risk manager.

11 (7) The director may direct agencies to transfer moneys from other  
12 funds and accounts to the liability account if premiums are delinquent.

13 (8) The liability account shall not exceed fifty percent of the  
14 actuarial value of the outstanding liability as determined annually by  
15 the risk management division. If the account exceeds the maximum  
16 amount specified in this section, premiums may be adjusted by the risk  
17 management division in order to maintain the account balance at the  
18 maximum limits. If, after adjustment of premiums, the account balance  
19 remains above the limits specified, the excess amount shall be prorated  
20 back to the appropriate funds.

21 **Securities Advisory Committee**

22 NEW SECTION. **Sec. 53.** The following acts or parts of acts are  
23 each repealed:

24 (1) RCW 21.20.550 (State advisory committee--Composition,  
25 appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282  
26 s 55;

27 (2) RCW 21.20.560 (State advisory committee--Chairperson,  
28 secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s  
29 4, & 1959 c 282 s 56;

30 (3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and  
31 1959 c 282 s 57;

32 (4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272  
33 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

34 (5) RCW 21.20.590 (State advisory committee--Reimbursement of

1 travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, &  
2 1959 c 282 s 59.

3 **Radiologic Technologists Ad Hoc Committee**

4 **Sec. 54.** RCW 18.84.040 and 2008 c 246 s 4 are each amended to read  
5 as follows:

6 (1) In addition to any other authority provided by law, the  
7 secretary may:

8 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to  
9 implement this chapter;

10 (b) Set all registration, certification, and renewal fees in  
11 accordance with RCW 43.70.250;

12 (c) Establish forms and procedures necessary to administer this  
13 chapter;

14 (d) Evaluate and designate those schools from which graduation will  
15 be accepted as proof of an applicant's eligibility to receive a  
16 certificate;

17 (e) Determine whether alternative methods of training are  
18 equivalent to formal education, and to establish forms, procedures, and  
19 criteria for evaluation of an applicant's alternative training to  
20 determine the applicant's eligibility to receive a certificate;

21 (f) Issue a certificate to any applicant who has met the education,  
22 training, examination, and conduct requirements for certification; and

23 (g) Issue a registration to an applicant who meets the requirement  
24 for a registration.

25 (2) The secretary may hire clerical, administrative, and  
26 investigative staff as needed to implement this chapter.

27 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the  
28 issuance and denial of registrations and certifications, unregistered  
29 and uncertified practice, and the discipline of registrants and  
30 certificants under this chapter. The secretary is the disciplining  
31 authority under this chapter.

32 ~~((4) The secretary may appoint ad hoc members of the profession to  
33 serve in an ad hoc advisory capacity to the secretary in carrying out  
34 this chapter. The members will serve for designated times and provide  
35 advice on matters specifically identified and requested by the~~



1 ~~secretary. The members shall be compensated in accordance with RCW~~  
2 ~~43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and~~  
3 ~~43.03.060.)~~

4 **Sec. 55.** RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended  
5 to read as follows:

6 The secretary(~~(, ad hoc committee members,)~~) or individuals acting  
7 on (~~their~~) his or her behalf are immune from suit in any civil action  
8 based on any certification or disciplinary proceedings or other  
9 official acts performed in the course of their duties.

10 **Pesticide Committees**

11 NEW SECTION. **Sec. 56.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 17.15.040 (Interagency integrated pest management  
14 coordinating committee--Creation--Composition--Duties--Public notice--  
15 Progress reports) and 1997 c 357 s 5;

16 (2) RCW 17.21.230 (Pesticide advisory board) and 1994 c 283 s 26,  
17 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c 20 s 1, 1971 ex.s. c 191  
18 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;

19 (3) RCW 17.21.240 (Pesticide advisory board--Vacancies) and 1994 c  
20 283 s 27, 1989 c 380 s 55, & 1961 c 249 s 24;

21 (4) RCW 17.21.250 (Pesticide advisory board--Duties) and 1989 c 380  
22 s 56 & 1961 c 249 s 25;

23 (5) RCW 17.21.260 (Pesticide advisory board--Officers, meetings)  
24 and 1994 c 283 s 28, 1989 c 380 s 57, & 1961 c 249 s 26;

25 (6) RCW 17.21.270 (Pesticide advisory board--Travel expenses) and  
26 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s 24, & 1961 c 249 s 27;

27 (7) RCW 70.104.070 (Pesticide incident reporting and tracking  
28 review panel--Intent) and 1989 c 380 s 67; and

29 (8) RCW 70.104.080 (Pesticide panel--Generally) and 1994 c 264 s  
30 41, 1991 c 3 s 363, & 1989 c 380 s 68.

31 **Sec. 57.** RCW 70.104.090 and 1991 c 3 s 364 are each amended to  
32 read as follows:

1       (~~The responsibilities of the review panel shall include, but not~~  
2 ~~be limited to:~~

3       ~~(1) Establishing guidelines for centralizing the receipt of~~  
4 ~~information relating to actual or alleged health and environmental~~  
5 ~~incidents involving pesticides;~~

6       ~~(2) Reviewing and making recommendations for procedures for~~  
7 ~~investigation of pesticide incidents, which shall be implemented by the~~  
8 ~~appropriate agency unless a written statement providing the reasons for~~  
9 ~~not adopting the recommendations is provided to the review panel;~~

10       ~~(3) Monitoring the time periods required for response to reports of~~  
11 ~~pesticide incidents by the departments of agriculture, health, and~~  
12 ~~labor and industries;~~

13       ~~(4) At the request of the chair or any panel member, reviewing~~  
14 ~~pesticide incidents of unusual complexity or those that cannot be~~  
15 ~~resolved;~~

16       ~~(5) Identifying inadequacies in state and/or federal law that~~  
17 ~~result in insufficient protection of public health and safety, with~~  
18 ~~specific attention to advising the appropriate agencies on the adequacy~~  
19 ~~of pesticide reentry intervals established by the federal environmental~~  
20 ~~protection agency and registered pesticide labels to protect the health~~  
21 ~~and safety of farmworkers. The panel shall establish a priority list~~  
22 ~~for reviewing reentry intervals, which considers the following~~  
23 ~~criteria:~~

24       ~~(a) Whether the pesticide is being widely used in labor-intensive~~  
25 ~~agriculture in Washington;~~

26       ~~(b) Whether another state has established a reentry interval for~~  
27 ~~the pesticide that is longer than the existing federal reentry~~  
28 ~~interval;~~

29       ~~(c) The toxicity category of the pesticide under federal law;~~

30       ~~(d) Whether the pesticide has been identified by a federal or state~~  
31 ~~agency or through a scientific review as presenting a risk of cancer,~~  
32 ~~birth defects, genetic damage, neurological effects, blood disorders,~~  
33 ~~sterility, menstrual dysfunction, organ damage, or other chronic or~~  
34 ~~subchronic effects; and~~

35       ~~(e) Whether reports or complaints of ill effects from the pesticide~~  
36 ~~have been filed following worker entry into fields to which the~~  
37 ~~pesticide has been applied; and~~

1       ~~(6) Reviewing and approving an annual report prepared by~~) The  
2 department of health shall prepare an annual report to the governor,  
3 agency heads, and members of the legislature, with the same available  
4 to the public. The report shall include, at a minimum:

5       ~~((a))~~ (1) A summary of the year's activities;

6       ~~((b))~~ (2) A synopsis of the cases reviewed;

7       ~~((c))~~ (3) A separate descriptive listing of each case in which  
8 adverse health or environmental effects due to pesticides were found to  
9 occur;

10       ~~((d))~~ (4) A tabulation of the data from each case;

11       ~~((e))~~ (5) An assessment of the effects of pesticide exposure in  
12 the workplace;

13       ~~((f))~~ (6) The identification of trends, issues, and needs; and

14       ~~((g))~~ (7) Any recommendations for improved pesticide use  
15 practices.

16       **Sec. 58.** RCW 15.92.070 and 1991 c 341 s 8 are each amended to read  
17 as follows:

18       The laboratory is advised by a board appointed by the dean of the  
19 Washington State University college of agriculture and home economics.  
20 The dean shall cooperate with appropriate officials in Washington,  
21 Idaho, and Oregon in selecting board members.

22       (1) The board shall consist of one representative from each of the  
23 following interests: A human toxicologist or a health professional  
24 knowledgeable in worker exposure to pesticides, the Washington State  
25 University vice-provost for research or research administrator,  
26 representatives from the state department of agriculture, the  
27 department of ecology, the department of health, the department of  
28 labor and ~~((industry—{industries}))~~ industries, privately owned  
29 Washington pesticide analytical laboratories, federal regional  
30 pesticide laboratories, an Idaho and Oregon laboratory, whether state,  
31 university, or private, a chemical and fertilizer industry  
32 representative, farm organizations, food processors, marketers, farm  
33 labor, environmental organizations, and consumers. Each board member  
34 shall serve a three-year term. The members of the board shall serve  
35 without compensation but shall be reimbursed for travel expenses  
36 incurred while engaged in the business of the board as provided in RCW  
37 43.03.050 and 43.03.060.

1           (2) The board (~~(is in liaison with the pesticide advisory board and~~  
2 ~~the pesticide incident reporting and tracking panel and)~~) shall review  
3 the chemicals investigated by the laboratory according to the following  
4 criteria:

5           (a) Chemical uses for which a database exists on environmental fate  
6 and acute toxicology, and that appear safer environmentally than  
7 pesticides available on the market;

8           (b) Chemical uses not currently under evaluation by public  
9 laboratories in Idaho or Oregon for use on Washington crops;

10          (c) Chemicals that have lost or may lose their registration and  
11 that no reasonably viable alternatives for Washington crops are known;  
12 and

13          (d) Other chemicals vital to Washington agriculture.

14          (3) The laboratory shall conduct research activities using approved  
15 good laboratory practices, namely procedures and recordkeeping required  
16 of the national IR-4 minor use pesticide registration program.

17          (4) The laboratory shall coordinate activities with the national  
18 IR-4 program.

19          **Sec. 59.** RCW 17.21.020 and 2004 c 100 s 1 are each amended to read  
20 as follows:

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

23          (1) "Agricultural commodity" means any plant or part of a plant, or  
24 animal, or animal product, produced by a person (including farmers,  
25 ranchers, vineyardists, plant propagators, Christmas tree growers,  
26 aquaculturists, floriculturists, orchardists, foresters, or other  
27 comparable persons) primarily for sale, consumption, propagation, or  
28 other use by people or animals.

29          (2) "Agricultural land" means land on which an agricultural  
30 commodity is produced or land that is in a government-recognized  
31 conservation reserve program. This definition does not apply to  
32 private gardens where agricultural commodities are produced for  
33 personal consumption.

34          (3) "Antimicrobial pesticide" means a pesticide that is used for  
35 the control of microbial pests, including but not limited to viruses,  
36 bacteria, algae, and protozoa, and is intended for use as a  
37 disinfectant or sanitizer.

1 (4) "Apparatus" means any type of ground, water, or aerial  
2 equipment, device, or contrivance using motorized, mechanical, or  
3 pressurized power and used to apply any pesticide on land and anything  
4 that may be growing, habitating, or stored on or in such land, but  
5 shall not include any pressurized handsized household device used to  
6 apply any pesticide, or any equipment, device, or contrivance of which  
7 the person who is applying the pesticide is the source of power or  
8 energy in making such pesticide application, or any other small  
9 equipment, device, or contrivance that is transported in a piece of  
10 equipment licensed under this chapter as an apparatus.

11 (5) "Arthropod" means any invertebrate animal that belongs to the  
12 phylum arthropoda, which in addition to insects, includes allied  
13 classes whose members are wingless and usually have more than six legs;  
14 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

15 (6) "Certified applicator" means any individual who is licensed as  
16 a commercial pesticide applicator, commercial pesticide operator,  
17 public operator, private-commercial applicator, demonstration and  
18 research applicator, private applicator, limited private applicator,  
19 rancher private applicator, or any other individual who is certified by  
20 the director to use or supervise the use of any pesticide which is  
21 classified by the EPA or the director as a restricted use pesticide.

22 (7) "Commercial pesticide applicator" means any person who engages  
23 in the business of applying pesticides to the land of another.

24 (8) "Commercial pesticide operator" means any employee of a  
25 commercial pesticide applicator who uses or supervises the use of any  
26 pesticide and who is required to be licensed under provisions of this  
27 chapter.

28 (9) "Defoliant" means any substance or mixture of substances  
29 intended to cause the leaves or foliage to drop from a plant with or  
30 without causing abscission.

31 (10) "Department" means the Washington state department of  
32 agriculture.

33 (11) "Desiccant" means any substance or mixture of substances  
34 intended to artificially accelerate the drying of plant tissues.

35 (12) "Device" means any instrument or contrivance intended to trap,  
36 destroy, control, repel, or mitigate pests, but not including equipment  
37 used for the application of pesticides when sold separately from the  
38 pesticides.

1 (13) "Direct supervision" by certified private applicators shall  
2 mean that the designated restricted use pesticide shall be applied for  
3 purposes of producing any agricultural commodity on land owned or  
4 rented by the applicator or the applicator's employer, by a competent  
5 person acting under the instructions and control of a certified private  
6 applicator who is available if and when needed, even though such  
7 certified private applicator is not physically present at the time and  
8 place the pesticide is applied. The certified private applicator shall  
9 have direct management responsibility and familiarity of the pesticide,  
10 manner of application, pest, and land to which the pesticide is being  
11 applied. Direct supervision by all other certified applicators means  
12 direct on-the-job supervision and shall require that the certified  
13 applicator be physically present at the application site and that the  
14 person making the application be in voice and visual contact with the  
15 certified applicator at all times during the application. However,  
16 direct supervision for forest application does not require constant  
17 voice and visual contact when general use pesticides are applied using  
18 nonapparatus type equipment, the certified applicator is physically  
19 present and readily available in the immediate application area, and  
20 the certified applicator directly observes pesticide mixing and  
21 batching. Direct supervision of an aerial apparatus means the pilot of  
22 the aircraft must be appropriately certified.

23 (14) "Director" means the director of the department or a duly  
24 authorized representative.

25 (15) "Engage in business" means any application of pesticides by  
26 any person upon lands or crops of another.

27 (16) "EPA" means the United States environmental protection agency.

28 (17) "EPA restricted use pesticide" means any pesticide classified  
29 for restricted use by the administrator, EPA.

30 (18) "FIFRA" means the federal insecticide, fungicide and  
31 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

32 (19) "Forest application" means the application of pesticides to  
33 agricultural land used to grow trees for the commercial production of  
34 wood or wood fiber for products such as dimensional lumber, shakes,  
35 plywood, poles, posts, pilings, particle board, hardboard, oriented  
36 strand board, pulp, paper, cardboard, or other similar products.

37 (20) "Fumigant" means any pesticide product or combination of

1 products that is a vapor or gas or forms a vapor or gas on application  
2 and whose method of pesticidal action is through the gaseous state.

3 (21) "Fungi" means all nonchlorophyll-bearing thallophytes (all  
4 nonchlorophyll-bearing plants of lower order than mosses and  
5 liverworts); for example, rusts, smuts, mildews, molds, and yeasts,  
6 except those on or in a living person or other animals.

7 (22) "Fungicide" means any substance or mixture of substances  
8 intended to prevent, destroy, repel, or mitigate any fungi.

9 (23) "Herbicide" means any substance or mixture of substances  
10 intended to prevent, destroy, repel, or mitigate any weed or other  
11 higher plant.

12 (24) "Immediate service call" means a landscape application to  
13 satisfy an emergency customer request for service, or a treatment to  
14 control a pest to landscape plants.

15 (25) "Insect" means any small invertebrate animal, in any life  
16 stage, whose adult form is segmented and which generally belongs to the  
17 class insecta, comprised of six-legged, usually winged forms, as, for  
18 example, beetles, bugs, bees, and flies. The term insect shall also  
19 apply to other allied classes of arthropods whose members are wingless  
20 and usually have more than six legs, for example, spiders, mites,  
21 ticks, centipedes, and isopod crustaceans.

22 (26) "Insecticide" means any substance or mixture of substances  
23 intended to prevent, destroy, repel, or mitigate any insect.

24 (27) "Land" means all land and water areas, including airspace and  
25 all plants, animals, structures, buildings, devices, and contrivances,  
26 appurtenant to or situated on, fixed or mobile, including any used for  
27 transportation.

28 (28) "Landscape application" means an application of any EPA  
29 registered pesticide to any exterior landscape area around residential  
30 property, commercial properties such as apartments or shopping centers,  
31 parks, golf courses, schools including nursery schools and licensed day  
32 cares, or cemeteries or similar areas. This definition shall not apply  
33 to: (a) Applications made by private applicators, limited private  
34 applicators, or rancher private applicators; (b) mosquito abatement,  
35 gypsy moth eradication, or similar wide-area pest control programs  
36 sponsored by governmental entities; and (c) commercial pesticide  
37 applicators making structural applications.

1 (29) "Limited private applicator" means a certified applicator who  
2 uses or is in direct supervision, as defined for private applicators in  
3 this section, of the use of any herbicide classified by the EPA or the  
4 director as a restricted use pesticide, for the sole purpose of  
5 controlling weeds on nonproduction agricultural land owned or rented by  
6 the applicator or the applicator's employer. Limited private  
7 applicators may also use restricted use pesticides on timber areas,  
8 excluding aquatic sites, to control weeds designated for mandatory  
9 control under chapters 17.04, 17.06, and 17.10 RCW and state and local  
10 regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A  
11 limited private applicator may apply restricted use herbicides to the  
12 types of land described in this subsection of another person if applied  
13 without compensation other than trading of personal services between  
14 the applicator and the other person. This license is only valid when  
15 making applications in counties of Washington located east of the crest  
16 of the Cascade mountains.

17 (30) "Limited production agricultural land" means land used to grow  
18 hay and grain crops that are consumed by the livestock on the farm  
19 where produced. No more than ten percent of the hay and grain crops  
20 grown on limited production agricultural land may be sold each crop  
21 year. Limited production agricultural land does not include aquatic  
22 sites.

23 (31) "Nematocide" means any substance or mixture of substances  
24 intended to prevent, destroy, repel, or mitigate nematodes.

25 (32) "Nematode" means any invertebrate animal of the phylum  
26 nemathelminthes and class nematoda, that is, unsegmented round worms  
27 with elongated, fusiform, or saclike bodies covered with cuticle, and  
28 inhabiting soil, water, plants or plant parts. Nematodes may also be  
29 called nemas or eelworms.

30 (33) "Nonproduction agricultural land" means pastures, rangeland,  
31 fencerows, and areas around farm buildings but not aquatic sites.

32 (34) "Person" means any individual, partnership, association,  
33 corporation, or organized group of persons whether or not incorporated.

34 (35) "Pest" means, but is not limited to, any insect, rodent,  
35 nematode, snail, slug, weed, and any form of plant or animal life or  
36 virus, except virus, bacteria, or other microorganisms on or in a  
37 living person or other animal or in or on processed food or beverages



1 or pharmaceuticals, which is normally considered to be a pest, or which  
2 the director may declare to be a pest.

3 (36) "Pesticide" means, but is not limited to:

4 (a) Any substance or mixture of substances intended to prevent,  
5 destroy, control, repel, or mitigate any pest;

6 (b) Any substance or mixture of substances intended to be used as  
7 a plant regulator, defoliant or desiccant; and

8 (c) Any spray adjuvant as defined in RCW 15.58.030.

9 ~~(37) ("Pesticide advisory board" means the pesticide advisory  
10 board as provided for in this chapter.~~

11 ~~(38))~~ (38) "Plant regulator" means any substance or mixture of  
12 substances intended through physiological action, to accelerate or  
13 retard the rate of growth or maturation, or to otherwise alter the  
14 behavior of ornamental or crop plants or their produce, but shall not  
15 include substances insofar as they are intended to be used as plant  
16 nutrients, trace elements, nutritional chemicals, plant inoculants, or  
17 soil amendments.

18 ~~((39))~~ (39) "Private applicator" means a certified applicator who  
19 uses or is in direct supervision of the use of any pesticide classified  
20 by the EPA or the director as a restricted use pesticide, for the  
21 purposes of producing any agricultural commodity and for any associated  
22 noncrop application on land owned or rented by the applicator or the  
23 applicator's employer or if applied without compensation other than  
24 trading of personal services between producers of agricultural  
25 commodities on the land of another person.

26 ~~((40))~~ (40) "Private-commercial applicator" means a certified  
27 applicator who uses or supervises the use of any pesticide classified  
28 by the EPA or the director as a restricted use pesticide for purposes  
29 other than the production of any agricultural commodity on lands owned  
30 or rented by the applicator or the applicator's employer.

31 ~~((41))~~ (41) "Rancher private applicator" means a certified  
32 applicator who uses or is in direct supervision, as defined for private  
33 applicators in this section, of the use of any herbicide or any  
34 rodenticide classified by the EPA or the director as a restricted use  
35 pesticide for the purpose of controlling weeds and pest animals on  
36 nonproduction agricultural land and limited production agricultural  
37 land owned or rented by the applicator or the applicator's employer.  
38 Rancher private applicators may also use restricted use pesticides on

1 timber areas, excluding aquatic sites, to control weeds designated for  
2 mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state  
3 and local regulations adopted under chapters 17.04, 17.06, and 17.10  
4 RCW. A rancher private applicator may apply restricted use herbicides  
5 and rodenticides to the types of land described in this subsection of  
6 another person if applied without compensation other than trading of  
7 personal services between the applicator and the other person. This  
8 license is only valid when making applications in counties of  
9 Washington located east of the crest of the Cascade mountains.

10 ~~((42))~~ (41) "Residential property" includes property less than  
11 one acre in size zoned as residential by a city, town, or county, but  
12 does not include property zoned as agricultural or agricultural  
13 homesites.

14 ~~((43))~~ (42) "Restricted use pesticide" means any pesticide or  
15 device which, when used as directed or in accordance with a widespread  
16 and commonly recognized practice, the director determines, subsequent  
17 to a hearing, requires additional restrictions for that use to prevent  
18 unreasonable adverse effects on the environment including people,  
19 lands, beneficial insects, animals, crops, and wildlife, other than  
20 pests.

21 ~~((44))~~ (43) "Rodenticide" means any substance or mixture of  
22 substances intended to prevent, destroy, repel, or mitigate rodents, or  
23 any other vertebrate animal which the director may declare by rule to  
24 be a pest.

25 ~~((45))~~ (44) "School facility" means any facility used for  
26 licensed day care center purposes or for the purposes of a public  
27 kindergarten or public elementary or secondary school. School facility  
28 includes the buildings or structures, playgrounds, landscape areas,  
29 athletic fields, school vehicles, or any other area of school property.

30 ~~((46))~~ (45) "Snails or slugs" include all harmful mollusks.

31 ~~((47))~~ (46) "Unreasonable adverse effects on the environment"  
32 means any unreasonable risk to people or the environment taking into  
33 account the economic, social, and environmental costs and benefits of  
34 the use of any pesticide, or as otherwise determined by the director.

35 ~~((48))~~ (47) "Weed" means any plant which grows where it is not  
36 wanted.

1 **Commute Trip Reduction Board**

2 **Sec. 60.** RCW 70.94.524 and 2006 c 329 s 1 are each amended to read  
3 as follows:

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

6 (1) "A major employer" means a private or public employer,  
7 including state agencies, that employs one hundred or more full-time  
8 employees at a single worksite who begin their regular work day between  
9 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous  
10 months during the year.

11 (2) "Major worksite" means a building or group of buildings that  
12 are on physically contiguous parcels of land or on parcels separated  
13 solely by private or public roadways or rights-of-way, and at which  
14 there are one hundred or more full-time employees, who begin their  
15 regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at  
16 least twelve continuous months.

17 (3) "Major employment installation" means a military base or  
18 federal reservation, excluding tribal reservations, at which there are  
19 one hundred or more full-time employees, who begin their regular  
20 workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least  
21 twelve continuous months during the year.

22 (4) "Person hours of delay" means the daily person hours of delay  
23 per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated  
24 using the best available methodology by the department of  
25 transportation.

26 (5) "Commute trip" means trips made from a worker's home to a  
27 worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

28 (6) "Proportion of single-occupant vehicle commute trips" means the  
29 number of commute trips made by single-occupant automobiles divided by  
30 the number of full-time employees.

31 (7) "Commute trip vehicle miles traveled per employee" means the  
32 sum of the individual vehicle commute trip lengths in miles over a set  
33 period divided by the number of full-time employees during that period.

34 (8) "Base year" means the twelve-month period commencing when a  
35 major employer is determined to be participating by the local  
36 jurisdiction, on which commute trip reduction goals shall be based.

37 (9) "Growth and transportation efficiency center" means a defined,  
38 compact, mixed-use urban area that contains jobs or housing and

1 supports multiple modes of transportation. For the purpose of funding,  
2 a growth and transportation efficiency center must meet minimum  
3 criteria established by the (~~commute trip reduction board under RCW~~  
4 ~~70.94.537~~) department of transportation, and must be certified by a  
5 regional transportation planning organization as established in RCW  
6 47.80.020.

7 (10)(a) "Affected urban growth area" means:

8 (i) An urban growth area, designated pursuant to RCW 36.70A.110,  
9 whose boundaries contain a state highway segment exceeding the one  
10 hundred person hours of delay threshold calculated by the department of  
11 transportation, and any contiguous urban growth areas; and

12 (ii) An urban growth area, designated pursuant to RCW 36.70A.110,  
13 containing a jurisdiction with a population over seventy thousand that  
14 adopted a commute trip reduction ordinance before the year 2000, and  
15 any contiguous urban growth areas.

16 (b) Affected urban growth areas will be listed by the department of  
17 transportation in the rules for chapter 329, Laws of 2006 using the  
18 criteria identified in (a) of this subsection.

19 (11) "Certification" means a determination by a regional  
20 transportation planning organization that a locally designated growth  
21 and transportation efficiency center program meets the minimum criteria  
22 developed in a collaborative regional process and the rules established  
23 by the department of transportation.

24 **Sec. 61.** RCW 70.94.527 and 2006 c 329 s 2 are each amended to read  
25 as follows:

26 (1) Each county containing an urban growth area, designated  
27 pursuant to RCW 36.70A.110, and each city within an urban growth area  
28 with a state highway segment exceeding the one hundred person hours of  
29 delay threshold calculated by the department of transportation, as well  
30 as those counties and cities located in any contiguous urban growth  
31 areas, shall adopt a commute trip reduction plan and ordinance for  
32 major employers in the affected urban growth area by a date specified  
33 by the (~~commute trip reduction board~~) department of transportation.  
34 Jurisdictions located within an urban growth area with a population  
35 greater than seventy thousand that adopted a commute trip reduction  
36 ordinance before the year 2000, as well as any jurisdiction within  
37 contiguous urban growth areas, shall also adopt a commute trip

1 reduction plan and ordinance for major employers in the affected urban  
2 growth area by a date specified by the (~~commute trip reduction board~~)  
3 department of transportation. Jurisdictions containing a major  
4 employment installation in a county with an affected growth area,  
5 designated pursuant to RCW 36.70A.110, shall adopt a commute trip  
6 reduction plan and ordinance for major employers in the major  
7 employment installation by a date specified by the (~~commute trip  
8 reduction board~~) department of transportation. The ordinance shall  
9 establish the requirements for major employers and provide an appeals  
10 process by which major employers, who as a result of special  
11 characteristics of their business or its locations would be unable to  
12 meet the requirements of the ordinance, may obtain waiver or  
13 modification of those requirements. The plan shall be designed to  
14 achieve reductions in the proportion of single-occupant vehicle commute  
15 trips and be consistent with the rules established by the department of  
16 transportation. The county, city, or town shall submit its adopted  
17 plan to the regional transportation planning organization. The county,  
18 city, or town plan shall be included in the regional commute trip  
19 reduction plan for regional transportation planning purposes,  
20 consistent with the rules established by the department of  
21 transportation in RCW 70.94.537.

22 (2) All other counties, cities, and towns may adopt and implement  
23 a commute trip reduction plan consistent with department of  
24 transportation rules established under RCW 70.94.537. Tribal  
25 governments are encouraged to adopt a commute trip reduction plan for  
26 their lands. State investment in voluntary commute trip reduction  
27 plans shall be limited to those areas that meet criteria developed by  
28 the (~~commute trip reduction board~~) department of transportation.

29 (3) The department of ecology may, after consultation with the  
30 department of transportation, as part of the state implementation plan  
31 for areas that do not attain the national ambient air quality standards  
32 for carbon monoxide or ozone, require municipalities other than those  
33 identified in subsection (1) of this section to adopt and implement  
34 commute trip reduction plans if the department determines that such  
35 plans are necessary for attainment of said standards.

36 (4) A commute trip reduction plan shall be consistent with the  
37 rules established under RCW 70.94.537 and shall include but is not  
38 limited to (a) goals for reductions in the proportion of single-

1 occupant vehicle commute trips consistent with the state goals  
2 (~~established by the commute trip reduction board under RCW 70.94.537~~)  
3 and the regional commute trip reduction plan goals established in the  
4 regional commute trip reduction plan; (b) a description of the  
5 requirements for major public and private sector employers to implement  
6 commute trip reduction programs; (c) a commute trip reduction program  
7 for employees of the county, city, or town; and (d) means, consistent  
8 with rules established by the department of transportation, for  
9 determining base year values and progress toward meeting commute trip  
10 reduction plan goals. The plan shall be developed in consultation with  
11 local transit agencies, the applicable regional transportation planning  
12 organization, major employers, and other interested parties.

13 (5) The commute trip reduction plans adopted by counties, cities,  
14 and towns under this chapter shall be consistent with and may be  
15 incorporated in applicable state or regional transportation plans and  
16 local comprehensive plans and shall be coordinated, and consistent  
17 with, the commute trip reduction plans of counties, cities, or towns  
18 with which the county, city, or town has, in part, common borders or  
19 related regional issues. Such regional issues shall include assuring  
20 consistency in the treatment of employers who have worksites subject to  
21 the requirements of this chapter in more than one jurisdiction.  
22 Counties, cities, and towns adopting commute trip reduction plans may  
23 enter into agreements through the interlocal cooperation act or by  
24 resolution or ordinance as appropriate with other jurisdictions, local  
25 transit agencies, transportation management associations or other  
26 private or nonprofit providers of transportation services, or regional  
27 transportation planning organizations to coordinate the development and  
28 implementation of such plans. Transit agencies shall work with  
29 counties, cities, and towns as a part of their six-year transit  
30 development plan established in RCW 35.58.2795 to take into account the  
31 location of major employer worksites when planning and prioritizing  
32 transit service changes or the expansion of public transportation  
33 services, including rideshare services. Counties, cities, or towns  
34 adopting a commute trip reduction plan shall review it annually and  
35 revise it as necessary to be consistent with applicable plans developed  
36 under RCW 36.70A.070. Regional transportation planning organizations  
37 shall review the local commute trip reduction plans during the  
38 development and update of the regional commute trip reduction plan.

1           (6) Each affected regional transportation planning organization  
2 shall adopt a commute trip reduction plan for its region consistent  
3 with the rules and deadline established by the department of  
4 transportation under RCW 70.94.537. The plan shall include, but is not  
5 limited to: (a) Regional program goals for commute trip reduction in  
6 urban growth areas and all designated growth and transportation  
7 efficiency centers; (b) a description of strategies for achieving the  
8 goals; (c) a sustainable financial plan describing projected revenues  
9 and expenditures to meet the goals; (d) a description of the way in  
10 which progress toward meeting the goals will be measured; and (e)  
11 minimum criteria for growth and transportation efficiency centers. (i)  
12 Regional transportation planning organizations shall review proposals  
13 from local jurisdictions to designate growth and transportation  
14 efficiency centers and shall determine whether the proposed growth and  
15 transportation efficiency center is consistent with the criteria  
16 defined in the regional commute trip reduction plan. (ii) Growth and  
17 transportation efficiency centers certified as consistent with the  
18 minimum requirements by the regional transportation planning  
19 organization shall be identified in subsequent updates of the regional  
20 commute trip reduction plan. These plans shall be developed in  
21 collaboration with all affected local jurisdictions, transit agencies,  
22 and other interested parties within the region. The plan will be  
23 reviewed and approved by (~~the commute trip reduction board as~~  
24 ~~established under RCW 70.94.537~~) the department of transportation.  
25 Regions without an approved regional commute trip reduction plan shall  
26 not be eligible for state commute trip reduction program funds.

27           The regional commute trip reduction plan shall be consistent with  
28 and incorporated into transportation demand management components in  
29 the regional transportation plan as required by RCW 47.80.030.

30           (7) Each regional transportation planning organization implementing  
31 a regional commute trip reduction program shall, consistent with the  
32 rules and deadline established by the department of transportation,  
33 submit its plan as well as any related local commute trip reduction  
34 plans and certified growth and transportation efficiency center  
35 programs, to the (~~commute trip reduction board established under RCW~~  
36 ~~70.94.537~~) department of transportation. The (~~commute trip reduction~~  
37 ~~board~~) department of transportation shall review the regional commute  
38 trip reduction plan and the local commute trip reduction plans. The

1 regional transportation planning organization shall collaborate with  
2 the (~~commute trip reduction board~~) department of transportation to  
3 evaluate the consistency of local commute trip reduction plans with the  
4 regional commute trip reduction plan. Local and regional plans must be  
5 approved by the (~~commute trip reduction board~~) department of  
6 transportation in order to be eligible for state funding provided for  
7 the purposes of this chapter.

8 (8) Each regional transportation planning organization implementing  
9 a regional commute trip reduction program shall submit an annual  
10 progress report to the (~~commute trip reduction board established under~~  
11 ~~RCW 70.94.537~~) department of transportation. The report shall be due  
12 at the end of each state fiscal year for which the program has been  
13 implemented. The report shall describe progress in attaining the  
14 applicable commute trip reduction goals and shall highlight any  
15 problems being encountered in achieving the goals. The information  
16 shall be reported in a form established by the (~~commute trip reduction~~  
17 ~~board~~) department of transportation.

18 (9) Any waivers or modifications of the requirements of a commute  
19 trip reduction plan granted by a jurisdiction shall be submitted for  
20 review to the (~~commute trip reduction board established under RCW~~  
21 ~~70.94.537~~) department of transportation. The (~~commute trip reduction~~  
22 ~~board~~) department of transportation may not deny the granting of a  
23 waiver or modification of the requirements of a commute trip reduction  
24 plan by a jurisdiction but they may notify the jurisdiction of any  
25 comments or objections.

26 (10) Plans implemented under this section shall not apply to  
27 commute trips for seasonal agricultural employees.

28 (11) Plans implemented under this section shall not apply to  
29 construction worksites when the expected duration of the construction  
30 project is less than two years.

31 (12) If an affected urban growth area has not previously  
32 implemented a commute trip reduction program and the state has funded  
33 solutions to state highway deficiencies to address the area's exceeding  
34 the person hours of delay threshold, the affected urban growth area  
35 shall be exempt from the duties of this section for a period not  
36 exceeding two years.



1           **Sec. 62.** RCW 70.94.528 and 2006 c 329 s 4 are each amended to read  
2 as follows:

3           (1) A county, city, or town may, as part of its commute trip  
4 reduction plan, designate existing activity centers listed in its  
5 comprehensive plan or new activity centers as growth and transportation  
6 efficiency centers and establish a transportation demand management  
7 program in the designated area.

8           (a) The transportation demand management program for the growth and  
9 transportation efficiency center shall be developed in consultation  
10 with local transit agencies, the applicable regional transportation  
11 planning organization, major employers, and other interested parties.

12           (b) In order to be eligible for state funding provided for the  
13 purposes of this section, designated growth and transportation  
14 efficiency centers shall be certified by the applicable regional  
15 transportation organization to: (i) Meet the minimum land use and  
16 transportation criteria established in collaboration among local  
17 jurisdictions, transit agencies, the regional transportation planning  
18 organization, and other interested parties as part of the regional  
19 commute trip reduction plan; and (ii) have established a transportation  
20 demand management program that includes the elements identified in (c)  
21 of this subsection and is consistent with the rules established by the  
22 department of transportation in RCW 70.94.537(~~(+2)~~) (1). If a  
23 designated growth and transportation efficiency center is denied  
24 certification, the local jurisdiction may appeal the decision to the  
25 (~~commute trip reduction board~~) department of transportation.

26           (c) Transportation demand management programs for growth and  
27 transportation efficiency centers shall include, but are not limited  
28 to: (i) Goals for reductions in the proportion of single-occupant  
29 vehicle trips that are more aggressive than the state program goal  
30 (~~established by the commute trip reduction board~~); (ii) a sustainable  
31 financial plan demonstrating how the program can be implemented to meet  
32 state and regional trip reduction goals, indicating resources from  
33 public and private sources that are reasonably expected to be made  
34 available to carry out the plan, and recommending any innovative  
35 financing techniques consistent with chapter 47.29 RCW, including  
36 public/private partnerships, to finance needed facilities, services,  
37 and programs; (iii) a proposed organizational structure for  
38 implementing the program; (iv) a proposal to measure performance toward

1 the goal and implementation progress; and (v) an evaluation to which  
2 local land use and transportation policies apply, including parking  
3 policies and ordinances, to determine the extent that they complement  
4 and support the trip reduction investments of major employers. Each of  
5 these program elements shall be consistent with the rules established  
6 under RCW 70.94.537.

7 (d) A designated growth and transportation efficiency center shall  
8 be consistent with the land use and transportation elements of the  
9 local comprehensive plan.

10 (e) Transit agencies, local governments, and regional  
11 transportation planning organizations shall identify certified growth  
12 and transportation efficiency centers as priority areas for new service  
13 and facility investments in their respective investment plans.

14 (2) A county, city, or town that has established a growth and  
15 transportation efficiency center program shall support vehicle trip  
16 reduction activities in the designated area. The implementing  
17 jurisdiction shall adopt policies, ordinances, and funding strategies  
18 that will lead to attainment of program goals in those areas.

19 **Sec. 63.** RCW 70.94.534 and 2006 c 329 s 6 are each amended to read  
20 as follows:

21 (1) Each jurisdiction implementing a commute trip reduction plan  
22 under this chapter or as part of a plan or ordinance developed under  
23 RCW 36.70A.070 shall review each employer's initial commute trip  
24 reduction program to determine if the program is likely to meet the  
25 applicable commute trip reduction goals. The employer shall be  
26 notified by the jurisdiction of its findings. If the jurisdiction  
27 finds that the program is not likely to meet the applicable commute  
28 trip reduction goals, the jurisdiction will work with the employer to  
29 modify the program as necessary. The jurisdiction shall complete  
30 review of each employer's initial commute trip reduction program within  
31 ninety days of receipt.

32 (2) Employers implementing commute trip reduction programs are  
33 expected to undertake good faith efforts to achieve the goals outlined  
34 in RCW 70.94.527(4). Employers are considered to be making a good  
35 faith effort if the following conditions have been met:

36 (a) The employer has met the minimum requirements identified in RCW  
37 70.94.531;

1 (b) The employer has notified the jurisdiction of its intent to  
2 substantially change or modify its program and has either received the  
3 approval of the jurisdiction to do so or has acknowledged that its  
4 program may not be approved without additional modifications;

5 (c) The employer has provided adequate information and  
6 documentation of implementation when requested by the jurisdiction; and

7 (d) The employer is working collaboratively with its jurisdiction  
8 to continue its existing program or is developing and implementing  
9 program modifications likely to result in improvements to the program  
10 over an agreed upon length of time.

11 (3) Each jurisdiction shall review at least once every two years  
12 each employer's progress and good faith efforts toward meeting the  
13 applicable commute trip reduction goals. If an employer makes a good  
14 faith effort, as defined in this section, but is not likely to meet the  
15 applicable commute trip reduction goals, the jurisdiction shall work  
16 collaboratively with the employer to make modifications to the commute  
17 trip reduction program. Failure of an employer to reach the applicable  
18 commute trip reduction goals is not a violation of this chapter.

19 (4) If an employer fails to make a good faith effort and fails to  
20 meet the applicable commute trip reduction goals, the jurisdiction  
21 shall work collaboratively with the employer to propose modifications  
22 to the program and shall direct the employer to revise its program  
23 within thirty days to incorporate those modifications or modifications  
24 which the jurisdiction determines to be equivalent.

25 (5) Each jurisdiction implementing a commute trip reduction plan  
26 pursuant to this chapter may impose civil penalties, in the manner  
27 provided in chapter 7.80 RCW, for failure by an employer to implement  
28 a commute trip reduction program or to modify its commute trip  
29 reduction program as required in subsection (4) of this section. No  
30 major employer may be held liable for civil penalties for failure to  
31 reach the applicable commute trip reduction goals. No major employer  
32 shall be liable for civil penalties under this chapter if failure to  
33 achieve a commute trip reduction program goal was the result of an  
34 inability to reach agreement with a certified collective bargaining  
35 agent under applicable laws where the issue was raised by the employer  
36 and pursued in good faith.

37 (6) Jurisdictions shall notify major employers of the procedures  
38 for applying for goal modification or exemption from the commute trip

1 reduction requirements based on the guidelines established by the  
2 (~~commute trip reduction board authorized under RCW 70.94.537~~)  
3 department of transportation.

4 **Sec. 64.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to read  
5 as follows:

6 (1) (~~A sixteen member state commute trip reduction board is~~  
7 ~~established as follows:~~

8 (a) ~~The secretary of the department of transportation or the~~  
9 ~~secretary's designee who shall serve as chair;~~

10 (b) ~~One representative from the office of the governor or the~~  
11 ~~governor's designee;~~

12 (c) ~~The director or the director's designee of one of the following~~  
13 ~~agencies, to be determined by the governor:~~

14 (i) ~~Department of general administration;~~

15 (ii) ~~Department of ecology;~~

16 (iii) ~~Department of community, trade, and economic development;~~

17 (d) ~~Three representatives from cities and towns or counties~~  
18 ~~appointed by the governor for staggered four year terms from a list~~  
19 ~~recommended by the association of Washington cities or the Washington~~  
20 ~~state association of counties;~~

21 (e) ~~Two representatives from transit agencies appointed by the~~  
22 ~~governor for staggered four year terms from a list recommended by the~~  
23 ~~Washington state transit association;~~

24 (f) ~~Two representatives from participating regional transportation~~  
25 ~~planning organizations appointed by the governor for staggered four-~~  
26 ~~year terms;~~

27 (g) ~~Four representatives of employers at or owners of major~~  
28 ~~worksites in Washington, or transportation management associations,~~  
29 ~~business improvement areas, or other transportation organizations~~  
30 ~~representing employers, appointed by the governor for staggered four-~~  
31 ~~year terms; and~~

32 (h) ~~Two citizens appointed by the governor for staggered four year~~  
33 ~~terms.~~

34 ~~Members of the commute trip reduction board shall serve without~~  
35 ~~compensation but shall be reimbursed for travel expenses as provided in~~  
36 ~~RCW 43.03.050 and 43.03.060. Members appointed by the governor shall~~

1 ~~be compensated in accordance with RCW 43.03.220. The board has all~~  
2 ~~powers necessary to carry out its duties as prescribed by this chapter.~~

3 ~~(2) By March 1, 2007,))~~ The department of transportation shall  
4 establish rules for commute trip reduction plans and implementation  
5 procedures. ~~((The commute trip reduction board shall advise the~~  
6 ~~department on the content of the rules.))~~ The rules are intended to  
7 ensure consistency in commute trip reduction plans and goals among  
8 jurisdictions while fairly taking into account differences in  
9 employment and housing density, employer size, existing and anticipated  
10 levels of transit service, special employer circumstances, and other  
11 relevant factors ~~((the board determines to be relevant))~~. The rules  
12 shall include:

13 (a) Guidance criteria for growth and transportation efficiency  
14 centers;

15 (b) Data measurement methods and procedures for determining the  
16 efficacy of commute trip reduction activities and progress toward  
17 meeting commute trip reduction plan goals;

18 (c) Model commute trip reduction ordinances;

19 (d) Methods for assuring consistency in the treatment of employers  
20 who have worksites subject to the requirements of this chapter in more  
21 than one jurisdiction;

22 (e) An appeals process by which major employers, who as a result of  
23 special characteristics of their business or its locations would be  
24 unable to meet the requirements of a commute trip reduction plan, may  
25 obtain a waiver or modification of those requirements and criteria for  
26 determining eligibility for waiver or modification;

27 (f) Establishment of a process for determining the state's affected  
28 areas, including criteria and procedures for regional transportation  
29 planning organizations in consultation with local jurisdictions to  
30 propose to add or exempt urban growth areas;

31 (g) Listing of the affected areas of the program to be done every  
32 four years as identified in subsection ~~((5))~~ (4) of this section;

33 (h) Establishment of a criteria and application process to  
34 determine whether jurisdictions that voluntarily implement commute trip  
35 reduction are eligible for state funding;

36 (i) Guidelines and deadlines for creating and updating local  
37 commute trip reduction plans, including guidance to ensure consistency

1 between the local commute trip reduction plan and the transportation  
2 demand management strategies identified in the transportation element  
3 in the local comprehensive plan, as required by RCW 36.70A.070;

4 (j) Guidelines for creating and updating regional commute trip  
5 reduction plans, including guidance to ensure the regional commute trip  
6 reduction plan is consistent with and incorporated into transportation  
7 demand management components in the regional transportation plan;

8 (k) Methods for regional transportation planning organizations to  
9 evaluate and certify that designated growth and transportation  
10 efficiency center programs meet the minimum requirements and are  
11 eligible for funding;

12 (l) Guidelines for creating and updating growth and transportation  
13 efficiency center programs; and

14 (m) Establishment of statewide program goals. The goals shall be  
15 designed to achieve substantial reductions in the proportion of  
16 single-occupant vehicle commute trips and the commute trip vehicle  
17 miles traveled per employee, at a level that is projected to improve  
18 the mobility of people and goods by increasing the efficiency of the  
19 state highway system.

20 ((+3)) (2) The ((board)) department shall create a state commute  
21 trip reduction plan that shall be updated every four years as discussed  
22 in subsection ((+5)) (4) of this section. The state commute trip  
23 reduction plan shall include, but is not limited to: (a) Statewide  
24 commute trip reduction program goals that are designed to substantially  
25 improve the mobility of people and goods; (b) identification of  
26 strategies at the state and regional levels to achieve the goals and  
27 recommendations for how transportation demand management strategies can  
28 be targeted most effectively to support commute trip reduction program  
29 goals; (c) performance measures for assessing the cost-effectiveness of  
30 commute trip reduction strategies and the benefits for the state  
31 transportation system; and (d) a sustainable financial plan. The  
32 ((board)) department shall review and approve regional commute trip  
33 reduction plans, and work collaboratively with regional transportation  
34 planning organizations in the establishment of the state commute trip  
35 reduction plan.

36 ((+4)) (3) The ((board)) department shall work with affected  
37 jurisdictions, major employers, and other parties to develop and

1 implement a public awareness campaign designed to increase the  
2 effectiveness of local commute trip reduction programs and support  
3 achievement of the objectives identified in this chapter.

4 ~~((+5))~~ (4) The ~~((board))~~ department shall evaluate and update the  
5 commute trip reduction program plan and recommend changes to the rules  
6 every four years, with the first assessment report due July 1, 2011, to  
7 ensure that the latest data methodology used by the department of  
8 transportation is incorporated into the program and to determine which  
9 areas of the state should be affected by the program. The ~~((board))~~  
10 department shall review the definition of a major employer no later  
11 than December 1, 2009. The ~~((board))~~ department shall regularly  
12 identify urban growth areas that are projected to be affected by  
13 chapter 329, Laws of 2006 in the next four-year period and may provide  
14 advance planning support to the potentially affected jurisdictions.

15 ~~((+6))~~ (5) The ~~((board))~~ department shall review progress toward  
16 implementing commute trip reduction plans and programs and the costs  
17 and benefits of commute trip reduction plans and programs and shall  
18 make recommendations to the legislature and the governor by December 1,  
19 2009, and every two years thereafter. In assessing the costs and  
20 benefits, the ~~((board))~~ department shall consider the costs of not  
21 having implemented commute trip reduction plans and programs ~~((with the  
22 assistance of the transportation performance audit board authorized  
23 under chapter 44.75 RCW))~~. The ~~((board))~~ department shall examine  
24 other transportation demand management programs nationally and  
25 incorporate its findings into its recommendations to the legislature.  
26 The recommendations shall address the need for continuation,  
27 modification, or termination or any or all requirements of this  
28 chapter.

29 ~~((+7) The board shall invite personnel with appropriate expertise  
30 from state, regional, and local government, private, public, and  
31 nonprofit providers of transportation services, and employers or owners  
32 of major worksites in Washington to act as a technical advisory group.  
33 The technical advisory group shall advise the board on the  
34 implementation of local and regional commute trip reduction plans and  
35 programs, program evaluation, program funding allocations, and state  
36 rules and guidelines.))~~

1           **Sec. 65.** RCW 70.94.541 and 2006 c 329 s 8 are each amended to read  
2 as follows:

3           ~~(1) ((The department of transportation shall provide staff support~~  
4 ~~to the commute trip reduction board in carrying out the requirements of~~  
5 ~~RCW 70.94.537.~~

6           ~~(2))~~) The department of transportation shall provide technical  
7 assistance to regional transportation planning organizations, counties,  
8 cities, and towns, the department of general administration, other  
9 state agencies, and other employers in developing and implementing  
10 commute trip reduction plans and programs. The technical assistance  
11 shall include: (a) Guidance in single measurement methodology and  
12 practice to be used in determining progress in attaining plan goals;  
13 (b) developing model plans and programs appropriate to different  
14 situations; and (c) providing consistent training and informational  
15 materials for the implementation of commute trip reduction programs.  
16 Model plans and programs, training, and informational materials shall  
17 be developed in cooperation with representatives of regional  
18 transportation planning organizations, local governments, transit  
19 agencies, and employers.

20           ~~((3))~~) (2) In carrying out this section the department of  
21 transportation may contract with statewide associations representing  
22 cities, towns, and counties to assist cities, towns, and counties in  
23 implementing commute trip reduction plans and programs.

24           NEW SECTION.   **Sec. 66.** RCW 70.94.544 (Transportation demand  
25 management--Use of funds) and 2006 c 329 s 9, 2001 c 74 s 1, & 1991 c  
26 202 s 17 are each repealed.

27           **Sec. 67.** RCW 70.94.551 and 2006 c 329 s 11 are each amended to  
28 read as follows:

29           (1) The director of the department of general administration (~~may~~  
30 ~~coordinate an interagency board for the purpose of developing~~), in  
31 consultation with state agencies, shall develop policies or guidelines  
32 that promote consistency among state agency commute trip reduction  
33 programs required by RCW 70.94.527 and 70.94.531. (~~The board shall~~  
34 ~~include representatives of the departments of transportation, ecology,~~  
35 ~~and community, trade, and economic development and such other~~  
36 ~~departments and interested groups as the director of the department of~~



1 ~~general administration determines to be necessary.))~~ Policies and  
2 guidelines shall be applicable to all state agencies including but not  
3 limited to policies and guidelines regarding parking and parking  
4 charges, employee incentives for commuting by other than single-  
5 occupant automobiles, flexible and alternative work schedules,  
6 alternative worksites, and the use of state-owned vehicles for car and  
7 van pools and guaranteed rides home. The policies and guidelines shall  
8 also consider the costs and benefits to state agencies of achieving  
9 commute trip reductions and consider mechanisms for funding state  
10 agency commute trip reduction programs.

11 (2) State agencies sharing a common location in affected urban  
12 growth areas where the total number of state employees is one hundred  
13 or more shall, with assistance from the department of general  
14 administration, develop and implement a joint commute trip reduction  
15 program. The worksite shall be treated as specified in RCW 70.94.531  
16 and 70.94.534.

17 (3) The department of general administration shall review the  
18 initial commute trip reduction program of each state agency subject to  
19 the commute trip reduction plan for state agencies to determine if the  
20 program is likely to meet the applicable commute trip reduction goals  
21 and notify the agency of any deficiencies. If it is found that the  
22 program is not likely to meet the applicable commute trip reduction  
23 goals, the department of general administration will work with the  
24 agency to modify the program as necessary.

25 (4) Each state agency implementing a commute trip reduction plan  
26 shall report at least once per year to its agency director on the  
27 performance of the agency's commute trip reduction program as part of  
28 the agency's quality management, accountability, and performance system  
29 as defined by RCW 43.17.385. The reports shall assess the performance  
30 of the program, progress toward state goals established under RCW  
31 70.94.537, and recommendations for improving the program.

32 (5) The department of general administration shall review the  
33 agency performance reports defined in subsection (4) of this section  
34 and submit a biennial report for state agencies subject to this chapter  
35 to the governor and incorporate the report in the (~~commute trip~~  
36 ~~reduction board~~)) department of transportation report to the  
37 legislature as directed in RCW 70.94.537(~~(+6+)~~) (5). The report shall  
38 include, but is not limited to, an evaluation of the most recent

1 measurement results, progress toward state goals established under RCW  
2 70.94.537, and recommendations for improving the performance of state  
3 agency commute trip reduction programs. The information shall be  
4 reported in a form established by the (~~commute trip reduction board~~)  
5 department of transportation.

6 **Sec. 68.** RCW 70.94.996 and 2004 c 229 s 501 are each amended to  
7 read as follows:

8 (1) To the extent that funds are appropriated, the department of  
9 transportation shall administer a performance-based grant program for  
10 private employers, public agencies, nonprofit organizations,  
11 developers, and property managers who provide financial incentives for  
12 ride sharing in vehicles carrying two or more persons, for using public  
13 transportation, for using car sharing, or for using nonmotorized  
14 commuting, including telework, before July 1, 2013, to their own or  
15 other employees.

16 (2) The amount of the grant will be determined based on the value  
17 to the transportation system of the vehicle trips reduced. The  
18 (~~commute trip reduction task force~~) department of transportation  
19 shall develop an award rate giving priority to applications achieving  
20 the greatest reduction in trips and commute miles per public dollar  
21 requested and considering the following criteria: The local cost of  
22 providing new highway capacity, congestion levels, and geographic  
23 distribution.

24 (3) No private employer, public agency, nonprofit organization,  
25 developer, or property manager is eligible for grants under this  
26 section in excess of one hundred thousand dollars in any fiscal year.

27 (4) The total of grants provided under this section may not exceed  
28 seven hundred fifty thousand dollars in any fiscal year. However, this  
29 subsection does not apply during the 2003-2005 fiscal biennium.

30 (5) The department of transportation shall report to the department  
31 of revenue by the 15th day of each month the aggregate monetary amount  
32 of grants provided under this section in the prior month and the  
33 identity of the recipients of those grants.

34 (6) The source of funds for this grant program is the multimodal  
35 transportation account.

36 (7) This section expires January 1, 2014.

1       **Sec. 69.** RCW 82.70.060 and 2005 c 319 s 138 are each amended to  
2 read as follows:

3       The (~~commute trip reduction task force~~) department of  
4 transportation shall determine the effectiveness of the tax credit  
5 under RCW 82.70.020, the grant program in RCW 70.94.996, and the  
6 relative effectiveness of the tax credit and the grant program as part  
7 of its ongoing evaluation of the commute trip reduction law and report  
8 to the senate and house transportation committees and to the fiscal  
9 committees of the house of representatives and the senate. The report  
10 must include information on the amount of tax credits claimed to date  
11 and recommendations on future funding between the tax credit program  
12 and the grant program. The report must be incorporated into the  
13 recommendations required in RCW 70.94.537(~~(+5)~~) (6).

14                                   **Main Street Advisory Committee**

15       NEW SECTION.   **Sec. 70.** RCW 43.360.040 (Washington main street  
16 advisory committee) and 2005 c 514 s 911 are each repealed.

17                                   **Foster Care Endowed Scholarship Advisory Board**

18       NEW SECTION.   **Sec. 71.** RCW 28B.116.040 (Foster care endowed  
19 scholarship advisory board) and 2005 c 215 s 5 are each repealed.

20       **Sec. 72.** RCW 28B.116.020 and 2005 c 215 s 3 are each amended to  
21 read as follows:

22       (1) The foster care endowed scholarship program is created. The  
23 purpose of the program is to help students who were in foster care  
24 attend an institution of higher education in the state of Washington.  
25 The foster care endowed scholarship program shall be administered by  
26 the higher education coordinating board.

27       (2) In administering the program, the higher education coordinating  
28 board's powers and duties shall include but not be limited to:

29       (a) Adopting necessary rules and guidelines; and

30       (b) Administering the foster care endowed scholarship trust fund  
31 and the foster care scholarship endowment fund(~~(+and~~

1 ~~(c) Establishing and assisting the foster care endowed scholarship~~  
2 ~~advisory board in its duties as described in RCW 28B.116.040)).~~

3 (3) In administering the program, the higher education coordinating  
4 board's powers and duties may include but not be limited to:

5 (a) Working with the department of social and health services and  
6 the superintendent of public instruction to provide information about  
7 the foster care endowed scholarship program to children in foster care  
8 in the state of Washington and to students over the age of sixteen who  
9 could be eligible for this program;

10 (b) Publicizing the program; and

11 (c) Contracting with a private agency to perform outreach to the  
12 potentially eligible students.

### 13 **Higher Education Coordinating Board--Work Study**

14 **Sec. 73.** RCW 28B.12.040 and 1994 c 130 s 4 are each amended to  
15 read as follows:

16 ~~((With the assistance of an advisory committee,))~~ The higher  
17 education coordinating board shall develop and administer the state  
18 work-study program. The board shall be authorized to enter into  
19 agreements with employers and eligible institutions for the operation  
20 of the program. These agreements shall include such provisions as the  
21 higher education coordinating board may deem necessary or appropriate  
22 to carry out the purposes of this chapter.

23 ~~((The members of the work study advisory committee may include, but~~  
24 ~~need not be limited to representatives of public and private community~~  
25 ~~colleges, technical colleges, and four-year institutions of higher~~  
26 ~~education; vocational schools; students; community service~~  
27 ~~organizations; public schools; business; and labor. When selecting~~  
28 ~~members of the advisory committee, the board shall consult with~~  
29 ~~institutions of higher education, the state board for community and~~  
30 ~~technical colleges, the workforce training and education coordinating~~  
31 ~~board, and appropriate associations and organizations.))~~ With the  
32 exception of off-campus community service placements, the share from  
33 moneys disbursed under the state work-study program of the compensation  
34 of students employed under such program in accordance with such

1 agreements shall not exceed eighty percent of the total such  
2 compensation paid such students.

3 By rule, the board shall define community service placements and  
4 may determine any salary matching requirements for any community  
5 service employers.

6 **Title and Registration Advisory Committee**

7 NEW SECTION. **Sec. 74.** RCW 46.01.320 (Title and registration  
8 advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216  
9 s 3 are each repealed.

10 **Sec. 75.** RCW 46.01.325 and 2005 c 319 s 116 are each amended to  
11 read as follows:

12 (1) The director shall prepare(~~(, with the advice of the title and~~  
13 ~~registration advisory committee,)~~) an annual comprehensive analysis and  
14 evaluation of agent and subagent fees. The director shall make  
15 recommendations for agent and subagent fee revisions (~~(approved by the~~  
16 ~~title and registration advisory committee)~~) to the senate and house  
17 transportation committees by January 1st of every third year starting  
18 with 1996. Fee revision recommendations may be made more frequently  
19 when justified by the annual analysis and evaluation(~~(, and requested~~  
20 ~~by the title and registration advisory committee)~~).

21 (2) The annual comprehensive analysis and evaluation must consider,  
22 but is not limited to:

23 (a) Unique and significant financial, legislative, or other  
24 relevant developments that may impact fees;

25 (b) Current funding for ongoing operating and maintenance  
26 automation project costs affecting revenue collection and service  
27 delivery;

28 (c) Future system requirements including an appropriate sharing of  
29 costs between the department, agents, and subagents;

30 (d) Beneficial mix of customer service delivery options based on a  
31 fee structure commensurate with quality performance standards;

32 (e) Appropriate indices projecting state and national growth in  
33 business and economic conditions prepared by the United States

1 department of commerce, the department of revenue, and the revenue  
2 forecast council for the state of Washington.

3 **Sec. 76.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to read  
4 as follows:

5 (1) The county auditor, if appointed by the director of licensing  
6 shall carry out the provisions of this title relating to the licensing  
7 of vehicles and the issuance of vehicle license number plates under the  
8 direction and supervision of the director and may with the approval of  
9 the director appoint assistants as special deputies and recommend  
10 subagents to accept applications and collect fees for vehicle licenses  
11 and transfers and to deliver vehicle license number plates.

12 (2) A county auditor appointed by the director may request that the  
13 director appoint subagencies within the county.

14 (a) Upon authorization of the director, the auditor shall use an  
15 open competitive process including, but not limited to, a written  
16 business proposal and oral interview to determine the qualifications of  
17 all interested applicants.

18 (b) A subagent may recommend a successor who is either the  
19 subagent's sibling, spouse, or child, or a subagency employee, as long  
20 as the recommended successor participates in the open, competitive  
21 process used to select an applicant. In making successor  
22 recommendation and appointment determinations, the following provisions  
23 apply:

24 (i) If a subagency is held by a partnership or corporate entity,  
25 the nomination must be submitted on behalf of, and agreed to by, all  
26 partners or corporate officers.

27 (ii) No subagent may receive any direct or indirect compensation or  
28 remuneration from any party or entity in recognition of a successor  
29 nomination. A subagent may not receive any financial benefit from the  
30 transfer or termination of an appointment.

31 (iii) (a) and (b) of this subsection are intended to assist in the  
32 efficient transfer of appointments in order to minimize public  
33 inconvenience. They do not create a proprietary or property interest  
34 in the appointment.

35 (c) The auditor shall submit all proposals to the director, and  
36 shall recommend the appointment of one or more subagents who have  
37 applied through the open competitive process. The auditor shall

1 include in his or her recommendation to the director, not only the name  
2 of the successor who is a relative or employee, if applicable and if  
3 otherwise qualified, but also the name of one other applicant who is  
4 qualified and was chosen through the open competitive process. The  
5 director has final appointment authority.

6 (3)(a) A county auditor who is appointed as an agent by the  
7 department shall enter into a standard contract provided by the  
8 director(~~(, developed with the advice of the title and registration~~  
9 ~~advisory committee)~~).

10 (b) A subagent appointed under subsection (2) of this section shall  
11 enter into a standard contract with the county auditor(~~(, developed~~  
12 ~~with the advice of the title and registration advisory committee)~~).  
13 The director shall provide the standard contract to county auditors.

14 (c) The contracts provided for in (a) and (b) of this subsection  
15 must contain at a minimum provisions that:

16 (i) Describe the responsibilities, and where applicable, the  
17 liability, of each party relating to the service expectations and  
18 levels, equipment to be supplied by the department, and equipment  
19 maintenance;

20 (ii) Require the specific type of insurance or bonds so that the  
21 state is protected against any loss of collected motor vehicle tax  
22 revenues or loss of equipment;

23 (iii) Specify the amount of training that will be provided by the  
24 state, the county auditor, or subagents;

25 (iv) Describe allowable costs that may be charged to vehicle  
26 licensing activities as provided for in (d) of this subsection;

27 (v) Describe the causes and procedures for termination of the  
28 contract, which may include mediation and binding arbitration.

29 (d) The department shall develop procedures that will standardize  
30 and prescribe allowable costs that may be assigned to vehicle licensing  
31 and vessel registration and title activities performed by county  
32 auditors.

33 (e) The contracts may include any provision that the director deems  
34 necessary to ensure acceptable service and the full collection of  
35 vehicle and vessel tax revenues.

36 (f) The director may waive any provisions of the contract deemed  
37 necessary in order to ensure that readily accessible service is  
38 provided to the citizens of the state.

1 (4)(a) At any time any application is made to the director, the  
2 county auditor, or other agent pursuant to any law dealing with  
3 licenses, registration, or the right to operate any vehicle or vessel  
4 upon the public highways or waters of this state, excluding applicants  
5 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant  
6 shall pay to the director, county auditor, or other agent a fee of  
7 three dollars for each application in addition to any other fees  
8 required by law.

9 (b) Counties that do not cover the expenses of vehicle licensing  
10 and vessel registration and title activities may submit to the  
11 department a request for cost-coverage moneys. The request must be  
12 submitted on a form developed by the department. The department shall  
13 develop procedures to verify whether a request is reasonable. Payment  
14 shall be made on requests found to be allowable from the licensing  
15 services account.

16 (c) Applicants for certificates of ownership, including applicants  
17 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the  
18 director, county auditor, or other agent a fee of four dollars in  
19 addition to any other fees required by law.

20 (d) The fees under (a) and (c) of this subsection, if paid to the  
21 county auditor as agent of the director, or if paid to a subagent of  
22 the county auditor, shall be paid to the county treasurer in the same  
23 manner as other fees collected by the county auditor and credited to  
24 the county current expense fund. If the fee is paid to another agent  
25 of the director, the fee shall be used by the agent to defray his or  
26 her expenses in handling the application.

27 (e) Applicants required to pay the three-dollar fee established  
28 under (a) of this subsection, must pay an additional seventy-five  
29 cents, which must be collected and remitted to the state treasurer and  
30 distributed as follows:

31 (i) Fifty cents must be deposited into the department of licensing  
32 services account of the motor vehicle fund and must be used for agent  
33 and subagent support, which is to include but not be limited to the  
34 replacement of department-owned equipment in the possession of agents  
35 and subagents.

36 (ii) Twenty-five cents must be deposited into the license plate  
37 technology account created under RCW 46.16.685.



1 (5) A subagent shall collect a service fee of (a) ten dollars for  
2 changes in a certificate of ownership, with or without registration  
3 renewal, or verification of record and preparation of an affidavit of  
4 lost title other than at the time of the title application or transfer  
5 and (b) four dollars for registration renewal only, issuing a transit  
6 permit, or any other service under this section.

7 (6) If the fee is collected by the state patrol as agent for the  
8 director, the fee so collected shall be certified to the state  
9 treasurer and deposited to the credit of the state patrol highway  
10 account. If the fee is collected by the department of transportation  
11 as agent for the director, the fee shall be certified to the state  
12 treasurer and deposited to the credit of the motor vehicle fund. All  
13 such fees collected by the director or branches of his office shall be  
14 certified to the state treasurer and deposited to the credit of the  
15 highway safety fund.

16 (7) Any county revenues that exceed the cost of providing vehicle  
17 licensing and vessel registration and title activities in a county,  
18 calculated in accordance with the procedures in subsection (3)(d) of  
19 this section, shall be expended as determined by the county legislative  
20 authority during the process established by law for adoption of county  
21 budgets.

22 (8) The director may adopt rules to implement this section.

### 23 **Sexual Offender Treatment Providers Advisory Committee**

24 NEW SECTION. **Sec. 77.** RCW 18.155.050 (Sexual offender treatment  
25 providers advisory committee) and 1990 c 3 s 805 are each repealed.

### 26 **Vendor Rates Advisory Rates**

27 NEW SECTION. **Sec. 78.** The following acts or parts of acts are  
28 each repealed:

29 (1) RCW 74.32.100 (Advisory committee on vendor rates--Created--  
30 Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

31 (2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor  
32 rates" defined) and 1969 ex.s. c 203 s 2;

1 (3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--  
2 Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203  
3 s 3;

4 (4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and  
5 duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

6 (5) RCW 74.32.140 (Investigation to determine if additional  
7 requirements or standards affecting vendor group) and 1971 ex.s. c 298  
8 s 1;

9 (6) RCW 74.32.150 (Investigation to determine if additional  
10 requirements or standards affecting vendor group--Scope of  
11 investigation) and 1971 ex.s. c 298 s 2;

12 (7) RCW 74.32.160 (Investigation to determine if additional  
13 requirements or standards affecting vendor group--Changes investigated  
14 regardless of source) and 1971 ex.s. c 298 s 3;

15 (8) RCW 74.32.170 (Investigation to determine if additional  
16 requirements or standards affecting vendor group--Prevailing wage  
17 scales and fringe benefit programs to be considered) and 1971 ex.s. c  
18 298 s 4; and

19 (9) RCW 74.32.180 (Investigation to determine if additional  
20 requirements or standards affecting vendor group--Additional factors to  
21 be accounted for) and 1971 ex.s. c 298 s 5.

## 22 **Lieutenant Governor Appointments and Assignments**

23 **Sec. 79.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to read  
24 as follows:

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

28 (1) The lieutenant governor serves on the following boards and  
29 committees:

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

31 (b) Washington higher education facilities authority, RCW  
32 28B.07.030;

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

35 (d) State finance committee, RCW 43.33.010;

1 (e) State capitol committee, RCW 43.34.010;  
2 (f) Washington health care facilities authority, RCW 70.37.030;  
3 (g) State medal of merit nominating committee, RCW 1.40.020;  
4 (h) Medal of valor committee, RCW 1.60.020; and  
5 (i) Association of Washington generals, RCW 43.15.030.  
6 (2) The lieutenant governor, and when serving as president of the  
7 senate, appoints members to the following boards and committees:  
8 (a) Organized crime advisory board, RCW 43.43.858;  
9 (b) Civil legal aid oversight committee, RCW 2.53.010;  
10 (c) Office of public defense advisory committee, RCW 2.70.030;  
11 (d) Washington state gambling commission, RCW 9.46.040;  
12 (e) Sentencing guidelines commission, RCW 9.94A.860;  
13 (f) State building code council, RCW 19.27.070;  
14 (g) Women's history consortium board of advisors, RCW 27.34.365;  
15 (h) Financial literacy public-private partnership, RCW 28A.300.450;  
16 (i) Joint administrative rules review committee, RCW 34.05.610;  
17 (j) Capital projects advisory review board, RCW 39.10.220;  
18 (k) Select committee on pension policy, RCW 41.04.276;  
19 (l) Legislative ethics board, RCW 42.52.310;  
20 (m) Washington citizens' commission on salaries, RCW 43.03.305;  
21 (n) Legislative oral history (~~(advisory)~~) committee, RCW  
22 (~~(43.07.230)~~) 44.04.325;  
23 (o) State council on aging, RCW 43.20A.685;  
24 (p) State investment board, RCW 43.33A.020;  
25 (q) Capitol campus design advisory committee, RCW 43.34.080;  
26 (r) Washington state arts commission, RCW 43.46.015;  
27 (s) Information services board, RCW 43.105.032;  
28 (t) K-20 educational network board, RCW 43.105.800;  
29 (u) Municipal research council, RCW 43.110.010;  
30 (v) Council for children and families, RCW 43.121.020;  
31 (w) PNWER-Net working subgroup under chapter 43.147 RCW;  
32 (x) Community economic revitalization board, RCW 43.160.030;  
33 (y) Washington economic development finance authority, RCW  
34 43.163.020;  
35 (~~((z) Tourism development advisory committee, RCW 43.330.095;~~  
36 ~~(aa))~~) (z) Life sciences discovery fund authority, RCW 43.350.020;  
37 (~~((bb))~~) (aa) Legislative children's oversight committee, RCW  
38 44.04.220;

1        ~~((+ee+))~~ (bb) Joint legislative audit and review committee, RCW  
2 44.28.010;  
3        ~~((+dd+))~~ (cc) Joint committee on energy supply and energy  
4 conservation, RCW 44.39.015;  
5        ~~((+ee+))~~ (dd) Legislative evaluation and accountability program  
6 committee, RCW 44.48.010;  
7        ~~((+ff+))~~ (ee) Agency council on coordinated transportation, RCW  
8 47.06B.020;  
9        ~~((+gg+))~~ (ff) Manufactured housing task force, RCW 59.22.090;  
10        ~~((+hh+))~~ (gg) Washington horse racing commission, RCW 67.16.014;  
11        ~~((+ii+))~~ (hh) Correctional industries board of directors, RCW  
12 72.09.080;  
13        ~~((+jj+))~~ (ii) Joint committee on veterans' and military affairs,  
14 RCW 73.04.150;  
15        ~~((+kk+))~~ ~~Washington state parks centennial advisory committee, RCW~~  
16 ~~79A.75.010;~~  
17        ~~(+ll)~~ ~~Puget Sound council, RCW 90.71.030;~~  
18        ~~(+mm+))~~ (jj) Joint legislative committee on water supply during  
19 drought, RCW 90.86.020;  
20        ~~((+nn+))~~ (kk) Statute law committee, RCW 1.08.001; and  
21        ~~((+oo+))~~ (ll) Joint legislative oversight committee on trade  
22 policy, RCW 44.55.020.

23        NEW SECTION.    **Sec. 80.**    Section 47 of this act expires June 1,  
24 2013.

25        NEW SECTION.    **Sec. 81.**    (1) All documents and papers, equipment, or  
26 other tangible property in the possession of the terminated entity  
27 shall be delivered to the custody of the entity assuming the  
28 responsibilities of the terminated entity or if such responsibilities  
29 have been eliminated, documents and papers shall be delivered to the  
30 state archivist and equipment or other tangible property to the  
31 department of general administration.

32        (2) All funds held by, or other moneys due to, the terminated  
33 entity shall revert to the fund from which they were appropriated, or  
34 if that fund is abolished to the general fund.

35        (3) All contractual rights and duties of an entity shall be

1 assigned or delegated to the entity assuming the responsibilities of  
2 the terminated entity, or if there is none to such entity as the  
3 governor shall direct.

4 NEW SECTION. **Sec. 82.** Subheadings used in this act are not any  
5 part of the law.

6 NEW SECTION. **Sec. 83.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 June 30, 2009.

INDEX	PAGE #
ACUPUNCTURE AD HOC COMMITTEE . . . . .	2
ADULT FAMILY HOME ADVISORY COMMITTEE . . . . .	3
BOARDING HOME ADVISORY BOARD . . . . .	5
CITIZENS ADVISORY COUNCIL ON ALCOHOLISM AND DRUG ADDICTION . . . . .	5
CITIZENS ' WORK GROUP ON HEALTH CARE REFORM . . . . .	6
COMMUTE TRIP REDUCTION BOARD . . . . .	51
DISPLACED HOMEMAKER PROGRAM STATEWIDE ADVISORY COMMITTEE . . . . .	3
ESCROW COMMISSION . . . . .	6
FAMILY POLICY COUNCIL AND COUNCIL ON CHILDREN AND FAMILIES . . . . .	10
FIREARMS RANGE ADVISORY COMMITTEE . . . . .	31
FOSTER CARE ENDOWED SCHOLARSHIP ADVISORY BOARD . . . . .	67
HIGHER EDUCATION COORDINATING BOARD--WORK STUDY . . . . .	68
LIEUTENANT GOVERNOR APPOINTMENTS AND ASSIGNMENTS . . . . .	74
MAIN STREET ADVISORY COMMITTEE . . . . .	67
MODEL TOXIC CONTROL ACT SCIENCE ADVISORY BOARD . . . . .	31
MORTGAGE BROKERS . . . . .	31
MOTORCYCLE SAFETY EDUCATION ADVISORY BOARD . . . . .	32
OIL HEAT ADVISORY COMMITTEE . . . . .	33
PARKS CENTENNIAL ADVISORY COMMITTEE . . . . .	35
PERFORMANCE AUDIT CITIZEN ADVISORY BOARD . . . . .	35
PESTICIDE COMMITTEES . . . . .	41
PRESCRIPTION DRUG PURCHASING CONSORTIUM ADVISORY COMMISSION . . . . .	36
RADIOLOGIC TECHNOLOGISTS AD HOC COMMITTEE . . . . .	40
RISK MANAGEMENT ADVISORY COMMITTEE . . . . .	38
SECURITIES ADVISORY COMMITTEE . . . . .	39
SEXUAL OFFENDER TREATMENT PROVIDERS ADVISORY COMMITTEE . . . . .	73
TITLE AND REGISTRATION ADVISORY COMMITTEE . . . . .	69
VENDOR RATES ADVISORY RATES . . . . .	73

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