

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1066**

Chapter 470, Laws of 2023

(partial veto)

68th Legislature  
2023 Regular Session

TECHNICAL CORRECTIONS

EFFECTIVE DATE: July 23, 2023—Except for section 3018, which is contingent.

Passed by the House April 13, 2023  
Yeas 90 Nays 7

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 5, 2023  
Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Approved May 16, 2023 10:47 AM with  
the exception of sections 1002, 1006,  
1008, 1018, 2021, 2024, 2027, 2040,  
2041, 2070, 2071, 2095, 2102, 3003,  
3012, and 3020, which are vetoed.

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the  
House of Representatives of the  
State of Washington, do hereby  
certify that the attached is **HOUSE  
BILL 1066** as passed by the House of  
Representatives and the Senate on  
the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 17, 2023

**Secretary of State  
State of Washington**

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**HOUSE BILL 1066**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington**                      **68th Legislature**                      **2023 Regular Session**

**By** Representatives Goodman, Abbarno, Simmons, and Kloba; by request of Statute Law Committee

Prefiled 12/22/22. Read first time 01/09/23. Referred to Committee on Civil Rights & Judiciary.

1            AN ACT Relating to making technical corrections and removing  
2 obsolete language from the Revised Code of Washington pursuant to RCW  
3 1.08.025; amending RCW 10.99.033, 7.68.360, 18.85.285, 19.27.190,  
4 24.46.010, 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900,  
5 28B.50.281, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260,  
6 35.13.171, 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70B.040,  
7 36.70B.080, 36.93.080, 36.110.030, 39.04.156, 39.19.240, 39.34.230,  
8 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072,  
9 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612,  
10 43.21G.010, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205,  
11 43.31.504, 43.31.970, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230,  
12 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.720, 43.63A.735,  
13 43.63A.764, 43.70.540, 43.132.030, 43.132.810, 43.133.030,  
14 43.133.050, 43.150.040, 43.163.020, 43.163.120, 43.168.010,  
15 43.176.030, 43.176.901, 43.180.040, 43.180.200, 43.180.220,  
16 43.185A.100, 43.185C.200, 43.210.030, 43.210.060, 43.270.020,  
17 43.270.070, 43.270.080, 43.310.020, 43.325.100, 43.325.110,  
18 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064, 47.39.040,  
19 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200, 50.38.030,  
20 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010, 57.46.020,  
21 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040,  
22 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195, 66.08.198,  
23 67.28.8001, 67.38.070, 70.62.290, 70.114A.070, 70.136.030,

1 70A.50.020, 70A.205.210, 70A.205.710, 71.09.255, 72.09.055,  
2 72.65.210, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480,  
3 80.36.440, 80.80.050, 80.80.080, 90.56.280, 9.41.280, 9.41.284,  
4 9.41.305, 9A.44.050, 9A.44.100, 9.94A.838, 9A.44.128, 9A.72.160,  
5 10.31.115, 43.20A.715, 82.04.758, 43.41.425, 64.38.110, 72.01.412,  
6 88.02.620, and 28A.705.010; reenacting and amending RCW 10.99.080,  
7 28A.300.145, 43.03.305, 43.185B.020, 46.04.670, 46.68.340, 53.08.370,  
8 54.16.330, 70A.15.3150, 79.64.100, 43.21J.030, and 9A.44.010;  
9 reenacting RCW 10.99.030, 46.25.010, 66.24.210, 66.24.495, 69.50.530,  
10 69.50.540, 70.47.020, 74.09.053, 82.38.060, and 82.42.040; creating a  
11 new section; decodifying RCW 28A.300.2851, 28A.300.807, 43.10.300,  
12 43.280.091, and 44.82.010; repealing 2011 1st sp. sess. c 35 s 3  
13 (uncodified); providing a contingent effective date; and providing  
14 expiration dates.

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

16 NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser,  
17 with the approval of the statute law committee, to prepare  
18 legislation for submission to the legislature "concerning  
19 deficiencies, conflicts, or obsolete provisions" in statutes. This  
20 act makes technical, nonsubstantive amendments as follows:

21 (1) Part 1 of this act merges multiple amendments created when  
22 sections were amended without reference to other amendments made in  
23 the same session.

24 (2) Part 2 of this act updates references in the code to the  
25 "department of community, trade, and economic development" with the  
26 "department of commerce," in accordance with the renaming of that  
27 department by chapter 565, Laws of 2009.

28 (3) Section 3001 of this act adds an expiration date to  
29 amendments to RCW 51.32.099. The underlying section expired June 30,  
30 2016, but expiration dates for three amendatory sections were  
31 apparently omitted in error.

32 (4) Section 3002 of this act repeals an expiration date for 2011  
33 amendments to RCW 74.60.020 and 74.60.090. The repealed expiration  
34 date conflicts with the expiration date provided in RCW 74.60.901.

35 (5) Section 3003 of this act decodifies groups that are no longer  
36 active.

1 (6) Sections 3004 through 3006 of this act reorganize subsection  
2 numbering so that distinct criminal penalties are located in separate  
3 paragraphs.

4 (7) Sections 3007 through 3010 of this act correct terminology  
5 relating to behavioral health disorders in certain sex offense  
6 statutes.

7 (8) Section 3011 of this act updates a reference to a federal law  
8 which was reclassified and renumbered in 2017.

9 (9) Section 3012 of this act updates a subsection reference in  
10 RCW 9A.72.160.

11 (10) Sections 3013 through 3015 of this act replace instances of  
12 the word "marijuana" with "cannabis," in accordance with chapter 16,  
13 Laws of 2022.

14 (11) Section 3016 of this act corrects an erroneous section  
15 reference.

16 (12) Section 3017 of this act changes the term "apartment" to  
17 "lot" in a section of chapter 64.38 RCW, relating to homeowners'  
18 associations.

19 (13) Sections 3018 and 3019 of this act correct an erroneous  
20 subsection reference.

21 (14) Sections 3020 and 3021 of this act replace an erroneous  
22 usage of the word "county" with "country."

23 (15) Section 3022 of this act amends cross-references in the  
24 interstate compact on educational opportunity for military children.

25 **PART 1**

26 **MERGING MULTIPLE AMENDMENTS**

27 **Sec. 1001.** RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2  
28 are each reenacted to read as follows:

29 (1) The primary duty of peace officers, when responding to a  
30 domestic violence situation, is to enforce the laws allegedly  
31 violated and to protect the complaining party.

32 (2)(a) When a peace officer responds to a domestic violence call  
33 and has probable cause to believe that a crime has been committed,  
34 the peace officer shall exercise arrest powers with reference to the  
35 criteria in RCW 10.31.100. The officer shall notify the victim of the  
36 victim's right to initiate a criminal proceeding in all cases where  
37 the officer has not exercised arrest powers or decided to initiate

1 criminal proceedings by citation or otherwise. The parties in such  
2 cases shall also be advised of the importance of preserving evidence.

3 (b) A peace officer responding to a domestic violence call shall  
4 take a complete offense report including the officer's disposition of  
5 the case.

6 (3)(a) A peace officer who responds to a domestic violence call  
7 and has probable cause to believe that a crime has been committed  
8 shall:

9 (i) Seize all firearms and ammunition the peace officer has  
10 reasonable grounds to believe were used or threatened to be used in  
11 the commission of the offense;

12 (ii) Seize all firearms in plain sight or discovered pursuant to  
13 a lawful search; and

14 (iii) Request consent to take temporary custody of any other  
15 firearms and ammunition to which the alleged abuser has access until  
16 a judicial officer has heard the matter.

17 (b) The peace officer shall separate the parties and then inquire  
18 of the victim: (i) If there are any firearms or ammunition in the  
19 home that are owned or possessed by either party; (ii) if the alleged  
20 abuser has access to any other firearms located off-site; and (iii)  
21 whether the alleged abuser has an active concealed pistol license, so  
22 that there is a complete record for future court proceedings. The  
23 inquiry should make clear to the victim that the peace officer is not  
24 asking only about whether a firearm was used at the time of the  
25 incident but also under other circumstances, such as whether the  
26 alleged abuser has kept a firearm in plain sight in a manner that is  
27 coercive, has threatened use of firearms in the past, or has  
28 additional firearms in a vehicle or other location. Law enforcement  
29 personnel may use a pictorial display of common firearms to assist  
30 the victim in identifying firearms.

31 (c) The peace officer shall document all information about  
32 firearms and concealed pistol licenses in the incident report. The  
33 incident report must be coded to indicate the presence of or access  
34 to firearms so that personal recognizance screeners, prosecutors, and  
35 judicial officers address the heightened risk to victim, family, and  
36 peace officer safety due to the alleged abuser's access to firearms.

37 (d) A law enforcement agency shall comply with the provisions of  
38 RCW 9.41.340 and 9.41.345 before the return of any firearm or  
39 ammunition seized under this subsection to the owner or individual  
40 from who the firearm or ammunition was obtained.

1 (4) When a peace officer responds to a domestic violence call:

2 (a) The officer shall advise victims of all reasonable means to  
3 prevent further abuse, including advising each person of the  
4 availability of a shelter or other services in the community, and  
5 giving each person immediate notice of the legal rights and remedies  
6 available. The notice shall include handing each person a copy of the  
7 following statement:

8 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
9 city or county prosecuting attorney to file a criminal  
10 complaint. You also have the right to file a petition in  
11 superior, district, or municipal court requesting an order  
12 for protection from domestic abuse which could include any of  
13 the following: (a) An order restraining your abuser from  
14 further acts of abuse; (b) an order directing your abuser to  
15 leave your household; (c) an order preventing your abuser  
16 from entering your residence, school, business, or place of  
17 employment; (d) an order awarding you or the other parent  
18 custody of or visitation with your minor child or children;  
19 (e) an order restraining your abuser from molesting or  
20 interfering with minor children in your custody; and (f) an  
21 order requiring your abuser to turn in any firearms and  
22 concealed pistol license in the abuser's possession or  
23 control to law enforcement and prohibiting the abuser from  
24 possessing or accessing firearms or a concealed pistol  
25 license for the duration of the civil order. The forms you  
26 need to obtain a protection order are available in any  
27 municipal, district, or superior court.

28 Information about shelters and alternatives to domestic  
29 violence is available from a statewide twenty-four-hour toll-  
30 free hotline at (include appropriate phone number). The  
31 battered women's shelter and other resources in your area  
32 are . . . . (include local information)"; and

33 (b) The officer is encouraged to inform victims that information  
34 on traumatic brain injury can be found on the statewide website  
35 developed under RCW 74.31.070.

36 (5) The peace officer may offer, arrange, or facilitate  
37 transportation for the victim to a hospital for treatment of injuries  
38 or to a place of safety or shelter.

1 (6) An appointed or elected public official, public employee, or  
2 public agency as defined in RCW 4.24.470, or units of local  
3 government and its employees, as provided in RCW 36.28A.010, are  
4 immune from civil liability for damages arising out of the seizure or  
5 lack of seizure of a firearm, unless it is shown that the official,  
6 employee, or agency acted with gross negligence or in bad faith.

7 **\*Sec. 1002. RCW 10.99.033 and 2019 c 367 s 2 are each amended to**  
8 **read as follows:**

9 (1) **All training relating to the handling of domestic violence**  
10 **complaints by law enforcement officers must stress enforcement of**  
11 **criminal laws in domestic situations, availability of community**  
12 **resources, and protection of the victim. Law enforcement agencies and**  
13 **community organizations with expertise in the issue of domestic**  
14 **violence shall cooperate in all aspects of such training.**

15 (2) **The criminal justice training commission shall implement by**  
16 **July 28, 2019, a course of instruction for the training of law**  
17 **enforcement officers in Washington in the handling of domestic**  
18 **violence complaints. The basic law enforcement curriculum of the**  
19 **criminal justice training commission must include at least twenty**  
20 **hours of basic training instruction on the law enforcement response**  
21 **to domestic violence. The course of instruction, the learning and**  
22 **performance objectives, and the standards for the training must be**  
23 **developed by the commission and focus on enforcing the criminal laws,**  
24 **safety of the victim, and holding the perpetrator accountable for the**  
25 **violence. The curriculum must include training on the extent and**  
26 **prevalence of domestic violence, the importance of criminal justice**  
27 **intervention, techniques for responding to incidents that minimize**  
28 **the likelihood of officer injury and that promote victim safety,**  
29 **investigation and interviewing skills, evidence gathering and report**  
30 **writing, assistance to and services for victims and children,**  
31 **understanding the risks of traumatic brain injury posed by domestic**  
32 **violence, verification and enforcement of court orders, liability,**  
33 **and any additional provisions that are necessary to carry out the**  
34 **intention of this subsection.**

35 (3) **The criminal justice training commission shall develop and**  
36 **update annually an in-service training program to familiarize law**  
37 **enforcement officers with domestic violence laws. The program must**  
38 **include techniques for handling incidents of domestic violence that**  
39 **minimize the likelihood of injury to the officer and that promote the**

1 *safety of all parties. The commission shall make the training program*  
2 *available to all law enforcement agencies in the state.*

3 *(4) Development of the training in subsections (2) and (3) of*  
4 *this section must be conducted in conjunction with agencies having a*  
5 *primary responsibility for serving victims of domestic violence with*  
6 *emergency shelter and other services, and representatives to the*  
7 *statewide organization providing training and education to these*  
8 *organizations and to the general public.*

*\*Sec. 1002 was vetoed. See message at end of chapter.*

9 **Sec. 1003.** RCW 10.99.080 and 2015 c 275 s 14 and 2015 c 265 s 24  
10 are each reenacted and amended to read as follows:

11 (1) All superior courts, and courts organized under Title 3 or 35  
12 RCW, may impose a penalty of one hundred dollars, plus an additional  
13 fifteen dollars on any (~~person~~) adult offender convicted of a crime  
14 involving domestic violence; in no case shall a penalty assessment  
15 exceed one hundred fifteen dollars on any adult offender convicted of  
16 a crime involving domestic violence. The assessment shall be in  
17 addition to, and shall not supersede, any other penalty, restitution,  
18 fines, or costs provided by law.

19 (2) Revenue from the:

20 (a) One hundred dollar assessment shall be used solely for the  
21 purposes of establishing and funding domestic violence advocacy and  
22 domestic violence prevention and prosecution programs in the city or  
23 county of the court imposing the assessment. Such revenue from the  
24 assessment shall not be used for indigent criminal defense. If the  
25 city or county does not have domestic violence advocacy or domestic  
26 violence prevention and prosecution programs, cities and counties may  
27 use the revenue collected from the assessment to contract with  
28 recognized community-based domestic violence program providers.

29 (b) Fifteen dollar assessment must be remitted monthly to the  
30 state treasury for deposit in the domestic violence prevention  
31 account.

32 (3) The one hundred dollar assessment imposed under this section  
33 shall not be subject to any state or local remittance requirements  
34 under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

35 (4) For the purposes of this section, "convicted" includes a plea  
36 of guilty, a finding of guilt regardless of whether the imposition of  
37 the sentence is deferred or any part of the penalty is suspended, or  
38 the levying of a fine. For the purposes of this section, "domestic

1 violence" has the same meaning as that term is defined under RCW  
2 10.99.020 and includes violations of equivalent local ordinances.

3 (5) When determining whether to impose a penalty assessment under  
4 this section, judges are encouraged to solicit input from the victim  
5 or representatives for the victim in assessing the ability of the  
6 convicted offender to pay the penalty, including information  
7 regarding current financial obligations, family circumstances, and  
8 ongoing restitution.

9 **Sec. 1004.** RCW 28A.300.145 and 2013 c 85 s 1 and 2013 c 10 s 3  
10 are each reenacted and amended to read as follows:

11 (1) The Washington coalition of sexual assault programs, in  
12 consultation with the Washington association of sheriffs and police  
13 chiefs, the Washington association of prosecuting attorneys, the  
14 Washington state school directors' association, the association of  
15 Washington school principals, the center for children and youth  
16 justice, youthcare, the committee for children, the department of  
17 (~~early learning~~) children, youth, and families, the department of  
18 social and health services, the office of crime victims advocacy,  
19 other relevant organizations, and the office of the superintendent of  
20 public instruction, shall by June 1, 2014, update existing  
21 educational materials made available throughout the state to inform  
22 parents, students, school districts, and other interested community  
23 members about:

24 (a) The laws related to sex offenses, including the legal  
25 elements of (~~sexual-[sex]~~) sex offenses under chapter 9A.44 RCW  
26 where a minor is a victim, the consequences upon conviction, and sex  
27 offender registration, community notification, and the classification  
28 of sex offenders based on an assessment of the risk of reoffending;

29 (b) How to recognize behaviors characteristic of sex offenses and  
30 sex offenders;

31 (c) How to prevent victimization, particularly that of young  
32 children;

33 (d) How to take advantage of community resources for victims of  
34 sexual assault;

35 (e) How to prevent children from being recruited into sex  
36 trafficking; and

37 (~~(+6)~~) (f) Other information as deemed appropriate.

38 (2) By September 1, 2014, and biennially thereafter, the  
39 Washington coalition of sexual assault programs, in consultation with

1 the Washington association of sheriffs and police chiefs, the  
2 Washington association of prosecuting attorneys, and the office of  
3 the superintendent of public instruction, shall review and update the  
4 educational materials developed under subsection (1) of this section  
5 to assure that they remain current and accurate, and are  
6 age-appropriate for a variety of ages.

7 (3) Every public school that offers sexual health education must  
8 assure that sexual health education complies with existing  
9 requirements in the January 2005 guidelines for sexual health  
10 information and disease prevention developed by the department of  
11 health and the superintendent of public instruction. Specifically,  
12 sexual health education must attempt to achieve the objective "take  
13 responsibility for and understand the consequences of their own  
14 behavior" and the objective "avoid exploitive or manipulative  
15 relationships." To do this, sexual health education programs should  
16 include age-appropriate information about the legal elements of  
17 (~~sexual~~[sex]) sex offenses under chapter 9A.44 RCW where a minor  
18 is a victim and the consequences upon conviction, as well as the  
19 other information required to be included in informational materials  
20 prepared pursuant to subsection (1) of this section. Public schools  
21 that offer sexual health education are encouraged to incorporate the  
22 materials developed under subsection (1) of this section into the  
23 curriculum.

24 **Sec. 1005.** RCW 43.03.305 and 2011 c 254 s 1 and 2011 c 60 s 34  
25 are each reenacted and amended to read as follows:

26 There is created a commission to be known as the Washington  
27 citizens' commission on salaries for elected officials, to consist of  
28 members appointed by the governor as provided in this section.

29 (1) One registered voter from each congressional district shall  
30 be selected by the secretary of state from among those registered  
31 voters eligible to vote at the time persons are selected for  
32 appointment to serve on the commission. The secretary shall establish  
33 policies and procedures for conducting the selection by lot. The  
34 policies and procedures shall include, but not be limited to, those  
35 for notifying persons selected and for providing a new selection from  
36 a congressional district if a person selected from the district  
37 declines appointment to the commission or if, following the person's  
38 appointment, the person's position on the commission becomes vacant  
39 before the end of the person's term of office.

1           (2) Seven commission members, all residents of this state, shall  
2 be selected jointly by the speaker of the house of representatives  
3 and the president of the senate. The persons selected under this  
4 subsection shall have had experience in the field of personnel  
5 management. Of these seven members, one shall be selected from each  
6 of the following five sectors in this state: Private institutions of  
7 higher education; business; professional personnel management; legal  
8 profession; and organized labor. Of the two remaining members, one  
9 shall be a person recommended to the speaker and the president by the  
10 chair of the Washington personnel resources board and one shall be a  
11 person recommended by majority vote of the presidents of the state's  
12 four-year institutions of higher education.

13           (3) The secretary of state shall forward the names of persons  
14 selected under subsection (1) of this section and the speaker of the  
15 house of representatives and president of the senate shall forward  
16 the names of persons selected under subsection (2) of this section to  
17 the governor who shall appoint these persons to the commission.  
18 Except as provided in subsection (6) of this section, all members  
19 shall serve four-year terms and the names of the persons selected for  
20 appointment to the commission shall be forwarded to the governor not  
21 later than the first day of July every two years.

22           (4) No person may be appointed to more than two terms. No member  
23 of the commission may be removed by the governor during his or her  
24 term of office unless for cause of incapacity, incompetence, neglect  
25 of duty, or malfeasance in office or for a disqualifying change of  
26 residence.

27           The unexcused absence of any person who is a member of the  
28 commission from two consecutive meetings of the commission shall  
29 constitute the relinquishment of that person's membership on the  
30 commission. Such a relinquishment creates a vacancy in that person's  
31 position on the commission. A member's absence may be excused by the  
32 chair of the commission upon the member's written request if the  
33 chair believes there is just cause for the absence. Such a request  
34 must be received by the chair before the meeting for which the  
35 absence is to be excused. A member's absence from a meeting of the  
36 commission may also be excused during the meeting for which the  
37 member is absent by the affirmative vote of a majority of the members  
38 of the commission present at the meeting.

39           (5) No state official, public employee, or lobbyist, or immediate  
40 family member of the official, employee, or lobbyist, subject to the

1 registration requirements of chapter (~~(42.17-01)~~) 42.17A RCW is  
2 eligible for membership on the commission.

3 As used in this subsection the phrase "immediate family" means  
4 the parents, spouse or domestic partner, siblings, children, or  
5 dependent relative of the official or lobbyist whether or not living  
6 in the household of the official or lobbyist, and the parent, spouse  
7 or domestic partner, sibling, child, or dependent relative of the  
8 employee, living in the household of the employee or who is dependent  
9 in whole or in part for his or her support upon the earnings of the  
10 state employee.

11 (6) (a) Upon a vacancy in any position on the commission, a  
12 successor shall be selected and appointed to fill the unexpired term.  
13 The selection and appointment shall be concluded within thirty days  
14 of the date the position becomes vacant and shall be conducted in the  
15 same manner as originally provided.

16 (b) Initial members appointed from congressional districts  
17 created after July 22, 2011, shall be selected and appointed in the  
18 manner provided in subsection (1) of this section. The selection and  
19 appointment must be concluded within ninety days of the date the  
20 district is created. The term of an initial member appointed under  
21 this subsection terminates July 1st of an even-numbered year so that  
22 at no point may the terms of more than one-half plus one of the  
23 members selected under subsection (1) of this section terminate in  
24 the same year.

25 **\*Sec. 1006. RCW 43.185B.020 and 2022 c 266 s 3 and 2022 c 165 s**  
26 **8 are each reenacted and amended to read as follows:**

27 **(1) The department shall establish the affordable housing**  
28 **advisory board to consist of ((23)) 24 members.**

29 **(a) The following ((20)) 21 members shall be appointed by the**  
30 **governor:**

31 **(i) Two representatives of the residential construction industry;**

32 **(ii) Two representatives of the home mortgage lending profession;**

33 **(iii) One representative of the real estate sales profession;**

34 **(iv) One representative of the apartment management and operation**  
35 **industry;**

36 **(v) One representative of the for-profit housing development**  
37 **industry;**

38 **(vi) One representative of for-profit rental housing owners;**

1 (vii) One representative of the nonprofit housing development  
2 industry;

3 (viii) One representative of homeless shelter operators;

4 (ix) One representative of lower-income persons;

5 (x) One representative of special needs populations;

6 (xi) One representative of public housing authorities as created  
7 under chapter 35.82 RCW;

8 (xii) Two representatives of the Washington association of  
9 counties, one representative shall be from a county that is located  
10 east of the crest of the Cascade mountains;

11 (xiii) Two representatives of the association of Washington  
12 cities, one representative shall be from a city that is located east  
13 of the crest of the Cascade mountains;

14 (xiv) One representative to serve as chair of the affordable  
15 housing advisory board;

16 (xv) One representative of organizations that operate site-based  
17 permanent supportive housing and deliver onsite supportive housing  
18 services; ((and))

19 (xvi) One representative at large; and

20 ((~~xvi~~)) (xvii) One representative from a unit owners'  
21 association as defined in RCW 64.34.020 or 64.90.010.

22 (b) The following three members shall serve as ex officio,  
23 nonvoting members:

24 (i) The director or the director's designee;

25 (ii) The executive director of the Washington state housing  
26 finance commission or the executive director's designee; and

27 (iii) The secretary of social and health services or the  
28 secretary's designee.

29 (2) (a) The members of the affordable housing advisory board  
30 appointed by the governor shall be appointed for four-year terms,  
31 except that the chair shall be appointed to serve a two-year term.  
32 The terms of five of the initial appointees shall be for two years  
33 from the date of appointment and the terms of six of the initial  
34 appointees shall be for three years from the date of appointment. The  
35 governor shall designate the appointees who will serve the two-year  
36 and three-year terms. The members of the advisory board shall serve  
37 without compensation, but shall be reimbursed for travel expenses as  
38 provided in RCW 43.03.050 and 43.03.060.

1           **(b) The governor, when making appointments to the affordable**  
2 **housing advisory board, shall make appointments that reflect the**  
3 **cultural diversity of the state of Washington.**

4           **(3) The affordable housing advisory board shall serve as the**  
5 **department's principal advisory body on housing and housing-related**  
6 **issues, and replaces the department's existing boards and task forces**  
7 **on housing and housing-related issues.**

8           **(4) The affordable housing advisory board shall meet regularly**  
9 **and may appoint technical advisory committees, which may include**  
10 **members of the affordable housing advisory board, as needed to**  
11 **address specific issues and concerns.**

12           **(5) The department, in conjunction with the Washington state**  
13 **housing finance commission and the department of social and health**  
14 **services, shall supply such information and assistance as are deemed**  
15 **necessary for the advisory board to carry out its duties under this**  
16 **section.**

17           **(6) The department shall provide administrative and clerical**  
18 **assistance to the affordable housing advisory board.**

*\*Sec. 1006 was vetoed. See message at end of chapter.*

19           **Sec. 1007.** RCW 46.04.670 and 2019 c 214 s 7 and 2019 c 170 s 2  
20 are each reenacted and amended to read as follows:

21           (1) "Vehicle" means a device capable of being moved upon a public  
22 highway and in, upon, or by which any persons or property is or may  
23 be transported or drawn upon a public highway.

24           (2) "Vehicle" excludes:

25           (a) A power wheelchair or device other than a bicycle moved by  
26 human or animal power or used exclusively upon stationary rails or  
27 tracks;

28           (b) A moped, for the purposes of chapter 46.70 RCW;

29           (c) A bicycle or a motorized foot scooter, for the purposes of  
30 chapter 46.12, 46.16A, or 46.70 RCW, or for RCW 82.12.045;

31           (d) An electric personal assistive mobility device or a motorized  
32 foot scooter, for the purposes of chapter 46.12, 46.16A, 46.29,  
33 46.37, or 46.70 RCW;

34           (e) A golf cart, except for the purposes of chapter 46.61 RCW;  
35 and

36           (f) A personal delivery device as defined in RCW 46.75.010,  
37 except for the purposes of chapter 46.61 RCW.

1       \*Sec. 1008. RCW 46.25.010 and 2019 c 195 s 1 and 2019 c 44 s 3  
2 are each reenacted to read as follows:

3       The definitions set forth in this section apply throughout this  
4 chapter.

5       (1) "Alcohol" means any substance containing any form of alcohol,  
6 including but not limited to ethanol, methanol, propanol, and  
7 isopropanol.

8       (2) "Alcohol concentration" means:

9       (a) The number of grams of alcohol per one hundred milliliters of  
10 blood; or

11       (b) The number of grams of alcohol per two hundred ten liters of  
12 breath.

13       (3) "Commercial driver's license" (CDL) means a license issued to  
14 an individual under chapter 46.20 RCW that has been endorsed in  
15 accordance with the requirements of this chapter to authorize the  
16 individual to drive a class of commercial motor vehicle.

17       (4) The "commercial driver's license information system" (CDLIS)  
18 is the information system established pursuant to 49 U.S.C. Sec.  
19 31309 to serve as a clearinghouse for locating information related to  
20 the licensing and identification of commercial motor vehicle drivers.

21       (5) "Commercial learner's permit" (CLP) means a permit issued  
22 under RCW 46.25.052 for the purposes of behind-the-wheel training.

23       (6) "Commercial motor vehicle" means a motor vehicle or  
24 combination of motor vehicles used in commerce to transport  
25 passengers or property if the motor vehicle:

26       (a) Has a gross combination weight rating or gross combination  
27 weight of 11,794 kilograms or more (26,001 pounds or more), whichever  
28 is greater, inclusive of any towed unit or units with a gross vehicle  
29 weight rating or gross vehicle weight of more than 4,536 kilograms  
30 (10,000 pounds), whichever is greater; or

31       (b) Has a gross vehicle weight rating or gross vehicle weight of  
32 11,794 kilograms or more (26,001 pounds or more), whichever is  
33 greater; or

34       (c) Is designed to transport sixteen or more passengers,  
35 including the driver; or

36       (d) Is of any size and is used in the transportation of hazardous  
37 materials as defined in this section; or

38       (e) Is a school bus regardless of weight or size.

39       (7) "Conviction" means an unvacated adjudication of guilt, or a  
40 determination that a person has violated or failed to comply with the

1 law in a court of original jurisdiction or by an authorized  
2 administrative tribunal, an unvacated forfeiture of bail or  
3 collateral deposited to secure the person's appearance in court, a  
4 plea of guilty or nolo contendere accepted by the court, the payment  
5 of a fine or court cost, entry into a deferred prosecution program  
6 under chapter 10.05 RCW, or violation of a condition of release  
7 without bail, regardless of whether or not the penalty is rebated,  
8 suspended, or probated.

9 (8) "Disqualification" means a prohibition against driving a  
10 commercial motor vehicle.

11 (9) "Drive" means to drive, operate, or be in physical control of  
12 a motor vehicle in any place open to the general public for purposes  
13 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and  
14 46.25.120, "drive" includes operation or physical control of a motor  
15 vehicle anywhere in the state.

16 (10) "Drugs" are those substances as defined by RCW 69.04.009,  
17 including, but not limited to, those substances defined by 49 C.F.R.  
18 Sec. 40.3.

19 (11) "Employer" means any person, including the United States, a  
20 state, or a political subdivision of a state, who owns or leases a  
21 commercial motor vehicle, or assigns a person to drive a commercial  
22 motor vehicle.

23 (12) "Gross vehicle weight rating" (GVWR) means the value  
24 specified by the manufacturer as the maximum loaded weight of a  
25 single vehicle. The GVWR of a combination or articulated vehicle,  
26 commonly referred to as the "gross combined weight rating" or GCWR,  
27 is the GVWR of the power unit plus the GVWR of the towed unit or  
28 units. If the GVWR of any unit cannot be determined, the actual gross  
29 weight will be used. If a vehicle with a GVWR of less than 11,794  
30 kilograms (26,001 pounds or less) has been structurally modified to  
31 carry a heavier load, then the actual gross weight capacity of the  
32 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will  
33 be used as the GVWR.

34 (13) "Hazardous materials" means any material that has been  
35 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to  
36 be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of  
37 a material listed as a select agent or toxin in 42 C.F.R. Part 73.

38 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer,  
39 or semitrailer propelled or drawn by mechanical power used on  
40 highways, or any other vehicle required to be registered under the

1 laws of this state, but does not include a vehicle, machine, tractor,  
2 trailer, or semitrailer operated exclusively on a rail.

3 (15) (a) "Nondomiciled CLP or CDL" means a permit or license,  
4 respectively, issued under RCW 46.25.054 to a person who meets one of  
5 the following criteria:

6 (i) Is domiciled in a foreign country as provided in 49 C.F.R.  
7 Sec. 383.23(b)(1) as it existed on October 1, 2017, or such  
8 subsequent date as may be provided by the department by rule,  
9 consistent with the purposes of this section; or

10 (ii) Is domiciled in another state as provided in 49 C.F.R. Sec.  
11 383.23(b)(2) as it existed on October 1, 2017, or such subsequent  
12 date as may be provided by the department by rule, consistent with  
13 the purposes of this section.

14 (b) The definition in this subsection (15) applies exclusively to  
15 the use of the term in this chapter and is not to be applied in any  
16 other chapter of the Revised Code of Washington.

17 (16) "Out-of-service order" means a declaration by an authorized  
18 enforcement officer of a federal, state, Canadian, Mexican, or local  
19 jurisdiction that a driver, a commercial motor vehicle, or a motor  
20 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.  
21 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North  
22 American uniform out-of-service criteria.

23 (17) "Positive alcohol confirmation test" means an alcohol  
24 confirmation test that:

25 (a) Has been conducted by a breath alcohol technician under 49  
26 C.F.R. Part 40; and

27 (b) Indicates an alcohol concentration of 0.04 or more.

28 A report that a person has refused an alcohol test, under  
29 circumstances that constitute the refusal of an alcohol test under 49  
30 C.F.R. Part 40, will be considered equivalent to a report of a  
31 positive alcohol confirmation test for the purposes of this chapter.

32 (18) "School bus" means a commercial motor vehicle used to  
33 transport preprimary, primary, or secondary school students from home  
34 to school, from school to home, or to and from school-sponsored  
35 events. School bus does not include a bus used as a common carrier.

36 (19) "Serious traffic violation" means:

37 (a) Excessive speeding, defined as fifteen miles per hour or more  
38 in excess of the posted limit;

39 (b) Reckless driving, as defined under state or local law;

1 (c) Driving while using a personal electronic device, defined as  
2 a violation of RCW 46.61.672, which includes in the activities it  
3 prohibits driving while holding a personal electronic device in  
4 either or both hands and using a hand or finger for texting, or an  
5 equivalent administrative rule or local law, ordinance, rule, or  
6 resolution;

7 (d) A violation of a state or local law relating to motor vehicle  
8 traffic control, other than a parking violation, arising in  
9 connection with an accident or collision resulting in death to any  
10 person;

11 (e) Driving a commercial motor vehicle without obtaining a  
12 commercial driver's license;

13 (f) Driving a commercial motor vehicle without a commercial  
14 driver's license in the driver's possession; however, any individual  
15 who provides proof to the court by the date the individual must  
16 appear in court or pay any fine for such a violation, that the  
17 individual held a valid CDL on the date the citation was issued, is  
18 not guilty of a "serious traffic violation";

19 (g) Driving a commercial motor vehicle without the proper class  
20 of commercial driver's license endorsement or endorsements for the  
21 specific vehicle group being operated or for the passenger or type of  
22 cargo being transported; and

23 (h) Any other violation of a state or local law relating to motor  
24 vehicle traffic control, other than a parking violation, that the  
25 department determines by rule to be serious.

26 (20) "State" means a state of the United States and the District  
27 of Columbia.

28 (21) "Substance abuse professional" means an alcohol and drug  
29 specialist meeting the credentials, knowledge, training, and  
30 continuing education requirements of 49 C.F.R. Sec. 40.281.

31 (22) "Tank vehicle" means any commercial motor vehicle that is  
32 designed to transport any liquid or gaseous materials within a tank  
33 or tanks having an individual rated capacity of more than one hundred  
34 nineteen gallons and an aggregate rated capacity of one thousand  
35 gallons or more that is either permanently or temporarily attached to  
36 the vehicle or the chassis. A commercial motor vehicle transporting  
37 an empty storage container tank, not designed for transportation,  
38 with a rated capacity of one thousand gallons or more that is  
39 temporarily attached to a flatbed trailer is not considered a tank  
40 vehicle.

1           (23) *"Type of driving" means one of the following:*

2           (a) *"Nonexcepted interstate," which means the CDL or CLP holder*  
3 *or applicant operates or expects to operate in interstate commerce,*  
4 *is both subject to and meets the qualification requirements under 49*  
5 *C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent*  
6 *date as may be provided by the department by rule, consistent with*  
7 *the purposes of this section, and is required to obtain a medical*  
8 *examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on*  
9 *April 30, 2019, or such subsequent date as may be provided by the*  
10 *department by rule, consistent with the purposes of this section;*

11           (b) *"Excepted interstate," which means the CDL or CLP holder or*  
12 *applicant operates or expects to operate in interstate commerce, but*  
13 *engages exclusively in transportation or operations excepted under 49*  
14 *C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on*  
15 *April 30, 2019, or such subsequent date as may be provided by the*  
16 *department by rule, consistent with the purposes of this section,*  
17 *from all or parts of the qualification requirements of 49 C.F.R. Part*  
18 *391 as it existed on April 30, 2019, or such subsequent date as may*  
19 *be provided by the department by rule, consistent with the purposes*  
20 *of this section, and is required to obtain a medical examiner's*  
21 *certificate in accordance with procedures provided in 49 C.F.R. Sec.*  
22 *391.45 as it existed on April 30, 2019, or such subsequent date as*  
23 *may be provided by the department by rule, consistent with the*  
24 *purposes of this section;*

25           (c) *"Nonexcepted intrastate," which means the CDL or CLP holder*  
26 *or applicant operates only in intrastate commerce and is required to*  
27 *obtain a medical examiner's certificate in accordance with procedures*  
28 *provided in 49 C.F.R. Sec. 391.45 as it existed on April 30, 2019, or*  
29 *such subsequent date as may be provided by the department by rule,*  
30 *consistent with the purposes of this section; or*

31           (d) *"Excepted intrastate," which means the CDL or CLP holder*  
32 *wishes to maintain a CDL or CLP but not operate a commercial motor*  
33 *vehicle without changing his or her self-certification type.*

34           (24) *"United States" means the fifty states and the District of*  
35 *Columbia.*

36           (25) *"Verified positive drug test" means a drug test result or*  
37 *validity testing result from a laboratory certified under the*  
38 *authority of the federal department of health and human services*  
39 *that:*

1 (a) Indicates a drug concentration at or above the cutoff  
2 concentration established under 49 C.F.R. Sec. 40.87; and

3 (b) Has undergone review and final determination by a medical  
4 review officer.

5 A report that a person has refused a drug test, under  
6 circumstances that constitute the refusal of a federal department of  
7 transportation drug test under 49 C.F.R. Part 40, will be considered  
8 equivalent to a report of a verified positive drug test for the  
9 purposes of this chapter.

10 (26) "Collector truck" means a vehicle that:

11 (a) Has current registration;

12 (b) Is older than thirty years old;

13 (c) Is a vehicle that meets the weight criteria of subsection (6)  
14 of this section;

15 (d) Is capable of safely operating on the highway;

16 (e) Is used for occasional use to and from truck conventions,  
17 auto shows, circuses, parades, displays, special excursions, and  
18 antique vehicle club meetings;

19 (f) Is used for the pleasure of others without compensation; and

20 (g) Is not used in the operations of a common or contract motor  
21 carrier and not used for commercial purposes.

22 (27) "Collector truck operator" means an operator of a  
23 noncommercial vehicle that is being exclusively owned and operated as  
24 a collector truck.

\*Sec. 1008 was vetoed. See message at end of chapter.

25 **Sec. 1009.** RCW 46.68.340 and 2013 2nd sp.s. c 35 s 14 and 2013  
26 2nd sp.s. c 4 s 986 are each reenacted and amended to read as  
27 follows:

28 The ignition interlock device revolving account is created in the  
29 state treasury. All receipts from the fee assessed under RCW  
30 46.20.385(6) must be deposited into the account. Moneys in the  
31 account may be spent only after appropriation. Expenditures from the  
32 account may be used for administering and operating the ignition  
33 interlock device revolving account program ~~((and))~~ implementing  
34 effective strategies to reduce motor vehicle-related deaths and  
35 serious injuries, such as those found in the Washington state  
36 strategic highway safety plan: Target Zero<sub>L</sub> and during the 2013-2015  
37 fiscal biennium, the legislature may appropriate moneys from the

1 ignition interlock device revolving account for substance abuse  
2 programs for offenders.

3 **Sec. 1010.** RCW 53.08.370 and 2021 c 294 s 9 and 2021 c 293 s 3  
4 are each reenacted and amended to read as follows:

5 (1) A port district in existence on June 8, 2000, may construct,  
6 purchase, acquire, develop, finance, lease, license, handle, provide,  
7 add to, contract for, interconnect, alter, improve, repair, operate,  
8 and maintain any telecommunications facilities within or without the  
9 district's limits for the following purposes:

10 (a) For the district's own use;

11 (b) For the provision of wholesale telecommunications services  
12 within or without the district's limits; or

13 (c) For the provision of retail telecommunications services as  
14 authorized (~~(in)~~) under this section.

15 (2) Except as provided in subsection (8) of this section, a port  
16 district providing wholesale or retail telecommunications services  
17 under this section shall ensure that rates, terms, and conditions for  
18 such services are not unduly or unreasonably discriminatory or  
19 preferential. Rates, terms, and conditions are discriminatory or  
20 preferential when a port district offering such rates, terms, and  
21 conditions to an entity for wholesale or retail telecommunications  
22 services does not offer substantially similar rates, terms, and  
23 conditions to all other entities seeking substantially similar  
24 services.

25 (3) When a port district establishes a separate utility function  
26 for the provision of wholesale or retail telecommunications services,  
27 it shall account for any and all revenues and expenditures related to  
28 its wholesale or retail telecommunications facilities and services  
29 separately from revenues and expenditures related to its internal  
30 telecommunications operations. Any revenues received from the  
31 provision of wholesale or retail telecommunications services must be  
32 dedicated to the utility function that includes the provision of  
33 wholesale or retail telecommunications services for costs incurred to  
34 build and maintain the telecommunications facilities until such time  
35 as any bonds or other financing instruments executed after June 8,  
36 2000, and used to finance the telecommunications facilities are  
37 discharged or retired.

38 (4) When a port district establishes a separate utility function  
39 for the provision of wholesale or retail telecommunications services,

1 all telecommunications services rendered by the separate function to  
2 the district for the district's internal telecommunications needs  
3 shall be charged at its true and full value. A port district may not  
4 charge its nontelecommunications operations rates that are  
5 preferential or discriminatory compared to those it charges entities  
6 purchasing wholesale or retail telecommunications services.

7 (5) A port district shall not exercise powers of eminent domain  
8 to acquire telecommunications facilities or contractual rights held  
9 by any other person or entity to telecommunications facilities.

10 (6) Except as otherwise specifically provided, a port district  
11 may exercise any of the powers granted to it under this title and  
12 other applicable laws in carrying out the powers authorized under  
13 this section. Nothing in chapter 81, Laws of 2000 limits any existing  
14 authority of a port district under this title.

15 (7) A port district with telecommunications facilities for use in  
16 the provision of wholesale or retail telecommunications in accordance  
17 with subsection (1) of this section may be subject to local leasehold  
18 excise taxes under RCW 82.29A.040.

19 (8)(a) A port district under this section may select a  
20 telecommunications company to operate all or a portion of the port  
21 district's telecommunications facilities.

22 (b) For the purposes of this section "telecommunications company"  
23 means any for-profit entity owned by investors that sells  
24 telecommunications services to end users.

25 (c) Nothing in this subsection (8) is intended to limit or  
26 otherwise restrict any other authority provided by law.

27 (9) A port district may provide retail telecommunications  
28 services within or without the district's limits.

29 (10)(a) A port district may provide retail telecommunications  
30 services to end users in unserved areas.

31 (b) A port district must notify and consult with the governor's  
32 statewide broadband office within 30 days of its decision to provide  
33 retail telecommunications services to unserved areas. The governor's  
34 statewide broadband office must post notices received from a port  
35 district pursuant to this subsection on its public website.

36 (c) Any port district that intends to provide retail  
37 telecommunications services to unserved areas must submit a  
38 telecommunications infrastructure and service plan to the governor's  
39 statewide broadband office that will be published on the office's  
40 website. Submission of plans will enable the governor's statewide

1 broadband office: (i) To better understand infrastructure deployment;  
2 (ii) to potentially allocate funding for unserved areas; (iii) to  
3 advance the state policy objectives; (iv) to determine whether the  
4 plan aligns with state policy objectives and broadband priorities;  
5 (v) to measure progress toward serving those in unserved areas; (vi)  
6 to report on the feasibility and sustainability of the project; and  
7 (vii) to confirm that the project is within an unserved area. The  
8 telecommunications infrastructure and service plans shall include,  
9 but not be limited to, the following:

10 (A) Map and description of how the deployment of proposed  
11 broadband infrastructure will achieve at a minimum 100 megabits per  
12 second download speed and at a minimum 20 megabits per second upload  
13 speed and then increases to be consistent with the stated long-term  
14 state broadband speed goals for unserved areas;

15 (B) Project timeline prioritization of unserved areas; and

16 (C) Description of potential state and federal funding available  
17 to provide service to the unserved area.

18 (d) A port district that exercises its authority under (a) of  
19 this subsection to provide retail telecommunications services may use  
20 state funds, federal funds appropriated through the state, or federal  
21 funds dedicated for projects in unserved areas to fund projects  
22 identified in the submitted telecommunications infrastructure and  
23 service plan required in (c) of this subsection.

24 (e) A port district providing retail telecommunications services  
25 under this subsection must operate an open access network.

26 (f) Provisions in this subsection do not apply to the provision  
27 of wholesale telecommunications services authorized in this section.

28 (g) For the purposes of this subsection:

29 (i) "Open access network" means a network that, during the useful  
30 life of the infrastructure, ensures service providers may use network  
31 services and facilities at rates, terms, and conditions that are not  
32 discriminatory or preferential between providers, and employs  
33 accountable interconnection arrangements published and available  
34 publicly.

35 (ii) "Unserved areas" means areas of Washington in which  
36 households and businesses lack access to broadband service of speeds  
37 at a minimum of 100 megabits per second download and at a minimum 20  
38 megabits per second upload.

1       **Sec. 1011.** RCW 54.16.330 and 2021 c 294 s 2 and 2021 c 293 s 1  
2 are each reenacted and amended to read as follows:

3       (1) A public utility district in existence on June 8, 2000, may  
4 construct, purchase, acquire, develop, finance, lease, license,  
5 handle, provide, add to, contract for, interconnect, alter, improve,  
6 repair, operate, and maintain any telecommunications facilities  
7 within or without the district's limits for the following purposes:

8       (a) For the district's internal telecommunications needs;

9       (b) For the provision of wholesale telecommunications services as  
10 follows:

11       (i) Within the district and by contract with another public  
12 utility district;

13       (ii) Within an area in an adjoining county that is already  
14 provided electrical services by the district; or

15       (iii) Within an adjoining county that does not have a public  
16 utility district providing electrical or telecommunications services  
17 headquartered within the county's boundaries, but only if the  
18 district providing telecommunications services is not authorized to  
19 provide electrical services; or

20       (c) For the provision of retail telecommunications services as  
21 authorized in this section.

22       (2) A public utility district providing wholesale or retail  
23 telecommunications services shall ensure that rates, terms, and  
24 conditions for such services are not unduly or unreasonably  
25 discriminatory or preferential. Rates, terms, and conditions are  
26 discriminatory or preferential when a public utility district  
27 offering rates, terms, and conditions to an entity for wholesale or  
28 retail telecommunications services does not offer substantially  
29 similar rates, terms, and conditions to all other entities seeking  
30 substantially similar services.

31       (3) A public utility district providing wholesale or retail  
32 telecommunications services shall not be required to, but may,  
33 establish a separate utility system or function for such purpose. In  
34 either case, a public utility district providing wholesale or retail  
35 telecommunications services shall separately account for any revenues  
36 and expenditures for those services according to standards  
37 established by the state auditor pursuant to its authority in chapter  
38 43.09 RCW and consistent with the provisions of this title. Any  
39 revenues received from the provision of wholesale or retail  
40 telecommunications services must be dedicated to costs incurred to

1 build and maintain any telecommunications facilities constructed,  
2 installed, or acquired to provide such services, including payments  
3 on debt issued to finance such services, until such time as any bonds  
4 or other financing instruments executed after June 8, 2000, and used  
5 to finance such telecommunications facilities are discharged or  
6 retired.

7 (4) When a public utility district provides wholesale or retail  
8 telecommunications services, all telecommunications services rendered  
9 to the district for the district's internal telecommunications needs  
10 shall be allocated or charged at its true and full value. A public  
11 utility district may not charge its nontelecommunications operations  
12 rates that are preferential or discriminatory compared to those it  
13 charges entities purchasing wholesale or retail telecommunications  
14 services.

15 (5) If a person or entity receiving retail telecommunications  
16 services from a public utility district under this section has a  
17 complaint regarding the reasonableness of the rates, terms,  
18 conditions, or services provided, the person or entity may file a  
19 complaint with the district commission.

20 (6) A public utility district shall not exercise powers of  
21 eminent domain to acquire telecommunications facilities or  
22 contractual rights held by any other person or entity to  
23 telecommunications facilities.

24 (7) Except as otherwise specifically provided, a public utility  
25 district may exercise any of the powers granted to it under this  
26 title and other applicable laws in carrying out the powers authorized  
27 under this section. Nothing in chapter 81, Laws of 2000 limits any  
28 existing authority of a public utility district under this title.

29 (8) A public utility district may provide retail  
30 telecommunications services or telecommunications facilities within  
31 the district's limits or without the district's limits by contract  
32 with another public utility district, any political subdivision of  
33 the state authorized to provide retail telecommunications services in  
34 the state, or with any federally recognized tribe located in the  
35 state of Washington.

36 (~~(10)~~) (9)(a) A public utility district may provide retail  
37 telecommunications services to end users in unserved areas.

38 (b) A public utility district must notify and consult with the  
39 governor's statewide broadband office within 30 days of its decision  
40 to provide retail telecommunications services to unserved areas. The

1 governor's statewide broadband office must post notices received from  
2 a public utility district pursuant to this subsection on its public  
3 website.

4 (c) Any public utility district that intends to provide retail  
5 telecommunications services to unserved areas must submit a  
6 telecommunications infrastructure and service plan to the governor's  
7 statewide broadband office that will be published on the office's  
8 website. Submission of plans will enable the governor's statewide  
9 broadband office: (i) To better understand infrastructure deployment;  
10 (ii) to potentially allocate funding for unserved areas; (iii) to  
11 advance the state policy objectives; (iv) to determine whether the  
12 plan aligns with state policy objectives and broadband priorities;  
13 (v) to measure progress toward serving those in unserved areas; (vi)  
14 to report on the feasibility and sustainability of the project; and  
15 (vii) to confirm that the project is within an unserved area. The  
16 telecommunications infrastructure and service plans shall include,  
17 but not be limited to, the following:

18 (A) Map and description of how the deployment of proposed  
19 broadband infrastructure will achieve at a minimum 100 megabits per  
20 second download speed and at a minimum 20 megabits per second upload  
21 speed and then increases to be consistent with the stated long-term  
22 state broadband speed goals for unserved areas;

23 (B) Project timeline prioritization of unserved areas; and

24 (C) Description of potential state and federal funding available  
25 to provide service to the unserved area.

26 (d) A public utility district that exercises its authority under  
27 (a) of this subsection to provide retail telecommunications services  
28 may use state funds, federal funds appropriated through the state, or  
29 federal funds dedicated for projects in unserved areas to fund  
30 projects identified in the submitted telecommunications  
31 infrastructure and service plan required in (c) of this subsection.

32 (e) A public utility district providing retail telecommunications  
33 services under this subsection must operate an open access network.

34 (f) This section does not apply to retail internet services  
35 provided by a public utility district under RCW 54.16.420.

36 (g) Provisions in this subsection do not apply to the provision  
37 of wholesale telecommunications services authorized in this section.

38 (h) For the purposes of this subsection:

39 (i) "Open access network" means a network that, during the useful  
40 life of the infrastructure, ensures service providers may use network

1 services and facilities at rates, terms, and conditions that are not  
2 discriminatory or preferential between providers, and employs  
3 accountable interconnection arrangements published and available  
4 publicly.

5 (ii) "Unserved areas" means areas of Washington in which  
6 households and businesses lack access to broadband service of speeds  
7 at a minimum of 100 megabits per second download and at a minimum 20  
8 megabits per second upload.

9 **Sec. 1012.** RCW 66.24.210 and 2016 c 235 s 12 and 2016 c 225 s 1  
10 are each reenacted to read as follows:

11 (1) There is hereby imposed upon all wines except cider sold to  
12 wine distributors within the state a tax at the rate of twenty and  
13 one-fourth cents per liter. Any domestic winery or certificate of  
14 approval holder acting as a distributor of its own production must  
15 pay taxes imposed by this section. There is hereby imposed on all  
16 cider sold to wine distributors within the state a tax at the rate of  
17 three and fifty-nine one-hundredths cents per liter. However, wine  
18 sold or shipped in bulk from one winery to another winery is not  
19 subject to such tax.

20 (a) The tax provided for in this section shall be collected by  
21 direct payments based on wine purchased by wine distributors.

22 (b) Except as provided in subsection (7) of this section, every  
23 person purchasing wine under the provisions of this section must on  
24 or before the twentieth day of each month report to the board all  
25 purchases during the preceding calendar month in such manner and upon  
26 such forms as may be prescribed by the board, and with such report  
27 must pay the tax due from the purchases covered by such report unless  
28 the same has previously been paid. Any such purchaser of wine whose  
29 applicable tax payment is not postmarked by the twentieth day  
30 following the month of purchase will be assessed a penalty at the  
31 rate of two percent a month or fraction thereof. The board may  
32 require that every such person shall execute to and file with the  
33 board a bond to be approved by the board, in such amount as the board  
34 may fix, securing the payment of the tax. If any such person fails to  
35 pay the tax when due, the board may suspend or cancel the license  
36 until all taxes are paid.

37 (c) Any licensed retailer authorized to purchase wine from a  
38 certificate of approval holder with a direct shipment endorsement or  
39 a domestic winery must make monthly reports to the liquor and

1 cannabis board on wine purchased during the preceding calendar month  
2 in the manner and upon such forms as may be prescribed by the board.

3 (2) An additional tax is imposed equal to the rate specified in  
4 RCW 82.02.030 multiplied by the tax payable under subsection (1) of  
5 this section. All revenues collected during any month from this  
6 additional tax must be transferred to the state general fund by the  
7 twenty-fifth day of the following month.

8 (3) An additional tax is imposed on wines subject to tax under  
9 subsection (1) of this section, at the rate of one-fourth of one cent  
10 per liter for wine sold after June 30, 1987. After June 30, 1996,  
11 such additional tax does not apply to cider. An additional tax of  
12 five one-hundredths of one cent per liter is imposed on cider sold  
13 after June 30, 1996. All revenues collected under this subsection (3)  
14 shall be disbursed quarterly to the Washington wine commission for  
15 use in carrying out the purposes of chapter 15.88 RCW.

16 (4) An additional tax is imposed on all wine subject to tax under  
17 subsection (1) of this section. The additional tax is equal to  
18 twenty-three and forty-four one-hundredths cents per liter on  
19 fortified wine as defined in RCW 66.04.010 when bottled or packaged  
20 by the manufacturer, one cent per liter on all other wine except  
21 cider, and eighteen one-hundredths of one cent per liter on cider.  
22 All revenues collected during any month from this additional tax  
23 shall be deposited in the state general fund by the twenty-fifth day  
24 of the following month.

25 (5)(a) An additional tax is imposed on all cider subject to tax  
26 under subsection (1) of this section. The additional tax is equal to  
27 two and four one-hundredths cents per liter of cider sold after June  
28 30, 1996, and before July 1, 1997, and is equal to four and seven  
29 one-hundredths cents per liter of cider sold after June 30, 1997.

30 (b) All revenues collected from the additional tax imposed under  
31 this subsection (5) must be deposited in the state general fund.

32 (6) For the purposes of this section, "cider" means table wine  
33 that contains not less than one-half of one percent of alcohol by  
34 volume and not more than eight and one-half percent of alcohol by  
35 volume and is made from the normal alcoholic fermentation of the  
36 juice of sound, ripe apples or pears. "Cider" includes, but is not  
37 limited to, flavored, sparkling, or carbonated cider and cider made  
38 from condensed apple or pear must.

39 (7) For the purposes of this section, out-of-state wineries must  
40 pay taxes under this section on wine sold and shipped directly to

1 Washington state residents in a manner consistent with the  
2 requirements of a wine distributor under subsections (1) through (4)  
3 of this section, except wineries shall be responsible for the tax and  
4 not the resident purchaser.

5 (8) Notwithstanding any other provision of this section, any  
6 domestic winery or wine certificate of approval holder acting as a  
7 distributor of its own production that had total taxable sales of  
8 wine in Washington state of six thousand gallons or less during the  
9 calendar year preceding the date on which the tax would otherwise be  
10 due is not required to pay taxes under this section more often than  
11 annually.

12 **Sec. 1013.** RCW 66.24.495 and 2021 c 176 s 5234 and 2021 c 6 s 10  
13 are each reenacted to read as follows:

14 (1)(a) There shall be a license to be designated as a nonprofit  
15 arts organization license. This shall be a special license to be  
16 issued to any nonprofit arts organization which sponsors and presents  
17 productions or performances of an artistic or cultural nature in a  
18 specific theater or other appropriate designated indoor premises  
19 approved by the board. The license shall permit the licensee to sell  
20 liquor to patrons of productions or performances for consumption on  
21 the premises at these events. The fee for the license shall be two  
22 hundred fifty dollars per annum.

23 (b) The annual fee in (a) of this subsection is waived during the  
24 12-month period beginning with the second calendar month after  
25 February 28, 2021, for:

26 (i) Licenses that expire during the 12-month waiver period under  
27 this subsection (1)(b); and

28 (ii) Licenses issued to persons previously licensed under this  
29 section at any time during the 12-month period prior to the 12-month  
30 waiver period under this subsection (1)(b).

31 (c) The waiver in (b) of this subsection does not apply to any  
32 licensee that:

33 (i) Had their license suspended by the board for health and  
34 safety violations of state COVID-19 guidelines; or

35 (ii) Received an order of immediate restraint or citation from  
36 the department of labor and industries for allowing an employee to  
37 perform work where business activity was prohibited in violation of  
38 an emergency proclamation of the governor under RCW 43.06.220.

1 (d) Upon request of the department of revenue, the board and the  
2 department of labor and industries must both provide a list of  
3 persons that they have determined to be ineligible for a fee waiver  
4 under (b) of this subsection for the reasons described in (c) of this  
5 subsection. Unless otherwise agreed, any list must be received by the  
6 department of revenue no later than 15 calendar days after the  
7 request is made.

8 (2) For the purposes of this section, the term "nonprofit arts  
9 organization" means an organization which is organized and operated  
10 for the purpose of providing artistic or cultural exhibitions,  
11 presentations, or performances or cultural or art education programs,  
12 as defined in subsection (3) of this section, for viewing or  
13 attendance by the general public. The organization must be a not-for-  
14 profit corporation under chapter 24.03A RCW and managed by a  
15 governing board of not less than eight individuals none of whom is a  
16 paid employee of the organization or by a corporation sole under  
17 chapter 24.12 RCW. In addition, the corporation must satisfy the  
18 following conditions:

19 (a) No part of its income may be paid directly or indirectly to  
20 its members, stockholders, officers, directors, or trustees except in  
21 the form of services rendered by the corporation in accordance with  
22 its purposes and bylaws;

23 (b) Salary or compensation paid to its officers and executives  
24 must be only for actual services rendered, and at levels comparable  
25 to the salary or compensation of like positions within the state;

26 (c) Assets of the corporation must be irrevocably dedicated to  
27 the activities for which the license is granted and, on the  
28 liquidation, dissolution, or abandonment by the corporation, may not  
29 inure directly or indirectly to the benefit of any member or  
30 individual except a nonprofit organization, association, or  
31 corporation;

32 (d) The corporation must be duly licensed or certified when  
33 licensing or certification is required by law or regulation;

34 (e) The proceeds derived from sales of liquor, except for  
35 reasonable operating costs, must be used in furtherance of the  
36 purposes of the organization;

37 (f) Services must be available regardless of race, color,  
38 national origin, or ancestry; and

39 (g) The board shall have access to its books in order to  
40 determine whether the corporation is entitled to a license.

1 (3) The term "artistic or cultural exhibitions, presentations, or  
2 performances or cultural or art education programs" includes and is  
3 limited to:

4 (a) An exhibition or presentation of works of art or objects of  
5 cultural or historical significance, such as those commonly displayed  
6 in art or history museums;

7 (b) A musical or dramatic performance or series of performances;  
8 or

9 (c) An educational seminar or program, or series of such  
10 programs, offered by the organization to the general public on an  
11 artistic, cultural, or historical subject.

12 **Sec. 1014.** RCW 69.50.530 and 2022 c 169 s 1 and 2022 c 16 s 100  
13 are each reenacted to read as follows:

14 The dedicated cannabis account is created in the state treasury.  
15 All moneys received by the board, or any employee thereof, from  
16 cannabis-related activities must be deposited in the account. Unless  
17 otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all  
18 cannabis excise taxes collected from sales of cannabis, useable  
19 cannabis, cannabis concentrates, and cannabis-infused products under  
20 RCW 69.50.535, and the license fees, penalties, and forfeitures  
21 derived under this chapter from cannabis producer, cannabis  
22 processor, cannabis researcher, and cannabis retailer licenses, must  
23 be deposited in the account. Moneys in the account may only be spent  
24 after appropriation.

25 **Sec. 1015.** RCW 69.50.540 and 2022 c 169 s 2 and 2022 c 16 s 102  
26 are each reenacted to read as follows:

27 (1) For the purposes of this subsection (1), the legislature must  
28 appropriate the amounts provided in this subsection:

29 (a) \$12,500,000 annually to the board for administration of this  
30 chapter as appropriated in the omnibus appropriations act;

31 (b) \$11,000,000 annually to the department of health for the  
32 following:

33 (i) Creation, implementation, operation, and management of a  
34 cannabis, vapor product, and commercial tobacco education and public  
35 health program that contains the following:

36 (A) A cannabis use public health hotline that provides referrals  
37 to substance abuse treatment providers, uses evidence-based or  
38 research-based public health approaches to minimizing the harms

1 associated with cannabis use, and does not solely advocate an  
2 abstinence-only approach;

3 (B) Programs that support development and implementation of  
4 coordinated intervention strategies for the prevention and reduction  
5 of commercial tobacco, vapor product, and cannabis use by youth and  
6 cannabis cessation treatment services, including grant programs to  
7 local health departments or other local community agencies;

8 (C) Media-based education campaigns across television, internet,  
9 radio, print, and out-of-home advertising, separately targeting youth  
10 and adults, that provide medically and scientifically accurate  
11 information about the health and safety risks posed by cannabis use;  
12 and

13 (D) Outreach to priority populations regarding commercial  
14 tobacco, vapor product, and cannabis use, prevention, and cessation;  
15 and

16 (ii) The Washington poison control center;

17 (c) (i) \$3,000,000 annually to the department of commerce to fund  
18 cannabis social equity grants under RCW 43.330.540; and

19 (ii) \$200,000 annually to the department of commerce to fund  
20 technical assistance through a roster of mentors under RCW  
21 43.330.540;

22 (d) \$200,000 annually, until June 30, 2032, to the health care  
23 authority to contract with the Washington state institute for public  
24 policy to conduct the cost-benefit evaluations and produce the  
25 reports described in RCW 69.50.550;

26 (e) \$25,000 annually to the University of Washington alcohol and  
27 drug abuse institute for the creation, maintenance, and timely  
28 updating of web-based public education materials providing medically  
29 and scientifically accurate information about the health and safety  
30 risks posed by cannabis use;

31 (f) \$300,000 annually to the University of Washington and  
32 \$175,000 annually to the Washington State University for research on  
33 the short-term and long-term effects of cannabis use to include, but  
34 not be limited to, formal and informal methods for estimating and  
35 measuring intoxication and impairments, and for the dissemination of  
36 such research;

37 (g) \$550,000 annually to the office of the superintendent of  
38 public instruction to fund grants to building bridges programs under  
39 chapter 28A.175 RCW;

1 (h) \$2,423,000 for fiscal year 2022 and \$2,423,000 for fiscal  
2 year 2023 to the Washington state patrol for a drug enforcement task  
3 force;

4 (i) \$270,000 for fiscal year 2022 and \$290,000 for fiscal year  
5 2023 to the department of ecology for implementation of accreditation  
6 of cannabis product testing laboratories;

7 (j) \$800,000 for each of fiscal years 2020 through 2023 to the  
8 department of health for the administration of the cannabis  
9 authorization database; and

10 (k) \$621,000 for fiscal year 2022 and \$635,000 for fiscal year  
11 2023 to the department of agriculture for compliance-based laboratory  
12 analysis of pesticides in cannabis.

13 (2) Subsections (1)(a) through (g) of this section must be  
14 adjusted annually based on the United States bureau of labor  
15 statistics' consumer price index for the Seattle area.

16 (3) After appropriation of the amounts identified in subsection  
17 (1) of this section, the legislature must annually appropriate such  
18 remaining amounts for the purposes listed in this subsection (3) as  
19 follows:

20 (a) Fifty-two percent to the state basic health plan trust  
21 account to be administered by the Washington basic health plan  
22 administrator and used as provided under chapter 70.47 RCW;

23 (b) Eleven percent to the health care authority to:

24 (i) Design and administer the Washington state healthy youth  
25 survey, analyze the collected data, and produce reports, in  
26 collaboration with the office of the superintendent of public  
27 instruction, department of health, department of commerce, family  
28 policy council, and board. The survey must be conducted at least  
29 every two years and include questions regarding, but not necessarily  
30 limited to, academic achievement, age at time of substance use  
31 initiation, antisocial behavior of friends, attitudes toward  
32 antisocial behavior, attitudes toward substance use, laws and  
33 community norms regarding antisocial behavior, family conflict,  
34 family management, parental attitudes toward substance use, peer  
35 rewarding of antisocial behavior, perceived risk of substance use,  
36 and rebelliousness. Funds disbursed under this subsection may be used  
37 to expand administration of the healthy youth survey to student  
38 populations attending institutions of higher education in Washington;

39 (ii) Develop, implement, maintain, and evaluate programs and  
40 practices aimed at the prevention or reduction of maladaptive

1 substance use, substance use disorder, substance abuse or substance  
2 dependence, as these terms are defined in the diagnostic and  
3 statistical manual of mental disorders, among middle school and high  
4 school-age students, whether as an explicit goal of a given program  
5 or practice or as a consistently corresponding effect of its  
6 implementation, mental health services for children and youth, and  
7 services for pregnant and parenting women. In deciding which programs  
8 and practices to fund under this subsection (3)(b)(ii), the director  
9 of the health care authority must consult, at least annually, with  
10 the University of Washington's social development research group and  
11 the University of Washington's alcohol and drug abuse institute; and

12 (iii) Contract with community health centers to provide primary  
13 health and dental care services, migrant health services, and  
14 maternity health care services as provided under RCW 41.05.220;

15 (c)(i) One and one-half percent to counties, cities, and towns  
16 where licensed cannabis retailers are physically located. Each  
17 jurisdiction must receive a share of the revenue distribution under  
18 this subsection (3)(c)(i) based on the proportional share of the  
19 total revenues generated in the individual jurisdiction from the  
20 taxes collected under RCW 69.50.535, from licensed cannabis retailers  
21 physically located in each jurisdiction. For purposes of this  
22 subsection (3)(c), 100 percent of the proportional amount attributed  
23 to a retailer physically located in a city or town must be  
24 distributed to the city or town;

25 (ii) Three and one-half percent to counties, cities, and towns  
26 ratably on a per capita basis. Counties must receive 60 percent of  
27 the distribution based on each county's total proportional  
28 population. Funds may only be distributed to jurisdictions that do  
29 not prohibit the siting of any state licensed cannabis producer,  
30 processor, or retailer;

31 (iii) By September 15th of each year, the board must provide the  
32 state treasurer the annual distribution amount made under this  
33 subsection (3)(c), if any, for each county and city as determined in  
34 (c)(i) and (ii) of this subsection; and

35 (iv) Distribution amounts allocated to each county, city, and  
36 town in (c)(i) and (ii) of this subsection must be distributed in  
37 four installments by the last day of each fiscal quarter; and

38 (d) Thirty-two percent must be deposited in the state general  
39 fund.

1       **Sec. 1016.** RCW 70.47.020 and 2011 1st sp.s. c 15 s 83, 2011 1st  
2 sp.s. c 9 s 3, and 2011 c 284 s 1 are each reenacted to read as  
3 follows:

4       As used in this chapter:

5       (1) "Director" means the director of the Washington state health  
6 care authority.

7       (2) "Health coverage tax credit eligible enrollee" means  
8 individual workers and their qualified family members who lose their  
9 jobs due to the effects of international trade and are eligible for  
10 certain trade adjustment assistance benefits; or are eligible for  
11 benefits under the alternative trade adjustment assistance program;  
12 or are people who receive benefits from the pension benefit guaranty  
13 corporation and are at least fifty-five years old.

14       (3) "Health coverage tax credit program" means the program  
15 created by the Trade Act of 2002 (P.L. 107-210) that provides a  
16 federal tax credit that subsidizes private health insurance coverage  
17 for displaced workers certified to receive certain trade adjustment  
18 assistance benefits and for individuals receiving benefits from the  
19 pension benefit guaranty corporation.

20       (4) "Managed health care system" means: (a) Any health care  
21 organization, including health care providers, insurers, health care  
22 service contractors, health maintenance organizations, or any  
23 combination thereof, that provides directly or by contract basic  
24 health care services, as defined by the director and rendered by duly  
25 licensed providers, to a defined patient population enrolled in the  
26 plan and in the managed health care system; or (b) a self-funded or  
27 self-insured method of providing insurance coverage to subsidized  
28 enrollees provided under RCW 41.05.140 and subject to the limitations  
29 under RCW 70.47.100(9).

30       (5) "Nonparticipating provider" means a person, health care  
31 provider, practitioner, facility, or entity, acting within their  
32 authorized scope of practice or licensure, that does not have a  
33 written contract to participate in a managed health care system's  
34 provider network, but provides services to plan enrollees who receive  
35 coverage through the managed health care system.

36       (6) "Nonsubsidized enrollee" means an individual, or an  
37 individual plus the individual's spouse or dependent children: (a)  
38 Who is not eligible for medicare; (b) who is not confined or residing  
39 in a government-operated institution, unless he or she meets  
40 eligibility criteria adopted by the director; (c) who is accepted for

1 enrollment by the director as provided in RCW 48.43.018, either  
2 because the potential enrollee cannot be required to complete the  
3 standard health questionnaire under RCW 48.43.018, or, based upon the  
4 results of the standard health questionnaire, the potential enrollee  
5 would not qualify for coverage under the Washington state health  
6 insurance pool; (d) who resides in an area of the state served by a  
7 managed health care system participating in the plan; (e) who chooses  
8 to obtain basic health care coverage from a particular managed health  
9 care system; and (f) who pays or on whose behalf is paid the full  
10 costs for participation in the plan, without any subsidy from the  
11 plan.

12 (7) "Premium" means a periodic payment, which an individual,  
13 their employer or another financial sponsor makes to the plan as  
14 consideration for enrollment in the plan as a subsidized enrollee, a  
15 nonsubsidized enrollee, or a health coverage tax credit eligible  
16 enrollee.

17 (8) "Rate" means the amount, negotiated by the director with and  
18 paid to a participating managed health care system, that is based  
19 upon the enrollment of subsidized, nonsubsidized, and health coverage  
20 tax credit eligible enrollees in the plan and in that system.

21 (9) "Subsidy" means the difference between the amount of periodic  
22 payment the director makes to a managed health care system on behalf  
23 of a subsidized enrollee plus the administrative cost to the plan of  
24 providing the plan to that subsidized enrollee, and the amount  
25 determined to be the subsidized enrollee's responsibility under RCW  
26 70.47.060(2).

27 (10) "Subsidized enrollee" means:

28 (a) An individual, or an individual plus the individual's spouse  
29 or dependent children:

30 (i) Who is not eligible for medicare;

31 (ii) Who is not confined or residing in a government-operated  
32 institution, unless he or she meets eligibility criteria adopted by  
33 the director;

34 (iii) Who is not a full-time student who has received a temporary  
35 visa to study in the United States;

36 (iv) Who resides in an area of the state served by a managed  
37 health care system participating in the plan;

38 (v) Until March 1, 2011, whose gross family income at the time of  
39 enrollment does not exceed two hundred percent of the federal poverty

1 level as adjusted for family size and determined annually by the  
2 federal department of health and human services;

3 (vi) Who chooses to obtain basic health care coverage from a  
4 particular managed health care system in return for periodic payments  
5 to the plan;

6 (vii) Who is not receiving or has not been determined to be  
7 currently eligible for federally financed categorically needy or  
8 medically needy programs under chapter 74.09 RCW, except as provided  
9 under RCW 70.47.110; and

10 (viii) After February 28, 2011, who is in the basic health  
11 transition eligibles population under 1115 medicaid demonstration  
12 project number 11-W-00254/10;

13 (b) An individual who meets the requirements in (a)(i) through  
14 (iv), (vi), and (vii) of this subsection and who is a foster parent  
15 licensed under chapter 74.15 RCW and whose gross family income at the  
16 time of enrollment does not exceed three hundred percent of the  
17 federal poverty level as adjusted for family size and determined  
18 annually by the federal department of health and human services; and

19 (c) To the extent that state funds are specifically appropriated  
20 for this purpose, with a corresponding federal match, an individual,  
21 or an individual's spouse or dependent children, who meets the  
22 requirements in (a)(i) through (iv), (vi), and (vii) of this  
23 subsection and whose gross family income at the time of enrollment is  
24 more than two hundred percent, but less than two hundred fifty-one  
25 percent, of the federal poverty level as adjusted for family size and  
26 determined annually by the federal department of health and human  
27 services.

28 (11) "Washington basic health plan" or "plan" means the system of  
29 enrollment and payment for basic health care services, administered  
30 by the plan director through participating managed health care  
31 systems, created by this chapter.

32 **Sec. 1017.** RCW 70A.15.3150 and 2021 c 317 s 24 and 2021 c 315 s  
33 15 are each reenacted and amended to read as follows:

34 (1) Any person who knowingly violates any of the provisions of  
35 this chapter, chapter 70A.25, 70A.60, or 70A.535 RCW, or any  
36 ordinance, resolution, or regulation in force pursuant thereto is  
37 guilty of a gross misdemeanor and upon conviction thereof shall be  
38 punished by a fine of not more than ten thousand dollars, or by

1 imprisonment in the county jail for up to three hundred sixty-four  
2 days, or by both for each separate violation.

3 (2) Any person who negligently releases into the ambient air any  
4 substance listed by the department of ecology as a hazardous air  
5 pollutant, other than in compliance with the terms of an applicable  
6 permit or emission limit, and who at the time negligently places  
7 another person in imminent danger of death or substantial bodily harm  
8 is guilty of a gross misdemeanor and shall, upon conviction, be  
9 punished by a fine of not more than ten thousand dollars, or by  
10 imprisonment for up to three hundred sixty-four days, or both.

11 (3) Any person who knowingly releases into the ambient air any  
12 substance listed by the department of ecology as a hazardous air  
13 pollutant, other than in compliance with the terms of an applicable  
14 permit or emission limit, and who knows at the time that he or she  
15 thereby places another person in imminent danger of death or  
16 substantial bodily harm, is guilty of a class C felony and shall,  
17 upon conviction, be punished by a fine of not less than fifty  
18 thousand dollars, or by imprisonment for not more than five years, or  
19 both.

20 (4) Any person who knowingly fails to disclose a potential  
21 conflict of interest under RCW 70A.15.2000 is guilty of a gross  
22 misdemeanor, and upon conviction thereof shall be punished by a fine  
23 of not more than five thousand dollars.

24 **\*Sec. 1018. RCW 74.09.053 and 2009 c 568 s 6 and 2009 c 479 s 62**  
25 **are each reenacted to read as follows:**

26 (1) **Beginning in November 2012, the department of social and**  
27 **health services, in coordination with the health care authority,**  
28 **shall by November 15th of each year report to the legislature:**

29 (a) **The number of medical assistance recipients who: (i) Upon**  
30 **enrollment or recertification had reported being employed, and**  
31 **beginning with the 2008 report, the month and year they reported**  
32 **being hired; or (ii) upon enrollment or recertification had reported**  
33 **being the dependent of someone who was employed, and beginning with**  
34 **the 2008 report, the month and year they reported the employed person**  
35 **was hired. For recipients identified under (a)(i) and (ii) of this**  
36 **subsection, the department shall report the basis for their medical**  
37 **assistance eligibility, including but not limited to family medical**  
38 **coverage, transitional medical assistance, children's medical**  
39 **coverage, aged coverage, or coverage for persons with disabilities;**

1 *member months; and the total cost to the state for these recipients,*  
2 *expressed as general fund-state and general fund-federal dollars. The*  
3 *information shall be reported by employer size for employers having*  
4 *more than fifty employees as recipients or with dependents as*  
5 *recipients. This information shall be provided for the preceding*  
6 *January and June of that year.*

7 *(b) The following aggregated information: (i) The number of*  
8 *employees who are recipients or with dependents as recipients by*  
9 *private and governmental employers; (ii) the number of employees who*  
10 *are recipients or with dependents as recipients by employer size for*  
11 *employers with fifty or fewer employees, fifty-one to one hundred*  
12 *employees, one hundred one to one thousand employees, one thousand*  
13 *one to five thousand employees and more than five thousand employees;*  
14 *and (iii) the number of employees who are recipients or with*  
15 *dependents as recipients by industry type.*

16 *(2) For each aggregated classification, the report will include*  
17 *the number of hours worked, the number of department of social and*  
18 *health services covered lives, and the total cost to the state for*  
19 *these recipients. This information shall be for each quarter of the*  
20 *preceding year.*

*\*Sec. 1018 was vetoed. See message at end of chapter.*

21 **Sec. 1019.** RCW 79.64.100 and 2012 2nd sp.s. c 7 s 928 and 2012 c  
22 166 s 5 are each reenacted and amended to read as follows:

23 (1) There is created a forest development account in the state  
24 treasury. The state treasurer shall keep an account of all sums  
25 deposited, expended, or withdrawn from the account.

26 (2)(a) Any sums placed in the forest development account shall be  
27 pledged for the purpose of:

28 (i) Paying interest and principal on the bonds issued by the  
29 department under RCW 79.22.080 and 79.22.090 and the provisions of  
30 this chapter; and

31 (ii) The purchase of land for growing timber.

32 (b) Any bonds issued shall constitute a first and prior claim and  
33 lien against the account for the payment of principal and interest.

34 (3) No sums for the purposes identified in subsection (2) of this  
35 section shall be withdrawn or paid out of the account except upon  
36 approval of the department.

37 ~~((4))~~ (a) Appropriations may be made by the legislature from  
38 the forest development account to the department for the purpose of:

1       ~~((a))~~ (i) Carrying on the activities of the department on state  
2 forestlands;

3       ~~((b))~~ (ii) Establishing a state forestland pool under RCW  
4 79.22.140 and carrying on the activities of the department on lands  
5 included in the land pool;

6       ~~((c))~~ (iii) Carrying on the activities of the department on  
7 lands managed on a sustained yield basis as provided for in RCW  
8 79.10.320; and

9       ~~((d))~~ (iv) Reimbursement of expenditures that have been made or  
10 may be made from the resource management cost account created in RCW  
11 79.64.020 in the management of state forestlands.

12       (b) For the 2011-2013 fiscal biennium, moneys from the forest  
13 development account shall be distributed as directed in section 706,  
14 chapter 7, Laws of 2012 2nd sp. sess. to the beneficiaries of the  
15 revenues derived from state forestlands. During the 2011-2013 fiscal  
16 biennium, the legislature may appropriate moneys in the forest  
17 development account to support emergency fire suppression activities  
18 in a manner that, at a maximum, represents the proportion of land  
19 that the department manages in comparison to the total land the  
20 department conducts emergency fire suppression activities on.

21       **Sec. 1020.** RCW 82.38.060 and 2013 c 225 s 107 and 2013 c 23 s  
22 332 are each reenacted to read as follows:

23       If tax on fuel placed in the fuel supply tanks of motor vehicles  
24 for taxable use on Washington highways can be more accurately  
25 determined on a mileage basis the department is authorized to adopt  
26 such basis. In the absence of records showing the number of miles  
27 actually operated per gallon of fuel consumed, fuel consumption must  
28 be calculated by the department.

29       **Sec. 1021.** RCW 82.42.040 and 2013 c 225 s 304 and 2013 c 23 s  
30 335 are each reenacted to read as follows:

31       (1) Application for a license must be made to the department. The  
32 application must be filed in a manner prescribed by the department  
33 and must contain information the department requires.

34       (2) For purposes of this section, the term "applicant" has the  
35 same meaning as provided for "person" in RCW 82.42.010.

36       (3) An application for a license must contain the following  
37 information to the extent it applies to the applicant:

1 (a) Proof, as the department may require, concerning the  
2 applicant's identity;

3 (b) The applicant's business structure and place of business,  
4 including proof the applicant is licensed to conduct business in this  
5 state;

6 (c) The employment history of the applicant and any partner,  
7 officer, or director of the applicant;

8 (d) A bank reference and whether the applicant or any partner,  
9 officer, or director of the applicant has ever been adjudged bankrupt  
10 or has an unsatisfied judgment;

11 (e) Whether the applicant has been adjudged guilty of a crime or  
12 suffered a civil judgment directly related to the distribution and  
13 sale of fuel within the last ten years;

14 (f) Each state, province, or country that the applicant intends  
15 to import fuel from by means other than bulk transfer. An applicant  
16 must also show proof that the applicant has maintained the  
17 appropriate license required of each state, province, or country; and

18 (g) Each state, province, or country that the applicant intends  
19 to export fuel to by means other than bulk transfer. An applicant  
20 must also show proof that the applicant has maintained the  
21 appropriate license required of each state, province, or country.

22 (4) An applicant must submit a surety bond in an amount, form,  
23 and manner set by the department. In lieu of a bond, an applicant may  
24 provide evidence to the department of sufficient assets to adequately  
25 meet tax payments, penalties, interest, or other obligations arising  
26 out of this chapter.

27 (5) For the purposes of considering any application for a  
28 license, the department may inspect, cause an inspection,  
29 investigate, or cause an investigation of the records of this or any  
30 other state, province, country, or the federal government to  
31 ascertain the veracity of the information on the application and the  
32 applicant's criminal, civil, and licensing history.

33 (6) An applicant who makes a false statement of a material fact  
34 on the application may be prosecuted for false swearing as defined by  
35 RCW 9A.72.040.

36 **PART 2**

37 **CORRECTING REFERENCES TO THE DEPARTMENT OF COMMERCE**

1       **Sec. 2001.** RCW 7.68.360 and 2005 c 358 s 2 are each amended to  
2 read as follows:

3       (1) By July 1, 2005, the director of the department of  
4 (~~community, trade, and economic development~~) commerce, or the  
5 director's designee, shall within existing resources convene and  
6 chair a work group to develop written protocols for delivery of  
7 services to victims of trafficking of humans. The director shall  
8 invite appropriate federal agencies to consult with the work group  
9 for the purpose of developing protocols that, to the extent possible,  
10 are in concert with federal statutes, regulations, and policies. In  
11 addition to the director of the department of (~~community, trade, and  
12 economic development~~) commerce, the following shall be members of  
13 the work group: The secretary of the department of health, the  
14 secretary of the department of social and health services, the  
15 attorney general, the director of the department of labor and  
16 industries, the commissioner of the employment security department, a  
17 representative of the Washington association of prosecuting  
18 attorneys, the chief of the Washington state patrol, two members  
19 selected by the Washington association of sheriffs and police chiefs,  
20 and five members, selected by the director of the department of  
21 (~~community, trade, and economic development~~) commerce from a list  
22 submitted by public and private sector organizations that provide  
23 assistance to persons who are victims of trafficking. The attorney  
24 general, the chief of the Washington state patrol, and the  
25 secretaries or directors may designate a person to serve in their  
26 place.

27       Members of the work group shall serve without compensation.

28       (2) The protocols must meet all of the following minimum  
29 standards:

30       (a) The protocols must apply to the following state agencies: The  
31 department of (~~community, trade, and economic development~~)  
32 commerce, the department of health, the department of social and  
33 health services, the attorney general's office, the Washington state  
34 patrol, the department of labor and industries, and the employment  
35 security department;

36       (b) The protocols must provide policies and procedures for  
37 interagency coordinated operations and cooperation with government  
38 agencies and nongovernmental organizations, agencies, and  
39 jurisdictions, including law enforcement agencies and prosecuting  
40 attorneys;

1 (c) The protocols must include the establishment of a database  
2 electronically available to all affected agencies which contains the  
3 name, address, and telephone numbers of agencies that provide  
4 services to victims of human trafficking; and

5 (d) The protocols must provide guidelines for providing for the  
6 social service needs of victims of trafficking of humans, including  
7 housing, health care, and employment.

8 (3) By January 1, 2006, the work group shall finalize the written  
9 protocols and submit them with a report to the legislature and the  
10 governor.

11 (4) The protocols shall be reviewed on a biennial basis by the  
12 work group to determine whether revisions are appropriate. The  
13 director of the department of (~~community, trade, and economic~~  
14 ~~development~~) commerce, or the director's designee, shall within  
15 existing resources reconvene and chair the work group for this  
16 purpose.

17 **Sec. 2002.** RCW 18.85.285 and 2008 c 23 s 37 are each amended to  
18 read as follows:

19 (1) Brokers and managing brokers must submit complete copies of  
20 their transactions to their firm. The designated broker shall keep  
21 adequate records of all real estate transactions handled by or  
22 through the firm or firms to which the designated broker is  
23 registered. The records shall include, but are not limited to, a copy  
24 of the purchase and sale agreement, earnest money receipt, and an  
25 itemization of the receipts and disbursements with each transaction.  
26 These records and all other records specified by the director by rule  
27 are open to inspection by the director or the director's authorized  
28 representatives.

29 (2) If any licensee exercises control over real estate  
30 transaction funds, those funds are considered trust funds.

31 (3) Every real estate licensee shall deliver or cause to be  
32 delivered to all parties signing the same, within a reasonable time  
33 after signing, purchase and sale agreements, listing agreements, and  
34 all other like or similar instruments signed by the parties.

35 (4) Every real estate firm that keeps separate real estate trust  
36 fund accounts must keep the accounts in a recognized Washington state  
37 depository. A real estate firm must maintain an adequate amount of  
38 funds in the trust fund accounts to facilitate the opening of the

1 trust fund accounts or to prevent the closing of the trust fund  
2 accounts.

3 (5) All licensees shall keep separate and apart and physically  
4 segregated from the licensees' own funds, all funds or moneys  
5 including advance fees of clients that are being held by the  
6 licensees pending the closing of a real estate sale or transaction,  
7 or that have been collected for the clients and are being held for  
8 disbursement for or to the clients.

9 (6) A firm is not required to maintain a trust fund account for  
10 transactions concerning a purchase and sale agreement that instructs  
11 the broker to deliver the earnest money check directly to a named  
12 closing agent or to the seller.

13 (7) Brokers must deposit all funds into their firm's trust bank  
14 account the next banking day following receipt of the funds unless  
15 the purchase and sale agreement provides for deferred deposit or  
16 delivery. In that event, the broker must promptly deposit or deliver  
17 funds in accordance with the terms of the purchase and sale  
18 agreement.

19 (8)(a) If a real estate broker receives or maintains earnest  
20 money or client funds for deposit, the real estate firm shall  
21 maintain a pooled interest-bearing trust account for deposit of  
22 client funds, with the exception of property management trust  
23 accounts.

24 (b) The interest accruing on this account, net of any reasonable  
25 and appropriate financial institution service charges or fees, shall  
26 be paid to the state treasurer for deposit in the Washington housing  
27 trust fund created in RCW 43.185.030 and the real estate education  
28 program account created in RCW 18.85.321. Appropriate service charges  
29 or fees are those charges made by financial institutions on other  
30 demand deposit or "now" accounts. The firm or designated broker is  
31 not required to notify the client of the intended use of the funds.

32 (c) The department shall adopt rules that will serve as  
33 guidelines in the choice of an account specified in this subsection.

34 (9) If trust funds are claimed by more than one party, the  
35 designated broker or designated broker's delegate must promptly  
36 provide written notification to all contracting parties to a real  
37 estate transaction of the intent of the designated broker or  
38 designated broker's delegate to disburse client funds. The  
39 notification must include the names and addresses of all parties to  
40 the contract, the amount of money held and to whom it will be

1 disbursed, and the date of disbursement that must occur no later than  
2 thirty consecutive days after the notification date.

3 (10) For an account created under subsection (8) of this section,  
4 the designated or managing broker shall direct the depository  
5 institution to:

6 (a) Remit interest or dividends, net of any reasonable and  
7 appropriate service charges or fees, on the average monthly balance  
8 in the account, or as otherwise computed in accordance with an  
9 institution's standard accounting practice, at least quarterly, to  
10 the state treasurer for deposit in the housing trust fund created by  
11 RCW 43.185.030 and the real estate education program account created  
12 in RCW 18.85.321; and

13 (b) Transmit to the director of (~~community, trade, and economic~~  
14 ~~development~~) commerce a statement showing the name of the person or  
15 entity for whom the remittance is spent, the rate of interest  
16 applied, and the amount of service charges deducted, if any, and the  
17 account balance(s) of the period in which the report is made, with a  
18 copy of the statement to be transmitted to the depositing person or  
19 firm.

20 (11) The director of (~~community, trade, and economic~~  
21 ~~development~~) commerce shall forward a copy of the reports required  
22 by subsection (10) of this section to the department to aid in the  
23 enforcement of the requirements of this section consistent with the  
24 normal enforcement and auditing practices of the department.

25 (12)(a) This section does not relieve any real estate broker,  
26 managing broker, or firm of any obligation with respect to the  
27 safekeeping of clients' funds.

28 (b) Any violation by real estate brokers, managing brokers, or  
29 firms of any of the provisions of this section, RCW 18.85.361, or  
30 chapter 18.235 RCW is grounds for disciplinary action against the  
31 licenses issued to the brokers, managing brokers, or firms.

32 **Sec. 2003.** RCW 19.27.190 and 1996 c 186 s 501 are each amended  
33 to read as follows:

34 (1)(a) Not later than January 1, 1991, the state building code  
35 council, in consultation with the department of (~~community, trade,~~  
36 ~~and economic development~~) commerce, shall establish interim  
37 requirements for the maintenance of indoor air quality in newly  
38 constructed residential buildings. In establishing the interim  
39 requirements, the council shall take into consideration differences

1 in heating fuels and heating system types. These requirements shall  
2 be in effect July 1, 1991, through June 30, 1993.

3 (b) The interim requirements for new electrically space heated  
4 residential buildings shall include ventilation standards which  
5 provide for mechanical ventilation in areas of the residence where  
6 water vapor or cooking odors are produced. The ventilation shall be  
7 exhausted to the outside of the structure. The ventilation standards  
8 shall further provide for the capacity to supply outside air to each  
9 bedroom and the main living area through dedicated supply air inlet  
10 locations in walls, or in an equivalent manner. At least one exhaust  
11 fan in the home shall be controlled by a dehumidistat or clock timer  
12 to ensure that sufficient whole house ventilation is regularly  
13 provided as needed.

14 (c)(i) For new single-family residences with electric space  
15 heating systems, zero lot line homes, each unit in a duplex, and each  
16 attached housing unit in a planned unit development, the ventilation  
17 standards shall include fifty cubic feet per minute of effective  
18 installed ventilation capacity in each bathroom and one hundred cubic  
19 feet per minute of effective installed ventilation capacity in each  
20 kitchen.

21 (ii) For other new residential units with electric space heating  
22 systems the ventilation standards may be satisfied by the  
23 installation of two exhaust fans with a combined effective installed  
24 ventilation capacity of two hundred cubic feet per minute.

25 (iii) Effective installed ventilation capacity means the  
26 capability to deliver the specified ventilation rates for the actual  
27 design of the ventilation system. Natural ventilation and  
28 infiltration shall not be considered acceptable substitutes for  
29 mechanical ventilation.

30 (d) For new residential buildings that are space heated with  
31 other than electric space heating systems, the interim standards  
32 shall be designed to result in indoor air quality equivalent to that  
33 achieved with the interim ventilation standards for electric space  
34 heated homes.

35 (e) The interim requirements for all newly constructed  
36 residential buildings shall include standards for indoor air quality  
37 pollutant source control, including the following requirements: All  
38 structural panel components of the residence shall comply with  
39 appropriate standards for the emission of formaldehyde; the back-  
40 drafting of combustion by-products from combustion appliances shall

1 be minimized through the use of dampers, vents, outside combustion  
2 air sources, or other appropriate technologies; and, in areas of the  
3 state where monitored data indicate action is necessary to inhibit  
4 indoor radon gas concentrations from exceeding appropriate health  
5 standards, entry of radon gas into homes shall be minimized through  
6 appropriate foundation construction measures.

7 (2) No later than January 1, 1993, the state building code  
8 council, in consultation with the department of (~~community, trade,~~  
9 ~~and economic development~~) commerce, shall establish final  
10 requirements for the maintenance of indoor air quality in newly  
11 constructed residences to be in effect beginning July 1, 1993. For  
12 new electrically space heated residential buildings, these  
13 requirements shall maintain indoor air quality equivalent to that  
14 provided by the mechanical ventilation and indoor air pollutant  
15 source control requirements included in the February 7, 1989,  
16 Bonneville power administration record of decision for the  
17 environmental impact statement on new energy efficient homes programs  
18 (DOE/EIS-0127F) built with electric space heating. In residential  
19 units other than single-family, zero lot line, duplexes, and attached  
20 housing units in planned unit developments, ventilation requirements  
21 may be satisfied by the installation of two exhaust fans with a  
22 combined effective installed ventilation capacity of two hundred  
23 cubic feet per minute. For new residential buildings that are space  
24 heated with other than electric space heating systems, the standards  
25 shall be designed to result in indoor air quality equivalent to that  
26 achieved with the ventilation and source control standards for  
27 electric space heated homes. In establishing the final requirements,  
28 the council shall take into consideration differences in heating  
29 fuels and heating system types.

30 **Sec. 2004.** RCW 24.46.010 and 1995 c 399 s 12 are each amended to  
31 read as follows:

32 It is the finding of the legislature that foreign trade zones  
33 serve an important public purpose by the creation of employment  
34 opportunities within the state and that the establishment of zones  
35 designed to accomplish this purpose is to be encouraged. It is the  
36 further intent of the legislature that the department of (~~community,~~  
37 ~~trade, and economic development~~) commerce provide assistance to  
38 entities planning to apply to the United States for permission to  
39 establish such zones.

1       **Sec. 2005.** RCW 28A.160.090 and 1995 c 399 s 20 are each amended  
2 to read as follows:

3       Each school district board shall determine its own policy as to  
4 whether or not its school buses will be rented or leased for the  
5 purposes of RCW 28A.160.080, and if the board decision is to rent or  
6 lease, under what conditions, subject to the following:

7       (1) Such renting or leasing may take place only after the  
8 director of (~~community, trade, and economic development~~) commerce  
9 or any of his or her agents so authorized has, at the request of an  
10 involved governmental agency, declared that an emergency exists in a  
11 designated area insofar as the need for additional transport is  
12 concerned.

13       (2) The agency renting or leasing the school buses must agree, in  
14 writing, to reimburse the school district for all costs and expenses  
15 related to their use and also must provide an indemnity agreement  
16 protecting the district against any type of claim or legal action  
17 whatsoever, including all legal costs incident thereto.

18       **Sec. 2006.** RCW 28A.515.320 and 1996 c 186 s 503 are each amended  
19 to read as follows:

20       The common school construction fund is to be used exclusively for  
21 the purpose of financing the construction of facilities for the  
22 common schools. The sources of said fund shall be: (1) Those proceeds  
23 derived from sale or appropriation of timber and other crops from  
24 school and state land other than those granted for specific purposes;  
25 (2) the interest accruing on the permanent common school fund less  
26 the allocations to the state treasurer's service (~~account—[fund]~~)  
27 fund pursuant to RCW 43.08.190 and the state investment board expense  
28 account pursuant to RCW 43.33A.160 together with all rentals and  
29 other revenue derived therefrom and from land and other property  
30 devoted to the permanent common school fund; (3) all moneys received  
31 by the state from the United States under the provisions of section  
32 191, Title 30, United States Code, Annotated, and under section 810,  
33 chapter 12, Title 16, (Conservation), United States Code, Annotated,  
34 except moneys received before June 30, 2001, and when thirty  
35 megawatts of geothermal power is certified as commercially available  
36 by the receiving utilities and the department of (~~community, trade,  
37 and economic development~~) commerce, eighty percent of such moneys,  
38 under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030;  
39 and (4) such other sources as the legislature may direct. That

1 portion of the common school construction fund derived from interest  
2 on the permanent common school fund may be used to retire such bonds  
3 as may be authorized by law for the purpose of financing the  
4 construction of facilities for the common schools.

5 The interest accruing on the permanent common school fund less  
6 the allocations to the state treasurer's service fund pursuant to RCW  
7 43.08.190 and the state investment board expense account pursuant to  
8 RCW 43.33A.160 together with all rentals and other revenues accruing  
9 thereto pursuant to subsection (2) of this section prior to July 1,  
10 1967, shall be exclusively applied to the current use of the common  
11 schools.

12 To the extent that the moneys in the common school construction  
13 fund are in excess of the amount necessary to allow fulfillment of  
14 the purpose of said fund, the excess shall be available for deposit  
15 to the credit of the permanent common school fund or available for  
16 the current use of the common schools, as the legislature may direct.  
17 Any money from the common school construction fund which is made  
18 available for the current use of the common schools shall be restored  
19 to the fund by appropriation, including interest income (~~(foregone~~  
20 ~~{forgone}~~) forgone, before the end of the next fiscal biennium  
21 following such use.

22 **Sec. 2007.** RCW 28B.30.537 and 1998 c 245 s 20 are each amended  
23 to read as follows:

24 The IMPACT center shall:

25 (1) Coordinate the teaching, research, and extension expertise of  
26 the college of agriculture and home economics at Washington State  
27 University to assist in:

28 (a) The design and development of information and strategies to  
29 expand the long-term international markets for Washington  
30 agricultural products; and

31 (b) The dissemination of such information and strategies to  
32 Washington exporters, overseas users, and public and private trade  
33 organizations;

34 (2) Research and identify current impediments to increased  
35 exports of Washington agricultural products, and determine methods of  
36 surmounting those impediments and opportunities for exporting new  
37 agricultural products and commodities to foreign markets;

38 (3) Prepare curricula to present and distribute information  
39 concerning international trade in agricultural commodities and

1 products to students, exporters, international traders, and the  
2 public;

3 (4) Provide high quality research and graduate education and  
4 professional nondegree training in international trade in  
5 agricultural commodities in cooperation with other existing programs;

6 (5) Ensure that activities of the center adequately reflect the  
7 objectives for the state's agricultural market development programs  
8 established by the department of agriculture as the lead state agency  
9 for such programs under chapter 43.23 RCW; and

10 (6) Link itself through cooperative agreements with the center  
11 for international trade in forest products at the University of  
12 Washington, the state department of agriculture, the department of  
13 (~~community, trade, and economic development~~) commerce, Washington's  
14 agriculture businesses and associations, and other state agency data  
15 collection, processing, and dissemination efforts.

16 **Sec. 2008.** RCW 28B.30.900 and 1996 c 186 s 201 are each amended  
17 to read as follows:

18 (1) All powers, duties, and functions of the state energy office  
19 under RCW 43.21F.045 relating to implementing energy education,  
20 applied research, and technology transfer programs shall be  
21 transferred to Washington State University.

22 (2) The specific programs transferred to Washington State  
23 University shall include but not be limited to the following:  
24 Renewable energy, energy software, industrial energy efficiency,  
25 education and information, energy ideas clearinghouse, and  
26 telecommunications.

27 (3)(a) All reports, documents, surveys, books, records, files,  
28 papers, or written material in the possession of the state energy  
29 office pertaining to the powers, functions, and duties transferred  
30 shall be delivered to the custody of Washington State University. All  
31 cabinets, furniture, office equipment, software, database, motor  
32 vehicles, and other tangible property employed by the state energy  
33 office in carrying out the powers, functions, and duties transferred  
34 shall be made available to Washington State University.

35 (b) Any appropriations made to, any other funds provided to, or  
36 any grants made to or contracts with the state energy office for  
37 carrying out the powers, functions, and duties transferred shall, on  
38 July 1, 1996, be transferred and credited to Washington State  
39 University.

1 (c) Whenever any question arises as to the transfer of any funds,  
2 books, documents, records, papers, files, software, database,  
3 equipment, or other tangible property used or held in the exercise of  
4 the powers and the performance of the duties and functions  
5 transferred, an arbitrator mutually agreed upon by the parties in  
6 dispute shall make a determination as to the proper allocation and  
7 certify the same to the state agencies concerned.

8 (d) All rules and all pending business before the state energy  
9 office pertaining to the powers, functions, and duties transferred  
10 shall be continued and acted upon by Washington State University. All  
11 existing contracts, grants, and obligations, excluding personnel  
12 contracts and obligations, shall remain in full force and shall be  
13 assigned to and performed by Washington State University.

14 (e) The transfer of the powers, duties, and functions of the  
15 state energy office does not affect the validity of any act performed  
16 before July 1, 1996.

17 (f) If apportionments of budgeted funds are required because of  
18 the transfers directed by this section, the director of the office of  
19 financial management shall certify the apportionments to the agencies  
20 affected, the state auditor, and the state treasurer. Each of these  
21 shall make the appropriate transfer and adjustments in funds and  
22 appropriation.

23 (4) Washington State University shall enter into an interagency  
24 agreement with the department of (~~community, trade, and economic~~  
25 ~~development~~) commerce regarding the relationship between policy  
26 development and public outreach. The department of (~~community,~~  
27 ~~trade, and economic development~~) commerce shall provide Washington  
28 State University available existing and future oil overcharge  
29 restitution and federal energy block funding for a minimum period of  
30 five years to carry out energy programs. Nothing in chapter 186, Laws  
31 of 1996 prohibits Washington State University from seeking grant  
32 funding for energy-related programs directly from other entities.

33 (5) Washington State University shall select and appoint existing  
34 state energy office employees to positions to perform the duties and  
35 functions transferred. Employees appointed by Washington State  
36 University are exempt from the provisions of chapter 41.06 RCW unless  
37 otherwise designated by the institution. Any future vacant or new  
38 positions will be filled using Washington State University's standard  
39 hiring procedures.

1       **Sec. 2009.** RCW 28B.50.281 and 2017 c 39 s 1 are each amended to  
2 read as follows:

3       (1) The state board shall work with the leadership team, the  
4 Washington state apprenticeship and training council, and the office  
5 of the superintendent of public instruction to jointly develop, by  
6 June 30, 2010, curricula and training programs, to include on-the-job  
7 training, classroom training, and safety and health training, for the  
8 development of the skills and qualifications identified by the  
9 department of (~~community, trade, and economic development~~) commerce  
10 under section 7 of this act.

11       (2) The board shall target a portion of any federal stimulus  
12 funding received to ensure commensurate capacity for high employer-  
13 demand programs of study developed under this section. To that end,  
14 the state board must coordinate with the department, the leadership  
15 team, the workforce board, or another appropriate state agency in the  
16 application for and receipt of any funding that may be made available  
17 through the federal youthbuild program, workforce innovation and  
18 opportunity act, job corps, or other relevant federal programs.

19       (3) The board shall provide an interim report to the appropriate  
20 committees of the legislature by December 1, 2011, and a final report  
21 by December 1, 2013, detailing the effectiveness of, and any  
22 recommendations for improving, the worker training curricula and  
23 programs established in this section.

24       (4) Existing curricula and training programs or programs provided  
25 by community and technical colleges in the state developed under this  
26 section must be recognized as programs of study under RCW 28B.50.273.

27       (5) Subject to available funding, the board may grant enrollment  
28 priority to persons who qualify for a waiver under RCW 28B.15.522 and  
29 who enroll in curricula and training programs provided by community  
30 or technical colleges in the state that have been developed in  
31 accordance with this section.

32       (6) The college board may prioritize workforce training programs  
33 that lead to a credential, certificate, or degree in green economy  
34 jobs. For purposes of this section, green economy jobs include those  
35 in the primary industries of a green economy including clean energy,  
36 high-efficiency building, green transportation, and environmental  
37 protection. Prioritization efforts may include but are not limited  
38 to: (a) Prioritization of the use of high employer-demand funding for  
39 workforce training programs in green economy jobs, if the programs  
40 meet minimum criteria for identification as a high-demand program of

1 study as defined by the state board for community and technical  
2 colleges, however any additional community and technical college  
3 high-demand funding authorized for the 2009-2011 fiscal biennium and  
4 thereafter may be subject to prioritization; (b) increased outreach  
5 efforts to public utilities, education, labor, government, and  
6 private industry to develop tailored, green job training programs;  
7 and (c) increased outreach efforts to target populations. Outreach  
8 efforts shall be conducted in partnership with local workforce  
9 development councils.

10 (7) The definitions in RCW 43.330.010 apply to this section and  
11 RCW 28B.50.282.

12 **Sec. 2010.** RCW 28C.18.130 and 2008 c 103 s 3 are each amended to  
13 read as follows:

14 (1) Subject to funding provided for the purposes of this section,  
15 the board, in consultation with the state board for community and  
16 technical colleges, the department of (~~community, trade, and~~  
17 ~~economic development~~) commerce, and the employment security  
18 department, shall allocate grants on a competitive basis to establish  
19 and support industry skill panels.

20 (2) Eligible applicants for the grants allocated under this  
21 section include, but are not limited to, workforce development  
22 councils, community and technical colleges, economic development  
23 councils, private career schools, chambers of commerce, trade  
24 associations, and apprenticeship councils.

25 (3) Entities applying for a grant under this section shall  
26 provide an employer match of at least twenty-five percent to be  
27 eligible. The local match may include in-kind services.

28 (4) It shall be the role of industry skill panels funded under  
29 this chapter to enable businesses in the industry to address  
30 workforce skill needs. Industry skill panels shall identify workforce  
31 strategies to meet the needs in order to benefit employers and  
32 workers across the industry. Examples of strategies include, but are  
33 not limited to: Developing career guidance materials; producing or  
34 updating skill standards and curricula; designing training programs  
35 and courses; developing technical assessments and certifications;  
36 arranging employer mentoring, tutoring, and internships; identifying  
37 private sector assistance in providing faculty or equipment to  
38 training providers; and organizing industry conferences disseminating

1 best practices. The products and services of particular skill panels  
2 shall depend upon the needs of the industry.

3 **Sec. 2011.** RCW 28C.18.140 and 2008 c 103 s 4 are each amended to  
4 read as follows:

5 The board shall establish industry skill panel standards that  
6 identify the expectations for industry skill panel products and  
7 services. The board shall establish the standards in consultation  
8 with labor, the state board for community and technical colleges, the  
9 employment security department, the institute of workforce  
10 development and economic sustainability, and the department of  
11 (~~community, trade, and economic development~~) commerce. Continued  
12 funding of particular industry skill panels shall be based on meeting  
13 the standards established by the board under this section. Beginning  
14 December 1, 2008, the board shall report annually to the governor and  
15 the economic development and higher education committees of the  
16 legislature on the results of the industry skill panels funded under  
17 this chapter in meeting the standards.

18 **Sec. 2012.** RCW 31.24.030 and 2006 c 87 s 6 are each amended to  
19 read as follows:

20 In furtherance of its purposes and in addition to the powers now  
21 or hereafter conferred on business corporations by Title 23B RCW and  
22 upon limited liability companies by chapter 25.15 RCW, as applicable,  
23 a business development company has, subject to the restrictions and  
24 limitations in this section, the following powers:

25 (1) To assess stockholders, or a class of stockholders, of the  
26 business development company, if authorized by the articles of  
27 incorporation and approved by the department pursuant to a plan of  
28 assessment as provided for in RCW 31.24.066;

29 (2) To make qualified loans to borrowers in relation to business  
30 development projects;

31 (3) To make qualified investments in businesses in relation to  
32 business development projects;

33 (4) To facilitate and arrange qualified participation loans by  
34 qualified loan participants to borrowers in relation to business  
35 development projects;

36 (5) To participate in the partial funding of qualified  
37 participation loans;

- 1           (6) To elect, appoint, and employ officers, agents, and  
2 employees;
- 3           (7) To make contracts and incur liabilities for any of the  
4 purposes of the business development company. However, a business  
5 development company shall not incur any secondary liability by way of  
6 guaranty or endorsement of the obligations of any person, firm,  
7 company, association, or trust, or in any other manner;
- 8           (8) To the extent permitted by other applicable law, to borrow  
9 money from the federal small business administration and any other  
10 similar federal or state agency, for any of the purposes of a  
11 business development company;
- 12           (9) To borrow money from a financial institution or other  
13 financial entity;
- 14           (10) To issue bonds, debentures, notes, or other evidence of  
15 indebtedness, whether secured or unsecured, and to secure the same by  
16 mortgage, pledge, deed of trust, or other lien on its property,  
17 franchises, rights, and privileges of every kind and nature or any  
18 part or interest therein, without securing stockholder approval;
- 19           (11) To purchase, receive, hold, lease, or otherwise acquire, and  
20 to sell, convey, transfer, lease, or otherwise dispose of real and  
21 personal property, together with such rights and privileges as may be  
22 incidental and appurtenant thereto and the use thereof, including,  
23 but not restricted to, any real or personal property acquired by the  
24 business development company in the satisfaction of debts or  
25 enforcement of obligations;
- 26           (12) To acquire the good will, business, rights, real and  
27 personal property, and other assets, or any part thereof, or interest  
28 therein, of any persons, firms, corporations, limited liability  
29 companies, partnerships, limited partnerships, associations, or  
30 trusts, and to assume, undertake, or pay the obligations, debts, and  
31 liabilities of any such person, firm, corporation, limited liability  
32 company, partnership, limited partnership, association, or trust;
- 33           (13) To acquire improved or unimproved real estate for the  
34 purpose of constructing industrial plants or other business  
35 establishments thereon or for the purpose of disposing of such real  
36 estate to others for the construction of industrial plants or other  
37 business establishments; and to acquire, construct or reconstruct,  
38 alter, repair, maintain, operate, sell, convey, transfer, lease, or  
39 otherwise dispose of industrial plants or business establishments;

1 (14) To acquire, subscribe for, own, hold, sell, assign,  
2 transfer, mortgage, pledge, or otherwise dispose of the stock,  
3 shares, bonds, debentures, notes, or other securities and evidences  
4 of interest in, or indebtedness of, any person, firm, limited  
5 liability company, partnership, limited partnership, association, or  
6 trust, and while the owner or holder thereof to exercise all the  
7 rights, powers, and privileges of ownership, including the right to  
8 vote thereon;

9 (15) To mortgage, pledge, or otherwise encumber any property,  
10 right or things of value, acquired pursuant to the powers contained  
11 in subsections (11), (12), and (14) of this section, as security for  
12 the payment of any part of the purchase price thereof;

13 (16) To cooperate with and avail itself of the facilities and  
14 assistance programs of the United States department of commerce, the  
15 United States department of the treasury, the United States  
16 department of housing and urban development, the department of  
17 (~~community, trade, and economic development~~) commerce, and any  
18 other similar state or federal governmental agencies; and to  
19 cooperate with and assist, and otherwise encourage organizations in  
20 the various communities of the state in the promotion, assistance,  
21 and development of the business prosperity and economic welfare of  
22 such communities or of this state or of any part thereof; and

23 (17) To do all acts and things necessary or convenient to carry  
24 out the powers expressly granted in this chapter.

25 **Sec. 2013.** RCW 34.05.330 and 1998 c 280 s 5 are each amended to  
26 read as follows:

27 (1) Any person may petition an agency requesting the adoption,  
28 amendment, or repeal of any rule. The office of financial management  
29 shall prescribe by rule the format for such petitions and the  
30 procedure for their submission, consideration, and disposition and  
31 provide a standard form that may be used to petition any agency.  
32 Within sixty days after submission of a petition, the agency shall  
33 either (a) deny the petition in writing, stating (i) its reasons for  
34 the denial, specifically addressing the concerns raised by the  
35 petitioner, and, where appropriate, (ii) the alternative means by  
36 which it will address the concerns raised by the petitioner, or (b)  
37 initiate rule-making proceedings in accordance with RCW 34.05.320.

38 (2) If an agency denies a petition to repeal or amend a rule  
39 submitted under subsection (1) of this section, and the petition

1 alleges that the rule is not within the intent of the legislature or  
2 was not adopted in accordance with all applicable provisions of law,  
3 the person may petition for review of the rule by the joint  
4 administrative rules review committee under RCW 34.05.655.

5 (3) If an agency denies a petition to repeal or amend a rule  
6 submitted under subsection (1) of this section, the petitioner,  
7 within thirty days of the denial, may appeal the denial to the  
8 governor. The governor shall immediately file notice of the appeal  
9 with the code reviser for publication in the Washington state  
10 register. Within forty-five days after receiving the appeal, the  
11 governor shall either (a) deny the petition in writing, stating (i)  
12 his or her reasons for the denial, specifically addressing the  
13 concerns raised by the petitioner, and, (ii) where appropriate, the  
14 alternative means by which he or she will address the concerns raised  
15 by the petitioner; (b) for agencies listed in RCW 43.17.010, direct  
16 the agency to initiate rule-making proceedings in accordance with  
17 this chapter; or (c) for agencies not listed in RCW 43.17.010,  
18 recommend that the agency initiate rule-making proceedings in  
19 accordance with this chapter. The governor's response to the appeal  
20 shall be published in the Washington state register and copies shall  
21 be submitted to the chief clerk of the house of representatives and  
22 the secretary of the senate.

23 (4) In petitioning for repeal or amendment of a rule under this  
24 section, a person is encouraged to address, among other concerns:

25 (a) Whether the rule is authorized;

26 (b) Whether the rule is needed;

27 (c) Whether the rule conflicts with or duplicates other federal,  
28 state, or local laws;

29 (d) Whether alternatives to the rule exist that will serve the  
30 same purpose at less cost;

31 (e) Whether the rule applies differently to public and private  
32 entities;

33 (f) Whether the rule serves the purposes for which it was  
34 adopted;

35 (g) Whether the costs imposed by the rule are unreasonable;

36 (h) Whether the rule is clearly and simply stated;

37 (i) Whether the rule is different than a federal law applicable  
38 to the same activity or subject matter without adequate  
39 justification; and

1 (j) Whether the rule was adopted according to all applicable  
2 provisions of law.

3 (5) The department of (~~community, trade, and economic~~  
4 ~~development~~) commerce and the office of financial management shall  
5 coordinate efforts among agencies to inform the public about the  
6 existence of this rules review process.

7 (6) The office of financial management shall initiate the rule  
8 making required by subsection (1) of this section by September 1,  
9 1995.

10 **Sec. 2014.** RCW 35.02.260 and 1995 c 399 s 34 are each amended to  
11 read as follows:

12 The department of (~~community, trade, and economic development~~)  
13 commerce shall identify federal, state, and local agencies that  
14 should receive notification that a new city or town is about to  
15 incorporate and shall assist newly formed cities and towns during the  
16 interim period before the official date of incorporation in providing  
17 such notification to the identified agencies.

18 **Sec. 2015.** RCW 35.13.171 and 2009 c 549 s 2010 are each amended  
19 to read as follows:

20 Within thirty days after the filing of a city's or town's  
21 annexation resolution pursuant to RCW 35.13.015 with the board of  
22 county commissioners or within thirty days after filing with the  
23 county commissioners a petition calling for an election on  
24 annexation, as provided in RCW 35.13.020, or within thirty days after  
25 approval by the legislative body of a city or town of a petition of  
26 property owners calling for annexation, as provided in RCW 35.13.130,  
27 the mayor of the city or town concerned that is not subject to the  
28 jurisdiction of a boundary review board under chapter 36.93 RCW,  
29 shall convene a review board composed of the following persons:

30 (1) The mayor of the city or town initiating the annexation by  
31 resolution, or the mayor in the event of a twenty percent annexation  
32 petition pursuant to RCW 35.13.020, or an alternate designated by the  
33 mayor;

34 (2) The chair of the board of county commissioners of the county  
35 wherein the property to be annexed is situated, or an alternate  
36 designated by him or her;

37 (3) The director of (~~community, trade, and economic~~  
38 ~~development~~) commerce, or an alternate designated by the director;

1 Two additional members to be designated, one by the mayor of the  
2 annexing city, which member shall be a resident property owner of the  
3 city, and one by the chair of the county legislative authority, which  
4 member shall be a resident of and a property owner or a resident or a  
5 property owner if there be no resident property owner in the area  
6 proposed to be annexed, shall be added to the original membership and  
7 the full board thereafter convened upon call of the mayor: PROVIDED  
8 FURTHER, That three members of the board shall constitute a quorum.

9 **Sec. 2016.** RCW 35.21.300 and 1995 c 399 s 36 are each amended to  
10 read as follows:

11 (1) The lien for charges for service by a city waterworks, or  
12 electric light or power plant may be enforced only by cutting off the  
13 service until the delinquent and unpaid charges are paid, except that  
14 until June 30, 1991, utility service for residential space heating  
15 may be terminated between November 15 and March 15 only as provided  
16 in subsections (2) and (4) of this section. In the event of a  
17 disputed account and tender by the owner of the premises of the  
18 amount the owner claims to be due before the service is cut off, the  
19 right to refuse service to any premises shall not accrue until suit  
20 has been entered by the city and judgment entered in the case.

21 (2) Utility service for residential space heating shall not be  
22 terminated between November 15 through March 15 if the customer:

23 (a) Notifies the utility of the inability to pay the bill,  
24 including a security deposit. This notice should be provided within  
25 five business days of receiving a payment overdue notice unless there  
26 are extenuating circumstances. If the customer fails to notify the  
27 utility within five business days and service is terminated, the  
28 customer can, by paying reconnection charges, if any, and fulfilling  
29 the requirements of this section, receive the protections of this  
30 chapter;

31 (b) Provides self-certification of household income for the prior  
32 twelve months to a grantee of the department of (~~community, trade,~~  
33 ~~and economic development~~) commerce which administers federally  
34 funded energy assistance programs. The grantee shall determine that  
35 the household income does not exceed the maximum allowed for  
36 eligibility under the state's plan for low-income energy assistance  
37 under 42 U.S.C. 8624 and shall provide a dollar figure that is seven  
38 percent of household income. The grantee may verify information in  
39 the self-certification;

1 (c) Has applied for home heating assistance from applicable  
2 government and private sector organizations and certifies that any  
3 assistance received will be applied to the current bill and future  
4 utility bills;

5 (d) Has applied for low-income weatherization assistance to the  
6 utility or other appropriate agency if such assistance is available  
7 for the dwelling;

8 (e) Agrees to a payment plan and agrees to maintain the payment  
9 plan. The plan will be designed both to pay the past due bill by the  
10 following October 15 and to pay for continued utility service. If the  
11 past due bill is not paid by the following October 15, the customer  
12 shall not be eligible for protections under this chapter until the  
13 past due bill is paid. The plan shall not require monthly payments in  
14 excess of seven percent of the customer's monthly income plus one-  
15 twelfth of any arrearage accrued from the date application is made  
16 and thereafter during November 15 through March 15. A customer may  
17 agree to pay a higher percentage during this period, but shall not be  
18 in default unless payment during this period is less than seven  
19 percent of monthly income plus one-twelfth of any arrearage accrued  
20 from the date application is made and thereafter. If assistance  
21 payments are received by the customer subsequent to implementation of  
22 the plan, the customer shall contact the utility to reformulate the  
23 plan; and

24 (f) Agrees to pay the moneys owed even if he or she moves.

25 (3) The utility shall:

26 (a) Include in any notice that an account is delinquent and that  
27 service may be subject to termination, a description of the  
28 customer's duties in this section;

29 (b) Assist the customer in fulfilling the requirements under this  
30 section;

31 (c) Be authorized to transfer an account to a new residence when  
32 a customer who has established a plan under this section moves from  
33 one residence to another within the same utility service area;

34 (d) Be permitted to disconnect service if the customer fails to  
35 honor the payment program. Utilities may continue to disconnect  
36 service for those practices authorized by law other than for  
37 nonpayment as provided for in this section. Customers who qualify for  
38 payment plans under this section who default on their payment plans  
39 and are disconnected can be reconnected and maintain the protections  
40 afforded under this chapter by paying reconnection charges, if any,

1 and by paying all amounts that would have been due and owing under  
2 the terms of the applicable payment plan, absent default, on the date  
3 on which service is reconnected; and

4 (e) Advise the customer in writing at the time it disconnects  
5 service that it will restore service if the customer contacts the  
6 utility and fulfills the other requirements of this section.

7 (4) All municipal utilities shall offer residential customers the  
8 option of a budget billing or equal payment plan. The budget billing  
9 or equal payment plan shall be offered low-income customers eligible  
10 under the state's plan for low-income energy assistance prepared in  
11 accordance with 42 U.S.C. 8624(C)(1) without limiting availability to  
12 certain months of the year, without regard to the length of time the  
13 customer has occupied the premises, and without regard to whether the  
14 customer is the tenant or owner of the premises occupied.

15 (5) An agreement between the customer and the utility, whether  
16 oral or written, shall not waive the protections afforded under this  
17 chapter.

18 **Sec. 2017.** RCW 36.01.120 and 1995 c 399 s 40 are each amended to  
19 read as follows:

20 It is the finding of the legislature that foreign trade zones  
21 serve an important public purpose by the creation of employment  
22 opportunities within the state and that the establishment of zones  
23 designed to accomplish this purpose is to be encouraged. It is the  
24 further intent of the legislature that the department of (~~community,~~  
25 ~~trade, and economic development~~) commerce provide assistance to  
26 entities planning to apply to the United States for permission to  
27 establish such zones.

28 **Sec. 2018.** RCW 36.70A.085 and 2022 c 252 s 2 are each amended to  
29 read as follows:

30 (1) Comprehensive plans of cities that have a marine container  
31 port with annual operating revenues in excess of sixty million  
32 dollars within their jurisdiction must include a container port  
33 element.

34 (2) Comprehensive plans of cities that include all or part of a  
35 port district with annual operating revenues in excess of twenty  
36 million dollars may include a marine industrial port element. Prior  
37 to adopting a marine industrial port element under this subsection

1 (2), the commission of the applicable port district must adopt a  
2 resolution in support of the proposed element.

3 (3) Port elements adopted under subsections (1) and (2) of this  
4 section must be developed collaboratively between the city, the  
5 applicable port, and the applicable tribe, which shall comply with  
6 RCW 36.70A.040(8), and must establish policies and programs that:

7 (a) Define and protect the core areas of port and port-related  
8 industrial uses within the city;

9 (b) Provide reasonably efficient access to the core area through  
10 freight corridors within the city limits; and

11 (c) Identify and resolve key land use conflicts along the edge of  
12 the core area, and minimize and mitigate, to the extent practicable,  
13 incompatible uses along the edge of the core area.

14 (4) Port elements adopted under subsections (1) and (2) of this  
15 section must be:

16 (a) Completed and approved by the city according to the schedule  
17 specified in RCW 36.70A.130; and

18 (b) Consistent with the economic development, transportation, and  
19 land use elements of the city's comprehensive plan, and consistent  
20 with the city's capital facilities plan.

21 (5) In adopting port elements under subsections (1) and (2) of  
22 this section, cities and ports must: Ensure that there is consistency  
23 between the port elements and the port comprehensive scheme required  
24 under chapters 53.20 and 53.25 RCW; and retain sufficient planning  
25 flexibility to secure emerging economic opportunities.

26 (6) In developing port elements under subsections (1) and (2) of  
27 this section, a city may utilize one or more of the following  
28 approaches:

29 (a) Creation of a port overlay district that protects container  
30 port uses;

31 (b) Use of industrial land banks;

32 (c) Use of buffers and transition zones between incompatible  
33 uses;

34 (d) Use of joint transportation funding agreements;

35 (e) Use of policies to encourage the retention of valuable  
36 warehouse and storage facilities;

37 (f) Use of limitations on the location or size, or both, of  
38 nonindustrial uses in the core area and surrounding areas; and

39 (g) Use of other approaches by agreement between the city and the  
40 port.

1 (7) The department of (~~community, trade, and economic~~  
2 ~~development~~) commerce must provide matching grant funds to cities  
3 meeting the requirements of subsection (1) of this section to support  
4 development of the required container port element.

5 (8) Any planned improvements identified in port elements adopted  
6 under subsections (1) and (2) of this section must be transmitted by  
7 the city to the transportation commission for consideration of  
8 inclusion in the statewide transportation plan required under RCW  
9 47.01.071.

10 **Sec. 2019.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to  
11 read as follows:

12 As part of the review required by RCW 36.70A.130(1), a county or  
13 city shall review its mineral resource lands designations adopted  
14 pursuant to RCW 36.70A.170 and mineral resource lands development  
15 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its  
16 review, the county or city shall take into consideration:

17 (1) New information made available since the adoption or last  
18 review of its designations or development regulations, including data  
19 available from the department of natural resources relating to  
20 mineral resource deposits; and

21 (2) New or modified model development regulations for mineral  
22 resource lands prepared by the department of natural resources, the  
23 department of (~~community, trade, and economic development~~)  
24 commerce, or the Washington state association of counties.

25 **Sec. 2020.** RCW 36.70B.040 and 1997 c 429 s 46 are each amended  
26 to read as follows:

27 (1) A proposed project's consistency with a local government's  
28 development regulations adopted under chapter 36.70A RCW, or, in the  
29 absence of applicable development regulations, the appropriate  
30 elements of the comprehensive plan adopted under chapter 36.70A RCW  
31 shall be decided by the local government during project review by  
32 consideration of:

33 (a) The type of land use;

34 (b) The level of development, such as units per acre or other  
35 measures of density;

36 (c) Infrastructure, including public facilities and services  
37 needed to serve the development; and

1 (d) The characteristics of the development, such as development  
2 standards.

3 (2) In deciding whether a project is consistent, the  
4 determinations made pursuant to RCW 36.70B.030(2) shall be  
5 controlling.

6 (3) For purposes of this section, the term "consistency" shall  
7 include all terms used in this chapter and chapter 36.70A RCW to  
8 refer to performance in accordance with this chapter and chapter  
9 36.70A RCW, including but not limited to compliance, conformity, and  
10 consistency.

11 (4) Nothing in this section requires documentation, dictates an  
12 agency's procedures for considering consistency, or limits a city or  
13 county from asking more specific or related questions with respect to  
14 any of the four main categories listed in subsection (1)(a) through  
15 (d) of this section.

16 (5) The department of (~~community, trade, and economic~~  
17 ~~development~~) commerce is authorized to develop and adopt by rule  
18 criteria to assist local governments planning under RCW 36.70A.040 to  
19 analyze the consistency of project actions. These criteria shall be  
20 jointly developed with the department of ecology.

21 **\*Sec. 2021. RCW 36.70B.080 and 2004 c 191 s 2 are each amended**  
22 **to read as follows:**

23 **(1) Development regulations adopted pursuant to RCW 36.70A.040**  
24 **must establish and implement time periods for local government**  
25 **actions for each type of project permit application and provide**  
26 **timely and predictable procedures to determine whether a completed**  
27 **project permit application meets the requirements of those**  
28 **development regulations. The time periods for local government**  
29 **actions for each type of complete project permit application or**  
30 **project type should not exceed one hundred twenty days, unless the**  
31 **local government makes written findings that a specified amount of**  
32 **additional time is needed to process specific complete project permit**  
33 **applications or project types.**

34 **The development regulations must, for each type of permit**  
35 **application, specify the contents of a completed project permit**  
36 **application necessary for the complete compliance with the time**  
37 **periods and procedures.**

38 **(2) (a) Counties subject to the requirements of RCW 36.70A.215 and**  
39 **the cities within those counties that have populations of at least**

1 twenty thousand must, for each type of permit application, identify  
2 the total number of project permit applications for which decisions  
3 are issued according to the provisions of this chapter. For each type  
4 of project permit application identified, these counties and cities  
5 must establish and implement a deadline for issuing a notice of final  
6 decision as required by subsection (1) of this section and minimum  
7 requirements for applications to be deemed complete under RCW  
8 36.70B.070 as required by subsection (1) of this section.

9 (b) Counties and cities subject to the requirements of this  
10 subsection also must prepare annual performance reports that include,  
11 at a minimum, the following information for each type of project  
12 permit application identified in accordance with the requirements of  
13 (a) of this subsection:

14 (i) Total number of complete applications received during the  
15 year;

16 (ii) Number of complete applications received during the year for  
17 which a notice of final decision was issued before the deadline  
18 established under this subsection;

19 (iii) Number of applications received during the year for which a  
20 notice of final decision was issued after the deadline established  
21 under this subsection;

22 (iv) Number of applications received during the year for which an  
23 extension of time was mutually agreed upon by the applicant and the  
24 county or city;

25 (v) Variance of actual performance, excluding applications for  
26 which mutually agreed time extensions have occurred, to the deadline  
27 established under this subsection during the year; and

28 (vi) The mean processing time and the number standard deviation  
29 from the mean.

30 (c) Counties and cities subject to the requirements of this  
31 subsection must:

32 (i) Provide notice of and access to the annual performance  
33 reports through the county's or city's website; and

34 (ii) Post electronic facsimiles of the annual performance reports  
35 through the county's or city's website. Postings on a county's or  
36 city's website indicating that the reports are available by  
37 contacting the appropriate county or city department or official do  
38 not comply with the requirements of this subsection.

39 If a county or city subject to the requirements of this  
40 subsection does not maintain a website, notice of the reports must be

1 given by reasonable methods, including but not limited to those  
2 methods specified in RCW 36.70B.110(4).

3 (3) Nothing in this section prohibits a county or city from  
4 extending a deadline for issuing a decision for a specific project  
5 permit application for any reasonable period of time mutually agreed  
6 upon by the applicant and the local government.

7 (4) The department of ((community, trade, and economic  
8 development)) commerce shall work with the counties and cities to  
9 review the potential implementation costs of the requirements of  
10 subsection (2) of this section. The department, in cooperation with  
11 the local governments, shall prepare a report summarizing the  
12 projected costs, together with recommendations for state funding  
13 assistance for implementation costs, and provide the report to the  
14 governor and appropriate committees of the senate and house of  
15 representatives by January 1, 2005.

\*Sec. 2021 was vetoed. See message at end of chapter.

16 **Sec. 2022.** RCW 36.93.080 and 1995 c 399 s 44 are each amended to  
17 read as follows:

18 Expenditures by the board shall be subject to the provisions of  
19 chapter 36.40 RCW and other statutes relating to expenditures by  
20 counties. The department of ((community, trade, and economic  
21 development)) commerce shall on a quarterly basis remit to each  
22 county one-half of the actual costs incurred by the county for the  
23 operation of the boundary review board within individual counties as  
24 provided for in this chapter. However, in the event no funds are  
25 appropriated to the said agency for this purpose, this shall not in  
26 any way affect the operation of the boundary review board.

27 **Sec. 2023.** RCW 36.110.030 and 1995 c 399 s 45 are each amended  
28 to read as follows:

29 A statewide jail industries board of directors is established.  
30 The board shall consist of the following members:

31 (1) One sheriff and one police chief, to be selected by the  
32 Washington association of sheriffs and police chiefs;

33 (2) One county commissioner or one county councilmember to be  
34 selected by the Washington state association of counties;

35 (3) One city official to be selected by the association of  
36 Washington cities;

1 (4) Two jail administrators to be selected by the Washington  
2 state jail association, one of whom shall be from a county or a city  
3 with an established jail industries program;

4 (5) One prosecuting attorney to be selected by the Washington  
5 association of prosecuting attorneys;

6 (6) One administrator from a city or county corrections  
7 department to be selected by the Washington correctional association;

8 (7) One county clerk to be selected by the Washington association  
9 of county clerks;

10 (8) Three representatives from labor to be selected by the  
11 governor. The representatives may be chosen from a list of  
12 nominations provided by statewide labor organizations representing a  
13 cross section of trade organizations;

14 (9) Three representatives from business to be selected by the  
15 governor. The representatives may be chosen from a list of  
16 nominations provided by statewide business organizations representing  
17 a cross section of businesses, industries, and all sizes of  
18 employers;

19 (10) The governor's representative from the employment security  
20 department;

21 (11) One member representing crime victims, to be selected by the  
22 governor;

23 (12) One member representing online law enforcement officers, to  
24 be selected by the governor;

25 (13) One member from the department of (~~community, trade, and~~  
26 ~~economic development~~) commerce to be selected by the governor;

27 (14) One member representing higher education, vocational  
28 education, or adult basic education to be selected by the governor;  
29 and

30 (15) The governor's representative from the correctional  
31 industries division of the state department of corrections shall be  
32 an ex officio member for the purpose of coordination and cooperation  
33 between prison and jail industries and to further a positive  
34 relationship between state and local government offender programs.

35 **\*Sec. 2024. RCW 39.04.156 and 2000 c 138 s 104 are each amended**  
36 **to read as follows:**

37 **The department of (~~community, trade, and economic development~~)**  
38 **commerce, in cooperation with the municipal research and services**  
39 **center, shall prepare a small works roster manual and periodically**

1 **notify the different types of local government authorized to use a**  
2 **small works roster process about this authority.**

**\*Sec. 2024 was vetoed. See message at end of chapter.**

3 **Sec. 2025.** RCW 39.19.240 and 2005 c 302 s 5 are each amended to  
4 read as follows:

5 (1) The office shall, in consultation with the state treasurer  
6 and the department of (~~community, trade, and economic development~~)  
7 commerce, compile information on minority and women's business  
8 enterprises that have received financial assistance through a  
9 qualified public depository under the provisions of RCW 43.86A.060.  
10 The information shall include, but is not limited to:

11 (a) Name of the qualified public depository;

12 (b) Geographic location of the minority or women's business  
13 enterprise;

14 (c) Name of the minority or women's business enterprise;

15 (d) Date of last certification by the office and certification  
16 number;

17 (e) Type of business;

18 (f) Amount and term of the loan to the minority or women's  
19 business enterprise; and

20 (g) Other information the office deems necessary for the  
21 implementation of this section.

22 (2) The office shall notify the state treasurer of minority or  
23 women's business enterprises that are no longer certified under the  
24 provisions of this chapter. The written notification shall contain  
25 information regarding the reason for the decertification and  
26 information on financing provided to the minority or women's business  
27 enterprise under RCW 43.86A.060.

28 (3) The office shall, in consultation with the state treasurer  
29 and the department of (~~community, trade, and economic development~~)  
30 commerce, monitor the performance of loans made to minority and  
31 women-owned business enterprises under RCW 43.86A.060.

32 **Sec. 2026.** RCW 39.34.230 and 2008 c 181 s 101 are each amended  
33 to read as follows:

34 (1) During a covered emergency, the department of (~~community,~~  
35 ~~trade, and economic development~~) commerce may enter into interlocal  
36 agreements under this chapter with one or more public agencies for

1 the purposes of providing mutual aid and cooperation to any public  
2 agency affected by the cause of the emergency.

3 (2) All legal liability by a public agency and its employees for  
4 damage to property or injury or death to persons caused by acts done  
5 or attempted during, or while traveling to or from, a covered  
6 emergency, or in preparation for a covered emergency, pursuant to an  
7 interlocal agreement entered into under this section, or under the  
8 color of this section in a bona fide attempt to comply therewith,  
9 shall be the obligation of the state of Washington. Suits may be  
10 instituted and maintained against the state for the enforcement of  
11 such liability, or for the indemnification of any public agency or  
12 its employees for damage done to their private property, or for any  
13 judgment against them for acts done in good faith in compliance with  
14 this chapter: PROVIDED, That the foregoing shall not be construed to  
15 result in indemnification in any case of willful misconduct, gross  
16 negligence, or bad faith on the part of any public agency or any of a  
17 public agency's employees: PROVIDED, That should the United States or  
18 any agency thereof, in accordance with any federal statute, rule, or  
19 regulation, provide for the payment of damages to property and/or for  
20 death or injury as provided for in this section, then and in that  
21 event there shall be no liability or obligation whatsoever upon the  
22 part of the state of Washington for any such damage, death, or injury  
23 for which the United States government assumes liability.

24 (3) For purposes of this section, "covered emergency" means an  
25 emergency for which the governor has proclaimed a state of emergency  
26 under RCW 43.06.010, and for which the governor has authorized the  
27 department of (~~community, trade, and economic development~~) commerce  
28 to enter into interlocal agreements under this section.

29 (4) This section shall not affect the right of any person to  
30 receive benefits to which he or she would otherwise be entitled under  
31 the workers' compensation law, or under any pension or retirement  
32 law, nor the right of any such person to receive any benefits or  
33 compensation under any act of congress.

34 **\*Sec. 2027. RCW 39.35D.080 and 2005 c 12 s 12 are each amended**  
35 **to read as follows:**

36 **Except as provided in this section, affordable housing projects**  
37 **funded out of the state capital budget are exempt from the provisions**  
38 **of this chapter. On or before July 1, 2008, the department of**  
39 **(~~community, trade, and economic development~~) commerce shall**

1 identify, implement, and apply a sustainable building program for  
2 affordable housing projects that receive housing trust fund (under  
3 chapter 43.185 RCW) funding in a state capital budget. The department  
4 of (~~community, trade, and economic development~~) commerce shall not  
5 develop its own sustainable building standard, but shall work with  
6 stakeholders to adopt an existing sustainable building standard or  
7 criteria appropriate for affordable housing. Any application of the  
8 program to affordable housing, including any monitoring to track the  
9 performance of either sustainable features or energy standards or  
10 both, is the responsibility of the department of (~~community, trade,  
11 and economic development~~) commerce. Beginning in 2009 and ending in  
12 2016, the department of (~~community, trade, and economic  
13 development~~) commerce shall report to the department as required  
14 under RCW 39.35D.030(3)(b).

*\*Sec. 2027 was vetoed. See message at end of chapter.*

15 **Sec. 2028.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to  
16 read as follows:

17 For each state or local government bond issued, the underwriter  
18 of the issue shall supply the department of (~~community, trade, and  
19 economic development~~) commerce with information on the bond issue  
20 within twenty days of its issuance. In cases where the issuer of the  
21 bond makes a direct or private sale to a purchaser without benefit of  
22 an underwriter, the issuer shall supply the required information. The  
23 bond issue information shall be provided on a form prescribed by the  
24 department of (~~community, trade, and economic development~~) commerce  
25 and shall include but is not limited to: (1) The par value of the  
26 bond issue; (2) the effective interest rates; (3) a schedule of  
27 maturities; (4) the purposes of the bond issue; (5) cost of issuance  
28 information; and (6) the type of bonds that are issued. A copy of the  
29 bond covenants shall be supplied with this information.

30 For each state or local government bond issued, the issuer's bond  
31 counsel promptly shall provide to the underwriter or to the  
32 department of (~~community, trade, and economic development~~) commerce  
33 information on the amount of any fees charged for services rendered  
34 with regard to the bond issue.

35 Each local government that issues any type of bond shall make a  
36 report annually to the department of (~~community, trade, and economic  
37 development~~) commerce that includes a summary of all the outstanding  
38 bonds of the local government as of the first day of January in that

1 year. Such report shall distinguish the outstanding bond issues on  
2 the basis of the type of bond, as defined in RCW 39.44.200, and shall  
3 report the local government's outstanding indebtedness compared to  
4 any applicable limitations on indebtedness, including RCW 35.42.200,  
5 39.30.010, and 39.36.020.

6 **Sec. 2029.** RCW 39.44.230 and 1995 c 399 s 55 are each amended to  
7 read as follows:

8 The department of (~~community, trade, and economic development~~)  
9 commerce may adopt rules and regulations pursuant to the  
10 administrative procedure act to require (1) the submission of bond  
11 issuance information by underwriters and bond counsel to the  
12 department of (~~community, trade, and economic development~~) commerce  
13 in a timely manner and (2) the submission of additional information  
14 on bond issues by state and local governments, including summaries of  
15 outstanding bond issues.

16 **Sec. 2030.** RCW 39.84.090 and 1998 c 245 s 34 are each amended to  
17 read as follows:

18 (1) Prior to issuance of any revenue bonds, each public  
19 corporation shall submit a copy of its enabling ordinance and  
20 charter, a description of any industrial development facility  
21 proposed to be undertaken, and the basis for its qualification as an  
22 industrial development facility to the department of (~~community,  
23 trade, and economic development~~) commerce.

24 (2) If the industrial development facility is not eligible under  
25 this chapter, the department of (~~community, trade, and economic  
26 development~~) commerce shall give notice to the public corporation,  
27 in writing and by certified mail, within twelve working days of  
28 receipt of the description.

29 (3) The department of (~~community, trade, and economic  
30 development~~) commerce shall provide such advice and assistance to  
31 public corporations and municipalities which have created or may wish  
32 to create public corporations as the public corporations or  
33 municipalities request and the department of (~~community, trade, and  
34 economic development~~) commerce considers appropriate.

35 **Sec. 2031.** RCW 40.10.020 and 1995 c 399 s 58 are each amended to  
36 read as follows:

1 The state archivist is authorized to reproduce those documents  
2 designated as essential records by the several elected and appointed  
3 officials of the state and local government by microfilm or other  
4 miniature photographic process and to assist and cooperate in the  
5 storage and safeguarding of such reproductions in such place as is  
6 recommended by the state archivist with the advice of the director of  
7 (~~community, trade, and economic development~~) commerce. The state  
8 archivist shall coordinate the essential records protection program  
9 and shall carry out the provisions of the state emergency plan as  
10 they relate to the preservation of essential records. The state  
11 archivist is authorized to charge the several departments of the  
12 state and local government the actual cost incurred in reproducing,  
13 storing and safeguarding such documents: PROVIDED, That nothing  
14 herein shall authorize the destruction of the originals of such  
15 documents after reproduction thereof.

16 **Sec. 2032.** RCW 41.06.072 and 1995 c 399 s 59 are each amended to  
17 read as follows:

18 In addition to the exemptions set forth in this chapter, this  
19 chapter shall not apply within the department of (~~community, trade,  
20 and economic development~~) commerce to the director, one confidential  
21 secretary, the deputy directors, all assistant directors, the state  
22 historic preservation officer, and up to two professional staff  
23 members within the emergency management program.

24 **Sec. 2033.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended  
25 to read as follows:

26 (1) The department shall identify and catalog real property that  
27 is no longer required for department purposes and is suitable for the  
28 development of affordable housing for very low-income, and moderate-  
29 income households as defined in RCW 43.63A.510. The inventory shall  
30 include the location, approximate size, and current zoning  
31 classification of the property. The department shall provide a copy  
32 of the inventory to the department of (~~community, trade, and  
33 economic development~~) commerce by November 1, 1993, and every  
34 November 1 thereafter.

35 (2) By November 1 of each year, beginning in 1994, the department  
36 shall purge the inventory of real property of sites that are no  
37 longer available for the development of affordable housing. The  
38 department shall include an updated listing of real property that has

1 become available since the last update. As used in this section,  
2 "real property" means buildings, land, or buildings and land.

3 **Sec. 2034.** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to  
4 read as follows:

5 (1) The department shall collaborate with the department of  
6 (~~community, trade, and economic development~~) commerce in the  
7 development of the coordinated and comprehensive plan for homeless  
8 families with children required under RCW 43.63A.650, which  
9 designates the department of (~~community, trade, and economic  
10 development~~) commerce as the state agency with primary  
11 responsibility for providing shelter and housing services to homeless  
12 families with children. In fulfilling its responsibilities to  
13 collaborate with the department of (~~community, trade, and economic  
14 development~~) commerce pursuant to RCW 43.63A.650, the department  
15 shall develop, administer, supervise, and monitor its portion of the  
16 plan. The department's portion of the plan shall contain at least the  
17 following elements:

- 18 (a) Coordination or linkage of services with shelter and housing;  
19 (b) Accommodation and addressing the needs of homeless families  
20 in the design and administration of department programs;  
21 (c) Participation of the department's local offices in the  
22 identification, assistance, and referral of homeless families; and  
23 (d) Ongoing monitoring of the efficiency and effectiveness of the  
24 plan's design and implementation.

25 (2) The department shall include community organizations involved  
26 in the delivery of services to homeless families with children, and  
27 experts in the development and ongoing evaluation of the plan.

28 (3) The duties under this section shall be implemented within  
29 amounts appropriated for that specific purpose by the legislature in  
30 the operating and capital budgets.

31 **Sec. 2035.** RCW 43.21A.510 and 1995 c 399 s 66 are each amended  
32 to read as follows:

33 In order to assist the department of (~~community, trade, and  
34 economic development~~) commerce in providing information to  
35 businesses interested in locating in Washington state, the department  
36 shall develop an environmental profile of the state. This profile  
37 shall identify the state's natural resources and describe how these  
38 assets are valuable to industry. Examples of information to be

1 included are water resources and quality, air quality, and  
2 recreational opportunities related to natural resources.

3 **Sec. 2036.** RCW 43.21A.515 and 1995 c 399 s 67 are each amended  
4 to read as follows:

5 In order to emphasize the importance of the state's environmental  
6 laws and regulations and to facilitate compliance with them, the  
7 department of ecology shall provide assistance to businesses  
8 interested in locating in Washington state. When the department of  
9 (~~community, trade, and economic development~~) commerce receives a  
10 query from an interested business through its industrial marketing  
11 activities, it shall arrange for the department of ecology to provide  
12 information on the state's environmental laws and regulations and  
13 methods of compliance. This section shall facilitate compliance with  
14 state environmental laws and regulations and shall not weaken their  
15 application or effectiveness.

16 **Sec. 2037.** RCW 43.21A.612 and 1995 c 399 s 68 are each amended  
17 to read as follows:

18 Before the director shall construct said steam generating  
19 facility within the state, or make application for any permit,  
20 license or other right necessary thereto, the director shall give  
21 notice thereof by publishing once a week for four consecutive weeks  
22 in a newspaper of general circulation in the county or counties in  
23 which such project is located a statement of intention setting forth  
24 the general nature, extent and location of the project. If any public  
25 utility in the state or any operating agency desires to construct  
26 such facility, such utility or operating agency shall notify the  
27 director thereof within ten days after the last date of publication  
28 of such notice. If the director determines that it is in the best  
29 public interest that the director proceed with such construction  
30 rather than the public utility or operating agency, the director  
31 shall so notify the director of (~~community, trade, and economic  
32 development~~) commerce, who shall set a date for hearing thereon. If  
33 after considering the evidence introduced the director of  
34 (~~community, trade, and economic development~~) commerce finds that  
35 the public utility or operating agency making the request intends to  
36 immediately proceed with such construction and is financially capable  
37 of carrying out such construction and further finds that the plan of  
38 such utility or operating agency is equally well adapted to serve the

1 public interest, the director shall enter an order so finding and  
2 such order shall divest the director of authority to proceed further  
3 with such construction or acquisition until such time as the other  
4 public utility or agency voluntarily causes an assignment of its  
5 right or interest in the project to the director or fails to procure  
6 any further required governmental permit, license or authority or  
7 having procured such, has the same revoked or withdrawn, in  
8 accordance with the laws and regulations of such governmental entity,  
9 in which event the director shall have the same authority to proceed  
10 as though the director had originally entered an order so authorizing  
11 the director to proceed. If, after considering the evidence  
12 introduced, the director of ((community, trade, and economic  
13 development)) commerce finds that the public utility or agency making  
14 the request does not intend to immediately proceed with such  
15 construction or acquisition or is not financially capable of carrying  
16 out such construction or acquisition, or finds that the plan of such  
17 utility or operating agency is not equally well adapted to serve the  
18 public interest, the director shall then enter an order so finding  
19 and authorizing the director to proceed with the construction or  
20 acquisition of the facility.

21 **Sec. 2038.** RCW 43.21G.010 and 1996 c 186 s 507 are each amended  
22 to read as follows:

23 The legislature finds that energy in various forms is  
24 increasingly subject to possible shortages and supply disruptions, to  
25 the point that there may be foreseen an emergency situation, and that  
26 without the ability to institute appropriate emergency measures to  
27 regulate the production, distribution, and use of energy, a severe  
28 impact on the public health, safety, and general welfare of our  
29 state's citizens may occur. The prevention or mitigation of such  
30 energy shortages or disruptions and their effects is necessary for  
31 preservation of the public health, safety, and general welfare of the  
32 citizens of this state.

33 It is the intent of this chapter to:

34 (1) Establish necessary emergency powers for the governor and  
35 define the situations under which such powers are to be exercised;

36 (2) Provide penalties for violations of this chapter.

37 It is further the intent of the legislature that in developing  
38 proposed orders under the powers granted in RCW 43.21G.040 as now or  
39 hereafter amended the governor may utilize, on a temporary or ad hoc

1 basis, the knowledge and expertise of persons experienced in the  
2 technical aspects of energy supply, distribution, or use. Such  
3 utilization shall be in addition to support received by the governor  
4 from the department of (~~community, trade, and economic development~~)  
5 commerce under RCW 43.21F.045 and 43.21F.065 and from other state  
6 agencies.

7 **Sec. 2039.** RCW 43.21J.030 and 2007 c 341 s 62 and 2007 c 241 s 4  
8 are each reenacted and amended to read as follows:

9 (1) There is created the environmental enhancement and job  
10 creation task force within the office of the governor. The purpose of  
11 the task force is to provide a coordinated and comprehensive approach  
12 to implementation of chapter 516, Laws of 1993. The task force shall  
13 consist of the commissioner of public lands, the director of the  
14 department of fish and wildlife, the director of the department of  
15 ecology, the director of the parks and recreation commission, the  
16 timber team coordinator, the executive director of the workforce  
17 training and education coordinating board, and the executive director  
18 of the Puget Sound partnership, or their designees. The task force  
19 may seek the advice of the following agencies and organizations: The  
20 department of (~~community, trade, and economic development~~)  
21 commerce, the conservation commission, the employment security  
22 department, the recreation and conservation office, appropriate  
23 federal agencies, appropriate special districts, the Washington state  
24 association of counties, the association of Washington cities, labor  
25 organizations, business organizations, timber-dependent communities,  
26 environmental organizations, and Indian tribes. The governor shall  
27 appoint the task force chair. Members of the task force shall serve  
28 without additional pay. Participation in the work of the committee by  
29 agency members shall be considered in performance of their  
30 employment. The governor shall designate staff and administrative  
31 support to the task force and shall solicit the participation of  
32 agency personnel to assist the task force.

33 (2) The task force shall have the following responsibilities:

34 (a) Soliciting and evaluating, in accordance with the criteria  
35 set forth in RCW 43.21J.040, requests for funds from the  
36 environmental and forest restoration account and making distributions  
37 from the account. The task force shall award funds for projects and  
38 training programs it approves and may allocate the funds to state  
39 agencies for disbursement and contract administration;

1 (b) Coordinating a process to assist state agencies and local  
2 governments to implement effective environmental and forest  
3 restoration projects funded under this chapter;

4 (c) Considering unemployment profile data provided by the  
5 employment security department.

6 (3) Beginning July 1, 1994, the task force shall have the  
7 following responsibilities:

8 (a) To solicit and evaluate proposals from state and local  
9 agencies, private nonprofit organizations, and tribes for  
10 environmental and forest restoration projects;

11 (b) To rank the proposals based on criteria developed by the task  
12 force in accordance with RCW 43.21J.040; and

13 (c) To determine funding allocations for projects to be funded  
14 from the account created in RCW 43.21J.020 and for projects or  
15 programs as designated in the omnibus operating and capital  
16 appropriations acts.

17 **\*Sec. 2040. RCW 43.22.495 and 2007 c 432 s 7 are each amended to**  
18 **read as follows:**

19 **Beginning on July 1, 2007, the department of labor and industries**  
20 **shall perform all the consumer complaint and related functions of the**  
21 **state administrative agency that are required for purposes of**  
22 **complying with the regulations established by the federal department**  
23 **of housing and urban development for manufactured housing, including**  
24 **the preparation and submission of the state administrative plan.**

25 **The department of labor and industries may enter into state or**  
26 **local interagency agreements to coordinate site inspection activities**  
27 **with record monitoring and complaint handling. The interagency**  
28 **agreement may also provide for the reimbursement for cost of work**  
29 **that an agency performs. The department may include other related**  
30 **areas in any interagency agreements which are necessary for the**  
31 **efficient provision of services.**

32 **The directors of the department of (~~community, trade, and~~**  
33 **~~economic development~~) commerce and the department of labor and**  
34 **industries shall immediately take such steps as are necessary to**  
35 **ensure that chapter 432, Laws of 2007 is implemented on July 1, 2007.**

**\*Sec. 2040 was vetoed. See message at end of chapter.**

36 **\*Sec. 2041. RCW 43.22A.020 and 2007 c 432 s 1 are each amended**  
37 **to read as follows:**

1        *Beginning on July 1, 2007, the department shall perform all the*  
2 *consumer complaint and related functions of the state administrative*  
3 *agency that are required for purposes of complying with the*  
4 *regulations established by the federal department of housing and*  
5 *urban development for manufactured housing, including the preparation*  
6 *and submission of the state administrative plan.*

7        *The department may enter into state or local interagency*  
8 *agreements to coordinate site inspection activities with record*  
9 *monitoring and complaint handling. The interagency agreement may also*  
10 *provide for the reimbursement for cost of work that an agency*  
11 *performs. The department may include other related areas in any*  
12 *interagency agreements which are necessary for the efficient*  
13 *provision of services.*

14        *The department of (~~community, trade, and economic development~~)*  
15 *commerce shall transfer all records, files, books, and documents*  
16 *necessary for the department to assume these new functions.*

17        *The directors of (~~community, trade, and economic development~~)*  
18 *commerce and of labor and industries shall immediately take such*  
19 *steps as are necessary to ensure that chapter 432, Laws of 2007 is*  
20 *implemented on July 1, 2007.*

*\*Sec. 2041 was vetoed. See message at end of chapter.*

21        **Sec. 2042.** RCW 43.23.035 and 1995 c 399 s 70 are each amended to  
22 read as follows:

23        The department of agriculture is hereby designated as the agency  
24 of state government for the administration and implementation of  
25 state agricultural market development programs and activities, both  
26 domestic and foreign, and shall, in addition to the powers and duties  
27 otherwise imposed by law, have the following powers and duties:

28        (1) To study the potential marketability of various agricultural  
29 commodities of this state in foreign and domestic trade;

30        (2) To collect, prepare, and analyze foreign and domestic market  
31 data;

32        (3) To establish a program to promote and assist in the marketing  
33 of Washington-bred horses: PROVIDED, That the department shall  
34 present a proposal to the legislature no later than December 1, 1986,  
35 that provides for the elimination of all state funding for the  
36 program after June 30, 1989;

37        (4) To encourage and promote the sale of Washington's  
38 agricultural commodities and products at the site of their production

1 through the development and dissemination of referral maps and other  
2 means;

3 (5) To encourage and promote those agricultural industries, such  
4 as the wine industry, which attract visitors to rural areas in which  
5 other agricultural commodities and products are produced and are, or  
6 could be, made available for sale;

7 (6) To encourage and promote the establishment and use of public  
8 markets in this state for the sale of Washington's agricultural  
9 products;

10 (7) To maintain close contact with foreign firms and governmental  
11 agencies and to act as an effective intermediary between foreign  
12 nations and Washington traders;

13 (8) To publish and disseminate to interested citizens and others  
14 information which will aid in carrying out the purposes of chapters  
15 43.23, 15.64, 15.65, and 15.66 RCW;

16 (9) To encourage and promote the movement of foreign and domestic  
17 agricultural goods through the ports of Washington;

18 (10) To conduct an active program by sending representatives to,  
19 or engaging representatives in, foreign countries to promote the  
20 state's agricultural commodities and products;

21 (11) To assist and to make Washington agricultural concerns more  
22 aware of the potentials of foreign trade and to encourage production  
23 of those commodities that will have high export potential and appeal;

24 (12) To coordinate the trade promotional activities of  
25 appropriate federal, state, and local public agencies, as well as  
26 civic organizations; and

27 (13) To develop a coordinated marketing program with the  
28 department of (~~community, trade, and economic development~~)  
29 commerce, utilizing existing trade offices and participating in  
30 mutual trade missions and activities.

31 As used in this section, "agricultural commodities" includes  
32 products of both terrestrial and aquatic farming.

33 **Sec. 2043.** RCW 43.30.835 and 2009 c 163 s 2 are each amended to  
34 read as follows:

35 (1) The department may develop and implement forest biomass  
36 energy demonstration projects, one east of the crest of the Cascade  
37 mountains and one west of the crest of the Cascade mountains. The  
38 demonstration projects must be designed to:

1 (a) Reveal the utility of Washington's public and private forest  
2 biomass feedstock;

3 (b) Create green jobs and generate renewable energy;

4 (c) Generate revenues or improve asset values for beneficiaries  
5 of state lands and state forestlands;

6 (d) Improve forest health, reduce pollution, and restore  
7 ecological function; and

8 (e) Avoid interfering with the current working area for forest  
9 biomass collection surrounding an existing fixed location biomass  
10 energy production site.

11 (2) To develop and implement the forest biomass energy  
12 demonstration projects, the department may form forest biomass energy  
13 partnerships or cooperatives.

14 (3) The forest biomass energy partnerships or cooperatives are  
15 encouraged to be public-private partnerships focused on convening the  
16 entities necessary to grow, harvest, process, transport, and utilize  
17 forest biomass to generate renewable energy. Particular focus must be  
18 given to recruiting and employing emerging technologies that can  
19 locally process forest biomass feedstock to create local green jobs  
20 and reduce transportation costs.

21 (4) The forest biomass energy partnerships or cooperatives may  
22 include, but are not limited to: Entrepreneurs or organizations  
23 developing and operating emerging technology to process forest  
24 biomass; industrial electricity producers; contractors capable of  
25 providing the local labor needed to collect, process, and transport  
26 forest biomass feedstocks; tribes; federal land management agencies;  
27 county, city, and other local governments; the department of  
28 (~~community, trade, and economic development~~) commerce; state trust  
29 land managers; an organization dedicated to protecting and  
30 strengthening the jobs, rights, and working conditions of  
31 Washington's working families; accredited research institution  
32 representatives; an industrial timberland manager; a small forestland  
33 owner; and a not-for-profit conservation organization.

34 **Sec. 2044.** RCW 43.31.205 and 1993 c 280 s 41 are each amended to  
35 read as follows:

36 In an effort to enhance the economy of the Tri-Cities area, the  
37 department of (~~community, trade, and economic development~~) commerce  
38 is directed to promote the existence of the lease between the state  
39 of Washington and the federal government executed September 10, 1964,

1 covering one thousand acres of land lying within the Hanford  
2 reservation near Richland, Washington, and the opportunity of  
3 subleasing the land to entities for nuclear-related industry, in  
4 agreement with the terms of the lease. When promoting the existence  
5 of the lease, the department shall work in cooperation with any  
6 associate development organization located in or near the Tri-Cities  
7 area.

8 **Sec. 2045.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to  
9 read as follows:

10 The child care facility fund committee is established within the  
11 business assistance center of the department of (~~community, trade,~~  
12 ~~and economic development~~) commerce. The committee shall administer  
13 the child care facility fund, with review by the director of  
14 (~~community, trade, and economic development~~) commerce.

15 (1) The committee shall have five members. The director of  
16 (~~community, trade, and economic development~~) commerce shall appoint  
17 the members, who shall include:

18 (a) Two persons experienced in investment finance and having  
19 skills in providing capital to new businesses, in starting and  
20 operating businesses, and providing professional services to small or  
21 expanding businesses;

22 (b) One person representing a philanthropic organization with  
23 experience in evaluating funding requests;

24 (c) One child care services expert; and

25 (d) One early childhood development expert.

26 In making these appointments, the director shall give careful  
27 consideration to ensure that the various geographic regions of the  
28 state are represented and that members will be available for meetings  
29 and are committed to working cooperatively to address child care  
30 needs in Washington state.

31 (2) The committee shall elect officers from among its membership  
32 and shall adopt policies and procedures specifying the lengths of  
33 terms, methods for filling vacancies, and other matters necessary to  
34 the ongoing functioning of the committee.

35 (3) Committee members shall serve without compensation, but may  
36 request reimbursement for travel expenses as provided in RCW  
37 43.03.050 and 43.03.060.

38 (4) Committee members shall not be liable to the state, to the  
39 child care facility fund, or to any other person as a result of their

1 activities, whether ministerial or discretionary, as members except  
2 for willful dishonesty or intentional violation of the law. The  
3 department of (~~community, trade, and economic development~~) commerce  
4 may purchase liability insurance for members and may indemnify these  
5 persons against the claims of others.

6 **Sec. 2046.** RCW 43.31.970 and 2009 c 459 s 18 are each amended to  
7 read as follows:

8 The department of (~~community, trade, and economic development~~)  
9 commerce must distribute to local governments model ordinances, model  
10 development regulations, and guidance for local governments for  
11 siting and installing electric vehicle infrastructure, and in  
12 particular battery charging stations, and appropriate handling,  
13 recycling, and storage of electric vehicle batteries and equipment,  
14 when available. The model ordinances, model development regulations,  
15 and guidance must be developed by a federal or state agency, or  
16 nationally recognized organizations with specific expertise in land-  
17 use regulations or electric vehicle infrastructure.

18 **Sec. 2047.** RCW 43.63A.115 and 1993 c 280 s 60 are each amended  
19 to read as follows:

20 (1) The community action agency network, established initially  
21 under the federal economic opportunity act of 1964 and subsequently  
22 under the federal community services block grant program of 1981, as  
23 amended, shall be a delivery system for federal and state antipoverty  
24 programs in this state, including but not limited to the community  
25 services block grant program, the low-income energy assistance  
26 program, and the federal department of energy weatherization program.

27 (2) Local community action agencies comprise the community action  
28 agency network. The community action agency network shall serve low-  
29 income persons in the counties. Each community action agency and its  
30 service area shall be designated in the state federal community  
31 service block grant plan as prepared by the department of  
32 (~~community, trade, and economic development~~) commerce.

33 (3) Funds for antipoverty programs may be distributed to the  
34 community action agencies by the department of (~~community, trade,  
35 and economic development~~) commerce and other state agencies in  
36 consultation with the authorized representatives of community action  
37 agency networks.

1       **Sec. 2048.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended  
2 to read as follows:

3       (1) The department of (~~community, trade, and economic~~  
4 ~~development~~) commerce must establish a competitive process to  
5 solicit proposals for and prioritize projects whose primary objective  
6 is to assist nonprofit youth organizations in acquiring,  
7 constructing, or rehabilitating facilities used for the delivery of  
8 nonresidential services, excluding outdoor athletic fields.

9       (2) The department of (~~community, trade, and economic~~  
10 ~~development~~) commerce must establish a competitive process to  
11 prioritize applications for the assistance as follows:

12       (a) The department of (~~community, trade, and economic~~  
13 ~~development~~) commerce must conduct a statewide solicitation of  
14 project applications from local governments, nonprofit organizations,  
15 and other entities, as determined by the department of (~~community,~~  
16 ~~trade, and economic development~~) commerce. The department of  
17 (~~community, trade, and economic development~~) commerce must evaluate  
18 and rank applications in consultation with a citizen advisory  
19 committee using objective criteria. Projects must have a major  
20 recreational component, and must have either an educational or social  
21 service component. At a minimum, applicants must demonstrate that the  
22 requested assistance will increase the efficiency or quality of the  
23 services it provides to youth. The evaluation and ranking process  
24 must also include an examination of existing assets that applicants  
25 may apply to projects. Grant assistance under this section may not  
26 exceed twenty-five percent of the total cost of the project. The  
27 nonstate portion of the total project cost may include cash, the  
28 value of real property when acquired solely for the purpose of the  
29 project, and in-kind contributions.

30       (b) The department of (~~community, trade, and economic~~  
31 ~~development~~) commerce must submit a prioritized list of recommended  
32 projects to the governor and the legislature in the department of  
33 (~~community, trade, and economic development's~~) commerce's biennial  
34 capital budget request beginning with the 2005-2007 biennium and  
35 thereafter. The list must include a description of each project, the  
36 amount of recommended state funding, and documentation of nonstate  
37 funds to be used for the project. The total amount of recommended  
38 state funding for projects on a biennial project list must not exceed  
39 eight million dollars. The department of (~~community, trade, and~~  
40 ~~economic development~~) commerce may not sign contracts or otherwise

1 financially obligate funds under this section until the legislature  
2 has approved a specific list of projects.

3 (c) In contracts for grants authorized under this section the  
4 department of (~~community, trade, and economic development~~) commerce  
5 must include provisions that require that capital improvements be  
6 held by the grantee for a specified period of time appropriate to the  
7 amount of the grant and that facilities be used for the express  
8 purpose of the grant. If the grantee is found to be out of compliance  
9 with provisions of the contract, the grantee must repay to the state  
10 general fund the principal amount of the grant plus interest  
11 calculated at the rate of interest on state of Washington general  
12 obligation bonds issued most closely to the date of authorization of  
13 the grant.

14 **Sec. 2049.** RCW 43.63A.155 and 1993 c 280 s 61 are each amended  
15 to read as follows:

16 The department of (~~community, trade, and economic development~~)  
17 commerce shall retain the bond information it receives under RCW  
18 39.44.210 and 39.44.230 and shall publish summaries of local  
19 government bond issues at least once a year.

20 The department of (~~community, trade, and economic development~~)  
21 commerce shall adopt rules under chapter 34.05 RCW to implement RCW  
22 39.44.210 and 39.44.230.

23 **Sec. 2050.** RCW 43.63A.230 and 2005 c 136 s 2 are each amended to  
24 read as follows:

25 The department of (~~community, trade, and economic development~~)  
26 commerce shall provide technical assistance to cooperatives  
27 authorized under chapter 23.78 RCW and conduct educational programs  
28 on employee ownership and self-management. The department shall  
29 include information on the option of employee ownership wherever  
30 appropriate in its various programs.

31 **Sec. 2051.** RCW 43.63A.275 and 1993 c 280 s 67 are each amended  
32 to read as follows:

33 (1) Each biennium the department of (~~community, trade, and~~  
34 ~~economic development~~) commerce shall distribute such funds as are  
35 appropriated for retired senior volunteer programs (RSVP) as follows:

36 (a) At least sixty-five percent of the moneys may be distributed  
37 according to formulae and criteria to be determined by the department

1 of (~~community, trade, and economic development~~) commerce in  
2 consultation with the RSVP directors association.

3 (b) Up to twenty percent of the moneys may be distributed by  
4 competitive grant process to develop RSVP projects in counties not  
5 presently being served, or to expand existing RSVP services into  
6 counties not presently served.

7 (c) Ten percent of the moneys may be used by the department of  
8 (~~community, trade, and economic development~~) commerce for  
9 administration, monitoring of the grants, and providing technical  
10 assistance to the RSVP projects.

11 (d) Up to five percent of the moneys may be used to support  
12 projects that will benefit RSVPs statewide.

13 (2) Grants under subsection (1) of this section shall give  
14 priority to programs in the areas of education, tutoring, English as  
15 a second language, combating of and education on drug abuse, housing  
16 and homeless, and respite care, and shall be distributed in  
17 accordance with the following:

18 (a) None of the grant moneys may be used to displace any paid  
19 employee in the area being served.

20 (b) Grants shall be made for programs that focus on:

21 (i) Developing new roles for senior volunteers in nonprofit and  
22 public organizations with special emphasis on areas targeted in  
23 section 1, chapter 65, Laws of 1992. The roles shall reflect the  
24 diversity of the local senior population and shall respect their life  
25 experiences;

26 (ii) Increasing the expertise of volunteer managers and RSVP  
27 managers in the areas of communication, recruitment, motivation, and  
28 retention of today's over-sixty population;

29 (iii) Increasing the number of senior citizens recruited,  
30 referred, and placed with nonprofit and public organizations; and

31 (iv) Providing volunteer support such as: Mileage to and from the  
32 volunteer assignment, recognition, and volunteer insurance.

33 **Sec. 2052.** RCW 43.63A.400 and 1993 c 280 s 72 are each amended  
34 to read as follows:

35 The department of (~~community, trade, and economic development~~)  
36 commerce shall distribute grants to eligible public radio and  
37 television broadcast stations under RCW 43.63A.410 and 43.63A.420 to  
38 assist with programming, operations, and capital needs.

1       **Sec. 2053.** RCW 43.63A.410 and 1993 c 280 s 73 are each amended  
2 to read as follows:

3       (1) Eligibility for grants under this section shall be limited to  
4 broadcast stations which are:

5       (a) Licensed to Washington state organizations, nonprofit  
6 corporations, or other entities under section 73.621 of the  
7 regulations of the federal communications commission; and

8       (b) Qualified to receive community service grants from the  
9 federally chartered corporation for public broadcasting. Eligibility  
10 shall be established as of February 28th of each year.

11       (2) The formula in this subsection shall be used to compute the  
12 amount of each eligible station's grant under this section.

13       (a) Appropriations under this section shall be divided into a  
14 radio fund, which shall be twenty-five percent of the total  
15 appropriation under this section, and a television fund, which shall  
16 be seventy-five percent of the total appropriation under this  
17 section. Each of the two funds shall be divided into a base grant  
18 pool, which shall be fifty percent of the fund, and an incentive  
19 grant pool, which shall be the remaining fifty percent of the fund.

20       (b) Each eligible participating public radio station shall  
21 receive an equal share of the radio base grant pool, plus a share of  
22 the radio incentive grant pool equal to the proportion its nonfederal  
23 financial support bears to the sum of all participating radio  
24 stations' nonfederal financial support as most recently reported to  
25 the corporation for public broadcasting.

26       (c) Each eligible participating public television station shall  
27 receive an equal share of the television base grant pool, plus a  
28 share of the television incentive grant pool equal to the proportion  
29 its nonfederal financial support bears to the sum of all  
30 participating television stations' nonfederal financial support as  
31 most recently reported to the corporation for public broadcasting.

32       (3) Annual financial reports to the corporation for public  
33 broadcasting by eligible stations shall also be submitted by the  
34 stations to the department of (~~community, trade, and economic~~  
35 ~~development~~) commerce.

36       **Sec. 2054.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to  
37 read as follows:

38       There is established in the department of (~~community, trade, and~~  
39 ~~economic development~~) commerce a grant program to enhance funding

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

- 6 (1) Comprehensively address the problems of persons who are  
7 prostitutes; and
- 8 (2) Enhance the ability of persons to leave or avoid  
9 prostitution.

10 **Sec. 2055.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended  
11 to read as follows:

12 (1) Subject to funds appropriated by the legislature, including  
13 funds in the prostitution prevention and intervention account, the  
14 department of (~~community, trade, and economic development~~) commerce  
15 shall make awards under the grant program established by RCW  
16 43.63A.720.

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

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

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

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

35 **Sec. 2056.** RCW 43.63A.764 and 2008 c 327 s 13 are each amended  
36 to read as follows:

1 The definitions in this section apply throughout RCW 43.63A.125,  
2 this section, and RCW 43.63A.766 and 43.63A.768 unless the context  
3 clearly requires otherwise.

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

6 (2) "Distressed community" means: (a) A county that has an  
7 unemployment rate that is twenty percent above the state average for  
8 the immediately previous three years; (b) an area within a county  
9 that the department determines to be a low-income community, using as  
10 guidance the low-income community designations under the community  
11 development financial institutions fund's new markets tax credit  
12 program of the United States department of the treasury; or (c) a  
13 school district in which at least fifty percent of local elementary  
14 students receive free and reduced-price meals.

15 (3) "Nonprofit organization" means an organization that is tax  
16 exempt, or not required to apply for an exemption, under section  
17 501(c)(3) of the federal internal revenue code of 1986, as amended.

18 (4) "Technical assistance" means professional services provided  
19 under contract to nonprofit organizations for feasibility studies,  
20 planning, and project management related to acquiring, constructing,  
21 or rehabilitating nonresidential community services facilities.

22 **Sec. 2057.** RCW 43.70.540 and 2005 c 282 s 45 are each amended to  
23 read as follows:

24 The legislature recognizes that the state patrol, the  
25 administrative office of the courts, the sheriffs' and police chiefs'  
26 association, the department of social and health services, the  
27 department of (~~community, trade, and economic development~~)  
28 commerce, the sentencing guidelines commission, the department of  
29 corrections, and the superintendent of public instruction each have  
30 comprehensive data and analysis capabilities that have contributed  
31 greatly to our current understanding of crime and violence, and their  
32 causes.

33 The legislature finds, however, that a single health-oriented  
34 agency must be designated to provide consistent guidelines to all  
35 these groups regarding the way in which their data systems collect  
36 this important data. It is not the intent of the legislature by RCW  
37 43.70.545 to transfer data collection requirements from existing  
38 agencies or to require the addition of major new data systems. It is  
39 rather the intent to make only the minimum required changes in

1 existing data systems to increase compatibility and comparability,  
2 reduce duplication, and to increase the usefulness of data collected  
3 by these agencies in developing more accurate descriptions of  
4 violence.

5 **Sec. 2058.** RCW 43.132.030 and 1995 c 399 s 80 are each amended  
6 to read as follows:

7 The director of financial management is hereby empowered to  
8 designate the director of (~~community, trade, and economic~~  
9 ~~development~~) commerce as the official responsible for the  
10 preparation of fiscal notes authorized and required by this chapter.  
11 It is the intent of the legislature that when necessary the resources  
12 of other state agencies, appropriate legislative staffs, and the  
13 various associations of local government may be employed in the  
14 development of such fiscal notes.

15 **Sec. 2059.** RCW 43.132.810 and 2000 c 182 s 6 are each amended to  
16 read as follows:

17 The office of financial management, in consultation with the  
18 department of (~~community, trade, and economic development~~)  
19 commerce, shall prepare a report for the legislature on or before  
20 December 31st of every even-numbered year on local government fiscal  
21 notes, and reports on the fiscal impacts on local governments arising  
22 from selected laws, that were prepared over the preceding two-year  
23 period.

24 **Sec. 2060.** RCW 43.133.030 and 1995 c 399 s 81 are each amended  
25 to read as follows:

26 The office of financial management and the department of  
27 (~~community, trade, and economic development~~) commerce shall, in  
28 cooperation with appropriate legislative committees and legislative  
29 staff, establish a procedure for the provision of sunrise notes on  
30 the expected impact of bills and resolutions that authorize the  
31 creation of new boards and new types of special purpose districts.

32 **Sec. 2061.** RCW 43.133.050 and 1995 c 399 s 82 are each amended  
33 to read as follows:

34 (1) The office of financial management shall prepare sunrise  
35 notes for legislation concerning the creation of new boards. The  
36 department of (~~community, trade, and economic development~~) commerce

1 shall prepare sunrise notes for legislation creating new types of  
2 special purpose districts.

3 (2) A sunrise note shall be prepared for all executive and agency  
4 request legislation that creates a board or special purpose district.

5 (3) The office of financial management or the department of  
6 (~~community, trade, and economic development~~) commerce shall also  
7 provide a sunrise note at the request of any committee of the  
8 legislature.

9 **Sec. 2062.** RCW 43.150.040 and 1995 c 399 s 84 are each amended  
10 to read as follows:

11 The governor may establish a statewide center for volunteerism  
12 and citizen service within the department of (~~community, trade, and  
13 economic development~~) commerce and appoint an executive  
14 administrator, who may employ such staff as necessary to carry out  
15 the purposes of this chapter. The provisions of chapter 41.06 RCW do  
16 not apply to the executive administrator and the staff.

17 **Sec. 2063.** RCW 43.163.020 and 1995 c 399 s 89 are each amended  
18 to read as follows:

19 The Washington economic development finance authority is  
20 established as a public body corporate and politic, with perpetual  
21 corporate succession, constituting an instrumentality of the state of  
22 Washington exercising essential governmental functions. The authority  
23 is a public body within the meaning of RCW 39.53.010.

24 The authority shall consist of (~~eighteen~~[~~seventeen~~]) 17  
25 members as follows: The director of the department of (~~community,  
26 trade, and economic development~~) commerce, the director of the  
27 department of agriculture, the state treasurer, one member from each  
28 caucus in the house of representatives appointed by the speaker of  
29 the house, one member from each caucus in the senate appointed by the  
30 president of the senate, and ten public members with one  
31 representative of women-owned businesses and one representative of  
32 minority-owned businesses and with at least three of the members  
33 residing east of the Cascades. The public members shall be residents  
34 of the state appointed by the governor on the basis of their interest  
35 or expertise in trade, agriculture or business finance or jobs  
36 creation and development. One of the public members shall be  
37 appointed by the governor as chair of the authority and shall serve  
38 as chair of the authority at the pleasure of the governor. The

1 authority may select from its membership such other officers as it  
2 deems appropriate.

3 The term of the persons appointed by the governor as public  
4 members of the authority, including the public member appointed as  
5 chair, shall be four years from the date of appointment, except that  
6 the term of three of the initial appointees shall be for two years  
7 from the date of appointment and the term of four of the initial  
8 appointees shall be for three years from the date of appointment. The  
9 governor shall designate the appointees who will serve the two-year  
10 and three-year terms.

11 In the event of a vacancy on the authority due to death,  
12 resignation or removal of one of the public members, or upon the  
13 expiration of the term of one of the public members, the governor  
14 shall appoint a successor for the remainder of the unexpired term. If  
15 either of the state offices is abolished, the resulting vacancy on  
16 the authority shall be filled by the state officer who shall succeed  
17 substantially to the power and duties of the abolished office.

18 Any public member of the authority may be removed by the governor  
19 for misfeasance, malfeasance or willful neglect of duty after notice  
20 and a public hearing, unless such notice and hearing shall be  
21 expressly waived in writing by the affected public member.

22 The state officials serving in ex officio capacity may each  
23 designate an employee of their respective departments to act on their  
24 behalf in all respects with regard to any matter to come before the  
25 authority. Such designations shall be made in writing in such manner  
26 as is specified by the rules of the authority.

27 The members of the authority shall serve without compensation but  
28 shall be entitled to reimbursement, solely from the funds of the  
29 authority, for expenses incurred in the discharge of their duties  
30 under this chapter. The authority may borrow funds from the  
31 department for the purpose of reimbursing members for expenses;  
32 however, the authority shall repay the department as soon as  
33 practicable.

34 A majority of the authority shall constitute a quorum.

35 **Sec. 2064.** RCW 43.163.120 and 1998 c 245 s 51 are each amended  
36 to read as follows:

37 The authority shall receive no appropriation of state funds. The  
38 department of (~~community, trade, and economic development~~) commerce  
39 shall provide staff to the authority, to the extent permitted by law,

1 to enable the authority to accomplish its purposes; the staff from  
2 the department of (~~community, trade, and economic development~~)  
3 commerce may assist the authority in organizing itself and in  
4 designing programs, but shall not be involved in the issuance of  
5 bonds or in making credit decisions regarding financing provided to  
6 borrowers by the authority.

7 **Sec. 2065.** RCW 43.168.010 and 1999 c 164 s 501 are each amended  
8 to read as follows:

9 The legislature finds that:

10 (1) The economic health and well-being of the state, particularly  
11 in areas of high unemployment, economic stagnation, and poverty, is  
12 of substantial public concern.

13 (2) The consequences of minimal economic activity and persistent  
14 unemployment and underemployment are serious threats to the safety,  
15 health, and welfare of residents of these areas, decreasing the value  
16 of private investments and jeopardizing the sources of public  
17 revenue.

18 (3) The economic and social interdependence of communities and  
19 the vitality of industrial and economic activity necessitates, and is  
20 in part dependent on preventing substantial dislocation of residents  
21 and rebuilding the diversification of the areas' economy.

22 (4) The ability to remedy problems in stagnant areas of the state  
23 is beyond the power and control of the regulatory process and  
24 influence of the state, and the ordinary operations of private  
25 enterprise without additional governmental assistance are  
26 insufficient to adequately remedy the problems of poverty and  
27 unemployment.

28 (5) The revitalization of depressed communities requires the  
29 stimulation of private investment, the development of new business  
30 ventures, the provision of capital to ventures sponsored by local  
31 organizations and capable of growth in the business markets, and  
32 assistance to viable, but under-financed, small businesses in order  
33 to create and preserve jobs that are sustainable in the local  
34 economy.

35 Therefore, the legislature declares there to be a substantial  
36 public purpose in providing capital to promote economic development  
37 and job creation in areas of economic stagnation, unemployment, and  
38 poverty. To accomplish this purpose, the legislature hereby creates  
39 the rural Washington loan fund and vests in the department of

1 ((community, trade, and economic development)) commerce the authority  
2 to spend federal funds to stimulate the economy of distressed areas.

3 **Sec. 2066.** RCW 43.176.030 and 2004 c 237 s 3 are each amended to  
4 read as follows:

5 (1) The small business incubator program is created in the  
6 department of ((community, trade, and economic development)) commerce  
7 to provide start-up and operating assistance to qualified small  
8 business incubators.

9 (2) The department shall award grants to qualified small business  
10 incubator organizations for:

11 (a) Construction and equipment costs, up to a maximum of three  
12 million dollars per recipient; and

13 (b) Provision of technical assistance to small businesses, up to  
14 a maximum of one hundred twenty-five thousand dollars per year per  
15 recipient.

16 (3) The department shall:

17 (a) Require a grant recipient to show that it has the resources  
18 to complete the project in a timely manner and the state grant is not  
19 the sole source of funds;

20 (b) Develop, in conjunction with the Washington association of  
21 small business incubators, criteria for receipt of grant funds,  
22 including criteria related to organizational capacity, community  
23 need, and the availability of other economic development resources;

24 (c) Accept and receive grants, gifts, and pledges of funds for  
25 the support of the small business incubator program, which shall be  
26 deposited in the small business incubator account established in RCW  
27 43.176.040; and

28 (d) Integrate the promotion of small business incubators as  
29 economic development tools in its strategic plan.

30 **Sec. 2067.** RCW 43.176.901 and 2004 c 237 s 6 are each amended to  
31 read as follows:

32 The department of ((community, trade, and economic development))  
33 commerce shall have no duty to provide services related to the small  
34 business incubator and entrepreneurship assistance act of 2004 unless  
35 and until the small business incubator program and related  
36 administrative expenses are funded by the legislature.

1       **Sec. 2068.** RCW 43.180.040 and 1995 c 399 s 98 are each amended  
2 to read as follows:

3       (1) There is hereby established a public body corporate and  
4 politic, with perpetual corporate succession, to be known as the  
5 Washington state housing finance commission. The commission is an  
6 instrumentality of the state exercising essential government  
7 functions and, for purposes of the code, acts as a constituted  
8 authority on behalf of the state when it issues bonds pursuant to  
9 this chapter. The commission is a "public body" within the meaning of  
10 RCW 39.53.010.

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

12       (a) The state treasurer, ex officio;

13       (b) The director of (~~community, trade, and economic~~  
14 ~~development~~) commerce, ex officio;

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

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

20       (e) A representative of labor interests, appointed by the  
21 governor, with the consent of the senate, after consultation with  
22 representatives of organized labor;

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

25       (g) Five members of the public appointed by the governor, with  
26 the consent of the senate, on the basis of geographic distribution  
27 and their expertise in housing, real estate, finance, energy  
28 efficiency, or construction, one of whom shall be appointed by the  
29 governor as chair of the commission and who shall serve on the  
30 commission and as chair of the commission at the pleasure of the  
31 governor.

32       The term of the persons appointed by the governor, other than the  
33 chair, shall be four years from the date of their appointment, except  
34 that the terms of three of the initial appointees shall be for two  
35 years from the date of their appointment. The governor shall  
36 designate the appointees who will serve the two-year terms. An  
37 appointee may be removed by the governor for cause pursuant to RCW  
38 43.06.070 and 43.06.080. The governor shall fill any vacancy in an  
39 appointed position by appointment for the remainder of the unexpired  
40 term. If the department of (~~community development~~) commerce is

1 abolished, the resulting vacancy shall be filled by a state official  
2 who shall be appointed to the commission by the governor. If this  
3 official occupies an office or position for which senate confirmation  
4 is not required, then his or her appointment to the commission shall  
5 be subject to the consent of the senate. The members of the  
6 commission shall be compensated in accordance with RCW 43.03.240 and  
7 may be reimbursed, solely from the funds of the commission, for  
8 expenses incurred in the discharge of their duties under this  
9 chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A  
10 majority of the commission constitutes a quorum. Designees shall be  
11 appointed in such manner and shall exercise such powers as are  
12 specified by the rules of the commission.

13 (3) The commission may adopt an official seal and may select from  
14 its membership a vice chair, a secretary, and a treasurer. The  
15 commission shall establish rules concerning its exercise of the  
16 powers authorized by this chapter. The rules shall be adopted in  
17 conformance with chapter 34.05 RCW.

18 **Sec. 2069.** RCW 43.180.200 and 1995 c 399 s 99 are each amended  
19 to read as follows:

20 For purposes of the code:

21 (1) The legislature reserves the right at any time to alter or  
22 change the structure, organization, programs, or activities of the  
23 commission and to terminate the commission, so long as the action  
24 does not impair any outstanding contracts entered into by the  
25 commission;

26 (2) Any net earnings of the commission beyond that necessary to  
27 retire its bonds and to carry out the purposes of this chapter shall  
28 not inure to the benefit of any person other than the state;

29 (3) Upon dissolution of the commission, title to all of its  
30 remaining property shall vest in the state;

31 (4) The commission constitutes the only housing finance agency of  
32 the state of Washington; and

33 (5) In order to take advantage of the maximum amount of tax  
34 exempt bonds for housing financing available pursuant to the code,  
35 any state ceiling with respect to housing shall be allocated in  
36 accordance with the following formula:

37 (a) Eighty percent of the state ceiling shall be allocated to the  
38 commission and twenty percent shall be allocated to the other issuing  
39 authorities in the state.

1 (b) The allocation to the issuing authorities other than the  
2 commission shall be distributed to such issuing authorities in  
3 amounts as determined following public notice by the department of  
4 (~~community, trade, and economic development~~) commerce pursuant to  
5 rules promulgated by it. The distribution shall be in response to  
6 applications received from such issuing authorities and shall be  
7 based on the following factors: (i) The amount of housing to be made  
8 available by such applicant; (ii) the population within the  
9 jurisdiction of the applicant; (iii) coordination with other  
10 applicable federal and state housing programs; (iv) the likelihood of  
11 implementing the proposed financing during that year; and (v)  
12 consistency with the plan of the commission. On or before February 1  
13 of each year, the department of (~~community, trade, and economic  
14 development~~) commerce shall distribute the state ceiling allocation  
15 among such issuing authorities and any unused portion shall be added  
16 to the allocation of the commission. Each issuing authority other  
17 than the commission shall confirm its allocation distribution by  
18 providing to the department of (~~community, trade, and economic  
19 development~~) commerce no later than June 1 a copy of an executed  
20 bond purchase contract or alternative documentation deemed sufficient  
21 by the commission to evidence the reasonable likelihood of the  
22 allocation distribution being fully used. Any portion of such  
23 allocation not so confirmed shall be added to the allocation of the  
24 commission on July 1. Prior to July 1, the commission shall provide  
25 written notice of the allocation decrease to the affected issuing  
26 authority. The reallocation shall not limit the authority of the  
27 commission to assign a portion of its allocation pursuant to  
28 subsection (5)(c) of this section.

29 (c) The commission may assign a portion of its allocation to  
30 another issuing agency.

31 **\*Sec. 2070. RCW 43.180.220 and 1994 c 235 s 1 are each amended**  
32 **to read as follows:**

33 **The commission, in cooperation with the department of**  
34 **(~~community, trade, and economic development~~) commerce, and the**  
35 **state investment board, shall develop and implement a housing finance**  
36 **program that:**

37 **(1) Provides subsidized or unsubsidized mortgage financing for**  
38 **single-family homeownership, including a single condominium unit,**  
39 **located in the state of Washington;**

1           (2) Requests the state investment board to make investments,  
2 within its policies and investment guidelines, in mortgage-backed  
3 securities that are collateralized by loans made within the state of  
4 Washington; and

5           (3) Provides flexible loan underwriting guidelines, including but  
6 not limited to provisions that will allow reduced downpayment  
7 requirements for the purchaser.

*\*Sec. 2070 was vetoed. See message at end of chapter.*

8           *\*Sec. 2071. RCW 43.185A.100 and 2006 c 349 s 11 are each amended*  
9 *to read as follows:*

10           The department, the housing finance commission, the affordable  
11 housing advisory board, and all local governments, housing  
12 authorities, and other nonprofits receiving state housing funds or  
13 financing through the housing finance commission shall, by December  
14 31, 2006, and annually thereafter, review current housing reporting  
15 requirements related to housing programs and services and give  
16 recommendations to streamline and simplify all planning and reporting  
17 requirements to the department of (~~community, trade, and economic~~  
18 ~~development~~) commerce, which will compile and present the  
19 recommendations annually to the legislature. The entities listed in  
20 this section shall also give recommendations for additional  
21 legislative actions that could promote affordable housing and end  
22 homelessness.

*\*Sec. 2071 was vetoed. See message at end of chapter.*

23           **Sec. 2072.** RCW 43.185C.200 and 2007 c 483 s 604 are each amended  
24 to read as follows:

25           (1) The department of (~~community, trade, and economic~~  
26 ~~development~~) commerce shall establish a pilot program to provide  
27 grants to eligible organizations, as described in RCW 43.185.060, to  
28 provide transitional housing assistance to offenders who are  
29 reentering the community and are in need of housing.

30           (2) There shall be a minimum of two pilot programs established in  
31 two counties. The pilot programs shall be selected through a request  
32 for proposal process and in consultation with the department of  
33 corrections. The department shall select the pilot sites by January  
34 1, 2008.

35           (3) The pilot program shall:

1 (a) Be operated in collaboration with the community justice  
2 center existing in the location of the pilot site;

3 (b) Offer transitional supportive housing that includes  
4 individual support and mentoring available on an ongoing basis, life  
5 skills training, and close working relationships with community  
6 justice centers and community corrections officers. Supportive  
7 housing services can be provided directly by the housing operator, or  
8 in partnership with community-based organizations;

9 (c) In providing assistance, give priority to offenders who are  
10 designated as high risk or high needs as well as those determined not  
11 to have a viable release plan by the department of corrections;

12 (d) Optimize available funding by utilizing cost-effective  
13 community-based shared housing arrangements or other noninstitutional  
14 living arrangements; and

15 (e) Provide housing assistance for a period of time not to exceed  
16 twelve months for a participating offender.

17 (4) The department may also use up to twenty percent of the  
18 funding appropriated in the operating budget for this section to  
19 support the development of additional supportive housing resources  
20 for offenders who are reentering the community.

21 (5) The department shall:

22 (a) Collaborate with the department of corrections in developing  
23 criteria to determine who will qualify for housing assistance; and

24 (b) Gather data, and report to the legislature by November 1,  
25 2008, on the number of offenders seeking housing, the number of  
26 offenders eligible for housing, the number of offenders who receive  
27 the housing, and the number of offenders who commit new crimes while  
28 residing in the housing to the extent information is available.

29 (6) The department of corrections shall collaborate with  
30 organizations receiving grant funds to:

31 (a) Help identify appropriate housing solutions in the community  
32 for offenders;

33 (b) Where possible, facilitate an offender's application for  
34 housing prior to discharge;

35 (c) Identify enhancements to training provided to offenders prior  
36 to discharge that may assist an offender in effectively transitioning  
37 to the community;

38 (d) Maintain communication between the organization receiving  
39 grant funds, the housing provider, and corrections staff supervising  
40 the offender; and

1 (e) Assist the offender in accessing resources and services  
2 available through the department of corrections and a community  
3 justice center.

4 (7) The state, department of (~~community, trade, and economic~~  
5 ~~development~~) commerce, department of corrections, local governments,  
6 local housing authorities, eligible organizations as described in RCW  
7 43.185.060, and their employees are not liable for civil damages  
8 arising from the criminal conduct of an offender solely due to the  
9 placement of an offender in housing provided under this section or  
10 the provision of housing assistance.

11 (8) Nothing in this section allows placement of an offender into  
12 housing without an analysis of the risk the offender may pose to that  
13 particular community or other residents.

14 **Sec. 2073.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to  
15 read as follows:

16 The small business export finance assistance center and its  
17 branches shall be governed and managed by a board of seven directors  
18 appointed by the governor, with the advice of the board, and  
19 confirmed by the senate. The directors shall serve terms of four  
20 years following the terms of service established by the initial  
21 appointments after June 11, 1998. Three appointees, including  
22 directors on June 11, 1998, who are reappointed, must serve initial  
23 terms of two years and, if a director is reappointed that director  
24 may serve a consecutive four-year term. Four appointees, including  
25 directors on June 11, 1998, who are reappointed, must serve initial  
26 terms of four years and, if a director is reappointed that director  
27 may serve a consecutive four-year term. After the initial  
28 appointments, directors may serve two consecutive terms. The  
29 directors may provide for the payment of their expenses. The  
30 directors shall include the director of (~~community, trade, and~~  
31 ~~economic—development~~) commerce or the director's designee;  
32 representatives of a large financial institution engaged in financing  
33 export transactions in the state of Washington; a small financial  
34 institution engaged in financing export transactions in the state of  
35 Washington; a large exporting company domiciled in the state of  
36 Washington; a small exporting company in the state of Washington;  
37 organized labor in a trade involved in international commerce; and a  
38 representative at large. To the extent possible, appointments to the  
39 board shall reflect geographical balance and the diversity of the

1 state population. Any vacancies on the board due to the expiration of  
2 a term or for any other reason shall be filled by appointment by the  
3 governor for the unexpired term.

4 **Sec. 2074.** RCW 43.210.060 and 1995 c 399 s 108 are each amended  
5 to read as follows:

6 The department of (~~community, trade, and economic development~~)  
7 commerce or its statutory successor shall adopt rules under chapter  
8 34.05 RCW as necessary to carry out the purposes of this chapter.

9 **Sec. 2075.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to  
10 read as follows:

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

16 (2) The department of (~~community, trade, and economic  
17 development~~) commerce shall make awards, subject to funds  
18 appropriated by the legislature, under the following terms:

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

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

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

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

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

35 (iv) Evidence of active participation in preparation of the  
36 proposal and specific commitments to implementing the community-wide  
37 agenda by leadership from education, law enforcement, local  
38 government, tribal government, and treatment entities in the

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

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

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

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

19 (i) A definition of geographic area;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       **Sec. 2076.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to  
2 read as follows:

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

13       **Sec. 2077.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to  
14 read as follows:

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

21       **Sec. 2078.** RCW 43.310.020 and 1995 c 399 s 116 are each amended  
22 to read as follows:

23       (1) The department of (~~community, trade, and economic~~  
24 ~~development~~) commerce may recommend existing programs or contract  
25 with either school districts or community organizations, or both,  
26 through a request for proposal process for the development,  
27 administration, and implementation in the county of community-based  
28 gang risk prevention and intervention pilot programs.

29       (2) Proposals by the school district for gang risk prevention and  
30 intervention pilot program grant funding shall begin with school  
31 years no sooner than the 1994-95 session, and last for a duration of  
32 two years.

33       (3) The school district or community organization proposal shall  
34 include:

35       (a) A description of the program goals, activities, and  
36 curriculum. The description of the program goals shall include a list  
37 of measurable objectives for the purpose of evaluation by the  
38 department of (~~community, trade, and economic development~~)

1 commerce. To the extent possible, proposals shall contain empirical  
2 data on current problems, such as dropout rates and occurrences of  
3 violence on and off campus by school-age individuals.

4 (b) A description of the individual school or schools and the  
5 geographic area to be affected by the program.

6 (c) A demonstration of broad-based support for the program from  
7 business and community organizations.

8 (d) A clear description of the experience, expertise, and other  
9 qualifications of the community organizations to conduct an effective  
10 prevention and intervention program in cooperation with a school or a  
11 group of schools.

12 (e) A proposed budget for expenditure of the grant.

13 (4) Grants awarded under this section may not be used for the  
14 administrative costs of the school district or the individual school.

15 **Sec. 2079.** RCW 43.325.100 and 2007 c 348 s 403 are each amended  
16 to read as follows:

17 (1) The department of (~~community, trade, and economic~~  
18 ~~development~~) commerce and the department of ecology shall develop a  
19 framework for the state of Washington to participate in emerging  
20 regional, national, and to the extent possible, global markets to  
21 mitigate climate change, on a multisector basis. This framework must  
22 include, but not be limited to, credible, verifiable, replicable  
23 inventory and accounting methodologies for each sector involved,  
24 along with the completion of the stakeholder process identified in  
25 executive order number 07-02 creating the Washington state climate  
26 change challenge.

27 (2) The department of (~~community, trade, and economic~~  
28 ~~development~~) commerce and the department of ecology shall include  
29 the forestry sector and work closely with the department of natural  
30 resources on those recommendations.

31 (3) The department must provide a report to the legislature by  
32 December 1, 2008. The report may be included within the report  
33 produced for executive order number 07-02.

34 **Sec. 2080.** RCW 43.325.110 and 2007 c 348 s 408 are each amended  
35 to read as follows:

36 (1) The vehicle electrification demonstration grant program is  
37 established within the department of (~~community, trade, and economic~~  
38 ~~development~~) commerce. The director may establish policies and

1 procedures necessary for processing, reviewing, and approving  
2 applications made under this chapter.

3 (2) The director may approve an application for a vehicle  
4 electrification demonstration project only if the director finds:

5 (a) The applicant is a state agency, public school district,  
6 public utility district, or a political subdivision of the state,  
7 including port districts, counties, cities, towns, special purpose  
8 districts, and other municipal corporations or quasi-municipal  
9 corporations or a state institution of higher education;

10 (b) The project partially funds the purchase of or conversion of  
11 existing vehicles to plug-in hybrid electric vehicles or battery  
12 electric vehicles for use in the applicant's fleet or operations;

13 (c) The project partners with an electric utility and  
14 demonstrates technologies to allow controlled vehicle charging,  
15 including the use of power electronics or wireless technologies, to  
16 regulate time-of-day and duration of charging;

17 (d) The project provides matching resources; and

18 (e) The project provides evaluation of fuel savings, greenhouse  
19 gas reductions, battery capabilities, energy management system,  
20 charge controlling technologies, and other relevant information  
21 determined on the advice of the vehicle electrification work group.

22 (3) The director may approve an application for a vehicle  
23 electrification demonstration project if the project, in addition to  
24 meeting the requirements of subsection (2) of this section, also  
25 demonstrates charging using on-site renewable resources or  
26 vehicle-to-grid capabilities that enable the vehicle to discharge  
27 electricity into the grid.

28 **Sec. 2081.** RCW 43.330.065 and 1996 c 253 s 303 are each amended  
29 to read as follows:

30 The department of (~~community, trade, and economic development~~)  
31 commerce, in consultation with the office of protocol, the office of  
32 the secretary of state, the department of agriculture, and the  
33 employment security department shall identify up to fifteen countries  
34 that are of strategic importance to the development of Washington's  
35 international trade relations.

36 **Sec. 2082.** RCW 43.330.904 and 1996 c 186 s 101 are each amended  
37 to read as follows:

1 (1) All powers, duties, and functions of the state energy office  
2 relating to energy resource policy and planning and energy facility  
3 siting are transferred to the department of (~~community, trade, and~~  
4 ~~economic development~~) commerce. All references to the director or  
5 the state energy office in the Revised Code of Washington shall be  
6 construed to mean the director or the department of (~~community,~~  
7 ~~trade, and economic development~~) commerce when referring to the  
8 functions transferred in this section.

9 The director shall appoint an assistant director for energy  
10 policy, and energy policy staff shall have no additional  
11 responsibilities beyond activities concerning energy policy.

12 (2)(a) All reports, documents, surveys, books, records, files,  
13 papers, or written material in the possession of the state energy  
14 office pertaining to the powers, functions, and duties transferred  
15 shall be delivered to the custody of the department of (~~community,~~  
16 ~~trade, and economic development~~) commerce. All cabinets, furniture,  
17 office equipment, software, database, motor vehicles, and other  
18 tangible property employed by the state energy office in carrying out  
19 the powers, functions, and duties transferred shall be made available  
20 to the department of (~~community, trade, and economic development~~)  
21 commerce.

22 (b) Any appropriations made to the state energy office for  
23 carrying out the powers, functions, and duties transferred shall, on  
24 July 1, 1996, be transferred and credited to the department of  
25 (~~community, trade, and economic development~~) commerce.

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

33 (3) All employees of the state energy office engaged in  
34 performing the powers, functions, and duties pertaining to the energy  
35 facility site evaluation council are transferred to the jurisdiction  
36 of the department of (~~community, trade, and economic development~~)  
37 commerce. All employees engaged in energy facility site evaluation  
38 council duties classified under chapter 41.06 RCW, the state civil  
39 service law, are assigned to the department of (~~community, trade,~~  
40 ~~and economic development~~) commerce to perform their usual duties

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

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

11 (5) The transfer of the powers, duties, and functions of the  
12 state energy office does not affect the validity of any act performed  
13 before July 1, 1996.

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

20 (7) The department of (~~community, trade, and economic  
21 development~~) commerce shall direct the closure of the financial  
22 records of the state energy office.

23 (8) Responsibility for implementing energy education, applied  
24 research, and technology transfer programs rests with Washington  
25 State University. The department of (~~community, trade, and economic  
26 development~~) commerce shall provide Washington State University  
27 available existing and future oil overcharge restitution and federal  
28 energy block funding for a minimum period of five years to carry out  
29 energy programs under an interagency agreement with the department of  
30 (~~community, trade, and economic development~~) commerce. The  
31 interagency agreement shall also outline the working relationship  
32 between the department of (~~community, trade, and economic  
33 development~~) commerce and Washington State University as it pertains  
34 to the relationship between energy policy development and public  
35 outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington  
36 State University from seeking grant, contract, or fee-for-service  
37 funding for energy or related programs directly from other entities.

38 **Sec. 2083.** RCW 43.332.010 and 2003 c 346 s 2 are each amended to  
39 read as follows:

1 (1) The office of the Washington state trade representative is  
2 created in the office of the governor. The office shall serve as the  
3 state's official liaison with foreign governments on trade matters.

4 (2) The office shall:

5 (a) Work with the department of (~~community, trade, and economic~~  
6 ~~development~~) commerce, the department of agriculture, and other  
7 appropriate state agencies, and within the agencies' existing  
8 resources, review and analyze proposed and enacted international  
9 trade agreements and provide an assessment of the impact of the  
10 proposed or enacted agreement on Washington's businesses and firms;

11 (b) Provide input to the office of the United States trade  
12 representative in the development of international trade, commodity,  
13 and direct investment policies that reflect the concerns of the state  
14 of Washington;

15 (c) Serve as liaison to the legislature on matters of trade  
16 policy oversight including, but not limited to, updates to the  
17 legislature regarding the status of trade negotiations, trade  
18 litigation, and the impacts of trade policy on Washington state  
19 businesses;

20 (d) Work with the international trade division of the department  
21 of (~~community, trade, and economic development~~) commerce and the  
22 international marketing program of the Washington state department of  
23 agriculture to develop a statewide strategy designed to increase the  
24 export of Washington goods and services, particularly goods and  
25 services from small and medium-sized businesses; and

26 (e) Conduct other activities the governor deems necessary to  
27 promote international trade and foreign investment within the state.

28 (3) The office shall prepare and submit an annual report on its  
29 activities under subsection (2) of this section to the governor and  
30 appropriate committees of the legislature.

31 **Sec. 2084.** RCW 47.01.440 and 2011 c 171 s 103 are each amended  
32 to read as follows:

33 (1) To support the implementation of RCW 47.04.280 and  
34 47.01.078(4), the department shall adopt broad statewide goals to  
35 reduce annual per capita vehicle miles traveled by 2050 consistent  
36 with the stated goals of executive order 07-02. Consistent with these  
37 goals, the department shall:

38 (~~(1)~~) (a) Establish the following benchmarks using a statewide  
39 baseline of seventy-five billion vehicle miles traveled less the

1 vehicle miles traveled attributable to vehicles licensed under RCW  
2 46.16A.455 and weighing ten thousand pounds or more, which are exempt  
3 from this section:

4 ~~((a))~~ (i) Decrease the annual per capita vehicle miles traveled  
5 by eighteen percent by 2020;

6 ~~((b))~~ (ii) Decrease the annual per capita vehicle miles  
7 traveled by thirty percent by 2035; and

8 ~~((c))~~ (iii) Decrease the annual per capita vehicle miles  
9 traveled by fifty percent by 2050;

10 ~~((2))~~ (b) By July 1, 2008, establish and convene a  
11 collaborative process to develop a set of tools and best practices to  
12 assist state, regional, and local entities in making progress towards  
13 the benchmarks established in (a) of this subsection ~~((1) of this~~  
14 ~~section))~~. The collaborative process must provide an opportunity for  
15 public review and comment and must:

16 ~~((a))~~ (i) Be jointly facilitated by the department, the  
17 department of ecology, and the department of ~~((community, trade, and~~  
18 ~~economic development))~~ commerce;

19 ~~((b))~~ (ii) Provide for participation from regional  
20 transportation planning organizations, the Washington state transit  
21 association, the Puget Sound clean air agency, a statewide business  
22 organization representing the sale of motor vehicles, at least one  
23 major private employer that participates in the commute trip  
24 reduction program, and other interested parties, including but not  
25 limited to parties representing diverse perspectives on issues  
26 relating to growth, development, and transportation;

27 ~~((c))~~ (iii) Identify current strategies to reduce vehicle miles  
28 traveled in the state as well as successful strategies in other  
29 jurisdictions that may be applicable in the state;

30 ~~((d))~~ (iv) Identify potential new revenue options for local and  
31 regional governments to authorize to finance vehicle miles traveled  
32 reduction efforts;

33 ~~((e))~~ (v) Provide for the development of measurement tools that  
34 can, with a high level of confidence, measure annual progress toward  
35 the benchmarks at the local, regional, and state levels, measure the  
36 effects of strategies implemented to reduce vehicle miles traveled  
37 and adequately distinguish between common travel purposes, such as  
38 moving freight or commuting to work, and measure trends of vehicle  
39 miles traveled per capita on a five-year basis;

1        ~~((f))~~ (vi) Establish a process for the department to  
2 periodically evaluate progress toward the vehicle miles traveled  
3 benchmarks, measure achieved and projected emissions reductions, and  
4 recommend whether the benchmarks should be adjusted to meet the  
5 state's overall goals for the reduction of greenhouse gas emissions;

6        ~~((g))~~ (vii) Estimate the projected reductions in greenhouse gas  
7 emissions if the benchmarks are achieved, taking into account the  
8 expected implementation of existing state and federal mandates for  
9 vehicle technology and fuels, as well as expected growth in  
10 population and vehicle travel;

11        ~~((h))~~ (viii) Examine access to public transportation for people  
12 living in areas with affordable housing to and from employment  
13 centers, and make recommendations for steps necessary to ensure that  
14 areas with affordable housing are served by adequate levels of public  
15 transportation; and

16        ~~((i))~~ (vix) By December 1, 2008, provide a report to the  
17 transportation committees of the legislature on the collaborative  
18 process and resulting recommended tools and best practices to achieve  
19 the reduction in annual per capita vehicle miles traveled goals.

20        ~~((3))~~ (2) Included in the December 1, 2008, report to the  
21 transportation committees of the legislature, the department shall  
22 identify strategies to reduce vehicle miles traveled in the state as  
23 well as successful strategies in other jurisdictions that may be  
24 applicable in the state that recognize the differing urban and rural  
25 transportation requirements.

26        ~~((4))~~ (3) Prior to implementation of the goals in this section,  
27 the department, in consultation with the department of ~~((community,~~  
28 ~~trade, and economic development))~~ commerce, cities, counties, local  
29 economic development organizations, and local and regional chambers  
30 of commerce, shall provide a report to the appropriate committees of  
31 the legislature on the anticipated impacts of the goals established  
32 in this section on the following:

33        (a) The economic hardship on small businesses as it relates to  
34 the ability to hire and retain workers who do not reside in the  
35 county in which they are employed;

36        (b) Impacts on low-income residents;

37        (c) Impacts on agricultural employers and their employees,  
38 especially on the migrant farmworker community;

39        (d) Impacts on distressed rural counties; and

1 (e) Impacts in counties with more than fifty percent of the land  
2 base of the county in public or tribal lands.

3 **Sec. 2085.** RCW 47.12.064 and 1995 c 399 s 121 are each amended  
4 to read as follows:

5 (1) The department shall identify and catalog real property that  
6 is no longer required for department purposes and is suitable for the  
7 development of affordable housing for very low-income, low-income,  
8 and moderate-income households as defined in RCW 43.63A.510. The  
9 inventory shall include the location, approximate size, and current  
10 zoning classification of the property. The department shall provide a  
11 copy of the inventory to the department of (~~community, trade, and~~  
12 ~~economic development~~) commerce by November 1, 1993, and every  
13 November 1 thereafter.

14 (2) By November 1 of each year, beginning in 1994, the department  
15 shall purge the inventory of real property of sites that are no  
16 longer available for the development of affordable housing. The  
17 department shall include an updated listing of real property that has  
18 become available since the last update. As used in this section,  
19 "real property" means buildings, land, or buildings and land.

20 **Sec. 2086.** RCW 47.39.040 and 1995 c 399 s 122 are each amended  
21 to read as follows:

22 The establishment of planning and design standards for items  
23 provided for in RCW 47.39.050 shall be coordinated by the department  
24 of (~~community, trade, and economic development~~) commerce. The  
25 department of transportation, parks and recreation commission, and  
26 any other departments or commissions whose interests are affected  
27 shall prepare, submit, and file with the department of (~~community,~~  
28 ~~trade, and economic development~~) commerce standards relating to the  
29 scenic and recreational highway system. If varying planning and  
30 design standards are filed, the department of (~~community, trade, and~~  
31 ~~economic development~~) commerce shall consult with the submitting  
32 agencies on the merits of the several proposals and, based upon such  
33 consultation, establish a set of standards. Pursuant to the planning  
34 and design standards so established, the department of transportation  
35 and the parks and recreation commission shall develop the highways  
36 and areas adjacent thereto to accomplish the purposes of this  
37 chapter, but the department shall retain exclusive authority over the  
38 highway right-of-way.

1        Responsibility for construction and maintenance is hereby  
2 established between the department and the parks and recreation  
3 commission with the department responsible for activities financed  
4 with funds provided for under RCW 47.39.030(1) and the parks and  
5 recreation commission responsible for activities financed from other  
6 sources of funds. By mutual consent, responsibility for development  
7 and/or maintenance may be transferred between the two agencies.

8        **Sec. 2087.** RCW 47.39.069 and 1999 c 218 s 4 are each amended to  
9 read as follows:

10        (1) The department, in consultation with the department of  
11 (~~community, trade, and economic development~~) commerce, the  
12 department of natural resources, the parks and recreation commission,  
13 affected cities, towns, and counties, federally recognized tribes,  
14 regional transportation planning organizations, Washington-based  
15 automobile clubs, statewide bicycling organizations, and other  
16 interested parties, shall develop by December 31, 1999, criteria for  
17 assessing scenic byways and heritage tour routes and an appropriate  
18 method of nomination and application for the designation and removal  
19 of the designation of the byways. Factors the department may take  
20 into consideration, but is not limited by, are: (a) Scenic quality of  
21 the byway; (b) natural aspects, such as geological formations, water  
22 bodies, vegetation, and wildlife; (c) historic elements; (d) cultural  
23 features such as the arts, crafts, music, customs, or traditions of a  
24 distinct group of people; (e) archaeological features; (f)  
25 recreational activities; (g) roadway safety including accommodations  
26 for bicycle and pedestrian travel, tour buses, and automobiles; (h)  
27 scenic byway and local and regional byway management plans; and (i)  
28 local public involvement and support for the byway.

29        (2) The criteria developed in subsection (1) of this section must  
30 not impose nor require regulation of privately owned lands or  
31 property rights.

32        (3) Any person may nominate a roadway, path, or trail for  
33 inclusion in the scenic byway program. The department shall assess  
34 nominations in accordance with the criteria developed under  
35 subsection (1) of this section. The department shall submit its  
36 recommendations for scenic byway and heritage tour route designations  
37 to the commission for its approval and official designation of the  
38 roadway, path, or trail as a scenic byway or a heritage tour route.

1 All decisions made by the commission relating to scenic byway and  
2 heritage tour route designations are final.

3 (4) The department shall apply the criteria in subsection (1) of  
4 this section to state highways that are currently not a part of the  
5 designated scenic and recreational highway system. The department  
6 shall respond to local requests for route evaluation as defined in  
7 subsection (3) of this section.

8 (5) Once the commission has designated a roadway as a scenic  
9 byway, the department may submit an individual nomination to the  
10 federal highway administration for its consideration of whether the  
11 roadway qualifies to be designated as a national scenic byway or an  
12 All-American Roadway.

13 **Sec. 2088.** RCW 47.39.090 and 1995 c 399 s 123 are each amended  
14 to read as follows:

15 In developing the scenic and recreational highways program, the  
16 department shall consult with the department of (~~community, trade,~~  
17 ~~and economic development~~) commerce, the department of natural  
18 resources, the parks and recreation commission, affected cities,  
19 towns, and counties, regional transportation planning organizations,  
20 statewide bicycling organizations, and other interested parties. The  
21 scenic and recreational highways program may identify entire highway  
22 loops or similar tourist routes that could be developed to promote  
23 tourist activity and provide concurrent economic growth while  
24 protecting the scenic and recreational quality surrounding state  
25 highways.

26 **Sec. 2089.** RCW 47.50.090 and 1995 c 399 s 124 are each amended  
27 to read as follows:

28 (1) The department shall develop, adopt, and maintain an access  
29 control classification system for all routes on the state highway  
30 system, the purpose of which shall be to provide for the  
31 implementation and continuing applications of the provision of this  
32 chapter.

33 (2) The principal component of the access control classification  
34 system shall be access management standards, the purpose of which  
35 shall be to provide specific minimum standards to be adhered to in  
36 the planning for and approval of access to state highways.

37 (3) The control classification system shall be developed  
38 consistent with the following:

1 (a) The department shall, no later than January 1, 1993, adopt  
2 rules setting forth procedures governing the implementation of the  
3 access control classification system required by this chapter. The  
4 rule shall provide for input from the entities described in (b) of  
5 this subsection as well as for public meetings to discuss the access  
6 control classification system. Nothing in this chapter shall affect  
7 the validity of the department's existing or subsequently adopted  
8 rules concerning access to the state highway system. Such rules shall  
9 remain in effect until repealed or replaced by the rules required by  
10 this chapter.

11 (b) The access control classification system shall be developed  
12 in cooperation with counties, cities and towns, the department of  
13 (~~community, trade, and economic development~~) commerce, regional  
14 transportation planning organizations, and other local governmental  
15 entities, and for city streets designated as state highways pursuant  
16 to chapter 47.24 RCW, adopted with the concurrence of the city design  
17 standards committee.

18 (c) The rule required by this section shall provide that  
19 assignment of a road segment to a specific access category be made in  
20 consideration of the following criteria:

21 (i) Local land use plans and zoning, as set forth in  
22 comprehensive plans;

23 (ii) The current functional classification as well as potential  
24 future functional classification of each road on the state highway  
25 system;

26 (iii) Existing and projected traffic volumes;

27 (iv) Existing and projected state, local, and metropolitan  
28 planning organization transportation plans and needs;

29 (v) Drainage requirements;

30 (vi) The character of lands adjoining the highway;

31 (vii) The type and volume of traffic requiring access;

32 (viii) Other operational aspects of access;

33 (ix) The availability of reasonable access by way of county roads  
34 and city streets to a state highway; and

35 (x) The cumulative effect of existing and projected connections  
36 on the state highway system's ability to provide for the safe and  
37 efficient movement of people and goods within the state.

38 (d) Access management standards shall include, but not be limited  
39 to, connection location standards, safety factors, design and  
40 construction standards, desired levels of service, traffic control

1 devices, and effective maintenance of the roads. The standards shall  
2 also contain minimum requirements for the spacing of connections,  
3 intersecting streets, roads, and highways.

4 (e) An access control category shall be assigned to each segment  
5 of the state highway system by July 1, 1993.

6 **Sec. 2090.** RCW 47.76.230 and 2007 c 234 s 94 are each amended to  
7 read as follows:

8 (1) The department of transportation shall continue its  
9 responsibility for the development and implementation of the state  
10 rail plan and programs, and the utilities and transportation  
11 commission shall continue its responsibility for railroad safety  
12 issues.

13 (2) The department of transportation shall maintain an enhanced  
14 data file on the rail system. Proprietary annual station traffic data  
15 from each railroad and the modal use of major shippers must be  
16 obtained to the extent that such information is available.

17 (3) The department of transportation shall provide technical  
18 assistance, upon request, to state agencies and local interests.  
19 Technical assistance includes, but is not limited to, the following:

20 (a) Rail project cost-benefit analyses conducted in accordance  
21 with methodologies recommended by the federal railroad  
22 administration;

23 (b) Assistance in the formation of county rail districts and port  
24 districts; and

25 (c) Feasibility studies for rail service continuation or rail  
26 service assistance, or both.

27 (4) With funding authorized by the legislature, the department of  
28 transportation, in collaboration with the department of (~~community,~~  
29 ~~trade, and economic development~~) commerce, and local economic  
30 development agencies, and other interested public and private  
31 organizations, shall develop a cooperative process to conduct  
32 community and business information programs and to regularly  
33 disseminate information on rail matters.

34 **Sec. 2091.** RCW 49.04.200 and 2009 c 536 s 12 are each amended to  
35 read as follows:

36 (1) The council must evaluate the potential of existing  
37 apprenticeship and training programs that would produce workers with  
38 the skills needed to conduct energy audits and provide energy

1 efficiency services and deliver its findings to the department of  
2 ((community, trade, and economic development)) commerce, the  
3 leadership team, and the appropriate committees of the legislature as  
4 soon as possible, but no later than January 18, 2010.

5 (2) The council may prioritize workforce training programs that  
6 lead to apprenticeship programs in green economy jobs. For purposes  
7 of this section, green economy jobs include those in the primary  
8 industries of a green economy, including clean energy, the forestry  
9 industry, high-efficiency building, green transportation, and  
10 environmental protection. Prioritization efforts may include but are  
11 not limited to: (a) Prioritization of the use of high employer-demand  
12 funding for workforce training programs in green economy jobs; (b)  
13 increased outreach efforts to public utilities, education, labor,  
14 government, and private industry to develop tailored, green job  
15 training programs; and (c) increased outreach efforts to target  
16 populations. Outreach efforts shall be conducted in partnership with  
17 local workforce development councils.

18 (3) The definitions in RCW 43.330.010 apply to this section.

19 **Sec. 2092.** RCW 50.38.030 and 1995 c 399 s 142 are each amended  
20 to read as follows:

21 The employment security department shall consult with the  
22 following agencies prior to the issuance of the state occupational  
23 forecast:

24 (1) Office of financial management;

25 (2) Department of ((community, trade, and economic development))  
26 commerce;

27 (3) Department of labor and industries;

28 (4) State board for community and technical colleges;

29 (5) Superintendent of public instruction;

30 (6) Department of social and health services;

31 (7) Workforce training and education coordinating board; and

32 (8) Other state and local agencies as deemed appropriate by the  
33 commissioner of the employment security department.

34 These agencies shall cooperate with the employment security  
35 department, submitting information relevant to the generation of  
36 occupational forecasts.

37 **Sec. 2093.** RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended  
38 to read as follows:

1 The Washington youthbuild program is established within the  
2 department. The commissioner, in cooperation and consultation with  
3 the director of the department of (~~community, trade, and economic~~  
4 ~~development~~)) commerce, shall:

5 (1) Make grants, up to the lesser of three hundred thousand  
6 dollars or twenty-five percent of the total costs of the youthbuild  
7 activities, to applicants eligible to provide education and  
8 employment training under federal or state employment training  
9 programs, for the purpose of carrying out a wide range of  
10 multidisciplinary activities and services to assist economically  
11 disadvantaged youth under the federal opportunities for youth:  
12 Youthbuild program (106 Stat. 3723; 42 U.S.C. Sec. 8011), or locally  
13 developed youthbuild-type programs for economically disadvantaged  
14 youth; and

15 (2) Coordinate youth employment and training efforts under the  
16 department's jurisdiction and cooperate with other agencies and  
17 departments providing youth services to ensure that funds  
18 appropriated for the purposes of this chapter will be used to  
19 supplement funding from federal, state, local, or private sources.

20 **Sec. 2094.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to  
21 read as follows:

22 (1)(a) Except as provided in (b) of this subsection, a port  
23 district may at any time contract indebtedness or borrow money for  
24 district purposes and may issue general obligation bonds therefor not  
25 exceeding an amount, together with any existing indebtedness of the  
26 district not authorized by the voters, of one-fourth of one percent  
27 of the value of the taxable property in the district.

28 (b) Port districts having less than eight hundred million dollars  
29 in value of taxable property during 1991 may at any time contract  
30 indebtedness or borrow money for port district purposes and may issue  
31 general obligation bonds therefor not exceeding an amount, combined  
32 with existing indebtedness of the district not authorized by the  
33 voters, of three-eighths of one percent of the value of the taxable  
34 property in the district. Prior to contracting for any indebtedness  
35 authorized by this subsection (1)(b), the port district must have a  
36 comprehensive plan for harbor improvements or industrial development  
37 and a long-term financial plan approved by the department of  
38 (~~community, trade, and economic development~~)) commerce. The  
39 department of (~~community, trade, and economic development~~)) commerce

1 is immune from any liability for its part in reviewing or approving  
2 port district's improvement or development plans, or financial plans.  
3 Any indebtedness authorized by this subsection (1)(b) may be used  
4 only to acquire or construct a facility, and, prior to contracting  
5 for such indebtedness, the port district must have a lease contract  
6 for a minimum of five years for the facility to be acquired or  
7 constructed by the debt.

8 (2) With the assent of three-fifths of the voters voting thereon  
9 at a general or special port election called for that purpose, a port  
10 district may contract indebtedness or borrow money for district  
11 purposes and may issue general obligation bonds therefor provided the  
12 total indebtedness of the district at any such time shall not exceed  
13 three-fourths of one percent of the value of the taxable property in  
14 the district.

15 (3) In addition to the indebtedness authorized under subsections  
16 (1) and (2) of this section, port districts having less than two  
17 hundred million dollars in value of taxable property and operating a  
18 municipal airport may at any time contract indebtedness or borrow  
19 money for airport capital improvement purposes and may issue general  
20 obligation bonds therefor not exceeding an additional one-eighth of  
21 one percent of the value of the taxable property in the district  
22 without authorization by the voters; and, with the assent of three-  
23 fifths of the voters voting thereon at a general or special port  
24 election called for that purpose, may contract indebtedness or borrow  
25 money for airport capital improvement purposes and may issue general  
26 obligation bonds therefor for an additional three-eighths of one  
27 percent provided the total indebtedness of the district for all port  
28 purposes at any such time shall not exceed one and one-fourth percent  
29 of the value of the taxable property in the district.

30 (4) Any port district may issue general district bonds evidencing  
31 any indebtedness, payable at any time not exceeding fifty years from  
32 the date of the bonds. Any contract for indebtedness or borrowed  
33 money authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five  
34 years. The bonds shall be issued and sold in accordance with chapter  
35 39.46 RCW.

36 (5) Elections required under this section shall be held as  
37 provided in RCW 39.36.050.

38 (6) For the purpose of this section, "indebtedness of the  
39 district" shall not include any debt of a countywide district with a  
40 population less than twenty-five hundred people when the debt is

1 secured by a mortgage on property leased to the federal government;  
2 and the term "value of the taxable property" shall have the meaning  
3 set forth in RCW 39.36.015.

4 (7) This section does not apply to a loan made under a loan  
5 agreement under chapter 39.69 RCW, and a computation of indebtedness  
6 under this chapter must exclude the amount of a loan under such a  
7 loan agreement.

8 **\*Sec. 2095. RCW 54.16.285 and 1995 c 399 s 144 are each amended**  
9 **to read as follows:**

10 (1) **A district providing utility service for residential space**  
11 **heating shall not terminate such utility service between November 15**  
12 **through March 15 if the customer:**

13 (a) **Notifies the utility of the inability to pay the bill,**  
14 **including a security deposit. This notice should be provided within**  
15 **five business days of receiving a payment overdue notice unless there**  
16 **are extenuating circumstances. If the customer fails to notify the**  
17 **utility within five business days and service is terminated, the**  
18 **customer can, by paying reconnection charges, if any, and fulfilling**  
19 **the requirements of this section, receive the protections of this**  
20 **chapter;**

21 (b) **Provides self-certification of household income for the prior**  
22 **twelve months to a grantee of the department of (~~community, trade,~~**  
23 **~~and economic development~~) commerce which administers federally**  
24 **funded energy assistance programs. The grantee shall determine that**  
25 **the household income does not exceed the maximum allowed for**  
26 **eligibility under the state's plan for low-income energy assistance**  
27 **under 42 U.S.C. 8624 and shall provide a dollar figure that is seven**  
28 **percent of household income. The grantee may verify information**  
29 **provided in the self-certification;**

30 (c) **Has applied for home heating assistance from applicable**  
31 **government and private sector organizations and certifies that any**  
32 **assistance received will be applied to the current bill and future**  
33 **utility bills;**

34 (d) **Has applied for low-income weatherization assistance to the**  
35 **utility or other appropriate agency if such assistance is available**  
36 **for the dwelling;**

37 (e) **Agrees to a payment plan and agrees to maintain the payment**  
38 **plan. The plan will be designed both to pay the past due bill by the**  
39 **following October 15 and to pay for continued utility service. If the**

1 past due bill is not paid by the following October 15, the customer  
2 shall not be eligible for protections under this chapter until the  
3 past due bill is paid. The plan shall not require monthly payments in  
4 excess of seven percent of the customer's monthly income plus one-  
5 twelfth of any arrearage accrued from the date application is made  
6 and thereafter during November 15 through March 15. A customer may  
7 agree to pay a higher percentage during this period, but shall not be  
8 in default unless payment during this period is less than seven  
9 percent of monthly income plus one-twelfth of any arrearage accrued  
10 from the date application is made and thereafter. If assistance  
11 payments are received by the customer subsequent to implementation of  
12 the plan, the customer shall contact the utility to reformulate the  
13 plan; and

14 (f) Agrees to pay the moneys owed even if he or she moves.

15 (2) The utility shall:

16 (a) Include in any notice that an account is delinquent and that  
17 service may be subject to termination, a description of the  
18 customer's duties in this section;

19 (b) Assist the customer in fulfilling the requirements under this  
20 section;

21 (c) Be authorized to transfer an account to a new residence when  
22 a customer who has established a plan under this section moves from  
23 one residence to another within the same utility service area;

24 (d) Be permitted to disconnect service if the customer fails to  
25 honor the payment program. Utilities may continue to disconnect  
26 service for those practices authorized by law other than for  
27 nonpayment as provided for in this section. Customers who qualify for  
28 payment plans under this section who default on their payment plans  
29 and are disconnected can be reconnected and maintain the protections  
30 afforded under this chapter by paying reconnection charges, if any,  
31 and by paying all amounts that would have been due and owing under  
32 the terms of the applicable payment plan, absent default, on the date  
33 on which service is reconnected; and

34 (e) Advise the customer in writing at the time it disconnects  
35 service that it will restore service if the customer contacts the  
36 utility and fulfills the other requirements of this section.

37 (3) All districts providing utility service for residential space  
38 heating shall offer residential customers the option of a budget  
39 billing or equal payment plan. The budget billing or equal payment  
40 plan shall be offered low-income customers eligible under the state's

1 *plan for low-income energy assistance prepared in accordance with 42*  
2 *U.S.C. 8624(C)(1) without limiting availability to certain months of*  
3 *the year, without regard to the length of time the customer has*  
4 *occupied the premises, and without regard to whether the customer is*  
5 *the tenant or owner of the premises occupied.*

6 *(4) An agreement between the customer and the utility, whether*  
7 *oral or written, shall not waive the protections afforded under this*  
8 *chapter.*

*\*Sec. 2095 was vetoed. See message at end of chapter.*

9 **Sec. 2096.** RCW 54.52.020 and 2007 c 132 s 2 are each amended to  
10 read as follows:

11 All assistance provided under this chapter shall be disbursed by  
12 the grantee, charitable organization, or district. When applicable,  
13 the public utility district will be paid on behalf of the customer by  
14 the grantee or the charitable organization. When direct vendor  
15 payment is not feasible, a check will be issued jointly payable to  
16 the customer and the public utility district. The availability of  
17 funds for assistance to a district's low-income customers as a result  
18 of voluntary contributions shall not reduce the amount of assistance  
19 for which the district's customers are eligible under the federally  
20 funded energy assistance programs administered by the grantee of the  
21 department of (~~community, trade, and economic development~~) commerce  
22 within the district's service area. When applicable, the grantee or  
23 charitable organization shall provide the district with a quarterly  
24 report on January 15th, April 15th, July 15th, and October 15th which  
25 includes information concerning the total amount of funds received  
26 from the district, the names of all recipients of assistance from  
27 these funds, the amount received by each recipient, and the amount of  
28 funds received from the district currently on hand and available for  
29 future low-income assistance.

30 **Sec. 2097.** RCW 57.46.010 and 1996 c 230 s 1401 are each amended  
31 to read as follows:

32 A district may include along with, or as part of its regular  
33 customer billings, a request for voluntary contributions to assist  
34 qualified low-income residential customers of the district in paying  
35 their district bills. All funds received by the district in response  
36 to such requests shall be transmitted to the grantee of the  
37 department of (~~community, trade, and economic development~~) commerce

1 which administers federally funded energy assistance programs for the  
2 state in the district's service area or to a charitable organization  
3 within the district's service area. All such funds shall be used  
4 solely to supplement assistance to low-income residential customers  
5 of the district in paying their district bills. The grantee or  
6 charitable organization shall be responsible to determine which of  
7 the district's customers are qualified for low-income assistance and  
8 the amount of assistance to be provided to those who are qualified.

9 **Sec. 2098.** RCW 57.46.020 and 1996 c 230 s 1402 are each amended  
10 to read as follows:

11 All assistance provided under this chapter shall be disbursed by  
12 the grantee or charitable organization. Where possible the district  
13 shall be paid on behalf of the customer by the grantee or the  
14 charitable organization. When direct vendor payment is not feasible,  
15 a check shall be issued jointly payable to the customer and the  
16 district. The availability of funds for assistance to a district's  
17 low-income customers as a result of voluntary contributions shall not  
18 reduce the amount of assistance for which the district's customers  
19 are eligible under the federally funded energy assistance programs  
20 administered by the grantee of the department of (~~community, trade,~~  
21 ~~and economic development~~) commerce within the district's service  
22 area. The grantee or charitable organization shall provide the  
23 district with a quarterly report on January 15th, April 15th, July  
24 15th, and October 15th which includes information concerning the  
25 total amount of funds received from the district, the names of all  
26 recipients of assistance from these funds, the amount received by  
27 each recipient, and the amount of funds received from the district  
28 currently on hand and available for future low-income assistance.

29 **Sec. 2099.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to  
30 read as follows:

31 (1) Any city, town, county, or municipal corporation that is  
32 required to develop a comprehensive plan under RCW 36.70A.040(1) is  
33 authorized to require, after reasonable notice to the public and a  
34 public hearing, property owners to provide their portion of  
35 reasonable relocation assistance to low-income tenants upon the  
36 demolition, substantial rehabilitation whether due to code  
37 enforcement or any other reason, or change of use of residential  
38 property, or upon the removal of use restrictions in an assisted-

1 housing development. No city, town, county, or municipal corporation  
2 may require property owners to provide relocation assistance to low-  
3 income tenants, as defined in this chapter, upon the demolition,  
4 substantial rehabilitation, upon the change of use of residential  
5 property, or upon the removal of use restrictions in an assisted-  
6 housing development, except as expressly authorized herein or when  
7 authorized or required by state or federal law. As used in this  
8 section, "assisted housing development" means a multifamily rental  
9 housing development that either receives government assistance and is  
10 defined as federally assisted housing in RCW 59.28.020, or that  
11 receives other federal, state, or local government assistance and is  
12 subject to use restrictions.

13 (2) As used in this section, "low-income tenants" means tenants  
14 whose combined total income per dwelling unit is at or below fifty  
15 percent of the median income, adjusted for family size, in the county  
16 where the tenants reside.

17 The department of (~~community, trade, and economic development~~)  
18 commerce shall adopt rules defining county median income in  
19 accordance with the definitions promulgated by the federal department  
20 of housing and urban development.

21 (3) A requirement that property owners provide relocation  
22 assistance shall include the amounts of such assistance to be  
23 provided to low-income tenants. In determining such amounts, the  
24 jurisdiction imposing the requirement shall evaluate, and receive  
25 public testimony on, what relocation expenses displaced tenants would  
26 reasonably incur in that jurisdiction including:

27 (a) Actual physical moving costs and expenses;

28 (b) Advance payments required for moving into a new residence  
29 such as the cost of first and last month's rent and security and  
30 damage deposits;

31 (c) Utility connection fees and deposits; and

32 (d) Anticipated additional rent and utility costs in the  
33 residence for one year after relocation.

34 (4)(a) Relocation assistance provided to low-income tenants under  
35 this section shall not exceed two thousand dollars for each dwelling  
36 unit displaced by actions of the property owner under subsection (1)  
37 of this section. A city, town, county, or municipal corporation may  
38 make future annual adjustments to the maximum amount of relocation  
39 assistance required under this subsection in order to reflect any  
40 changes in the housing component of the consumer price index as

1 published by the United States department of labor, bureau of labor  
2 statistics.

3 (b) The property owner's portion of any relocation assistance  
4 provided to low-income tenants under this section shall not exceed  
5 one-half of the required relocation assistance under (a) of this  
6 subsection in cash or services.

7 (c) The portion of relocation assistance not covered by the  
8 property owner under (b) of this subsection shall be paid by the  
9 city, town, county, or municipal corporation authorized to require  
10 relocation assistance under subsection (1) of this section. The  
11 relocation assistance may be paid from proceeds collected from the  
12 excise tax imposed under RCW 82.46.010.

13 (5) A city, town, county, or municipal corporation requiring the  
14 provision of relocation assistance under this section shall adopt  
15 policies, procedures, or regulations to implement such requirement.  
16 Such policies, procedures, or regulations shall include provisions  
17 for administrative hearings to resolve disputes between tenants and  
18 property owners relating to relocation assistance or unlawful  
19 detainer actions during relocation, and shall require a decision  
20 within thirty days of a request for a hearing by either a tenant or  
21 property owner.

22 Judicial review of an administrative hearing decision relating to  
23 relocation assistance may be had by filing a petition, within ten  
24 days of the decision, in the superior court in the county where the  
25 residential property is located. Judicial review shall be confined to  
26 the record of the administrative hearing and the court may reverse  
27 the decision only if the administrative findings, inferences,  
28 conclusions, or decision is:

29 (a) In violation of constitutional provisions;

30 (b) In excess of the authority or jurisdiction of the  
31 administrative hearing officer;

32 (c) Made upon unlawful procedure or otherwise is contrary to law;  
33 or

34 (d) Arbitrary and capricious.

35 (6) Any city, town, county, or municipal corporation may require  
36 relocation assistance, under the terms of this section, for otherwise  
37 eligible tenants whose living arrangements are exempted from the  
38 provisions of this chapter under RCW 59.18.040(3) and if the living  
39 arrangement is considered to be a rental or lease not defined as a  
40 retail sale under RCW 82.04.050.

1 (7) (a) Persons who move from a dwelling unit prior to the  
2 application by the owner of the dwelling unit for any governmental  
3 permit necessary for the demolition, substantial rehabilitation, or  
4 change of use of residential property or prior to any notification or  
5 filing required for condominium conversion shall not be entitled to  
6 the assistance authorized by this section.

7 (b) Persons who move into a dwelling unit after the application  
8 for any necessary governmental permit or after any required  
9 condominium conversion notification or filing shall not be entitled  
10 to the assistance authorized by this section if such persons receive  
11 written notice from the property owner prior to taking possession of  
12 the dwelling unit that specifically describes the activity or  
13 condition that may result in their temporary or permanent  
14 displacement and advises them of their ineligibility for relocation  
15 assistance.

16 **Sec. 2100.** RCW 59.24.020 and 1995 c 399 s 157 are each amended  
17 to read as follows:

18 (1) The department of (~~community, trade, and economic~~  
19 ~~development~~) commerce shall establish the rental security deposit  
20 guarantee program. Through this program the department of  
21 (~~community, trade, and economic development~~) commerce shall provide  
22 grants and technical assistance to local governments or nonprofit  
23 corporations, including local housing authorities as defined in RCW  
24 35.82.030, who operate emergency housing shelters or transitional  
25 housing programs. The grants are to be used for the payment of  
26 residential rental security deposits under this chapter. The  
27 technical assistance is to help the local government or nonprofit  
28 corporation apply for grants and carry out the program. In order to  
29 be eligible for grants under this program, the recipient local  
30 government or nonprofit corporation shall provide fifteen percent of  
31 the total amount needed for the security deposit. The security  
32 deposit may include last month's rent where such rent is required as  
33 a normal practice by the landlord.

34 (2) The grants and matching funds shall be placed by the  
35 recipient local government or nonprofit corporation in a revolving  
36 loan fund and deposited in a bank or savings institution in an  
37 account that is separate from all other funds of the recipient. The  
38 funds and interest earned on these funds shall be utilized only as  
39 collateral to guarantee the payment of a security deposit required by

1 a residential rental property owner as a condition for entering into  
2 a rental agreement with a prospective tenant.

3 (3) Prospective tenants who are eligible to participate in the  
4 rental security deposit guarantee program shall be limited to  
5 homeless persons or families who are residing in an emergency shelter  
6 or transitional housing operated by a local government or a nonprofit  
7 corporation, or to families who are temporarily residing in a park,  
8 car, or are otherwise without adequate shelter. The local government  
9 or nonprofit corporation shall make a determination regarding the  
10 person's or family's eligibility to participate in this program and a  
11 determination that a local rental unit is available for occupation. A  
12 determination of eligibility shall include, but is not limited to:  
13 (a) A determination that the person or family is homeless or is in  
14 transitional housing; (b) a verification of income and that the  
15 person or family can reasonably make the monthly rental payment; and  
16 (c) a determination that the person or family does not have the  
17 financial resources to make the rental security deposit.

18 **Sec. 2101.** RCW 59.24.050 and 1995 c 399 s 158 are each amended  
19 to read as follows:

20 The department of (~~community, trade, and economic development~~)  
21 commerce may adopt rules to implement this chapter, including but not  
22 limited to: (1) The eligibility of and the application process for  
23 local governments and nonprofit corporations; (2) the criteria by  
24 which grants and technical assistance shall be provided to local  
25 governments and nonprofit corporations; and (3) the criteria local  
26 governments and nonprofit corporations shall use in entering into  
27 contracts with tenants and rental property owners.

28 **\*Sec. 2102.** RCW 59.24.060 and 1995 c 399 s 159 are each amended  
29 to read as follows:

30 **The department of (~~community, trade, and economic development~~)**  
31 **commerce may receive such gifts, grants, or endowments from public or**  
32 **private sources, as may be made from time to time, in trust or**  
33 **otherwise, to be used by the department of (~~community, trade, and~~**  
34 **economic development)) commerce for its programs, including the**  
35 **rental security deposit guarantee program. Funds from the housing**  
36 **trust fund, chapter 43.185 RCW, up to one hundred thousand dollars,**  
37 **may be used for the rental security deposit guarantee program by the**  
38 **department of (~~community, trade, and economic development~~)**

1 **commerce, local governments, and nonprofit organizations, provided**  
2 **all the requirements of this chapter and chapter 43.185 RCW are met.**

***\*Sec. 2102 was vetoed. See message at end of chapter.***

3 **Sec. 2103.** RCW 59.28.030 and 2000 c 255 s 2 are each amended to  
4 read as follows:

5 (1) This chapter shall not apply to the expiration or termination  
6 of a housing assistance contract between a public housing agency and  
7 an owner of existing housing participating in either the section 8  
8 certificate or voucher program (42 U.S.C. Sec. 1437f).

9 (2) An owner of federally assisted housing shall not be required  
10 to give notice of a prepayment under this chapter, if the owner has:

11 (a) Entered into an agreement with a federal, state, or local agency  
12 continuing existing, or imposing new, low-income use restrictions for  
13 at least twenty years that ensure that the tenants residing in the  
14 development at the time of prepayment are not involuntarily displaced  
15 except for good cause and that the housing will continue to serve  
16 very low and low-income families and persons in need of affordable  
17 housing; and (b) served notice of the agreement on the clerk of the  
18 city, or county if in an unincorporated area, in which the property  
19 is located, on any public housing agency that would be responsible  
20 for administering tenant-based rental assistance to persons who would  
21 otherwise be displaced from this housing, and on the department of  
22 (~~community, trade, and economic development~~) commerce by regular  
23 and certified mail and posted a copy of the agreement in a  
24 conspicuous place at the development where it is likely to be seen by  
25 the tenants. The posted agreement shall be maintained intact and in  
26 legible form for the life of the agreement.

27 (3) An owner of federally assisted housing is not required to  
28 give notice that a rental assistance contract is expiring if: (a) The  
29 owner has entered into an agreement with the United States department  
30 of housing and urban development or other federal, state, or local  
31 agency to renew the rental assistance contract for a minimum of five  
32 years subject to the availability of adequate appropriations; (b) the  
33 agreement itself does not expire in less than twelve months; and (c)  
34 the owner has served written notice of the agreement on the clerk of  
35 the city, or county if in an unincorporated area, in which the  
36 property is located, on any public housing agency that would be  
37 responsible for administering tenant-based rental assistance to  
38 persons who would otherwise be displaced from this housing, and on

1 the department of (~~community, trade, and economic development~~)  
2 commerce, by regular and certified mail and posted these notices in a  
3 conspicuous place at the development where they are likely to be seen  
4 by the tenants. The posted notices shall be maintained intact and in  
5 legible form for the life of the agreement to renew the rental  
6 assistance contract.

7 **Sec. 2104.** RCW 59.28.040 and 2002 c 30 s 3 are each amended to  
8 read as follows:

9 Except as provided in RCW 59.28.030, all owners of federally  
10 assisted housing shall, at least twelve months before the expiration  
11 of the rental assistance contract or prepayment of a mortgage or  
12 loan, serve a written notice of the anticipated expiration or  
13 prepayment date on each tenant household residing in the housing, on  
14 the clerk of the city, or clerk of the county legislative authority  
15 if in an unincorporated area, in which the property is located, on  
16 any public housing agency that would be responsible for administering  
17 tenant-based rental assistance to persons who would otherwise be  
18 displaced from this housing, and on the department of (~~community,  
19 trade, and economic development~~) commerce, by regular and certified  
20 mail. All owners of federally assisted housing shall also serve  
21 written notice of the anticipated expiration or prepayment date on  
22 each tenant household that moves into the housing after the initial  
23 notice has been given, but before the expiration of the rental  
24 assistance contract or prepayment of the mortgage or loan. This  
25 notice shall be given before a new tenant is asked to execute a  
26 rental agreement or required to pay any deposits.

27 **Sec. 2105.** RCW 59.28.050 and 1995 c 399 s 161 are each amended  
28 to read as follows:

29 This chapter shall not in any way prohibit an owner of federally  
30 assisted housing from terminating a rental assistance contract or  
31 prepaying a mortgage or loan. The requirement in this chapter for  
32 notice shall not be construed as conferring any new or additional  
33 regulatory power upon the city or county clerk or upon the department  
34 of (~~community, trade, and economic development~~) commerce.

35 **Sec. 2106.** RCW 59.28.060 and 2000 c 255 s 4 are each amended to  
36 read as follows:

37 (1) The notice to tenants required by RCW 59.28.040 shall state:

1 (a) Whether the owner (i) intends to prepay the mortgage or loan  
2 or allow the rental assistance contract to expire in order to operate  
3 the housing without any low-income use restrictions, (ii) plans on  
4 renewing the rental assistance contract subject to the availability  
5 of adequate appropriations, or (iii) is seeking additional financial  
6 incentives or higher rents as a condition of remaining in the federal  
7 program; (b) the reason the owner plans on taking this action; (c)  
8 the owner's plans for the project, including any timetables or  
9 deadlines for actions to be taken by the owner and any specific  
10 federal, state, or local agency approvals that the owner is required  
11 to obtain; (d) the anticipated date of the prepayment of the mortgage  
12 or loan or expiration of the rental assistance contract; (e) the  
13 effect, if any, that prepayment of the mortgage or loan or expiration  
14 of the rental assistance contract will have upon the tenants' rent  
15 and other terms of their rental agreement; and (f) that additional  
16 information will be served on the city or county, on the local public  
17 housing agency, and on the department of (~~community, trade, and~~  
18 ~~economic development~~) commerce and will be posted at the  
19 development. The owner shall also include with the notice written  
20 information, prepared by the department of (~~community, trade, and~~  
21 ~~economic development~~) commerce under RCW 59.28.120(1), concerning  
22 the legal rights, responsibilities, and options of owners and tenants  
23 when an owner intends to prepay a mortgage or loan or terminate a  
24 rental assistance contract.

25 (2) The notice to the city or county clerk and to the department  
26 of (~~community, trade, and economic development~~) commerce required  
27 by RCW 59.28.040 shall state: (a) The name, location, and project  
28 number of the federally assisted housing and the type of assistance  
29 received from the federal government; (b) the number and size of  
30 units; (c) the age, race, family size, and estimated incomes of the  
31 tenants who will be affected by the prepayment of the loan or  
32 mortgage or expiration of the federal assistance contract; (d) the  
33 current rents and projected rent increases for each affected tenant  
34 after the prepayment of the mortgage or loan or expiration of the  
35 rental assistance contract without disclosing the identities of the  
36 affected tenants; (e) the availability and type, if any, of rental  
37 assistance after the prepayment of the mortgage or loan or expiration  
38 of the rental assistance contract; and (f) the age, race, family  
39 size, and estimated incomes of any applicants on the project's  
40 waiting list without disclosing the identities of the applicants. The

1 owner shall attach to this notice a copy of the notice the owner  
2 sends to the tenants under this chapter.

3 (3) All owners of federally assisted housing shall immediately  
4 post a copy of any notices they send the city or county clerk, any  
5 public housing agency, and the department of (~~community, trade, and~~  
6 ~~economic development~~) commerce, under RCW 59.28.040, in a  
7 conspicuous place at the development where they are likely to be seen  
8 by current and prospective tenants. The notices shall be maintained  
9 intact and in legible form for twelve months from the date they are  
10 posted.

11 All owners of federally assisted housing shall, upon request of  
12 any state or local agency, provide the agency with a copy of any rent  
13 comparability study, market analysis, or projected budget that they  
14 submit to the United States department of housing and urban  
15 development or other federal agency in conjunction with the  
16 prepayment of their mortgage or loan or in anticipation of the  
17 expiration of their rental assistance contract, together with any  
18 physical inspection reports or capital needs assessments completed by  
19 the owner or federal agency within the last three years.

20 **Sec. 2107.** RCW 59.28.120 and 2000 c 255 s 7 are each amended to  
21 read as follows:

22 The department of (~~community, trade, and economic development~~)  
23 commerce shall within ninety days after March 31, 2000, consult with  
24 all interested stakeholders and develop and provide to owners and  
25 tenants of federally assisted housing, state and local agencies, and  
26 other interested persons all of the following:

27 (1) Written information concerning the legal rights,  
28 responsibilities, and options of owners and tenants when an owner  
29 intends to prepay a mortgage or loan or terminate a rental assistance  
30 contract. This information shall include the name and telephone  
31 number of any qualified legal aid program that provides civil legal  
32 services to indigent persons and of any other state, regional, or  
33 local organization that can be contacted to request additional  
34 information about an owner's responsibilities and the rights and  
35 options of an affected tenant;

36 (2) Written information sufficient to enable an owner of  
37 federally assisted housing to comply with the notification  
38 requirements of this chapter, including the name and address of any  
39 public housing agency that would be responsible for administering

1 tenant-based rental assistance to persons who would otherwise be  
2 displaced from federally assisted housing; and

3 (3) Any other information or technical assistance the department  
4 determines will further the purposes of this chapter.

5 **Sec. 2108.** RCW 64.34.442 and 2008 c 113 s 3 are each amended to  
6 read as follows:

7 (1) All cities and counties planning under RCW 36.70A.040, which  
8 have allowed any conversion condominiums within the jurisdiction  
9 within the previous twelve-month period, must report annually to the  
10 department of (~~community, trade, and economic development~~) commerce  
11 the following information:

12 (a) The total number of apartment units converted into  
13 condominiums;

14 (b) The total number of conversion condominium projects; and

15 (c) The total number of apartment tenants who receive relocation  
16 assistance.

17 (2) Upon completion of a conversion condominium project, a city  
18 or county may require the declarant to provide the information  
19 described in subsection (1) of this section to the appropriately  
20 designated department or agency in the city or county for the purpose  
21 of complying with subsection (1) of this section.

22 **Sec. 2109.** RCW 66.08.195 and 2001 c 8 s 1 are each amended to  
23 read as follows:

24 For the purposes of this chapter:

25 (1) "Border area" means any incorporated city or town, or  
26 unincorporated area, located within seven miles of the Washington-  
27 Canadian border or any unincorporated area that is a point of land  
28 surrounded on three sides by salt water and adjacent to the Canadian  
29 border.

30 (2) "Border area per-capita law-enforcement spending" equals  
31 total per capita expenditures in a border area on: Law enforcement  
32 operating costs, court costs, law enforcement-related insurance, and  
33 detention expenses, minus funds allocated to a border area under RCW  
34 66.08.190 and 66.08.196.

35 (3) "Border-crossing traffic total" means the number of vehicles,  
36 vessels, and aircraft crossing into the United States through a  
37 United States customs service border crossing that enter into the  
38 border area during a federal fiscal year, using border crossing

1 statistics and criteria included in guidelines adopted by the  
2 department of ((~~community, trade, and economic development~~))  
3 commerce.

4 (4) "Border-related crime statistic" means the sum of infractions  
5 and citations issued, and arrests of persons permanently residing  
6 outside Washington state in a border area during a calendar year.

7 **Sec. 2110.** RCW 66.08.198 and 1995 c 159 s 4 are each amended to  
8 read as follows:

9 The department of ((~~community, trade, and economic development~~))  
10 commerce shall develop guidelines to determine the figures used under  
11 the three distribution factors defined in RCW 66.08.195. At the  
12 request of any border community, the department may review these  
13 guidelines once every three years.

14 **Sec. 2111.** RCW 67.28.8001 and 1997 c 452 s 6 are each amended to  
15 read as follows:

16 (1) Each municipality imposing a tax under chapter 67.28 RCW  
17 shall submit a report to the department of ((~~community, trade, and~~  
18 ~~economic development~~)) commerce on October 1, 1998, and October 1,  
19 2000. Each report shall include the following information:

- 20 (a) The rate of tax imposed under chapter 67.28 RCW;
- 21 (b) The total revenue received under chapter 67.28 RCW for each  
22 of the preceding six years;
- 23 (c) A list of projects and activities funded with revenue  
24 received under chapter 67.28 RCW; and
- 25 (d) The amount of revenue under chapter 67.28 RCW expended for  
26 each project and activity.

27 (2) The department of ((~~community, trade, and economic~~  
28 ~~development~~)) commerce shall summarize and analyze the data received  
29 under subsection (1) of this section in a report submitted to the  
30 legislature on January 1, 1999, and January 1, 2001. The report shall  
31 include, but not be limited to, analysis of factors contributing to  
32 growth in revenue received under chapter 67.28 RCW and the effects of  
33 projects and activities funded with revenue received under chapter  
34 67.28 RCW on tourism growth.

35 **Sec. 2112.** RCW 67.38.070 and 1995 c 399 s 167 are each amended  
36 to read as follows:

1 The comprehensive cultural arts, stadium and convention plan  
2 adopted by the district shall be reviewed by the department of  
3 (~~community, trade, and economic development~~) commerce to determine:

4 (1) Whether the plan will enhance the progress of the state and  
5 provide for the general welfare of the population; and

6 (2) Whether such plan is eligible for matching federal funds.

7 After reviewing the comprehensive cultural arts, stadium and  
8 convention plan, the department of (~~community, trade, and economic  
9 development~~) commerce shall have sixty days in which to approve such  
10 plan and to certify to the state treasurer that such district shall  
11 be eligible to receive funds. To be approved a plan shall provide for  
12 coordinated cultural arts, stadium and convention planning, and be  
13 consistent with the public cultural arts, stadium and convention  
14 coordination criteria in a manner prescribed by chapter 35.60 RCW. In  
15 the event such comprehensive plan is disapproved and ruled ineligible  
16 to receive funds, the department of (~~community, trade, and economic  
17 development~~) commerce shall provide written notice to the district  
18 within thirty days as to the reasons for such plan's disapproval and  
19 such ineligibility. The district may resubmit such plan upon  
20 reconsideration and correction of such deficiencies cited in such  
21 notice of disapproval.

22 **Sec. 2113.** RCW 70.62.290 and 1994 c 250 s 8 are each amended to  
23 read as follows:

24 Rules establishing fire and life safety requirements, not  
25 inconsistent with the provisions of this chapter, shall continue to  
26 be adopted by the director of (~~community, trade, and economic  
27 development~~) commerce, through the director of fire protection.

28 **Sec. 2114.** RCW 70.114A.070 and 1995 c 220 s 7 are each amended  
29 to read as follows:

30 The department of (~~community, trade, and economic development~~)  
31 commerce shall contract with private, nonprofit corporations to  
32 provide technical assistance to any private individual or nonprofit  
33 organization wishing to construct temporary or permanent worker  
34 housing. The assistance may include information on state and local  
35 application and approval procedures, information or assistance in  
36 applying for federal, state, or local financial assistance, including  
37 tax incentives, information on cost-effective housing designs, or any  
38 other assistance the department of (~~community, trade, and economic~~

1 development)) commerce may deem helpful in obtaining the active  
2 participation of private individuals or groups in constructing or  
3 operating temporary or permanent worker housing.

4 **Sec. 2115.** RCW 70.136.030 and 1995 c 399 s 197 are each amended  
5 to read as follows:

6 The governing body of each applicable political subdivision of  
7 this state shall designate a hazardous materials incident command  
8 agency within its respective boundaries, and file this designation  
9 with the director of (~~community, trade, and economic development~~)  
10 commerce. In designating an incident command agency, the political  
11 subdivision shall consider the training, manpower, expertise, and  
12 equipment of various available agencies as well as the Uniform Fire  
13 Code and other existing codes and regulations. Along state and  
14 interstate highway corridors, the Washington state patrol shall be  
15 the designated incident command agency unless by mutual agreement  
16 that role has been assumed by another designated incident command  
17 agency. If a political subdivision has not designated an incident  
18 command agency within six months after July 26, 1987, the Washington  
19 state patrol shall then assume the role of incident command agency by  
20 action of the chief until a designation has been made.

21 **Sec. 2116.** RCW 70A.50.020 and 2009 c 379 s 102 are each amended  
22 to read as follows:

23 The Washington State University extension energy program is  
24 authorized to implement grants for pilot programs providing  
25 community-wide urban residential and commercial energy efficiency  
26 upgrades. The Washington State University extension energy program  
27 must coordinate and collaborate with the department of (~~community,  
28 trade, and economic development~~) commerce on the design,  
29 administration, and implementation elements of the pilot program.

30 (1) There must be at least three grants for pilot programs,  
31 awarded on a competitive basis to sponsors for conducting direct  
32 outreach and delivering energy efficiency services that, to the  
33 extent feasible, ensure a balance of participation for: (a)  
34 Geographic regions in the state; (b) types of fuel used for heating;  
35 (c) owner-occupied and rental residences; (d) small commercial  
36 buildings; and (e) single-family and multifamily dwellings.

37 (2) The pilot programs must:

1 (a) Provide assistance for energy audits and energy  
2 efficiency-related improvements to structures owned by or used for  
3 residential, commercial, or nonprofit purposes in specified urban  
4 neighborhoods where the objective is to achieve a high rate of  
5 participation among building owners within the pilot area;

6 (b) Utilize volunteer support to reach out to potential customers  
7 through the use of community-based institutions;

8 (c) Employ qualified energy auditors and energy efficiency  
9 service providers to perform the energy audits using recognized  
10 energy efficiency and weatherization services that are cost-  
11 effective;

12 (d) Select and provide oversight of contractors to perform energy  
13 efficiency services. Sponsors shall require contractors to  
14 participate in quality control and efficiency training, use workers  
15 trained from workforce training and apprentice programs established  
16 under chapter 536, Laws of 2009 if these workers are available, pay  
17 prevailing wages under chapter 39.12 RCW, hire from the community in  
18 which the program is located, and create employment opportunities for  
19 veterans, members of the national guard, and low-income and  
20 disadvantaged populations; and

21 (e) Work with customers to secure financing for their portion of  
22 the project and apply for and administer utility, public, and  
23 charitable funding provided for energy audits and retrofits.

24 (3) The Washington State University extension energy program must  
25 give priority to sponsors that can secure a sponsor match of at least  
26 one dollar for each dollar awarded.

27 (a) A sponsor may use its own moneys, including corporate or  
28 ratepayer moneys, or moneys provided by landlords, charitable groups,  
29 government programs, the Bonneville power administration, or other  
30 sources to pay the sponsor match.

31 (b) A sponsor may meet its match requirement in whole or in part  
32 through providing labor, materials, or other in-kind expenditures.

33 (4)(a) Pilot programs receiving funding must report compliance  
34 with performance metrics for each sponsor receiving a grant award.  
35 The performance metrics include:

36 (i) Monetary and energy savings achieved;

37 (ii) Savings-to-investment ratio achieved for customers;

38 (iii) Wage levels of jobs created;

39 (iv) Utilization of preapprentice and apprenticeship programs;

40 and

1 (v) Efficiency and speed of delivery of services.

2 (b) Pilot programs receiving funding under this section are  
3 required to report to the Washington State University ((energy))  
4 extension ((~~extension-energy~~)) energy program on compliance with  
5 the performance metrics every six months following the receipt of  
6 grants, with the last report submitted six months after program  
7 completion.

8 (c) The Washington State University extension energy program  
9 shall review the accuracy of these reports and provide a progress  
10 report on all grant pilot programs to the appropriate committees of  
11 the legislature by December 1st of each year.

12 (5)(a) By December 1, 2009, the Washington State University  
13 extension energy program shall provide a report to the governor and  
14 appropriate legislative committees on the: Number of grants awarded;  
15 number of jobs created or maintained; number and type of individuals  
16 trained through workforce training and apprentice programs; number of  
17 veterans, members of the national guard, and individuals of low-  
18 income and disadvantaged populations employed by pilot programs; and  
19 amount of funding provided through the grants as established in  
20 subsection (1) of this section and the performance metrics  
21 established in subsection (4) of this section.

22 (b) By December 1, 2010, the Washington State University  
23 extension energy program shall provide a final report to the governor  
24 and appropriate legislative committees on the: Number of grants  
25 awarded; number of jobs created or maintained; number and type of  
26 individuals trained through workforce training and apprentice  
27 programs; number of veterans, members of the national guard, and  
28 individuals of low-income and disadvantaged populations employed by  
29 pilot programs; and amount of funding provided through the grants as  
30 established in subsection (1) of this section and the performance  
31 metrics established in subsection (4) of this section.

32 **Sec. 2117.** RCW 70A.205.210 and 1995 c 399 s 189 are each amended  
33 to read as follows:

34 The department shall in addition to its other powers and duties:

35 (1) Cooperate with the appropriate federal, state, interstate and  
36 local units of government and with appropriate private organizations  
37 in carrying out the provisions of this chapter.

38 (2) Coordinate the development of a solid waste management plan  
39 for all areas of the state in cooperation with local government, the

1 department of (~~community, trade, and economic development~~)  
2 commerce, and other appropriate state and regional agencies. The plan  
3 shall relate to solid waste management for twenty years in the future  
4 and shall be reviewed biennially, revised as necessary, and extended  
5 so that perpetually the plan shall look to the future for twenty  
6 years as a guide in carrying out a state coordinated solid waste  
7 management program. The plan shall be developed into a single  
8 integrated document and shall be adopted no later than October 1990.  
9 The plan shall be revised regularly after its initial completion so  
10 that local governments revising local comprehensive solid waste  
11 management plans can take advantage of the data and analysis in the  
12 state plan.

13 (3) Provide technical assistance to any person as well as to  
14 cities, counties, and industries.

15 (4) Initiate, conduct, and support research, demonstration  
16 projects, and investigations, and coordinate research programs  
17 pertaining to solid waste management systems.

18 (5) Develop statewide programs to increase public awareness of  
19 and participation in tire recycling, and to stimulate and encourage  
20 local private tire recycling centers and public participation in tire  
21 recycling.

22 (6) May, under the provisions of the Administrative Procedure  
23 Act, chapter 34.05 RCW, as now or hereafter amended, from time to  
24 time promulgate such rules and regulations as are necessary to carry  
25 out the purposes of this chapter.

26 **Sec. 2118.** RCW 70A.205.710 and 1998 c 245 s 132 are each amended  
27 to read as follows:

28 (1) In order to establish the feasibility of composting food and  
29 yard wastes, the department shall provide funds, as available, to  
30 local governments submitting a proposal to compost such wastes.

31 (2) The department, in cooperation with the department of  
32 (~~community, trade, and economic development~~) commerce, may approve  
33 an application if the project can demonstrate the essential  
34 parameters for successful composting, including, but not limited to,  
35 cost-effectiveness, handling and safety requirements, and current and  
36 potential markets.

37 **Sec. 2119.** RCW 71.09.255 and 2002 c 68 s 8 are each amended to  
38 read as follows:

1 (1) Upon receiving the notification required by RCW 71.09.250,  
2 counties must promptly notify the cities within the county of the  
3 maximum number of secure community transition facility beds that may  
4 be required and the projected number of beds to be needed in that  
5 county.

6 (2) The incentive grants and payments provided under this section  
7 are subject to the following provisions:

8 (a) Counties and the cities within the county must notify each  
9 other of siting plans to promote the establishment and equitable  
10 distribution of secure community transition facilities;

11 (b) Development regulations, ordinances, plans, laws, and  
12 criteria established for siting must be consistent with statutory  
13 requirements and rules applicable to siting and operating secure  
14 community transition facilities;

15 (c) The minimum size for any facility is three beds; and

16 (d) The department must approve any sites selected.

17 (3) Any county or city that makes a commitment to initiate the  
18 process to site one or more secure community transition facilities by  
19 one hundred twenty days after March 21, 2002, shall receive a  
20 planning grant as proposed and approved by the department of  
21 (~~community, trade, and economic development~~) commerce.

22 (4) Any county or city that has issued all necessary permits by  
23 May 1, 2003, for one or more secure community transition facilities  
24 that comply with the requirements of this section shall receive an  
25 incentive grant in the amount of fifty thousand dollars for each bed  
26 sited.

27 (5) To encourage the rapid permitting of sites, any county or  
28 city that has issued all necessary permits by January 1, 2003, for  
29 one or more secure community transition facilities that comply with  
30 the requirements of this section shall receive a bonus in the amount  
31 of twenty percent of the amount provided under subsection (4) of this  
32 section.

33 (6) Any county or city that establishes secure community  
34 transition facility beds in excess of the maximum number that could  
35 be required to be sited in that county shall receive a bonus payment  
36 of one hundred thousand dollars for each bed established in excess of  
37 the maximum requirement.

38 (7) No payment shall be made under subsection (4), (5), or (6) of  
39 this section until all necessary permits have been issued.

1 (8) The funds available to counties and cities under this section  
2 are contingent upon funds being appropriated by the legislature.

3 **Sec. 2120.** RCW 72.09.055 and 1995 c 399 s 202 are each amended  
4 to read as follows:

5 (1) The department shall identify and catalog real property that  
6 is no longer required for department purposes and is suitable for the  
7 development of affordable housing for very low-income, low-income,  
8 and moderate-income households as defined in RCW 43.63A.510. The  
9 inventory shall include the location, approximate size, and current  
10 zoning classification of the property. The department shall provide a  
11 copy of the inventory to the department of (~~community, trade, and~~  
12 ~~economic development~~) commerce by November 1, 1993, and every  
13 November 1 thereafter.

14 (2) By November 1 of each year, beginning in 1994, the department  
15 shall purge the inventory of real property of sites that are no  
16 longer available for the development of affordable housing. The  
17 department shall include an updated listing of real property that has  
18 become available since the last update. As used in this section,  
19 "real property" means buildings, land, or buildings and land.

20 **Sec. 2121.** RCW 72.65.210 and 1998 c 245 s 142 are each amended  
21 to read as follows:

22 (1) The department shall establish, by rule, inmate eligibility  
23 standards for participation in the work release program.

24 (2) The department shall:

25 (a) Conduct an annual examination of each work release facility  
26 and its security procedures;

27 (b) Investigate and set standards for the inmate supervision  
28 policies of each work release facility;

29 (c) Establish physical standards for future work release  
30 structures to ensure the safety of inmates, employees, and the  
31 surrounding communities;

32 (d) Evaluate its recordkeeping of serious infractions to  
33 determine if infractions are properly and consistently assessed  
34 against inmates eligible for work release;

35 (e) (~~The department shall establish~~) Establish a written  
36 treatment plan best suited to the inmate's needs, cost, and the  
37 relationship of community placement and community corrections  
38 officers to a system of case management;

1 (f) Adopt a policy to encourage businesses employing work release  
2 inmates to contact the appropriate work release facility whenever an  
3 inmate is absent from his or her work schedule. The department of  
4 corrections shall provide each employer with written information and  
5 instructions on who should be called if a work release employee is  
6 absent from work or leaves the jobsite without authorization; and

7 (g) Develop a siting policy, in conjunction with cities,  
8 counties, community groups, and the department of (~~community, trade,~~  
9 ~~and economic development~~) commerce for the establishment of  
10 additional work release facilities. Such policy shall include at  
11 least the following elements: (i) Guidelines for appropriate site  
12 selection of work-release facilities; (ii) notification requirements  
13 to local government and community groups of intent to site a work  
14 release facility; and (iii) guidelines for effective community  
15 relations by the work release program operator.

16 The department shall comply with the requirements of this section  
17 by July 1, 1990.

18 **Sec. 2122.** RCW 76.56.020 and 1994 c 282 s 1 are each amended to  
19 read as follows:

20 The center shall:

21 (1) Coordinate the University of Washington's college of forest  
22 resources' faculty and staff expertise to assist in:

23 (a) The development of research and analysis for developing  
24 policies and strategies which will expand forest-based international  
25 trade, including a major focus on secondary manufacturing;

26 (b) The development of technology or commercialization support  
27 for manufactured products that will meet the evolving needs of  
28 international customers;

29 (c) The development of research and analysis on other factors  
30 critical to forest-based trade, including the quality and  
31 availability of raw wood resources; and

32 (d) The coordination, development, and dissemination of market  
33 and technical information relevant to international trade in forest  
34 products, including a major focus on secondary manufacturing;

35 (2) Further develop and maintain computer databases on worldwide  
36 forest products production and trade in order to monitor and report  
37 on trends significant to the Northwest forest products industry and  
38 support the center's research functions; and coordinate this system  
39 with state, federal, and private sector efforts to insure a cost-

1 effective information resource that will avoid unnecessary  
2 duplication;

3 (3) Monitor international forest products markets and assess the  
4 status of the state's forest products industry, including the  
5 competitiveness of small and medium-sized secondary manufacturing  
6 firms in the forest products industry, which for the purposes of this  
7 chapter shall be firms with annual revenues of twenty-five million or  
8 less, and including the increased exports of Washington-produced  
9 products of small and medium-sized secondary manufacturing firms;

10 (4) Provide high quality research and graduate education and  
11 professional nondegree training in international trade in forest  
12 products in cooperation with the University of Washington's graduate  
13 school of business administration, the school of law, the Jackson  
14 school of international studies, the Northwest policy center of the  
15 graduate school of public administration, and other supporting  
16 academic units;

17 (5) Develop cooperative linkages with the international marketing  
18 program for agricultural commodities and trade at Washington State  
19 University, the international trade project of the United States  
20 forest service, the department of natural resources, the department  
21 of (~~community, trade, and economic development~~) commerce, the small  
22 business export finance assistance center, and other state and  
23 federal agencies to avoid duplication of effort and programs;

24 (6) Cooperate with personnel from the state's community and  
25 technical colleges in their development of wood products  
26 manufacturing and wood technology curriculum and offer periodic  
27 workshops on wood products manufacturing, wood technology, and trade  
28 opportunities to community colleges and private educators and  
29 trainers;

30 (7) Provide for public dissemination of research, analysis, and  
31 results of the center's programs to all groups, including direct  
32 assistance groups, through technical workshops, short courses,  
33 international and national symposia, cooperation with private sector  
34 networks and marketing associations, or other means, including  
35 appropriate publications;

36 (8) Establish an executive policy board, including  
37 representatives of small and medium-sized businesses, with at least  
38 fifty percent of its business members representing small businesses  
39 with one hundred or fewer employees and medium-sized businesses with  
40 one hundred to five hundred employees. The executive policy board

1 shall also include a representative of the community and technical  
2 colleges, representatives of state and federal agencies, and a  
3 representative of a wood products manufacturing network or trade  
4 association of small and medium-sized wood product manufacturers. The  
5 executive policy board shall provide advice on: Overall policy  
6 direction and program priorities, state and federal budget requests,  
7 securing additional research funds, identifying priority areas of  
8 focus for research efforts, selection of projects for research, and  
9 dissemination of results of research efforts; and

10 (9) Establish advisory or technical committees for each research  
11 program area, to advise on research program area priorities,  
12 consistent with the international trade opportunities achievable by  
13 the forest products sector of the state and region, to help ensure  
14 projects are relevant to industry needs, and to advise on and support  
15 effective dissemination of research results. Each advisory or  
16 technical committee shall include representatives of forest products  
17 industries that might benefit from this research.

18 Service on the committees and the executive policy board  
19 established in subsections (8) and (9) of this section shall be  
20 without compensation but actual travel expenses incurred in  
21 connection with service to the center may be reimbursed from  
22 appropriated funds in accordance with RCW 43.03.050 and 43.03.060.

23 **Sec. 2123.** RCW 79.105.600 and 2005 c 155 s 161 are each amended  
24 to read as follows:

25 After consultation with the director of (~~community, trade, and~~  
26 ~~economic development~~) commerce, the department may enter into  
27 agreements, leases, or other conveyances for archaeological  
28 activities on state-owned aquatic lands. The agreements, leases, or  
29 other conveyances may contain those conditions as are required for  
30 the department to comply with its legal rights and duties. All  
31 agreements, leases, or other conveyances, shall be issued in  
32 accordance with the terms of chapters 79.105 through 79.140 RCW.

33 **Sec. 2124.** RCW 79A.30.050 and 1995 c 200 s 6 are each amended to  
34 read as follows:

35 (1) If the authority and state agencies find it mutually  
36 beneficial to do so, they are authorized to collaborate and cooperate  
37 on projects of shared interest. Agencies authorized to collaborate  
38 with the authority include but are not limited to: The commission for

1 activities and projects related to public recreation; the department  
2 of agriculture for projects related to the equine agricultural  
3 industry; the department of (~~community, trade, and economic~~  
4 ~~development~~) commerce with respect to community and economic  
5 development and tourism issues associated with development of the  
6 state horse park; Washington State University with respect to  
7 opportunities for animal research, education, and extension; the  
8 department of ecology with respect to opportunities for making the  
9 state horse park's waste treatment facilities a demonstration model  
10 for the handling of waste to protect water quality; and with local  
11 community colleges with respect to programs related to horses,  
12 economic development, business, and tourism.

13 (2) The authority shall cooperate with 4-H clubs, pony clubs,  
14 youth groups, and local park departments to provide youth  
15 recreational activities. The authority shall also provide for  
16 preferential use of an area of the horse park facility for youth and  
17 (~~the disabled~~) individuals with disabilities at nominal cost.

18 **Sec. 2125.** RCW 79A.50.100 and 1995 c 399 s 209 are each amended  
19 to read as follows:

20 (1) A public hearing may be held prior to any withdrawal of state  
21 trust lands and shall be held prior to any revocation of withdrawal  
22 or modification of withdrawal of state trust lands used for  
23 recreational purposes by the department of natural resources or by  
24 other state agencies.

25 (2) The department shall cause notice of the withdrawal,  
26 revocation of withdrawal or modification of withdrawal of state trust  
27 lands as described in subsection (1) of this section to be published  
28 by advertisement once a week for four weeks prior to the public  
29 hearing in at least one newspaper published and of general  
30 circulation in the county or counties in which the state trust lands  
31 are situated, and by causing a copy of said notice to be posted in a  
32 conspicuous place in the department's Olympia office, in the district  
33 office in which the land is situated, and in the office of the county  
34 auditor in the county where the land is situated thirty days prior to  
35 the public hearing. The notice shall specify the time and place of  
36 the public hearing and shall describe with particularity each parcel  
37 of state trust lands involved in said hearing.

38 (3) The board of natural resources shall administer the hearing  
39 according to its prescribed rules and regulations.

1 (4) The board of natural resources shall determine the most  
2 beneficial use or combination of uses of the state trust lands. Its  
3 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That  
4 said decisions as to uses shall conform to applicable state plans and  
5 policy guidelines adopted by the department of (~~community, trade,~~  
6 ~~and economic development~~) commerce.

7 **Sec. 2126.** RCW 79A.60.480 and 2002 c 86 s 327 are each amended  
8 to read as follows:

9 (1) The department of licensing may issue a whitewater river  
10 outfitter's license to an applicant who submits a completed  
11 application, pays the required fee, and complies with the  
12 requirements of this section.

13 (2) An applicant for a whitewater river outfitter's license shall  
14 make application upon a form provided by the department of licensing.  
15 The form must be submitted annually and include the following  
16 information:

17 (a) The name, residence address, and residence telephone number,  
18 and the business name, address, and telephone number of the  
19 applicant;

20 (b) Certification that all employees, subcontractors, or  
21 independent contractors hired as guides meet training standards under  
22 RCW 79A.60.430 before carrying any passengers for hire;

23 (c) Proof that the applicant has liability insurance for a  
24 minimum of three hundred thousand dollars per claim for occurrences  
25 by the applicant and the applicant's employees that result in bodily  
26 injury or property damage. All guides must be covered by the  
27 applicant's insurance policy;

28 (d) Certification that the applicant will maintain the insurance  
29 for a period of not less than one year from the date of issuance of  
30 the license; and

31 (e) Certification by the applicant that for a period of not less  
32 than twenty-four months immediately preceding the application the  
33 applicant:

34 (i) Has not had a license, permit, or certificate to carry  
35 passengers for hire on a river revoked by another state or by an  
36 agency of the government of the United States due to a conviction for  
37 a violation of safety or insurance coverage requirements no more  
38 stringent than the requirements of this chapter; and

1 (ii) Has not been denied the right to apply for a license,  
2 permit, or certificate to carry passengers for hire on a river by  
3 another state.

4 (3) The department of licensing shall charge a fee for each  
5 application, to be set in accordance with RCW 43.24.086.

6 (4) Any person advertising or representing himself or herself as  
7 a whitewater river outfitter who is not currently licensed is guilty  
8 of a gross misdemeanor.

9 (5) The department of licensing shall submit annually a list of  
10 licensed persons and companies to the department of (~~community,~~  
11 ~~trade, and economic development~~) commerce, tourism promotion  
12 division.

13 (6) If an insurance company cancels or refuses to renew insurance  
14 for a licensee, the insurance company shall notify the department of  
15 licensing in writing of the termination of coverage and its effective  
16 date not less than thirty days before the effective date of  
17 termination.

18 (a) Upon receipt of an insurance company termination notice, the  
19 department of licensing shall send written notice to the licensee  
20 that on the effective date of termination the department of licensing  
21 will suspend the license unless proof of insurance as required by  
22 this section is filed with the department of licensing before the  
23 effective date of the termination.

24 (b) If an insurance company fails to give notice of coverage  
25 termination, this failure shall not have the effect of continuing the  
26 coverage.

27 (c) The department of licensing may sanction a license under RCW  
28 18.235.110 if the licensee fails to maintain in full force and effect  
29 the insurance required by this section.

30 (7) The state of Washington shall be immune from any civil action  
31 arising from the issuance of a license under this section.

32 **Sec. 2127.** RCW 80.36.440 and 2003 c 134 s 5 are each amended to  
33 read as follows:

34 (1) The commission and the department may adopt any rules  
35 necessary to implement RCW 80.36.410 through 80.36.470.

36 (2) Rules necessary for the implementation of community service  
37 voice mail services shall be made by the commission and the  
38 department in consultation with the department of (~~community, trade,~~  
39 ~~and economic development~~) commerce.

1       **Sec. 2128.** RCW 80.80.050 and 2007 c 307 s 7 are each amended to  
2 read as follows:

3       The energy policy division of the department of (~~community,~~  
4 ~~trade, and economic development~~) commerce shall provide an  
5 opportunity for interested parties to comment on the development of a  
6 survey of new combined-cycle natural gas thermal electric generation  
7 turbines commercially available and offered for sale by manufacturers  
8 and purchased in the United States to determine the average rate of  
9 emissions of greenhouse gases for these turbines. The department of  
10 (~~community, trade, and economic development~~) commerce shall report  
11 the results of its survey to the legislature every five years,  
12 beginning June 30, 2013. The department of (~~community, trade, and~~  
13 ~~economic development~~) commerce shall adopt by rule the average  
14 available greenhouse (~~gases~~) gas emissions output every five years  
15 beginning five years after July 22, 2007.

16       **Sec. 2129.** RCW 80.80.080 and 2007 c 307 s 10 are each amended to  
17 read as follows:

18       For the purposes of RCW 80.80.040 through 80.80.080 and  
19 80.70.020, the department, in consultation with the department of  
20 (~~community, trade, and economic development~~) commerce energy policy  
21 division, the energy facility site evaluation council, the  
22 commission, and the governing boards of consumer-owned utilities,  
23 shall review the greenhouse (~~gases~~) gas emissions performance  
24 standard established in this chapter to determine need,  
25 applicability, and effectiveness no less than every five years  
26 following July 22, 2007, or upon implementation of a federal or state  
27 law or rule regulating carbon dioxide emissions of electric  
28 utilities, and report to the legislature.

29       **Sec. 2130.** RCW 90.56.280 and 1995 c 399 s 218 are each amended  
30 to read as follows:

31       It shall be the duty of any person discharging oil or hazardous  
32 substances or otherwise causing, permitting, or allowing the same to  
33 enter the waters of the state, unless the discharge or entry was  
34 expressly authorized by the department prior thereto or authorized by  
35 operation of law under RCW 90.48.200, to immediately notify the coast  
36 guard and the division of emergency management. The notice to the  
37 division of emergency management within the department of  
38 (~~community, trade, and economic development~~) commerce shall be made

1 to the division's twenty-four hour statewide toll-free number  
2 established for reporting emergencies.

3 **PART 3**  
4 **OTHER PROVISIONS**

5 NEW SECTION. **Sec. 3001.** Section 4, chapter 137, Laws of 2015,  
6 section 1, chapter 326, Laws of 2013, and section 2, chapter 291,  
7 Laws of 2011 expire June 30, 2016.

8 NEW SECTION. **Sec. 3002.** 2011 1st sp. sess. c 35 s 3  
9 (uncodified) is repealed.

10 ***\*NEW SECTION. Sec. 3003. The following sections are decodified:***  
11 ***(1) RCW 28A.300.2851 (School bullying and harassment—Work group);***  
12 ***(2) RCW 28A.300.807 (Task force—Review of federal 2007 race and***  
13 ***ethnicity reporting guidelines—Development of state guidelines);***  
14 ***(3) RCW 43.10.300 (Hate crime advisory working group);***  
15 ***(4) RCW 43.280.091 (Statewide coordinating committee on sex***  
16 ***trafficking); and***  
17 ***(5) RCW 44.82.010 (Joint select committee on health care***  
18 ***oversight).***

***\*Sec. 3003 was vetoed. See message at end of chapter.***

19 **Sec. 3004.** RCW 9.41.280 and 2022 c 106 s 1 are each amended to  
20 read as follows:

21 (1) It is unlawful for a person to knowingly carry onto, or to  
22 possess on, public or private elementary or secondary school  
23 premises, school-provided transportation, areas of facilities while  
24 being used exclusively by public or private schools, or areas of  
25 facilities while being used for official meetings of a school  
26 district board of directors:

27 (a) Any firearm;

28 (b) Any other dangerous weapon as defined in RCW 9.41.250;

29 (c) Any device commonly known as "nun-chu-ka sticks," consisting  
30 of two or more lengths of wood, metal, plastic, or similar substance  
31 connected with wire, rope, or other means;

1 (d) Any device, commonly known as "throwing stars," which are  
2 multipointed, metal objects designed to embed upon impact from any  
3 aspect;

4 (e) Any air gun, including any air pistol or air rifle, designed  
5 to propel a BB, pellet, or other projectile by the discharge of  
6 compressed air, carbon dioxide, or other gas; or

7 (f)(i) Any portable device manufactured to function as a weapon  
8 and which is commonly known as a stun gun, including a projectile  
9 stun gun which projects wired probes that are attached to the device  
10 that emit an electrical charge designed to administer to a person or  
11 an animal an electric shock, charge, or impulse; or

12 (ii) Any device, object, or instrument which is used or intended  
13 to be used as a weapon with the intent to injure a person by an  
14 electric shock, charge, or impulse.

15 (2)(a) Any such person violating subsection (1) of this section  
16 is guilty of a misdemeanor.

17 (b) Second and subsequent violations of subsection (1) of this  
18 section are a gross misdemeanor.

19 (c) If any person is convicted of a violation of subsection  
20 (1)(a) of this section, the person shall have his or her concealed  
21 pistol license, if any revoked for a period of three years. Anyone  
22 convicted under this subsection is prohibited from applying for a  
23 concealed pistol license for a period of three years. The court shall  
24 send notice of the revocation to the department of licensing, and the  
25 city, town, or county which issued the license.

26 Any violation of subsection (1) of this section by elementary or  
27 secondary school students constitutes grounds for expulsion from the  
28 state's public schools in accordance with RCW 28A.600.010. An  
29 appropriate school authority shall promptly notify law enforcement  
30 and the student's parent or guardian regarding any allegation or  
31 indication of such violation.

32 Upon the arrest of a person at least twelve years of age and not  
33 more than twenty-one years of age for violating subsection (1)(a) of  
34 this section, the person shall be detained or confined in a juvenile  
35 or adult facility for up to seventy-two hours. The person shall not  
36 be released within the seventy-two hours until after the person has  
37 been examined and evaluated by the designated crisis responder unless  
38 the court in its discretion releases the person sooner after a  
39 determination regarding probable cause or on probation bond or bail.

1        Within twenty-four hours of the arrest, the arresting law  
2 enforcement agency shall refer the person to the designated crisis  
3 responder for examination and evaluation under chapter 71.05 or 71.34  
4 RCW and inform a parent or guardian of the person of the arrest,  
5 detention, and examination. The designated crisis responder shall  
6 examine and evaluate the person subject to the provisions of chapter  
7 71.05 or 71.34 RCW. The examination shall occur at the facility in  
8 which the person is detained or confined. If the person has been  
9 released on probation, bond, or bail, the examination shall occur  
10 wherever is appropriate.

11        Upon completion of any examination by the designated crisis  
12 responder, the results of the examination shall be sent to the court,  
13 and the court shall consider those results in making any  
14 determination about the person.

15        The designated crisis responder shall, to the extent permitted by  
16 law, notify a parent or guardian of the person that an examination  
17 and evaluation has taken place and the results of the examination.  
18 Nothing in this subsection prohibits the delivery of additional,  
19 appropriate mental health examinations to the person while the person  
20 is detained or confined.

21        If the designated crisis responder determines it is appropriate,  
22 the designated crisis responder may refer the person to the local  
23 behavioral health administrative services organization for follow-up  
24 services or other community providers for other services to the  
25 family and individual.

26        (3) Subsection (1) of this section does not apply to:

27        (a) Any student or employee of a private military academy when on  
28 the property of the academy;

29        (b) Any person engaged in military, law enforcement, or school  
30 district security activities. However, a person who is not a  
31 commissioned law enforcement officer and who provides school security  
32 services under the direction of a school administrator may not  
33 possess a device listed in subsection (1)(f) of this section unless  
34 he or she has successfully completed training in the use of such  
35 devices that is equivalent to the training received by commissioned  
36 law enforcement officers;

37        (c) Any person who is involved in a convention, showing,  
38 demonstration, lecture, or firearms safety course authorized by  
39 school authorities in which the firearms of collectors or instructors  
40 are handled or displayed;

1 (d) Any person while the person is participating in a firearms or  
2 air gun competition approved by the school or school district;

3 (e) Any person in possession of a pistol who has been issued a  
4 license under RCW 9.41.070, or is exempt from the licensing  
5 requirement by RCW 9.41.060, while:

6 (i) Picking up or dropping off a student; or

7 (ii) Attending official meetings of a school district board of  
8 directors held off school district-owned or leased property;

9 (f) Any nonstudent at least eighteen years of age legally in  
10 possession of a firearm or dangerous weapon that is secured within an  
11 attended vehicle or concealed from view within a locked unattended  
12 vehicle while conducting legitimate business at the school;

13 (g) Any nonstudent at least eighteen years of age who is in  
14 lawful possession of an unloaded firearm, secured in a vehicle while  
15 conducting legitimate business at the school; or

16 (h) Any law enforcement officer of the federal, state, or local  
17 government agency.

18 (4) Subsections (1)(c) and (d) of this section do not apply to  
19 any person who possesses nun-chu-ka sticks, throwing stars, or other  
20 dangerous weapons to be used in martial arts classes authorized to be  
21 conducted on the school premises.

22 (5) Subsection (1)(f)(i) of this section does not apply to any  
23 person who possesses a device listed in subsection (1)(f)(i) of this  
24 section, if the device is possessed and used solely for the purpose  
25 approved by a school for use in a school authorized event, lecture,  
26 or activity conducted on the school premises.

27 (6) Except as provided in subsection (3)(b), (c), (f), and (h) of  
28 this section, firearms are not permitted in a public or private  
29 school building.

30 (7) "GUN-FREE ZONE" signs shall be posted around school  
31 facilities giving warning of the prohibition of the possession of  
32 firearms on school grounds.

33 (8) A school district board of directors must post signs  
34 providing notice of the restrictions on possession of firearms and  
35 other weapons under this section at facilities being used for  
36 official meetings of the school district board of directors.

37 **Sec. 3005.** RCW 9.41.284 and 2022 c 106 s 3 are each amended to  
38 read as follows:

1 (1) Except as provided in subsections (3) and (4) of this  
2 section, it is unlawful for a person to knowingly carry onto, or to  
3 possess in, a ballot counting center, a voting center, a student  
4 engagement hub, or the county elections and voter registration  
5 office, or areas of facilities while being used as a ballot counting  
6 center, a voting center, a student engagement hub, or the county  
7 elections and voter registration office:

8 (a) Any firearm;

9 (b) Any other dangerous weapon as described in RCW 9.41.250;

10 (c) Any air gun, including any air pistol or air rifle, designed  
11 to propel a BB, pellet, or other projectile by the discharge of  
12 compressed air, carbon dioxide, or other gas;

13 (d)(i) Any portable device manufactured to function as a weapon  
14 and which is commonly known as a stun gun, including a projectile  
15 stun gun that projects wired probes that are attached to the device  
16 that emit an electrical charge designed to administer to a person or  
17 an animal an electric shock, charge, or impulse; or

18 (ii) Any device, object, or instrument that is used or intended  
19 to be used as a weapon with the intent to injure a person by an  
20 electric shock, charge, or impulse; or

21 (e) Any spring blade knife as defined in RCW 9.41.250.

22 (2) (a) A person who violates subsection (1) of this section is  
23 guilty of a misdemeanor.

24 (b) Second and subsequent violations of this section are a gross  
25 misdemeanor.

26 (c) If a person is convicted of a violation of subsection (1)(a)  
27 of this section, the person shall have his or her concealed pistol  
28 license, if any, revoked for a period of three years. Anyone  
29 convicted under subsection (1)(a) of this section is prohibited from  
30 applying for a concealed pistol license for a period of three years  
31 from the date of conviction. The court shall order the person to  
32 immediately surrender any concealed pistol license, and within three  
33 business days notify the department of licensing in writing of the  
34 required revocation of any concealed pistol license held by the  
35 person. Upon receipt of the notification by the court, the department  
36 of licensing shall determine if the person has a concealed pistol  
37 license. If the person does have a concealed pistol license, the  
38 department of licensing shall immediately notify the license-issuing  
39 authority which, upon receipt of the notification, shall immediately  
40 revoke the license.

1 (3) Subsection (1) of this section does not apply to:

2 (a) Any law enforcement officer of a federal, state, or local  
3 government agency; or

4 (b) Any security personnel hired by a county and engaged in  
5 security specifically for a counting center, a voting center, a  
6 student engagement hub, or the county elections and voter  
7 registration office or areas of facilities used for such purposes.  
8 However, a person who is not a commissioned law enforcement officer  
9 and who provides elections and voter registration security services  
10 under the direction of a county may not possess a firearm or device  
11 listed in subsection (1)(d) of this section unless he or she has  
12 successfully completed training in the use of firearms or such  
13 devices that is equivalent to the training received by commissioned  
14 law enforcement officers.

15 (4) Subsection (1) of this section does not prohibit concealed  
16 carry of a pistol, by a person licensed to carry a concealed pistol  
17 pursuant to RCW 9.41.070, in any voting center, student engagement  
18 hub, county elections and voter registration office, or areas of  
19 facilities while being used as a voting center, student engagement  
20 hub, or county elections and voter registration office. However, no  
21 weapon restricted by this section, whether concealed or openly  
22 carried, may be possessed in any ballot counting center or areas of  
23 facilities while being used as a ballot counting center.

24 (5) Elections officers and officials must post signs providing  
25 notice of the restriction on possession of firearms and other weapons  
26 at each counting center, voting center, student engagement hub, or  
27 county elections and voter registration office, or areas of  
28 facilities while being used as a counting center, a voting center, a  
29 student engagement hub, or the county elections and voter  
30 registration office.

31 (6) For the purposes of this section:

32 (a) "Ballot counting center" has the same meaning as "counting  
33 center" in RCW 29A.04.019;

34 (b) "Voting center" means a voting center as described in RCW  
35 29A.40.160; and

36 (c) "Student engagement hub" means a student engagement hub as  
37 described in RCW 29A.40.180.

38 **Sec. 3006.** RCW 9.41.305 and 2022 c 106 s 2 are each amended to  
39 read as follows:

1 (1) Unless exempt under subsection (3) of this section, it is  
2 unlawful for any person to knowingly open carry a firearm or other  
3 weapon, as defined in RCW 9.41.300(1)(b), while knowingly being in  
4 the following locations:

5 (a) The west state capitol campus grounds; any buildings on the  
6 state capitol grounds; any state legislative office; or any location  
7 of a public state legislative hearing or meeting during the hearing  
8 or meeting; or

9 (b) City, town, county, or other municipality buildings used in  
10 connection with meetings of the governing body of the city, town,  
11 county, or other municipality, or any location of a public meeting or  
12 hearing of the governing body of a city, town, county, or other  
13 municipality during the hearing or meeting.

14 (2) For the purposes of this section:

15 (a) "Buildings on the state capitol grounds" means the following  
16 buildings located on the state capitol grounds, commonly known as  
17 Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg,  
18 Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance,  
19 Governor's Mansion, Visitor Information Center, Carlyon House, Ayer  
20 House, General Administration, 1500 Jefferson, James M. Dolliver, Old  
21 Capitol, Capitol Court, State Archives, Natural Resources, Office  
22 Building #2, Highway-License, Transportation, Employment Security,  
23 Child Care Center, Union Avenue, Washington Street, Professional  
24 Arts, State Farm, and Powerhouse Buildings.

25 (b) "Governing body" has the same meaning as in RCW 42.30.020.

26 (c) "West state capitol campus grounds" means areas of the campus  
27 south of Powerhouse Rd. SW, south of Union Avenue SW as extended  
28 westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th  
29 Avenue SW between Capitol Way S. and Water Street SW, west of Water  
30 Street between 15th Avenue SW and 16th Avenue SW, north of 16th  
31 Avenue SW between Water Street SW and the east banks of Capitol Lake,  
32 and east of the banks of Capitol Lake.

33 (3) Duly authorized federal, state, or local law enforcement  
34 officers or personnel are exempt from this section when carrying a  
35 firearm or other weapon in conformance with their employing agency's  
36 policy. Members of the armed forces of the United States or the state  
37 of Washington are exempt from this section when carrying a firearm or  
38 other weapon in the discharge of official duty or traveling to or  
39 from official duty.

1       (4) (a) A person violating this section is guilty of a  
2 misdemeanor.

3       (b) Second and subsequent violations of this section are a gross  
4 misdemeanor.

5       (5) Nothing in this section applies to the lawful concealed carry  
6 of a firearm by a person who has a valid concealed pistol license.

7       (6) A city, town, county, or other municipality must post signs  
8 providing notice of the restrictions on possession of firearms and  
9 other weapons under this section at any locations specified in  
10 subsection (1) (b) of this section.

11       **Sec. 3007.** RCW 9A.44.010 and 2020 c 312 s 707 are each reenacted  
12 and amended to read as follows:

13       As used in this chapter:

14       (1) "Abuse of a supervisory position" means:

15       (a) To use a direct or indirect threat or promise to exercise  
16 authority to the detriment or benefit of a minor; or

17       (b) To exploit a significant relationship in order to obtain the  
18 consent of a minor.

19       (2) "Consent" means that at the time of the act of sexual  
20 intercourse or sexual contact there are actual words or conduct  
21 indicating freely given agreement to have sexual intercourse or  
22 sexual contact.

23       (3) "Forcible compulsion" means physical force which overcomes  
24 resistance, or a threat, express or implied, that places a person in  
25 fear of death or physical injury to herself or himself or another  
26 person, or in fear that she or he or another person will be  
27 kidnapped.

28       (4) "Frail elder or vulnerable adult" means a person sixty years  
29 of age or older who has the functional, mental, or physical inability  
30 to care for himself or herself. "Frail elder or vulnerable adult"  
31 also includes a person who has been placed under a guardianship under  
32 RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person  
33 over eighteen years of age who has a developmental disability under  
34 chapter 71A.10 RCW, a person admitted to a long-term care facility  
35 that is licensed or required to be licensed under chapter 18.20,  
36 18.51, 72.36, or 70.128 RCW, and a person receiving services from a  
37 home health, hospice, or home care agency licensed or required to be  
38 licensed under chapter 70.127 RCW.

1 (5) "Health care provider" for purposes of RCW 9A.44.050 and  
2 9A.44.100 means a person who is, holds himself or herself out to be,  
3 or provides services as if he or she were: (a) A member of a health  
4 care profession under chapter 18.130 RCW; or (b) registered under  
5 chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of  
6 whether the health care provider is licensed, certified, or  
7 registered by the state.

8 (6) "Married" means one who is legally married to another, but  
9 does not include a person who is living separate and apart from his  
10 or her spouse and who has filed in an appropriate court for legal  
11 separation or for dissolution of his or her marriage.

12 (7) "Mental incapacity" is that condition existing at the time of  
13 the offense which prevents a person from understanding the nature or  
14 consequences of the act of sexual intercourse whether that condition  
15 is produced by illness, defect, the influence of a substance or from  
16 some other cause.

17 (8) "Person with a ~~((chemical dependency))~~ substance use  
18 disorder" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e)  
19 means a person ~~((who is "chemically dependent" as defined in RCW~~  
20 ~~70.96A.020))~~ with a "substance use disorder" as defined in RCW  
21 71.05.020.

22 (9) "Person with a developmental disability," for purposes of RCW  
23 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a  
24 developmental disability as defined in RCW 71A.10.020.

25 (10) "Person with a mental disorder" for the purposes of RCW  
26 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental  
27 disorder" as defined in RCW 71.05.020.

28 (11) "Person with supervisory authority," for purposes of RCW  
29 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any  
30 proprietor or employee of any public or private care or treatment  
31 facility who directly supervises developmentally disabled, mentally  
32 disordered, or chemically dependent persons at the facility.

33 (12) "Physically helpless" means a person who is unconscious or  
34 for any other reason is physically unable to communicate  
35 unwillingness to an act.

36 (13) "Sexual contact" means any touching of the sexual or other  
37 intimate parts of a person done for the purpose of gratifying sexual  
38 desire of either party or a third party.

39 (14) "Sexual intercourse" (a) has its ordinary meaning and occurs  
40 upon any penetration, however slight, and

1 (b) Also means any penetration of the vagina or anus however  
2 slight, by an object, when committed on one person by another,  
3 whether such persons are of the same or opposite sex, except when  
4 such penetration is accomplished for medically recognized treatment  
5 or diagnostic purposes, and

6 (c) Also means any act of sexual contact between persons  
7 involving the sex organs of one person and the mouth or anus of  
8 another whether such persons are of the same or opposite sex.

9 (15) "Significant relationship" means a situation in which the  
10 perpetrator is:

11 (a) A person who undertakes the responsibility, professionally or  
12 voluntarily, to provide education, health, welfare, or organized  
13 recreational activities principally for minors;

14 (b) A person who in the course of his or her employment  
15 supervises minors; or

16 (c) A person who provides welfare, health or residential  
17 assistance, personal care, or organized recreational activities to  
18 frail elders or vulnerable adults, including a provider, employee,  
19 temporary employee, volunteer, or independent contractor who supplies  
20 services to long-term care facilities licensed or required to be  
21 licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home  
22 health, hospice, or home care agencies licensed or required to be  
23 licensed under chapter 70.127 RCW, but not including a consensual  
24 sexual partner.

25 (16) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100  
26 means the active delivery of professional services by a health care  
27 provider which the health care provider holds himself or herself out  
28 to be qualified to provide.

29 **Sec. 3008.** RCW 9A.44.050 and 2021 c 142 s 1 are each amended to  
30 read as follows:

31 (1) A person is guilty of rape in the second degree when, under  
32 circumstances not constituting rape in the first degree, the person  
33 engages in sexual intercourse with another person:

34 (a) By forcible compulsion;

35 (b) When the victim is incapable of consent by reason of being  
36 physically helpless or mentally incapacitated;

37 (c) When the victim is a person with a developmental disability  
38 and the perpetrator is a person who:

39 (i) Has supervisory authority over the victim; or

1 (ii) Was providing transportation, within the course of his or  
2 her employment, to the victim at the time of the offense;

3 (d) When the perpetrator is a health care provider, the victim is  
4 a client or patient, and the sexual intercourse occurs during a  
5 treatment session, consultation, interview, or examination. It is an  
6 affirmative defense that the defendant must prove by a preponderance  
7 of the evidence that the client or patient consented to the sexual  
8 intercourse with the knowledge that the sexual intercourse was not  
9 for the purpose of treatment;

10 (e) When the victim is a resident of a facility for persons with  
11 a mental disorder or (~~chemical dependency~~) substance use disorder  
12 and the perpetrator is a person who has supervisory authority over  
13 the victim; or

14 (f) When the victim is a frail elder or vulnerable adult and the  
15 perpetrator is a person who:

16 (i) Has a significant relationship with the victim; or

17 (ii) Was providing transportation, within the course of his or  
18 her employment, to the victim at the time of the offense.

19 (2) Rape in the second degree is a class A felony.

20 **Sec. 3009.** RCW 9A.44.100 and 2021 c 142 s 10 are each amended to  
21 read as follows:

22 (1) A person is guilty of indecent liberties when he or she  
23 knowingly causes another person to have sexual contact with him or  
24 her or another:

25 (a) By forcible compulsion;

26 (b) When the other person is incapable of consent by reason of  
27 being mentally defective, mentally incapacitated, or physically  
28 helpless;

29 (c) When the victim is a person with a developmental disability  
30 and the perpetrator is a person who:

31 (i) Has supervisory authority over the victim; or

32 (ii) Was providing transportation, within the course of his or  
33 her employment, to the victim at the time of the offense;

34 (d) When the perpetrator is a health care provider, the victim is  
35 a client or patient, and the sexual contact occurs during a treatment  
36 session, consultation, interview, or examination. It is an  
37 affirmative defense that the defendant must prove by a preponderance  
38 of the evidence that the client or patient consented to the sexual

1 contact with the knowledge that the sexual contact was not for the  
2 purpose of treatment;

3 (e) When the victim is a resident of a facility for persons with  
4 a mental disorder or (~~chemical dependency~~) substance use disorder  
5 and the perpetrator is a person who has supervisory authority over  
6 the victim; or

7 (f) When the victim is a frail elder or vulnerable adult and the  
8 perpetrator is a person who:

9 (i) Has a significant relationship with the victim; or

10 (ii) Was providing transportation, within the course of his or  
11 her employment, to the victim at the time of the offense.

12 (2)(a) Except as provided in (b) of this subsection, indecent  
13 liberties is a class B felony.

14 (b) Indecent liberties by forcible compulsion is a class A  
15 felony.

16 **Sec. 3010.** RCW 9.94A.838 and 2006 c 122 s 3 are each amended to  
17 read as follows:

18 (1) In a prosecution for rape in the first degree, rape in the  
19 second degree with forcible compulsion, indecent liberties with  
20 forcible compulsion, or kidnapping in the first degree with sexual  
21 motivation, the prosecuting attorney shall file a special allegation  
22 that the victim of the offense was, at the time of the offense,  
23 (~~developmentally disabled, mentally disordered,~~) a person with a  
24 developmental disability or a mental disorder or a frail elder or  
25 vulnerable adult, whenever sufficient admissible evidence exists,  
26 which, when considered with the most plausible, reasonably  
27 foreseeable defense that could be raised under the evidence, would  
28 justify a finding by a reasonable and objective fact finder that the  
29 victim was, at the time of the offense, (~~developmentally disabled,~~  
30 ~~mentally disordered,~~) a person with a developmental disability or a  
31 mental disorder or a frail elder or vulnerable adult, unless the  
32 prosecuting attorney determines, after consulting with a victim, that  
33 filing a special allegation under this section is likely to interfere  
34 with the ability to obtain a conviction.

35 (2) Once a special allegation has been made under this section,  
36 the state has the burden to prove beyond a reasonable doubt that the  
37 victim was, at the time of the offense, (~~developmentally disabled,~~  
38 ~~mentally disordered,~~) a person with a developmental disability or a  
39 mental disorder or a frail elder or vulnerable adult. If a jury is

1 had, the jury shall, if it finds the defendant guilty, also find a  
2 special verdict as to whether the victim was, at the time of the  
3 offense, (~~developmentally disabled, mentally disordered,~~) a person  
4 with a developmental disability or a mental disorder or a frail elder  
5 or vulnerable adult. If no jury is had, the court shall make a  
6 finding of fact as to whether the victim was, at the time of the  
7 offense, (~~developmentally disabled, mentally disordered,~~) a person  
8 with a developmental disability or a mental disorder or a frail elder  
9 or vulnerable adult.

10 (3) The prosecuting attorney shall not withdraw a special  
11 allegation filed under this section without the approval of the court  
12 through an order of dismissal of the allegation. The court may not  
13 dismiss the special allegation unless it finds that the order is  
14 necessary to correct an error in the initial charging decision or  
15 that there are evidentiary problems that make proving the special  
16 allegation doubtful.

17 (4) For purposes of this section, (~~"developmentally disabled,"~~  
18 ~~"mentally disordered,"~~) "person with a developmental disability,"  
19 "person with a mental disorder," and "frail elder or vulnerable  
20 adult" have the same meaning as in RCW 9A.44.010.

21 **Sec. 3011.** RCW 9A.44.128 and 2015 c 261 s 2 are each amended to  
22 read as follows:

23 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,  
24 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

25 (1) "Business day" means any day other than Saturday, Sunday, or  
26 a legal local, state, or federal holiday.

27 (2) "Conviction" means any adult conviction or juvenile  
28 adjudication for a sex offense or kidnapping offense.

29 (3) "Disqualifying offense" means a conviction for: Any offense  
30 that is a felony; a sex offense as defined in this section; a crime  
31 against children or persons as defined in RCW 43.43.830(7) and  
32 9.94A.411(2)(a); an offense with a domestic violence designation as  
33 provided in RCW 10.99.020; permitting the commercial sexual abuse of  
34 a minor as defined in RCW 9.68A.103; or any violation of chapter  
35 9A.88 RCW.

36 (4) "Employed" or "carries on a vocation" means employment that  
37 is full time or part time for a period of time exceeding fourteen  
38 days, or for an aggregate period of time exceeding thirty days during  
39 any calendar year. A person is employed or carries on a vocation

1 whether the person's employment is financially compensated,  
2 volunteered, or for the purpose of government or educational benefit.

3 (5) "Fixed residence" means a building that a person lawfully and  
4 habitually uses as living quarters a majority of the week. Uses as  
5 living quarters means to conduct activities consistent with the  
6 common understanding of residing, such as sleeping; eating; keeping  
7 personal belongings; receiving mail; and paying utilities, rent, or  
8 mortgage. A nonpermanent structure including, but not limited to, a  
9 motor home, travel trailer, camper, or boat may qualify as a  
10 residence provided it is lawfully and habitually used as living  
11 quarters a majority of the week, primarily kept at one location with  
12 a physical address, and the location it is kept at is either owned or  
13 rented by the person or used by the person with the permission of the  
14 owner or renter. A shelter program may qualify as a residence  
15 provided it is a shelter program designed to provide temporary living  
16 accommodations for the homeless, provides an offender with a  
17 personally assigned living space, and the offender is permitted to  
18 store belongings in the living space.

19 (6) "In the community" means residing outside of confinement or  
20 incarceration for a disqualifying offense.

21 (7) "Institution of higher education" means any public or private  
22 institution dedicated to postsecondary education, including any  
23 college, university, community college, trade, or professional  
24 school.

25 (8) "Kidnapping offense" means:

26 (a) The crimes of kidnapping in the first degree, kidnapping in  
27 the second degree, and unlawful imprisonment, as defined in chapter  
28 9A.40 RCW, where the victim is a minor and the offender is not the  
29 minor's parent;

30 (b) Any offense that is, under chapter 9A.28 RCW, a criminal  
31 attempt, criminal solicitation, or criminal conspiracy to commit an  
32 offense that is classified as a kidnapping offense under this  
33 subsection;

34 (c) Any federal or out-of-state conviction for: An offense for  
35 which the person would be required to register as a kidnapping  
36 offender if residing in the state of conviction; or, if not required  
37 to register in the state of conviction, an offense that under the  
38 laws of this state would be classified as a kidnapping offense under  
39 this subsection; and

1 (d) Any tribal conviction for an offense for which the person  
2 would be required to register as a kidnapping offender while residing  
3 in the reservation of conviction; or, if not required to register in  
4 the reservation of conviction, an offense that under the laws of this  
5 state would be classified as a kidnapping offense under this  
6 subsection.

7 (9) "Lacks a fixed residence" means the person does not have a  
8 living situation that meets the definition of a fixed residence and  
9 includes, but is not limited to, a shelter program designed to  
10 provide temporary living accommodations for the homeless, an outdoor  
11 sleeping location, or locations where the person does not have  
12 permission to stay.

13 (10) "Sex offense" means:

14 (a) Any offense defined as a sex offense by RCW 9.94A.030;

15 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a  
16 minor in the second degree);

17 (c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);

18 (d) Any violation under RCW 9.68A.090 (communication with a minor  
19 for immoral purposes);

20 (e) A violation under RCW 9A.88.070 (promoting prostitution in  
21 the first degree) or RCW 9A.88.080 (promoting prostitution in the  
22 second degree) if the person has a prior conviction for one of these  
23 offenses;

24 (f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV)  
25 or (a)(i)(B);

26 (g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
27 criminal attempt, criminal solicitation, or criminal conspiracy to  
28 commit an offense that is classified as a sex offense under RCW  
29 9.94A.030 or this subsection;

30 (h) Any out-of-state conviction for an offense for which the  
31 person would be required to register as a sex offender while residing  
32 in the state of conviction; or, if not required to register in the  
33 state of conviction, an offense that under the laws of this state  
34 would be classified as a sex offense under this subsection;

35 (i) Any federal conviction classified as a sex offense under 34  
36 U.S.C. Sec. 20911 or, prior to September 1, 2017, 42 U.S.C. Sec.  
37 16911 (SORNA);

38 (j) Any military conviction for a sex offense. This includes sex  
39 offenses under the uniform code of military justice, as specified by  
40 the United States secretary of defense;

1 (k) Any conviction in a foreign country for a sex offense if it  
2 was obtained with sufficient safeguards for fundamental fairness and  
3 due process for the accused under guidelines or regulations  
4 established pursuant to 42 U.S.C. Sec. 16912;

5 (l) Any tribal conviction for an offense for which the person  
6 would be required to register as a sex offender while residing in the  
7 reservation of conviction; or, if not required to register in the  
8 reservation of conviction, an offense that under the laws of this  
9 state would be classified as a sex offense under this subsection.

10 (11) "School" means a public or private school regulated under  
11 Title 28A RCW or chapter 72.40 RCW.

12 (12) "Student" means a person who is enrolled, on a full-time or  
13 part-time basis, in any school or institution of higher education.

14 **\*Sec. 3012. RCW 9A.72.160 and 1985 c 327 s 1 are each amended to**  
15 **read as follows:**

16 (1) **A person is guilty of intimidating a judge if a person**  
17 **directs a threat to a judge because of a ruling or decision of the**  
18 **judge in any official proceeding, or if by use of a threat directed**  
19 **to a judge, a person attempts to influence a ruling or decision of**  
20 **the judge in any official proceeding.**

21 (2) **"Threat" as used in this section means:**

22 (a) **To communicate, directly or indirectly, the intent**  
23 **immediately to use force against any person who is present at the**  
24 **time; or**

25 (b) **Threats as defined in RCW 9A.04.110(~~(25)~~) (28).**

26 (3) **Intimidating a judge is a class B felony.**

**\*Sec. 3012 was vetoed. See message at end of chapter.**

27 **Sec. 3013. RCW 10.31.115 and 2021 c 311 s 13 are each amended to**  
28 **read as follows:**

29 (1) For all individuals who otherwise would be subject to arrest  
30 for possession of a counterfeit substance under RCW 69.50.4011,  
31 possession of a controlled substance under RCW 69.50.4013, possession  
32 of 40 grams or less of (~~marijuana~~) cannabis under RCW 69.50.4014,  
33 or possession of a legend drug under RCW 69.41.030(2)(b), in lieu of  
34 jail booking and referral to the prosecutor, law enforcement shall  
35 offer a referral to assessment and services available pursuant to RCW  
36 10.31.110 or other program or entity responsible for receiving

1 referrals in lieu of legal system involvement, which may include the  
2 recovery navigator program established under RCW 71.24.115.

3 (2) If law enforcement agency records reflect that an individual  
4 has been diverted to referral for assessment and services twice or  
5 more previously, officers may, but are not required to, make  
6 additional diversion efforts.

7 (3) Nothing in this section precludes prosecutors from diverting  
8 or declining to file any charges for possession offenses that are  
9 referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or  
10 69.41.030(2)(b) in the exercise of their discretion.

11 **Sec. 3014.** RCW 43.20A.715 and 2021 c 219 s 1 are each amended to  
12 read as follows:

13 (1) Where the department is required to screen a long-term care  
14 worker, contracted provider, or licensee through a background check  
15 to determine whether the person has a history that would disqualify  
16 the person from having unsupervised access to, working with, or  
17 providing supervision, care, or treatment to vulnerable adults or  
18 children, the department may not automatically disqualify a person on  
19 the basis of a criminal record that includes a conviction of any of  
20 the following crimes once the specified amount of time has passed for  
21 the particular crime:

22 (a) Selling (~~marijuana~~) cannabis to a person under RCW  
23 69.50.401 after three years or more have passed between the most  
24 recent conviction and the date the background check is processed;

25 (b) Theft in the first degree under RCW 9A.56.030 after 10 years  
26 or more have passed between the most recent conviction and the date  
27 the background check is processed;

28 (c) Robbery in the second degree under RCW 9A.56.210 after five  
29 years or more have passed between the most recent conviction and the  
30 date the background check is processed;

31 (d) Extortion in the second degree under RCW 9A.56.130 after five  
32 years or more have passed between the most recent conviction and the  
33 date the background check is processed;

34 (e) Assault in the second degree under RCW 9A.36.021 after five  
35 years or more have passed between the most recent conviction and the  
36 date the background check is processed; and

37 (f) Assault in the third degree under RCW 9A.36.031 after five  
38 years or more have passed between the most recent conviction and the  
39 date the background check is processed.

1 (2) The provisions of subsection (1) of this section do not apply  
2 where the department is performing background checks for the  
3 department of children, youth, and families.

4 (3) The provisions of subsection (1) of this section do not apply  
5 to department employees or applicants for department positions except  
6 for positions in the state-operated community residential program.

7 (4) Notwithstanding subsection (1) of this section, a long-term  
8 care worker, contracted provider, or licensee may not provide, or be  
9 paid to provide, care to children or vulnerable adults under the  
10 medicare or medicaid programs if the worker is excluded from  
11 participating in those programs by federal law.

12 (5) The department, a contracted provider, or a licensee, when  
13 conducting a character, competence, and suitability review for the  
14 purpose of hiring, licensing, certifying, contracting with,  
15 permitting, or continuing to permit a person to be employed in any  
16 position caring for or having unsupervised access to vulnerable  
17 adults or children, may, in its sole discretion, determine whether to  
18 consider any of the convictions identified in subsection (1) of this  
19 section. If the department or a consumer directed employer as defined  
20 in RCW 74.39A.009 determines that an individual with any of the  
21 convictions identified in subsection (1) of this section is qualified  
22 to provide services to a department client as an individual provider  
23 as defined in RCW 74.39A.240, the department or the consumer directed  
24 employer must provide the client, and their guardian if any, with the  
25 results of the state background check for their determination of  
26 character, suitability, and competence of the individual before the  
27 individual begins providing services. The department, a contracted  
28 provider, or a licensee, when conducting a character, competence, and  
29 suitability review for the purpose of hiring, licensing, certifying,  
30 contracting with, permitting, or continuing to permit a person to be  
31 employed in any position caring for or having unsupervised access to  
32 vulnerable adults or children, has a rebuttable presumption that its  
33 exercise of discretion under this section or the refusal to exercise  
34 such discretion was appropriate. This subsection does not create a  
35 duty for the department to conduct a character, competence, and  
36 suitability review.

37 (6) For the purposes of the section:

38 (a) "Contracted provider" means a provider, and its employees,  
39 contracted with the department or an area agency on aging to provide  
40 services to department clients under programs under chapter 74.09,

1 74.39, 74.39A, or 71A.12 RCW. "Contracted provider" includes area  
2 agencies on aging and their subcontractors who provide case  
3 management.

4 (b) "Licensee" means a nonstate facility or setting that is  
5 licensed or certified, or has applied to be licensed or certified, by  
6 the department and includes the licensee and its employees.

7 **Sec. 3015.** RCW 82.04.758 and 2022 c 119 s 1 are each amended to  
8 read as follows:

9 (1) This chapter does not apply to any:

10 (a) Person performing custom farming services for a farmer, when  
11 the person performing the custom farming services is: (i) An eligible  
12 farmer; or (ii) at least 50 percent owned by an eligible farmer; or

13 (b) Person performing farm management services, contract labor  
14 services, services provided with respect to animals that are  
15 agricultural products, or any combination of these services, for a  
16 farmer or for a person performing custom farming services, when the  
17 person performing the farm management services, contract labor  
18 services, services with respect to animals, or any combination of  
19 these services, and the farmer or person performing custom farming  
20 services are related.

21 (2) The definitions in this subsection apply throughout this  
22 section unless the context clearly requires otherwise.

23 (a)(i) "Custom farming services" means the performance of  
24 specific farming operations through the use of any farm machinery or  
25 equipment, farm implement, or draft animal, together with an  
26 operator, when: (A) The specific farming operation consists of  
27 activities directly related to the growing, raising, or producing of  
28 any agricultural product to be sold or consumed by a farmer; and (B)  
29 the performance of the specific farming operation is for, and under a  
30 contract with, or the direction or supervision of, a farmer. "Custom  
31 farming services" does not include the custom application of  
32 fertilizers, chemicals, or biologicals, or any services related to  
33 the growing, raising, or producing of (~~marijuana~~) cannabis.

34 (ii) For the purposes of this subsection (2)(a), "specific  
35 farming operation" includes specific planting, cultivating, or  
36 harvesting activities, or similar specific farming operations. The  
37 term does not include veterinary services as defined in RCW  
38 18.92.010; farrier, boarding, training, or appraisal services;  
39 artificial insemination or stud services, or agricultural consulting

1 services; packing or processing of agricultural products; or pumping  
2 or other waste disposal services.

3 (b) "Eligible farmer" means a person who is eligible for an  
4 exemption certificate under RCW 82.08.855 at the time that the custom  
5 farming services are rendered, regardless of whether the person has  
6 applied for an exemption certificate under RCW 82.08.855.

7 (c) "Farm management services" means the consultative decisions  
8 made for the operations of the farm including, but not limited to,  
9 determining which crops to plant, the choice and timing of  
10 application of fertilizers and chemicals, the horticultural practices  
11 to apply, the marketing of crops and livestock, and the care and  
12 feeding of animals. "Farm management services" does not include any  
13 services related to the growing, raising, or producing of  
14 (~~marijuana~~) cannabis.

15 (d) "Related" means having any of the relationships specifically  
16 described in section 267(b) (1), (2), and (4) through (13) of the  
17 internal revenue code, as amended or renumbered as of January 1,  
18 2007.

19 **Sec. 3016.** RCW 43.41.425 and 2022 c 248 s 3 are each amended to  
20 read as follows:

21 (1) The office shall:

22 (a) Develop a program for state agencies to certify employment  
23 for the purposes of the public service loan forgiveness program by  
24 July 1, 2023.

25 (b) Assist the student loan advocate in creating and distributing  
26 materials designed to increase awareness of the public service loan  
27 forgiveness program set forth in (~~section 1 of this act~~) RCW  
28 28B.77.009.

29 (c) Collaborate with the student achievement council, the  
30 employment security department, the department of retirement systems,  
31 nonprofit entities, local government representatives, and other  
32 public service employers in developing a statewide initiative to  
33 improve access and remove barriers to the public service loan  
34 forgiveness program for all public service employees. The program  
35 established for state agencies in this section and the certification  
36 process in RCW 41.04.045 may be considered in the development of the  
37 initiative. A plan for a statewide initiative must be developed and  
38 submitted to the higher education committees of the legislature by  
39 December 1, 2024, in compliance with RCW 43.01.036.

1 (2) For purposes of this section, the definitions in this  
2 subsection apply:

3 (a) "Certifying employment" means either completing the employer  
4 sections of the public service loan forgiveness form or sharing data  
5 directly with the United States department of education that  
6 corresponds to the information required for the public service loan  
7 forgiveness form, as allowed by the United States department of  
8 education.

9 (b) "Public service employer" includes the following:

10 (i) Any governmental entity including state, county, city, or  
11 other local government entity including political subdivisions, such  
12 as office, department, independent agency, school district, public  
13 college or university system, public library system, authority, or  
14 other body including the legislature and the judiciary;

15 (ii) Any employer that has received designation as a tax-exempt  
16 organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the  
17 federal internal revenue code of 1986, as amended;

18 (iii) Any other entities identified as a public service job in  
19 Title 20 U.S.C. Sec. 1087e(m).

20 (c) "Public service loan forgiveness program" means the federal  
21 loan forgiveness program established pursuant to Title 20 U.S.C. Sec.  
22 1087e(m) and 34 C.F.R. Sec. 685.219.

23 (d) "State agency" or "agency" means departments, offices,  
24 agencies, or institutions of state government, the legislature,  
25 institutions of higher education, school districts, and educational  
26 service districts.

27 **Sec. 3017.** RCW 64.38.110 and 2021 c 227 s 11 are each amended to  
28 read as follows:

29 (1) Notwithstanding any inconsistent provision in the governing  
30 documents, notice to the association of (~~apartment~~) lot owners,  
31 board, or any (~~apartment~~) lot owner or occupant of (~~an apartment~~)  
32 a lot under this chapter shall be in writing and shall be provided to  
33 the recipient by personal delivery, public or private mail or  
34 delivery service, or by electronic transmission as provided in this  
35 section: PROVIDED, That if this chapter requires different or  
36 additional notice requirements for particular circumstances, those  
37 requirements shall apply.

38 (2) Notice in a tangible medium shall be provided as follows:

1 (a) Notice to the association or board shall be addressed to the  
2 association's registered agent at its registered office, to the  
3 association at its principal office shown in its most recent annual  
4 report, or to an address provided by the association to the  
5 (~~apartment~~) lot owners.

6 (b) Notice to a lot owner or occupant shall be addressed to the  
7 lot address unless the owner has requested, in a writing delivered to  
8 the association, that notices be sent to an alternate address.

9 (3) Notice in an electronic transmission shall be provided as  
10 follows:

11 (a) Notice to the association, the board, or lot owners by  
12 electronic transmission is effective only upon those who have  
13 consented, in writing, to receive electronically transmitted notices  
14 under this chapter and have designated the address, location, or  
15 system to which such notices may be electronically transmitted,  
16 provided that such notice otherwise complies with any other  
17 requirements of this chapter and applicable law.

18 (b) Notice under this subsection includes any materials that  
19 accompany the notice.

20 (c) Owners who have consented to receipt of electronically  
21 transmitted notices may revoke this consent by delivering a  
22 revocation to the association in writing.

23 (d) The consent of any lot owner is revoked if the association is  
24 unable to electronically transmit two consecutive notices and this  
25 inability becomes known to the secretary of the association of  
26 (~~apartment~~) lot owners or any other person responsible for giving  
27 the notice. The inadvertent failure by the association of  
28 (~~apartment~~) lot owners to treat this inability as a revocation does  
29 not invalidate any meeting or other action.

30 (e) Notice to lot owners who have consented to receipt of  
31 electronically transmitted notices may be provided by posting the  
32 notice on an electronic network and delivering to the owner separate  
33 notice of the posting, together with comprehensible instructions  
34 regarding how to obtain access to the posting on the electronic  
35 network.

36 (4) Notice is effective as follows:

37 (a) Notice provided in a tangible medium is effective as of the  
38 date of hand delivery, deposit with the carrier, or when sent by fax.

39 (b) Notice provided in an electronic transmission is effective as  
40 of the date it:

1 (i) Is electronically transmitted to an address, location, or  
2 system designated by the recipient for that purpose; or

3 (ii) Has been posted on an electronic network and separate notice  
4 of the posting has been sent to the recipient containing instructions  
5 regarding how to obtain access to the posting on the electronic  
6 network.

7 (5) The ineffectiveness of a good faith effort to deliver notice  
8 by an authorized means does not invalidate action taken at or without  
9 a meeting.

10 (6) This chapter modifies, limits, and supersedes the federal  
11 electronic signatures in global and national commerce act, 15 U.S.C.  
12 Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C.  
13 Sec. 7001(c) or authorize electronic delivery of any of the notices  
14 described in 15 U.S.C. Sec. 7003(b).

15 **Sec. 3018.** RCW 72.01.412 and 2021 c 206 s 2 are each amended to  
16 read as follows:

17 (1) A person in the custody of the department of children, youth,  
18 and families under RCW 72.01.410 is eligible for community transition  
19 services under the authority and supervision of the department of  
20 children, youth, and families:

21 (a) After the person's 25th birthday:

22 (i) If the person's earned release date is after the person's  
23 25th birthday but on or before the person's 26th birthday; and

24 (ii) The department of children, youth, and families determines  
25 that placement in community transition services is in the best  
26 interests of the person and the community; or

27 (b) After 60 percent of their term of confinement has been  
28 served, and no less than 15 weeks of total confinement served  
29 including time spent in detention prior to sentencing or the entry of  
30 a dispositional order if:

31 (i) The person has an earned release date that is before their  
32 26th birthday; and

33 (ii) The department of children, youth, and families determines  
34 that such placement and retention by the department of children,  
35 youth, and families is in the best interests of the person and the  
36 community.

37 (2) "Term of confinement" as used in subsection ~~((1)(a)~~  
38 ~~[(1)(b)]~~) (1)(b) of this section means the term of confinement

1 ordered, reduced by the total amount of earned time eligible for the  
2 offense.

3 (3) The department's determination under subsection (1)(a)(ii)  
4 and (b)(ii) of this section must include consideration of the  
5 person's behavior while in confinement and any disciplinary  
6 considerations.

7 (4) The department of children, youth, and families retains the  
8 authority to transfer the person to the custody of the department of  
9 corrections under RCW 72.01.410.

10 (5) A person may only be placed in community transition services  
11 under this section for the remaining 18 months of their term of  
12 confinement.

13 (6) A person placed in community transition services under this  
14 section must have access to appropriate treatment and programming as  
15 determined by the department of children, youth, and families,  
16 including but not limited to:

- 17 (a) Behavioral health treatment;
- 18 (b) Independent living;
- 19 (c) Employment;
- 20 (d) Education;
- 21 (e) Connections to family and natural supports; and
- 22 (f) Community connections.

23 (7) If the person has a sentence that includes a term of  
24 community custody, this term of community custody must begin after  
25 the current term of confinement has ended.

26 (8) If a person placed on community transition services under  
27 this section commits a violation requiring the return of the person  
28 to total confinement after the person's 25th birthday, the person  
29 must be transferred to the custody and supervision of the department  
30 of corrections for the remainder of the sentence.

31 (9) The following persons are not eligible for community  
32 transition services under this section:

- 33 (a) Persons with pending charges or warrants;
- 34 (b) Persons who will be transferred to the department of  
35 corrections, who are in the custody of the department of corrections,  
36 or who are under the supervision of the department of corrections;
- 37 (c) Persons who were adjudicated or convicted of the crime of  
38 murder in the first or second degree;
- 39 (d) Persons who meet the definition of a "persistent offender" as  
40 defined under RCW 9.94A.030;

1 (e) Level III sex offenders; and

2 (f) Persons requiring out-of-state placement.

3 (10) As used in this section, "community transition services"  
4 means a therapeutic and supportive community-based custody option in  
5 which:

6 (a) A person serves a portion of his or her term of confinement  
7 residing in the community, outside of the department of children,  
8 youth, and families institutions and community facilities;

9 (b) The department of children, youth, and families supervises  
10 the person in part through the use of technology that is capable of  
11 determining or identifying the monitored person's presence or absence  
12 at a particular location;

13 (c) The department of children, youth, and families provides  
14 access to developmentally appropriate, trauma-informed, racial  
15 equity-based, and culturally relevant programs to promote successful  
16 reentry; and

17 (d) The department of children, youth, and families prioritizes  
18 the delivery of available programming from individuals who share  
19 characteristics with the individual being served related to: Race;  
20 ethnicity; sexual identity; and gender identity.

21 NEW SECTION. **Sec. 3019.** Section 3018 of this act takes effect  
22 when section 2, chapter 206, Laws of 2021 takes effect.

23 **\*Sec. 3020. RCW 88.02.620 and 2021 c 150 s 1 are each amended to**  
24 **read as follows:**

25 **(1) A vessel owner who is a nonresident person must obtain a**  
26 **nonresident vessel permit on or before the sixty-first day of use in**  
27 **Washington state if the vessel:**

28 **(a) Is currently registered or numbered under the laws of the**  
29 **state or ((~~county~~—{~~country~~})) country of principal operation, has**  
30 **been issued a valid number under federal law, or has a valid United**  
31 **States customs service cruising license issued under 19 C.F.R. Sec.**  
32 **4.94; and**

33 **(b) Has been brought into Washington state for not more than six**  
34 **months in any continuous twelve-month period, and is used:**

35 **(i) For personal use; or**

36 **(ii) For the purposes of chartering a vessel with a captain or**  
37 **crew, as long as individual charters are for at least three or more**  
38 **consecutive days in duration. The permit also applies for the**

1 purposes of necessary transit to or from the start or end point of  
2 such a charter, but that transit time is not counted toward the  
3 duration of the charter.

4 (2) In addition to the requirements in subsection (1) of this  
5 section, a nonresident vessel owner that is not a natural person, or  
6 a nonresident vessel owner who is a natural person who intends to  
7 charter the vessel with a captain or crew as provided in subsection  
8 (1)(b)(ii) of this section, may only obtain a nonresident vessel  
9 permit if:

10 (a) The vessel is at least thirty feet in length, but no more  
11 than two hundred feet in length;

12 (b) No Washington state resident owns the vessel or is a  
13 principal, as defined in RCW 82.32.865, of the nonresident person  
14 which owns the vessel; and

15 (c) The department of revenue has provided the nonresident vessel  
16 owner written approval authorizing the permit as provided in RCW  
17 82.32.865.

18 (3) A nonresident vessel permit:

19 (a) May be obtained from the department, county auditor or other  
20 agent, or subagent appointed by the director;

21 (b) Must show the date the vessel first came into Washington  
22 state; and

23 (c) Is valid for two months.

24 (4) The department, county auditor or other agent, or subagent  
25 appointed by the director must collect the fee required in RCW  
26 88.02.640(1)(i) when issuing nonresident vessel permits.

27 (5) A nonresident vessel permit is not required under this  
28 section if the vessel is used in conducting temporary business  
29 activity within Washington state.

30 (6) For any permits issued under this section to a nonresident  
31 vessel owner that is not a natural person, or for any permits issued  
32 to a natural person who intends to charter the vessel with a captain  
33 or crew as provided in subsection (1)(b)(ii) of this section, the  
34 department must maintain a record of the following information and  
35 provide it to the department of revenue quarterly or as otherwise  
36 mutually agreed to by the department and department of revenue:

37 (a) The name of the record owner of the vessel;

38 (b) The vessel's hull identification number;

39 (c) The amount of the fee paid under RCW 88.02.640(5);

40 (d) The date the vessel first entered the waters of this state;



1 H. Promoting flexibility and cooperation between the educational  
2 system, parents, and the student in order to achieve educational  
3 success for the student.

4 ARTICLE II  
5 DEFINITIONS

6 As used in this compact, unless the context clearly requires a  
7 different construction:

8 A. "Active duty" means full-time duty status in the active  
9 uniformed service of the United States, including members of the  
10 national guard and reserve on active duty orders pursuant to 10  
11 U.S.C. (~~Sees-~~) Chapters 1209 and 1211.

12 B. "Children of military families" means school-aged children,  
13 enrolled in kindergarten through twelfth grade, in the household of  
14 an active duty member.

15 C. "Compact commissioner" means the voting representative of each  
16 compacting state appointed pursuant to Article VIII of this compact.

17 D. "Deployment" means the period one month prior to the service  
18 members' departure from their home station on military orders through  
19 six months after return to their home station.

20 E. "Education records" or "educational records" means those  
21 official records, files, and data directly related to a student and  
22 maintained by the school or local education agency, including but not  
23 limited to, records encompassing all the material kept in the  
24 student's cumulative folder such as general identifying data, records  
25 of attendance and of academic work completed, records of achievement  
26 and results of evaluative tests, health data, disciplinary status,  
27 test protocols, and individualized education programs.

28 F. "Extracurricular activities" means a voluntary activity  
29 sponsored by the school or local education agency or an organization  
30 sanctioned by the local education agency. Extracurricular activities  
31 include, but are not limited to, preparation for and involvement in  
32 public performances, contests, athletic competitions, demonstrations,  
33 displays, and club activities.

34 G. "Interstate commission on educational opportunity for military  
35 children" means the commission that is created under Article IX of  
36 this compact, which is generally referred to as the interstate  
37 commission.

38 H. "Local education agency" means a public authority legally  
39 constituted by the state as an administrative agency to provide

1 control of and direction for kindergarten through twelfth grade  
2 public educational institutions.

3 I. "Member state" means a state that has enacted this compact.

4 J. "Military installation" means a base, camp, post, station,  
5 yard, center, homeport facility for any ship, or other activity under  
6 the jurisdiction of the United States department of defense,  
7 including any leased facility, which is located within any of the  
8 several states, the District of Columbia, the Commonwealth of Puerto  
9 Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern  
10 Mariana Islands, and any other U.S. territory. Such term does not  
11 include any facility used primarily for civil works, rivers and  
12 harbors projects, or flood control projects.

13 K. "Nonmember state" means a state that has not enacted this  
14 compact.

15 L. "Receiving state" means the state to which a child of a  
16 military family is sent, brought, or caused to be sent or brought.

17 M. "Rule" means a written statement by the interstate commission  
18 promulgated pursuant to Article XII of this compact that is of  
19 general applicability, implements, interprets, or prescribes a policy  
20 or provision of the compact, or an organizational, procedural, or  
21 practice requirement of the interstate commission, and has the force  
22 and effect of statutory law in a member state, and includes the  
23 amendment, repeal, or suspension of an existing rule.

24 N. "Sending state" means the state from which a child of a  
25 military family is sent, brought, or caused to be sent or brought.

26 O. "State" means a state of the United States, the District of  
27 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
28 Guam, American Samoa, the Northern Mariana Islands, and any other  
29 U.S. territory.

30 P. "Student" means the child of a military family for whom the  
31 local education agency receives public funding and who is formally  
32 enrolled in kindergarten through twelfth grade.

33 Q. "Transition" means: (1) The formal and physical process of  
34 transferring from school to school; or (2) the period of time in  
35 which a student moves from one school in the sending state to another  
36 school in the receiving state.

37 R. "Uniformed services" means the army, navy, air force, marine  
38 corps, and coast guard, as well as the commissioned corps of the  
39 national oceanic and atmospheric administration, and public health  
40 services.

1 S. "Veteran" means a person who served in the uniformed services  
2 and who was discharged or released therefrom under conditions other  
3 than dishonorable.

4 ARTICLE III  
5 APPLICABILITY

6 A. Except as otherwise provided in section B of this article,  
7 this compact shall apply to the children of:

8 1. Active duty members of the uniformed services as defined in  
9 this compact, including members of the national guard and reserve on  
10 active duty orders pursuant to 10 U.S.C. (~~Sees-~~) Chapters 1209 and  
11 1211;

12 2. Members or veterans of the uniformed services who are severely  
13 injured and medically discharged or retired for a period of one year  
14 after medical discharge or retirement; and

15 3. Members of the uniformed services who die on active duty or as  
16 a result of injuries sustained on active duty for a period of one  
17 year after death.

18 B. The provisions of this interstate compact shall only apply to  
19 local education agencies as defined in this compact.

20 C. The provisions of this compact shall not apply to the children  
21 of:

22 1. Inactive members of the national guard and military reserves;

23 2. Members of the uniformed services now retired, except as  
24 provided in section A of this article;

25 3. Veterans of the uniformed services, except as provided in  
26 section A of this article; and

27 4. Other U.S. department of defense personnel and other federal  
28 agency civilian and contract employees not defined as active duty  
29 members of the uniformed services.

30 ARTICLE IV  
31 EDUCATIONAL RECORDS AND ENROLLMENT

32 A. Unofficial or "hand-carried" education records - In the event  
33 that official education records cannot be released to the parents for  
34 the purpose of transfer, the custodian of the records in the sending  
35 state shall prepare and furnish to the parent a complete set of  
36 unofficial educational records containing uniform information as  
37 determined by the interstate commission. Upon receipt of the  
38 unofficial education records by a school in the receiving state, the

1 school shall enroll and appropriately place the student based on the  
2 information provided in the unofficial records pending validation by  
3 the official records, as quickly as possible.

4 B. Official education records and transcripts -Simultaneous with  
5 the enrollment and conditional placement of the student, the school  
6 in the receiving state shall request the student's official education  
7 record from the school in the sending state. Upon receipt of this  
8 request, the school in the sending state will process and furnish the  
9 official education records to the school in the receiving state  
10 within ten days or within such time as is reasonably determined under  
11 the rules promulgated by the interstate commission. However, if the  
12 student has an unpaid fine at a public school or unpaid tuition,  
13 fees, or fines at a private school, then the sending school shall  
14 send the information requested but may withhold the official  
15 transcript until the monetary obligation is met.

16 C. Immunizations - On or before the first day of attendance, the  
17 parent or guardian must meet the immunization documentation  
18 requirements of the Washington board of health. Compacting states  
19 shall give thirty days from the date of enrollment or within such  
20 time as is reasonably determined under the rules promulgated by the  
21 interstate commission, for students to obtain any immunizations  
22 required by the receiving state. For a series of immunizations,  
23 initial vaccinations must be obtained within thirty days or within  
24 such time as is reasonably determined under the rules promulgated by  
25 the interstate commission.

26 D. Kindergarten and first grade entrance age - Students shall be  
27 allowed to continue their enrollment at grade level in the receiving  
28 state commensurate with their grade level (including kindergarten)  
29 from a local education agency in the sending state at the time of  
30 transition, regardless of age. A student who has satisfactorily  
31 completed the prerequisite grade level in the local education agency  
32 in the sending state shall be eligible for enrollment in the next  
33 highest grade level in the receiving state, regardless of age. A  
34 student transferring after the start of the school year in the  
35 receiving state shall enter the school in the receiving state on his  
36 or her validated level from an accredited school in the sending  
37 state.

38 ARTICLE V

39 PLACEMENT AND ATTENDANCE

1       A. Course placement - When the student transfers before or during  
2 the school year, the receiving state school shall initially honor  
3 placement of the student in educational courses based on the  
4 student's enrollment in the sending state school and/or educational  
5 assessments conducted at the school in the sending state if the  
6 courses are offered and if space is available, as determined by the  
7 school district. Course placement includes but is not limited to  
8 honors, international baccalaureate, advanced placement, vocational,  
9 technical, and career pathways courses. Continuing the student's  
10 academic program from the previous school and promoting placement in  
11 academically and career challenging courses should be paramount when  
12 considering placement. This does not preclude the school in the  
13 receiving state from performing subsequent evaluations to ensure  
14 appropriate placement and continued enrollment of the student in the  
15 courses.

16       B. Educational program placement - The receiving state school  
17 shall initially honor placement of the student in educational  
18 programs based on current educational assessments conducted at the  
19 school in the sending state or participation and placement in like  
20 programs in the sending state and if space is available, as  
21 determined by the school district. Such programs include, but are not  
22 limited to: (1) Gifted and talented programs; and (2) English as a  
23 second language (ESL). This does not preclude the school in the  
24 receiving state from performing subsequent evaluations to ensure  
25 appropriate placement of the student.

26       C. Special education services - (1) In compliance with the  
27 federal requirements of the Individuals with Disabilities Education  
28 Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall  
29 initially provide comparable services to a student with disabilities  
30 based on his or her current Individualized Education Program (IEP);  
31 and (2) in compliance with the requirements of section 504 of the  
32 rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the  
33 Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the  
34 receiving state shall make reasonable accommodations and  
35 modifications to address the needs of incoming students with  
36 disabilities, subject to an existing 504 or Title II plan, to provide  
37 the student with equal access to education. This does not preclude  
38 the school in the receiving state from performing subsequent  
39 evaluations to ensure appropriate placement of the student.

1 D. Placement flexibility - Local education agency administrative  
2 officials shall have flexibility in waiving course and program  
3 prerequisites, or other preconditions for placement in courses and  
4 programs offered under the jurisdiction of the local education  
5 agency.

6 E. Absence as related to deployment activities - A student whose  
7 parent or legal guardian is an active duty member of the uniformed  
8 services, as defined by this compact, and has been called to duty  
9 for, is on leave from, or immediately returned from deployment to a  
10 combat zone or combat support posting, shall be granted additional  
11 excused absences at the discretion of the local education agency  
12 superintendent to visit with his or her parent or legal guardian  
13 relative to such leave or deployment of the parent or guardian.

14 ARTICLE VI  
15 ELIGIBILITY

16 A. Eligibility for enrollment

17 1. Special power of attorney, relative to the guardianship of a  
18 child of a military family and executed under applicable law shall be  
19 sufficient for the purposes of enrollment and all other actions  
20 requiring parental participation and consent.

21 2. A local education agency shall be prohibited from charging  
22 local tuition to a transitioning military child placed in the care of  
23 a noncustodial parent or other person standing in loco parentis who  
24 lives in a jurisdiction other than that of the custodial parent.

25 3. A transitioning military child, placed in the care of a  
26 noncustodial parent or other person standing in loco parentis who  
27 lives in a jurisdiction other than that of the custodial parent, may  
28 continue to attend the school in which he or she was enrolled while  
29 residing with the custodial parent.

30 B. Eligibility for extracurricular participation - Under RCW  
31 28A.225.280, the Washington interscholastic activities association  
32 and local education agencies shall facilitate the opportunity for  
33 transitioning military children's inclusion in extracurricular  
34 activities, regardless of application deadlines, to the extent they  
35 are otherwise qualified and space is available, as determined by the  
36 school district.

37 ARTICLE VII  
38 GRADUATION

1 In order to facilitate the on-time graduation of children of  
2 military families, states and local education agencies shall  
3 incorporate the following procedures:

4 A. Waiver requirements - Local education agency administrative  
5 officials shall waive specific courses required for graduation if  
6 similar coursework has been satisfactorily completed in another local  
7 education agency or shall provide reasonable justification for  
8 denial. Should a waiver not be granted to a student who would qualify  
9 to graduate from the sending school, the local education agency shall  
10 use best efforts to provide an alternative means of acquiring  
11 required coursework so that graduation may occur on time.

12 B. Exit exams - For students entering high school in eleventh or  
13 twelfth grade, states shall accept: (1) Exit or end-of-course exams  
14 required for graduation from the sending state; or (2) national norm-  
15 referenced achievement tests; or (3) alternative testing, in lieu of  
16 testing requirements for graduation in the receiving state. In the  
17 event the above alternatives cannot be accommodated by the receiving  
18 state for a student transferring in his or her senior year, then the  
19 provisions of section C of this article shall apply.

20 C. Transfers during senior year - Should a military student  
21 transferring at the beginning or during his or her senior year be  
22 ineligible to graduate from the receiving local education agency  
23 after all alternatives have been considered, the sending and  
24 receiving local education agencies shall ensure the receipt of a  
25 diploma from the sending local education agency, if the student meets  
26 the graduation requirements of the sending local education agency. In  
27 the event that one of the states in question is not a member of this  
28 compact, the member state shall use best efforts to facilitate the  
29 on-time graduation of the student in accordance with sections A and B  
30 of this article.

31 ARTICLE VIII  
32 STATE COORDINATION

33 A. Each member state shall, through the creation of a state  
34 council or use of an existing body or board, provide for the  
35 coordination among its agencies of government, local education  
36 agencies, and military installations concerning the state's  
37 participation in, and compliance with, this compact and interstate  
38 commission activities. While each member state may determine the  
39 membership of its own state council, its membership must include at

1 least: The state superintendent of public instruction, a  
2 superintendent of a school district with a high concentration of  
3 military children, a representative from a military installation, one  
4 representative each from the legislative and executive branches of  
5 government, and other offices and stakeholder groups the state  
6 council deems appropriate. A member state that does not have a school  
7 district deemed to contain a high concentration of military children  
8 may appoint a superintendent from another school district to  
9 represent local education agencies on the state council.

10 B. The state council of each member state shall appoint or  
11 designate a military family education liaison to assist military  
12 families and the state in facilitating the implementation of this  
13 compact.

14 C. The compact commissioner responsible for the administration  
15 and management of the state's participation in the compact shall be  
16 appointed by the governor or as otherwise determined by each member  
17 state. The governor is strongly encouraged to appoint a practicing  
18 K-12 educator as the compact commissioner.

19 D. The compact commissioner and the military family education  
20 liaison designated herein shall be ex officio members of the state  
21 council, unless either is already a full voting member of the state  
22 council.

## 23 ARTICLE IX

### 24 INTERSTATE COMMISSION ON EDUCATIONAL 25 OPPORTUNITY FOR MILITARY CHILDREN

26 The member states hereby create the "interstate commission on  
27 educational opportunity for military children." The activities of the  
28 interstate commission are the formation of public policy and are a  
29 discretionary state function. The interstate commission shall:

30 A. Be a body corporate and joint agency of the member states and  
31 shall have all the responsibilities, powers, and duties set forth  
32 herein, and such additional powers as may be conferred upon it by a  
33 subsequent concurrent action of the respective legislatures of the  
34 member states in accordance with the terms of this compact;

35 B. Consist of one interstate commission voting representative  
36 from each member state who shall be that state's compact  
37 commissioner.

38 1. Each member state represented at a meeting of the interstate  
39 commission is entitled to one vote.

1           2. A majority of the total member states shall constitute a  
2 quorum for the transaction of business, unless a larger quorum is  
3 required by the bylaws of the interstate commission.

4           3. A representative shall not delegate a vote to another member  
5 state. In the event the compact commissioner is unable to attend a  
6 meeting of the interstate commission, the governor or state council  
7 may delegate voting authority to another person from their state for  
8 a specified meeting.

9           4. The bylaws may provide for meetings of the interstate  
10 commission to be conducted by telecommunication or electronic  
11 communication;

12           C. Consist of ex officio, nonvoting representatives who are  
13 members of interested organizations. Such ex officio members, as  
14 defined in the bylaws, may include but not be limited to, members of  
15 the representative organizations of military family advocates, local  
16 education agency officials, parent and teacher groups, the U.S.  
17 department of defense, the education commission of the states, the  
18 interstate agreement on the qualification of educational personnel,  
19 and other interstate compacts affecting the education of children of  
20 military members;

21           D. Meet at least once each calendar year. The chairperson may  
22 call additional meetings and, upon the request of a simple majority  
23 of the member states, shall call additional meetings;

24           E. Establish an executive committee, whose members shall include  
25 the officers of the interstate commission and such other members of  
26 the interstate commission as determined by the bylaws. Members of the  
27 executive committee shall serve a one-year term. Members of the  
28 executive committee shall be entitled to one vote each. The executive  
29 committee shall have the power to act on behalf of the interstate  
30 commission, with the exception of rule making, during periods when  
31 the interstate commission is not in session. The executive committee  
32 shall oversee the day-to-day activities of the administration of the  
33 compact including enforcement and compliance with the provisions of  
34 the compact, its bylaws and rules, and other such duties as deemed  
35 necessary. The U.S. department of defense shall serve as an ex  
36 officio, nonvoting member of the executive committee;

37           F. Establish bylaws and rules that provide for conditions and  
38 procedures under which the interstate commission shall make its  
39 information and official records available to the public for  
40 inspection or copying. The interstate commission may exempt from

1 disclosure information or official records to the extent they would  
2 adversely affect personal privacy rights or proprietary interests;

3 G. Give public notice of all meetings and all meetings shall be  
4 open to the public, except as set forth in the rules or as otherwise  
5 provided in the compact. The interstate commission and its committees  
6 may close a meeting, or portion thereof, where it determines by  
7 two-thirds vote that an open meeting would be likely to:

8 1. Relate solely to the interstate commission's internal  
9 personnel practices and procedures;

10 2. Disclose matters specifically exempted from disclosure by  
11 federal and state statute;

12 3. Disclose trade secrets or commercial or financial information  
13 which is privileged or confidential;

14 4. Involve accusing a person of a crime, or formally censuring a  
15 person;

16 5. Disclose information of a personal nature where disclosure  
17 would constitute a clearly unwarranted invasion of personal privacy;

18 6. Disclose investigative records compiled for law enforcement  
19 purposes; or

20 7. Specifically relate to the interstate commission's  
21 participation in a civil action or other legal proceeding;

22 H. Cause its legal counsel or designee to certify that a meeting  
23 may be closed and shall reference each relevant exemptible provision  
24 for any meeting, or portion of a meeting, which is closed pursuant to  
25 this provision. The interstate commission shall keep minutes which  
26 shall fully and clearly describe all matters discussed in a meeting  
27 and shall provide a full and accurate summary of actions taken, and  
28 the reasons therefor, including a description of the views expressed  
29 and the record of a roll call vote. All documents considered in  
30 connection with an action shall be identified in such minutes. All  
31 minutes and documents of a closed meeting shall remain under seal,  
32 subject to release by a majority vote of the interstate commission;

33 I. Collect standardized data concerning the educational  
34 transition of the children of military families under this compact as  
35 directed through its rules which shall specify the data to be  
36 collected, the means of collection, and data exchange and reporting  
37 requirements. Such methods of data collection, exchange, and  
38 reporting shall, in so far as is reasonably possible, conform to  
39 current technology and coordinate its information functions with the

1 appropriate custodian of records as identified in the bylaws and  
2 rules;

3 J. Create a process that permits military officials, education  
4 officials, and parents to inform the interstate commission if and  
5 when there are alleged violations of the compact or its rules or when  
6 issues subject to the jurisdiction of the compact or its rules are  
7 not addressed by the state or local education agency. This section  
8 shall not be construed to create a private right of action against  
9 the interstate commission or any member state.

10 ARTICLE X

11 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

12 The interstate commission shall have the following powers:

13 A. To provide for dispute resolution among member states;

14 B. To promulgate rules and take all necessary actions to effect  
15 the goals, purposes, and obligations as enumerated in this compact.  
16 The rules shall have the force and effect of statutory law and shall  
17 be binding in the compact states to the extent and in the manner  
18 provided in this compact;

19 C. To issue, upon request of a member state, advisory opinions  
20 concerning the meaning or interpretation of the interstate compact,  
21 its bylaws, rules, and actions;

22 D. To enforce compliance with the compact provisions, the rules  
23 promulgated by the interstate commission, and the bylaws, using all  
24 necessary and proper means, including but not limited to the use of  
25 judicial process;

26 E. To establish and maintain offices which shall be located  
27 within one or more of the member states;

28 F. To purchase and maintain insurance and bonds;

29 G. To borrow, accept, hire, or contract for services of  
30 personnel;

31 H. To establish and appoint committees including, but not limited  
32 to, an executive committee as required by Article IX, section E of  
33 this compact, which shall have the power to act on behalf of the  
34 interstate commission in carrying out its powers and duties  
35 hereunder;

36 I. To elect or appoint such officers, attorneys, employees,  
37 agents, or consultants, and to fix their compensation, define their  
38 duties, and determine their qualifications; and to establish the  
39 interstate commission's personnel policies and programs relating to

1 conflicts of interest, rates of compensation, and qualifications of  
2 personnel;

3 J. To accept any and all donations and grants of money,  
4 equipment, supplies, materials, and services, and to receive,  
5 utilize, and dispose of it;

6 K. To lease, purchase, accept contributions or donations of, or  
7 otherwise to own, hold, improve, or use any property, real, personal,  
8 or mixed;

9 L. To sell, convey, mortgage, pledge, lease, exchange, abandon,  
10 or otherwise dispose of any property, real, personal, or mixed;

11 M. To establish a budget and make expenditures;

12 N. To adopt a seal and bylaws governing the management and  
13 operation of the interstate commission;

14 O. To report annually to the legislatures, governors, judiciary,  
15 and state councils of the member states concerning the activities of  
16 the interstate commission during the preceding year. Such reports  
17 shall also include any recommendations that may have been adopted by  
18 the interstate commission;

19 P. To coordinate education, training, and public awareness  
20 regarding the compact, its implementation, and operation for  
21 officials and parents involved in such activity;

22 Q. To establish uniform standards for the reporting, collecting,  
23 and exchanging of data;

24 R. To maintain corporate books and records in accordance with the  
25 bylaws;

26 S. To perform such functions as may be necessary or appropriate  
27 to achieve the purposes of this compact; and

28 T. To provide for the uniform collection and sharing of  
29 information between and among member states, schools, and military  
30 families under this compact.

## 31 ARTICLE XI

### 32 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

33 A. The interstate commission shall, by a majority of the members  
34 present and voting, within twelve months after the first interstate  
35 commission meeting, adopt bylaws to govern its conduct as may be  
36 necessary or appropriate to carry out the purposes of the compact,  
37 including, but not limited to:

38 1. Establishing the fiscal year of the interstate commission;

1           2. Establishing an executive committee, and such other committees  
2 as may be necessary;

3           3. Providing for the establishment of committees and for  
4 governing any general or specific delegation of authority or function  
5 of the interstate commission;

6           4. Providing reasonable procedures for calling and conducting  
7 meetings of the interstate commission, and ensuring reasonable notice  
8 of each such meeting;

9           5. Establishing the titles and responsibilities of the officers  
10 and staff of the interstate commission;

11          6. Providing a mechanism for concluding the operations of the  
12 interstate commission and the return of surplus funds that may exist  
13 upon the termination of the compact after the payment and reserving  
14 of all of its debts and obligations; and

15          7. Providing "start-up" rules for initial administration of the  
16 compact.

17          B. The interstate commission shall, by a majority of the members,  
18 elect annually from among its members a chairperson, a vice  
19 chairperson, and a treasurer, each of whom shall have such authority  
20 and duties as may be specified in the bylaws. The chairperson or, in  
21 the chairperson's absence or disability, the vice chairperson, shall  
22 preside at all meetings of the interstate commission. The officers so  
23 elected shall serve without compensation or remuneration from the  
24 interstate commission; provided that, subject to the availability of  
25 budgeted funds, the officers shall be reimbursed for ordinary and  
26 necessary costs and expenses incurred by them in the performance of  
27 their responsibilities as officers of the interstate commission.

28          C. Executive committee, officers, and personnel

29           1. The executive committee shall have such authority and duties  
30 as may be set forth in the bylaws, including but not limited to:

31           a. Managing the affairs of the interstate commission in a manner  
32 consistent with the bylaws and purposes of the interstate commission;

33           b. Overseeing an organizational structure within, and appropriate  
34 procedures for the interstate commission to provide for the creation  
35 of rules, operating procedures, and administrative and technical  
36 support functions; and

37           c. Planning, implementing, and coordinating communications and  
38 activities with other state, federal, and local government  
39 organizations in order to advance the goals of the interstate  
40 commission.

1           2. The executive committee may, subject to the approval of the  
2 interstate commission, appoint or retain an executive director for  
3 such period, upon such terms and conditions and for such  
4 compensation, as the interstate commission may deem appropriate. The  
5 executive director shall serve as secretary to the interstate  
6 commission, but shall not be a member of the interstate commission.  
7 The executive director shall hire and supervise such other persons as  
8 may be authorized by the interstate commission.

9           D. The interstate commission's executive director and its  
10 employees shall be immune from suit and liability, either personally  
11 or in their official capacity, for a claim for damage to or loss of  
12 property or personal injury or other civil liability caused or  
13 arising out of or relating to an actual or alleged act, error, or  
14 omission that occurred, or that such person had a reasonable basis  
15 for believing occurred, within the scope of interstate commission  
16 employment, duties, or responsibilities; provided, that such person  
17 shall not be protected from suit or liability for damage, loss,  
18 injury, or liability caused by the intentional or willful and wanton  
19 misconduct of such person.

20           1. The liability of the interstate commission's executive  
21 director and employees or interstate commission representatives,  
22 acting within the scope of such person's employment or duties for  
23 acts, errors, or omissions occurring within such person's state may  
24 not exceed the limits of liability set forth under the Constitution  
25 and laws of that state for state officials, employees, and agents.  
26 The interstate commission is considered to be an instrumentality of  
27 the states for the purposes of any such action. Nothing in this  
28 subsection shall be construed to protect such person from suit or  
29 liability for damage, loss, injury, or liability caused by the  
30 intentional or willful and wanton misconduct of such person.

31           2. The interstate commission shall defend the executive director  
32 and its employees and, subject to the approval of the attorney  
33 general or other appropriate legal counsel of the member state  
34 represented by an interstate commission representative, shall defend  
35 such interstate commission representative in any civil action seeking  
36 to impose liability arising out of an actual or alleged act, error,  
37 or omission that occurred within the scope of interstate commission  
38 employment, duties, or responsibilities, or that the defendant had a  
39 reasonable basis for believing occurred within the scope of  
40 interstate commission employment, duties, or responsibilities,

1 provided that the actual or alleged act, error, or omission did not  
2 result from intentional or willful and wanton misconduct on the part  
3 of such person.

4 3. To the extent not covered by the state involved, member state,  
5 or the interstate commission, the representatives or employees of the  
6 interstate commission shall be held harmless in the amount of a  
7 settlement or judgment, including attorneys' fees and costs, obtained  
8 against such persons arising out of an actual or alleged act, error,  
9 or omission that occurred within the scope of interstate commission  
10 employment, duties, or responsibilities, or that such persons had a  
11 reasonable basis for believing occurred within the scope of  
12 interstate commission employment, duties, or responsibilities,  
13 provided that the actual or alleged act, error, or omission did not  
14 result from intentional or willful and wanton misconduct on the part  
15 of such persons.

## 16 ARTICLE XII

### 17 RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

18 A. Rule-making authority - The interstate commission shall  
19 promulgate reasonable rules in order to effectively and efficiently  
20 achieve the purposes of this compact. Notwithstanding the foregoing,  
21 in the event the interstate commission exercises its rule-making  
22 authority in a manner that is beyond the scope of the purposes of  
23 this compact, or the powers granted hereunder, then such an action by  
24 the interstate commission shall be invalid and have no force or  
25 effect.

26 B. Rule-making procedure - Rules shall be made pursuant to a  
27 rule-making process that substantially conforms to the "model state  
28 administrative procedure act," of 1981, Uniform Laws Annotated, Vol.  
29 15, p.1 (2000) as amended, as may be appropriate to the operations of  
30 the interstate commission.

31 C. Not later than thirty days after a rule is promulgated, any  
32 person may file a petition for judicial review of the rule; provided,  
33 that the filing of such a petition shall not stay or otherwise  
34 prevent the rule from becoming effective unless the court finds that  
35 the petitioner has a substantial likelihood of success. The court  
36 shall give deference to the actions of the interstate commission  
37 consistent with applicable law and shall not find the rule to be  
38 unlawful if the rule represents a reasonable exercise of the  
39 interstate commission's authority.

1 D. If a majority of the legislatures of the compacting states  
2 rejects a rule by enactment of a statute or resolution in the same  
3 manner used to adopt the compact, then such rule shall have no  
4 further force and effect in any compacting state.

5 ARTICLE XIII

6 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

7 A. Oversight

8 1. The executive, legislative, and judicial branches of state  
9 government in each member state shall enforce this compact and shall  
10 take all actions necessary and appropriate to effectuate the  
11 compact's purposes and intent. The provisions of this compact and the  
12 rules promulgated hereunder shall have standing as statutory law.

13 2. All courts shall take judicial notice of the compact and the  
14 rules in any judicial or administrative proceeding in a member state  
15 pertaining to the subject matter of this compact which may affect the  
16 powers, responsibilities, or actions of the interstate commission.

17 3. The interstate commission shall be entitled to receive all  
18 service of process in any such proceeding, and shall have standing to  
19 intervene in the proceeding for all purposes. Failure to provide  
20 service of process to the interstate commission shall render a  
21 judgment or order void as to the interstate commission, this compact,  
22 or promulgated rules.

23 B. Default, technical assistance, suspension, and termination -  
24 If the interstate commission determines that a member state has  
25 defaulted in the performance of its obligations or responsibilities  
26 under this compact, or the bylaws or promulgated rules, the  
27 interstate commission shall:

28 1. Provide written notice to the defaulting state and other  
29 member states of the nature of the default, the means of curing the  
30 default, and any action taken by the interstate commission. The  
31 interstate commission shall specify the conditions by which the  
32 defaulting state must cure its default;

33 2. Provide remedial training and specific technical assistance  
34 regarding the default;

35 3. If the defaulting state fails to cure the default, the  
36 defaulting state shall be terminated from the compact upon an  
37 affirmative vote of a majority of the member states and all rights,  
38 privileges, and benefits conferred by this compact shall be  
39 terminated from the effective date of termination. A cure of the

1 default does not relieve the offending state of obligations or  
2 liabilities incurred during the period of the default;

3 4. Suspension or termination of membership in the compact shall  
4 be imposed only after all other means of securing compliance have  
5 been exhausted. Notice of intent to suspend or terminate shall be  
6 given by the interstate commission to the governor, the majority and  
7 minority leaders of the defaulting state's legislature, and each of  
8 the member states;

9 5. The state which has been suspended or terminated is  
10 responsible for all assessments, obligations, and liabilities  
11 incurred through the effective date of suspension or termination  
12 including obligations the performance of which extends beyond the  
13 effective date of suspension or termination;

14 6. The interstate commission shall not bear any costs relating to  
15 any state that has been found to be in default or which has been  
16 suspended or terminated from the compact, unless otherwise mutually  
17 agreed upon in writing between the interstate commission and the  
18 defaulting state;

19 7. The defaulting state may appeal the action of the interstate  
20 commission by petitioning the U.S. District Court for the District of  
21 Columbia or the federal district where the interstate commission has  
22 its principal offices. The prevailing party shall be awarded all  
23 costs of such litigation including reasonable attorneys' fees.

#### 24 C. Dispute Resolution

25 1. The interstate commission shall attempt, upon the request of a  
26 member state, to resolve disputes which are subject to the compact  
27 and which may arise among member states and between member and  
28 nonmember states.

29 2. The interstate commission shall promulgate a rule providing  
30 for both mediation and binding dispute resolution for disputes as  
31 appropriate.

#### 32 D. Enforcement

33 1. The interstate commission, in the reasonable exercise of its  
34 discretion, shall enforce the provisions and rules of this compact.

35 2. The interstate commission, may by majority vote of the  
36 members, initiate legal action in the United (~~State[s]~~) States  
37 District Court for the District of Columbia or, at the discretion of  
38 the interstate commission, in the federal district where the  
39 interstate commission has its principal offices, to enforce  
40 compliance with the provisions of the compact, and its promulgated

1 rules and bylaws, against a member state in default. The relief  
2 sought may include both injunctive relief and damages. In the event  
3 judicial enforcement is necessary the prevailing party shall be  
4 awarded all costs of such litigation including reasonable attorneys'  
5 fees.

6 3. The remedies herein shall not be the exclusive remedies of the  
7 interstate commission. The interstate commission may avail itself of  
8 any other remedies available under state law or the regulation of a  
9 profession.

10 ARTICLE XIV

11 FINANCING OF THE INTERSTATE COMMISSION

12 A. The interstate commission shall pay, or provide for the  
13 payment of the reasonable expenses of its establishment,  
14 organization, and ongoing activities.

15 B. The interstate commission may levy on and collect an annual  
16 assessment from each member state to cover the cost of the operations  
17 and activities of the interstate commission and its staff which must  
18 be in a total amount sufficient to cover the interstate commission's  
19 annual budget as approved each year. The aggregate annual assessment  
20 amount shall be allocated based upon a formula to be determined by  
21 the interstate commission, which shall promulgate a rule binding upon  
22 all member states.

23 C. The interstate commission shall not incur obligations of any  
24 kind prior to securing the funds adequate to meet the same; nor shall  
25 the interstate commission pledge the credit of any of the member  
26 states, except by and with the authority of the member state.

27 D. The interstate commission shall keep accurate accounts of all  
28 receipts and disbursements. The receipts and disbursements of the  
29 interstate commission shall be subject to the audit and accounting  
30 procedures established under its bylaws. However, all receipts and  
31 disbursements of funds handled by the interstate commission shall be  
32 audited yearly by a certified or licensed public accountant and the  
33 report of the audit shall be included in and become part of the  
34 annual report of the interstate commission.

35 ARTICLE XV

36 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

37 A. Any state is eligible to become a member state.

1 B. The compact shall become effective and binding upon  
2 legislative enactment of the compact into law by no less than ten of  
3 the states. The effective date shall be no earlier than December 1,  
4 2007.

5 Thereafter it shall become effective and binding as to any other  
6 member state upon enactment of the compact into law by that state.  
7 The governors of nonmember states or their designees shall be invited  
8 to participate in the activities of the interstate commission on a  
9 nonvoting basis prior to adoption of the compact by all states.

10 C. The interstate commission may propose amendments to the  
11 compact for enactment by the member states. No amendment shall become  
12 effective and binding upon the interstate commission and the member  
13 states unless and until it is enacted into law by unanimous consent  
14 of the member states.

15 ARTICLE XVI  
16 WITHDRAWAL AND DISSOLUTION

17 A. Withdrawal

18 1. Once effective, the compact shall continue in force and remain  
19 binding upon each and every member state; provided that a member  
20 state may withdraw from the compact by specifically repealing the  
21 statute, which enacted the compact into law.

22 2. Withdrawal from this compact shall be by the enactment of a  
23 statute repealing the same, but shall not take effect until one year  
24 after the effective date of such statute and until written notice of  
25 the withdrawal has been given by the withdrawing state to the  
26 governor of each other member jurisdiction.

27 3. The withdrawing state shall immediately notify the chairperson  
28 of the interstate commission in writing upon the introduction of  
29 legislation repealing this compact in the withdrawing state. The  
30 interstate commission shall notify the other member states of the  
31 withdrawing state's intent to withdraw within sixty days of its  
32 receipt thereof.

33 4. The withdrawing state is responsible for all assessments,  
34 obligations, and liabilities incurred through the effective date of  
35 withdrawal, including obligations, the performance of which extend  
36 beyond the effective date of withdrawal.

37 5. Reinstatement following withdrawal of a member state shall  
38 occur upon the withdrawing state reenacting the compact or upon such  
39 later date as determined by the interstate commission.

1 B. Dissolution of compact

2 1. This compact shall dissolve effective upon the date of the  
3 withdrawal or default of the member state which reduces the  
4 membership in the compact to one member state.

5 2. Upon the dissolution of this compact, the compact becomes null  
6 and void and shall be of no further force or effect, and the business  
7 and affairs of the interstate commission shall be concluded and  
8 surplus funds shall be distributed in accordance with the bylaws.

9 ARTICLE XVII

10 SEVERABILITY AND CONSTRUCTION

11 A. The provisions of this compact shall be severable, and if any  
12 phrase, clause, sentence, or provision is deemed unenforceable, the  
13 remaining provisions of the compact shall be enforceable.

14 B. The provisions of this compact shall be liberally construed to  
15 effectuate its purposes.

16 C. Nothing in this compact shall be construed to prohibit the  
17 applicability of other interstate compacts to which the states are  
18 members.

19 ARTICLE XVIII

20 BINDING EFFECT OF COMPACT AND OTHER LAWS

21 A. Other laws

22 1. Nothing herein prevents the enforcement of any other law of a  
23 member state that is not inconsistent with this compact.

24 2. All member states' laws conflicting with this compact are  
25 superseded to the extent of the conflict.

26 B. Binding effect of the compact

27 1. All lawful actions of the interstate commission, including all  
28 rules and bylaws promulgated by the interstate commission, are  
29 binding upon the member states.

30 2. All agreements between the interstate commission and the  
31 member states are binding in accordance with their terms.

32 3. In the event any provision of this compact exceeds the  
33 constitutional limits imposed on the legislature of any member state,  
34 such provision shall be ineffective to the extent of the conflict  
35 with the constitutional provision in question in that member state.

Passed by the House April 13, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 16, 2023, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2023.

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

"I am returning herewith, without my approval as to Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020, House Bill No. 1066 entitled:

"AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025."

Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020 of this bill amend statutes that were also amended in other bills enacted by the Legislature this session. Therefore, I am vetoing those sections to avoid any confusion that may arise from these double amendments.

For these reasons I have vetoed Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020 of House Bill No. 1066.

With the exception of Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020, House Bill No. 1066 is approved."

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