

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2242

Chapter 565, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

DEPARTMENT OF COMMERCE--CREATION

EFFECTIVE DATE: 07/26/09

Passed by the House April 24, 2009
Yeas 93 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 22, 2009
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 19, 2009, 3:56 p.m., with
the exception of Section 56 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 2242 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 20, 2009

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2242

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Representatives Kenney, Probst, Maxwell, Hunt, Lias, Ormsby, Kelley, Sullivan, Hasegawa, Quall, White, and Chase; by request of Governor Gregoire

Read first time 02/17/09. Referred to Committee on Community & Economic Development & Trade.

1 AN ACT Relating to creating a department of commerce; amending RCW
2 43.330.007, 43.330.010, 43.330.020, 43.330.092, 43.330.094, 43.330.125,
3 43.330.135, 43.330.167, 43.330.170, 43.330.210, 43.330.240, 43.330.250,
4 43.330.280, 43.330.290, 43.330.300, 43.330.900, 19.260.020, 19.280.020,
5 19.285.030, 35.105.010, 36.70A.030, 39.86.110, 43.17.010, 43.17.020,
6 43.21F.025, 43.31.455, 43.31.522, 43.31.800, 43.31C.010, 43.105.020,
7 43.155.020, 43.157.010, 43.168.020, 43.185.020, 43.185A.010,
8 43.185B.010, 43.185C.010, 43.325.010, 43.336.010, 43.338.010,
9 43.360.010, 43.362.010, 43.365.010, 59.21.010, 59.22.020, 70.103.020,
10 70.125.030, 70.164.020, 70.190.010, 80.36.005, 80.80.010, and
11 82.73.010; reenacting and amending RCW 42.17.2401 and 43.160.020;
12 adding a new section to chapter 43.330 RCW; creating a new section;
13 decodifying RCW 43.330.005 and 43.330.904; and providing expiration
14 dates.

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

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

18 The purpose of this chapter is to establish the broad outline of
19 the structure of the department of (~~community, trade, and economic~~

1 development)) commerce, leaving specific details of its internal
2 organization and management to those charged with its administration.
3 This chapter identifies the broad functions and responsibilities of the
4 ((new)) department and is intended to provide flexibility to the
5 director to reorganize these functions and to make recommendations for
6 changes ((through the implementation plan required in section 8,
7 chapter 280, Laws of 1993)).

8 **Sec. 2.** RCW 43.330.010 and 2007 c 322 s 2 are each amended to read
9 as follows:

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

12 (1) "Associate development organization" means a local economic
13 development nonprofit corporation that is broadly representative of
14 community interests.

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

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

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

22 (5) "Microenterprise development organization" means a community
23 development corporation, a nonprofit development organization, a
24 nonprofit social services organization or other locally operated
25 nonprofit entity that provides services to low-income entrepreneurs.

26 (6) "Statewide microenterprise association" means a nonprofit
27 entity with microenterprise development organizations as members that
28 serves as an intermediary between the department of ((community, trade,
29 and economic development)) commerce and local microenterprise
30 development organizations.

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

33 A department of ((community, trade, and economic development))
34 commerce is created. The department shall be vested with all powers
35 and duties established or transferred to it under this chapter and such
36 other powers and duties as may be authorized by law. Unless otherwise

1 specifically provided (~~in chapter 280, Laws of 1993~~), the existing
2 responsibilities and functions of the agency programs will continue to
3 be administered in accordance with their implementing legislation.

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

6 (1) The director shall, in collaboration with the office of the
7 governor, the office of financial management, the Washington economic
8 development commission, the chairs and ranking minority members of the
9 community and economic development and trade committee of the house of
10 representatives and the economic development, trade and innovation
11 committee of the senate, and the chairs and ranking members, or their
12 designees, of the ways and means committees of the house of
13 representatives and the senate and the house of representatives capital
14 budget committee, develop a report with analysis and recommendations on
15 statutory changes that would ensure that the department's efforts are
16 efficient, effective, and:

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

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

21 (c) Generate greater local capacity to respond to local
22 opportunities and needs;

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

25 (e) Maximize results through partnerships and the use of
26 intermediaries; and

27 (f) Provide transparency and increased accountability to the
28 public, the governor, and the legislature.

29 (2) The report shall include recommendations for creating or
30 consolidating programs deemed important to meeting the department's
31 core mission and recommendations for terminating or transferring
32 specific programs if they are not consistent with the department's core
33 mission.

34 (3) In developing the recommendations, the director shall solicit
35 the input of businesses, employees, economic development practitioners,
36 local governments, planning professionals, community and housing

1 organizations, and other key economic and community development
2 stakeholders.

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

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

7 The film and video promotion account is created in the state
8 treasury. All revenue received for film and video promotion purposes
9 under RCW 43.330.090(~~(+4)~~) (2)(b) and all receipts from RCW
10 36.102.060(14) must be deposited into the account. Moneys in the
11 account may be spent only after appropriation. Expenditures from the
12 account may be used by the department of (~~community, trade, and~~
13 ~~economic development~~) commerce only for the purposes of promotion of
14 the film and video production industry in the state of Washington.

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

17 The tourism development and promotion account is created in the
18 state treasury. All receipts from RCW 36.102.060(10) must be deposited
19 into the account. Moneys in the account may be spent only after
20 appropriation. Expenditures from the account may be used by the
21 department of (~~community, trade, and economic development~~) commerce
22 only for the purposes of expanding and promoting the tourism industry
23 in the state of Washington.

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

26 The department of (~~community, trade, and economic development~~)
27 commerce shall provide training and technical assistance to counties
28 and cities to assist them in fulfilling the requirements of chapter
29 36.70B RCW.

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

32 (1) The department of (~~community, trade, and economic~~
33 ~~development~~) commerce shall distribute such funds as are appropriated

1 for the statewide technical support, development, and enhancement of
2 court-appointed special advocate programs.

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

7 (a) The organization must provide statewide support, development,
8 and enhancement of court-appointed special advocate programs that offer
9 guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and
10 13.34.100;

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

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

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

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

26 (1)(a) There is created in the custody of the state treasurer an
27 account to be known as the homeless families services fund. Revenues
28 to the fund consist of a one-time appropriation by the legislature,
29 private contributions, and all other sources deposited in the fund.

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

35 (c) Expenditures from the fund are exempt from appropriations and
36 the allotment provisions of chapter 43.88 RCW. However, money used for

1 program administration by the department is subject to the allotment
2 and budgetary controls of chapter 43.88 RCW, and an appropriation is
3 required for these expenditures.

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

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

- 9 (a) Case management;
- 10 (b) Counseling;
- 11 (c) Referrals to employment support and job training services and
12 direct employment support and job training services;
- 13 (d) Domestic violence services and programs;
- 14 (e) Mental health treatment, services, and programs;
- 15 (f) Substance abuse treatment, services, and programs;
- 16 (g) Parenting skills education and training;
- 17 (h) Transportation assistance;
- 18 (i) Child care; and
- 19 (j) Other supportive services identified by the department to be an
20 important link for housing stability.

21 (4) Organizations that may receive funds from the fund include
22 local housing authorities, nonprofit community or neighborhood-based
23 organizations, public development authorities, federally recognized
24 Indian tribes in the state, and regional or statewide nonprofit housing
25 assistance organizations.

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

28 The office of community development of the department of
29 (~~community, trade, and economic development~~) commerce is directed to
30 conduct a statewide housing market analysis by region. The purpose of
31 the analysis is to identify areas of greatest need for the appropriate
32 investment of state affordable housing funds, using vacancy data and
33 other appropriate measures of need for low-income housing. The
34 analysis shall include the number and types of projects that counties
35 have developed using the funds collected under chapter 294, Laws of
36 2002. The analysis shall be completed by September 2003, and updated
37 every two years thereafter.

1 **Sec. 11.** RCW 43.330.210 and 2000 c 120 s 5 are each amended to
2 read as follows:

3 The developmental disabilities endowment governing board is
4 established to design and administer the developmental disabilities
5 endowment. To the extent funds are appropriated for this purpose, the
6 director of the department of (~~community, trade, and economic~~
7 ~~development~~) commerce shall provide staff and administrative support
8 to the governing board.

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

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

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

19 (c) The seventh member of the board, who shall serve as chair of
20 the board, shall be appointed by the remaining six members of the
21 board.

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

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

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

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

37 (6) Members of the governing board and the state investment board
38 are not liable to the state, to the fund, or to any other person as a

1 result of their activities as members, whether ministerial or
2 discretionary, except for willful dishonesty or intentional violations
3 of law. The department and the state investment board, respectively,
4 may purchase liability insurance for members.

5 **Sec. 12.** RCW 43.330.240 and 2000 c 120 s 9 are each amended to
6 read as follows:

7 The department of (~~community, trade, and economic development~~)
8 commerce shall adopt rules for the implementation of policies
9 established by the governing board in RCW 43.330.200 through
10 43.330.230. Such rules will be consistent with those statutes and
11 chapter 34.05 RCW.

12 **Sec. 13.** RCW 43.330.250 and 2008 c 329 s 914 are each amended to
13 read as follows:

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

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

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

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

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

30 (a) Workforce development;

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

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

1 provided under a contractual arrangement ensuring that the state will
2 receive appropriate consideration, such as an assurance of job creation
3 or retention.

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

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

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

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

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

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

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

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

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

25 **Sec. 14.** RCW 43.330.280 and 2007 c 227 s 2 are each amended to
26 read as follows:

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

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

1 (b) Document clusters of companies throughout the state that have
2 comparative competitive advantage or the potential for comparative
3 competitive advantage, using the process and criteria for identifying
4 strategic clusters developed by the working group specified in
5 subsection (2) of this section;

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

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

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

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

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

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

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

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

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

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

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

26 (f) Using the performance measures developed, perform a biennial
27 assessment and report, the first of which shall be due December 31,
28 2012, on:

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

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

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

37 (iv) Outcomes of the grants for innovation partnership zones.

1 The report shall include recommendations for modifications of chapter
2 227, Laws of 2007 and of state commercialization efforts that would
3 enhance the state's economic competitiveness.

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

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

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

16 **Sec. 15.** RCW 43.330.290 and 2007 c 322 s 3 are each amended to
17 read as follows:

18 The microenterprise development program is established in the
19 department of (~~community, trade, and economic development~~) commerce.
20 In implementing the program, the department:

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

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

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

31 (2) Shall provide funds for capacity building for the statewide
32 microenterprise association and microenterprise development
33 organizations throughout the state;

34 (3) Shall provide grants to microenterprise development
35 organizations for the delivery of training and technical assistance
36 services;

1 (4) Shall identify and facilitate the availability of state,
2 federal, and private sources of funds which may enhance microenterprise
3 development in the state;

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

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

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

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

13 (d) The ability of the microenterprise development organization to
14 monitor the progress of its customers and identify technical and
15 financial assistance needs;

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

20 (f) The sufficiency of operating funds for the microenterprise
21 development organization; and

22 (g) Such other criteria as agreed by the department and the
23 association;

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

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

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

2 **Sec. 16.** RCW 43.330.300 and 2008 c 290 s 1 are each amended to
3 read as follows:

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

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

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

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

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

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

27 (c) Each task force shall:

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

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

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

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

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

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

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

17 **Sec. 17.** RCW 43.330.900 and 1993 c 280 s 79 are each amended to
18 read as follows:

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

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

29 **Sec. 18.** RCW 19.260.020 and 2006 c 194 s 1 are each amended to
30 read as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Automatic commercial ice cube machine" means a factory-made
34 assembly, not necessarily shipped in one package, consisting of a
35 condensing unit and ice-making section operating as an integrated unit

1 with means for making and harvesting ice cubes. It may also include
2 integrated components for storing or dispensing ice, or both.

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

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

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

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

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

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

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

37 (8) "High-intensity discharge lamp" means a lamp in which light is
38 produced by the passage of an electric current through a vapor or gas,

1 and in which the light-producing arc is stabilized by bulb wall
2 temperature and the arc tube has a bulb wall loading in excess of three
3 watts per square centimeter.

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

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

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

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

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

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

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

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

37 (b) "Single-voltage external AC to DC power supply" does not
38 include: (i) Products with batteries or battery packs that physically

1 attach directly to the power supply unit; (ii) products with a battery
2 chemistry or type selector switch and indicator light; or (iii)
3 products with a battery chemistry or type selector switch and a state
4 of charge meter.

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

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

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

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

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

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

26 **Sec. 19.** RCW 19.280.020 and 2006 c 195 s 2 are each amended to
27 read as follows:

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

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

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

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

1 association formed under chapter 24.06 RCW, a port district formed
2 under Title 53 RCW, or a water-sewer district formed under Title 57
3 RCW, that is engaged in the business of distributing electricity to one
4 or more retail electric customers in the state.

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

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

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

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

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

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

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

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

1 the federal government, and the cost of risks associated with
2 environmental effects including emissions of carbon dioxide.

3 (12) "Plan" means either an "integrated resource plan" or a
4 "resource plan."

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

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

18 **Sec. 20.** RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No.
19 937) are each amended to read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Attorney general" means the Washington state office of the
23 attorney general.

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

29 (3) "Commission" means the Washington state utilities and
30 transportation commission.

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

34 (5) "Cost-effective" has the same meaning as defined in RCW
35 80.52.030.

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

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

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

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

8 (10) "Eligible renewable resource" means:

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

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

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

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

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

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

1 (15) "Public facility" has the same meaning as defined in RCW
2 39.35C.010.

3 (16) "Qualifying utility" means an electric utility, as the term
4 "electric utility" is defined in RCW 19.29A.010, that serves more than
5 twenty-five thousand customers in the state of Washington. The number
6 of customers served may be based on data reported by a utility in form
7 861, "annual electric utility report," filed with the energy
8 information administration, United States department of energy.

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

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

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

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

33 **Sec. 21.** RCW 35.105.010 and 2008 c 299 s 2 are each amended to
34 read as follows:

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

1 (1) "Community and urban forest assessment" means an analysis of
2 the community and urban forest inventory to: Establish the scope and
3 scale of forest-related benefits and services; determine the economic
4 valuation of such benefits, highlight trends, and issues of concern;
5 identify high priority areas to be addressed; outline strategies for
6 addressing the critical issues and urban landscapes; and identify
7 opportunities for retaining trees, expanding forest canopy, and
8 planting additional trees to sustain Washington's urban and community
9 forests.

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

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

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

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

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

25 (7) "Public facilities" has the same meaning as defined in RCW
26 36.70A.030.

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

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

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

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

3 **Sec. 22.** RCW 36.70A.030 and 2005 c 423 s 2 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

1 be expressed in a resolution or ordinance of the legislative body of
2 the county or city.

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

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

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

26 (11) "Minerals" include gravel, sand, and valuable metallic
27 substances.

28 (12) "Public facilities" include streets, roads, highways,
29 sidewalks, street and road lighting systems, traffic signals, domestic
30 water systems, storm and sanitary sewer systems, parks and recreational
31 facilities, and schools.

32 (13) "Public services" include fire protection and suppression, law
33 enforcement, public health, education, recreation, environmental
34 protection, and other governmental services.

35 (14) "Recreational land" means land so designated under RCW
36 36.70A.1701 and that, immediately prior to this designation, was
37 designated as agricultural land of long-term commercial significance

1 under RCW 36.70A.170. Recreational land must have playing fields and
2 supporting facilities existing before July 1, 2004, for sports played
3 on grass playing fields.

4 (15) "Rural character" refers to the patterns of land use and
5 development established by a county in the rural element of its
6 comprehensive plan:

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

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

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

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

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

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

19 (g) That are consistent with the protection of natural surface
20 water flows and groundwater and surface water recharge and discharge
21 areas.

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

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

1 (18) "Urban growth" refers to growth that makes intensive use of
2 land for the location of buildings, structures, and impermeable
3 surfaces to such a degree as to be incompatible with the primary use of
4 land for the production of food, other agricultural products, or fiber,
5 or the extraction of mineral resources, rural uses, rural development,
6 and natural resource lands designated pursuant to RCW 36.70A.170. A
7 pattern of more intensive rural development, as provided in RCW
8 36.70A.070(5)(d), is not urban growth. When allowed to spread over
9 wide areas, urban growth typically requires urban governmental
10 services. "Characterized by urban growth" refers to land having urban
11 growth located on it, or to land located in relationship to an area
12 with urban growth on it as to be appropriate for urban growth.

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

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

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

36 **Sec. 23.** RCW 39.86.110 and 1995 c 399 s 57 are each amended to
37 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

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

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

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

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

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

15 (6) "Code" means the federal internal revenue code of 1986 as it
16 exists on May 8, 1987. It also means the code as amended after May 8,
17 1987, but only if the amendments are approved by the agency under RCW
18 39.86.180.

19 (7) "Director" means the director of the agency or the director's
20 designee.

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

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

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

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

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

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

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

6 (15) "Public utility" means the bond use category which includes
7 those bonds described in section 1317(25) of the tax reform act of
8 1986.

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

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

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

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

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

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

22 **Sec. 24.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and
23 2007 c 15 s 1 are each reenacted and amended to read as follows:

24 For the purposes of RCW 42.17.240, the term "executive state
25 officer" includes:

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

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

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

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

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

1 investment board, commission on judicial conduct, legislative ethics
2 board, liquor control board, lottery commission, marine oversight
3 board, Pacific Northwest electric power and conservation planning
4 council, parks and recreation commission, board of pilotage
5 commissioners, pollution control hearings board, public disclosure
6 commission, public pension commission, shorelines (~~hearings~~)
7 hearings board, public employees' benefits board, salmon recovery
8 funding board, board of tax appeals, transportation commission,
9 University of Washington board of regents, utilities and transportation
10 commission, Washington state maritime commission, Washington personnel
11 resources board, Washington public power supply system executive board,
12 Washington State University board of regents, Western Washington
13 University board of trustees, and fish and wildlife commission.

14 **Sec. 25.** RCW 43.17.010 and 2007 c 341 s 46 are each amended to
15 read as follows:

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

32 **Sec. 26.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to
33 read as follows:

34 There shall be a chief executive officer of each department to be
35 known as: (1) The secretary of social and health services, (2) the
36 director of ecology, (3) the director of labor and industries, (4) the

1 director of agriculture, (5) the director of fish and wildlife, (6) the
2 secretary of transportation, (7) the director of licensing, (8) the
3 director of general administration, (9) the director of (~~community,~~
4 ~~trade, and economic development~~) commerce, (10) the director of
5 veterans affairs, (11) the director of revenue, (12) the director of
6 retirement systems, (13) the secretary of corrections, (14) the
7 secretary of health, (15) the director of financial institutions, (16)
8 the director of the department of archaeology and historic
9 preservation, (17) the director of early learning, and (18) the
10 executive director of the Puget Sound partnership.

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

16 **Sec. 27.** RCW 43.21F.025 and 1996 c 186 s 102 are each amended to
17 read as follows:

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

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

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

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

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

1 (6) "Distributor" means any person, private corporation,
2 partnership, individual proprietorship, utility, including investor-
3 owned utilities, municipal utility, public utility district, joint
4 operating agency, or cooperative, which engages in or is authorized to
5 engage in the activity of generating, transmitting, or distributing
6 energy in this state; and

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

10 **Sec. 28.** RCW 43.31.455 and 2005 c 402 s 3 are each amended to read
11 as follows:

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

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

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

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

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

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

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

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

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

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

8 **Sec. 29.** RCW 43.31.522 and 2005 c 136 s 17 are each amended to
9 read as follows:

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

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

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

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

21 **Sec. 30.** RCW 43.31.800 and 1993 c 280 s 52 are each amended to
22 read as follows:

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

26 **Sec. 31.** RCW 43.31C.010 and 2000 c 212 s 2 are each amended to
27 read as follows:

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

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

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

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

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

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

6 **Sec. 32.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
7 as follows:

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

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

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

12 (3) "Committee" means the state interoperability executive
13 committee;

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

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

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

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

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

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

35 (10) "Information processing" means the electronic capture,
36 collection, storage, manipulation, transmission, retrieval, and

1 presentation of information in the form of data, text, voice, or image
2 and includes telecommunications and office automation functions;

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

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

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

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

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

19 (16) "Video telecommunications" means the electronic
20 interconnection of two or more sites for the purpose of transmitting
21 and/or receiving visual and associated audio information. Video
22 telecommunications shall not include existing public television
23 broadcast stations as currently designated by the department of
24 (~~community, trade, and economic development~~) commerce under chapter
25 43.330 RCW;

26 (17) "K-20 educational network board" or "K-20 board" means the K-
27 20 educational network board created in RCW 43.105.800;

28 (18) "K-20 network technical steering committee" or "committee"
29 means the K-20 network technical steering committee created in RCW
30 43.105.810;

31 (19) "K-20 network" means the network established in RCW
32 43.105.820;

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

1 **Sec. 33.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

35 (8) "Technical assistance" means training and other services
36 provided to local governments to: (a) Help such local governments
37 plan, apply, and qualify for loans and financing guarantees from the

1 board, and (b) help local governments improve their ability to plan
2 for, finance, acquire, construct, repair, replace, rehabilitate, and
3 maintain public facilities.

4 **Sec. 34.** RCW 43.157.010 and 2004 c 275 s 63 are each amended to
5 read as follows:

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

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

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

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

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

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

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

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

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

6 (ix) In counties with one hundred or more persons per square mile
7 as determined annually by the office of financial management and
8 published by the department of revenue effective for the period July
9 1st through June 30th, projected full-time employment positions after
10 completion of construction of one hundred or greater; or

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

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

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

22 (4) The term applicant means a person applying to the department of
23 (~~community, trade, and economic development~~) commerce for designation
24 of a development project as an industrial project of statewide
25 significance.

26 **Sec. 35.** RCW 43.160.020 and 2008 c 327 s 2 and 2008 c 131 s 1 are
27 each reenacted and amended to read as follows:

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

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

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

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

1 (4) "Public facilities" means a project of a local government or a
2 federally recognized Indian tribe for the planning, acquisition,
3 construction, repair, reconstruction, replacement, rehabilitation, or
4 improvement of bridges, roads, domestic and industrial water, earth
5 stabilization, sanitary sewer, storm sewer, railroad, electricity,
6 telecommunications, transportation, natural gas, buildings or
7 structures, and port facilities, all for the purpose of job creation,
8 job retention, or job expansion.

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

14 **Sec. 36.** RCW 43.168.020 and 2008 c 131 s 2 are each amended to
15 read as follows:

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

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

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

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

1 percent higher than the county's unemployment rate. For purposes of
2 this definition, "families and unrelated individuals" has the same
3 meaning that is ascribed to that term by the federal department of
4 housing and urban development in its regulations authorizing action
5 grants for economic development and neighborhood revitalization
6 projects.

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

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

13 (6) "Project" means the establishment of a new or expanded business
14 in an area which when completed will provide employment opportunities.
15 "Project" also means the retention of an existing business in an area
16 which when completed will provide employment opportunities.

17 (7) "Rural county" has the same meaning as provided in RCW
18 82.14.370.

19 **Sec. 37.** RCW 43.185.020 and 1995 c 399 s 101 are each amended to
20 read as follows:

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

24 **Sec. 38.** RCW 43.185A.010 and 2008 c 6 s 301 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

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

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

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

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

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

12 **Sec. 39.** RCW 43.185B.010 and 1995 c 399 s 104 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

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

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

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

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

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

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

4 **Sec. 40.** RCW 43.185C.010 and 2007 c 427 s 3 are each amended to
5 read as follows:

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

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

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

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

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

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

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

35 (7) "Local government" means a county government in the state of
36 Washington or a city government, if the legislative authority of the

1 city affirmatively elects to accept the responsibility for housing
2 homeless persons within its borders.

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

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

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

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

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

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

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

31 (15) "Homeless housing program" means the program authorized under
32 this chapter as administered by the department at the state level and
33 by the local government or its designated subcontractor at the local
34 level.

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

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

4 (18) "Washington homeless client management information system"
5 means a database of information about homeless individuals in the state
6 used to coordinate resources to assist homeless clients to obtain and
7 retain housing and reach greater levels of self-sufficiency or economic
8 independence when appropriate, depending upon their individual
9 situations.

10 **Sec. 41.** RCW 43.325.010 and 2007 c 348 s 301 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Applicant" means any political subdivision of the state,
15 including port districts, counties, cities, towns, special purpose
16 districts, and other municipal corporations or quasi-municipal
17 corporations. "Applicant" may also include federally recognized tribes
18 and state institutions of higher education with appropriate research
19 capabilities.

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

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

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

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

36 (6) "Cellulose" means lignocellulosic, hemicellulosic, or other
37 cellulosic matter that is available on a renewable or recurring basis,

1 including dedicated energy crops and trees, wood and wood residues,
2 plants, grasses, agricultural residues, fibers, animal wastes and other
3 waste materials, and municipal solid waste.

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

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

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

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

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

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

27 (13) "Refueling project" means the construction of new alternative
28 fuel refueling facilities, as well as upgrades and expansion of
29 existing refueling facilities, that will enable these facilities to
30 offer alternative fuels to the public.

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

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

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

1 **Sec. 42.** RCW 43.336.010 and 2007 c 228 s 101 are each amended to
2 read as follows:

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

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

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

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

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

11 **Sec. 43.** RCW 43.338.010 and 2008 c 315 s 2 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

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

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

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

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

31 (5) "Innovation and modernization extension services" and "service"
32 mean a service funded under this chapter and performed by a qualified
33 manufacturing extension partnership affiliate. The services may
34 include but are not limited to strategic planning, continuous
35 improvement, business development, six sigma, quality improvement,
36 environmental health and safety, lean processes, energy management,

1 innovation and product development, human resources and training,
2 supply chain management, and project management.

3 (6) "Outreach services" means those activities performed by an
4 affiliate to either assess the technical assistance needs of Washington
5 manufacturers or increase manufacturers' awareness of the opportunities
6 and benefits of implementing cutting edge technology, techniques, and
7 best practices. "Outreach services" includes but is not limited to
8 salaries of outreach staff, needs assessments, client follow-up, public
9 educational events, manufacturing orientated trade shows, electronic
10 communications, newsletters, advertising, direct mail efforts, and
11 contacting business organizations for names of manufacturers who might
12 need assistance.

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

15 (8) "Program participant" and "participant" mean an applicant for
16 assistance under the program that has received a voucher or a small
17 manufacturer receiving services through an industry association or
18 cluster association that has received a voucher.

19 (9) "Qualified manufacturing extension partnership affiliate" and
20 "affiliate" mean a private nonprofit organization established under RCW
21 24.50.010 or other organization that is eligible or certified to
22 receive federal matching funds from the national institute of standards
23 and technology manufacturing extension partnership program of the
24 United States department of commerce.

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

28 **Sec. 44.** RCW 43.360.010 and 2005 c 514 s 908 are each amended to
29 read as follows:

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

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

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

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

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

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

5 **Sec. 45.** RCW 43.362.010 and 2007 c 482 s 2 are each amended to
6 read as follows:

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

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

11 (2) "Nongovernmental entities" includes nonprofit or membership
12 organizations with experience or expertise in transferring development
13 rights.

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

19 **Sec. 46.** RCW 43.365.010 and 2006 c 247 s 2 are each amended to
20 read as follows:

21 The following definitions apply to this chapter, unless the context
22 clearly requires otherwise.

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

30 (2) "Contribution" means cash contributions.

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

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

3 (5) "Motion picture" means a recorded audio-visual production
4 intended for distribution to theaters, DVD, video, or the internet, or
5 television, or one or more episodes of a single television series,
6 television pilots or presentations, or a commercial. "Motion picture"
7 does not mean production of a television commercial of an amount less
8 than two hundred fifty thousand dollars in actual total investment or
9 one or more segments of a newscast or sporting event.

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

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

13 **Sec. 47.** RCW 59.21.010 and 2002 c 257 s 1 are each amended to read
14 as follows:

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

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

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

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

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

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

31 (6) "Relocate" means to remove the mobile home from the mobile home
32 park being closed and to either reinstall it in another location or to
33 demolish it and purchase another mobile/manufactured home constructed
34 to the standards set by the department of housing and urban
35 development.

36 (7) "Relocation assistance" means the monetary assistance provided
37 under this chapter.

1 **Sec. 48.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to
2 read as follows:

3 The following definitions shall apply throughout this chapter
4 unless the context clearly requires otherwise:

5 (1) "Account" means the (~~mobile-home-affairs~~) manufactured
6 housing account created under RCW 59.22.070.

7 (2) "Affordable" means that, where feasible, low-income residents
8 should not pay more than thirty percent of their monthly income for
9 housing costs.

10 (3) "Conversion costs" includes the cost of acquiring the mobile
11 home park, the costs of planning and processing the conversion, the
12 costs of any needed repairs or rehabilitation, and any expenditures
13 required by a government agency or lender for the project.

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

16 (5) "Fee" means the mobile home title transfer fee imposed under
17 RCW 59.22.080.

18 (6) "Fund" or "park purchase account" means the mobile home park
19 purchase account created pursuant to RCW 59.22.030.

20 (7) "Housing costs" means the total cost of owning, occupying, and
21 maintaining a mobile home and a lot or space in a mobile home park.

22 (8) "Individual interest in a mobile home park" means any interest
23 which is fee ownership or a lesser interest which entitles the holder
24 to occupy a lot or space in a mobile home park for a period of not less
25 than either fifteen years or the life of the holder. Individual
26 interests in a mobile home park include, but are not limited to, the
27 following:

28 (a) Ownership of a lot or space in a mobile home park or
29 subdivision;

30 (b) A membership or shares in a stock cooperative, or a limited
31 equity housing cooperative; or

32 (c) Membership in a nonprofit mutual benefit corporation which
33 owns, operates, or owns and operates the mobile home park.

34 (9) "Low-income resident" means an individual or household who
35 resided in the mobile home park prior to application for a loan
36 pursuant to this chapter and with an annual income at or below eighty
37 percent of the median income for the county of standard metropolitan

1 statistical area of residence. Net worth shall be considered in the
2 calculation of income with the exception of the resident's
3 mobile/manufactured home which is used as their primary residence.

4 (10) "Low-income spaces" means those spaces in a mobile home park
5 operated by a resident organization which are occupied by low-income
6 residents.

7 (11) "Mobile home park" means a mobile home park, as defined in RCW
8 59.20.030(~~(+4)~~) (10), or a manufactured home park subdivision as
9 defined by RCW 59.20.030(~~(+6)~~) (12) created by the conversion to
10 resident ownership of a mobile home park.

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

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

25 (14) "Landlord" shall have the same meaning as it does in RCW
26 59.20.030.

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

32 (16) "Mobile home" shall have the same meaning as it does in RCW
33 46.04.302.

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

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

1 **Sec. 49.** RCW 70.103.020 and 2003 c 322 s 2 are each amended to
2 read as follows:

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

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

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

8 (i) The removal of paint and dust, the permanent enclosure or
9 encapsulation of lead-based paint, the replacement of painted surfaces
10 or fixtures, or the removal or permanent covering of soil, when lead-
11 based paint hazards are present in such paint, dust, or soil; and

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

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

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

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

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

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

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

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

35 (c) Abatement does not include renovation, remodeling, landscaping,
36 or other activities, when such activities are not designed to
37 permanently eliminate lead-based paint hazards, but, instead, are
38 designed to repair, restore, or remodel a given structure or dwelling,

1 even though these activities may incidentally result in a reduction or
2 elimination of lead-based paint hazards. Furthermore, abatement does
3 not include interim controls, operations and maintenance activities, or
4 other measures and activities designed to temporarily, but not
5 permanently, reduce lead-based paint hazards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (17) "Risk assessment" means:

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

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

1 **Sec. 50.** RCW 70.125.030 and 2000 c 54 s 1 are each amended to read
2 as follows:

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

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

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

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

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

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

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

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

21 (a) Rape or rape of a child;

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

23 (c) Incest or indecent liberties;

24 (d) Child molestation;

25 (e) Sexual misconduct with a minor;

26 (f) Custodial sexual misconduct;

27 (g) Crimes with a sexual motivation; or

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

29 (8) "Specialized services" means treatment services for victims of
30 sexual assault including support groups, therapy, and specialized
31 sexual assault medical examination.

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

34 **Sec. 51.** RCW 70.164.020 and 1995 c 399 s 199 are each amended to
35 read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

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

31 **Sec. 52.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to
32 read as follows:

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

35 (1) "Administrative costs" means the costs associated with
36 procurement; payroll processing; personnel functions; management;

1 maintenance and operation of space and property; data processing and
2 computer services; accounting; budgeting; auditing; indirect costs; and
3 organizational planning, consultation, coordination, and training.

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

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

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

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

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

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

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

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

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

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

13 (12) "Policy development" has the same meaning as provided in RCW
14 43.70.010.

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

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

26 **Sec. 53.** RCW 80.36.005 and 2003 c 134 s 1 are each amended to read
27 as follows:

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

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

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

36 (3) "Department" means the department of social and health
37 services.

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

2 (5) "Community action agency" means local community action agencies
3 or local community service agencies designated by the department of
4 (~~community, trade, and economic development~~) commerce under chapter
5 43.63A RCW.

6 **Sec. 54.** RCW 80.80.010 and 2007 c 307 s 2 are each amended to read
7 as follows:

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

10 (1) "Attorney general" means the Washington state office of the
11 attorney general.

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

16 (3) "Average available greenhouse (~~gases-[gas]~~) gas emissions
17 output" means the level of greenhouse (~~gases-[gas]~~) gas emissions as
18 surveyed and determined by the energy policy division of the department
19 of (~~community, trade, and economic development~~) commerce under RCW
20 80.80.050.

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

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

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

34 (7) "Commission" means the Washington utilities and transportation
35 commission.

36 (8) "Consumer-owned utility" means a municipal utility formed under
37 Title 35 RCW, a public utility district formed under Title 54 RCW, an

1 irrigation district formed under chapter 87.03 RCW, a cooperative
2 formed under chapter 23.86 RCW, a mutual corporation or association
3 formed under chapter 24.06 RCW, or port district within which an
4 industrial district has been established as authorized by Title 53 RCW,
5 that is engaged in the business of distributing electricity to more
6 than one retail electric customer in the state.

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

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

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

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

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

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

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

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

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

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

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

32 (18) "Upgrade" means any modification made for the primary purpose
33 of increasing the electric generation capacity of a baseload electric
34 generation facility. "Upgrade" does not include routine or necessary
35 maintenance, installation of emission control equipment, installation,
36 replacement, or modification of equipment that improves the heat rate
37 of the facility, or installation, replacement, or modification of
38 equipment for the primary purpose of maintaining reliable generation

1 output capability that does not increase the heat input or fuel usage
2 as specified in existing generation air quality permits as of July 22,
3 2007, but may result in incidental increases in generation capacity.

4 **Sec. 55.** RCW 82.73.010 and 2005 c 514 s 902 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

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

10 (2) "Contribution" means cash contributions.

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

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

13 (5) "Program" means a nonprofit organization under internal revenue
14 code sections 501(c)(3) or 501(c)(6), with the sole mission of
15 revitalizing a downtown or neighborhood commercial district area, that
16 is designated by the department of (~~community, trade, and economic~~
17 ~~development~~) commerce as described in RCW 43.360.010 through
18 43.360.050.

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

22 ***NEW SECTION. Sec. 56. RCW 43.330.005 and 43.330.904 are**
23 **decodified.**
**Sec. 56 was vetoed. See message at end of chapter.*

24 NEW SECTION. Sec. 57. (1) Section 16 of this act expires July 1,
25 2015.

26 (2) Section 41 of this act expires June 30, 2016.

27 NEW SECTION. Sec. 58. The code reviser shall note wherever
28 director or department of community, trade, and economic development is
29 used or referred to in statute that the name of the department has
30 changed. The code reviser shall prepare legislation for the 2010
31 regular session that changes all statutory references to director or
32 department of community, trade, and economic development to director or

1 department of commerce.

Passed by the House April 24, 2009.

Passed by the Senate April 22, 2009.

Approved by the Governor May 19, 2009, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 20, 2009.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Section 56, Engrossed House Bill 2242 entitled:

"AN ACT Relating to creating a department of commerce."

Section 56 inadvertently removes the State Energy Program from the Revised Code of Washington. De-codifying the Energy Office was not the intent of this executive request legislation. Therefore, I have vetoed Section 56.

For these reasons, I have vetoed Section 56 of Engrossed House Bill 2242.

With the exception of Section 56, Engrossed House Bill 2242 is approved."