
HOUSE BILL 1857

State of Washington**67th Legislature****2022 Regular Session****By Representative Goodman; by request of Statute Law Committee**

Prefiled 01/07/22.

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 7.68.360, 18.85.285, 19.27.190, 24.46.010,
4 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900, 28B.50.281,
5 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260, 35.13.171,
6 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70A.210, 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.307, 43.63A.400, 43.63A.410, 43.63A.720,
13 43.63A.735, 43.63A.764, 43.70.540, 43.132.030, 43.132.810,
14 43.133.030, 43.133.050, 43.150.040, 43.163.020, 43.163.120,
15 43.168.010, 43.176.030, 43.176.901, 43.180.040, 43.180.200,
16 43.180.220, 43.185A.100, 43.185C.200, 43.210.030, 43.210.060,
17 43.270.020, 43.270.070, 43.270.080, 43.310.020, 43.325.100,
18 43.325.110, 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064,
19 47.39.040, 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200,
20 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010,
21 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030,
22 59.28.040, 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195,
23 66.08.198, 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, 9A.44.050, 9A.44.100,
4 9.94A.838, 9A.44.128, and 64.38.110; reenacting and amending RCW
5 10.99.080, 28A.300.145, 43.03.305, 46.04.670, 46.68.340, 53.08.370,
6 54.16.330, 70A.15.3150, 70A.15.3160, 79.64.100, 43.21J.030, and
7 9A.44.010; reenacting RCW 38.52.530, 46.25.010, 50.20.050, 59.18.230,
8 66.24.210, 66.24.495, 70.02.230, 70.47.020, 74.09.053, 82.38.060, and
9 82.42.040; creating a new section; decodifying RCW 28A.300.2851,
10 28A.300.807, 43.10.300, and 43.280.091; repealing 2011 1st sp. sess.
11 c 35 s 3 (uncodified); providing an effective date; and providing an
12 expiration date.

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

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

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

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

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

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

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

35 (6) Sections 3004 through 3007 of this act correct terminology
36 relating to behavioral health disorders in certain sex offense
37 statutes.

1 (7) Section 3008 of this act updates a reference to a federal law
2 which was reclassified and renumbered in 2017.

3 (8) Section 3009 of this act changes the term "apartment" to
4 "lot" in a section of chapter 64.38 RCW, relating to homeowners'
5 associations.

6 **PART 1**

7 **MERGING MULTIPLE AMENDMENTS**

8 **Sec. 1001.** RCW 10.99.080 and 2015 c 275 s 14 and 2015 c 265 s 24
9 are each reenacted and amended to read as follows:

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

18 (2) Revenue from the:

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

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

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

34 (4) For the purposes of this section, "convicted" includes a plea
35 of guilty, a finding of guilt regardless of whether the imposition of
36 the sentence is deferred or any part of the penalty is suspended, or
37 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. 1002.** 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. 1003.** RCW 38.52.530 and 2010 1st sp.s. c 19 s 16 and 2010
25 1st sp.s. c 7 s 51 are each reenacted to read as follows:

26 The enhanced 911 advisory committee is created to advise and
27 assist the state enhanced 911 coordinator in coordinating and
28 facilitating the implementation and operation of enhanced 911
29 throughout the state. The director shall appoint members of the
30 committee who represent diverse geographical areas of the state and
31 include state residents who are members of the national emergency
32 number association, the association of public communications officers
33 Washington chapter, the Washington state fire chiefs association, the
34 Washington association of sheriffs and police chiefs, the Washington
35 state council of firefighters, the Washington state council of police
36 officers, the Washington ambulance association, the Washington state
37 firefighters association, the Washington state association of fire
38 marshals, the Washington fire commissioners association, the
39 Washington state patrol, the association of Washington cities, the

1 Washington state association of counties, the utilities and
2 transportation commission or commission staff, a representative of a
3 voice over internet protocol service company, and an equal number of
4 representatives of large and small local exchange telephone companies
5 and large and small radio communications service companies offering
6 commercial mobile radio service in the state.

7 **Sec. 1004.** RCW 43.03.305 and 2011 c 254 s 1 and 2011 c 60 s 34
8 are each reenacted and amended to read as follows:

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

12 (1) One registered voter from each congressional district shall
13 be selected by the secretary of state from among those registered
14 voters eligible to vote at the time persons are selected for
15 appointment to serve on the commission. The secretary shall establish
16 policies and procedures for conducting the selection by lot. The
17 policies and procedures shall include, but not be limited to, those
18 for notifying persons selected and for providing a new selection from
19 a congressional district if a person selected from the district
20 declines appointment to the commission or if, following the person's
21 appointment, the person's position on the commission becomes vacant
22 before the end of the person's term of office.

23 (2) Seven commission members, all residents of this state, shall
24 be selected jointly by the speaker of the house of representatives
25 and the president of the senate. The persons selected under this
26 subsection shall have had experience in the field of personnel
27 management. Of these seven members, one shall be selected from each
28 of the following five sectors in this state: Private institutions of
29 higher education; business; professional personnel management; legal
30 profession; and organized labor. Of the two remaining members, one
31 shall be a person recommended to the speaker and the president by the
32 chair of the Washington personnel resources board and one shall be a
33 person recommended by majority vote of the presidents of the state's
34 four-year institutions of higher education.

35 (3) The secretary of state shall forward the names of persons
36 selected under subsection (1) of this section and the speaker of the
37 house of representatives and president of the senate shall forward
38 the names of persons selected under subsection (2) of this section to
39 the governor who shall appoint these persons to the commission.

1 Except as provided in subsection (6) of this section, all members
2 shall serve four-year terms and the names of the persons selected for
3 appointment to the commission shall be forwarded to the governor not
4 later than the first day of July every two years.

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

10 The unexcused absence of any person who is a member of the
11 commission from two consecutive meetings of the commission shall
12 constitute the relinquishment of that person's membership on the
13 commission. Such a relinquishment creates a vacancy in that person's
14 position on the commission. A member's absence may be excused by the
15 chair of the commission upon the member's written request if the
16 chair believes there is just cause for the absence. Such a request
17 must be received by the chair before the meeting for which the
18 absence is to be excused. A member's absence from a meeting of the
19 commission may also be excused during the meeting for which the
20 member is absent by the affirmative vote of a majority of the members
21 of the commission present at the meeting.

22 (5) No state official, public employee, or lobbyist, or immediate
23 family member of the official, employee, or lobbyist, subject to the
24 registration requirements of chapter (~~42.17~~) 42.17A RCW is
25 eligible for membership on the commission.

26 As used in this subsection the phrase "immediate family" means
27 the parents, spouse or domestic partner, siblings, children, or
28 dependent relative of the official or lobbyist whether or not living
29 in the household of the official or lobbyist, and the parent, spouse
30 or domestic partner, sibling, child, or dependent relative of the
31 employee, living in the household of the employee or who is dependent
32 in whole or in part for his or her support upon the earnings of the
33 state employee.

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

39 (b) Initial members appointed from congressional districts
40 created after July 22, 2011, shall be selected and appointed in the

1 manner provided in subsection (1) of this section. The selection and
2 appointment must be concluded within ninety days of the date the
3 district is created. The term of an initial member appointed under
4 this subsection terminates July 1st of an even-numbered year so that
5 at no point may the terms of more than one-half plus one of the
6 members selected under subsection (1) of this section terminate in
7 the same year.

8 **Sec. 1005.** RCW 46.04.670 and 2019 c 214 s 7 and 2019 c 170 s 2
9 are each reenacted and amended to read as follows:

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

13 (2) "Vehicle" excludes:

14 (a) A power wheelchair or device other than a bicycle moved by
15 human or animal power or used exclusively upon stationary rails or
16 tracks;

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

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

20 (d) An electric personal assistive mobility device or a motorized
21 foot scooter, for the purposes of chapter 46.12, 46.16A, 46.29,
22 46.37, or 46.70 RCW;

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

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

27 **Sec. 1006.** RCW 46.25.010 and 2019 c 195 s 1 and 2019 c 44 s 3
28 are each reenacted to read as follows:

29 The definitions set forth in this section apply throughout this
30 chapter.

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

34 (2) "Alcohol concentration" means:

35 (a) The number of grams of alcohol per one hundred milliliters of
36 blood; or

37 (b) The number of grams of alcohol per two hundred ten liters of
38 breath.

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

5 (4) The "commercial driver's license information system" (CDLIS)
6 is the information system established pursuant to 49 U.S.C. Sec.
7 31309 to serve as a clearinghouse for locating information related to
8 the licensing and identification of commercial motor vehicle drivers.

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

11 (6) "Commercial motor vehicle" means a motor vehicle or
12 combination of motor vehicles used in commerce to transport
13 passengers or property if the motor vehicle:

14 (a) Has a gross combination weight rating or gross combination
15 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
16 is greater, inclusive of any towed unit or units with a gross vehicle
17 weight rating or gross vehicle weight of more than 4,536 kilograms
18 (10,000 pounds), whichever is greater; or

19 (b) Has a gross vehicle weight rating or gross vehicle weight of
20 11,794 kilograms or more (26,001 pounds or more), whichever is
21 greater; or

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

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

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

27 (7) "Conviction" means an unvacated adjudication of guilt, or a
28 determination that a person has violated or failed to comply with the
29 law in a court of original jurisdiction or by an authorized
30 administrative tribunal, an unvacated forfeiture of bail or
31 collateral deposited to secure the person's appearance in court, a
32 plea of guilty or nolo contendere accepted by the court, the payment
33 of a fine or court cost, entry into a deferred prosecution program
34 under chapter 10.05 RCW, or violation of a condition of release
35 without bail, regardless of whether or not the penalty is rebated,
36 suspended, or probated.

37 (8) "Disqualification" means a prohibition against driving a
38 commercial motor vehicle.

39 (9) "Drive" means to drive, operate, or be in physical control of
40 a motor vehicle in any place open to the general public for purposes

1 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
2 46.25.120, "drive" includes operation or physical control of a motor
3 vehicle anywhere in the state.

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

7 (11) "Employer" means any person, including the United States, a
8 state, or a political subdivision of a state, who owns or leases a
9 commercial motor vehicle, or assigns a person to drive a commercial
10 motor vehicle.

11 (12) "Gross vehicle weight rating" (GVWR) means the value
12 specified by the manufacturer as the maximum loaded weight of a
13 single vehicle. The GVWR of a combination or articulated vehicle,
14 commonly referred to as the "gross combined weight rating" or GCWR,
15 is the GVWR of the power unit plus the GVWR of the towed unit or
16 units. If the GVWR of any unit cannot be determined, the actual gross
17 weight will be used. If a vehicle with a GVWR of less than 11,794
18 kilograms (26,001 pounds or less) has been structurally modified to
19 carry a heavier load, then the actual gross weight capacity of the
20 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will
21 be used as the GVWR.

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

26 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer,
27 or semitrailer propelled or drawn by mechanical power used on
28 highways, or any other vehicle required to be registered under the
29 laws of this state, but does not include a vehicle, machine, tractor,
30 trailer, or semitrailer operated exclusively on a rail.

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

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

38 (ii) Is domiciled in another state as provided in 49 C.F.R. Sec.
39 383.23(b)(2) as it existed on October 1, 2017, or such subsequent

1 date as may be provided by the department by rule, consistent with
2 the purposes of this section.

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

6 (16) "Out-of-service order" means a declaration by an authorized
7 enforcement officer of a federal, state, Canadian, Mexican, or local
8 jurisdiction that a driver, a commercial motor vehicle, or a motor
9 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.
10 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North
11 American uniform out-of-service criteria.

12 (17) "Positive alcohol confirmation test" means an alcohol
13 confirmation test that:

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

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

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

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

25 (19) "Serious traffic violation" means:

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

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

29 (c) Driving while using a personal electronic device, defined as
30 a violation of RCW 46.61.672, which includes in the activities it
31 prohibits driving while holding a personal electronic device in
32 either or both hands and using a hand or finger for texting, or an
33 equivalent administrative rule or local law, ordinance, rule, or
34 resolution;

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

39 (e) Driving a commercial motor vehicle without obtaining a
40 commercial driver's license;

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

7 (g) Driving a commercial motor vehicle without the proper class
8 of commercial driver's license endorsement or endorsements for the
9 specific vehicle group being operated or for the passenger or type of
10 cargo being transported; and

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

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

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

19 (22) "Tank vehicle" means any commercial motor vehicle that is
20 designed to transport any liquid or gaseous materials within a tank
21 or tanks having an individual rated capacity of more than one hundred
22 nineteen gallons and an aggregate rated capacity of one thousand
23 gallons or more that is either permanently or temporarily attached to
24 the vehicle or the chassis. A commercial motor vehicle transporting
25 an empty storage container tank, not designed for transportation,
26 with a rated capacity of one thousand gallons or more that is
27 temporarily attached to a flatbed trailer is not considered a tank
28 vehicle.

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

30 (a) "Nonexcepted interstate," which means the CDL or CLP holder
31 or applicant operates or expects to operate in interstate commerce,
32 is both subject to and meets the qualification requirements under 49
33 C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent
34 date as may be provided by the department by rule, consistent with
35 the purposes of this section, and is required to obtain a medical
36 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
37 April 30, 2019, or such subsequent date as may be provided by the
38 department by rule, consistent with the purposes of this section;

39 (b) "Excepted interstate," which means the CDL or CLP holder or
40 applicant operates or expects to operate in interstate commerce, but

1 engages exclusively in transportation or operations excepted under 49
2 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on
3 April 30, 2019, or such subsequent date as may be provided by the
4 department by rule, consistent with the purposes of this section,
5 from all or parts of the qualification requirements of 49 C.F.R. Part
6 391 as it existed on April 30, 2019, or such subsequent date as may
7 be provided by the department by rule, consistent with the purposes
8 of this section, and is required to obtain a medical examiner's
9 certificate in accordance with procedures provided in 49 C.F.R. Sec.
10 391.45 as it existed on April 30, 2019, or such subsequent date as
11 may be provided by the department by rule, consistent with the
12 purposes of this section;

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

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

22 (24) "United States" means the fifty states and the District of
23 Columbia.

24 (25) "Verified positive drug test" means a drug test result or
25 validity testing result from a laboratory certified under the
26 authority of the federal department of health and human services
27 that:

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

30 (b) Has undergone review and final determination by a medical
31 review officer.

32 A report that a person has refused a drug test, under
33 circumstances that constitute the refusal of a federal department of
34 transportation drug test under 49 C.F.R. Part 40, will be considered
35 equivalent to a report of a verified positive drug test for the
36 purposes of this chapter.

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

38 (a) Has current registration;

39 (b) Is older than thirty years old;

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

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

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

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

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

10 (27) "Collector truck operator" means an operator of a
11 noncommercial vehicle that is being exclusively owned and operated as
12 a collector truck.

13 **Sec. 1007.** RCW 46.68.340 and 2013 2nd sp.s. c 35 s 14 and 2013
14 2nd sp.s. c 4 s 986 are each reenacted and amended to read as
15 follows:

16 The ignition interlock device revolving account is created in the
17 state treasury. All receipts from the fee assessed under RCW
18 46.20.385(6) must be deposited into the account. Moneys in the
19 account may be spent only after appropriation. Expenditures from the
20 account may be used for administering and operating the ignition
21 interlock device revolving account program ~~((and))~~ implementing
22 effective strategies to reduce motor vehicle-related deaths and
23 serious injuries, such as those found in the Washington state
24 strategic highway safety plan: Target Zero, and during the 2013-2015
25 fiscal biennium, the legislature may appropriate moneys from the
26 ignition interlock device revolving account for substance abuse
27 programs for offenders.

28 **Sec. 1008.** RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153
29 are each reenacted to read as follows:

30 (1) With respect to separations that occur on or after September
31 6, 2009, and for separations that occur before April 4, 2021:

32 (a) A claimant shall be disqualified from benefits beginning with
33 the first day of the calendar week in which the claimant left work
34 voluntarily without good cause and thereafter for seven calendar
35 weeks and until the claimant obtains bona fide work in employment
36 covered by this title and earned wages in that employment equal to
37 seven times the claimant's weekly benefit amount. Good cause reasons

1 to leave work are limited to reasons listed in (b) of this
2 subsection.

3 The disqualification shall continue if the work obtained is a
4 mere sham to qualify for benefits and is not bona fide work. In
5 determining whether work is of a bona fide nature, the commissioner
6 shall consider factors including but not limited to the following:

7 (i) The duration of the work;

8 (ii) The extent of direction and control by the employer over the
9 work; and

10 (iii) The level of skill required for the work in light of the
11 claimant's training and experience.

12 (b) A claimant has good cause and is not disqualified from
13 benefits under (a) of this subsection only under the following
14 circumstances:

15 (i) The claimant has left work to accept a bona fide offer of
16 bona fide work as described in (a) of this subsection;

17 (ii) The separation was necessary because of the illness or
18 disability of the claimant or the death, illness, or disability of a
19 member of the claimant's immediate family if:

20 (A) The claimant pursued all reasonable alternatives to preserve
21 the claimant's employment status by requesting a leave of absence, by
22 having promptly notified the employer of the reason for the absence,
23 and by having promptly requested reemployment when again able to
24 assume employment. These alternatives need not be pursued, however,
25 when they would have been a futile act, including those instances
26 when the futility of the act was a result of a recognized labor/
27 management dispatch system; and

28 (B) The claimant terminated the claimant's employment status, and
29 is not entitled to be reinstated to the same position or a comparable
30 or similar position;

31 (iii) The claimant: (A) Left work to relocate for the employment
32 of a spouse or domestic partner that is outside the existing labor
33 market area; and (B) remained employed as long as was reasonable
34 prior to the move;

35 (iv) The separation was necessary to protect the claimant or the
36 claimant's immediate family members from domestic violence, as
37 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

38 (v) The claimant's usual compensation was reduced by twenty-five
39 percent or more;

1 (vi) The claimant's usual hours were reduced by twenty-five
2 percent or more;

3 (vii) The claimant's worksite changed, such change caused a
4 material increase in distance or difficulty of travel, and, after the
5 change, the commute was greater than is customary for workers in the
6 claimant's job classification and labor market;

7 (viii) The claimant's worksite safety deteriorated, the claimant
8 reported such safety deterioration to the employer, and the employer
9 failed to correct the hazards within a reasonable period of time;

10 (ix) The claimant left work because of illegal activities in the
11 claimant's worksite, the claimant reported such activities to the
12 employer, and the employer failed to end such activities within a
13 reasonable period of time;

14 (x) The claimant's usual work was changed to work that violates
15 the claimant's religious convictions or sincere moral beliefs; or

16 (xi) The claimant left work to enter an apprenticeship program
17 approved by the Washington state apprenticeship training council.
18 Benefits are payable beginning Sunday of the week prior to the week
19 in which the claimant begins active participation in the
20 apprenticeship program.

21 (2) With respect to separations that occur on or after April 4,
22 2021:

23 (a) A claimant shall be disqualified from benefits beginning with
24 the first day of the calendar week in which the claimant has left
25 work voluntarily without good cause and thereafter for seven calendar
26 weeks and until the claimant has obtained bona fide work in
27 employment covered by this title and earned wages in that employment
28 equal to seven times the claimant's weekly benefit amount. Good cause
29 reasons to leave work are limited to reasons listed in (b) of this
30 subsection.

31 The disqualification shall continue if the work obtained is a
32 mere sham to qualify for benefits and is not bona fide work. In
33 determining whether work is of a bona fide nature, the commissioner
34 shall consider factors including but not limited to the following:

35 (i) The duration of the work;

36 (ii) The extent of direction and control by the employer over the
37 work; and

38 (iii) The level of skill required for the work in light of the
39 claimant's training and experience.

1 (b) A claimant has good cause and is not disqualified from
2 benefits under (a) of this subsection only under the following
3 circumstances:

4 (i) The claimant has left work to accept a bona fide offer of
5 bona fide work as described in (a) of this subsection;

6 (ii) The separation was necessary because of the illness or
7 disability of the claimant or the death, illness, or disability of a
8 member of the claimant's immediate family if:

9 (A) The claimant made reasonable efforts to preserve the
10 claimant's employment status by requesting a leave of absence, by
11 having promptly notified the employer of the reason for the absence,
12 and by having promptly requested reemployment when again able to
13 assume employment. These alternatives need not be pursued, however,
14 when they would have been a futile act, including those instances
15 when the futility of the act was a result of a recognized labor/
16 management dispatch system; and

17 (B) The claimant terminated the claimant's employment status, and
18 is not entitled to be reinstated to the same position or a comparable
19 or similar position;

20 (iii) The claimant: (A) Left work to relocate for the employment
21 of a spouse or domestic partner that is outside the existing labor
22 market area; and (B) remained employed as long as was reasonable
23 prior to the move;

24 (iv) The separation was necessary to protect the claimant or the
25 claimant's immediate family members from domestic violence, as
26 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

27 (v) The claimant's usual compensation was reduced by twenty-five
28 percent or more;

29 (vi) The claimant's usual hours were reduced by twenty-five
30 percent or more;

31 (vii) The claimant's worksite changed, such change caused a
32 material increase in distance or difficulty of travel, and, after the
33 change, the commute was greater than is customary for workers in the
34 individual's job classification and labor market;

35 (viii) The claimant's worksite safety deteriorated, the claimant
36 reported such safety deterioration to the employer, and the employer
37 failed to correct the hazards within a reasonable period of time;

38 (ix) The claimant left work because of illegal activities in the
39 claimant's worksite, the claimant reported such activities to the

1 employer, and the employer failed to end such activities within a
2 reasonable period of time;

3 (x) The claimant's usual work was changed to work that violates
4 the claimant's religious convictions or sincere moral beliefs;

5 (xi) The claimant left work to enter an apprenticeship program
6 approved by the Washington state apprenticeship training council.
7 Benefits are payable beginning Sunday of the week prior to the week
8 in which the claimant begins active participation in the
9 apprenticeship program; or

10 (xii) During a public health emergency:

11 (A) The claimant was unable to perform the claimant's work for
12 the employer from the claimant's home;

13 (B) The claimant is able to perform, available to perform, and
14 can actively seek suitable work which can be performed for an
15 employer from the claimant's home; and

16 (C) The claimant or another individual residing with the claimant
17 is at higher risk of severe illness or death from the disease that is
18 the subject of the public health emergency because the higher risk
19 individual:

20 (I) Was in an age category that is defined as high risk for the
21 disease that is the subject of the public health emergency by the
22 federal centers for disease control and prevention, the department of
23 health, or the equivalent agency in the state where the individual
24 resides; or

25 (II) Has an underlying health condition, verified as required by
26 the department by rule, that is identified as a risk factor for the
27 disease that is the subject of the public health emergency by the
28 federal centers for disease control and prevention, the department of
29 health, or the equivalent agency in the state where the individual
30 resides.

31 (3) With respect to claims that occur on or after July 4, 2021, a
32 claimant has good cause and is not disqualified from benefits under
33 subsection (2)(a) of this section under the following circumstances,
34 in addition to those listed under subsection (2)(b) of this section,
35 if, during a public health emergency, the claimant worked at a health
36 care facility as defined in RCW 9A.50.010, was directly involved in
37 the delivery of health services, and left work for the period of
38 quarantine consistent with the recommended guidance from the United
39 States centers for disease control and prevention or subject to the
40 direction of the state or local health jurisdiction because of

1 exposure to or contracting the disease that is the subject of the
2 declaration of the public health emergency.

3 (4) Notwithstanding subsection (1) of this section, a claimant
4 who was simultaneously employed in full-time employment and part-time
5 employment and is otherwise eligible for benefits from the loss of
6 the full-time employment shall not be disqualified from benefits
7 because the claimant:

8 (a) Voluntarily quit the part-time employment before the loss of
9 the full-time employment; and

10 (b) Did not have prior knowledge that the claimant would be
11 separated from full-time employment.

12 NEW SECTION. **Sec. 1009.** Section 1008 of this act takes effect
13 July 1, 2022.

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

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

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

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

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

26 (2) Except as provided in subsection (8) of this section, a port
27 district providing wholesale or retail telecommunications services
28 under this section shall ensure that rates, terms, and conditions for
29 such services are not unduly or unreasonably discriminatory or
30 preferential. Rates, terms, and conditions are discriminatory or
31 preferential when a port district offering such rates, terms, and
32 conditions to an entity for wholesale or retail telecommunications
33 services does not offer substantially similar rates, terms, and
34 conditions to all other entities seeking substantially similar
35 services.

36 (3) When a port district establishes a separate utility function
37 for the provision of wholesale or retail telecommunications services,
38 it shall account for any and all revenues and expenditures related to

1 its wholesale or retail telecommunications facilities and services
2 separately from revenues and expenditures related to its internal
3 telecommunications operations. Any revenues received from the
4 provision of wholesale or retail telecommunications services must be
5 dedicated to the utility function that includes the provision of
6 wholesale or retail telecommunications services for costs incurred to
7 build and maintain the telecommunications facilities until such time
8 as any bonds or other financing instruments executed after June 8,
9 2000, and used to finance the telecommunications facilities are
10 discharged or retired.

11 (4) When a port district establishes a separate utility function
12 for the provision of wholesale or retail telecommunications services,
13 all telecommunications services rendered by the separate function to
14 the district for the district's internal telecommunications needs
15 shall be charged at its true and full value. A port district may not
16 charge its nontelecommunications operations rates that are
17 preferential or discriminatory compared to those it charges entities
18 purchasing wholesale or retail telecommunications services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (g) For the purposes of this subsection:

1 (i) "Open access network" means a network that, during the useful
2 life of the infrastructure, ensures service providers may use network
3 services and facilities at rates, terms, and conditions that are not
4 discriminatory or preferential between providers, and employs
5 accountable interconnection arrangements published and available
6 publicly.

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

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

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

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

19 (b) For the provision of wholesale telecommunications services as
20 follows:

21 (i) Within the district and by contract with another public
22 utility district;

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

25 (iii) Within an adjoining county that does not have a public
26 utility district providing electrical or telecommunications services
27 headquartered within the county's boundaries, but only if the
28 district providing telecommunications services is not authorized to
29 provide electrical services; or

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

32 (2) A public utility district providing wholesale or retail
33 telecommunications services shall ensure that rates, terms, and
34 conditions for such services are not unduly or unreasonably
35 discriminatory or preferential. Rates, terms, and conditions are
36 discriminatory or preferential when a public utility district
37 offering rates, terms, and conditions to an entity for wholesale or
38 retail telecommunications services does not offer substantially

1 similar rates, terms, and conditions to all other entities seeking
2 substantially similar services.

3 (3) A public utility district providing wholesale or retail
4 telecommunications services shall not be required to, but may,
5 establish a separate utility system or function for such purpose. In
6 either case, a public utility district providing wholesale or retail
7 telecommunications services shall separately account for any revenues
8 and expenditures for those services according to standards
9 established by the state auditor pursuant to its authority in chapter
10 43.09 RCW and consistent with the provisions of this title. Any
11 revenues received from the provision of wholesale or retail
12 telecommunications services must be dedicated to costs incurred to
13 build and maintain any telecommunications facilities constructed,
14 installed, or acquired to provide such services, including payments
15 on debt issued to finance such services, until such time as any bonds
16 or other financing instruments executed after June 8, 2000, and used
17 to finance such telecommunications facilities are discharged or
18 retired.

19 (4) When a public utility district provides wholesale or retail
20 telecommunications services, all telecommunications services rendered
21 to the district for the district's internal telecommunications needs
22 shall be allocated or charged at its true and full value. A public
23 utility district may not charge its nontelecommunications operations
24 rates that are preferential or discriminatory compared to those it
25 charges entities purchasing wholesale or retail telecommunications
26 services.

27 (5) If a person or entity receiving retail telecommunications
28 services from a public utility district under this section has a
29 complaint regarding the reasonableness of the rates, terms,
30 conditions, or services provided, the person or entity may file a
31 complaint with the district commission.

32 (6) A public utility district shall not exercise powers of
33 eminent domain to acquire telecommunications facilities or
34 contractual rights held by any other person or entity to
35 telecommunications facilities.

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

1 (8) A public utility district may provide retail
2 telecommunications services or telecommunications facilities within
3 the district's limits or without the district's limits by contract
4 with another public utility district, any political subdivision of
5 the state authorized to provide retail telecommunications services in
6 the state, or with any federally recognized tribe located in the
7 state of Washington.

8 ((+10+)) (9)(a) A public utility district may provide retail
9 telecommunications services to end users in unserved areas.

10 (b) A public utility district must notify and consult with the
11 governor's statewide broadband office within 30 days of its decision
12 to provide retail telecommunications services to unserved areas. The
13 governor's statewide broadband office must post notices received from
14 a public utility district pursuant to this subsection on its public
15 website.

16 (c) Any public utility district that intends to provide retail
17 telecommunications services to unserved areas must submit a
18 telecommunications infrastructure and service plan to the governor's
19 statewide broadband office that will be published on the office's
20 website. Submission of plans will enable the governor's statewide
21 broadband office: (i) To better understand infrastructure deployment;
22 (ii) to potentially allocate funding for unserved areas; (iii) to
23 advance the state policy objectives; (iv) to determine whether the
24 plan aligns with state policy objectives and broadband priorities;
25 (v) to measure progress toward serving those in unserved areas; (vi)
26 to report on the feasibility and sustainability of the project; and
27 (vii) to confirm that the project is within an unserved area. The
28 telecommunications infrastructure and service plans shall include,
29 but not be limited to, the following:

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

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

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

38 (d) A public utility district that exercises its authority under
39 (a) of this subsection to provide retail telecommunications services
40 may use state funds, federal funds appropriated through the state, or

1 federal funds dedicated for projects in unserved areas to fund
2 projects identified in the submitted telecommunications
3 infrastructure and service plan required in (c) of this subsection.

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

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

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

10 (h) For the purposes of this subsection:

11 (i) "Open access network" means a network that, during the useful
12 life of the infrastructure, ensures service providers may use network
13 services and facilities at rates, terms, and conditions that are not
14 discriminatory or preferential between providers, and employs
15 accountable interconnection arrangements published and available
16 publicly.

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

21 **Sec. 1012.** RCW 59.18.230 and 2021 c 212 s 5 and 2021 c 115 s 15
22 are each reenacted to read as follows:

23 (1)(a) Any provision of a lease or other agreement, whether oral
24 or written, whereby any section or subsection of this chapter is
25 waived except as provided in RCW 59.18.360 and shall be deemed
26 against public policy and shall be unenforceable. Such
27 unenforceability shall not affect other provisions of the agreement
28 which can be given effect without them.

29 (b) Any agreement, whether oral or written, between a landlord
30 and tenant, or their representatives, and entered into pursuant to an
31 unlawful detainer action under this chapter that requires the tenant
32 to pay any amount in violation of RCW 59.18.283 or the statutory
33 judgment amount limits under RCW 59.18.410 (1) or (2), or waives any
34 rights of the tenant under RCW 59.18.410 or any other rights afforded
35 under this chapter except as provided in RCW 59.18.360 is void and
36 unenforceable. A landlord may not threaten a tenant with eviction for
37 failure to pay nonpossessory charges limited under RCW 59.18.283.

38 (2) No rental agreement may provide that the tenant:

1 (a) Agrees to waive or to forgo rights or remedies under this
2 chapter; or

3 (b) Authorizes any person to confess judgment on a claim arising
4 out of the rental agreement; or

5 (c) Agrees to pay the landlord's attorneys' fees, except as
6 authorized in this chapter; or

7 (d) Agrees to the exculpation or limitation of any liability of
8 the landlord arising under law or to indemnify the landlord for that
9 liability or the costs connected therewith; or

10 (e) And landlord have agreed to a particular arbitrator at the
11 time the rental agreement is entered into; or

12 (f) Agrees to pay late fees for rent that is paid within five
13 days following its due date. If rent is more than five days past due,
14 the landlord may charge late fees commencing from the first day after
15 the due date until paid. Nothing in this subsection prohibits a
16 landlord from serving a notice to pay or vacate at any time after the
17 rent becomes due.

18 (3) A provision prohibited by subsection (2) of this section
19 included in a rental agreement is unenforceable. If a landlord
20 knowingly uses a rental agreement containing provisions known by him
21 or her to be prohibited, the tenant may recover actual damages
22 sustained by him or her, statutory damages not to exceed two times
23 the monthly rent charged for the unit, costs of suit, and reasonable
24 attorneys' fees.

25 (4) The common law right of the landlord of distress for rent is
26 hereby abolished for property covered by this chapter. Any provision
27 in a rental agreement creating a lien upon the personal property of
28 the tenant or authorizing a distress for rent is null and void and of
29 no force and effect. Any landlord who takes or detains the personal
30 property of a tenant without the specific written consent of the
31 tenant to such incident of taking or detention, and who, after
32 written demand by the tenant for the return of his or her personal
33 property, refuses to return the same promptly shall be liable to the
34 tenant for the value of the property retained, actual damages, and if
35 the refusal is intentional, may also be liable for damages of up to
36 \$500 per day but not to exceed \$5,000, for each day or part of a day
37 that the tenant is deprived of his or her property. The prevailing
38 party may recover his or her costs of suit and a reasonable
39 attorneys' fee.

1 In any action, including actions pursuant to chapters 7.64 or
2 12.28 RCW, brought by a tenant or other person to recover possession
3 of his or her personal property taken or detained by a landlord in
4 violation of this section, the court, upon motion and after notice to
5 the opposing parties, may waive or reduce any bond requirements where
6 it appears to be to the satisfaction of the court that the moving
7 party is proceeding in good faith and has, prima facie, a meritorious
8 claim for immediate delivery or redelivery of said property.

9 **Sec. 1013.** 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. 1014.** 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. 1015.** RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6
13 are each reenacted to read as follows:

14 (1) The fact of admission to a provider for mental health
15 services and all information and records compiled, obtained, or
16 maintained in the course of providing mental health services to
17 either voluntary or involuntary recipients of services at public or
18 private agencies may not be disclosed except as provided in this
19 section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240,
20 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid
21 authorization under RCW 70.02.030.

22 (2) Information and records related to mental health services,
23 other than those obtained through treatment under chapter 71.34 RCW,
24 may be disclosed:

25 (a) In communications between qualified professional persons to
26 meet the requirements of chapter 71.05 RCW, including Indian health
27 care providers, in the provision of services or appropriate
28 referrals, or in the course of guardianship proceedings if provided
29 to a professional person:

30 (i) Employed by the facility;

31 (ii) Who has medical responsibility for the patient's care;

32 (iii) Who is a designated crisis responder;

33 (iv) Who is providing services under chapter 71.24 RCW;

34 (v) Who is employed by a state or local correctional facility
35 where the person is confined or supervised; or

36 (vi) Who is providing evaluation, treatment, or follow-up
37 services under chapter 10.77 RCW;

38 (b) When the communications regard the special needs of a patient
39 and the necessary circumstances giving rise to such needs and the

1 disclosure is made by a facility providing services to the operator
2 of a facility in which the patient resides or will reside;

3 (c) (i) When the person receiving services, or his or her
4 guardian, designates persons to whom information or records may be
5 released, or if the person is a minor, when his or her parents make
6 such a designation;

7 (ii) A public or private agency shall release to a person's next
8 of kin, attorney, personal representative, guardian, or conservator,
9 if any:

10 (A) The information that the person is presently a patient in the
11 facility or that the person is seriously physically ill;

12 (B) A statement evaluating the mental and physical condition of
13 the patient, and a statement of the probable duration of the
14 patient's confinement, if such information is requested by the next
15 of kin, attorney, personal representative, guardian, or conservator;
16 and

17 (iii) Other information requested by the next of kin or attorney
18 as may be necessary to decide whether or not proceedings should be
19 instituted to appoint a guardian or conservator;

20 (d) (i) To the courts, including tribal courts, as necessary to
21 the administration of chapter 71.05 RCW or to a court ordering an
22 evaluation or treatment under chapter 10.77 RCW solely for the
23 purpose of preventing the entry of any evaluation or treatment order
24 that is inconsistent with any order entered under chapter 71.05 RCW.

25 (ii) To a court or its designee in which a motion under chapter
26 10.77 RCW has been made for involuntary medication of a defendant for
27 the purpose of competency restoration.

28 (iii) Disclosure under this subsection is mandatory for the
29 purpose of the federal health insurance portability and
30 accountability act;

31 (e) (i) When a mental health professional or designated crisis
32 responder is requested by a representative of a law enforcement or
33 corrections agency, including a police officer, sheriff, community
34 corrections officer, a municipal attorney, or prosecuting attorney to
35 undertake an investigation or provide treatment under RCW 71.05.150,
36 10.31.110, or 71.05.153, the mental health professional or designated
37 crisis responder shall, if requested to do so, advise the
38 representative in writing of the results of the investigation
39 including a statement of reasons for the decision to detain or
40 release the person investigated. The written report must be submitted

1 within seventy-two hours of the completion of the investigation or
2 the request from the law enforcement or corrections representative,
3 whichever occurs later.

4 (ii) Disclosure under this subsection is mandatory for the
5 purposes of the federal health insurance portability and
6 accountability act;

7 (f) To the attorney of the detained person;

8 (g) To the prosecuting attorney as necessary to carry out the
9 responsibilities of the office under RCW 71.05.330(2),
10 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
11 access to records regarding the committed person's treatment and
12 prognosis, medication, behavior problems, and other records relevant
13 to the issue of whether treatment less restrictive than inpatient
14 treatment is in the best interest of the committed person or others.
15 Information must be disclosed only after giving notice to the
16 committed person and the person's counsel;

17 (h)(i) To appropriate law enforcement agencies and to a person,
18 when the identity of the person is known to the public or private
19 agency, whose health and safety has been threatened, or who is known
20 to have been repeatedly harassed, by the patient. The person may
21 designate a representative to receive the disclosure. The disclosure
22 must be made by the professional person in charge of the public or
23 private agency or his or her designee and must include the dates of
24 commitment, admission, discharge, or release, authorized or
25 unauthorized absence from the agency's facility, and only any other
26 information that is pertinent to the threat or harassment. The agency
27 or its employees are not civilly liable for the decision to disclose
28 or not, so long as the decision was reached in good faith and without
29 gross negligence.

30 (ii) Disclosure under this subsection is mandatory for the
31 purposes of the federal health insurance portability and
32 accountability act;

33 (i)(i) To appropriate corrections and law enforcement agencies
34 all necessary and relevant information in the event of a crisis or
35 emergent situation that poses a significant and imminent risk to the
36 public. The mental health service agency or its employees are not
37 civilly liable for the decision to disclose or not so long as the
38 decision was reached in good faith and without gross negligence.

39 (ii) Disclosure under this subsection is mandatory for the
40 purposes of the health insurance portability and accountability act;

1 (j) To the persons designated in RCW 71.05.425 for the purposes
2 described in those sections;

3 (k) By a care coordinator under RCW 71.05.585 or 10.77.175
4 assigned to a person ordered to receive less restrictive alternative
5 treatment for the purpose of sharing information to parties necessary
6 for the implementation of proceedings under chapter 71.05 or 10.77
7 RCW;

8 (l) Upon the death of a person. The person's next of kin,
9 personal representative, guardian, or conservator, if any, must be
10 notified. Next of kin who are of legal age and competent must be
11 notified under this section in the following order: Spouse, parents,
12 children, brothers and sisters, and other relatives according to the
13 degree of relation. Access to all records and information compiled,
14 obtained, or maintained in the course of providing services to a
15 deceased patient are governed by RCW 70.02.140;

16 (m) To mark headstones or otherwise memorialize patients interred
17 at state hospital cemeteries. The department of social and health
18 services shall make available the name, date of birth, and date of
19 death of patients buried in state hospital cemeteries fifty years
20 after the death of a patient;

21 (n) To law enforcement officers and to prosecuting attorneys as
22 are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of
23 information that may be released is limited as follows:

24 (i) Only the fact, place, and date of involuntary commitment, an
25 official copy of any order or orders of commitment, and an official
26 copy of any written or oral notice of ineligibility to possess a
27 firearm that was provided to the person pursuant to RCW 9.41.047(1),
28 must be disclosed upon request;

29 (ii) The law enforcement and prosecuting attorneys may only
30 release the information obtained to the person's attorney as required
31 by court rule and to a jury or judge, if a jury is waived, that
32 presides over any trial at which the person is charged with violating
33 RCW 9.41.040(2)(a)(iv);

34 (iii) Disclosure under this subsection is mandatory for the
35 purposes of the federal health insurance portability and
36 accountability act;

37 (o) When a patient would otherwise be subject to the provisions
38 of this section and disclosure is necessary for the protection of the
39 patient or others due to his or her unauthorized disappearance from
40 the facility, and his or her whereabouts is unknown, notice of the

1 disappearance, along with relevant information, may be made to
2 relatives, the department of corrections when the person is under the
3 supervision of the department, and governmental law enforcement
4 agencies designated by the physician or psychiatric advanced
5 registered nurse practitioner in charge of the patient or the
6 professional person in charge of the facility, or his or her
7 professional designee;

8 (p) Pursuant to lawful order of a court, including a tribal
9 court;

10 (q) To qualified staff members of the department, to the
11 authority, to behavioral health administrative services
12 organizations, to managed care organizations, to resource management
13 services responsible for serving a patient, or to service providers
14 designated by resource management services as necessary to determine
15 the progress and adequacy of treatment and to determine whether the
16 person should be transferred to a less restrictive or more
17 appropriate treatment modality or facility;

18 (r) Within the mental health service agency or Indian health care
19 provider facility where the patient is receiving treatment,
20 confidential information may be disclosed to persons employed,
21 serving in bona fide training programs, or participating in
22 supervised volunteer programs, at the facility when it is necessary
23 to perform their duties;

24 (s) Within the department and the authority as necessary to
25 coordinate treatment for mental illness, developmental disabilities,
26 or substance use disorder of persons who are under the supervision of
27 the department;

28 (t) Between the department of social and health services, the
29 department of children, youth, and families, and the health care
30 authority as necessary to coordinate treatment for mental illness,
31 developmental disabilities, or substance use disorder of persons who
32 are under the supervision of the department of social and health
33 services or the department of children, youth, and families;

34 (u) To a licensed physician or psychiatric advanced registered
35 nurse practitioner who has determined that the life or health of the
36 person is in danger and that treatment without the information and
37 records related to mental health services could be injurious to the
38 patient's health. Disclosure must be limited to the portions of the
39 records necessary to meet the medical emergency;

1 (v) (i) Consistent with the requirements of the federal health
2 insurance portability and accountability act, to:

3 (A) A health care provider, including an Indian health care
4 provider, who is providing care to a patient, or to whom a patient
5 has been referred for evaluation or treatment; or

6 (B) Any other person who is working in a care coordinator role
7 for a health care facility, health care provider, or Indian health
8 care provider, or is under an agreement pursuant to the federal
9 health insurance portability and accountability act with a health
10 care facility or a health care provider and requires the information
11 and records to assure coordinated care and treatment of that patient.

12 (ii) A person authorized to use or disclose information and
13 records related to mental health services under this subsection
14 (2)(v) must take appropriate steps to protect the information and
15 records relating to mental health services.

16 (iii) Psychotherapy notes may not be released without
17 authorization of the patient who is the subject of the request for
18 release of information;

19 (w) To administrative and office support staff designated to
20 obtain medical records for those licensed professionals listed in (v)
21 of this subsection;

22 (x) To a facility that is to receive a person who is
23 involuntarily committed under chapter 71.05 RCW, or upon transfer of
24 the person from one evaluation and treatment facility to another. The
25 release of records under this subsection is limited to the
26 information and records related to mental health services required by
27 law, a record or summary of all somatic treatments, and a discharge
28 summary. The discharge summary may include a statement of the
29 patient's problem, the treatment goals, the type of treatment which
30 has been provided, and recommendation for future treatment, but may
31 not include the patient's complete treatment record;

32 (y) To the person's counsel or guardian ad litem, without
33 modification, at any time in order to prepare for involuntary
34 commitment or recommitment proceedings, reexaminations, appeals, or
35 other actions relating to detention, admission, commitment, or
36 patient's rights under chapter 71.05 RCW;

37 (z) To staff members of the protection and advocacy agency or to
38 staff members of a private, nonprofit corporation for the purpose of
39 protecting and advocating the rights of persons with mental disorders
40 or developmental disabilities. Resource management services may limit

1 the release of information to the name, birthdate, and county of
2 residence of the patient, information regarding whether the patient
3 was voluntarily admitted, or involuntarily committed, the date and
4 place of admission, placement, or commitment, the name and address of
5 a guardian of the patient, and the date and place of the guardian's
6 appointment. Any staff member who wishes to obtain additional
7 information must notify the patient's resource management services in
8 writing of the request and of the resource management services' right
9 to object. The staff member shall send the notice by mail to the
10 guardian's address. If the guardian does not object in writing within
11 fifteen days after the notice is mailed, the staff member may obtain
12 the additional information. If the guardian objects in writing within
13 fifteen days after the notice is mailed, the staff member may not
14 obtain the additional information;

15 (aa) To all current treating providers, including Indian health
16 care providers, of the patient with prescriptive authority who have
17 written a prescription for the patient within the last twelve months.
18 For purposes of coordinating health care, the department or the
19 authority may release without written authorization of the patient,
20 information acquired for billing and collection purposes as described
21 in RCW 70.02.050(1)(d). The department, or the authority, if
22 applicable, shall notify the patient that billing and collection
23 information has been released to named providers, and provide the
24 substance of the information released and the dates of such release.
25 Neither the department nor the authority may release counseling,
26 inpatient psychiatric hospitalization, or drug and alcohol treatment
27 information without a signed written release from the client;

28 (bb)(i) To the secretary of social and health services and the
29 director of the health care authority for either program evaluation
30 or research, or both so long as the secretary or director, where
31 applicable, adopts rules for the conduct of the evaluation or
32 research, or both. Such rules must include, but need not be limited
33 to, the requirement that all evaluators and researchers sign an oath
34 of confidentiality substantially as follows:

35 "As a condition of conducting evaluation or research concerning
36 persons who have received services from (fill in the facility,
37 agency, or person) I,, agree not to divulge, publish, or
38 otherwise make known to unauthorized persons or the public any
39 information obtained in the course of such evaluation or research

1 regarding persons who have received services such that the person who
2 received such services is identifiable.

3 I recognize that unauthorized release of confidential information
4 may subject me to civil liability under the provisions of state law.
5 /s/"

6 (ii) Nothing in this chapter may be construed to prohibit the
7 compilation and publication of statistical data for use by government
8 or researchers under standards, including standards to assure
9 maintenance of confidentiality, set forth by the secretary, or
10 director, where applicable;

11 (cc) To any person if the conditions in RCW 70.02.205 are met;

12 (dd) To the secretary of health for the purposes of the maternal
13 mortality review panel established in RCW 70.54.450; or

14 (ee) To a tribe or Indian health care provider to carry out the
15 requirements of RCW 71.05.150(6).

16 (3) Whenever federal law or federal regulations restrict the
17 release of information contained in the information and records
18 related to mental health services of any patient who receives
19 treatment for a substance use disorder, the department or the
20 authority may restrict the release of the information as necessary to
21 comply with federal law and regulations.

22 (4) Civil liability and immunity for the release of information
23 about a particular person who is committed to the department of
24 social and health services or the authority under RCW 71.05.280(3)
25 and 71.05.320(4)(c) after dismissal of a sex offense as defined in
26 RCW 9.94A.030, is governed by RCW 4.24.550.

27 (5) The fact of admission to a provider of mental health
28 services, as well as all records, files, evidence, findings, or
29 orders made, prepared, collected, or maintained pursuant to chapter
30 71.05 RCW are not admissible as evidence in any legal proceeding
31 outside that chapter without the written authorization of the person
32 who was the subject of the proceeding except as provided in RCW
33 70.02.260, in a subsequent criminal prosecution of a person committed
34 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
35 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
36 trial, in a civil commitment proceeding pursuant to chapter 71.09
37 RCW, or, in the case of a minor, a guardianship or dependency
38 proceeding. The records and files maintained in any court proceeding
39 pursuant to chapter 71.05 RCW must be confidential and available

1 subsequent to such proceedings only to the person who was the subject
2 of the proceeding or his or her attorney. In addition, the court may
3 order the subsequent release or use of such records or files only
4 upon good cause shown if the court finds that appropriate safeguards
5 for strict confidentiality are and will be maintained.

6 (6) (a) Except as provided in RCW 4.24.550, any person may bring
7 an action against an individual who has willfully released
8 confidential information or records concerning him or her in
9 violation of the provisions of this section, for the greater of the
10 following amounts:

11 (i) One thousand dollars; or

12 (ii) Three times the amount of actual damages sustained, if any.

13 (b) It is not a prerequisite to recovery under this subsection
14 that the plaintiff suffered or was threatened with special, as
15 contrasted with general, damages.

16 (c) Any person may bring an action to enjoin the release of
17 confidential information or records concerning him or her or his or
18 her ward, in violation of the provisions of this section, and may in
19 the same action seek damages as provided in this subsection.

20 (d) The court may award to the plaintiff, should he or she
21 prevail in any action authorized by this subsection, reasonable
22 attorney fees in addition to those otherwise provided by law.

23 (e) If an action is brought under this subsection, no action may
24 be brought under RCW 70.02.170.

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

28 As used in this chapter:

29 (1) "Director" means the director of the Washington state health
30 care authority.

31 (2) "Health coverage tax credit eligible enrollee" means
32 individual workers and their qualified family members who lose their
33 jobs due to the effects of international trade and are eligible for
34 certain trade adjustment assistance benefits; or are eligible for
35 benefits under the alternative trade adjustment assistance program;
36 or are people who receive benefits from the pension benefit guaranty
37 corporation and are at least fifty-five years old.

38 (3) "Health coverage tax credit program" means the program
39 created by the Trade Act of 2002 (P.L. 107-210) that provides a

1 federal tax credit that subsidizes private health insurance coverage
2 for displaced workers certified to receive certain trade adjustment
3 assistance benefits and for individuals receiving benefits from the
4 pension benefit guaranty corporation.

5 (4) "Managed health care system" means: (a) Any health care
6 organization, including health care providers, insurers, health care
7 service contractors, health maintenance organizations, or any
8 combination thereof, that provides directly or by contract basic
9 health care services, as defined by the director and rendered by duly
10 licensed providers, to a defined patient population enrolled in the
11 plan and in the managed health care system; or (b) a self-funded or
12 self-insured method of providing insurance coverage to subsidized
13 enrollees provided under RCW 41.05.140 and subject to the limitations
14 under RCW 70.47.100(9).

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

21 (6) "Nonsubsidized enrollee" means an individual, or an
22 individual plus the individual's spouse or dependent children: (a)
23 Who is not eligible for medicare; (b) who is not confined or residing
24 in a government-operated institution, unless he or she meets
25 eligibility criteria adopted by the director; (c) who is accepted for
26 enrollment by the director as provided in RCW 48.43.018, either
27 because the potential enrollee cannot be required to complete the
28 standard health questionnaire under RCW 48.43.018, or, based upon the
29 results of the standard health questionnaire, the potential enrollee
30 would not qualify for coverage under the Washington state health
31 insurance pool; (d) who resides in an area of the state served by a
32 managed health care system participating in the plan; (e) who chooses
33 to obtain basic health care coverage from a particular managed health
34 care system; and (f) who pays or on whose behalf is paid the full
35 costs for participation in the plan, without any subsidy from the
36 plan.

37 (7) "Premium" means a periodic payment, which an individual,
38 their employer or another financial sponsor makes to the plan as
39 consideration for enrollment in the plan as a subsidized enrollee, a

1 nonsubsidized enrollee, or a health coverage tax credit eligible
2 enrollee.

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

7 (9) "Subsidy" means the difference between the amount of periodic
8 payment the director makes to a managed health care system on behalf
9 of a subsidized enrollee plus the administrative cost to the plan of
10 providing the plan to that subsidized enrollee, and the amount
11 determined to be the subsidized enrollee's responsibility under RCW
12 70.47.060(2).

13 (10) "Subsidized enrollee" means:

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

16 (i) Who is not eligible for medicare;

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

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

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

24 (v) Until March 1, 2011, whose gross family income at the time of
25 enrollment does not exceed two hundred percent of the federal poverty
26 level as adjusted for family size and determined annually by the
27 federal department of health and human services;

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

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

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

38 (b) An individual who meets the requirements in (a)(i) through
39 (iv), (vi), and (vii) of this subsection and who is a foster parent
40 licensed under chapter 74.15 RCW and whose gross family income at the

1 time of enrollment does not exceed three hundred percent of the
2 federal poverty level as adjusted for family size and determined
3 annually by the federal department of health and human services; and

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

13 (11) "Washington basic health plan" or "plan" means the system of
14 enrollment and payment for basic health care services, administered
15 by the plan director through participating managed health care
16 systems, created by this chapter.

17 **Sec. 1017.** RCW 70A.15.3150 and 2021 c 317 s 24 and 2021 c 315 s
18 15 are each reenacted and amended to read as follows:

19 (1) Any person who knowingly violates any of the provisions of
20 this chapter, chapter 70A.25, 70A.60, or 70A.535 RCW, or any
21 ordinance, resolution, or regulation in force pursuant thereto is
22 guilty of a gross misdemeanor and upon conviction thereof shall be
23 punished by a fine of not more than ten thousand dollars, or by
24 imprisonment in the county jail for up to three hundred sixty-four
25 days, or by both for each separate violation.

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

34 (3) Any person who knowingly releases into the ambient air any
35 substance listed by the department of ecology as a hazardous air
36 pollutant, other than in compliance with the terms of an applicable
37 permit or emission limit, and who knows at the time that he or she
38 thereby places another person in imminent danger of death or
39 substantial bodily harm, is guilty of a class C felony and shall,

1 upon conviction, be punished by a fine of not less than fifty
2 thousand dollars, or by imprisonment for not more than five years, or
3 both.

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

8 **Sec. 1018.** RCW 70A.15.3160 and 2021 c 317 s 25, 2021 c 315 s 16,
9 and 2021 c 132 s 1 are each reenacted and amended to read as follows:

10 (1) (a) Except as provided in RCW 43.05.060 through 43.05.080 and
11 43.05.150, and in addition to or as an alternate to any other penalty
12 provided by law, any person who violates any of the provisions of
13 this chapter, chapter 70A.25, 70A.60, 70A.450, or (~~(70A.60)~~) 70A.535
14 RCW, RCW 76.04.205, or any of the rules in force under such chapters
15 or section may incur a civil penalty in an amount not to exceed ten
16 thousand dollars per day for each violation. Each such violation
17 shall be a separate and distinct offense, and in case of a continuing
18 violation, each day's continuance shall be a separate and distinct
19 violation. Enforcement actions related to violations of RCW 76.04.205
20 must be consistent with the provisions of RCW 76.04.205.

21 (b) Any person who fails to take action as specified by an order
22 issued pursuant to this chapter shall be liable for a civil penalty
23 of not more than ten thousand dollars for each day of continued
24 noncompliance.

25 (2) (a) Penalties incurred but not paid shall accrue interest,
26 beginning on the ninety-first day following the date that the penalty
27 becomes due and payable, at the highest rate allowed by RCW 19.52.020
28 on the date that the penalty becomes due and payable. If violations
29 or penalties are appealed, interest shall not begin to accrue until
30 the thirty-first day following final resolution of the appeal.

31 (b) The maximum penalty amounts established in this section may
32 be increased annually to account for inflation as determined by the
33 state office of the economic and revenue forecast council.

34 (3) Each act of commission or omission which procures, aids or
35 abets in the violation shall be considered a violation under the
36 provisions of this section and subject to the same penalty. The
37 penalties provided in this section shall be imposed pursuant to RCW
38 43.21B.300.

1 (4) (a) Except as provided in (b) of this subsection, all
2 penalties recovered under this section by the department or the
3 department of natural resources shall be paid into the state treasury
4 and credited to the air pollution control account established in RCW
5 70A.15.1010 or, if recovered by the authority, shall be paid into the
6 treasury of the authority and credited to its funds. If a prior
7 penalty for the same violation has been paid to a local authority,
8 the penalty imposed by the department under subsection (1) of this
9 section shall be reduced by the amount of the payment.

10 (b) All penalties recovered for violations of chapter 70A.60 RCW
11 must be paid into the state treasury and credited to the refrigerant
12 emission management account created in RCW 70A.60.050.

13 (5) To secure the penalty incurred under this section, the state
14 or the authority shall have a lien on any vessel used or operated in
15 violation of this chapter which shall be enforced as provided in RCW
16 60.36.050.

17 (6) Public or private entities that are recipients or potential
18 recipients of department grants, whether for air quality related
19 activities or not, may have such grants rescinded or withheld by the
20 department for failure to comply with provisions of this chapter.

21 (7) In addition to other penalties provided by this chapter,
22 persons knowingly underreporting emissions or other information used
23 to set fees, or persons required to pay emission or permit fees who
24 are more than ninety days late with such payments may be subject to a
25 penalty equal to three times the amount of the original fee owed.

26 (8) The department shall develop rules for excusing excess
27 emissions from enforcement action if such excess emissions are
28 unavoidable. The rules shall specify the criteria and procedures for
29 the department and local air authorities to determine whether a
30 period of excess emissions is excusable in accordance with the state
31 implementation plan.

32 **Sec. 1019.** RCW 74.09.053 and 2009 c 568 s 6 and 2009 c 479 s 62
33 are each reenacted to read as follows:

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

37 (a) The number of medical assistance recipients who: (i) Upon
38 enrollment or recertification had reported being employed, and
39 beginning with the 2008 report, the month and year they reported

1 being hired; or (ii) upon enrollment or recertification had reported
2 being the dependent of someone who was employed, and beginning with
3 the 2008 report, the month and year they reported the employed person
4 was hired. For recipients identified under (a)(i) and (ii) of this
5 subsection, the department shall report the basis for their medical
6 assistance eligibility, including but not limited to family medical
7 coverage, transitional medical assistance, children's medical
8 coverage, aged coverage, or coverage for persons with disabilities;
9 member months; and the total cost to the state for these recipients,
10 expressed as general fund-state and general fund-federal dollars. The
11 information shall be reported by employer size for employers having
12 more than fifty employees as recipients or with dependents as
13 recipients. This information shall be provided for the preceding
14 January and June of that year.

15 (b) The following aggregated information: (i) The number of
16 employees who are recipients or with dependents as recipients by
17 private and governmental employers; (ii) the number of employees who
18 are recipients or with dependents as recipients by employer size for
19 employers with fifty or fewer employees, fifty-one to one hundred
20 employees, one hundred one to one thousand employees, one thousand
21 one to five thousand employees and more than five thousand employees;
22 and (iii) the number of employees who are recipients or with
23 dependents as recipients by industry type.

24 (2) For each aggregated classification, the report will include
25 the number of hours worked, the number of department of social and
26 health services covered lives, and the total cost to the state for
27 these recipients. This information shall be for each quarter of the
28 preceding year.

29 **Sec. 1020.** RCW 79.64.100 and 2012 2nd sp.s. c 7 s 928 and 2012 c
30 166 s 5 are each reenacted and amended to read as follows:

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

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

36 (i) Paying interest and principal on the bonds issued by the
37 department under RCW 79.22.080 and 79.22.090 and the provisions of
38 this chapter; and

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

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

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

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

8 ~~((a))~~ (i) Carrying on the activities of the department on state
9 forestlands;

10 ~~((b))~~ (ii) Establishing a state forestland pool under RCW
11 79.22.140 and carrying on the activities of the department on lands
12 included in the land pool;

13 ~~((c))~~ (iii) Carrying on the activities of the department on
14 lands managed on a sustained yield basis as provided for in RCW
15 79.10.320; and

16 ~~((d))~~ (iv) Reimbursement of expenditures that have been made or
17 may be made from the resource management cost account created in RCW
18 79.64.020 in the management of state forestlands.

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

28 **Sec. 1021.** RCW 82.38.060 and 2013 c 225 s 107 and 2013 c 23 s
29 332 are each reenacted to read as follows:

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

36 **Sec. 1022.** RCW 82.42.040 and 2013 c 225 s 304 and 2013 c 23 s
37 335 are each reenacted to read as follows:

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

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

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

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

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

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

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

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

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

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

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

34 (5) For the purposes of considering any application for a
35 license, the department may inspect, cause an inspection,
36 investigate, or cause an investigation of the records of this or any
37 other state, province, country, or the federal government to
38 ascertain the veracity of the information on the application and the
39 applicant's criminal, civil, and licensing history.

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

4 **PART 2**

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

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

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

32 Members of the work group shall serve without compensation.

33 (2) The protocols must meet all of the following minimum
34 standards:

35 (a) The protocols must apply to the following state agencies: The
36 department of (~~community, trade, and economic development~~)
37 commerce, the department of health, the department of social and
38 health services, the attorney general's office, the Washington state

1 patrol, the department of labor and industries, and the employment
2 security department;

3 (b) The protocols must provide policies and procedures for
4 interagency coordinated operations and cooperation with government
5 agencies and nongovernmental organizations, agencies, and
6 jurisdictions, including law enforcement agencies and prosecuting
7 attorneys;

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

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

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

18 (4) The protocols shall be reviewed on a biennial basis by the
19 work group to determine whether revisions are appropriate. The
20 director of the department of (~~community, trade, and economic~~
21 ~~development~~) commerce, or the director's designee, shall within
22 existing resources reconvene and chair the work group for this
23 purpose.

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

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

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

38 (3) Every real estate licensee shall deliver or cause to be
39 delivered to all parties signing the same, within a reasonable time

1 after signing, purchase and sale agreements, listing agreements, and
2 all other like or similar instruments signed by the parties.

3 (4) Every real estate firm that keeps separate real estate trust
4 fund accounts must keep the accounts in a recognized Washington state
5 depository. A real estate firm must maintain an adequate amount of
6 funds in the trust fund accounts to facilitate the opening of the
7 trust fund accounts or to prevent the closing of the trust fund
8 accounts.

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

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

19 (7) Brokers must deposit all funds into their firm's trust bank
20 account the next banking day following receipt of the funds unless
21 the purchase and sale agreement provides for deferred deposit or
22 delivery. In that event, the broker must promptly deposit or deliver
23 funds in accordance with the terms of the purchase and sale
24 agreement.

25 (8) (a) If a real estate broker receives or maintains earnest
26 money or client funds for deposit, the real estate firm shall
27 maintain a pooled interest-bearing trust account for deposit of
28 client funds, with the exception of property management trust
29 accounts.

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

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

1 (9) If trust funds are claimed by more than one party, the
2 designated broker or designated broker's delegate must promptly
3 provide written notification to all contracting parties to a real
4 estate transaction of the intent of the designated broker or
5 designated broker's delegate to disburse client funds. The
6 notification must include the names and addresses of all parties to
7 the contract, the amount of money held and to whom it will be
8 disbursed, and the date of disbursement that must occur no later than
9 thirty consecutive days after the notification date.

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

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

20 (b) Transmit to the director of (~~community, trade, and economic~~
21 ~~development~~) commerce a statement showing the name of the person or
22 entity for whom the remittance is spent, the rate of interest
23 applied, and the amount of service charges deducted, if any, and the
24 account balance(s) of the period in which the report is made, with a
25 copy of the statement to be transmitted to the depositing person or
26 firm.

27 (11) The director of (~~community, trade, and economic~~
28 ~~development~~) commerce shall forward a copy of the reports required
29 by subsection (10) of this section to the department to aid in the
30 enforcement of the requirements of this section consistent with the
31 normal enforcement and auditing practices of the department.

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

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

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

3 (1)(a) Not later than January 1, 1991, the state building code
4 council, in consultation with the department of (~~community, trade,~~
5 ~~and economic development~~) commerce, shall establish interim
6 requirements for the maintenance of indoor air quality in newly
7 constructed residential buildings. In establishing the interim
8 requirements, the council shall take into consideration differences
9 in heating fuels and heating system types. These requirements shall
10 be in effect July 1, 1991, through June 30, 1993.

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

22 (c)(i) For new single-family residences with electric space
23 heating systems, zero lot line homes, each unit in a duplex, and each
24 attached housing unit in a planned unit development, the ventilation
25 standards shall include fifty cubic feet per minute of effective
26 installed ventilation capacity in each bathroom and one hundred cubic
27 feet per minute of effective installed ventilation capacity in each
28 kitchen.

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

33 (iii) Effective installed ventilation capacity means the
34 capability to deliver the specified ventilation rates for the actual
35 design of the ventilation system. Natural ventilation and
36 infiltration shall not be considered acceptable substitutes for
37 mechanical ventilation.

38 (d) For new residential buildings that are space heated with
39 other than electric space heating systems, the interim standards
40 shall be designed to result in indoor air quality equivalent to that

1 achieved with the interim ventilation standards for electric space
2 heated homes.

3 (e) The interim requirements for all newly constructed
4 residential buildings shall include standards for indoor air quality
5 pollutant source control, including the following requirements: All
6 structural panel components of the residence shall comply with
7 appropriate standards for the emission of formaldehyde; the back-
8 drafting of combustion by-products from combustion appliances shall
9 be minimized through the use of dampers, vents, outside combustion
10 air sources, or other appropriate technologies; and, in areas of the
11 state where monitored data indicate action is necessary to inhibit
12 indoor radon gas concentrations from exceeding appropriate health
13 standards, entry of radon gas into homes shall be minimized through
14 appropriate foundation construction measures.

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

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

1 It is the finding of the legislature that foreign trade zones
2 serve an important public purpose by the creation of employment
3 opportunities within the state and that the establishment of zones
4 designed to accomplish this purpose is to be encouraged. It is the
5 further intent of the legislature that the department of (~~community,~~
6 ~~trade, and economic development~~) commerce provide assistance to
7 entities planning to apply to the United States for permission to
8 establish such zones.

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

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

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

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

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

28 The common school construction fund is to be used exclusively for
29 the purpose of financing the construction of facilities for the
30 common schools. The sources of said fund shall be: (1) Those proceeds
31 derived from sale or appropriation of timber and other crops from
32 school and state land other than those granted for specific purposes;
33 (2) the interest accruing on the permanent common school fund less
34 the allocations to the state treasurer's service (~~account-[fund]~~)
35 fund pursuant to RCW 43.08.190 and the state investment board expense
36 account pursuant to RCW 43.33A.160 together with all rentals and
37 other revenue derived therefrom and from land and other property
38 devoted to the permanent common school fund; (3) all moneys received

1 by the state from the United States under the provisions of section
2 191, Title 30, United States Code, Annotated, and under section 810,
3 chapter 12, Title 16, (Conservation), United States Code, Annotated,
4 except moneys received before June 30, 2001, and when thirty
5 megawatts of geothermal power is certified as commercially available
6 by the receiving utilities and the department of (~~community, trade,~~
7 ~~and economic development~~) commerce, eighty percent of such moneys,
8 under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030;
9 and (4) such other sources as the legislature may direct. That
10 portion of the common school construction fund derived from interest
11 on the permanent common school fund may be used to retire such bonds
12 as may be authorized by law for the purpose of financing the
13 construction of facilities for the common schools.

14 The interest accruing on the permanent common school fund less
15 the allocations to the state treasurer's service fund pursuant to RCW
16 43.08.190 and the state investment board expense account pursuant to
17 RCW 43.33A.160 together with all rentals and other revenues accruing
18 thereto pursuant to subsection (2) of this section prior to July 1,
19 1967, shall be exclusively applied to the current use of the common
20 schools.

21 To the extent that the moneys in the common school construction
22 fund are in excess of the amount necessary to allow fulfillment of
23 the purpose of said fund, the excess shall be available for deposit
24 to the credit of the permanent common school fund or available for
25 the current use of the common schools, as the legislature may direct.
26 Any money from the common school construction fund which is made
27 available for the current use of the common schools shall be restored
28 to the fund by appropriation, including interest income (~~foregone~~
29 ~~{forgone}~~) forgone, before the end of the next fiscal biennium
30 following such use.

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

33 The IMPACT center shall:

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

37 (a) The design and development of information and strategies to
38 expand the long-term international markets for Washington
39 agricultural products; and

1 (b) The dissemination of such information and strategies to
2 Washington exporters, overseas users, and public and private trade
3 organizations;

4 (2) Research and identify current impediments to increased
5 exports of Washington agricultural products, and determine methods of
6 surmounting those impediments and opportunities for exporting new
7 agricultural products and commodities to foreign markets;

8 (3) Prepare curricula to present and distribute information
9 concerning international trade in agricultural commodities and
10 products to students, exporters, international traders, and the
11 public;

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

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

19 (6) Link itself through cooperative agreements with the center
20 for international trade in forest products at the University of
21 Washington, the state department of agriculture, the department of
22 (~~community, trade, and economic development~~) commerce, Washington's
23 agriculture businesses and associations, and other state agency data
24 collection, processing, and dissemination efforts.

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

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

31 (2) The specific programs transferred to Washington State
32 University shall include but not be limited to the following:
33 Renewable energy, energy software, industrial energy efficiency,
34 education and information, energy ideas clearinghouse, and
35 telecommunications.

36 (3)(a) All reports, documents, surveys, books, records, files,
37 papers, or written material in the possession of the state energy
38 office pertaining to the powers, functions, and duties transferred
39 shall be delivered to the custody of Washington State University. All

1 cabinets, furniture, office equipment, software, database, motor
2 vehicles, and other tangible property employed by the state energy
3 office in carrying out the powers, functions, and duties transferred
4 shall be made available to Washington State University.

5 (b) Any appropriations made to, any other funds provided to, or
6 any grants made to or contracts with the state energy office for
7 carrying out the powers, functions, and duties transferred shall, on
8 July 1, 1996, be transferred and credited to Washington State
9 University.

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

17 (d) All rules and all pending business before the state energy
18 office pertaining to the powers, functions, and duties transferred
19 shall be continued and acted upon by Washington State University. All
20 existing contracts, grants, and obligations, excluding personnel
21 contracts and obligations, shall remain in full force and shall be
22 assigned to and performed by Washington State University.

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

26 (f) If apportionments of budgeted funds are required because of
27 the transfers directed by this section, the director of the office of
28 financial management shall certify the apportionments to the agencies
29 affected, the state auditor, and the state treasurer. Each of these
30 shall make the appropriate transfer and adjustments in funds and
31 appropriation.

32 (4) Washington State University shall enter into an interagency
33 agreement with the department of (~~community, trade, and economic~~
34 ~~development~~) commerce regarding the relationship between policy
35 development and public outreach. The department of (~~community,~~
36 ~~trade, and economic development~~) commerce shall provide Washington
37 State University available existing and future oil overcharge
38 restitution and federal energy block funding for a minimum period of
39 five years to carry out energy programs. Nothing in chapter 186, Laws

1 of 1996 prohibits Washington State University from seeking grant
2 funding for energy-related programs directly from other entities.

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

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

12 (1) The state board shall work with the leadership team, the
13 Washington state apprenticeship and training council, and the office
14 of the superintendent of public instruction to jointly develop, by
15 June 30, 2010, curricula and training programs, to include on-the-job
16 training, classroom training, and safety and health training, for the
17 development of the skills and qualifications identified by the
18 department of (~~community, trade, and economic development~~) commerce
19 under section 7 of this act.

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

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

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

36 (5) Subject to available funding, the board may grant enrollment
37 priority to persons who qualify for a waiver under RCW 28B.15.522 and
38 who enroll in curricula and training programs provided by community

1 or technical colleges in the state that have been developed in
2 accordance with this section.

3 (6) The college board may prioritize workforce training programs
4 that lead to a credential, certificate, or degree in green economy
5 jobs. For purposes of this section, green economy jobs include those
6 in the primary industries of a green economy including clean energy,
7 high-efficiency building, green transportation, and environmental
8 protection. Prioritization efforts may include but are not limited
9 to: (a) Prioritization of the use of high employer-demand funding for
10 workforce training programs in green economy jobs, if the programs
11 meet minimum criteria for identification as a high-demand program of
12 study as defined by the state board for community and technical
13 colleges, however any additional community and technical college
14 high-demand funding authorized for the 2009-2011 fiscal biennium and
15 thereafter may be subject to prioritization; (b) increased outreach
16 efforts to public utilities, education, labor, government, and
17 private industry to develop tailored, green job training programs;
18 and (c) increased outreach efforts to target populations. Outreach
19 efforts shall be conducted in partnership with local workforce
20 development councils.

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

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

25 (1) Subject to funding provided for the purposes of this section,
26 the board, in consultation with the state board for community and
27 technical colleges, the department of (~~community, trade, and~~
28 ~~economic development~~) commerce, and the employment security
29 department, shall allocate grants on a competitive basis to establish
30 and support industry skill panels.

31 (2) Eligible applicants for the grants allocated under this
32 section include, but are not limited to, workforce development
33 councils, community and technical colleges, economic development
34 councils, private career schools, chambers of commerce, trade
35 associations, and apprenticeship councils.

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

1 (4) It shall be the role of industry skill panels funded under
2 this chapter to enable businesses in the industry to address
3 workforce skill needs. Industry skill panels shall identify workforce
4 strategies to meet the needs in order to benefit employers and
5 workers across the industry. Examples of strategies include, but are
6 not limited to: Developing career guidance materials; producing or
7 updating skill standards and curricula; designing training programs
8 and courses; developing technical assessments and certifications;
9 arranging employer mentoring, tutoring, and internships; identifying
10 private sector assistance in providing faculty or equipment to
11 training providers; and organizing industry conferences disseminating
12 best practices. The products and services of particular skill panels
13 shall depend upon the needs of the industry.

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

16 The board shall establish industry skill panel standards that
17 identify the expectations for industry skill panel products and
18 services. The board shall establish the standards in consultation
19 with labor, the state board for community and technical colleges, the
20 employment security department, the institute of workforce
21 development and economic sustainability, and the department of
22 (~~community, trade, and economic development~~) commerce. Continued
23 funding of particular industry skill panels shall be based on meeting
24 the standards established by the board under this section. Beginning
25 December 1, 2008, the board shall report annually to the governor and
26 the economic development and higher education committees of the
27 legislature on the results of the industry skill panels funded under
28 this chapter in meeting the standards.

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

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

36 (1) To assess stockholders, or a class of stockholders, of the
37 business development company, if authorized by the articles of

1 incorporation and approved by the department pursuant to a plan of
2 assessment as provided for in RCW 31.24.066;

3 (2) To make qualified loans to borrowers in relation to business
4 development projects;

5 (3) To make qualified investments in businesses in relation to
6 business development projects;

7 (4) To facilitate and arrange qualified participation loans by
8 qualified loan participants to borrowers in relation to business
9 development projects;

10 (5) To participate in the partial funding of qualified
11 participation loans;

12 (6) To elect, appoint, and employ officers, agents, and
13 employees;

14 (7) To make contracts and incur liabilities for any of the
15 purposes of the business development company. However, a business
16 development company shall not incur any secondary liability by way of
17 guaranty or endorsement of the obligations of any person, firm,
18 company, association, or trust, or in any other manner;

19 (8) To the extent permitted by other applicable law, to borrow
20 money from the federal small business administration and any other
21 similar federal or state agency, for any of the purposes of a
22 business development company;

23 (9) To borrow money from a financial institution or other
24 financial entity;

25 (10) To issue bonds, debentures, notes, or other evidence of
26 indebtedness, whether secured or unsecured, and to secure the same by
27 mortgage, pledge, deed of trust, or other lien on its property,
28 franchises, rights, and privileges of every kind and nature or any
29 part or interest therein, without securing stockholder approval;

30 (11) To purchase, receive, hold, lease, or otherwise acquire, and
31 to sell, convey, transfer, lease, or otherwise dispose of real and
32 personal property, together with such rights and privileges as may be
33 incidental and appurtenant thereto and the use thereof, including,
34 but not restricted to, any real or personal property acquired by the
35 business development company in the satisfaction of debts or
36 enforcement of obligations;

37 (12) To acquire the good will, business, rights, real and
38 personal property, and other assets, or any part thereof, or interest
39 therein, of any persons, firms, corporations, limited liability
40 companies, partnerships, limited partnerships, associations, or

1 trusts, and to assume, undertake, or pay the obligations, debts, and
2 liabilities of any such person, firm, corporation, limited liability
3 company, partnership, limited partnership, association, or trust;

4 (13) To acquire improved or unimproved real estate for the
5 purpose of constructing industrial plants or other business
6 establishments thereon or for the purpose of disposing of such real
7 estate to others for the construction of industrial plants or other
8 business establishments; and to acquire, construct or reconstruct,
9 alter, repair, maintain, operate, sell, convey, transfer, lease, or
10 otherwise dispose of industrial plants or business establishments;

11 (14) To acquire, subscribe for, own, hold, sell, assign,
12 transfer, mortgage, pledge, or otherwise dispose of the stock,
13 shares, bonds, debentures, notes, or other securities and evidences
14 of interest in, or indebtedness of, any person, firm, limited
15 liability company, partnership, limited partnership, association, or
16 trust, and while the owner or holder thereof to exercise all the
17 rights, powers, and privileges of ownership, including the right to
18 vote thereon;

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

23 (16) To cooperate with and avail itself of the facilities and
24 assistance programs of the United States department of commerce, the
25 United States department of the treasury, the United States
26 department of housing and urban development, the department of
27 (~~community, trade, and economic development~~) commerce, and any
28 other similar state or federal governmental agencies; and to
29 cooperate with and assist, and otherwise encourage organizations in
30 the various communities of the state in the promotion, assistance,
31 and development of the business prosperity and economic welfare of
32 such communities or of this state or of any part thereof; and

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

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

37 (1) Any person may petition an agency requesting the adoption,
38 amendment, or repeal of any rule. The office of financial management
39 shall prescribe by rule the format for such petitions and the

1 procedure for their submission, consideration, and disposition and
2 provide a standard form that may be used to petition any agency.
3 Within sixty days after submission of a petition, the agency shall
4 either (a) deny the petition in writing, stating (i) its reasons for
5 the denial, specifically addressing the concerns raised by the
6 petitioner, and, where appropriate, (ii) the alternative means by
7 which it will address the concerns raised by the petitioner, or (b)
8 initiate rule-making proceedings in accordance with RCW 34.05.320.

9 (2) If an agency denies a petition to repeal or amend a rule
10 submitted under subsection (1) of this section, and the petition
11 alleges that the rule is not within the intent of the legislature or
12 was not adopted in accordance with all applicable provisions of law,
13 the person may petition for review of the rule by the joint
14 administrative rules review committee under RCW 34.05.655.

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

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

35 (a) Whether the rule is authorized;

36 (b) Whether the rule is needed;

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

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

1 (e) Whether the rule applies differently to public and private
2 entities;

3 (f) Whether the rule serves the purposes for which it was
4 adopted;

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

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

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

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

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

16 (6) The office of financial management shall initiate the rule
17 making required by subsection (1) of this section by September 1,
18 1995.

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

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

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

29 Within thirty days after the filing of a city's or town's
30 annexation resolution pursuant to RCW 35.13.015 with the board of
31 county commissioners or within thirty days after filing with the
32 county commissioners a petition calling for an election on
33 annexation, as provided in RCW 35.13.020, or within thirty days after
34 approval by the legislative body of a city or town of a petition of
35 property owners calling for annexation, as provided in RCW 35.13.130,
36 the mayor of the city or town concerned that is not subject to the
37 jurisdiction of a boundary review board under chapter 36.93 RCW,
38 shall convene a review board composed of the following persons:

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

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

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

10 Two additional members to be designated, one by the mayor of the
11 annexing city, which member shall be a resident property owner of the
12 city, and one by the chair of the county legislative authority, which
13 member shall be a resident of and a property owner or a resident or a
14 property owner if there be no resident property owner in the area
15 proposed to be annexed, shall be added to the original membership and
16 the full board thereafter convened upon call of the mayor: PROVIDED
17 FURTHER, That three members of the board shall constitute a quorum.

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

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

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

32 (a) Notifies the utility of the inability to pay the bill,
33 including a security deposit. This notice should be provided within
34 five business days of receiving a payment overdue notice unless there
35 are extenuating circumstances. If the customer fails to notify the
36 utility within five business days and service is terminated, the
37 customer can, by paying reconnection charges, if any, and fulfilling
38 the requirements of this section, receive the protections of this
39 chapter;

1 (b) Provides self-certification of household income for the prior
2 twelve months to a grantee of the department of (~~community, trade,~~
3 ~~and economic development~~) commerce which administers federally
4 funded energy assistance programs. The grantee shall determine that
5 the household income does not exceed the maximum allowed for
6 eligibility under the state's plan for low-income energy assistance
7 under 42 U.S.C. 8624 and shall provide a dollar figure that is seven
8 percent of household income. The grantee may verify information in
9 the self-certification;

10 (c) Has applied for home heating assistance from applicable
11 government and private sector organizations and certifies that any
12 assistance received will be applied to the current bill and future
13 utility bills;

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

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

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

34 (3) The utility shall:

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

38 (b) Assist the customer in fulfilling the requirements under this
39 section;

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

4 (d) Be permitted to disconnect service if the customer fails to
5 honor the payment program. Utilities may continue to disconnect
6 service for those practices authorized by law other than for
7 nonpayment as provided for in this section. Customers who qualify for
8 payment plans under this section who default on their payment plans
9 and are disconnected can be reconnected and maintain the protections
10 afforded under this chapter by paying reconnection charges, if any,
11 and by paying all amounts that would have been due and owing under
12 the terms of the applicable payment plan, absent default, on the date
13 on which service is reconnected; and

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

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

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

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

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

1 **Sec. 2018.** RCW 36.70A.085 and 2009 c 514 s 2 are each amended to
2 read as follows:

3 (1) Comprehensive plans of cities that have a marine container
4 port with annual operating revenues in excess of sixty million
5 dollars within their jurisdiction must include a container port
6 element.

7 (2) Comprehensive plans of cities that include all or part of a
8 port district with annual operating revenues in excess of twenty
9 million dollars may include a marine industrial port element. Prior
10 to adopting a marine industrial port element under this subsection
11 (2), the commission of the applicable port district must adopt a
12 resolution in support of the proposed element.

13 (3) Port elements adopted under subsections (1) and (2) of this
14 section must be developed collaboratively between the city and the
15 applicable port, and must establish policies and programs that:

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

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

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

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

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

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

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

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

38 (a) Creation of a port overlay district that protects container
39 port uses;

40 (b) Use of industrial land banks;

1 (c) Use of buffers and transition zones between incompatible
2 uses;

3 (d) Use of joint transportation funding agreements;

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

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

8 (g) Use of other approaches by agreement between the city and the
9 port.

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

14 (8) Any planned improvements identified in port elements adopted
15 under subsections (1) and (2) of this section must be transmitted by
16 the city to the transportation commission for consideration of
17 inclusion in the statewide transportation plan required under RCW
18 47.01.071.

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

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

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

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

34 **Sec. 2020.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
35 read as follows:

36 (1) The legislature recognizes that counties are regional
37 governments within their boundaries, and cities are primary providers
38 of urban governmental services within urban growth areas. For the

1 purposes of this section, a "countywide planning policy" is a written
2 policy statement or statements used solely for establishing a
3 countywide framework from which county and city comprehensive plans
4 are developed and adopted pursuant to this chapter. This framework
5 shall ensure that city and county comprehensive plans are consistent
6 as required in RCW 36.70A.100. Nothing in this section shall be
7 construed to alter the land-use powers of cities.

8 (2) The legislative authority of a county that plans under RCW
9 36.70A.040 shall adopt a countywide planning policy in cooperation
10 with the cities located in whole or in part within the county as
11 follows:

12 (a) No later than sixty calendar days from July 16, 1991, the
13 legislative authority of each county that as of June 1, 1991, was
14 required or chose to plan under RCW 36.70A.040 shall convene a
15 meeting with representatives of each city located within the county
16 for the purpose of establishing a collaborative process that will
17 provide a framework for the adoption of a countywide planning policy.
18 In other counties that are required or choose to plan under RCW
19 36.70A.040, this meeting shall be convened no later than sixty days
20 after the date the county adopts its resolution of intention or was
21 certified by the office of financial management.

22 (b) The process and framework for adoption of a countywide
23 planning policy specified in (a) of this subsection shall determine
24 the manner in which the county and the cities agree to all procedures
25 and provisions including but not limited to desired planning
26 policies, deadlines, ratification of final agreements and
27 demonstration thereof, and financing, if any, of all activities
28 associated therewith.

29 (c) If a county fails for any reason to convene a meeting with
30 representatives of cities as required in (a) of this subsection, the
31 governor may immediately impose any appropriate sanction or sanctions
32 on the county from those specified under RCW 36.70A.340.

33 (d) If there is no agreement by October 1, 1991, in a county that
34 was required or chose to plan under RCW 36.70A.040 as of June 1,
35 1991, or if there is no agreement within one hundred twenty days of
36 the date the county adopted its resolution of intention or was
37 certified by the office of financial management in any other county
38 that is required or chooses to plan under RCW 36.70A.040, the
39 governor shall first inquire of the jurisdictions as to the reason or
40 reasons for failure to reach an agreement. If the governor deems it

1 appropriate, the governor may immediately request the assistance of
2 the department of (~~community, trade, and economic development~~)
3 commerce to mediate any disputes that preclude agreement. If
4 mediation is unsuccessful in resolving all disputes that will lead to
5 agreement, the governor may impose appropriate sanctions from those
6 specified under RCW 36.70A.340 on the county, city, or cities for
7 failure to reach an agreement as provided in this section. The
8 governor shall specify the reason or reasons for the imposition of
9 any sanction.

10 (e) No later than July 1, 1992, the legislative authority of each
11 county that was required or chose to plan under RCW 36.70A.040 as of
12 June 1, 1991, or no later than fourteen months after the date the
13 county adopted its resolution of intention or was certified by the
14 office of financial management the county legislative authority of
15 any other county that is required or chooses to plan under RCW
16 36.70A.040, shall adopt a countywide planning policy according to the
17 process provided under this section and that is consistent with the
18 agreement pursuant to (b) of this subsection, and after holding a
19 public hearing or hearings on the proposed countywide planning
20 policy.

21 (3) A countywide planning policy shall at a minimum, address the
22 following:

23 (a) Policies to implement RCW 36.70A.110;

24 (b) Policies for promotion of contiguous and orderly development
25 and provision of urban services to such development;

26 (c) Policies for siting public capital facilities of a countywide
27 or statewide nature, including transportation facilities of statewide
28 significance as defined in RCW 47.06.140;

29 (d) Policies for countywide transportation facilities and
30 strategies;

31 (e) Policies that consider the need for affordable housing, such
32 as housing for all economic segments of the population and parameters
33 for its distribution;

34 (f) Policies for joint county and city planning within urban
35 growth areas;

36 (g) Policies for countywide economic development and employment,
37 which must include consideration of the future development of
38 commercial and industrial facilities; and

39 (h) An analysis of the fiscal impact.

1 (4) Federal agencies and Indian tribes may participate in and
2 cooperate with the countywide planning policy adoption process.
3 Adopted countywide planning policies shall be adhered to by state
4 agencies.

5 (5) Failure to adopt a countywide planning policy that meets the
6 requirements of this section may result in the imposition of a
7 sanction or sanctions on a county or city within the county, as
8 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
9 governor shall specify the reasons for failure to adopt a countywide
10 planning policy in order that any imposed sanction or sanctions are
11 fairly and equitably related to the failure to adopt a countywide
12 planning policy.

13 (6) Cities and the governor may appeal an adopted countywide
14 planning policy to the growth management hearings board within sixty
15 days of the adoption of the countywide planning policy.

16 (7) Multicounty planning policies shall be adopted by two or more
17 counties, each with a population of four hundred fifty thousand or
18 more, with contiguous urban areas and may be adopted by other
19 counties, according to the process established under this section or
20 other processes agreed to among the counties and cities within the
21 affected counties throughout the multicounty region.

22 **Sec. 2021.** RCW 36.70B.040 and 1997 c 429 s 46 are each amended
23 to read as follows:

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

30 (a) The type of land use;

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

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

35 (d) The characteristics of the development, such as development
36 standards.

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

1 (3) For purposes of this section, the term "consistency" shall
2 include all terms used in this chapter and chapter 36.70A RCW to
3 refer to performance in accordance with this chapter and chapter
4 36.70A RCW, including but not limited to compliance, conformity, and
5 consistency.

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

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

16 **Sec. 2022.** RCW 36.70B.080 and 2004 c 191 s 2 are each amended to
17 read as follows:

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

29 The development regulations must, for each type of permit
30 application, specify the contents of a completed project permit
31 application necessary for the complete compliance with the time
32 periods and procedures.

33 (2)(a) Counties subject to the requirements of RCW 36.70A.215 and
34 the cities within those counties that have populations of at least
35 twenty thousand must, for each type of permit application, identify
36 the total number of project permit applications for which decisions
37 are issued according to the provisions of this chapter. For each type
38 of project permit application identified, these counties and cities
39 must establish and implement a deadline for issuing a notice of final

1 decision as required by subsection (1) of this section and minimum
2 requirements for applications to be deemed complete under RCW
3 36.70B.070 as required by subsection (1) of this section.

4 (b) Counties and cities subject to the requirements of this
5 subsection also must prepare annual performance reports that include,
6 at a minimum, the following information for each type of project
7 permit application identified in accordance with the requirements of
8 (a) of this subsection:

9 (i) Total number of complete applications received during the
10 year;

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

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

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

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

23 (vi) The mean processing time and the number standard deviation
24 from the mean.

25 (c) Counties and cities subject to the requirements of this
26 subsection must:

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

29 (ii) Post electronic facsimiles of the annual performance reports
30 through the county's or city's website. Postings on a county's or
31 city's website indicating that the reports are available by
32 contacting the appropriate county or city department or official do
33 not comply with the requirements of this subsection.

34 If a county or city subject to the requirements of this
35 subsection does not maintain a website, notice of the reports must be
36 given by reasonable methods, including but not limited to those
37 methods specified in RCW 36.70B.110(4).

38 (3) Nothing in this section prohibits a county or city from
39 extending a deadline for issuing a decision for a specific project

1 permit application for any reasonable period of time mutually agreed
2 upon by the applicant and the local government.

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

12 **Sec. 2023.** RCW 36.93.080 and 1995 c 399 s 44 are each amended to
13 read as follows:

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

23 **Sec. 2024.** RCW 36.110.030 and 1995 c 399 s 45 are each amended
24 to read as follows:

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

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

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

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

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

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

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

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

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

9 (9) Three representatives from business to be selected by the
10 governor. The representatives may be chosen from a list of
11 nominations provided by statewide business organizations representing
12 a cross section of businesses, industries, and all sizes of
13 employers;

14 (10) The governor's representative from the employment security
15 department;

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

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

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

22 (14) One member representing higher education, vocational
23 education, or adult basic education to be selected by the governor;
24 and

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

30 **Sec. 2025.** RCW 39.04.156 and 2000 c 138 s 104 are each amended
31 to read as follows:

32 The department of (~~community, trade, and economic development~~)
33 commerce, in cooperation with the municipal research and services
34 center, shall prepare a small works roster manual and periodically
35 notify the different types of local government authorized to use a
36 small works roster process about this authority.

37 **Sec. 2026.** RCW 39.19.240 and 2005 c 302 s 5 are each amended to
38 read as follows:

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

7 (a) Name of the qualified public depository;

8 (b) Geographic location of the minority or women's business
9 enterprise;

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

11 (d) Date of last certification by the office and certification
12 number;

13 (e) Type of business;

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

16 (g) Other information the office deems necessary for the
17 implementation of this section.

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

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

28 **Sec. 2027.** RCW 39.34.230 and 2008 c 181 s 101 are each amended
29 to read as follows:

30 (1) During a covered emergency, the department of (~~community,
31 trade, and economic development~~) commerce may enter into interlocal
32 agreements under this chapter with one or more public agencies for
33 the purposes of providing mutual aid and cooperation to any public
34 agency affected by the cause of the emergency.

35 (2) All legal liability by a public agency and its employees for
36 damage to property or injury or death to persons caused by acts done
37 or attempted during, or while traveling to or from, a covered
38 emergency, or in preparation for a covered emergency, pursuant to an
39 interlocal agreement entered into under this section, or under the

1 color of this section in a bona fide attempt to comply therewith,
2 shall be the obligation of the state of Washington. Suits may be
3 instituted and maintained against the state for the enforcement of
4 such liability, or for the indemnification of any public agency or
5 its employees for damage done to their private property, or for any
6 judgment against them for acts done in good faith in compliance with
7 this chapter: PROVIDED, That the foregoing shall not be construed to
8 result in indemnification in any case of willful misconduct, gross
9 negligence, or bad faith on the part of any public agency or any of a
10 public agency's employees: PROVIDED, That should the United States or
11 any agency thereof, in accordance with any federal statute, rule, or
12 regulation, provide for the payment of damages to property and/or for
13 death or injury as provided for in this section, then and in that
14 event there shall be no liability or obligation whatsoever upon the
15 part of the state of Washington for any such damage, death, or injury
16 for which the United States government assumes liability.

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

22 (4) This section shall not affect the right of any person to
23 receive benefits to which he or she would otherwise be entitled under
24 the workers' compensation law, or under any pension or retirement
25 law, nor the right of any such person to receive any benefits or
26 compensation under any act of congress.

27 **Sec. 2028.** RCW 39.35D.080 and 2005 c 12 s 12 are each amended to
28 read as follows:

29 Except as provided in this section, affordable housing projects
30 funded out of the state capital budget are exempt from the provisions
31 of this chapter. On or before July 1, 2008, the department of
32 (~~community, trade, and economic development~~) commerce shall
33 identify, implement, and apply a sustainable building program for
34 affordable housing projects that receive housing trust fund (under
35 chapter 43.185 RCW) funding in a state capital budget. The department
36 of (~~community, trade, and economic development~~) commerce shall not
37 develop its own sustainable building standard, but shall work with
38 stakeholders to adopt an existing sustainable building standard or
39 criteria appropriate for affordable housing. Any application of the

1 program to affordable housing, including any monitoring to track the
2 performance of either sustainable features or energy standards or
3 both, is the responsibility of the department of (~~community, trade,~~
4 ~~and economic development~~) commerce. Beginning in 2009 and ending in
5 2016, the department of (~~community, trade, and economic~~
6 ~~development~~) commerce shall report to the department as required
7 under RCW 39.35D.030(3)(b).

8 **Sec. 2029.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to
9 read as follows:

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

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

28 Each local government that issues any type of bond shall make a
29 report annually to the department of (~~community, trade, and economic~~
30 ~~development~~) commerce that includes a summary of all the outstanding
31 bonds of the local government as of the first day of January in that
32 year. Such report shall distinguish the outstanding bond issues on
33 the basis of the type of bond, as defined in RCW 39.44.200, and shall
34 report the local government's outstanding indebtedness compared to
35 any applicable limitations on indebtedness, including RCW 35.42.200,
36 39.30.010, and 39.36.020.

37 **Sec. 2030.** RCW 39.44.230 and 1995 c 399 s 55 are each amended to
38 read as follows:

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

9 **Sec. 2031.** RCW 39.84.090 and 1998 c 245 s 34 are each amended to
10 read as follows:

11 (1) Prior to issuance of any revenue bonds, each public
12 corporation shall submit a copy of its enabling ordinance and
13 charter, a description of any industrial development facility
14 proposed to be undertaken, and the basis for its qualification as an
15 industrial development facility to the department of (~~community,
16 trade, and economic development~~) commerce.

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

22 (3) The department of (~~community, trade, and economic
23 development~~) commerce shall provide such advice and assistance to
24 public corporations and municipalities which have created or may wish
25 to create public corporations as the public corporations or
26 municipalities request and the department of (~~community, trade, and
27 economic development~~) commerce considers appropriate.

28 **Sec. 2032.** RCW 40.10.020 and 1995 c 399 s 58 are each amended to
29 read as follows:

30 The state archivist is authorized to reproduce those documents
31 designated as essential records by the several elected and appointed
32 officials of the state and local government by microfilm or other
33 miniature photographic process and to assist and cooperate in the
34 storage and safeguarding of such reproductions in such place as is
35 recommended by the state archivist with the advice of the director of
36 (~~community, trade, and economic development~~) commerce. The state
37 archivist shall coordinate the essential records protection program
38 and shall carry out the provisions of the state emergency plan as

1 they relate to the preservation of essential records. The state
2 archivist is authorized to charge the several departments of the
3 state and local government the actual cost incurred in reproducing,
4 storing and safeguarding such documents: PROVIDED, That nothing
5 herein shall authorize the destruction of the originals of such
6 documents after reproduction thereof.

7 **Sec. 2033.** RCW 41.06.072 and 1995 c 399 s 59 are each amended to
8 read as follows:

9 In addition to the exemptions set forth in this chapter, this
10 chapter shall not apply within the department of (~~community, trade,~~
11 ~~and economic development~~) commerce to the director, one confidential
12 secretary, the deputy directors, all assistant directors, the state
13 historic preservation officer, and up to two professional staff
14 members within the emergency management program.

15 **Sec. 2034.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended
16 to read as follows:

17 (1) The department shall identify and catalog real property that
18 is no longer required for department purposes and is suitable for the
19 development of affordable housing for very low-income, and moderate-
20 income households as defined in RCW 43.63A.510. The inventory shall
21 include the location, approximate size, and current zoning
22 classification of the property. The department shall provide a copy
23 of the inventory to the department of (~~community, trade, and~~
24 ~~economic development~~) commerce by November 1, 1993, and every
25 November 1 thereafter.

26 (2) By November 1 of each year, beginning in 1994, the department
27 shall purge the inventory of real property of sites that are no
28 longer available for the development of affordable housing. The
29 department shall include an updated listing of real property that has
30 become available since the last update. As used in this section,
31 "real property" means buildings, land, or buildings and land.

32 **Sec. 2035.** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to
33 read as follows:

34 (1) The department shall collaborate with the department of
35 (~~community, trade, and economic development~~) commerce in the
36 development of the coordinated and comprehensive plan for homeless
37 families with children required under RCW 43.63A.650, which

1 designates the department of (~~community, trade, and economic~~
2 ~~development~~) commerce as the state agency with primary
3 responsibility for providing shelter and housing services to homeless
4 families with children. In fulfilling its responsibilities to
5 collaborate with the department of (~~community, trade, and economic~~
6 ~~development~~) commerce pursuant to RCW 43.63A.650, the department
7 shall develop, administer, supervise, and monitor its portion of the
8 plan. The department's portion of the plan shall contain at least the
9 following elements:

10 (a) Coordination or linkage of services with shelter and housing;

11 (b) Accommodation and addressing the needs of homeless families
12 in the design and administration of department programs;

13 (c) Participation of the department's local offices in the
14 identification, assistance, and referral of homeless families; and

15 (d) Ongoing monitoring of the efficiency and effectiveness of the
16 plan's design and implementation.

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

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

23 **Sec. 2036.** RCW 43.21A.510 and 1995 c 399 s 66 are each amended
24 to read as follows:

25 In order to assist the department of (~~community, trade, and~~
26 ~~economic—development~~) commerce in providing information to
27 businesses interested in locating in Washington state, the department
28 shall develop an environmental profile of the state. This profile
29 shall identify the state's natural resources and describe how these
30 assets are valuable to industry. Examples of information to be
31 included are water resources and quality, air quality, and
32 recreational opportunities related to natural resources.

33 **Sec. 2037.** RCW 43.21A.515 and 1995 c 399 s 67 are each amended
34 to read as follows:

35 In order to emphasize the importance of the state's environmental
36 laws and regulations and to facilitate compliance with them, the
37 department of ecology shall provide assistance to businesses
38 interested in locating in Washington state. When the department of

1 (~~community, trade, and economic development~~) commerce receives a
2 query from an interested business through its industrial marketing
3 activities, it shall arrange for the department of ecology to provide
4 information on the state's environmental laws and regulations and
5 methods of compliance. This section shall facilitate compliance with
6 state environmental laws and regulations and shall not weaken their
7 application or effectiveness.

8 **Sec. 2038.** RCW 43.21A.612 and 1995 c 399 s 68 are each amended
9 to read as follows:

10 Before the director shall construct said steam generating
11 facility within the state, or make application for any permit,
12 license or other right necessary thereto, the director shall give
13 notice thereof by publishing once a week for four consecutive weeks
14 in a newspaper of general circulation in the county or counties in
15 which such project is located a statement of intention setting forth
16 the general nature, extent and location of the project. If any public
17 utility in the state or any operating agency desires to construct
18 such facility, such utility or operating agency shall notify the
19 director thereof within ten days after the last date of publication
20 of such notice. If the director determines that it is in the best
21 public interest that the director proceed with such construction
22 rather than the public utility or operating agency, the director
23 shall so notify the director of (~~community, trade, and economic
24 development~~) commerce, who shall set a date for hearing thereon. If
25 after considering the evidence introduced the director of
26 (~~community, trade, and economic development~~) commerce finds that
27 the public utility or operating agency making the request intends to
28 immediately proceed with such construction and is financially capable
29 of carrying out such construction and further finds that the plan of
30 such utility or operating agency is equally well adapted to serve the
31 public interest, the director shall enter an order so finding and
32 such order shall divest the director of authority to proceed further
33 with such construction or acquisition until such time as the other
34 public utility or agency voluntarily causes an assignment of its
35 right or interest in the project to the director or fails to procure
36 any further required governmental permit, license or authority or
37 having procured such, has the same revoked or withdrawn, in
38 accordance with the laws and regulations of such governmental entity,
39 in which event the director shall have the same authority to proceed

1 as though the director had originally entered an order so authorizing
2 the director to proceed. If, after considering the evidence
3 introduced, the director of (~~community, trade, and economic~~
4 ~~development~~) commerce finds that the public utility or agency making
5 the request does not intend to immediately proceed with such
6 construction or acquisition or is not financially capable of carrying
7 out such construction or acquisition, or finds that the plan of such
8 utility or operating agency is not equally well adapted to serve the
9 public interest, the director shall then enter an order so finding
10 and authorizing the director to proceed with the construction or
11 acquisition of the facility.

12 **Sec. 2039.** RCW 43.21G.010 and 1996 c 186 s 507 are each amended
13 to read as follows:

14 The legislature finds that energy in various forms is
15 increasingly subject to possible shortages and supply disruptions, to
16 the point that there may be foreseen an emergency situation, and that
17 without the ability to institute appropriate emergency measures to
18 regulate the production, distribution, and use of energy, a severe
19 impact on the public health, safety, and general welfare of our
20 state's citizens may occur. The prevention or mitigation of such
21 energy shortages or disruptions and their effects is necessary for
22 preservation of the public health, safety, and general welfare of the
23 citizens of this state.

24 It is the intent of this chapter to:

- 25 (1) Establish necessary emergency powers for the governor and
26 define the situations under which such powers are to be exercised;
27 (2) Provide penalties for violations of this chapter.

28 It is further the intent of the legislature that in developing
29 proposed orders under the powers granted in RCW 43.21G.040 as now or
30 hereafter amended the governor may utilize, on a temporary or ad hoc
31 basis, the knowledge and expertise of persons experienced in the
32 technical aspects of energy supply, distribution, or use. Such
33 utilization shall be in addition to support received by the governor
34 from the department of (~~community, trade, and economic development~~)
35 commerce under RCW 43.21F.045 and 43.21F.065 and from other state
36 agencies.

37 **Sec. 2040.** RCW 43.21J.030 and 2007 c 341 s 62 and 2007 c 241 s 4
38 are each reenacted and amended to read as follows:

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

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

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

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

35 (c) Considering unemployment profile data provided by the
36 employment security department.

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

1 (a) To solicit and evaluate proposals from state and local
2 agencies, private nonprofit organizations, and tribes for
3 environmental and forest restoration projects;

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

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

10 **Sec. 2041.** RCW 43.22.495 and 2007 c 432 s 7 are each amended to
11 read as follows:

12 Beginning on July 1, 2007, the department of labor and industries
13 shall perform all the consumer complaint and related functions of the
14 state administrative agency that are required for purposes of
15 complying with the regulations established by the federal department
16 of housing and urban development for manufactured housing, including
17 the preparation and submission of the state administrative plan.

18 The department of labor and industries may enter into state or
19 local interagency agreements to coordinate site inspection activities
20 with record monitoring and complaint handling. The interagency
21 agreement may also provide for the reimbursement for cost of work
22 that an agency performs. The department may include other related
23 areas in any interagency agreements which are necessary for the
24 efficient provision of services.

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

29 **Sec. 2042.** RCW 43.22A.020 and 2007 c 432 s 1 are each amended to
30 read as follows:

31 Beginning on July 1, 2007, the department shall perform all the
32 consumer complaint and related functions of the state administrative
33 agency that are required for purposes of complying with the
34 regulations established by the federal department of housing and
35 urban development for manufactured housing, including the preparation
36 and submission of the state administrative plan.

37 The department may enter into state or local interagency
38 agreements to coordinate site inspection activities with record

1 monitoring and complaint handling. The interagency agreement may also
2 provide for the reimbursement for cost of work that an agency
3 performs. The department may include other related areas in any
4 interagency agreements which are necessary for the efficient
5 provision of services.

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

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

13 **Sec. 2043.** RCW 43.23.035 and 1995 c 399 s 70 are each amended to
14 read as follows:

15 The department of agriculture is hereby designated as the agency
16 of state government for the administration and implementation of
17 state agricultural market development programs and activities, both
18 domestic and foreign, and shall, in addition to the powers and duties
19 otherwise imposed by law, have the following powers and duties:

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

22 (2) To collect, prepare, and analyze foreign and domestic market
23 data;

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

29 (4) To encourage and promote the sale of Washington's
30 agricultural commodities and products at the site of their production
31 through the development and dissemination of referral maps and other
32 means;

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

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

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

4 (8) To publish and disseminate to interested citizens and others
5 information which will aid in carrying out the purposes of chapters
6 43.23, 15.64, 15.65, and 15.66 RCW;

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

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

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

15 (12) To coordinate the trade promotional activities of
16 appropriate federal, state, and local public agencies, as well as
17 civic organizations; and

18 (13) To develop a coordinated marketing program with the
19 department of (~~community, trade, and economic development~~)
20 commerce, utilizing existing trade offices and participating in
21 mutual trade missions and activities.

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

24 **Sec. 2044.** RCW 43.30.835 and 2009 c 163 s 2 are each amended to
25 read as follows:

26 (1) The department may develop and implement forest biomass
27 energy demonstration projects, one east of the crest of the Cascade
28 mountains and one west of the crest of the Cascade mountains. The
29 demonstration projects must be designed to:

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

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

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

35 (d) Improve forest health, reduce pollution, and restore
36 ecological function; and

37 (e) Avoid interfering with the current working area for forest
38 biomass collection surrounding an existing fixed location biomass
39 energy production site.

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

4 (3) The forest biomass energy partnerships or cooperatives are
5 encouraged to be public-private partnerships focused on convening the
6 entities necessary to grow, harvest, process, transport, and utilize
7 forest biomass to generate renewable energy. Particular focus must be
8 given to recruiting and employing emerging technologies that can
9 locally process forest biomass feedstock to create local green jobs
10 and reduce transportation costs.

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

24 **Sec. 2045.** RCW 43.31.205 and 1993 c 280 s 41 are each amended to
25 read as follows:

26 In an effort to enhance the economy of the Tri-Cities area, the
27 department of (~~community, trade, and economic development~~) commerce
28 is directed to promote the existence of the lease between the state
29 of Washington and the federal government executed September 10, 1964,
30 covering one thousand acres of land lying within the Hanford
31 reservation near Richland, Washington, and the opportunity of
32 subleasing the land to entities for nuclear-related industry, in
33 agreement with the terms of the lease. When promoting the existence
34 of the lease, the department shall work in cooperation with any
35 associate development organization located in or near the Tri-Cities
36 area.

37 **Sec. 2046.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to
38 read as follows:

1 The child care facility fund committee is established within the
2 business assistance center of the department of (~~community, trade,~~
3 ~~and economic development~~) commerce. The committee shall administer
4 the child care facility fund, with review by the director of
5 (~~community, trade, and economic development~~) commerce.

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

9 (a) Two persons experienced in investment finance and having
10 skills in providing capital to new businesses, in starting and
11 operating businesses, and providing professional services to small or
12 expanding businesses;

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

15 (c) One child care services expert; and

16 (d) One early childhood development expert.

17 In making these appointments, the director shall give careful
18 consideration to ensure that the various geographic regions of the
19 state are represented and that members will be available for meetings
20 and are committed to working cooperatively to address child care
21 needs in Washington state.

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

26 (3) Committee members shall serve without compensation, but may
27 request reimbursement for travel expenses as provided in RCW
28 43.03.050 and 43.03.060.

29 (4) Committee members shall not be liable to the state, to the
30 child care facility fund, or to any other person as a result of their
31 activities, whether ministerial or discretionary, as members except
32 for willful dishonesty or intentional violation of the law. The
33 department of (~~community, trade, and economic development~~) commerce
34 may purchase liability insurance for members and may indemnify these
35 persons against the claims of others.

36 **Sec. 2047.** RCW 43.31.970 and 2009 c 459 s 18 are each amended to
37 read as follows:

38 The department of (~~community, trade, and economic development~~)
39 commerce must distribute to local governments model ordinances, model

1 development regulations, and guidance for local governments for
2 siting and installing electric vehicle infrastructure, and in
3 particular battery charging stations, and appropriate handling,
4 recycling, and storage of electric vehicle batteries and equipment,
5 when available. The model ordinances, model development regulations,
6 and guidance must be developed by a federal or state agency, or
7 nationally recognized organizations with specific expertise in land-
8 use regulations or electric vehicle infrastructure.

9 **Sec. 2048.** RCW 43.63A.115 and 1993 c 280 s 60 are each amended
10 to read as follows:

11 (1) The community action agency network, established initially
12 under the federal economic opportunity act of 1964 and subsequently
13 under the federal community services block grant program of 1981, as
14 amended, shall be a delivery system for federal and state antipoverty
15 programs in this state, including but not limited to the community
16 services block grant program, the low-income energy assistance
17 program, and the federal department of energy weatherization program.

18 (2) Local community action agencies comprise the community action
19 agency network. The community action agency network shall serve low-
20 income persons in the counties. Each community action agency and its
21 service area shall be designated in the state federal community
22 service block grant plan as prepared by the department of
23 (~~community, trade, and economic development~~) commerce.

24 (3) Funds for antipoverty programs may be distributed to the
25 community action agencies by the department of (~~community, trade,
26 and economic development~~) commerce and other state agencies in
27 consultation with the authorized representatives of community action
28 agency networks.

29 **Sec. 2049.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended
30 to read as follows:

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

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

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

22 (b) The department of (~~community, trade, and economic~~
23 ~~development~~) commerce must submit a prioritized list of recommended
24 projects to the governor and the legislature in the department of
25 (~~community, trade, and economic development's~~) commerce's biennial
26 capital budget request beginning with the 2005-2007 biennium and
27 thereafter. The list must include a description of each project, the
28 amount of recommended state funding, and documentation of nonstate
29 funds to be used for the project. The total amount of recommended
30 state funding for projects on a biennial project list must not exceed
31 eight million dollars. The department of (~~community, trade, and~~
32 ~~economic development~~) commerce may not sign contracts or otherwise
33 financially obligate funds under this section until the legislature
34 has approved a specific list of projects.

35 (c) In contracts for grants authorized under this section the
36 department of (~~community, trade, and economic development~~) commerce
37 must include provisions that require that capital improvements be
38 held by the grantee for a specified period of time appropriate to the
39 amount of the grant and that facilities be used for the express
40 purpose of the grant. If the grantee is found to be out of compliance

1 with provisions of the contract, the grantee must repay to the state
2 general fund the principal amount of the grant plus interest
3 calculated at the rate of interest on state of Washington general
4 obligation bonds issued most closely to the date of authorization of
5 the grant.

6 **Sec. 2050.** RCW 43.63A.155 and 1993 c 280 s 61 are each amended
7 to read as follows:

8 The department of (~~community, trade, and economic development~~)
9 commerce shall retain the bond information it receives under RCW
10 39.44.210 and 39.44.230 and shall publish summaries of local
11 government bond issues at least once a year.

12 The department of (~~community, trade, and economic development~~)
13 commerce shall adopt rules under chapter 34.05 RCW to implement RCW
14 39.44.210 and 39.44.230.

15 **Sec. 2051.** RCW 43.63A.230 and 2005 c 136 s 2 are each amended to
16 read as follows:

17 The department of (~~community, trade, and economic development~~)
18 commerce shall provide technical assistance to cooperatives
19 authorized under chapter 23.78 RCW and conduct educational programs
20 on employee ownership and self-management. The department shall
21 include information on the option of employee ownership wherever
22 appropriate in its various programs.

23 **Sec. 2052.** RCW 43.63A.275 and 1993 c 280 s 67 are each amended
24 to read as follows:

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

28 (a) At least sixty-five percent of the moneys may be distributed
29 according to formulae and criteria to be determined by the department
30 of (~~community, trade, and economic development~~) commerce in
31 consultation with the RSVP directors association.

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

36 (c) Ten percent of the moneys may be used by the department of
37 (~~community, trade, and economic development~~) commerce for

1 administration, monitoring of the grants, and providing technical
2 assistance to the RSVP projects.

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

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

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

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

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

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

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

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

25 **Sec. 2053.** RCW 43.63A.307 and 2009 c 148 s 2 are each amended to
26 read as follows:

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

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

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

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

36 (b) Except as provided in RCW 43.63A.309(2)(a), has a total
37 income from all sources, except for temporary sources that include,
38 but are not limited to, overtime wages, bonuses, or short-term

1 temporary assignments, that does not exceed fifty percent of the area
2 median income;

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

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

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

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

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

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

23 **Sec. 2054.** RCW 43.63A.400 and 1993 c 280 s 72 are each amended
24 to read as follows:

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

29 **Sec. 2055.** RCW 43.63A.410 and 1993 c 280 s 73 are each amended
30 to read as follows:

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

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

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

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

3 (a) Appropriations under this section shall be divided into a
4 radio fund, which shall be twenty-five percent of the total
5 appropriation under this section, and a television fund, which shall
6 be seventy-five percent of the total appropriation under this
7 section. Each of the two funds shall be divided into a base grant
8 pool, which shall be fifty percent of the fund, and an incentive
9 grant pool, which shall be the remaining fifty percent of the fund.

10 (b) Each eligible participating public radio station shall
11 receive an equal share of the radio base grant pool, plus a share of
12 the radio incentive grant pool equal to the proportion its nonfederal
13 financial support bears to the sum of all participating radio
14 stations' nonfederal financial support as most recently reported to
15 the corporation for public broadcasting.

16 (c) Each eligible participating public television station shall
17 receive an equal share of the television base grant pool, plus a
18 share of the television incentive grant pool equal to the proportion
19 its nonfederal financial support bears to the sum of all
20 participating television stations' nonfederal financial support as
21 most recently reported to the corporation for public broadcasting.

22 (3) Annual financial reports to the corporation for public
23 broadcasting by eligible stations shall also be submitted by the
24 stations to the department of (~~community, trade, and economic~~
25 ~~development~~) commerce.

26 **Sec. 2056.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to
27 read as follows:

28 There is established in the department of (~~community, trade, and~~
29 ~~economic development~~) commerce a grant program to enhance funding
30 for prostitution prevention and intervention services. Activities
31 that can be funded through this grant program shall provide effective
32 prostitution prevention and intervention services, such as
33 counseling, parenting, housing relief, education, and vocational
34 training, that:

35 (1) Comprehensively address the problems of persons who are
36 prostitutes; and

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

1 **Sec. 2057.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended
2 to read as follows:

3 (1) Subject to funds appropriated by the legislature, including
4 funds in the prostitution prevention and intervention account, the
5 department of (~~community, trade, and economic development~~) commerce
6 shall make awards under the grant program established by RCW
7 43.63A.720.

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

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

15 (4) The department of (~~community, trade, and economic~~
16 ~~development~~) commerce may receive such gifts, grants, and endowments
17 from public or private sources as may be made from time to time, in
18 trust or otherwise, for the use and benefit of the purposes of the
19 grant program established under RCW 43.63A.720 and expend the same or
20 any income from these sources according to the terms of the gifts,
21 grants, or endowments.

22 (5) The department of (~~community, trade, and economic~~
23 ~~development~~) commerce may expend up to five percent of the funds
24 appropriated for the grant program for administrative costs and grant
25 supervision.

26 **Sec. 2058.** RCW 43.63A.764 and 2008 c 327 s 13 are each amended
27 to read as follows:

28 The definitions in this section apply throughout RCW 43.63A.125,
29 this section, and RCW 43.63A.766 and 43.63A.768 unless the context
30 clearly requires otherwise.

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

33 (2) "Distressed community" means: (a) A county that has an
34 unemployment rate that is twenty percent above the state average for
35 the immediately previous three years; (b) an area within a county
36 that the department determines to be a low-income community, using as
37 guidance the low-income community designations under the community
38 development financial institutions fund's new markets tax credit
39 program of the United States department of the treasury; or (c) a

1 school district in which at least fifty percent of local elementary
2 students receive free and reduced-price meals.

3 (3) "Nonprofit organization" means an organization that is tax
4 exempt, or not required to apply for an exemption, under section
5 501(c) (3) of the federal internal revenue code of 1986, as amended.

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

10 **Sec. 2059.** RCW 43.70.540 and 2005 c 282 s 45 are each amended to
11 read as follows:

12 The legislature recognizes that the state patrol, the
13 administrative office of the courts, the sheriffs' and police chiefs'
14 association, the department of social and health services, the
15 department of ((community, trade, and economic development))
16 commerce, the sentencing guidelines commission, the department of
17 corrections, and the superintendent of public instruction each have
18 comprehensive data and analysis capabilities that have contributed
19 greatly to our current understanding of crime and violence, and their
20 causes.

21 The legislature finds, however, that a single health-oriented
22 agency must be designated to provide consistent guidelines to all
23 these groups regarding the way in which their data systems collect
24 this important data. It is not the intent of the legislature by RCW
25 43.70.545 to transfer data collection requirements from existing
26 agencies or to require the addition of major new data systems. It is
27 rather the intent to make only the minimum required changes in
28 existing data systems to increase compatibility and comparability,
29 reduce duplication, and to increase the usefulness of data collected
30 by these agencies in developing more accurate descriptions of
31 violence.

32 **Sec. 2060.** RCW 43.132.030 and 1995 c 399 s 80 are each amended
33 to read as follows:

34 The director of financial management is hereby empowered to
35 designate the director of ((community, trade, and economic
36 development)) commerce as the official responsible for the
37 preparation of fiscal notes authorized and required by this chapter.
38 It is the intent of the legislature that when necessary the resources

1 of other state agencies, appropriate legislative staffs, and the
2 various associations of local government may be employed in the
3 development of such fiscal notes.

4 **Sec. 2061.** RCW 43.132.810 and 2000 c 182 s 6 are each amended to
5 read as follows:

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

13 **Sec. 2062.** RCW 43.133.030 and 1995 c 399 s 81 are each amended
14 to read as follows:

15 The office of financial management and the department of
16 (~~community, trade, and economic development~~) commerce shall, in
17 cooperation with appropriate legislative committees and legislative
18 staff, establish a procedure for the provision of sunrise notes on
19 the expected impact of bills and resolutions that authorize the
20 creation of new boards and new types of special purpose districts.

21 **Sec. 2063.** RCW 43.133.050 and 1995 c 399 s 82 are each amended
22 to read as follows:

23 (1) The office of financial management shall prepare sunrise
24 notes for legislation concerning the creation of new boards. The
25 department of (~~community, trade, and economic development~~) commerce
26 shall prepare sunrise notes for legislation creating new types of
27 special purpose districts.

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

30 (3) The office of financial management or the department of
31 (~~community, trade, and economic development~~) commerce shall also
32 provide a sunrise note at the request of any committee of the
33 legislature.

34 **Sec. 2064.** RCW 43.150.040 and 1995 c 399 s 84 are each amended
35 to read as follows:

1 The governor may establish a statewide center for volunteerism
2 and citizen service within the department of (~~community, trade, and~~
3 ~~economic—development~~) commerce and appoint an executive
4 administrator, who may employ such staff as necessary to carry out
5 the purposes of this chapter. The provisions of chapter 41.06 RCW do
6 not apply to the executive administrator and the staff.

7 **Sec. 2065.** RCW 43.163.020 and 1995 c 399 s 89 are each amended
8 to read as follows:

9 The Washington economic development finance authority is
10 established as a public body corporate and politic, with perpetual
11 corporate succession, constituting an instrumentality of the state of
12 Washington exercising essential governmental functions. The authority
13 is a public body within the meaning of RCW 39.53.010.

14 The authority shall consist of (~~eighteen—[seventeen]~~) 17
15 members as follows: The director of the department of (~~community,~~
16 ~~trade, and economic—development~~) commerce, the director of the
17 department of agriculture, the state treasurer, one member from each
18 caucus in the house of representatives appointed by the speaker of
19 the house, one member from each caucus in the senate appointed by the
20 president of the senate, and ten public members with one
21 representative of women-owned businesses and one representative of
22 minority-owned businesses and with at least three of the members
23 residing east of the Cascades. The public members shall be residents
24 of the state appointed by the governor on the basis of their interest
25 or expertise in trade, agriculture or business finance or jobs
26 creation and development. One of the public members shall be
27 appointed by the governor as chair of the authority and shall serve
28 as chair of the authority at the pleasure of the governor. The
29 authority may select from its membership such other officers as it
30 deems appropriate.

31 The term of the persons appointed by the governor as public
32 members of the authority, including the public member appointed as
33 chair, shall be four years from the date of appointment, except that
34 the term of three of the initial appointees shall be for two years
35 from the date of appointment and the term of four of the initial
36 appointees shall be for three years from the date of appointment. The
37 governor shall designate the appointees who will serve the two-year
38 and three-year terms.

1 In the event of a vacancy on the authority due to death,
2 resignation or removal of one of the public members, or upon the
3 expiration of the term of one of the public members, the governor
4 shall appoint a successor for the remainder of the unexpired term. If
5 either of the state offices is abolished, the resulting vacancy on
6 the authority shall be filled by the state officer who shall succeed
7 substantially to the power and duties of the abolished office.

8 Any public member of the authority may be removed by the governor
9 for misfeasance, malfeasance or willful neglect of duty after notice
10 and a public hearing, unless such notice and hearing shall be
11 expressly waived in writing by the affected public member.

12 The state officials serving in ex officio capacity may each
13 designate an employee of their respective departments to act on their
14 behalf in all respects with regard to any matter to come before the
15 authority. Such designations shall be made in writing in such manner
16 as is specified by the rules of the authority.

17 The members of the authority shall serve without compensation but
18 shall be entitled to reimbursement, solely from the funds of the
19 authority, for expenses incurred in the discharge of their duties
20 under this chapter. The authority may borrow funds from the
21 department for the purpose of reimbursing members for expenses;
22 however, the authority shall repay the department as soon as
23 practicable.

24 A majority of the authority shall constitute a quorum.

25 **Sec. 2066.** RCW 43.163.120 and 1998 c 245 s 51 are each amended
26 to read as follows:

27 The authority shall receive no appropriation of state funds. The
28 department of (~~community, trade, and economic development~~) commerce
29 shall provide staff to the authority, to the extent permitted by law,
30 to enable the authority to accomplish its purposes; the staff from
31 the department of (~~community, trade, and economic development~~)
32 commerce may assist the authority in organizing itself and in
33 designing programs, but shall not be involved in the issuance of
34 bonds or in making credit decisions regarding financing provided to
35 borrowers by the authority.

36 **Sec. 2067.** RCW 43.168.010 and 1999 c 164 s 501 are each amended
37 to read as follows:

38 The legislature finds that:

1 (1) The economic health and well-being of the state, particularly
2 in areas of high unemployment, economic stagnation, and poverty, is
3 of substantial public concern.

4 (2) The consequences of minimal economic activity and persistent
5 unemployment and underemployment are serious threats to the safety,
6 health, and welfare of residents of these areas, decreasing the value
7 of private investments and jeopardizing the sources of public
8 revenue.

9 (3) The economic and social interdependence of communities and
10 the vitality of industrial and economic activity necessitates, and is
11 in part dependent on preventing substantial dislocation of residents
12 and rebuilding the diversification of the areas' economy.

13 (4) The ability to remedy problems in stagnant areas of the state
14 is beyond the power and control of the regulatory process and
15 influence of the state, and the ordinary operations of private
16 enterprise without additional governmental assistance are
17 insufficient to adequately remedy the problems of poverty and
18 unemployment.

19 (5) The revitalization of depressed communities requires the
20 stimulation of private investment, the development of new business
21 ventures, the provision of capital to ventures sponsored by local
22 organizations and capable of growth in the business markets, and
23 assistance to viable, but under-financed, small businesses in order
24 to create and preserve jobs that are sustainable in the local
25 economy.

26 Therefore, the legislature declares there to be a substantial
27 public purpose in providing capital to promote economic development
28 and job creation in areas of economic stagnation, unemployment, and
29 poverty. To accomplish this purpose, the legislature hereby creates
30 the rural Washington loan fund and vests in the department of
31 (~~community, trade, and economic development~~) commerce the authority
32 to spend federal funds to stimulate the economy of distressed areas.

33 **Sec. 2068.** RCW 43.176.030 and 2004 c 237 s 3 are each amended to
34 read as follows:

35 (1) The small business incubator program is created in the
36 department of (~~community, trade, and economic development~~) commerce
37 to provide start-up and operating assistance to qualified small
38 business incubators.

1 (2) The department shall award grants to qualified small business
2 incubator organizations for:

3 (a) Construction and equipment costs, up to a maximum of three
4 million dollars per recipient; and

5 (b) Provision of technical assistance to small businesses, up to
6 a maximum of one hundred twenty-five thousand dollars per year per
7 recipient.

8 (3) The department shall:

9 (a) Require a grant recipient to show that it has the resources
10 to complete the project in a timely manner and the state grant is not
11 the sole source of funds;

12 (b) Develop, in conjunction with the Washington association of
13 small business incubators, criteria for receipt of grant funds,
14 including criteria related to organizational capacity, community
15 need, and the availability of other economic development resources;

16 (c) Accept and receive grants, gifts, and pledges of funds for
17 the support of the small business incubator program, which shall be
18 deposited in the small business incubator account established in RCW
19 43.176.040; and

20 (d) Integrate the promotion of small business incubators as
21 economic development tools in its strategic plan.

22 **Sec. 2069.** RCW 43.176.901 and 2004 c 237 s 6 are each amended to
23 read as follows:

24 The department of (~~community, trade, and economic development~~)
25 commerce shall have no duty to provide services related to the small
26 business incubator and entrepreneurship assistance act of 2004 unless
27 and until the small business incubator program and related
28 administrative expenses are funded by the legislature.

29 **Sec. 2070.** RCW 43.180.040 and 1995 c 399 s 98 are each amended
30 to read as follows:

31 (1) There is hereby established a public body corporate and
32 politic, with perpetual corporate succession, to be known as the
33 Washington state housing finance commission. The commission is an
34 instrumentality of the state exercising essential government
35 functions and, for purposes of the code, acts as a constituted
36 authority on behalf of the state when it issues bonds pursuant to
37 this chapter. The commission is a "public body" within the meaning of
38 RCW 39.53.010.

1 (2) The commission shall consist of the following voting members:

2 (a) The state treasurer, ex officio;

3 (b) The director of (~~community, trade, and economic~~
4 ~~development~~)) commerce, ex officio;

5 (c) An elected local government official, ex officio, with
6 experience in local housing programs, who shall be appointed by the
7 governor with the consent of the senate;

8 (d) A representative of housing consumer interests, appointed by
9 the governor with the consent of the senate;

10 (e) A representative of labor interests, appointed by the
11 governor, with the consent of the senate, after consultation with
12 representatives of organized labor;

13 (f) A representative of low-income persons, appointed by the
14 governor with the consent of the senate;

15 (g) Five members of the public appointed by the governor, with
16 the consent of the senate, on the basis of geographic distribution
17 and their expertise in housing, real estate, finance, energy
18 efficiency, or construction, one of whom shall be appointed by the
19 governor as chair of the commission and who shall serve on the
20 commission and as chair of the commission at the pleasure of the
21 governor.

22 The term of the persons appointed by the governor, other than the
23 chair, shall be four years from the date of their appointment, except
24 that the terms of three of the initial appointees shall be for two
25 years from the date of their appointment. The governor shall
26 designate the appointees who will serve the two-year terms. An
27 appointee may be removed by the governor for cause pursuant to RCW
28 43.06.070 and 43.06.080. The governor shall fill any vacancy in an
29 appointed position by appointment for the remainder of the unexpired
30 term. If the department of (~~community development~~)) commerce is
31 abolished, the resulting vacancy shall be filled by a state official
32 who shall be appointed to the commission by the governor. If this
33 official occupies an office or position for which senate confirmation
34 is not required, then his or her appointment to the commission shall
35 be subject to the consent of the senate. The members of the
36 commission shall be compensated in accordance with RCW 43.03.240 and
37 may be reimbursed, solely from the funds of the commission, for
38 expenses incurred in the discharge of their duties under this
39 chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A
40 majority of the commission constitutes a quorum. Designees shall be

1 appointed in such manner and shall exercise such powers as are
2 specified by the rules of the commission.

3 (3) The commission may adopt an official seal and may select from
4 its membership a vice chair, a secretary, and a treasurer. The
5 commission shall establish rules concerning its exercise of the
6 powers authorized by this chapter. The rules shall be adopted in
7 conformance with chapter 34.05 RCW.

8 **Sec. 2071.** RCW 43.180.200 and 1995 c 399 s 99 are each amended
9 to read as follows:

10 For purposes of the code:

11 (1) The legislature reserves the right at any time to alter or
12 change the structure, organization, programs, or activities of the
13 commission and to terminate the commission, so long as the action
14 does not impair any outstanding contracts entered into by the
15 commission;

16 (2) Any net earnings of the commission beyond that necessary to
17 retire its bonds and to carry out the purposes of this chapter shall
18 not inure to the benefit of any person other than the state;

19 (3) Upon dissolution of the commission, title to all of its
20 remaining property shall vest in the state;

21 (4) The commission constitutes the only housing finance agency of
22 the state of Washington; and

23 (5) In order to take advantage of the maximum amount of tax
24 exempt bonds for housing financing available pursuant to the code,
25 any state ceiling with respect to housing shall be allocated in
26 accordance with the following formula:

27 (a) Eighty percent of the state ceiling shall be allocated to the
28 commission and twenty percent shall be allocated to the other issuing
29 authorities in the state.

30 (b) The allocation to the issuing authorities other than the
31 commission shall be distributed to such issuing authorities in
32 amounts as determined following public notice by the department of
33 (~~community, trade, and economic development~~) commerce pursuant to
34 rules promulgated by it. The distribution shall be in response to
35 applications received from such issuing authorities and shall be
36 based on the following factors: (i) The amount of housing to be made
37 available by such applicant; (ii) the population within the
38 jurisdiction of the applicant; (iii) coordination with other
39 applicable federal and state housing programs; (iv) the likelihood of

1 implementing the proposed financing during that year; and (v)
2 consistency with the plan of the commission. On or before February 1
3 of each year, the department of (~~community, trade, and economic~~
4 ~~development~~) commerce shall distribute the state ceiling allocation
5 among such issuing authorities and any unused portion shall be added
6 to the allocation of the commission. Each issuing authority other
7 than the commission shall confirm its allocation distribution by
8 providing to the department of (~~community, trade, and economic~~
9 ~~development~~) commerce no later than June 1 a copy of an executed
10 bond purchase contract or alternative documentation deemed sufficient
11 by the commission to evidence the reasonable likelihood of the
12 allocation distribution being fully used. Any portion of such
13 allocation not so confirmed shall be added to the allocation of the
14 commission on July 1. Prior to July 1, the commission shall provide
15 written notice of the allocation decrease to the affected issuing
16 authority. The reallocation shall not limit the authority of the
17 commission to assign a portion of its allocation pursuant to
18 subsection (5)(c) of this section.

19 (c) The commission may assign a portion of its allocation to
20 another issuing agency.

21 **Sec. 2072.** RCW 43.180.220 and 1994 c 235 s 1 are each amended to
22 read as follows:

23 The commission, in cooperation with the department of
24 (~~community, trade, and economic development~~) commerce, and the
25 state investment board, shall develop and implement a housing finance
26 program that:

27 (1) Provides subsidized or unsubsidized mortgage financing for
28 single-family homeownership, including a single condominium unit,
29 located in the state of Washington;

30 (2) Requests the state investment board to make investments,
31 within its policies and investment guidelines, in mortgage-backed
32 securities that are collateralized by loans made within the state of
33 Washington; and

34 (3) Provides flexible loan underwriting guidelines, including but
35 not limited to provisions that will allow reduced downpayment
36 requirements for the purchaser.

37 **Sec. 2073.** RCW 43.185A.100 and 2006 c 349 s 11 are each amended
38 to read as follows:

1 The department, the housing finance commission, the affordable
2 housing advisory board, and all local governments, housing
3 authorities, and other nonprofits receiving state housing funds or
4 financing through the housing finance commission shall, by December
5 31, 2006, and annually thereafter, review current housing reporting
6 requirements related to housing programs and services and give
7 recommendations to streamline and simplify all planning and reporting
8 requirements to the department of (~~community, trade, and economic~~
9 ~~development~~) commerce, which will compile and present the
10 recommendations annually to the legislature. The entities listed in
11 this section shall also give recommendations for additional
12 legislative actions that could promote affordable housing and end
13 homelessness.

14 **Sec. 2074.** RCW 43.185C.200 and 2007 c 483 s 604 are each amended
15 to read as follows:

16 (1) The department of (~~community, trade, and economic~~
17 ~~development~~) commerce shall establish a pilot program to provide
18 grants to eligible organizations, as described in RCW 43.185.060, to
19 provide transitional housing assistance to offenders who are
20 reentering the community and are in need of housing.

21 (2) There shall be a minimum of two pilot programs established in
22 two counties. The pilot programs shall be selected through a request
23 for proposal process and in consultation with the department of
24 corrections. The department shall select the pilot sites by January
25 1, 2008.

26 (3) The pilot program shall:

27 (a) Be operated in collaboration with the community justice
28 center existing in the location of the pilot site;

29 (b) Offer transitional supportive housing that includes
30 individual support and mentoring available on an ongoing basis, life
31 skills training, and close working relationships with community
32 justice centers and community corrections officers. Supportive
33 housing services can be provided directly by the housing operator, or
34 in partnership with community-based organizations;

35 (c) In providing assistance, give priority to offenders who are
36 designated as high risk or high needs as well as those determined not
37 to have a viable release plan by the department of corrections;

1 (d) Optimize available funding by utilizing cost-effective
2 community-based shared housing arrangements or other noninstitutional
3 living arrangements; and

4 (e) Provide housing assistance for a period of time not to exceed
5 twelve months for a participating offender.

6 (4) The department may also use up to twenty percent of the
7 funding appropriated in the operating budget for this section to
8 support the development of additional supportive housing resources
9 for offenders who are reentering the community.

10 (5) The department shall:

11 (a) Collaborate with the department of corrections in developing
12 criteria to determine who will qualify for housing assistance; and

13 (b) Gather data, and report to the legislature by November 1,
14 2008, on the number of offenders seeking housing, the number of
15 offenders eligible for housing, the number of offenders who receive
16 the housing, and the number of offenders who commit new crimes while
17 residing in the housing to the extent information is available.

18 (6) The department of corrections shall collaborate with
19 organizations receiving grant funds to:

20 (a) Help identify appropriate housing solutions in the community
21 for offenders;

22 (b) Where possible, facilitate an offender's application for
23 housing prior to discharge;

24 (c) Identify enhancements to training provided to offenders prior
25 to discharge that may assist an offender in effectively transitioning
26 to the community;

27 (d) Maintain communication between the organization receiving
28 grant funds, the housing provider, and corrections staff supervising
29 the offender; and

30 (e) Assist the offender in accessing resources and services
31 available through the department of corrections and a community
32 justice center.

33 (7) The state, department of (~~community, trade, and economic~~
34 ~~development~~) commerce, department of corrections, local governments,
35 local housing authorities, eligible organizations as described in RCW
36 43.185.060, and their employees are not liable for civil damages
37 arising from the criminal conduct of an offender solely due to the
38 placement of an offender in housing provided under this section or
39 the provision of housing assistance.

1 (8) Nothing in this section allows placement of an offender into
2 housing without an analysis of the risk the offender may pose to that
3 particular community or other residents.

4 **Sec. 2075.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to
5 read as follows:

6 The small business export finance assistance center and its
7 branches shall be governed and managed by a board of seven directors
8 appointed by the governor, with the advice of the board, and
9 confirmed by the senate. The directors shall serve terms of four
10 years following the terms of service established by the initial
11 appointments after June 11, 1998. Three appointees, including
12 directors on June 11, 1998, who are reappointed, must serve initial
13 terms of two years and, if a director is reappointed that director
14 may serve a consecutive four-year term. Four appointees, including
15 directors on June 11, 1998, who are reappointed, must serve initial
16 terms of four years and, if a director is reappointed that director
17 may serve a consecutive four-year term. After the initial
18 appointments, directors may serve two consecutive terms. The
19 directors may provide for the payment of their expenses. The
20 directors shall include the director of (~~community, trade, and~~
21 ~~economic development~~) commerce or the director's designee;
22 representatives of a large financial institution engaged in financing
23 export transactions in the state of Washington; a small financial
24 institution engaged in financing export transactions in the state of
25 Washington; a large exporting company domiciled in the state of
26 Washington; a small exporting company in the state of Washington;
27 organized labor in a trade involved in international commerce; and a
28 representative at large. To the extent possible, appointments to the
29 board shall reflect geographical balance and the diversity of the
30 state population. Any vacancies on the board due to the expiration of
31 a term or for any other reason shall be filled by appointment by the
32 governor for the unexpired term.

33 **Sec. 2076.** RCW 43.210.060 and 1995 c 399 s 108 are each amended
34 to read as follows:

35 The department of (~~community, trade, and economic development~~)
36 commerce or its statutory successor shall adopt rules under chapter
37 34.05 RCW as necessary to carry out the purposes of this chapter.

1 **Sec. 2077.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

39 (v) Evidence of additional local resources committed to the
40 applicant's strategy totaling at least twenty-five percent of funds

1 awarded under this section. These resources may consist of public or
2 private funds, donated goods or services, and other measurable
3 commitments, including in-kind contributions such as volunteer
4 services, materials, supplies, physical facilities, or a combination
5 thereof; and

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

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

9 (i) A definition of geographic area;

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) Activities that may be funded through this grant program
11 include those that:

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

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

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

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

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

31 **Sec. 2078.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
32 read as follows:

33 The department of (~~community, trade, and economic development~~)
34 commerce shall ask communities for suggestions on state practices,
35 policies, and priorities that would help communities implement their
36 strategies against alcohol, tobacco, or other drug abuse, or
37 violence. The department of (~~community, trade, and economic
38 development~~) commerce shall review and respond to those suggestions
39 making necessary changes where feasible, making recommendations to

1 the legislature where appropriate, and providing an explanation as to
2 why suggested changes cannot be accomplished, if the suggestions
3 cannot be acted upon.

4 **Sec. 2079.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
5 read as follows:

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

12 **Sec. 2080.** RCW 43.310.020 and 1995 c 399 s 116 are each amended
13 to read as follows:

14 (1) The department of (~~community, trade, and economic~~
15 ~~development~~) commerce may recommend existing programs or contract
16 with either school districts or community organizations, or both,
17 through a request for proposal process for the development,
18 administration, and implementation in the county of community-based
19 gang risk prevention and intervention pilot programs.

20 (2) Proposals by the school district for gang risk prevention and
21 intervention pilot program grant funding shall begin with school
22 years no sooner than the 1994-95 session, and last for a duration of
23 two years.

24 (3) The school district or community organization proposal shall
25 include:

26 (a) A description of the program goals, activities, and
27 curriculum. The description of the program goals shall include a list
28 of measurable objectives for the purpose of evaluation by the
29 department of (~~community, trade, and economic development~~)
30 commerce. To the extent possible, proposals shall contain empirical
31 data on current problems, such as dropout rates and occurrences of
32 violence on and off campus by school-age individuals.

33 (b) A description of the individual school or schools and the
34 geographic area to be affected by the program.

35 (c) A demonstration of broad-based support for the program from
36 business and community organizations.

37 (d) A clear description of the experience, expertise, and other
38 qualifications of the community organizations to conduct an effective

1 prevention and intervention program in cooperation with a school or a
2 group of schools.

3 (e) A proposed budget for expenditure of the grant.

4 (4) Grants awarded under this section may not be used for the
5 administrative costs of the school district or the individual school.

6 **Sec. 2081.** RCW 43.325.100 and 2007 c 348 s 403 are each amended
7 to read as follows:

8 (1) The department of (~~community, trade, and economic~~
9 ~~development~~) commerce and the department of ecology shall develop a
10 framework for the state of Washington to participate in emerging
11 regional, national, and to the extent possible, global markets to
12 mitigate climate change, on a multisector basis. This framework must
13 include, but not be limited to, credible, verifiable, replicable
14 inventory and accounting methodologies for each sector involved,
15 along with the completion of the stakeholder process identified in
16 executive order number 07-02 creating the Washington state climate
17 change challenge.

18 (2) The department of (~~community, trade, and economic~~
19 ~~development~~) commerce and the department of ecology shall include
20 the forestry sector and work closely with the department of natural
21 resources on those recommendations.

22 (3) The department must provide a report to the legislature by
23 December 1, 2008. The report may be included within the report
24 produced for executive order number 07-02.

25 **Sec. 2082.** RCW 43.325.110 and 2007 c 348 s 408 are each amended
26 to read as follows:

27 (1) The vehicle electrification demonstration grant program is
28 established within the department of (~~community, trade, and economic~~
29 ~~development~~) commerce. The director may establish policies and
30 procedures necessary for processing, reviewing, and approving
31 applications made under this chapter.

32 (2) The director may approve an application for a vehicle
33 electrification demonstration project only if the director finds:

34 (a) The applicant is a state agency, public school district,
35 public utility district, or a political subdivision of the state,
36 including port districts, counties, cities, towns, special purpose
37 districts, and other municipal corporations or quasi-municipal
38 corporations or a state institution of higher education;

1 (b) The project partially funds the purchase of or conversion of
2 existing vehicles to plug-in hybrid electric vehicles or battery
3 electric vehicles for use in the applicant's fleet or operations;

4 (c) The project partners with an electric utility and
5 demonstrates technologies to allow controlled vehicle charging,
6 including the use of power electronics or wireless technologies, to
7 regulate time-of-day and duration of charging;

8 (d) The project provides matching resources; and

9 (e) The project provides evaluation of fuel savings, greenhouse
10 gas reductions, battery capabilities, energy management system,
11 charge controlling technologies, and other relevant information
12 determined on the advice of the vehicle electrification work group.

13 (3) The director may approve an application for a vehicle
14 electrification demonstration project if the project, in addition to
15 meeting the requirements of subsection (2) of this section, also
16 demonstrates charging using on-site renewable resources or
17 vehicle-to-grid capabilities that enable the vehicle to discharge
18 electricity into the grid.

19 **Sec. 2083.** RCW 43.330.065 and 1996 c 253 s 303 are each amended
20 to read as follows:

21 The department of (~~community, trade, and economic development~~)
22 commerce, in consultation with the office of protocol, the office of
23 the secretary of state, the department of agriculture, and the
24 employment security department shall identify up to fifteen countries
25 that are of strategic importance to the development of Washington's
26 international trade relations.

27 **Sec. 2084.** RCW 43.330.904 and 1996 c 186 s 101 are each amended
28 to read as follows:

29 (1) All powers, duties, and functions of the state energy office
30 relating to energy resource policy and planning and energy facility
31 siting are transferred to the department of (~~community, trade, and
32 economic development~~) commerce. All references to the director or
33 the state energy office in the Revised Code of Washington shall be
34 construed to mean the director or the department of (~~community,
35 trade, and economic development~~) commerce when referring to the
36 functions transferred in this section.

1 The director shall appoint an assistant director for energy
2 policy, and energy policy staff shall have no additional
3 responsibilities beyond activities concerning energy policy.

4 (2)(a) All reports, documents, surveys, books, records, files,
5 papers, or written material in the possession of the state energy
6 office pertaining to the powers, functions, and duties transferred
7 shall be delivered to the custody of the department of (~~community,~~
8 ~~trade, and economic development~~) commerce. All cabinets, furniture,
9 office equipment, software, database, motor vehicles, and other
10 tangible property employed by the state energy office in carrying out
11 the powers, functions, and duties transferred shall be made available
12 to the department of (~~community, trade, and economic development~~)
13 commerce.

14 (b) Any appropriations made to the state energy office for
15 carrying out the powers, functions, and duties transferred shall, on
16 July 1, 1996, be transferred and credited to the department of
17 (~~community, trade, and economic development~~) commerce.

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

25 (3) All employees of the state energy office engaged in
26 performing the powers, functions, and duties pertaining to the energy
27 facility site evaluation council are transferred to the jurisdiction
28 of the department of (~~community, trade, and economic development~~)
29 commerce. All employees engaged in energy facility site evaluation
30 council duties classified under chapter 41.06 RCW, the state civil
31 service law, are assigned to the department of (~~community, trade,~~
32 ~~and economic development~~) commerce to perform their usual duties
33 upon the same terms as formerly, without any loss of rights, subject
34 to any action that may be appropriate thereafter in accordance with
35 the laws and rules governing state civil service.

36 (4) All rules and all pending business before the state energy
37 office pertaining to the powers, functions, and duties transferred
38 shall be continued and acted upon by the department of (~~community,~~
39 ~~trade, and economic development~~) commerce. All existing contracts
40 and obligations shall remain in full force and shall be performed by

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

3 (5) The transfer of the powers, duties, and functions of the
4 state energy office does not affect the validity of any act performed
5 before July 1, 1996.

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

12 (7) The department of (~~community, trade, and economic
13 development~~) commerce shall direct the closure of the financial
14 records of the state energy office.

15 (8) Responsibility for implementing energy education, applied
16 research, and technology transfer programs rests with Washington
17 State University. The department of (~~community, trade, and economic
18 development~~) commerce shall provide Washington State University
19 available existing and future oil overcharge restitution and federal
20 energy block funding for a minimum period of five years to carry out
21 energy programs under an interagency agreement with the department of
22 (~~community, trade, and economic development~~) commerce. The
23 interagency agreement shall also outline the working relationship
24 between the department of (~~community, trade, and economic
25 development~~) commerce and Washington State University as it pertains
26 to the relationship between energy policy development and public
27 outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington
28 State University from seeking grant, contract, or fee-for-service
29 funding for energy or related programs directly from other entities.

30 **Sec. 2085.** RCW 43.332.010 and 2003 c 346 s 2 are each amended to
31 read as follows:

32 (1) The office of the Washington state trade representative is
33 created in the office of the governor. The office shall serve as the
34 state's official liaison with foreign governments on trade matters.

35 (2) The office shall:

36 (a) Work with the department of (~~community, trade, and economic
37 development~~) commerce, the department of agriculture, and other
38 appropriate state agencies, and within the agencies' existing
39 resources, review and analyze proposed and enacted international

1 trade agreements and provide an assessment of the impact of the
2 proposed or enacted agreement on Washington's businesses and firms;

3 (b) Provide input to the office of the United States trade
4 representative in the development of international trade, commodity,
5 and direct investment policies that reflect the concerns of the state
6 of Washington;

7 (c) Serve as liaison to the legislature on matters of trade
8 policy oversight including, but not limited to, updates to the
9 legislature regarding the status of trade negotiations, trade
10 litigation, and the impacts of trade policy on Washington state
11 businesses;

12 (d) Work with the international trade division of the department
13 of (~~community, trade, and economic development~~) commerce and the
14 international marketing program of the Washington state department of
15 agriculture to develop a statewide strategy designed to increase the
16 export of Washington goods and services, particularly goods and
17 services from small and medium-sized businesses; and

18 (e) Conduct other activities the governor deems necessary to
19 promote international trade and foreign investment within the state.

20 (3) The office shall prepare and submit an annual report on its
21 activities under subsection (2) of this section to the governor and
22 appropriate committees of the legislature.

23 **Sec. 2086.** RCW 47.01.440 and 2011 c 171 s 103 are each amended
24 to read as follows:

25 (1) To support the implementation of RCW 47.04.280 and
26 47.01.078(4), the department shall adopt broad statewide goals to
27 reduce annual per capita vehicle miles traveled by 2050 consistent
28 with the stated goals of executive order 07-02. Consistent with these
29 goals, the department shall:

30 (~~(1)~~) (a) Establish the following benchmarks using a statewide
31 baseline of seventy-five billion vehicle miles traveled less the
32 vehicle miles traveled attributable to vehicles licensed under RCW
33 46.16A.455 and weighing ten thousand pounds or more, which are exempt
34 from this section:

35 (~~(a)~~) (i) Decrease the annual per capita vehicle miles traveled
36 by eighteen percent by 2020;

37 (~~(b)~~) (ii) Decrease the annual per capita vehicle miles
38 traveled by thirty percent by 2035; and

1 ~~((e))~~ (iii) Decrease the annual per capita vehicle miles
2 traveled by fifty percent by 2050;

3 ~~((2))~~ (b) By July 1, 2008, establish and convene a
4 collaborative process to develop a set of tools and best practices to
5 assist state, regional, and local entities in making progress towards
6 the benchmarks established in (a) of this subsection (~~((1) of this~~
7 ~~section)~~). The collaborative process must provide an opportunity for
8 public review and comment and must:

9 ~~((a))~~ (i) Be jointly facilitated by the department, the
10 department of ecology, and the department of (~~community, trade, and~~
11 ~~economic development~~) commerce;

12 ~~((b))~~ (ii) Provide for participation from regional
13 transportation planning organizations, the Washington state transit
14 association, the Puget Sound clean air agency, a statewide business
15 organization representing the sale of motor vehicles, at least one
16 major private employer that participates in the commute trip
17 reduction program, and other interested parties, including but not
18 limited to parties representing diverse perspectives on issues
19 relating to growth, development, and transportation;

20 ~~((c))~~ (iii) Identify current strategies to reduce vehicle miles
21 traveled in the state as well as successful strategies in other
22 jurisdictions that may be applicable in the state;

23 ~~((d))~~ (iv) Identify potential new revenue options for local and
24 regional governments to authorize to finance vehicle miles traveled
25 reduction efforts;

26 ~~((e))~~ (v) Provide for the development of measurement tools that
27 can, with a high level of confidence, measure annual progress toward
28 the benchmarks at the local, regional, and state levels, measure the
29 effects of strategies implemented to reduce vehicle miles traveled
30 and adequately distinguish between common travel purposes, such as
31 moving freight or commuting to work, and measure trends of vehicle
32 miles traveled per capita on a five-year basis;

33 ~~((f))~~ (vi) Establish a process for the department to
34 periodically evaluate progress toward the vehicle miles traveled
35 benchmarks, measure achieved and projected emissions reductions, and
36 recommend whether the benchmarks should be adjusted to meet the
37 state's overall goals for the reduction of greenhouse gas emissions;

38 ~~((g))~~ (vii) Estimate the projected reductions in greenhouse gas
39 emissions if the benchmarks are achieved, taking into account the
40 expected implementation of existing state and federal mandates for

1 vehicle technology and fuels, as well as expected growth in
2 population and vehicle travel;

3 ((~~h~~)) (viii) Examine access to public transportation for people
4 living in areas with affordable housing to and from employment
5 centers, and make recommendations for steps necessary to ensure that
6 areas with affordable housing are served by adequate levels of public
7 transportation; and

8 ((~~i~~)) (vix) By December 1, 2008, provide a report to the
9 transportation committees of the legislature on the collaborative
10 process and resulting recommended tools and best practices to achieve
11 the reduction in annual per capita vehicle miles traveled goals.

12 ((~~3~~)) (2) Included in the December 1, 2008, report to the
13 transportation committees of the legislature, the department shall
14 identify strategies to reduce vehicle miles traveled in the state as
15 well as successful strategies in other jurisdictions that may be
16 applicable in the state that recognize the differing urban and rural
17 transportation requirements.

18 ((~~4~~)) (3) Prior to implementation of the goals in this section,
19 the department, in consultation with the department of (~~community,~~
20 ~~trade, and economic development~~) commerce, cities, counties, local
21 economic development organizations, and local and regional chambers
22 of commerce, shall provide a report to the appropriate committees of
23 the legislature on the anticipated impacts of the goals established
24 in this section on the following:

25 (a) The economic hardship on small businesses as it relates to
26 the ability to hire and retain workers who do not reside in the
27 county in which they are employed;

28 (b) Impacts on low-income residents;

29 (c) Impacts on agricultural employers and their employees,
30 especially on the migrant farmworker community;

31 (d) Impacts on distressed rural counties; and

32 (e) Impacts in counties with more than fifty percent of the land
33 base of the county in public or tribal lands.

34 **Sec. 2087.** RCW 47.12.064 and 1995 c 399 s 121 are each amended
35 to read as follows:

36 (1) The department shall identify and catalog real property that
37 is no longer required for department purposes and is suitable for the
38 development of affordable housing for very low-income, low-income,
39 and moderate-income households as defined in RCW 43.63A.510. The

1 inventory shall include the location, approximate size, and current
2 zoning classification of the property. The department shall provide a
3 copy of the inventory to the department of (~~community, trade, and~~
4 ~~economic development~~) commerce by November 1, 1993, and every
5 November 1 thereafter.

6 (2) By November 1 of each year, beginning in 1994, the department
7 shall purge the inventory of real property of sites that are no
8 longer available for the development of affordable housing. The
9 department shall include an updated listing of real property that has
10 become available since the last update. As used in this section,
11 "real property" means buildings, land, or buildings and land.

12 **Sec. 2088.** RCW 47.39.040 and 1995 c 399 s 122 are each amended
13 to read as follows:

14 The establishment of planning and design standards for items
15 provided for in RCW 47.39.050 shall be coordinated by the department
16 of (~~community, trade, and economic development~~) commerce. The
17 department of transportation, parks and recreation commission, and
18 any other departments or commissions whose interests are affected
19 shall prepare, submit, and file with the department of (~~community,~~
20 ~~trade, and economic development~~) commerce standards relating to the
21 scenic and recreational highway system. If varying planning and
22 design standards are filed, the department of (~~community, trade, and~~
23 ~~economic development~~) commerce shall consult with the submitting
24 agencies on the merits of the several proposals and, based upon such
25 consultation, establish a set of standards. Pursuant to the planning
26 and design standards so established, the department of transportation
27 and the parks and recreation commission shall develop the highways
28 and areas adjacent thereto to accomplish the purposes of this
29 chapter, but the department shall retain exclusive authority over the
30 highway right-of-way.

31 Responsibility for construction and maintenance is hereby
32 established between the department and the parks and recreation
33 commission with the department responsible for activities financed
34 with funds provided for under RCW 47.39.030(1) and the parks and
35 recreation commission responsible for activities financed from other
36 sources of funds. By mutual consent, responsibility for development
37 and/or maintenance may be transferred between the two agencies.

1 **Sec. 2089.** RCW 47.39.069 and 1999 c 218 s 4 are each amended to
2 read as follows:

3 (1) The department, in consultation with the department of
4 (~~community, trade, and economic development~~) commerce, the
5 department of natural resources, the parks and recreation commission,
6 affected cities, towns, and counties, federally recognized tribes,
7 regional transportation planning organizations, Washington-based
8 automobile clubs, statewide bicycling organizations, and other
9 interested parties, shall develop by December 31, 1999, criteria for
10 assessing scenic byways and heritage tour routes and an appropriate
11 method of nomination and application for the designation and removal
12 of the designation of the byways. Factors the department may take
13 into consideration, but is not limited by, are: (a) Scenic quality of
14 the byway; (b) natural aspects, such as geological formations, water
15 bodies, vegetation, and wildlife; (c) historic elements; (d) cultural
16 features such as the arts, crafts, music, customs, or traditions of a
17 distinct group of people; (e) archaeological features; (f)
18 recreational activities; (g) roadway safety including accommodations
19 for bicycle and pedestrian travel, tour buses, and automobiles; (h)
20 scenic byway and local and regional byway management plans; and (i)
21 local public involvement and support for the byway.

22 (2) The criteria developed in subsection (1) of this section must
23 not impose nor require regulation of privately owned lands or
24 property rights.

25 (3) Any person may nominate a roadway, path, or trail for
26 inclusion in the scenic byway program. The department shall assess
27 nominations in accordance with the criteria developed under
28 subsection (1) of this section. The department shall submit its
29 recommendations for scenic byway and heritage tour route designations
30 to the commission for its approval and official designation of the
31 roadway, path, or trail as a scenic byway or a heritage tour route.
32 All decisions made by the commission relating to scenic byway and
33 heritage tour route designations are final.

34 (4) The department shall apply the criteria in subsection (1) of
35 this section to state highways that are currently not a part of the
36 designated scenic and recreational highway system. The department
37 shall respond to local requests for route evaluation as defined in
38 subsection (3) of this section.

39 (5) Once the commission has designated a roadway as a scenic
40 byway, the department may submit an individual nomination to the

1 federal highway administration for its consideration of whether the
2 roadway qualifies to be designated as a national scenic byway or an
3 All-American Roadway.

4 **Sec. 2090.** RCW 47.39.090 and 1995 c 399 s 123 are each amended
5 to read as follows:

6 In developing the scenic and recreational highways program, the
7 department shall consult with the department of (~~community, trade,~~
8 ~~and economic development~~) commerce, the department of natural
9 resources, the parks and recreation commission, affected cities,
10 towns, and counties, regional transportation planning organizations,
11 statewide bicycling organizations, and other interested parties. The
12 scenic and recreational highways program may identify entire highway
13 loops or similar tourist routes that could be developed to promote
14 tourist activity and provide concurrent economic growth while
15 protecting the scenic and recreational quality surrounding state
16 highways.

17 **Sec. 2091.** RCW 47.50.090 and 1995 c 399 s 124 are each amended
18 to read as follows:

19 (1) The department shall develop, adopt, and maintain an access
20 control classification system for all routes on the state highway
21 system, the purpose of which shall be to provide for the
22 implementation and continuing applications of the provision of this
23 chapter.

24 (2) The principal component of the access control classification
25 system shall be access management standards, the purpose of which
26 shall be to provide specific minimum standards to be adhered to in
27 the planning for and approval of access to state highways.

28 (3) The control classification system shall be developed
29 consistent with the following:

30 (a) The department shall, no later than January 1, 1993, adopt
31 rules setting forth procedures governing the implementation of the
32 access control classification system required by this chapter. The
33 rule shall provide for input from the entities described in (b) of
34 this subsection as well as for public meetings to discuss the access
35 control classification system. Nothing in this chapter shall affect
36 the validity of the department's existing or subsequently adopted
37 rules concerning access to the state highway system. Such rules shall

1 remain in effect until repealed or replaced by the rules required by
2 this chapter.

3 (b) The access control classification system shall be developed
4 in cooperation with counties, cities and towns, the department of
5 (~~community, trade, and economic development~~) commerce, regional
6 transportation planning organizations, and other local governmental
7 entities, and for city streets designated as state highways pursuant
8 to chapter 47.24 RCW, adopted with the concurrence of the city design
9 standards committee.

10 (c) The rule required by this section shall provide that
11 assignment of a road segment to a specific access category be made in
12 consideration of the following criteria:

13 (i) Local land use plans and zoning, as set forth in
14 comprehensive plans;

15 (ii) The current functional classification as well as potential
16 future functional classification of each road on the state highway
17 system;

18 (iii) Existing and projected traffic volumes;

19 (iv) Existing and projected state, local, and metropolitan
20 planning organization transportation plans and needs;

21 (v) Drainage requirements;

22 (vi) The character of lands adjoining the highway;

23 (vii) The type and volume of traffic requiring access;

24 (viii) Other operational aspects of access;

25 (ix) The availability of reasonable access by way of county roads
26 and city streets to a state highway; and

27 (x) The cumulative effect of existing and projected connections
28 on the state highway system's ability to provide for the safe and
29 efficient movement of people and goods within the state.

30 (d) Access management standards shall include, but not be limited
31 to, connection location standards, safety factors, design and
32 construction standards, desired levels of service, traffic control
33 devices, and effective maintenance of the roads. The standards shall
34 also contain minimum requirements for the spacing of connections,
35 intersecting streets, roads, and highways.

36 (e) An access control category shall be assigned to each segment
37 of the state highway system by July 1, 1993.

38 **Sec. 2092.** RCW 47.76.230 and 2007 c 234 s 94 are each amended to
39 read as follows:

1 (1) The department of transportation shall continue its
2 responsibility for the development and implementation of the state
3 rail plan and programs, and the utilities and transportation
4 commission shall continue its responsibility for railroad safety
5 issues.

6 (2) The department of transportation shall maintain an enhanced
7 data file on the rail system. Proprietary annual station traffic data
8 from each railroad and the modal use of major shippers must be
9 obtained to the extent that such information is available.

10 (3) The department of transportation shall provide technical
11 assistance, upon request, to state agencies and local interests.
12 Technical assistance includes, but is not limited to, the following:

13 (a) Rail project cost-benefit analyses conducted in accordance
14 with methodologies recommended by the federal railroad
15 administration;

16 (b) Assistance in the formation of county rail districts and port
17 districts; and

18 (c) Feasibility studies for rail service continuation or rail
19 service assistance, or both.

20 (4) With funding authorized by the legislature, the department of
21 transportation, in collaboration with the department of (~~community,~~
22 ~~trade, and economic development~~) commerce, and local economic
23 development agencies, and other interested public and private
24 organizations, shall develop a cooperative process to conduct
25 community and business information programs and to regularly
26 disseminate information on rail matters.

27 **Sec. 2093.** RCW 49.04.200 and 2009 c 536 s 12 are each amended to
28 read as follows:

29 (1) The council must evaluate the potential of existing
30 apprenticeship and training programs that would produce workers with
31 the skills needed to conduct energy audits and provide energy
32 efficiency services and deliver its findings to the department of
33 (~~community, trade, and economic development~~) commerce, the
34 leadership team, and the appropriate committees of the legislature as
35 soon as possible, but no later than January 18, 2010.

36 (2) The council may prioritize workforce training programs that
37 lead to apprenticeship programs in green economy jobs. For purposes
38 of this section, green economy jobs include those in the primary
39 industries of a green economy, including clean energy, the forestry

1 industry, high-efficiency building, green transportation, and
2 environmental protection. Prioritization efforts may include but are
3 not limited to: (a) Prioritization of the use of high employer-demand
4 funding for workforce training programs in green economy jobs; (b)
5 increased outreach efforts to public utilities, education, labor,
6 government, and private industry to develop tailored, green job
7 training programs; and (c) increased outreach efforts to target
8 populations. Outreach efforts shall be conducted in partnership with
9 local workforce development councils.

10 (3) The definitions in RCW 43.330.010 apply to this section.

11 **Sec. 2094.** RCW 50.38.030 and 1995 c 399 s 142 are each amended
12 to read as follows:

13 The employment security department shall consult with the
14 following agencies prior to the issuance of the state occupational
15 forecast:

16 (1) Office of financial management;

17 (2) Department of (~~community, trade, and economic development~~)
18 commerce;

19 (3) Department of labor and industries;

20 (4) State board for community and technical colleges;

21 (5) Superintendent of public instruction;

22 (6) Department of social and health services;

23 (7) Workforce training and education coordinating board; and

24 (8) Other state and local agencies as deemed appropriate by the
25 commissioner of the employment security department.

26 These agencies shall cooperate with the employment security
27 department, submitting information relevant to the generation of
28 occupational forecasts.

29 **Sec. 2095.** RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended
30 to read as follows:

31 The Washington youthbuild program is established within the
32 department. The commissioner, in cooperation and consultation with
33 the director of the department of (~~community, trade, and economic
34 development~~) commerce, shall:

35 (1) Make grants, up to the lesser of three hundred thousand
36 dollars or twenty-five percent of the total costs of the youthbuild
37 activities, to applicants eligible to provide education and
38 employment training under federal or state employment training

1 programs, for the purpose of carrying out a wide range of
2 multidisciplinary activities and services to assist economically
3 disadvantaged youth under the federal opportunities for youth:
4 Youthbuild program (106 Stat. 3723; 42 U.S.C. Sec. 8011), or locally
5 developed youthbuild-type programs for economically disadvantaged
6 youth; and

7 (2) Coordinate youth employment and training efforts under the
8 department's jurisdiction and cooperate with other agencies and
9 departments providing youth services to ensure that funds
10 appropriated for the purposes of this chapter will be used to
11 supplement funding from federal, state, local, or private sources.

12 **Sec. 2096.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to
13 read as follows:

14 (1)(a) Except as provided in (b) of this subsection, a port
15 district may at any time contract indebtedness or borrow money for
16 district purposes and may issue general obligation bonds therefor not
17 exceeding an amount, together with any existing indebtedness of the
18 district not authorized by the voters, of one-fourth of one percent
19 of the value of the taxable property in the district.

20 (b) Port districts having less than eight hundred million dollars
21 in value of taxable property during 1991 may at any time contract
22 indebtedness or borrow money for port district purposes and may issue
23 general obligation bonds therefor not exceeding an amount, combined
24 with existing indebtedness of the district not authorized by the
25 voters, of three-eighths of one percent of the value of the taxable
26 property in the district. Prior to contracting for any indebtedness
27 authorized by this subsection (1)(b), the port district must have a
28 comprehensive plan for harbor improvements or industrial development
29 and a long-term financial plan approved by the department of
30 (~~community, trade, and economic development~~) commerce. The
31 department of (~~community, trade, and economic development~~) commerce
32 is immune from any liability for its part in reviewing or approving
33 port district's improvement or development plans, or financial plans.
34 Any indebtedness authorized by this subsection (1)(b) may be used
35 only to acquire or construct a facility, and, prior to contracting
36 for such indebtedness, the port district must have a lease contract
37 for a minimum of five years for the facility to be acquired or
38 constructed by the debt.

1 (2) With the assent of three-fifths of the voters voting thereon
2 at a general or special port election called for that purpose, a port
3 district may contract indebtedness or borrow money for district
4 purposes and may issue general obligation bonds therefor provided the
5 total indebtedness of the district at any such time shall not exceed
6 three-fourths of one percent of the value of the taxable property in
7 the district.

8 (3) In addition to the indebtedness authorized under subsections
9 (1) and (2) of this section, port districts having less than two
10 hundred million dollars in value of taxable property and operating a
11 municipal airport may at any time contract indebtedness or borrow
12 money for airport capital improvement purposes and may issue general
13 obligation bonds therefor not exceeding an additional one-eighth of
14 one percent of the value of the taxable property in the district
15 without authorization by the voters; and, with the assent of three-
16 fifths of the voters voting thereon at a general or special port
17 election called for that purpose, may contract indebtedness or borrow
18 money for airport capital improvement purposes and may issue general
19 obligation bonds therefor for an additional three-eighths of one
20 percent provided the total indebtedness of the district for all port
21 purposes at any such time shall not exceed one and one-fourth percent
22 of the value of the taxable property in the district.

23 (4) Any port district may issue general district bonds evidencing
24 any indebtedness, payable at any time not exceeding fifty years from
25 the date of the bonds. Any contract for indebtedness or borrowed
26 money authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five
27 years. The bonds shall be issued and sold in accordance with chapter
28 39.46 RCW.

29 (5) Elections required under this section shall be held as
30 provided in RCW 39.36.050.

31 (6) For the purpose of this section, "indebtedness of the
32 district" shall not include any debt of a countywide district with a
33 population less than twenty-five hundred people when the debt is
34 secured by a mortgage on property leased to the federal government;
35 and the term "value of the taxable property" shall have the meaning
36 set forth in RCW 39.36.015.

37 (7) This section does not apply to a loan made under a loan
38 agreement under chapter 39.69 RCW, and a computation of indebtedness
39 under this chapter must exclude the amount of a loan under such a
40 loan agreement.

1 **Sec. 2097.** RCW 54.16.285 and 1995 c 399 s 144 are each amended
2 to read as follows:

3 (1) A district providing utility service for residential space
4 heating shall not terminate such utility service between November 15
5 through March 15 if the customer:

6 (a) Notifies the utility of the inability to pay the bill,
7 including a security deposit. This notice should be provided within
8 five business days of receiving a payment overdue notice unless there
9 are extenuating circumstances. If the customer fails to notify the
10 utility within five business days and service is terminated, the
11 customer can, by paying reconnection charges, if any, and fulfilling
12 the requirements of this section, receive the protections of this
13 chapter;

14 (b) Provides self-certification of household income for the prior
15 twelve months to a grantee of the department of (~~community, trade,~~
16 ~~and economic development~~) commerce which administers federally
17 funded energy assistance programs. The grantee shall determine that
18 the household income does not exceed the maximum allowed for
19 eligibility under the state's plan for low-income energy assistance
20 under 42 U.S.C. 8624 and shall provide a dollar figure that is seven
21 percent of household income. The grantee may verify information
22 provided in the self-certification;

23 (c) Has applied for home heating assistance from applicable
24 government and private sector organizations and certifies that any
25 assistance received will be applied to the current bill and future
26 utility bills;

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

30 (e) Agrees to a payment plan and agrees to maintain the payment
31 plan. The plan will be designed both to pay the past due bill by the
32 following October 15 and to pay for continued utility service. If the
33 past due bill is not paid by the following October 15, the customer
34 shall not be eligible for protections under this chapter until the
35 past due bill is paid. The plan shall not require monthly payments in
36 excess of seven percent of the customer's monthly income plus one-
37 twelfth of any arrearage accrued from the date application is made
38 and thereafter during November 15 through March 15. A customer may
39 agree to pay a higher percentage during this period, but shall not be
40 in default unless payment during this period is less than seven

1 percent of monthly income plus one-twelfth of any arrearage accrued
2 from the date application is made and thereafter. If assistance
3 payments are received by the customer subsequent to implementation of
4 the plan, the customer shall contact the utility to reformulate the
5 plan; and

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

7 (2) The utility shall:

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

11 (b) Assist the customer in fulfilling the requirements under this
12 section;

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

16 (d) Be permitted to disconnect service if the customer fails to
17 honor the payment program. Utilities may continue to disconnect
18 service for those practices authorized by law other than for
19 nonpayment as provided for in this section. Customers who qualify for
20 payment plans under this section who default on their payment plans
21 and are disconnected can be reconnected and maintain the protections
22 afforded under this chapter by paying reconnection charges, if any,
23 and by paying all amounts that would have been due and owing under
24 the terms of the applicable payment plan, absent default, on the date
25 on which service is reconnected; and

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

29 (3) All districts providing utility service for residential space
30 heating shall offer residential customers the option of a budget
31 billing or equal payment plan. The budget billing or equal payment
32 plan shall be offered low-income customers eligible under the state's
33 plan for low-income energy assistance prepared in accordance with 42
34 U.S.C. 8624(C)(1) without limiting availability to certain months of
35 the year, without regard to the length of time the customer has
36 occupied the premises, and without regard to whether the customer is
37 the tenant or owner of the premises occupied.

38 (4) An agreement between the customer and the utility, whether
39 oral or written, shall not waive the protections afforded under this
40 chapter.

1 **Sec. 2098.** RCW 54.52.020 and 2007 c 132 s 2 are each amended to
2 read as follows:

3 All assistance provided under this chapter shall be disbursed by
4 the grantee, charitable organization, or district. When applicable,
5 the public utility district will be paid on behalf of the customer by
6 the grantee or the charitable organization. When direct vendor
7 payment is not feasible, a check will be issued jointly payable to
8 the customer and the public utility district. The availability of
9 funds for assistance to a district's low-income customers as a result
10 of voluntary contributions shall not reduce the amount of assistance
11 for which the district's customers are eligible under the federally
12 funded energy assistance programs administered by the grantee of the
13 department of (~~community, trade, and economic development~~) commerce
14 within the district's service area. When applicable, the grantee or
15 charitable organization shall provide the district with a quarterly
16 report on January 15th, April 15th, July 15th, and October 15th which
17 includes information concerning the total amount of funds received
18 from the district, the names of all recipients of assistance from
19 these funds, the amount received by each recipient, and the amount of
20 funds received from the district currently on hand and available for
21 future low-income assistance.

22 **Sec. 2099.** RCW 57.46.010 and 1996 c 230 s 1401 are each amended
23 to read as follows:

24 A district may include along with, or as part of its regular
25 customer billings, a request for voluntary contributions to assist
26 qualified low-income residential customers of the district in paying
27 their district bills. All funds received by the district in response
28 to such requests shall be transmitted to the grantee of the
29 department of (~~community, trade, and economic development~~) commerce
30 which administers federally funded energy assistance programs for the
31 state in the district's service area or to a charitable organization
32 within the district's service area. All such funds shall be used
33 solely to supplement assistance to low-income residential customers
34 of the district in paying their district bills. The grantee or
35 charitable organization shall be responsible to determine which of
36 the district's customers are qualified for low-income assistance and
37 the amount of assistance to be provided to those who are qualified.

1 **Sec. 2100.** RCW 57.46.020 and 1996 c 230 s 1402 are each amended
2 to read as follows:

3 All assistance provided under this chapter shall be disbursed by
4 the grantee or charitable organization. Where possible the district
5 shall be paid on behalf of the customer by the grantee or the
6 charitable organization. When direct vendor payment is not feasible,
7 a check shall be issued jointly payable to the customer and the
8 district. The availability of funds for assistance to a district's
9 low-income customers as a result of voluntary contributions shall not
10 reduce the amount of assistance for which the district's customers
11 are eligible under the federally funded energy assistance programs
12 administered by the grantee of the department of (~~community, trade,~~
13 ~~and economic development~~) commerce within the district's service
14 area. The grantee or charitable organization shall provide the
15 district with a quarterly report on January 15th, April 15th, July
16 15th, and October 15th which includes information concerning the
17 total amount of funds received from the district, the names of all
18 recipients of assistance from these funds, the amount received by
19 each recipient, and the amount of funds received from the district
20 currently on hand and available for future low-income assistance.

21 **Sec. 2101.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to
22 read as follows:

23 (1) Any city, town, county, or municipal corporation that is
24 required to develop a comprehensive plan under RCW 36.70A.040(1) is
25 authorized to require, after reasonable notice to the public and a
26 public hearing, property owners to provide their portion of
27 reasonable relocation assistance to low-income tenants upon the
28 demolition, substantial rehabilitation whether due to code
29 enforcement or any other reason, or change of use of residential
30 property, or upon the removal of use restrictions in an assisted-
31 housing development. No city, town, county, or municipal corporation
32 may require property owners to provide relocation assistance to low-
33 income tenants, as defined in this chapter, upon the demolition,
34 substantial rehabilitation, upon the change of use of residential
35 property, or upon the removal of use restrictions in an assisted-
36 housing development, except as expressly authorized herein or when
37 authorized or required by state or federal law. As used in this
38 section, "assisted housing development" means a multifamily rental
39 housing development that either receives government assistance and is

1 defined as federally assisted housing in RCW 59.28.020, or that
2 receives other federal, state, or local government assistance and is
3 subject to use restrictions.

4 (2) As used in this section, "low-income tenants" means tenants
5 whose combined total income per dwelling unit is at or below fifty
6 percent of the median income, adjusted for family size, in the county
7 where the tenants reside.

8 The department of (~~community, trade, and economic development~~)
9 commerce shall adopt rules defining county median income in
10 accordance with the definitions promulgated by the federal department
11 of housing and urban development.

12 (3) A requirement that property owners provide relocation
13 assistance shall include the amounts of such assistance to be
14 provided to low-income tenants. In determining such amounts, the
15 jurisdiction imposing the requirement shall evaluate, and receive
16 public testimony on, what relocation expenses displaced tenants would
17 reasonably incur in that jurisdiction including:

18 (a) Actual physical moving costs and expenses;

19 (b) Advance payments required for moving into a new residence
20 such as the cost of first and last month's rent and security and
21 damage deposits;

22 (c) Utility connection fees and deposits; and

23 (d) Anticipated additional rent and utility costs in the
24 residence for one year after relocation.

25 (4)(a) Relocation assistance provided to low-income tenants under
26 this section shall not exceed two thousand dollars for each dwelling
27 unit displaced by actions of the property owner under subsection (1)
28 of this section. A city, town, county, or municipal corporation may
29 make future annual adjustments to the maximum amount of relocation
30 assistance required under this subsection in order to reflect any
31 changes in the housing component of the consumer price index as
32 published by the United States department of labor, bureau of labor
33 statistics.

34 (b) The property owner's portion of any relocation assistance
35 provided to low-income tenants under this section shall not exceed
36 one-half of the required relocation assistance under (a) of this
37 subsection in cash or services.

38 (c) The portion of relocation assistance not covered by the
39 property owner under (b) of this subsection shall be paid by the
40 city, town, county, or municipal corporation authorized to require

1 relocation assistance under subsection (1) of this section. The
2 relocation assistance may be paid from proceeds collected from the
3 excise tax imposed under RCW 82.46.010.

4 (5) A city, town, county, or municipal corporation requiring the
5 provision of relocation assistance under this section shall adopt
6 policies, procedures, or regulations to implement such requirement.
7 Such policies, procedures, or regulations shall include provisions
8 for administrative hearings to resolve disputes between tenants and
9 property owners relating to relocation assistance or unlawful
10 detainer actions during relocation, and shall require a decision
11 within thirty days of a request for a hearing by either a tenant or
12 property owner.

13 Judicial review of an administrative hearing decision relating to
14 relocation assistance may be had by filing a petition, within ten
15 days of the decision, in the superior court in the county where the
16 residential property is located. Judicial review shall be confined to
17 the record of the administrative hearing and the court may reverse
18 the decision only if the administrative findings, inferences,
19 conclusions, or decision is:

20 (a) In violation of constitutional provisions;

21 (b) In excess of the authority or jurisdiction of the
22 administrative hearing officer;

23 (c) Made upon unlawful procedure or otherwise is contrary to law;
24 or

25 (d) Arbitrary and capricious.

26 (6) Any city, town, county, or municipal corporation may require
27 relocation assistance, under the terms of this section, for otherwise
28 eligible tenants whose living arrangements are exempted from the
29 provisions of this chapter under RCW 59.18.040(3) and if the living
30 arrangement is considered to be a rental or lease not defined as a
31 retail sale under RCW 82.04.050.

32 (7)(a) Persons who move from a dwelling unit prior to the
33 application by the owner of the dwelling unit for any governmental
34 permit necessary for the demolition, substantial rehabilitation, or
35 change of use of residential property or prior to any notification or
36 filing required for condominium conversion shall not be entitled to
37 the assistance authorized by this section.

38 (b) Persons who move into a dwelling unit after the application
39 for any necessary governmental permit or after any required
40 condominium conversion notification or filing shall not be entitled

1 to the assistance authorized by this section if such persons receive
2 written notice from the property owner prior to taking possession of
3 the dwelling unit that specifically describes the activity or
4 condition that may result in their temporary or permanent
5 displacement and advises them of their ineligibility for relocation
6 assistance.

7 **Sec. 2102.** RCW 59.24.020 and 1995 c 399 s 157 are each amended
8 to read as follows:

9 (1) The department of (~~community, trade, and economic~~
10 ~~development~~) commerce shall establish the rental security deposit
11 guarantee program. Through this program the department of
12 (~~community, trade, and economic development~~) commerce shall provide
13 grants and technical assistance to local governments or nonprofit
14 corporations, including local housing authorities as defined in RCW
15 35.82.030, who operate emergency housing shelters or transitional
16 housing programs. The grants are to be used for the payment of
17 residential rental security deposits under this chapter. The
18 technical assistance is to help the local government or nonprofit
19 corporation apply for grants and carry out the program. In order to
20 be eligible for grants under this program, the recipient local
21 government or nonprofit corporation shall provide fifteen percent of
22 the total amount needed for the security deposit. The security
23 deposit may include last month's rent where such rent is required as
24 a normal practice by the landlord.

25 (2) The grants and matching funds shall be placed by the
26 recipient local government or nonprofit corporation in a revolving
27 loan fund and deposited in a bank or savings institution in an
28 account that is separate from all other funds of the recipient. The
29 funds and interest earned on these funds shall be utilized only as
30 collateral to guarantee the payment of a security deposit required by
31 a residential rental property owner as a condition for entering into
32 a rental agreement with a prospective tenant.

33 (3) Prospective tenants who are eligible to participate in the
34 rental security deposit guarantee program shall be limited to
35 homeless persons or families who are residing in an emergency shelter
36 or transitional housing operated by a local government or a nonprofit
37 corporation, or to families who are temporarily residing in a park,
38 car, or are otherwise without adequate shelter. The local government
39 or nonprofit corporation shall make a determination regarding the

1 person's or family's eligibility to participate in this program and a
2 determination that a local rental unit is available for occupation. A
3 determination of eligibility shall include, but is not limited to:
4 (a) A determination that the person or family is homeless or is in
5 transitional housing; (b) a verification of income and that the
6 person or family can reasonably make the monthly rental payment; and
7 (c) a determination that the person or family does not have the
8 financial resources to make the rental security deposit.

9 **Sec. 2103.** RCW 59.24.050 and 1995 c 399 s 158 are each amended
10 to read as follows:

11 The department of (~~community, trade, and economic development~~)
12 commerce may adopt rules to implement this chapter, including but not
13 limited to: (1) The eligibility of and the application process for
14 local governments and nonprofit corporations; (2) the criteria by
15 which grants and technical assistance shall be provided to local
16 governments and nonprofit corporations; and (3) the criteria local
17 governments and nonprofit corporations shall use in entering into
18 contracts with tenants and rental property owners.

19 **Sec. 2104.** RCW 59.24.060 and 1995 c 399 s 159 are each amended
20 to read as follows:

21 The department of (~~community, trade, and economic development~~)
22 commerce may receive such gifts, grants, or endowments from public or
23 private sources, as may be made from time to time, in trust or
24 otherwise, to be used by the department of (~~community, trade, and
25 economic development~~) commerce for its programs, including the
26 rental security deposit guarantee program. Funds from the housing
27 trust fund, chapter 43.185 RCW, up to one hundred thousand dollars,
28 may be used for the rental security deposit guarantee program by the
29 department of (~~community, trade, and economic development~~)
30 commerce, local governments, and nonprofit organizations, provided
31 all the requirements of this chapter and chapter 43.185 RCW are met.

32 **Sec. 2105.** RCW 59.28.030 and 2000 c 255 s 2 are each amended to
33 read as follows:

34 (1) This chapter shall not apply to the expiration or termination
35 of a housing assistance contract between a public housing agency and
36 an owner of existing housing participating in either the section 8
37 certificate or voucher program (42 U.S.C. Sec. 1437f).

1 (2) An owner of federally assisted housing shall not be required
2 to give notice of a prepayment under this chapter, if the owner has:
3 (a) Entered into an agreement with a federal, state, or local agency
4 continuing existing, or imposing new, low-income use restrictions for
5 at least twenty years that ensure that the tenants residing in the
6 development at the time of prepayment are not involuntarily displaced
7 except for good cause and that the housing will continue to serve
8 very low and low-income families and persons in need of affordable
9 housing; and (b) served notice of the agreement on the clerk of the
10 city, or county if in an unincorporated area, in which the property
11 is located, on any public housing agency that would be responsible
12 for administering tenant-based rental assistance to persons who would
13 otherwise be displaced from this housing, and on the department of
14 (~~community, trade, and economic development~~) commerce by regular
15 and certified mail and posted a copy of the agreement in a
16 conspicuous place at the development where it is likely to be seen by
17 the tenants. The posted agreement shall be maintained intact and in
18 legible form for the life of the agreement.

19 (3) An owner of federally assisted housing is not required to
20 give notice that a rental assistance contract is expiring if: (a) The
21 owner has entered into an agreement with the United States department
22 of housing and urban development or other federal, state, or local
23 agency to renew the rental assistance contract for a minimum of five
24 years subject to the availability of adequate appropriations; (b) the
25 agreement itself does not expire in less than twelve months; and (c)
26 the owner has served written notice of the agreement on the clerk of
27 the city, or county if in an unincorporated area, in which the
28 property is located, on any public housing agency that would be
29 responsible for administering tenant-based rental assistance to
30 persons who would otherwise be displaced from this housing, and on
31 the department of (~~community, trade, and economic development~~)
32 commerce, by regular and certified mail and posted these notices in a
33 conspicuous place at the development where they are likely to be seen
34 by the tenants. The posted notices shall be maintained intact and in
35 legible form for the life of the agreement to renew the rental
36 assistance contract.

37 **Sec. 2106.** RCW 59.28.040 and 2002 c 30 s 3 are each amended to
38 read as follows:

1 Except as provided in RCW 59.28.030, all owners of federally
2 assisted housing shall, at least twelve months before the expiration
3 of the rental assistance contract or prepayment of a mortgage or
4 loan, serve a written notice of the anticipated expiration or
5 prepayment date on each tenant household residing in the housing, on
6 the clerk of the city, or clerk of the county legislative authority
7 if in an unincorporated area, in which the property is located, on
8 any public housing agency that would be responsible for administering
9 tenant-based rental assistance to persons who would otherwise be
10 displaced from this housing, and on the department of (~~community,~~
11 ~~trade, and economic development~~) commerce, by regular and certified
12 mail. All owners of federally assisted housing shall also serve
13 written notice of the anticipated expiration or prepayment date on
14 each tenant household that moves into the housing after the initial
15 notice has been given, but before the expiration of the rental
16 assistance contract or prepayment of the mortgage or loan. This
17 notice shall be given before a new tenant is asked to execute a
18 rental agreement or required to pay any deposits.

19 **Sec. 2107.** RCW 59.28.050 and 1995 c 399 s 161 are each amended
20 to read as follows:

21 This chapter shall not in any way prohibit an owner of federally
22 assisted housing from terminating a rental assistance contract or
23 prepaying a mortgage or loan. The requirement in this chapter for
24 notice shall not be construed as conferring any new or additional
25 regulatory power upon the city or county clerk or upon the department
26 of (~~community, trade, and economic development~~) commerce.

27 **Sec. 2108.** RCW 59.28.060 and 2000 c 255 s 4 are each amended to
28 read as follows:

29 (1) The notice to tenants required by RCW 59.28.040 shall state:

30 (a) Whether the owner (i) intends to prepay the mortgage or loan
31 or allow the rental assistance contract to expire in order to operate
32 the housing without any low-income use restrictions, (ii) plans on
33 renewing the rental assistance contract subject to the availability
34 of adequate appropriations, or (iii) is seeking additional financial
35 incentives or higher rents as a condition of remaining in the federal
36 program; (b) the reason the owner plans on taking this action; (c)
37 the owner's plans for the project, including any timetables or
38 deadlines for actions to be taken by the owner and any specific

1 federal, state, or local agency approvals that the owner is required
2 to obtain; (d) the anticipated date of the prepayment of the mortgage
3 or loan or expiration of the rental assistance contract; (e) the
4 effect, if any, that prepayment of the mortgage or loan or expiration
5 of the rental assistance contract will have upon the tenants' rent
6 and other terms of their rental agreement; and (f) that additional
7 information will be served on the city or county, on the local public
8 housing agency, and on the department of (~~community, trade, and~~
9 ~~economic development~~) commerce and will be posted at the
10 development. The owner shall also include with the notice written
11 information, prepared by the department of (~~community, trade, and~~
12 ~~economic development~~) commerce under RCW 59.28.120(1), concerning
13 the legal rights, responsibilities, and options of owners and tenants
14 when an owner intends to prepay a mortgage or loan or terminate a
15 rental assistance contract.

16 (2) The notice to the city or county clerk and to the department
17 of (~~community, trade, and economic development~~) commerce required
18 by RCW 59.28.040 shall state: (a) The name, location, and project
19 number of the federally assisted housing and the type of assistance
20 received from the federal government; (b) the number and size of
21 units; (c) the age, race, family size, and estimated incomes of the
22 tenants who will be affected by the prepayment of the loan or
23 mortgage or expiration of the federal assistance contract; (d) the
24 current rents and projected rent increases for each affected tenant
25 after the prepayment of the mortgage or loan or expiration of the
26 rental assistance contract without disclosing the identities of the
27 affected tenants; (e) the availability and type, if any, of rental
28 assistance after the prepayment of the mortgage or loan or expiration
29 of the rental assistance contract; and (f) the age, race, family
30 size, and estimated incomes of any applicants on the project's
31 waiting list without disclosing the identities of the applicants. The
32 owner shall attach to this notice a copy of the notice the owner
33 sends to the tenants under this chapter.

34 (3) All owners of federally assisted housing shall immediately
35 post a copy of any notices they send the city or county clerk, any
36 public housing agency, and the department of (~~community, trade, and~~
37 ~~economic development~~) commerce, under RCW 59.28.040, in a
38 conspicuous place at the development where they are likely to be seen
39 by current and prospective tenants. The notices shall be maintained

1 intact and in legible form for twelve months from the date they are
2 posted.

3 All owners of federally assisted housing shall, upon request of
4 any state or local agency, provide the agency with a copy of any rent
5 comparability study, market analysis, or projected budget that they
6 submit to the United States department of housing and urban
7 development or other federal agency in conjunction with the
8 prepayment of their mortgage or loan or in anticipation of the
9 expiration of their rental assistance contract, together with any
10 physical inspection reports or capital needs assessments completed by
11 the owner or federal agency within the last three years.

12 **Sec. 2109.** RCW 59.28.120 and 2000 c 255 s 7 are each amended to
13 read as follows:

14 The department of (~~community, trade, and economic development~~)
15 commerce shall within ninety days after March 31, 2000, consult with
16 all interested stakeholders and develop and provide to owners and
17 tenants of federally assisted housing, state and local agencies, and
18 other interested persons all of the following:

19 (1) Written information concerning the legal rights,
20 responsibilities, and options of owners and tenants when an owner
21 intends to prepay a mortgage or loan or terminate a rental assistance
22 contract. This information shall include the name and telephone
23 number of any qualified legal aid program that provides civil legal
24 services to indigent persons and of any other state, regional, or
25 local organization that can be contacted to request additional
26 information about an owner's responsibilities and the rights and
27 options of an affected tenant;

28 (2) Written information sufficient to enable an owner of
29 federally assisted housing to comply with the notification
30 requirements of this chapter, including the name and address of any
31 public housing agency that would be responsible for administering
32 tenant-based rental assistance to persons who would otherwise be
33 displaced from federally assisted housing; and

34 (3) Any other information or technical assistance the department
35 determines will further the purposes of this chapter.

36 **Sec. 2110.** RCW 64.34.442 and 2008 c 113 s 3 are each amended to
37 read as follows:

1 (1) All cities and counties planning under RCW 36.70A.040, which
2 have allowed any conversion condominiums within the jurisdiction
3 within the previous twelve-month period, must report annually to the
4 department of (~~community, trade, and economic development~~) commerce
5 the following information:

6 (a) The total number of apartment units converted into
7 condominiums;

8 (b) The total number of conversion condominium projects; and

9 (c) The total number of apartment tenants who receive relocation
10 assistance.

11 (2) Upon completion of a conversion condominium project, a city
12 or county may require the declarant to provide the information
13 described in subsection (1) of this section to the appropriately
14 designated department or agency in the city or county for the purpose
15 of complying with subsection (1) of this section.

16 **Sec. 2111.** RCW 66.08.195 and 2001 c 8 s 1 are each amended to
17 read as follows:

18 For the purposes of this chapter:

19 (1) "Border area" means any incorporated city or town, or
20 unincorporated area, located within seven miles of the Washington-
21 Canadian border or any unincorporated area that is a point of land
22 surrounded on three sides by salt water and adjacent to the Canadian
23 border.

24 (2) "Border area per-capita law-enforcement spending" equals
25 total per capita expenditures in a border area on: Law enforcement
26 operating costs, court costs, law enforcement-related insurance, and
27 detention expenses, minus funds allocated to a border area under RCW
28 66.08.190 and 66.08.196.

29 (3) "Border-crossing traffic total" means the number of vehicles,
30 vessels, and aircraft crossing into the United States through a
31 United States customs service border crossing that enter into the
32 border area during a federal fiscal year, using border crossing
33 statistics and criteria included in guidelines adopted by the
34 department of (~~community, trade, and economic development~~)
35 commerce.

36 (4) "Border-related crime statistic" means the sum of infractions
37 and citations issued, and arrests of persons permanently residing
38 outside Washington state in a border area during a calendar year.

1 **Sec. 2112.** RCW 66.08.198 and 1995 c 159 s 4 are each amended to
2 read as follows:

3 The department of (~~community, trade, and economic development~~)
4 commerce shall develop guidelines to determine the figures used under
5 the three distribution factors defined in RCW 66.08.195. At the
6 request of any border community, the department may review these
7 guidelines once every three years.

8 **Sec. 2113.** RCW 67.28.8001 and 1997 c 452 s 6 are each amended to
9 read as follows:

10 (1) Each municipality imposing a tax under chapter 67.28 RCW
11 shall submit a report to the department of (~~community, trade, and~~
12 ~~economic development~~) commerce on October 1, 1998, and October 1,
13 2000. Each report shall include the following information:

14 (a) The rate of tax imposed under chapter 67.28 RCW;

15 (b) The total revenue received under chapter 67.28 RCW for each
16 of the preceding six years;

17 (c) A list of projects and activities funded with revenue
18 received under chapter 67.28 RCW; and

19 (d) The amount of revenue under chapter 67.28 RCW expended for
20 each project and activity.

21 (2) The department of (~~community, trade, and economic~~
22 ~~development~~) commerce shall summarize and analyze the data received
23 under subsection (1) of this section in a report submitted to the
24 legislature on January 1, 1999, and January 1, 2001. The report shall
25 include, but not be limited to, analysis of factors contributing to
26 growth in revenue received under chapter 67.28 RCW and the effects of
27 projects and activities funded with revenue received under chapter
28 67.28 RCW on tourism growth.

29 **Sec. 2114.** RCW 67.38.070 and 1995 c 399 s 167 are each amended
30 to read as follows:

31 The comprehensive cultural arts, stadium and convention plan
32 adopted by the district shall be reviewed by the department of
33 (~~community, trade, and economic development~~) commerce to determine:

34 (1) Whether the plan will enhance the progress of the state and
35 provide for the general welfare of the population; and

36 (2) Whether such plan is eligible for matching federal funds.

37 After reviewing the comprehensive cultural arts, stadium and
38 convention plan, the department of (~~community, trade, and economic~~

1 development)) commerce shall have sixty days in which to approve such
2 plan and to certify to the state treasurer that such district shall
3 be eligible to receive funds. To be approved a plan shall provide for
4 coordinated cultural arts, stadium and convention planning, and be
5 consistent with the public cultural arts, stadium and convention
6 coordination criteria in a manner prescribed by chapter 35.60 RCW. In
7 the event such comprehensive plan is disapproved and ruled ineligible
8 to receive funds, the department of (~~community, trade, and economic~~
9 ~~development~~) commerce shall provide written notice to the district
10 within thirty days as to the reasons for such plan's disapproval and
11 such ineligibility. The district may resubmit such plan upon
12 reconsideration and correction of such deficiencies cited in such
13 notice of disapproval.

14 **Sec. 2115.** RCW 70.62.290 and 1994 c 250 s 8 are each amended to
15 read as follows:

16 Rules establishing fire and life safety requirements, not
17 inconsistent with the provisions of this chapter, shall continue to
18 be adopted by the director of (~~community, trade, and economic~~
19 ~~development~~) commerce, through the director of fire protection.

20 **Sec. 2116.** RCW 70.114A.070 and 1995 c 220 s 7 are each amended
21 to read as follows:

22 The department of (~~community, trade, and economic development~~)
23 commerce shall contract with private, nonprofit corporations to
24 provide technical assistance to any private individual or nonprofit
25 organization wishing to construct temporary or permanent worker
26 housing. The assistance may include information on state and local
27 application and approval procedures, information or assistance in
28 applying for federal, state, or local financial assistance, including
29 tax incentives, information on cost-effective housing designs, or any
30 other assistance the department of (~~community, trade, and economic~~
31 ~~development~~) commerce may deem helpful in obtaining the active
32 participation of private individuals or groups in constructing or
33 operating temporary or permanent worker housing.

34 **Sec. 2117.** RCW 70.136.030 and 1995 c 399 s 197 are each amended
35 to read as follows:

36 The governing body of each applicable political subdivision of
37 this state shall designate a hazardous materials incident command

1 agency within its respective boundaries, and file this designation
2 with the director of (~~community, trade, and economic development~~)
3 commerce. In designating an incident command agency, the political
4 subdivision shall consider the training, manpower, expertise, and
5 equipment of various available agencies as well as the Uniform Fire
6 Code and other existing codes and regulations. Along state and
7 interstate highway corridors, the Washington state patrol shall be
8 the designated incident command agency unless by mutual agreement
9 that role has been assumed by another designated incident command
10 agency. If a political subdivision has not designated an incident
11 command agency within six months after July 26, 1987, the Washington
12 state patrol shall then assume the role of incident command agency by
13 action of the chief until a designation has been made.

14 **Sec. 2118.** RCW 70A.50.020 and 2009 c 379 s 102 are each amended
15 to read as follows:

16 The Washington State University extension energy program is
17 authorized to implement grants for pilot programs providing
18 community-wide urban residential and commercial energy efficiency
19 upgrades. The Washington State University extension energy program
20 must coordinate and collaborate with the department of (~~community,
21 trade, and economic development~~) commerce on the design,
22 administration, and implementation elements of the pilot program.

23 (1) There must be at least three grants for pilot programs,
24 awarded on a competitive basis to sponsors for conducting direct
25 outreach and delivering energy efficiency services that, to the
26 extent feasible, ensure a balance of participation for: (a)
27 Geographic regions in the state; (b) types of fuel used for heating;
28 (c) owner-occupied and rental residences; (d) small commercial
29 buildings; and (e) single-family and multifamily dwellings.

30 (2) The pilot programs must:

31 (a) Provide assistance for energy audits and energy
32 efficiency-related improvements to structures owned by or used for
33 residential, commercial, or nonprofit purposes in specified urban
34 neighborhoods where the objective is to achieve a high rate of
35 participation among building owners within the pilot area;

36 (b) Utilize volunteer support to reach out to potential customers
37 through the use of community-based institutions;

38 (c) Employ qualified energy auditors and energy efficiency
39 service providers to perform the energy audits using recognized

1 energy efficiency and weatherization services that are cost-
2 effective;

3 (d) Select and provide oversight of contractors to perform energy
4 efficiency services. Sponsors shall require contractors to
5 participate in quality control and efficiency training, use workers
6 trained from workforce training and apprentice programs established
7 under chapter 536, Laws of 2009 if these workers are available, pay
8 prevailing wages under chapter 39.12 RCW, hire from the community in
9 which the program is located, and create employment opportunities for
10 veterans, members of the national guard, and low-income and
11 disadvantaged populations; and

12 (e) Work with customers to secure financing for their portion of
13 the project and apply for and administer utility, public, and
14 charitable funding provided for energy audits and retrofits.

15 (3) The Washington State University extension energy program must
16 give priority to sponsors that can secure a sponsor match of at least
17 one dollar for each dollar awarded.

18 (a) A sponsor may use its own moneys, including corporate or
19 ratepayer moneys, or moneys provided by landlords, charitable groups,
20 government programs, the Bonneville power administration, or other
21 sources to pay the sponsor match.

22 (b) A sponsor may meet its match requirement in whole or in part
23 through providing labor, materials, or other in-kind expenditures.

24 (4)(a) Pilot programs receiving funding must report compliance
25 with performance metrics for each sponsor receiving a grant award.
26 The performance metrics include:

- 27 (i) Monetary and energy savings achieved;
- 28 (ii) Savings-to-investment ratio achieved for customers;
- 29 (iii) Wage levels of jobs created;
- 30 (iv) Utilization of preapprentice and apprenticeship programs;
- 31 and
- 32 (v) Efficiency and speed of delivery of services.

33 (b) Pilot programs receiving funding under this section are
34 required to report to the Washington State University ((energy))
35 extension ((~~extension-energy~~)) energy program on compliance with
36 the performance metrics every six months following the receipt of
37 grants, with the last report submitted six months after program
38 completion.

39 (c) The Washington State University extension energy program
40 shall review the accuracy of these reports and provide a progress

1 report on all grant pilot programs to the appropriate committees of
2 the legislature by December 1st of each year.

3 (5) (a) By December 1, 2009, the Washington State University
4 extension energy program shall provide a report to the governor and
5 appropriate legislative committees on the: Number of grants awarded;
6 number of jobs created or maintained; number and type of individuals
7 trained through workforce training and apprentice programs; number of
8 veterans, members of the national guard, and individuals of low-
9 income and disadvantaged populations employed by pilot programs; and
10 amount of funding provided through the grants as established in
11 subsection (1) of this section and the performance metrics
12 established in subsection (4) of this section.

13 (b) By December 1, 2010, the Washington State University
14 extension energy program shall provide a final report to the governor
15 and appropriate legislative committees on the: Number of grants
16 awarded; number of jobs created or maintained; number and type of
17 individuals trained through workforce training and apprentice
18 programs; number of veterans, members of the national guard, and
19 individuals of low-income and disadvantaged populations employed by
20 pilot programs; and amount of funding provided through the grants as
21 established in subsection (1) of this section and the performance
22 metrics established in subsection (4) of this section.

23 **Sec. 2119.** RCW 70A.205.210 and 1995 c 399 s 189 are each amended
24 to read as follows:

25 The department shall in addition to its other powers and duties:

26 (1) Cooperate with the appropriate federal, state, interstate and
27 local units of government and with appropriate private organizations
28 in carrying out the provisions of this chapter.

29 (2) Coordinate the development of a solid waste management plan
30 for all areas of the state in cooperation with local government, the
31 department of ((community, trade, and economic development))
32 commerce, and other appropriate state and regional agencies. The plan
33 shall relate to solid waste management for twenty years in the future
34 and shall be reviewed biennially, revised as necessary, and extended
35 so that perpetually the plan shall look to the future for twenty
36 years as a guide in carrying out a state coordinated solid waste
37 management program. The plan shall be developed into a single
38 integrated document and shall be adopted no later than October 1990.
39 The plan shall be revised regularly after its initial completion so

1 that local governments revising local comprehensive solid waste
2 management plans can take advantage of the data and analysis in the
3 state plan.

4 (3) Provide technical assistance to any person as well as to
5 cities, counties, and industries.

6 (4) Initiate, conduct, and support research, demonstration
7 projects, and investigations, and coordinate research programs
8 pertaining to solid waste management systems.

9 (5) Develop statewide programs to increase public awareness of
10 and participation in tire recycling, and to stimulate and encourage
11 local private tire recycling centers and public participation in tire
12 recycling.

13 (6) May, under the provisions of the Administrative Procedure
14 Act, chapter 34.05 RCW, as now or hereafter amended, from time to
15 time promulgate such rules and regulations as are necessary to carry
16 out the purposes of this chapter.

17 **Sec. 2120.** RCW 70A.205.710 and 1998 c 245 s 132 are each amended
18 to read as follows:

19 (1) In order to establish the feasibility of composting food and
20 yard wastes, the department shall provide funds, as available, to
21 local governments submitting a proposal to compost such wastes.

22 (2) The department, in cooperation with the department of
23 (~~community, trade, and economic development~~) commerce, may approve
24 an application if the project can demonstrate the essential
25 parameters for successful composting, including, but not limited to,
26 cost-effectiveness, handling and safety requirements, and current and
27 potential markets.

28 **Sec. 2121.** RCW 71.09.255 and 2002 c 68 s 8 are each amended to
29 read as follows:

30 (1) Upon receiving the notification required by RCW 71.09.250,
31 counties must promptly notify the cities within the county of the
32 maximum number of secure community transition facility beds that may
33 be required and the projected number of beds to be needed in that
34 county.

35 (2) The incentive grants and payments provided under this section
36 are subject to the following provisions:

1 (a) Counties and the cities within the county must notify each
2 other of siting plans to promote the establishment and equitable
3 distribution of secure community transition facilities;

4 (b) Development regulations, ordinances, plans, laws, and
5 criteria established for siting must be consistent with statutory
6 requirements and rules applicable to siting and operating secure
7 community transition facilities;

8 (c) The minimum size for any facility is three beds; and

9 (d) The department must approve any sites selected.

10 (3) Any county or city that makes a commitment to initiate the
11 process to site one or more secure community transition facilities by
12 one hundred twenty days after March 21, 2002, shall receive a
13 planning grant as proposed and approved by the department of
14 (~~community, trade, and economic development~~) commerce.

15 (4) Any county or city that has issued all necessary permits by
16 May 1, 2003, for one or more secure community transition facilities
17 that comply with the requirements of this section shall receive an
18 incentive grant in the amount of fifty thousand dollars for each bed
19 sited.

20 (5) To encourage the rapid permitting of sites, any county or
21 city that has issued all necessary permits by January 1, 2003, for
22 one or more secure community transition facilities that comply with
23 the requirements of this section shall receive a bonus in the amount
24 of twenty percent of the amount provided under subsection (4) of this
25 section.

26 (6) Any county or city that establishes secure community
27 transition facility beds in excess of the maximum number that could
28 be required to be sited in that county shall receive a bonus payment
29 of one hundred thousand dollars for each bed established in excess of
30 the maximum requirement.

31 (7) No payment shall be made under subsection (4), (5), or (6) of
32 this section until all necessary permits have been issued.

33 (8) The funds available to counties and cities under this section
34 are contingent upon funds being appropriated by the legislature.

35 **Sec. 2122.** RCW 72.09.055 and 1995 c 399 s 202 are each amended
36 to read as follows:

37 (1) The department shall identify and catalog real property that
38 is no longer required for department purposes and is suitable for the
39 development of affordable housing for very low-income, low-income,

1 and moderate-income households as defined in RCW 43.63A.510. The
2 inventory shall include the location, approximate size, and current
3 zoning classification of the property. The department shall provide a
4 copy of the inventory to the department of (~~community, trade, and~~
5 ~~economic development~~) commerce by November 1, 1993, and every
6 November 1 thereafter.

7 (2) By November 1 of each year, beginning in 1994, the department
8 shall purge the inventory of real property of sites that are no
9 longer available for the development of affordable housing. The
10 department shall include an updated listing of real property that has
11 become available since the last update. As used in this section,
12 "real property" means buildings, land, or buildings and land.

13 **Sec. 2123.** RCW 72.65.210 and 1998 c 245 s 142 are each amended
14 to read as follows:

15 (1) The department shall establish, by rule, inmate eligibility
16 standards for participation in the work release program.

17 (2) The department shall:

18 (a) Conduct an annual examination of each work release facility
19 and its security procedures;

20 (b) Investigate and set standards for the inmate supervision
21 policies of each work release facility;

22 (c) Establish physical standards for future work release
23 structures to ensure the safety of inmates, employees, and the
24 surrounding communities;

25 (d) Evaluate its recordkeeping of serious infractions to
26 determine if infractions are properly and consistently assessed
27 against inmates eligible for work release;

28 (e) (~~The department shall establish~~) Establish a written
29 treatment plan best suited to the inmate's needs, cost, and the
30 relationship of community placement and community corrections
31 officers to a system of case management;

32 (f) Adopt a policy to encourage businesses employing work release
33 inmates to contact the appropriate work release facility whenever an
34 inmate is absent from his or her work schedule. The department of
35 corrections shall provide each employer with written information and
36 instructions on who should be called if a work release employee is
37 absent from work or leaves the jobsite without authorization; and

38 (g) Develop a siting policy, in conjunction with cities,
39 counties, community groups, and the department of (~~community, trade,~~

1 and—economic—development)) commerce for the establishment of
2 additional work release facilities. Such policy shall include at
3 least the following elements: (i) Guidelines for appropriate site
4 selection of work-release facilities; (ii) notification requirements
5 to local government and community groups of intent to site a work
6 release facility; and (iii) guidelines for effective community
7 relations by the work release program operator.

8 The department shall comply with the requirements of this section
9 by July 1, 1990.

10 **Sec. 2124.** RCW 76.56.020 and 1994 c 282 s 1 are each amended to
11 read as follows:

12 The center shall:

13 (1) Coordinate the University of Washington's college of forest
14 resources' faculty and staff expertise to assist in:

15 (a) The development of research and analysis for developing
16 policies and strategies which will expand forest-based international
17 trade, including a major focus on secondary manufacturing;

18 (b) The development of technology or commercialization support
19 for manufactured products that will meet the evolving needs of
20 international customers;

21 (c) The development of research and analysis on other factors
22 critical to forest-based trade, including the quality and
23 availability of raw wood resources; and

24 (d) The coordination, development, and dissemination of market
25 and technical information relevant to international trade in forest
26 products, including a major focus on secondary manufacturing;

27 (2) Further develop and maintain computer databases on worldwide
28 forest products production and trade in order to monitor and report
29 on trends significant to the Northwest forest products industry and
30 support the center's research functions; and coordinate this system
31 with state, federal, and private sector efforts to insure a cost-
32 effective information resource that will avoid unnecessary
33 duplication;

34 (3) Monitor international forest products markets and assess the
35 status of the state's forest products industry, including the
36 competitiveness of small and medium-sized secondary manufacturing
37 firms in the forest products industry, which for the purposes of this
38 chapter shall be firms with annual revenues of twenty-five million or

1 less, and including the increased exports of Washington-produced
2 products of small and medium-sized secondary manufacturing firms;

3 (4) Provide high quality research and graduate education and
4 professional nondegree training in international trade in forest
5 products in cooperation with the University of Washington's graduate
6 school of business administration, the school of law, the Jackson
7 school of international studies, the Northwest policy center of the
8 graduate school of public administration, and other supporting
9 academic units;

10 (5) Develop cooperative linkages with the international marketing
11 program for agricultural commodities and trade at Washington State
12 University, the international trade project of the United States
13 forest service, the department of natural resources, the department
14 of (~~community, trade, and economic development~~) commerce, the small
15 business export finance assistance center, and other state and
16 federal agencies to avoid duplication of effort and programs;

17 (6) Cooperate with personnel from the state's community and
18 technical colleges in their development of wood products
19 manufacturing and wood technology curriculum and offer periodic
20 workshops on wood products manufacturing, wood technology, and trade
21 opportunities to community colleges and private educators and
22 trainers;

23 (7) Provide for public dissemination of research, analysis, and
24 results of the center's programs to all groups, including direct
25 assistance groups, through technical workshops, short courses,
26 international and national symposia, cooperation with private sector
27 networks and marketing associations, or other means, including
28 appropriate publications;

29 (8) Establish an executive policy board, including
30 representatives of small and medium-sized businesses, with at least
31 fifty percent of its business members representing small businesses
32 with one hundred or fewer employees and medium-sized businesses with
33 one hundred to five hundred employees. The executive policy board
34 shall also include a representative of the community and technical
35 colleges, representatives of state and federal agencies, and a
36 representative of a wood products manufacturing network or trade
37 association of small and medium-sized wood product manufacturers. The
38 executive policy board shall provide advice on: Overall policy
39 direction and program priorities, state and federal budget requests,
40 securing additional research funds, identifying priority areas of

1 focus for research efforts, selection of projects for research, and
2 dissemination of results of research efforts; and

3 (9) Establish advisory or technical committees for each research
4 program area, to advise on research program area priorities,
5 consistent with the international trade opportunities achievable by
6 the forest products sector of the state and region, to help ensure
7 projects are relevant to industry needs, and to advise on and support
8 effective dissemination of research results. Each advisory or
9 technical committee shall include representatives of forest products
10 industries that might benefit from this research.

11 Service on the committees and the executive policy board
12 established in subsections (8) and (9) of this section shall be
13 without compensation but actual travel expenses incurred in
14 connection with service to the center may be reimbursed from
15 appropriated funds in accordance with RCW 43.03.050 and 43.03.060.

16 **Sec. 2125.** RCW 79.105.600 and 2005 c 155 s 161 are each amended
17 to read as follows:

18 After consultation with the director of (~~community, trade, and~~
19 ~~economic development~~) commerce, the department may enter into
20 agreements, leases, or other conveyances for archaeological
21 activities on state-owned aquatic lands. The agreements, leases, or
22 other conveyances may contain those conditions as are required for
23 the department to comply with its legal rights and duties. All
24 agreements, leases, or other conveyances, shall be issued in
25 accordance with the terms of chapters 79.105 through 79.140 RCW.

26 **Sec. 2126.** RCW 79A.30.050 and 1995 c 200 s 6 are each amended to
27 read as follows:

28 (1) If the authority and state agencies find it mutually
29 beneficial to do so, they are authorized to collaborate and cooperate
30 on projects of shared interest. Agencies authorized to collaborate
31 with the authority include but are not limited to: The commission for
32 activities and projects related to public recreation; the department
33 of agriculture for projects related to the equine agricultural
34 industry; the department of (~~community, trade, and economic~~
35 ~~development~~) commerce with respect to community and economic
36 development and tourism issues associated with development of the
37 state horse park; Washington State University with respect to
38 opportunities for animal research, education, and extension; the

1 department of ecology with respect to opportunities for making the
2 state horse park's waste treatment facilities a demonstration model
3 for the handling of waste to protect water quality; and with local
4 community colleges with respect to programs related to horses,
5 economic development, business, and tourism.

6 (2) The authority shall cooperate with 4-H clubs, pony clubs,
7 youth groups, and local park departments to provide youth
8 recreational activities. The authority shall also provide for
9 preferential use of an area of the horse park facility for youth and
10 (~~the disabled~~) individuals with disabilities at nominal cost.

11 **Sec. 2127.** RCW 79A.50.100 and 1995 c 399 s 209 are each amended
12 to read as follows:

13 (1) A public hearing may be held prior to any withdrawal of state
14 trust lands and shall be held prior to any revocation of withdrawal
15 or modification of withdrawal of state trust lands used for
16 recreational purposes by the department of natural resources or by
17 other state agencies.

18 (2) The department shall cause notice of the withdrawal,
19 revocation of withdrawal or modification of withdrawal of state trust
20 lands as described in subsection (1) of this section to be published
21 by advertisement once a week for four weeks prior to the public
22 hearing in at least one newspaper published and of general
23 circulation in the county or counties in which the state trust lands
24 are situated, and by causing a copy of said notice to be posted in a
25 conspicuous place in the department's Olympia office, in the district
26 office in which the land is situated, and in the office of the county
27 auditor in the county where the land is situated thirty days prior to
28 the public hearing. The notice shall specify the time and place of
29 the public hearing and shall describe with particularity each parcel
30 of state trust lands involved in said hearing.

31 (3) The board of natural resources shall administer the hearing
32 according to its prescribed rules and regulations.

33 (4) The board of natural resources shall determine the most
34 beneficial use or combination of uses of the state trust lands. Its
35 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
36 said decisions as to uses shall conform to applicable state plans and
37 policy guidelines adopted by the department of (~~community, trade,~~
38 ~~and economic development~~) commerce.

1 **Sec. 2128.** RCW 79A.60.480 and 2002 c 86 s 327 are each amended
2 to read as follows:

3 (1) The department of licensing may issue a whitewater river
4 outfitter's license to an applicant who submits a completed
5 application, pays the required fee, and complies with the
6 requirements of this section.

7 (2) An applicant for a whitewater river outfitter's license shall
8 make application upon a form provided by the department of licensing.
9 The form must be submitted annually and include the following
10 information:

11 (a) The name, residence address, and residence telephone number,
12 and the business name, address, and telephone number of the
13 applicant;

14 (b) Certification that all employees, subcontractors, or
15 independent contractors hired as guides meet training standards under
16 RCW 79A.60.430 before carrying any passengers for hire;

17 (c) Proof that the applicant has liability insurance for a
18 minimum of three hundred thousand dollars per claim for occurrences
19 by the applicant and the applicant's employees that result in bodily
20 injury or property damage. All guides must be covered by the
21 applicant's insurance policy;

22 (d) Certification that the applicant will maintain the insurance
23 for a period of not less than one year from the date of issuance of
24 the license; and

25 (e) Certification by the applicant that for a period of not less
26 than twenty-four months immediately preceding the application the
27 applicant:

28 (i) Has not had a license, permit, or certificate to carry
29 passengers for hire on a river revoked by another state or by an
30 agency of the government of the United States due to a conviction for
31 a violation of safety or insurance coverage requirements no more
32 stringent than the requirements of this chapter; and

33 (ii) Has not been denied the right to apply for a license,
34 permit, or certificate to carry passengers for hire on a river by
35 another state.

36 (3) The department of licensing shall charge a fee for each
37 application, to be set in accordance with RCW 43.24.086.

38 (4) Any person advertising or representing himself or herself as
39 a whitewater river outfitter who is not currently licensed is guilty
40 of a gross misdemeanor.

1 (5) The department of licensing shall submit annually a list of
2 licensed persons and companies to the department of (~~community,~~
3 ~~trade,~~ and ~~economic development~~) commerce, tourism promotion
4 division.

5 (6) If an insurance company cancels or refuses to renew insurance
6 for a licensee, the insurance company shall notify the department of
7 licensing in writing of the termination of coverage and its effective
8 date not less than thirty days before the effective date of
9 termination.

10 (a) Upon receipt of an insurance company termination notice, the
11 department of licensing shall send written notice to the licensee
12 that on the effective date of termination the department of licensing
13 will suspend the license unless proof of insurance as required by
14 this section is filed with the department of licensing before the
15 effective date of the termination.

16 (b) If an insurance company fails to give notice of coverage
17 termination, this failure shall not have the effect of continuing the
18 coverage.

19 (c) The department of licensing may sanction a license under RCW
20 18.235.110 if the licensee fails to maintain in full force and effect
21 the insurance required by this section.

22 (7) The state of Washington shall be immune from any civil action
23 arising from the issuance of a license under this section.

24 **Sec. 2129.** RCW 80.36.440 and 2003 c 134 s 5 are each amended to
25 read as follows:

26 (1) The commission and the department may adopt any rules
27 necessary to implement RCW 80.36.410 through 80.36.470.

28 (2) Rules necessary for the implementation of community service
29 voice mail services shall be made by the commission and the
30 department in consultation with the department of (~~community,~~ ~~trade,~~
31 ~~and economic development~~) commerce.

32 **Sec. 2130.** RCW 80.80.050 and 2007 c 307 s 7 are each amended to
33 read as follows:

34 The energy policy division of the department of (~~community,~~
35 ~~trade,~~ and ~~economic development~~) commerce shall provide an
36 opportunity for interested parties to comment on the development of a
37 survey of new combined-cycle natural gas thermal electric generation
38 turbines commercially available and offered for sale by manufacturers

1 and purchased in the United States to determine the average rate of
2 emissions of greenhouse gases for these turbines. The department of
3 (~~community, trade, and economic development~~) commerce shall report
4 the results of its survey to the legislature every five years,
5 beginning June 30, 2013. The department of (~~community, trade, and
6 economic development~~) commerce shall adopt by rule the average
7 available greenhouse (~~gases~~) gas emissions output every five years
8 beginning five years after July 22, 2007.

9 **Sec. 2131.** RCW 80.80.080 and 2007 c 307 s 10 are each amended to
10 read as follows:

11 For the purposes of RCW 80.80.040 through 80.80.080 and
12 80.70.020, the department, in consultation with the department of
13 (~~community, trade, and economic development~~) commerce energy policy
14 division, the energy facility site evaluation council, the
15 commission, and the governing boards of consumer-owned utilities,
16 shall review the greenhouse (~~gases~~) gas emissions performance
17 standard established in this chapter to determine need,
18 applicability, and effectiveness no less than every five years
19 following July 22, 2007, or upon implementation of a federal or state
20 law or rule regulating carbon dioxide emissions of electric
21 utilities, and report to the legislature.

22 **Sec. 2132.** RCW 90.56.280 and 1995 c 399 s 218 are each amended
23 to read as follows:

24 It shall be the duty of any person discharging oil or hazardous
25 substances or otherwise causing, permitting, or allowing the same to
26 enter the waters of the state, unless the discharge or entry was
27 expressly authorized by the department prior thereto or authorized by
28 operation of law under RCW 90.48.200, to immediately notify the coast
29 guard and the division of emergency management. The notice to the
30 division of emergency management within the department of
31 (~~community, trade, and economic development~~) commerce shall be made
32 to the division's twenty-four hour statewide toll-free number
33 established for reporting emergencies.

34 **PART 3**

35 **OTHER PROVISIONS**

1 NEW SECTION. **Sec. 3001.** Section 4, chapter 137, Laws of 2015,
2 section 1, chapter 326, Laws of 2013, and section 2, chapter 291,
3 Laws of 2011 expire June 30, 2016.

4 NEW SECTION. **Sec. 3002.** 2011 1st sp. sess. c 35 s 3
5 (uncodified) is repealed.

6 NEW SECTION. **Sec. 3003.** The following sections are decodified:

- 7 (1) RCW 28A.300.2851 (School bullying and harassment—Work group);
8 (2) RCW 28A.300.807 (Task force—Review of federal 2007 race and
9 ethnicity reporting guidelines—Development of state guidelines);
10 (3) RCW 43.10.300 (Hate crime advisory working group); and
11 (4) RCW 43.280.091 (Statewide coordinating committee on sex
12 trafficking).

13 **Sec. 3004.** RCW 9A.44.010 and 2020 c 312 s 707 are each reenacted
14 and amended to read as follows:

15 As used in this chapter:

- 16 (1) "Abuse of a supervisory position" means:
17 (a) To use a direct or indirect threat or promise to exercise
18 authority to the detriment or benefit of a minor; or
19 (b) To exploit a significant relationship in order to obtain the
20 consent of a minor.
21 (2) "Consent" means that at the time of the act of sexual
22 intercourse or sexual contact there are actual words or conduct
23 indicating freely given agreement to have sexual intercourse or
24 sexual contact.
25 (3) "Forcible compulsion" means physical force which overcomes
26 resistance, or a threat, express or implied, that places a person in
27 fear of death or physical injury to herself or himself or another
28 person, or in fear that she or he or another person will be
29 kidnapped.
30 (4) "Frail elder or vulnerable adult" means a person sixty years
31 of age or older who has the functional, mental, or physical inability
32 to care for himself or herself. "Frail elder or vulnerable adult"
33 also includes a person who has been placed under a guardianship under
34 RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person
35 over eighteen years of age who has a developmental disability under
36 chapter 71A.10 RCW, a person admitted to a long-term care facility

1 that is licensed or required to be licensed under chapter 18.20,
2 18.51, 72.36, or 70.128 RCW, and a person receiving services from a
3 home health, hospice, or home care agency licensed or required to be
4 licensed under chapter 70.127 RCW.

5 (5) "Health care provider" for purposes of RCW 9A.44.050 and
6 9A.44.100 means a person who is, holds himself or herself out to be,
7 or provides services as if he or she were: (a) A member of a health
8 care profession under chapter 18.130 RCW; or (b) registered under
9 chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of
10 whether the health care provider is licensed, certified, or
11 registered by the state.

12 (6) "Married" means one who is legally married to another, but
13 does not include a person who is living separate and apart from his
14 or her spouse and who has filed in an appropriate court for legal
15 separation or for dissolution of his or her marriage.

16 (7) "Mental incapacity" is that condition existing at the time of
17 the offense which prevents a person from understanding the nature or
18 consequences of the act of sexual intercourse whether that condition
19 is produced by illness, defect, the influence of a substance or from
20 some other cause.

21 (8) "Person with a ~~((chemical dependency))~~ substance use
22 disorder" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e)
23 means a person ~~((who is "chemically dependent" as defined in RCW~~
24 ~~70.96A.020))~~ with a "substance use disorder" as defined in RCW
25 71.05.020.

26 (9) "Person with a developmental disability," for purposes of RCW
27 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a
28 developmental disability as defined in RCW 71A.10.020.

29 (10) "Person with a mental disorder" for the purposes of RCW
30 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental
31 disorder" as defined in RCW 71.05.020.

32 (11) "Person with supervisory authority," for purposes of RCW
33 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any
34 proprietor or employee of any public or private care or treatment
35 facility who directly supervises developmentally disabled, mentally
36 disordered, or chemically dependent persons at the facility.

37 (12) "Physically helpless" means a person who is unconscious or
38 for any other reason is physically unable to communicate
39 unwillingness to an act.

1 (13) "Sexual contact" means any touching of the sexual or other
2 intimate parts of a person done for the purpose of gratifying sexual
3 desire of either party or a third party.

4 (14) "Sexual intercourse" (a) has its ordinary meaning and occurs
5 upon any penetration, however slight, and

6 (b) Also means any penetration of the vagina or anus however
7 slight, by an object, when committed on one person by another,
8 whether such persons are of the same or opposite sex, except when
9 such penetration is accomplished for medically recognized treatment
10 or diagnostic purposes, and

11 (c) Also means any act of sexual contact between persons
12 involving the sex organs of one person and the mouth or anus of
13 another whether such persons are of the same or opposite sex.

14 (15) "Significant relationship" means a situation in which the
15 perpetrator is:

16 (a) A person who undertakes the responsibility, professionally or
17 voluntarily, to provide education, health, welfare, or organized
18 recreational activities principally for minors;

19 (b) A person who in the course of his or her employment
20 supervises minors; or

21 (c) A person who provides welfare, health or residential
22 assistance, personal care, or organized recreational activities to
23 frail elders or vulnerable adults, including a provider, employee,
24 temporary employee, volunteer, or independent contractor who supplies
25 services to long-term care facilities licensed or required to be
26 licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home
27 health, hospice, or home care agencies licensed or required to be
28 licensed under chapter 70.127 RCW, but not including a consensual
29 sexual partner.

30 (16) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100
31 means the active delivery of professional services by a health care
32 provider which the health care provider holds himself or herself out
33 to be qualified to provide.

34 **Sec. 3005.** RCW 9A.44.050 and 2021 c 142 s 1 are each amended to
35 read as follows:

36 (1) A person is guilty of rape in the second degree when, under
37 circumstances not constituting rape in the first degree, the person
38 engages in sexual intercourse with another person:

39 (a) By forcible compulsion;

1 (b) When the victim is incapable of consent by reason of being
2 physically helpless or mentally incapacitated;

3 (c) When the victim is a person with a developmental disability
4 and the perpetrator is a person who:

5 (i) Has supervisory authority over the victim; or

6 (ii) Was providing transportation, within the course of his or
7 her employment, to the victim at the time of the offense;

8 (d) When the perpetrator is a health care provider, the victim is
9 a client or patient, and the sexual intercourse occurs during a
10 treatment session, consultation, interview, or examination. It is an
11 affirmative defense that the defendant must prove by a preponderance
12 of the evidence that the client or patient consented to the sexual
13 intercourse with the knowledge that the sexual intercourse was not
14 for the purpose of treatment;

15 (e) When the victim is a resident of a facility for persons with
16 a mental disorder or (~~chemical dependency~~) substance use disorder
17 and the perpetrator is a person who has supervisory authority over
18 the victim; or

19 (f) When the victim is a frail elder or vulnerable adult and the
20 perpetrator is a person who:

21 (i) Has a significant relationship with the victim; or

22 (ii) Was providing transportation, within the course of his or
23 her employment, to the victim at the time of the offense.

24 (2) Rape in the second degree is a class A felony.

25 **Sec. 3006.** RCW 9A.44.100 and 2021 c 142 s 10 are each amended to
26 read as follows:

27 (1) A person is guilty of indecent liberties when he or she
28 knowingly causes another person to have sexual contact with him or
29 her or another:

30 (a) By forcible compulsion;

31 (b) When the other person is incapable of consent by reason of
32 being mentally defective, mentally incapacitated, or physically
33 helpless;

34 (c) When the victim is a person with a developmental disability
35 and the perpetrator is a person who:

36 (i) Has supervisory authority over the victim; or

37 (ii) Was providing transportation, within the course of his or
38 her employment, to the victim at the time of the offense;

1 (d) When the perpetrator is a health care provider, the victim is
2 a client or patient, and the sexual contact occurs during a treatment
3 session, consultation, interview, or examination. It is an
4 affirmative defense that the defendant must prove by a preponderance
5 of the evidence that the client or patient consented to the sexual
6 contact with the knowledge that the sexual contact was not for the
7 purpose of treatment;

8 (e) When the victim is a resident of a facility for persons with
9 a mental disorder or (~~chemical dependency~~) substance use disorder
10 and the perpetrator is a person who has supervisory authority over
11 the victim; or

12 (f) When the victim is a frail elder or vulnerable adult and the
13 perpetrator is a person who:

14 (i) Has a significant relationship with the victim; or

15 (ii) Was providing transportation, within the course of his or
16 her employment, to the victim at the time of the offense.

17 (2)(a) Except as provided in (b) of this subsection, indecent
18 liberties is a class B felony.

19 (b) Indecent liberties by forcible compulsion is a class A
20 felony.

21 **Sec. 3007.** RCW 9.94A.838 and 2006 c 122 s 3 are each amended to
22 read as follows:

23 (1) In a prosecution for rape in the first degree, rape in the
24 second degree with forcible compulsion, indecent liberties with
25 forcible compulsion, or kidnapping in the first degree with sexual
26 motivation, the prosecuting attorney shall file a special allegation
27 that the victim of the offense was, at the time of the offense,
28 (~~developmentally disabled, mentally disordered,~~) a person with a
29 developmental disability or a mental disorder or a frail elder or
30 vulnerable adult, whenever sufficient admissible evidence exists,
31 which, when considered with the most plausible, reasonably
32 foreseeable defense that could be raised under the evidence, would
33 justify a finding by a reasonable and objective fact finder that the
34 victim was, at the time of the offense, (~~developmentally disabled,~~
35 ~~mentally disordered,~~) a person with a developmental disability or a
36 mental disorder or a frail elder or vulnerable adult, unless the
37 prosecuting attorney determines, after consulting with a victim, that
38 filing a special allegation under this section is likely to interfere
39 with the ability to obtain a conviction.

1 (2) Once a special allegation has been made under this section,
2 the state has the burden to prove beyond a reasonable doubt that the
3 victim was, at the time of the offense, (~~(developmentally disabled,~~
4 ~~mentally disordered,~~) a person with a developmental disability or a
5 mental disorder or a frail elder or vulnerable adult. If a jury is
6 had, the jury shall, if it finds the defendant guilty, also find a
7 special verdict as to whether the victim was, at the time of the
8 offense, (~~(developmentally disabled, mentally disordered,~~) a person
9 with a developmental disability or a mental disorder or a frail elder
10 or vulnerable adult. If no jury is had, the court shall make a
11 finding of fact as to whether the victim was, at the time of the
12 offense, (~~(developmentally disabled, mentally disordered,~~) a person
13 with a developmental disability or a mental disorder or a frail elder
14 or vulnerable adult.

15 (3) The prosecuting attorney shall not withdraw a special
16 allegation filed under this section without the approval of the court
17 through an order of dismissal of the allegation. The court may not
18 dismiss the special allegation unless it finds that the order is
19 necessary to correct an error in the initial charging decision or
20 that there are evidentiary problems that make proving the special
21 allegation doubtful.

22 (4) For purposes of this section, (~~("developmentally disabled,"~~
23 ~~"mentally disordered,")~~) "person with a developmental disability,"
24 "person with a mental disorder," and "frail elder or vulnerable
25 adult" have the same meaning as in RCW 9A.44.010.

26 **Sec. 3008.** RCW 9A.44.128 and 2015 c 261 s 2 are each amended to
27 read as follows:

28 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
29 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

30 (1) "Business day" means any day other than Saturday, Sunday, or
31 a legal local, state, or federal holiday.

32 (2) "Conviction" means any adult conviction or juvenile
33 adjudication for a sex offense or kidnapping offense.

34 (3) "Disqualifying offense" means a conviction for: Any offense
35 that is a felony; a sex offense as defined in this section; a crime
36 against children or persons as defined in RCW 43.43.830(7) and
37 9.94A.411(2)(a); an offense with a domestic violence designation as
38 provided in RCW 10.99.020; permitting the commercial sexual abuse of

1 a minor as defined in RCW 9.68A.103; or any violation of chapter
2 9A.88 RCW.

3 (4) "Employed" or "carries on a vocation" means employment that
4 is full time or part time for a period of time exceeding fourteen
5 days, or for an aggregate period of time exceeding thirty days during
6 any calendar year. A person is employed or carries on a vocation
7 whether the person's employment is financially compensated,
8 volunteered, or for the purpose of government or educational benefit.

9 (5) "Fixed residence" means a building that a person lawfully and
10 habitually uses as living quarters a majority of the week. Uses as
11 living quarters means to conduct activities consistent with the
12 common understanding of residing, such as sleeping; eating; keeping
13 personal belongings; receiving mail; and paying utilities, rent, or
14 mortgage. A nonpermanent structure including, but not limited to, a
15 motor home, travel trailer, camper, or boat may qualify as a
16 residence provided it is lawfully and habitually used as living
17 quarters a majority of the week, primarily kept at one location with
18 a physical address, and the location it is kept at is either owned or
19 rented by the person or used by the person with the permission of the
20 owner or renter. A shelter program may qualify as a residence
21 provided it is a shelter program designed to provide temporary living
22 accommodations for the homeless, provides an offender with a
23 personally assigned living space, and the offender is permitted to
24 store belongings in the living space.

25 (6) "In the community" means residing outside of confinement or
26 incarceration for a disqualifying offense.

27 (7) "Institution of higher education" means any public or private
28 institution dedicated to postsecondary education, including any
29 college, university, community college, trade, or professional
30 school.

31 (8) "Kidnapping offense" means:

32 (a) The crimes of kidnapping in the first degree, kidnapping in
33 the second degree, and unlawful imprisonment, as defined in chapter
34 9A.40 RCW, where the victim is a minor and the offender is not the
35 minor's parent;

36 (b) Any offense that is, under chapter 9A.28 RCW, a criminal
37 attempt, criminal solicitation, or criminal conspiracy to commit an
38 offense that is classified as a kidnapping offense under this
39 subsection;

1 (c) Any federal or out-of-state conviction for: An offense for
2 which the person would be required to register as a kidnapping
3 offender if residing in the state of conviction; or, if not required
4 to register in the state of conviction, an offense that under the
5 laws of this state would be classified as a kidnapping offense under
6 this subsection; and

7 (d) Any tribal conviction for an offense for which the person
8 would be required to register as a kidnapping offender while residing
9 in the reservation of conviction; or, if not required to register in
10 the reservation of conviction, an offense that under the laws of this
11 state would be classified as a kidnapping offense under this
12 subsection.

13 (9) "Lacks a fixed residence" means the person does not have a
14 living situation that meets the definition of a fixed residence and
15 includes, but is not limited to, a shelter program designed to
16 provide temporary living accommodations for the homeless, an outdoor
17 sleeping location, or locations where the person does not have
18 permission to stay.

19 (10) "Sex offense" means:

20 (a) Any offense defined as a sex offense by RCW 9.94A.030;

21 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
22 minor in the second degree);

23 (c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);

24 (d) Any violation under RCW 9.68A.090 (communication with a minor
25 for immoral purposes);

26 (e) A violation under RCW 9A.88.070 (promoting prostitution in
27 the first degree) or RCW 9A.88.080 (promoting prostitution in the
28 second degree) if the person has a prior conviction for one of these
29 offenses;

30 (f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV)
31 or (a)(i)(B);

32 (g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
33 criminal attempt, criminal solicitation, or criminal conspiracy to
34 commit an offense that is classified as a sex offense under RCW
35 9.94A.030 or this subsection;

36 (h) Any out-of-state conviction for an offense for which the
37 person would be required to register as a sex offender while residing
38 in the state of conviction; or, if not required to register in the
39 state of conviction, an offense that under the laws of this state
40 would be classified as a sex offense under this subsection;

1 (i) Any federal conviction classified as a sex offense under 34
2 U.S.C. Sec. 20911 or, prior to September 1, 2017, 42 U.S.C. Sec.
3 16911 (SORNA);

4 (j) Any military conviction for a sex offense. This includes sex
5 offenses under the uniform code of military justice, as specified by
6 the United States secretary of defense;

7 (k) Any conviction in a foreign country for a sex offense if it
8 was obtained with sufficient safeguards for fundamental fairness and
9 due process for the accused under guidelines or regulations
10 established pursuant to 42 U.S.C. Sec. 16912;

11 (l) Any tribal conviction for an offense for which the person
12 would be required to register as a sex offender while residing in the
13 reservation of conviction; or, if not required to register in the
14 reservation of conviction, an offense that under the laws of this
15 state would be classified as a sex offense under this subsection.

16 (11) "School" means a public or private school regulated under
17 Title 28A RCW or chapter 72.40 RCW.

18 (12) "Student" means a person who is enrolled, on a full-time or
19 part-time basis, in any school or institution of higher education.

20 **Sec. 3009.** RCW 64.38.110 and 2021 c 227 s 11 are each amended to
21 read as follows:

22 (1) Notwithstanding any inconsistent provision in the governing
23 documents, notice to the association of (~~apartment~~) lot owners,
24 board, or any (~~apartment~~) lot owner or occupant of (~~an apartment~~)
25 a lot under this chapter shall be in writing and shall be provided to
26 the recipient by personal delivery, public or private mail or
27 delivery service, or by electronic transmission as provided in this
28 section: PROVIDED, That if this chapter requires different or
29 additional notice requirements for particular circumstances, those
30 requirements shall apply.

31 (2) Notice in a tangible medium shall be provided as follows:

32 (a) Notice to the association or board shall be addressed to the
33 association's registered agent at its registered office, to the
34 association at its principal office shown in its most recent annual
35 report, or to an address provided by the association to the
36 (~~apartment~~) lot owners.

37 (b) Notice to a lot owner or occupant shall be addressed to the
38 lot address unless the owner has requested, in a writing delivered to
39 the association, that notices be sent to an alternate address.

1 (3) Notice in an electronic transmission shall be provided as
2 follows:

3 (a) Notice to the association, the board, or lot owners by
4 electronic transmission is effective only upon those who have
5 consented, in writing, to receive electronically transmitted notices
6 under this chapter and have designated the address, location, or
7 system to which such notices may be electronically transmitted,
8 provided that such notice otherwise complies with any other
9 requirements of this chapter and applicable law.

10 (b) Notice under this subsection includes any materials that
11 accompany the notice.

12 (c) Owners who have consented to receipt of electronically
13 transmitted notices may revoke this consent by delivering a
14 revocation to the association in writing.

15 (d) The consent of any lot owner is revoked if the association is
16 unable to electronically transmit two consecutive notices and this
17 inability becomes known to the secretary of the association of
18 (~~apartment~~) lot owners or any other person responsible for giving
19 the notice. The inadvertent failure by the association of
20 (~~apartment~~) lot owners to treat this inability as a revocation does
21 not invalidate any meeting or other action.

22 (e) Notice to lot owners who have consented to receipt of
23 electronically transmitted notices may be provided by posting the
24 notice on an electronic network and delivering to the owner separate
25 notice of the posting, together with comprehensible instructions
26 regarding how to obtain access to the posting on the electronic
27 network.

28 (4) Notice is effective as follows:

29 (a) Notice provided in a tangible medium is effective as of the
30 date of hand delivery, deposit with the carrier, or when sent by fax.

31 (b) Notice provided in an electronic transmission is effective as
32 of the date it:

33 (i) Is electronically transmitted to an address, location, or
34 system designated by the recipient for that purpose; or

35 (ii) Has been posted on an electronic network and separate notice
36 of the posting has been sent to the recipient containing instructions
37 regarding how to obtain access to the posting on the electronic
38 network.

1 (5) The ineffectiveness of a good faith effort to deliver notice
2 by an authorized means does not invalidate action taken at or without
3 a meeting.

4 (6) This chapter modifies, limits, and supersedes the federal
5 electronic signatures in global and national commerce act, 15 U.S.C.
6 Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C.
7 Sec. 7001(c) or authorize electronic delivery of any of the notices
8 described in 15 U.S.C. Sec. 7003(b).

--- **END** ---