
HOUSE BILL 1371

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Darneille and Hunt; by request of Governor Gregoire

Read first time 01/19/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to boards and commissions; amending RCW
2 28A.175.075, 28A.410.260, 28A.655.115, 28A.657.005, 28A.657.070,
3 28A.657.110, 43.46.005, 43.46.081, 43.46.085, 43.46.090, 43.46.095,
4 28A.335.210, 28B.10.027, 43.17.200, 37.14.030, 43.03.028, 43.63A.750,
5 79.24.720, 18.250.010, 18.250.020, 18.250.060, 18.205.020, 18.205.060,
6 72.09.090, 72.09.100, 72.09.015, 72.62.020, 43.121.100, 43.215.146,
7 43.215.147, 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 72.23.025,
8 18.44.195, 18.44.221, 18.44.251, 15.76.110, 15.76.150, 13.40.462,
9 43.70.555, 74.14A.060, 74.14C.050, 43.31.428, 43.31.422, 74.39A.095,
10 74.39A.220, 74.39A.240, 74.39A.250, 74.39A.260, 43.105.340, 18.280.010,
11 18.280.030, 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110,
12 18.280.120, 18.280.130, 9.95.003, 9.95.005, 9.95.007, 9.95.140,
13 9.95.280, 9.95.300, 9.96.050, 71.05.385, 72.09.585, 18.225.010,
14 18.225.040, 16.57.353, 18.50.045, 18.50.060, 18.50.105, 77.12.670,
15 77.12.690, 77.08.045, 46.09.020, 18.200.010, 18.200.050, 18.200.070,
16 43.20A.890, 18.140.010, 18.140.030, 18.140.160, 18.140.170, 77.85.005,
17 77.85.020, 77.85.120, 77.85.135, 79A.25.010, 79A.25.240, 43.41.270,
18 76.13.150, 90.71.370, 77.12.850, 9.94A.480, 9.94A.863, 13.50.010,
19 9.94A.74501, 9.94A.855, 9.94A.870, 9.94A.875, 9A.52.025, 10.98.140,
20 10.98.160, 72.09.350, 72.66.016, 17.10.010, 17.10.040, 17.10.070,
21 17.10.074, 17.10.080, 17.10.090, 17.10.100, 17.10.130, 17.10.160,

1 17.10.201, 17.10.210, 17.10.235, 17.10.250, 17.10.260, 17.10.350,
2 17.15.020, 17.26.006, 17.26.015, 77.60.130, 79A.25.320, 79A.25.340,
3 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 28C.04.390,
4 28C.04.420, 18.106.110, 49.04.010, 36.93.051, 15.92.090, 43.160.030,
5 70.94.537, 38.52.040, 70.168.020, 67.17.050, 43.365.030, 41.60.015,
6 43.20A.685, 79A.30.030, 42.17.2401, 42.17A.705, 43.03.220, 43.03.230,
7 43.03.240, 43.03.250, and 43.03.265; reenacting and amending RCW
8 28A.290.010, 18.44.011, 74.39A.270, 41.56.030, 77.85.050, 77.85.130,
9 77.85.140, 9.94A.030, 70.96A.350, and 43.15.020; adding a new section
10 to chapter 39.29 RCW; adding a new section to chapter 28A.300 RCW;
11 decodifying RCW 74.39A.290 and 4.24.5502; repealing RCW 28A.300.136,
12 28A.300.137, 43.46.015, 43.46.030, 43.46.040, 43.46.045, 43.46.050,
13 43.46.055, 43.46.060, 43.46.070, 28B.10.025, 43.19.455, 43.17.205,
14 43.17.210, 18.250.030, 43.34.080, 18.205.080, 72.09.070, 72.09.080,
15 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.050,
16 43.121.060, 43.121.070, 43.121.080, 43.121.110, 43.121.120, 43.121.130,
17 43.121.140, 43.121.150, 43.121.160, 43.121.910, 43.63A.068, 18.44.500,
18 18.44.510, 15.76.170, 70.190.005, 70.190.010, 70.190.020, 70.190.030,
19 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075,
20 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120,
21 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190,
22 70.190.910, 70.190.920, 79A.25.220, 43.31.425, 70.127.041, 74.39A.230,
23 74.39A.280, 18.280.040, 18.225.060, 18.225.070, 16.57.015, 18.50.140,
24 18.50.150, 77.12.680, 46.09.280, 18.200.060, 28B.10.922, 18.140.230,
25 18.140.240, 18.140.250, 77.85.110, 77.12.856, 13.40.005, 9.94A.850,
26 9.94A.860, 9.94A.8672, 9.94A.8673, 9.94A.8675, 17.10.030, and
27 18.104.190; providing an effective date; providing an expiration date;
28 and declaring an emergency.

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

30 **Achievement Gap Oversight and Accountability Committee**

31 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
32 repealed:

33 (1) RCW 28A.300.136 (Achievement gap oversight and accountability
34 committee--Policy and strategy recommendations) and 2010 c 235 s 901 &
35 2009 c 468 s 2; and

1 (2) RCW 28A.300.137 (Strategies to address the achievement gap--
2 Improvement of education performance measures--Annual report) and 2009
3 c 468 s 3 & 2008 c 298 s 3.

4 **Sec. 2.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4 are
5 each reenacted and amended to read as follows:

6 (1) The quality education council is created to recommend and
7 inform the ongoing implementation by the legislature of an evolving
8 program of basic education and the financing necessary to support such
9 program. The council shall develop strategic recommendations on the
10 program of basic education for the common schools. The council shall
11 take into consideration the capacity report produced under RCW
12 28A.300.172 and the availability of data and progress of implementing
13 the data systems required under RCW 28A.655.210. Any recommendations
14 for modifications to the program of basic education shall be based on
15 evidence that the programs effectively support student learning. The
16 council shall update the statewide strategic recommendations every four
17 years. The recommendations of the council are intended to:

18 (a) Inform future educational policy and funding decisions of the
19 legislature and governor;

20 (b) Identify measurable goals and priorities for the educational
21 system in Washington state for a ten-year time period, including the
22 goals of basic education and ongoing strategies for coordinating
23 statewide efforts to eliminate the achievement gap and reduce student
24 dropout rates; and

25 (c) Enable the state of Washington to continue to implement an
26 evolving program of basic education.

27 (2) The council may request updates and progress reports from the
28 office of the superintendent of public instruction, the state board of
29 education, the professional educator standards board, and the
30 department of early learning on the work of the agencies as well as
31 educational working groups established by the legislature.

32 (3) The chair of the council shall be selected from the
33 councilmembers. The council shall be composed of the following
34 members:

35 (a) Four members of the house of representatives, with two members
36 representing each of the major caucuses and appointed by the speaker of
37 the house of representatives;

1 (b) Four members of the senate, with two members representing each
2 of the major caucuses and appointed by the president of the senate; and

3 (c) One representative each from the office of the governor, office
4 of the superintendent of public instruction, state board of education,
5 professional educator standards board, and department of early
6 learning(~~(; and~~

7 ~~(d) One nonlegislative representative from the achievement gap~~
8 ~~oversight and accountability committee established under RCW~~
9 ~~28A.300.136, to be selected by the members of the committee.~~

10 ~~(4) In the 2009 fiscal year, the council shall meet as often as~~
11 ~~necessary as determined by the chair. In subsequent years, the council~~
12 ~~shall meet no more than four times a year)).~~

13 ~~((+5))~~ (4)(a) The council shall submit an initial report to the
14 governor and the legislature by January 1, 2010, detailing its
15 recommendations, including recommendations for resolving issues or
16 decisions requiring legislative action during the 2010 legislative
17 session, and recommendations for any funding necessary to continue
18 development and implementation of chapter 548, Laws of 2009.

19 (b) The initial report shall, at a minimum, include:

20 (i) Consideration of how to establish a statewide beginning teacher
21 mentoring and support system;

22 (ii) Recommendations for a program of early learning for at-risk
23 children;

24 (iii) A recommended schedule for the concurrent phase-in of the
25 changes to the instructional program of basic education and the
26 implementation of the funding formulas and allocations to support the
27 new instructional program of basic education as established under
28 chapter 548, Laws of 2009. The phase-in schedule shall have full
29 implementation completed by September 1, 2018; and

30 (iv) A recommended schedule for phased-in implementation of the new
31 distribution formula for allocating state funds to school districts for
32 the transportation of students to and from school, with phase-in
33 beginning no later than September 1, 2013.

34 ~~((+6))~~ (5) The council shall submit a report to the legislature by
35 January 1, 2012, detailing its recommendations for a comprehensive plan
36 for a voluntary program of early learning. Before submitting the
37 report, the council shall seek input from the early learning advisory
38 council created in RCW 43.215.090.

1 ((+7)) (6) The council shall submit a report to the governor and
2 the legislature by December 1, 2010, that includes:

3 (a) Recommendations for specific strategies, programs, and funding,
4 including funding allocations through the funding distribution formula
5 in RCW 28A.150.260, that are designed to close the achievement gap and
6 increase the high school graduation rate in Washington public schools.
7 The council shall consult with (~~the achievement gap oversight and~~
8 ~~accountability committee and~~) the building bridges work group in
9 developing its recommendations; and

10 (b) Recommendations for assuring adequate levels of state-funded
11 classified staff to support essential school and district services.

12 ((+8)) (7) The council shall be staffed by the office of the
13 superintendent of public instruction and the office of financial
14 management. Additional staff support shall be provided by the state
15 entities with representatives on the council. Senate committee
16 services and the house of representatives office of program research
17 may provide additional staff support.

18 ((+9)) (8) Legislative members of the council shall serve without
19 additional compensation but may be reimbursed for travel expenses in
20 accordance with RCW 44.04.120 while attending sessions of the council
21 or on official business authorized by the council. Nonlegislative
22 members of the council may be reimbursed for travel expenses in
23 accordance with RCW 43.03.050 and 43.03.060.

24 **Sec. 3.** RCW 28A.175.075 and 2010 c 243 s 4 are each amended to
25 read as follows:

26 (1) The office of the superintendent of public instruction shall
27 establish a state-level building bridges work group that includes K-12
28 and state agencies that work with youth who have dropped out or are at
29 risk of dropping out of school. The following agencies shall appoint
30 representatives to the work group: The office of the superintendent of
31 public instruction, the workforce training and education coordinating
32 board, the department of early learning, the employment security
33 department, the state board for community and technical colleges, the
34 department of health, the community mobilization office, and the
35 children's services and behavioral health and recovery divisions of the
36 department of social and health services. The work group should also
37 consist of one representative from each of the following agencies and

1 organizations: A statewide organization representing career and
2 technical education programs including skill centers; the juvenile
3 courts or the office of juvenile justice, or both; the Washington
4 association of prosecuting attorneys; the Washington state office of
5 public defense; accredited institutions of higher education; the
6 educational service districts; the area workforce development councils;
7 parent and educator associations; (~~achievement gap oversight and~~
8 ~~accountability committee;~~) office of the education ombudsman; local
9 school districts; agencies or organizations that provide services to
10 special education students; community organizations serving youth;
11 federally recognized tribes and urban tribal centers; each of the major
12 political caucuses of the senate and house of representatives; and the
13 minority commissions.

14 (2) To assist and enhance the work of the building bridges programs
15 established in RCW 28A.175.025, the state-level work group shall:

16 (a) Identify and make recommendations to the legislature for the
17 reduction of fiscal, legal, and regulatory barriers that prevent
18 coordination of program resources across agencies at the state and
19 local level;

20 (b) Develop and track performance measures and benchmarks for each
21 partner agency or organization across the state including performance
22 measures and benchmarks based on student characteristics and outcomes
23 specified in RCW 28A.175.035(1)(e); and

24 (c) Identify research-based and emerging best practices regarding
25 prevention, intervention, and retrieval programs.

26 (3)(a) The work group shall report to the quality education
27 council, appropriate committees of the legislature, and the governor on
28 an annual basis beginning December 1, 2007, with proposed strategies
29 for building K-12 dropout prevention, intervention, and reengagement
30 systems in local communities throughout the state including, but not
31 limited to, recommendations for implementing emerging best practices,
32 needed additional resources, and eliminating barriers.

33 (b) By September 15, 2010, the work group shall report on:

34 (i) A recommended state goal and annual state targets for the
35 percentage of students graduating from high school;

36 (ii) A recommended state goal and annual state targets for the
37 percentage of youth who have dropped out of school who should be
38 reengaged in education and be college and work ready;

1 (iii) Recommended funding for supporting career guidance and the
2 planning and implementation of K-12 dropout prevention, intervention,
3 and reengagement systems in school districts and a plan for phasing the
4 funding into the program of basic education, beginning in the 2011-2013
5 biennium; and

6 (iv) A plan for phasing in the expansion of the current school
7 improvement planning program to include state-funded, dropout-focused
8 school improvement technical assistance for school districts in
9 significant need of improvement regarding high school graduation rates.

10 (4) State agencies in the building bridges work group shall work
11 together, wherever feasible, on the following activities to support
12 school/family/community partnerships engaged in building K-12 dropout
13 prevention, intervention, and reengagement systems:

14 (a) Providing opportunities for coordination and flexibility of
15 program eligibility and funding criteria;

16 (b) Providing joint funding;

17 (c) Developing protocols and templates for model agreements on
18 sharing records and data;

19 (d) Providing joint professional development opportunities that
20 provide knowledge and training on:

21 (i) Research-based and promising practices;

22 (ii) The availability of programs and services for vulnerable
23 youth; and

24 (iii) Cultural competence.

25 (5) The building bridges work group shall make recommendations to
26 the governor and the legislature by December 1, 2010, on a state-level
27 and regional infrastructure for coordinating services for vulnerable
28 youth. Recommendations must address the following issues:

29 (a) Whether to adopt an official conceptual approach or framework
30 for all entities working with vulnerable youth that can support
31 coordinated planning and evaluation;

32 (b) The creation of a performance-based management system,
33 including outcomes, indicators, and performance measures relating to
34 vulnerable youth and programs serving them, including accountability
35 for the dropout issue;

36 (c) The development of regional and/or county-level multipartner
37 youth consortia with a specific charge to assist school districts and

1 local communities in building K-12 comprehensive dropout prevention,
2 intervention, and reengagement systems;

3 (d) The development of integrated or school-based one-stop shopping
4 for services that would:

5 (i) Provide individualized attention to the neediest youth and
6 prioritized access to services for students identified by a dropout
7 early warning and intervention data system;

8 (ii) Establish protocols for coordinating data and services,
9 including getting data release at time of intake and common assessment
10 and referral processes; and

11 (iii) Build a system of single case managers across agencies;

12 (e) Launching a statewide media campaign on increasing the high
13 school graduation rate; and

14 (f) Developing a statewide database of available services for
15 vulnerable youth.

16 **Sec. 4.** RCW 28A.410.260 and 2009 c 468 s 5 are each amended to
17 read as follows:

18 (1) The professional educator standards board(~~(, in consultation~~
19 ~~and collaboration with the achievement gap oversight and accountability~~
20 ~~committee established under RCW 28A.300.136,)) shall identify a list of
21 model standards for cultural competency and make recommendations to the
22 education committees of the legislature on the strengths and weaknesses
23 of those standards.~~

24 (2) For the purposes of this section, "cultural competency"
25 includes knowledge of student cultural histories and contexts, as well
26 as family norms and values in different cultures; knowledge and skills
27 in accessing community resources and community and parent outreach; and
28 skills in adapting instruction to students' experiences and identifying
29 cultural contexts for individual students.

30 **Sec. 5.** RCW 28A.655.115 and 2010 c 235 s 702 are each amended to
31 read as follows:

32 (1) Beginning with the 2010-11 school year, each school shall
33 conduct outreach and seek feedback from a broad and diverse range of
34 parents, other individuals, and organizations in the community
35 regarding their experiences with the school. The school shall
36 summarize the responses in its annual report under RCW 28A.655.110.

1 (2) The office of the superintendent of public instruction shall
2 create a working group with representatives of organizations
3 representing parents, teachers, and principals as well as diverse
4 communities. (~~The working group shall also include a representative~~
5 ~~from the achievement gap oversight and accountability committee.~~) By
6 September 1, 2010, the working group shall develop model feedback tools
7 and strategies that school districts may use to facilitate the feedback
8 process required in subsection (1) of this section. The model tools
9 and strategies are intended to provide assistance to school districts.
10 School districts are encouraged to adapt the models or develop unique
11 tools and strategies that best fit the circumstances in their
12 communities.

13 **Sec. 6.** RCW 28A.657.005 and 2010 c 235 s 101 are each amended to
14 read as follows:

15 The legislature finds that it is the state's responsibility to
16 create a coherent and effective accountability framework for the
17 continuous improvement for all schools and districts. This system must
18 provide an excellent and equitable education for all students; an
19 aligned federal/state accountability system; and the tools necessary
20 for schools and districts to be accountable. These tools include the
21 necessary accounting and data reporting systems, assessment systems to
22 monitor student achievement, and a system of general support, targeted
23 assistance, and, if necessary, intervention.

24 The office of the superintendent of public instruction is
25 responsible for developing and implementing the accountability tools to
26 build district capacity and working within federal and state
27 guidelines. The legislature assigned the state board of education
28 responsibility and oversight for creating an accountability framework.
29 This framework provides a unified system of support for challenged
30 schools that aligns with basic education, increases the level of
31 support based upon the magnitude of need, and uses data for decisions.
32 Such a system will identify schools and their districts for recognition
33 as well as for additional state support. For a specific group of
34 challenged schools, defined as persistently lowest-achieving schools,
35 and their districts, it is necessary to provide a required action
36 process that creates a partnership between the state and local district

1 to target funds and assistance to turn around the identified lowest-
2 achieving schools.

3 Phase I of this accountability system will recognize schools that
4 have done an exemplary job of raising student achievement and closing
5 the achievement gaps using the state board of education's
6 accountability index. (~~The state board of education shall have
7 ongoing collaboration with the achievement gap oversight and
8 accountability committee regarding the measures used to measure the
9 closing of the achievement gaps and the recognition provided to the
10 school districts for closing the achievement gaps.~~) Phase I will also
11 target the lowest five percent of persistently lowest-achieving schools
12 defined under federal guidelines to provide federal funds and federal
13 intervention models through a voluntary option in 2010, and for those
14 who do not volunteer and have not improved student achievement, a
15 required action process beginning in 2011.

16 Phase II of this accountability system will work toward
17 implementing the state board of education's accountability index for
18 identification of schools in need of improvement, including those that
19 are not Title I schools, and the use of state and local intervention
20 models and state funds through a required action process beginning in
21 2013, in addition to the federal program. Federal approval of the
22 state board of education's accountability index must be obtained or
23 else the federal guidelines for persistently lowest-achieving schools
24 will continue to be used.

25 The expectation from implementation of this accountability system
26 is the improvement of student achievement for all students to prepare
27 them for postsecondary education, work, and global citizenship in the
28 twenty-first century.

29 **Sec. 7.** RCW 28A.657.070 and 2010 c 235 s 107 are each amended to
30 read as follows:

31 (1) A required action plan review panel shall be established to
32 offer an objective, external review of a request from a school district
33 for reconsideration of the state board of education's rejection of the
34 district's required action plan. The review and reconsideration by the
35 panel shall be based on whether the state board of education gave
36 appropriate consideration to the unique circumstances and

1 characteristics identified in the academic performance audit of the
2 local school district whose required action plan was rejected.

3 (2)(a) The panel shall be composed of five individuals with
4 expertise in school improvement, school and district restructuring, or
5 parent and community involvement in schools. Two of the panel members
6 shall be appointed by the speaker of the house of representatives; two
7 shall be appointed by the president of the senate; and one shall be
8 appointed by the governor.

9 (b) The speaker of the house of representatives, president of the
10 senate, and governor shall solicit recommendations for possible panel
11 members from the Washington association of school administrators, the
12 Washington state school directors' association, the association of
13 Washington school principals, (~~the achievement gap oversight and~~
14 ~~accountability committee,~~) and associations representing certificated
15 teachers, classified school employees, and parents.

16 (c) Members of the panel shall be appointed no later than December
17 1, 2010, but the superintendent of public instruction shall convene the
18 panel only as needed to consider a school district's request for
19 reconsideration. Appointments shall be for a four-year term, with
20 opportunity for reappointment. Reappointments in the case of a vacancy
21 shall be made expeditiously so that all requests are considered in a
22 timely manner.

23 (3) The required action plan review panel may reaffirm the decision
24 of the state board of education, recommend that the state board
25 reconsider the rejection, or recommend changes to the required action
26 plan that should be considered by the district and the state board of
27 education to secure approval of the plan. The state board of education
28 shall consider the recommendations of the panel and issue a decision in
29 writing to the local school district and the panel. If the school
30 district must submit a new required action plan to the state board of
31 education, the district must submit the plan within forty days of the
32 board's decision.

33 (4) The state board of education and superintendent of public
34 instruction must develop timelines and procedures for the deliberations
35 under this section so that school districts can implement a required
36 action plan within the time frame required under RCW 28A.657.060.

1 **Sec. 8.** RCW 28A.657.110 and 2010 c 235 s 111 are each amended to
2 read as follows:

3 (1) The state board of education shall continue to refine the
4 development of an accountability framework that creates a unified
5 system of support for challenged schools, that aligns with basic
6 education, increases the level of support based upon the magnitude of
7 need, and uses data for decisions.

8 (2) The state board of education shall develop an accountability
9 index to identify schools and districts for recognition, for continuous
10 improvement, and for additional state support. The index shall be
11 based on criteria that are fair, consistent, and transparent.
12 Performance shall be measured using multiple outcomes and indicators
13 including, but not limited to, graduation rates and results from
14 statewide assessments. The index shall be developed in such a way as
15 to be easily understood by both employees within the schools and
16 districts, as well as parents and community members. It is the
17 legislature's intent that the index provide feedback to schools and
18 districts to self-assess their progress, and enable the identification
19 of schools with exemplary student performance and those that need
20 assistance to overcome challenges in order to achieve exemplary student
21 performance.

22 (3) The state board of education, in cooperation with the office of
23 the superintendent of public instruction, shall annually recognize
24 schools for exemplary performance as measured on the state board of
25 education accountability index. ~~((The state board of education shall
26 have ongoing collaboration with the achievement gap oversight and
27 accountability committee regarding the measures used to measure the
28 closing of the achievement gaps and the recognition provided to the
29 school districts for closing the achievement gaps.))~~

30 (4) In coordination with the superintendent of public instruction,
31 the state board of education shall seek approval from the United States
32 department of education for use of the accountability index and the
33 state system of support, assistance, and intervention, to replace the
34 federal accountability system under P.L. 107-110, the no child left
35 behind act of 2001.

36 (5) The state board of education shall work with the education data
37 center established within the office of financial management and the
38 technical working group established in section 112, chapter 548, Laws

1 of 2009 to determine the feasibility of using the prototypical funding
2 allocation model as not only a tool for allocating resources to schools
3 and districts but also as a tool for schools and districts to report to
4 the state legislature and the state board of education on how the state
5 resources received are being used.

6 **Arts Commission**

7 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
8 repealed:

9 (1) RCW 43.46.015 (Washington state arts commission established--
10 Composition) and 1999 c 241 s 1 & 1985 c 317 s 2;

11 (2) RCW 43.46.030 (Terms--Vacancies) and 1985 c 317 s 3, 1967 ex.s.
12 c 125 s 4, & 1965 c 8 s 43.46.030;

13 (3) RCW 43.46.040 (Compensation--Travel expenses--Organization--
14 Chairperson--Rules--Quorum) and 1985 c 317 s 4 & 1965 c 8 s 43.46.040;

15 (4) RCW 43.46.045 (Executive director--Employees) and 1988 c 81 s
16 23, 1985 c 317 s 5, & 1967 ex.s. c 125 s 2;

17 (5) RCW 43.46.050 (Powers and duties generally) and 1985 c 317 s 6
18 & 1965 c 8 s 43.46.050;

19 (6) RCW 43.46.055 (Development of arts and humanities) and 1985 c
20 317 s 7 & 1967 ex.s. c 125 s 1;

21 (7) RCW 43.46.060 (Gifts and grants) and 1965 c 8 s 43.46.060;

22 (8) RCW 43.46.070 (Biennial report) and 1985 c 317 s 8 & 1965 c 8
23 s 43.46.070;

24 (9) RCW 28B.10.025 (Purchases of works of art--Procedure) and 2005
25 c 36 s 2, 1990 c 33 s 557, 1983 c 204 s 8, 1977 ex.s. c 169 s 8, & 1974
26 ex.s. c 176 s 4;

27 (10) RCW 43.19.455 (Purchase of works of art--Procedure) and 2005
28 c 36 s 6, 1990 c 33 s 576, 1983 c 204 s 6, & 1974 ex.s. c 176 s 3;

29 (11) RCW 43.17.205 (Purchase of works of art--Interagency
30 reimbursement for expenditure by visual arts program) and 1990 c 33 s
31 574 & 1983 c 204 s 3; and

32 (12) RCW 43.17.210 (Purchase of works of art--Procedure) and 2005
33 c 36 s 5, 1990 c 33 s 575, & 1983 c 204 s 5.

1 **Sec. 10.** RCW 43.46.005 and 1985 c 317 s 1 are each amended to read
2 as follows:

3 The conservation and development of the state's artistic resources
4 is essential to the social, educational, and economic growth of the
5 state of Washington. Artists, works of art, and artistic institutions
6 contribute to the quality of life and the general welfare of the
7 citizens of the state, and are an appropriate matter of concern to the
8 government of the state of Washington. The department of commerce is
9 designated the state arts agency.

10 **Sec. 11.** RCW 43.46.081 and 2007 c 128 s 2 are each amended to read
11 as follows:

12 (1) The (~~Washington state arts commission shall establish and~~)
13 department of commerce shall administer the poet laureate program. The
14 poet laureate shall engage in activities to promote and encourage
15 poetry within the state, including but not limited to readings,
16 workshops, lectures, or presentations for Washington educational
17 institutions and communities in geographically diverse areas over a
18 two-year term.

19 (2) Selection of a poet laureate shall be made by a committee
20 appointed and coordinated by the department of commerce in consultation
21 with the Washington commission for the humanities. The committee may
22 include representatives of the Washington state library, the education
23 community, the Washington commission for the humanities, publishing,
24 and the community of Washington poets.

25 (3) The commission and the committee shall establish criteria to be
26 used for the selection of a poet laureate. In addition to other
27 criteria established, the poet laureate must be a published poet, a
28 resident of Washington state, active in the poetry community, and
29 willing and able to promote poetry in the state of Washington
30 throughout the two-year term.

31 (4) The recommendation of the poet laureate selection committee
32 shall be forwarded to the (~~commission, which~~) director of the
33 department of commerce, who shall appoint the poet laureate (~~with the~~
34 ~~approval of the governor~~)).

35 (5) The poet laureate shall receive compensation at a level
36 determined by the (~~commission~~) department. Travel expenses shall be
37 provided in accordance with RCW 43.03.050 and 43.03.060.

1 (6) The poet laureate may not serve more than two consecutive
2 two-year terms.

3 (7) The commission shall fund the poet laureate program through
4 gifts, grants, or endowments from public or private sources that are
5 made from time to time, in trust or otherwise.

6 **Sec. 12.** RCW 43.46.085 and 2007 c 128 s 3 are each amended to read
7 as follows:

8 The poet laureate account is created in the custody of the state
9 treasurer. All receipts from gifts, grants, or endowments from public
10 or private sources must be deposited into the account. Expenditures
11 from the account may only be used for the poet laureate program. Only
12 the ~~((executive))~~ director of the ~~((commission))~~ department of commerce
13 or the ~~((executive))~~ director's designee may authorize expenditures
14 from the account. The account is subject to allotment procedures under
15 chapter 43.88 RCW, but an appropriation is not required for
16 expenditures.

17 **Sec. 13.** RCW 43.46.090 and 2009 c 549 s 5134 are each amended to
18 read as follows:

19 The legislature recognizes this state's responsibility to foster
20 culture and the arts and its interest in the viable development of the
21 state's artists ~~((by the establishment of the Washington state arts
22 commission))~~. The legislature declares it to be a policy of this state
23 that a portion of appropriations for capital expenditures be set aside
24 for the acquisition of works of art to be placed in public buildings or
25 lands. ~~((There is hereby established a visual arts program to be
26 administered by the Washington state arts commission.))~~

27 **Sec. 14.** RCW 43.46.095 and 1990 c 33 s 578 are each amended to
28 read as follows:

29 All works of art purchased and commissioned ~~((under the visual arts
30 program))~~ from appropriations for capital expenditures shall become a
31 part of a state art collection ~~((developed,))~~ administered~~((, and
32 operated))~~ by the ~~((Washington state arts commission))~~ department of
33 commerce. All works of art previously purchased or commissioned under
34 RCW 43.46.090, 43.17.200, ~~((43.19.455, 28B.10.025,))~~ or 28A.335.210

1 shall be considered a part of the state art collection to be
2 administered by the (~~Washington state arts commission~~) department.

3 **Sec. 15.** RCW 28A.335.210 and 2006 c 263 s 327 are each amended to
4 read as follows:

5 The superintendent of public instruction shall allocate, as a
6 nondeductible item, out of any moneys appropriated for state assistance
7 to school districts for the original construction of any school plant
8 facility the amount of one-half of one percent of the appropriation
9 (~~(to be expended by the Washington state arts commission)~~) for the
10 acquisition of works of art. The works of art may be placed in
11 accordance with Article IX, sections 2 and 3 of the state Constitution
12 on public lands, integral to or attached to a public building or
13 structure, detached within or outside a public building or structure,
14 part of a portable exhibition or collection, part of a temporary
15 exhibition, or loaned or exhibited in other public facilities. (~~The~~
16 ~~Washington state arts commission shall, in consultation with the~~
17 ~~superintendent of public instruction, determine the amount to be made~~
18 ~~available for the purchase of works of art under this section, and~~
19 ~~payments therefor shall be made in accordance with law. The~~
20 ~~designation of projects and sites, selection, contracting, purchase,~~
21 ~~commissioning, reviewing of design, execution and placement,~~
22 ~~acceptance, maintenance, and sale, exchange, or disposition of works of~~
23 ~~art shall be the responsibility of the Washington state arts commission~~
24 ~~in consultation with the superintendent of public instruction and~~
25 ~~representatives of school district boards of directors. The~~
26 ~~superintendent of public instruction and the school district board of~~
27 ~~directors of the districts where the sites are selected shall have the~~
28 ~~right to:~~

29 ~~(1) Waive its use of the one half of one percent of the~~
30 ~~appropriation for the acquisition of works of art before the selection~~
31 ~~process by the Washington state arts commission;~~

32 ~~(2) Appoint a representative to the body established by the~~
33 ~~Washington state arts commission to be part of the selection process~~
34 ~~with full voting rights;~~

35 ~~(3) Reject the results of the selection process;~~

36 ~~(4) Reject the placement of a completed work or works of art on~~
37 ~~school district premises if such works are portable.~~

1 ~~Rejection at any point before or after the selection process shall~~
2 ~~not cause the loss of or otherwise endanger state construction funds~~
3 ~~available to the local school district. Any works of art rejected~~
4 ~~under this section shall be applied to the provision of works of art~~
5 ~~under this chapter, at the discretion of the Washington state arts~~
6 ~~commission, notwithstanding any contract or agreement between the~~
7 ~~affected school district and the artist involved. In addition to the~~
8 ~~cost of the works of art the one half of one percent of the~~
9 ~~appropriation as provided in this section shall be used to provide for~~
10 ~~the administration, including conservation of the state art collection,~~
11 ~~by the Washington state arts commission and all costs for installation~~
12 ~~of the work of art.)) For the purpose of this section building shall~~
13 ~~not include sheds, warehouses, or other buildings of a temporary~~
14 ~~nature.~~

15 ~~((The executive director of the arts commission, the superintendent~~
16 ~~of public instruction, and the Washington state school directors~~
17 ~~association shall appoint a study group to review the operations of the~~
18 ~~one half of one percent for works of art under this section.))~~

19 **Sec. 16.** RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read
20 as follows:

21 All universities and colleges shall allocate as a nondeductible
22 item, out of any moneys appropriated for the original construction or
23 any major renovation or remodel work exceeding two hundred thousand
24 dollars of any building, an amount of one-half of one percent of the
25 appropriation to be expended by ~~((the Washington state arts commission~~
26 ~~with the approval of))~~ the board of regents or trustees for the
27 acquisition of works of art. The works of art may be placed on public
28 lands of institutions of higher education, integral to or attached to
29 a public building or structure of institutions of higher education,
30 detached within or outside a public building or structure of
31 institutions of higher education, part of a portable exhibition or
32 collection, part of a temporary exhibition, or loaned or exhibited in
33 other public facilities.

34 ~~((In addition to the cost of the works of art, the one half of one~~
35 ~~percent of the appropriation shall be used to provide for the~~
36 ~~administration of the visual arts program, including conservation of~~
37 ~~the state art collection, by the Washington state arts commission and~~

1 ~~all costs for installation of the work of art.))~~ For the purpose of
2 this section building shall not include sheds, warehouses, and other
3 buildings of a temporary nature.

4 **Sec. 17.** RCW 43.17.200 and 2005 c 36 s 4 are each amended to read
5 as follows:

6 All state agencies including all state departments, boards,
7 councils, commissions, and quasi public corporations shall allocate, as
8 a nondeductible item, out of any moneys appropriated for the original
9 construction of any public building, an amount of one-half of one
10 percent of the appropriation to be expended (~~by the Washington state~~
11 ~~arts commission~~)) for the acquisition of works of art. The works of
12 art may be placed on public lands, integral to or attached to a public
13 building or structure, detached within or outside a public building or
14 structure, part of a portable exhibition or collection, part of a
15 temporary exhibition, or loaned or exhibited in other public
16 facilities. (~~In addition to the cost of the works of art, the one-~~
17 ~~half of one percent of the appropriation as provided herein shall be~~
18 ~~used to provide for the administration of the visual arts program,~~
19 ~~including conservation of the state art collection, by the Washington~~
20 ~~state arts commission and all costs for installation of the works of~~
21 ~~art.)) For the purpose of this section building shall not include
22 highway construction sheds, warehouses or other buildings of a
23 temporary nature.~~

24 **Sec. 18.** RCW 37.14.030 and 1975-'76 2nd ex.s. c 128 s 3 are each
25 amended to read as follows:

26 The principal proceeds from the sale of the bonds authorized in
27 this chapter and deposited in the Indian cultural center construction
28 account in the general fund shall be administered by the (~~executive~~)
29 director of the (~~arts commission~~) department of commerce.

30 **Sec. 19.** RCW 43.03.028 and 2010 1st sp.s. c 7 s 2 are each amended
31 to read as follows:

32 (1) The department of personnel shall study the duties and salaries
33 of the directors of the several departments and the members of the
34 several boards and commissions of state government, who are subject to

1 appointment by the governor or whose salaries are fixed by the
2 governor, and of the chief executive officers of the following agencies
3 of state government:

4 The (~~(arts commission; the)~~) human rights commission; the board of
5 accountancy; the board of pharmacy; the eastern Washington historical
6 society; the Washington state historical society; the recreation and
7 conservation office; the criminal justice training commission; the
8 department of personnel; the state library; the traffic safety
9 commission; the horse racing commission; the advisory council on
10 vocational education; the public disclosure commission; the state
11 conservation commission; the commission on Hispanic affairs; the
12 commission on Asian Pacific American affairs; the state board for
13 volunteer firefighters and reserve officers; the transportation
14 improvement board; the public employment relations commission; the
15 forest practices appeals board; and the energy facilities site
16 evaluation council.

17 (2) The department of personnel shall report to the governor or the
18 chairperson of the appropriate salary fixing authority at least once in
19 each fiscal biennium on such date as the governor may designate, but
20 not later than seventy-five days prior to the convening of each regular
21 session of the legislature during an odd-numbered year, its
22 recommendations for the salaries to be fixed for each position.

23 **Sec. 20.** RCW 43.63A.750 and 2006 c 371 s 235 are each amended to
24 read as follows:

25 (1) A competitive grant program to assist nonprofit organizations
26 in acquiring, constructing, or rehabilitating performing arts, art
27 museums, and cultural facilities is created.

28 (2)(a) The department shall submit a list of recommended performing
29 arts, art museum projects, and cultural organization projects eligible
30 for funding to the governor and the legislature in the department's
31 biennial capital budget request beginning with the 2001-2003 biennium
32 and thereafter. The list, in priority order, shall include a
33 description of each project, the amount of recommended state funding,
34 and documentation of nonstate funds to be used for the project. The
35 total amount of recommended state funding for projects on a biennial
36 project list shall not exceed twelve million dollars.

1 (b) The department shall establish a competitive process to
2 prioritize applications for state assistance as follows:

3 (i) The department shall conduct a statewide solicitation of
4 project applications from nonprofit organizations, local governments,
5 and other entities, as determined by the department. The department
6 shall evaluate and rank applications in consultation with a citizen
7 advisory committee(~~(, including a representative from the state arts~~
8 ~~commission,)~~) using objective criteria. The evaluation and ranking
9 process shall also consider local community support for projects and an
10 examination of existing assets that applicants may apply to projects.

11 (ii) The department may establish the amount of state grant
12 assistance for individual project applications but the amount shall not
13 exceed twenty percent of the estimated total capital cost or actual
14 cost of a project, whichever is less. The remaining portions of the
15 project capital cost shall be a match from nonstate sources. The
16 nonstate match may include cash, the value of real property when
17 acquired solely for the purpose of the project, and in-kind
18 contributions. The department is authorized to set matching
19 requirements for individual projects. State assistance may be used to
20 fund separate definable phases of a project if the project demonstrates
21 adequate progress and has secured the necessary match funding.

22 (iii) The department shall not sign contracts or otherwise
23 financially obligate funds under this section until the legislature has
24 approved a specific list of projects. In contracts for grants
25 authorized under this section, the department shall include provisions
26 requiring that capital improvements be held by the grantee for a
27 specified period of time appropriate to the amount of the grant and
28 that facilities be used for the express purpose of the grant. If the
29 grantee is found to be out of compliance with provisions of the
30 contract, the grantee shall repay to the state general fund the
31 principal amount of the grant plus interest calculated at the rate of
32 interest on state of Washington general obligation bonds issued most
33 closely to the date of authorization of the grant.

34 **Sec. 21.** RCW 79.24.720 and 2005 c 330 s 3 are each amended to read
35 as follows:

36 The department of general administration is responsible for the
37 stewardship, preservation, operation, and maintenance of the public and

1 historic facilities of the state capitol, subject to the policy
2 direction of the state capitol committee (~~and the legislative~~
3 ~~buildings committee as created in chapter . . . (House Bill No. 1301),~~
4 ~~Laws of 2005,~~) and the guidance of the capitol campus design advisory
5 committee. In administering this responsibility, the department shall:
6 (1) Apply the United States secretary of the interior's standards
7 for the treatment of historic properties;
8 (2) Seek to balance the functional requirements of state government
9 operations with public access and the long-term preservation needs of
10 the properties themselves; and
11 (3) Consult with the capitol furnishings preservation committee,
12 the state historic preservation officer, (~~the state arts commission,~~)
13 and the state facilities accessibility advisory committee in fulfilling
14 the responsibilities provided for in this section.

15 **Athletic Training Advisory Committee**

16 NEW SECTION. **Sec. 22.** RCW 18.250.030 (Athletic training advisory
17 committee) and 2007 c 253 s 4 are each repealed.

18 **Sec. 23.** RCW 18.250.010 and 2007 c 253 s 2 are each amended to
19 read as follows:

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

22 (1) "Athlete" means a person who participates in exercise,
23 recreation, sport, or games requiring physical strength,
24 range-of-motion, flexibility, body awareness and control, speed,
25 stamina, or agility, and the exercise, recreation, sports, or games are
26 of a type conducted in association with an educational institution or
27 professional, amateur, or recreational sports club or organization.

28 (2) "Athletic injury" means an injury or condition sustained by an
29 athlete that affects the person's participation or performance in
30 exercise, recreation, sport, or games and the injury or condition is
31 within the professional preparation and education of an athletic
32 trainer.

33 (3) "Athletic trainer" means a person who is licensed under this

1 chapter. An athletic trainer can practice athletic training through
2 the consultation, referral, or guidelines of a licensed health care
3 provider working within their scope of practice.

4 (4)(a) "Athletic training" means the application of the following
5 principles and methods as provided by a licensed athletic trainer:

6 (i) Risk management and prevention of athletic injuries through
7 preactivity screening and evaluation, educational programs, physical
8 conditioning and reconditioning programs, application of commercial
9 products, use of protective equipment, promotion of healthy behaviors,
10 and reduction of environmental risks;

11 (ii) Recognition, evaluation, and assessment of athletic injuries
12 by obtaining a history of the athletic injury, inspection and palpation
13 of the injured part and associated structures, and performance of
14 specific testing techniques related to stability and function to
15 determine the extent of an injury;

16 (iii) Immediate care of athletic injuries, including emergency
17 medical situations through the application of first-aid and emergency
18 procedures and techniques for nonlife-threatening or life-threatening
19 athletic injuries;

20 (iv) Treatment, rehabilitation, and reconditioning of athletic
21 injuries through the application of physical agents and modalities,
22 therapeutic activities and exercise, standard reassessment techniques
23 and procedures, commercial products, and educational programs, in
24 accordance with guidelines established with a licensed health care
25 provider as provided in RCW 18.250.070; and

26 (v) Referral of an athlete to an appropriately licensed health care
27 provider if the athletic injury requires further definitive care or the
28 injury or condition is outside an athletic trainer's scope of practice,
29 in accordance with RCW 18.250.070.

30 (b) "Athletic training" does not include:

31 (i) The use of spinal adjustment or manipulative mobilization of
32 the spine and its immediate articulations;

33 (ii) Orthotic or prosthetic services with the exception of
34 evaluation, measurement, fitting, and adjustment of temporary,
35 prefabricated or direct-formed orthosis as defined in chapter 18.200
36 RCW;

37 (iii) The practice of occupational therapy as defined in chapter
38 18.59 RCW;

1 (iv) The practice of (~~(acupuncture)~~) East Asian medicine as defined
2 in chapter 18.06 RCW;

3 (v) Any medical diagnosis; and

4 (vi) Prescribing legend drugs or controlled substances, or surgery.

5 (~~(5) ("Committee" means the athletic training advisory committee.~~
6 ~~(6))~~) "Department" means the department of health.

7 (~~(7))~~) (6) "Licensed health care provider" means a physician,
8 physician assistant, osteopathic physician, osteopathic physician
9 assistant, advanced registered nurse practitioner, naturopath, physical
10 therapist, chiropractor, dentist, massage practitioner, acupuncturist,
11 occupational therapist, or podiatric physician and surgeon.

12 (~~(8))~~) (7) "Secretary" means the secretary of health or the
13 secretary's designee.

14 **Sec. 24.** RCW 18.250.020 and 2007 c 253 s 3 are each amended to
15 read as follows:

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

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

20 (b) Establish all license, examination, and renewal fees in
21 accordance with RCW 43.70.250;

22 (c) Establish forms and procedures necessary to administer this
23 chapter;

24 (d) Establish administrative procedures, administrative
25 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
26 All fees collected under this section must be credited to the health
27 professions account as required under RCW 43.70.320;

28 (e) Develop and administer, or approve, or both, examinations to
29 applicants for a license under this chapter;

30 (f) Issue a license to any applicant who has met the education,
31 training, and examination requirements for licensure and deny a license
32 to applicants who do not meet the minimum qualifications for licensure.
33 However, denial of licenses based on unprofessional conduct or impaired
34 practice is governed by the uniform disciplinary act, chapter 18.130
35 RCW;

36 (~~(In consultation with the committee,~~) Approve examinations

1 prepared or administered by private testing agencies or organizations
2 for use by an applicant in meeting the licensing requirements under RCW
3 18.250.060;

4 (h) Determine which states have credentialing requirements
5 substantially equivalent to those of this state, and issue licenses to
6 individuals credentialed in those states that have successfully
7 fulfilled the requirements of RCW 18.250.080;

8 (i) Hire clerical, administrative, and investigative staff as
9 needed to implement and administer this chapter;

10 (j) Maintain the official department record of all applicants and
11 licensees; and

12 (k) Establish requirements and procedures for an inactive license.

13 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
14 unlicensed practice, the issuance and denial of licenses, and the
15 discipline of licensees under this chapter.

16 **Sec. 25.** RCW 18.250.060 and 2007 c 253 s 7 are each amended to
17 read as follows:

18 An applicant for an athletic trainer license must:

19 (1) Have received a bachelor's or advanced degree from an
20 accredited four-year college or university that meets the academic
21 standards of athletic training, accepted by the secretary(~~(, as advised~~
22 ~~by the committee))~~);

23 (2) Have successfully completed an examination administered or
24 approved by the secretary(~~(, in consultation with the committee))~~); and

25 (3) Submit an application on forms prescribed by the secretary and
26 pay the licensure fee required under this chapter.

27 **Capitol Campus Design Advisory Committee**

28 NEW SECTION. **Sec. 26.** RCW 43.34.080 (Capitol campus design
29 advisory committee--Generally) and 1990 c 93 s 1 are each repealed.

30 **Chemical Dependency Certification Advisory Committee**

1 NEW SECTION. **Sec. 27.** RCW 18.205.080 (Chemical dependency
2 certification advisory committee--Composition--Terms) and 1998 c 243 s
3 8 are each repealed.

4 **Sec. 28.** RCW 18.205.020 and 2008 c 135 s 15 are each amended to
5 read as follows:

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

8 (1) "Certification" means a voluntary process recognizing an
9 individual who qualifies by examination and meets established
10 educational prerequisites, and which protects the title of practice.

11 (2) "Certified chemical dependency professional" means an
12 individual certified in chemical dependency counseling, under this
13 chapter.

14 (3) "Certified chemical dependency professional trainee" means an
15 individual working toward the education and experience requirements for
16 certification as a chemical dependency professional.

17 (4) "Chemical dependency counseling" means employing the core
18 competencies of chemical dependency counseling to assist or attempt to
19 assist an alcohol or drug addicted person to develop and maintain
20 abstinence from alcohol and other mood-altering drugs.

21 (5) (~~"Committee" means the chemical dependency certification~~
22 ~~advisory committee established under this chapter.~~

23 ~~(6))~~ "Core competencies of chemical dependency counseling" means
24 competency in the nationally recognized knowledge, skills, and
25 attitudes of professional practice, including assessment and diagnosis
26 of chemical dependency, chemical dependency treatment planning and
27 referral, patient and family education in the disease of chemical
28 dependency, individual and group counseling with alcoholic and drug
29 addicted individuals, relapse prevention counseling, and case
30 management, all oriented to assist alcoholic and drug addicted patients
31 to achieve and maintain abstinence from mood-altering substances and
32 develop independent support systems.

33 ~~((7))~~ (6) "Department" means the department of health.

34 ~~((8))~~ (7) "Health profession" means a profession providing health
35 services regulated under the laws of this state.

36 ~~((9))~~ (8) "Secretary" means the secretary of health or the
37 secretary's designee.

1 **Sec. 29.** RCW 18.205.060 and 1998 c 243 s 6 are each amended to
2 read as follows:

3 In addition to any other authority provided by law, the secretary
4 has the authority to:

5 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
6 chapter(~~(, in consultation with the committee)~~);

7 (2) Establish all certification, examination, and renewal fees in
8 accordance with RCW 43.70.250;

9 (3) Establish forms and procedures necessary to administer this
10 chapter;

11 (4) Issue certificates to applicants who have met the education,
12 training, and examination requirements for certification and to deny
13 certification to applicants who do not meet the minimum qualifications,
14 except that proceedings concerning the denial of certification based
15 upon unprofessional conduct or impairment shall be governed by the
16 uniform disciplinary act, chapter 18.130 RCW;

17 (5) Hire clerical, administrative, investigative, and other staff
18 as needed to implement this chapter, and hire individuals certified
19 under this chapter to serve as examiners for any practical
20 examinations;

21 (6) Determine minimum education requirements and evaluate and
22 designate those educational programs that will be accepted as proof of
23 eligibility to take a qualifying examination for applicants for
24 certification;

25 (7) Prepare, grade, and administer, or determine the nature of, and
26 supervise the grading and administration of, examinations for
27 applicants for certification;

28 (8) Determine whether alternative methods of training are
29 equivalent to formal education, and establish forms, procedures, and
30 criteria for evaluation of an applicant's alternative training to
31 determine the applicant's eligibility to take any qualifying
32 examination;

33 (9) Determine which states have credentialing requirements
34 equivalent to those of this state, and issue certificates to
35 individuals credentialed in those states without examinations;

36 (10) Define and approve any experience requirement for
37 certification;

38 (11) Implement and administer a program for consumer education;

- 1 (12) Adopt rules implementing a continuing competency program;
- 2 (13) Maintain the official department record of all applicants and
- 3 certificated individuals;
- 4 (14) Establish by rule the procedures for an appeal of an
- 5 examination failure; and
- 6 (15) Establish disclosure requirements.

7 **Correctional Industries Board of Directors**

8 NEW SECTION. **Sec. 30.** The following acts or parts of acts are
9 each repealed:

- 10 (1) RCW 72.09.070 (Correctional industries board of directors--
11 Duties) and 2004 c 167 s 1, 1994 sp.s. c 7 s 535, 1993 sp.s. c 20 s 3,
12 1989 c 185 s 4, & 1981 c 136 s 8; and
- 13 (2) RCW 72.09.080 (Correctional industries board of directors--
14 Appointment of members, chair--Compensation--Support) and 1993 sp.s. c
15 20 s 4, 1989 c 185 s 5, & 1981 c 136 s 9.

16 **Sec. 31.** RCW 72.09.090 and 1989 c 185 s 6 are each amended to read
17 as follows:

18 The correctional industries account is established in the state
19 treasury. The department of corrections shall deposit in the account
20 all moneys collected and all profits that accrue from the industrial
21 and agricultural operations of the department and any moneys
22 appropriated to the account. Moneys in the account may be spent only
23 for expenses arising in the correctional industries operations.

24 The division's net profits from correctional industries' sales and
25 contracts shall be reinvested, without appropriation, in the expansion
26 and improvement of correctional industries. However, the ((~~board of~~
27 ~~directors~~)) secretary shall annually recommend that some portion of the
28 profits from correctional industries be returned to the state general
29 fund.

30 The ((~~board and~~)) secretary shall request appropriations or
31 increased appropriations whenever it appears that additional money is
32 needed to provide for the establishment and operation of a
33 comprehensive correctional industries program.

1 **Sec. 32.** RCW 72.09.100 and 2005 c 346 s 1 are each amended to read
2 as follows:

3 It is the intent of the legislature to vest in the department the
4 power to provide for a comprehensive inmate work program and to remove
5 statutory and other restrictions which have limited work programs in
6 the past. It is also the intent of the legislature to ensure that the
7 (~~correctional industries board of directors~~) department, in
8 developing and selecting correctional industries work programs, does
9 not encourage the development of, or provide for selection of or
10 contracting for, or the significant expansion of, any new or existing
11 class I correctional industries work programs that unfairly compete
12 with Washington businesses. The legislature intends that the
13 requirements relating to fair competition in the correctional
14 industries work programs be liberally construed by the (~~correctional~~
15 ~~industries board of directors~~) department to protect Washington
16 businesses from unfair competition. For purposes of establishing such
17 a comprehensive program, the legislature recommends that the department
18 consider adopting any or all, or any variation of, the following
19 classes of work programs:

20 (1) CLASS I: FREE VENTURE INDUSTRIES.

21 (a) The employer model industries in this class shall be operated
22 and managed in total or in part by any profit or nonprofit organization
23 pursuant to an agreement between the organization and the department.
24 The organization shall produce goods or services for sale to both the
25 public and private sector.

26 (b) The customer model industries in this class shall be operated
27 and managed by the department to provide Washington state manufacturers
28 or businesses with products or services currently produced or provided
29 by out-of-state or foreign suppliers.

30 (c) The (~~correctional industries board of directors~~) department
31 shall review these proposed industries, including any potential new
32 class I industries work program or the significant expansion of an
33 existing class I industries work program, before the department
34 contracts to provide such products or services. The review shall
35 include the analysis required under RCW 72.09.115 to determine if the
36 proposed correctional industries work program will compete with any
37 Washington business. An agreement for a new class I correctional

1 industries work program, or an agreement for a significant expansion of
2 an existing class I correctional industries work program, that unfairly
3 competes with any Washington business is prohibited.

4 (d) The department (~~(of corrections)~~) shall supply appropriate
5 security and custody services without charge to the participating
6 firms.

7 (e) Inmates who work in free venture industries shall do so at
8 their own choice. They shall be paid a wage comparable to the wage
9 paid for work of a similar nature in the locality in which the industry
10 is located, as determined by the director of correctional industries.
11 If the director cannot reasonably determine the comparable wage, then
12 the pay shall not be less than the federal minimum wage.

13 (f) An inmate who is employed in the class I program of
14 correctional industries shall not be eligible for unemployment
15 compensation benefits pursuant to any of the provisions of Title 50 RCW
16 until released on parole or discharged.

17 (2) CLASS II: TAX REDUCTION INDUSTRIES.

18 (a) Industries in this class shall be state-owned and operated
19 enterprises designed primarily to reduce the costs for goods and
20 services for tax-supported agencies and for nonprofit organizations.

21 (b)(i) The industries selected for development within this class
22 shall, as much as possible, match the available pool of inmate work
23 skills and aptitudes with the work opportunities in the free community.
24 The industries shall be closely patterned after private sector
25 industries but with the objective of reducing public support costs
26 rather than making a profit.

27 (ii) The products and services of this industry, including
28 purchased products and services necessary for a complete product line,
29 may be sold to the following:

30 (A) Public agencies;

31 (B) Nonprofit organizations;

32 (C) Private contractors when the goods purchased will be ultimately
33 used by a public agency or a nonprofit organization;

34 (D) An employee and immediate family members of an employee of the
35 department (~~(of corrections)~~); and

36 (E) A person under the supervision of the department (~~(of
37 corrections)~~) and his or her immediate family members.

1 (iii) The (~~correctional industries board of directors~~) department
2 shall authorize the type and quantity of items that may be purchased
3 and sold under (b)(ii)(D) and (E) of this subsection.

4 (iv) It is prohibited to purchase any item purchased under
5 (b)(ii)(D) and (E) of this subsection for the purpose of resale.

6 (v) Clothing manufactured by an industry in this class may be
7 donated to nonprofit organizations that provide clothing free of charge
8 to low-income persons.

9 (c)(i) Class II correctional industries products and services shall
10 be reviewed by the (~~correctional industries board of directors~~)
11 department before offering such products and services for sale to
12 private contractors.

13 (ii) The (~~board of directors~~) secretary shall conduct a yearly
14 marketing review of the products and services offered under this
15 subsection. Such review shall include an analysis of the potential
16 impact of the proposed products and services on the Washington state
17 business community. To avoid waste or spoilage and consequent loss to
18 the state, when there is no public sector market for such goods, by-
19 products and surpluses of timber, agricultural, and animal husbandry
20 enterprises may be sold to private persons, at private sale. Surplus
21 by-products and surpluses of timber, agricultural and animal husbandry
22 enterprises that cannot be sold to public agencies or to private
23 persons may be donated to nonprofit organizations. All sales of
24 surplus products shall be carried out in accordance with rules
25 prescribed by the secretary.

26 (d) Security and custody services shall be provided without charge
27 by the department (~~of corrections~~).

28 (e) Inmates working in this class of industries shall do so at
29 their own choice and shall be paid for their work on a gratuity scale
30 which shall not exceed the wage paid for work of a similar nature in
31 the locality in which the industry is located and which is approved by
32 the director of correctional industries.

33 (f) (~~Subject to approval of the correctional industries board,~~)
34 Provisions of RCW 41.06.142 shall not apply to contracts with
35 Washington state businesses entered into by the department (~~of~~
36 ~~corrections~~) through class II industries.

37 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

1 (a) Industries in this class shall be operated by the department
2 (~~of corrections~~). They shall be designed and managed to accomplish
3 the following objectives:

4 (i) Whenever possible, to provide basic work training and
5 experience so that the inmate will be able to qualify for better work
6 both within correctional industries and the free community. It is not
7 intended that an inmate's work within this class of industries should
8 be his or her final and total work experience as an inmate.

9 (ii) Whenever possible, to provide forty hours of work or work
10 training per week.

11 (iii) Whenever possible, to offset tax and other public support
12 costs.

13 (b) Class III correctional industries shall be reviewed by the
14 (~~correctional industries board of directors~~) department to set policy
15 for work crews. The department shall (~~present to the board of~~
16 ~~directors~~) prepare quarterly detail statements showing where work
17 crews worked, what correctional industry class, and the hours worked.
18 (~~The board of directors may review any class III program at its~~
19 ~~discretion.~~)

20 (c) Supervising, management, and custody staff shall be employees
21 of the department.

22 (d) All able and eligible inmates who are assigned work and who are
23 not working in other classes of industries shall work in this class.

24 (e) Except for inmates who work in work training programs, inmates
25 in this class shall be paid for their work in accordance with an inmate
26 gratuity scale. The scale shall be adopted by the secretary of
27 corrections.

28 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

29 (a) Industries in this class shall be operated by the department
30 (~~of corrections~~). They shall be designed and managed to provide
31 services in the inmate's resident community at a reduced cost. The
32 services shall be provided to public agencies, to persons who are poor
33 or infirm, or to nonprofit organizations.

34 (b) Class IV correctional industries shall be reviewed by the
35 (~~correctional industries board of directors~~) department to set policy
36 for work crews. The department shall (~~present to the board of~~
37 ~~directors~~) prepare quarterly detail statements showing where work
38 crews worked, what correctional industry class, and the hours worked.

1 (~~The board of directors may review any class IV program at its~~
2 ~~discretion.~~) Class IV correctional industries operated in work camps
3 established pursuant to RCW 72.64.050 are exempt from the requirements
4 of this subsection (4)(b).

5 (c) Inmates in this program shall reside in facilities owned by,
6 contracted for, or licensed by the department (~~of corrections~~). A
7 unit of local government shall provide work supervision services
8 without charge to the state and shall pay the inmate's wage.

9 (d) The department (~~of corrections~~) shall reimburse participating
10 units of local government for liability and workers compensation
11 insurance costs.

12 (e) Inmates who work in this class of industries shall do so at
13 their own choice and shall receive a gratuity which shall not exceed
14 the wage paid for work of a similar nature in the locality in which the
15 industry is located.

16 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

17 (a) Programs in this class shall be subject to supervision by the
18 department (~~of corrections~~). The purpose of this class of industries
19 is to enable an inmate, placed on community supervision, to work off
20 all or part of a community restitution order as ordered by the
21 sentencing court.

22 (b) Employment shall be in a community restitution program operated
23 by the state, local units of government, or a nonprofit agency.

24 (c) To the extent that funds are specifically made available for
25 such purposes, the department (~~of corrections~~) shall reimburse
26 nonprofit agencies for workers compensation insurance costs.

27 **Sec. 33.** RCW 72.09.015 and 2010 c 181 s 1 are each amended to read
28 as follows:

29 The definitions in this section apply throughout this chapter.

30 (1) "Adult basic education" means education or instruction designed
31 to achieve general competence of skills in reading, writing, and oral
32 communication, including English as a second language and preparation
33 and testing services for obtaining a high school diploma or a general
34 equivalency diploma.

35 (2) "Base level of correctional services" means the minimum level
36 of field services the department of corrections is required by statute
37 to provide for the supervision and monitoring of offenders.

1 (3) "Community custody" has the same meaning as that provided in
2 RCW 9.94A.030 and also includes community placement and community
3 supervision as defined in RCW 9.94B.020.

4 (4) "Contraband" means any object or communication the secretary
5 determines shall not be allowed to be: (a) Brought into; (b) possessed
6 while on the grounds of; or (c) sent from any institution under the
7 control of the secretary.

8 (5) "Correctional facility" means a facility or institution
9 operated directly or by contract by the secretary for the purposes of
10 incarcerating adults in total or partial confinement, as defined in RCW
11 9.94A.030.

12 (6) "County" means a county or combination of counties.

13 (7) "Department" means the department of corrections.

14 (8) "Earned early release" means earned release as authorized by
15 RCW 9.94A.728.

16 (9) "Evidence-based" means a program or practice that has had
17 multiple-site random controlled trials across heterogeneous populations
18 demonstrating that the program or practice is effective in reducing
19 recidivism for the population.

20 (10) "Extended family visit" means an authorized visit between an
21 inmate and a member of his or her immediate family that occurs in a
22 private visiting unit located at the correctional facility where the
23 inmate is confined.

24 (11) "Good conduct" means compliance with department rules and
25 policies.

26 (12) "Good performance" means successful completion of a program
27 required by the department, including an education, work, or other
28 program.

29 (13) "Immediate family" means the inmate's children, stepchildren,
30 grandchildren, great grandchildren, parents, stepparents, grandparents,
31 great grandparents, siblings, and a person legally married to or in a
32 state registered domestic partnership with an inmate. "Immediate
33 family" does not include an inmate adopted by another inmate or the
34 immediate family of the adopted or adopting inmate.

35 (14) "Indigent inmate," "indigent," and "indigency" mean an inmate
36 who has less than a ten-dollar balance of disposable income in his or
37 her institutional account on the day a request is made to utilize funds
38 and during the thirty days previous to the request.

1 (15) "Individual reentry plan" means the plan to prepare an
2 offender for release into the community. It should be developed
3 collaboratively between the department and the offender and based on an
4 assessment of the offender using a standardized and comprehensive tool
5 to identify the offender's risks and needs. The individual reentry
6 plan describes actions that should occur to prepare individual
7 offenders for release from prison or jail, specifies the supervision
8 and services they will experience in the community, and describes an
9 offender's eventual discharge to aftercare upon successful completion
10 of supervision. An individual reentry plan is updated throughout the
11 period of an offender's incarceration and supervision to be relevant to
12 the offender's current needs and risks.

13 (16) "Inmate" means a person committed to the custody of the
14 department, including but not limited to persons residing in a
15 correctional institution or facility and persons released from such
16 facility on furlough, work release, or community custody, and persons
17 received from another state, state agency, county, or federal
18 jurisdiction.

19 (17) "Labor" means the period of time before a birth during which
20 contractions are of sufficient frequency, intensity, and duration to
21 bring about effacement and progressive dilation of the cervix.

22 (18) "Physical restraint" means the use of any bodily force or
23 physical intervention to control an offender or limit an offender's
24 freedom of movement in a way that does not involve a mechanical
25 restraint. Physical restraint does not include momentary periods of
26 minimal physical restriction by direct person-to-person contact,
27 without the aid of mechanical restraint, accomplished with limited
28 force and designed to:

29 (a) Prevent an offender from completing an act that would result in
30 potential bodily harm to self or others or damage property;

31 (b) Remove a disruptive offender who is unwilling to leave the area
32 voluntarily; or

33 (c) Guide an offender from one location to another.

34 (19) "Postpartum recovery" means (a) the entire period a woman or
35 youth is in the hospital, birthing center, or clinic after giving birth
36 and (b) an additional time period, if any, a treating physician
37 determines is necessary for healing after the woman or youth leaves the
38 hospital, birthing center, or clinic.

1 (20) "Privilege" means any goods or services, education or work
2 programs, or earned early release days, the receipt of which are
3 directly linked to an inmate's (a) good conduct; and (b) good
4 performance. Privileges do not include any goods or services the
5 department is required to provide under the state or federal
6 Constitution or under state or federal law.

7 (21) "Promising practice" means a practice that presents, based on
8 preliminary information, potential for becoming a research-based or
9 consensus-based practice.

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

13 (23) "Restraints" means anything used to control the movement of a
14 person's body or limbs and includes:

15 (a) Physical restraint; or

16 (b) Mechanical device including but not limited to: Metal
17 handcuffs, plastic ties, ankle restraints, leather cuffs, other
18 hospital-type restraints, tasers, or batons.

19 (24) "Secretary" means the secretary of corrections or his or her
20 designee.

21 (25) "Significant expansion" includes any expansion into a new
22 product line or service to the class I business that results from an
23 increase in benefits provided by the department, including a decrease
24 in labor costs, rent, or utility rates (for water, sewer, electricity,
25 and disposal), an increase in work program space, tax advantages, or
26 other overhead costs.

27 (26) "Superintendent" means the superintendent of a correctional
28 facility under the jurisdiction of the Washington state department of
29 corrections, or his or her designee.

30 (27) "Transportation" means the conveying, by any means, of an
31 incarcerated pregnant woman or youth from the correctional facility to
32 another location from the moment she leaves the correctional facility
33 to the time of arrival at the other location, and includes the
34 escorting of the pregnant incarcerated woman or youth from the
35 correctional facility to a transport vehicle and from the vehicle to
36 the other location.

37 (28) "Unfair competition" means any net competitive advantage that
38 a business may acquire as a result of a correctional industries

1 contract, including labor costs, rent, tax advantages, utility rates
2 (water, sewer, electricity, and disposal), and other overhead costs.
3 To determine net competitive advantage, the (~~correctional industries~~
4 ~~board~~) department of corrections shall review and quantify any
5 expenses unique to operating a for-profit business inside a prison.

6 (29) "Vocational training" or "vocational education" means
7 "vocational education" as defined in RCW 72.62.020.

8 (30) "Washington business" means an in-state manufacturer or
9 service provider subject to chapter 82.04 RCW existing on June 10,
10 2004.

11 (31) "Work programs" means all classes of correctional industries
12 jobs authorized under RCW 72.09.100.

13 **Sec. 34.** RCW 72.62.020 and 1989 c 185 s 12 are each amended to
14 read as follows:

15 When used in this chapter, unless the context otherwise requires:

16 The term "vocational education" means a planned series of learning
17 experiences, the specific objective of which is to prepare individuals
18 for gainful employment as semiskilled or skilled workers or technicians
19 or subprofessionals in recognized occupations and in new and emerging
20 occupations, but shall not mean programs the primary characteristic of
21 which is repetitive work for the purpose of production, including the
22 correctional industries program. Nothing in this section shall be
23 construed to prohibit the (~~correctional industries board of~~
24 ~~directors~~) department of corrections from identifying and establishing
25 trade advisory or apprenticeship committees to advise them on
26 correctional industries work programs.

27 **Council for Children and Families**

28 NEW SECTION. **Sec. 35.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 43.121.010 (Legislative declaration, intent) and 1982 c 4
31 s 1;

32 (2) RCW 43.121.015 (Definitions) and 2008 c 152 s 8, 1988 c 278 s
33 4, & 1987 c 351 s 2;

1 (3) RCW 43.121.020 (Council established--Members, chairperson--
2 Appointment, qualifications, terms, vacancies) and 2008 c 152 s 7, 2007
3 c 144 s 1, 1996 c 10 s 1, 1994 c 48 s 1, 1989 c 304 s 4, 1987 c 351 s
4 3, 1984 c 261 s 1, & 1982 c 4 s 2;

5 (4) RCW 43.121.030 (Compensation and travel expenses of members)
6 and 1984 c 287 s 87 & 1982 c 4 s 3;

7 (5) RCW 43.121.040 (Executive director, salary--Staff) and 1982 c
8 4 s 4;

9 (6) RCW 43.121.050 (Council powers and duties--Generally--Rules)
10 and 1988 c 278 s 5, 1987 c 351 s 4, & 1982 c 4 s 5;

11 (7) RCW 43.121.060 (Contracts for services--Scope of programs--
12 Funding) and 1982 c 4 s 6;

13 (8) RCW 43.121.070 (Contracts for services--Factors in awarding)
14 and 1982 c 4 s 7;

15 (9) RCW 43.121.080 (Contracts for services--Partial funding by
16 administering organization, what constitutes) and 1982 c 4 s 8;

17 (10) RCW 43.121.110 (Parenting skills--Legislative findings) and
18 1988 c 278 s 1;

19 (11) RCW 43.121.120 (Community-based early parenting skills
20 programs--Funding) and 1988 c 278 s 2;

21 (12) RCW 43.121.130 (Decreased state funding of parenting skills
22 programs--Evaluation) and 1998 c 245 s 48 & 1988 c 278 s 3;

23 (13) RCW 43.121.140 (Shaken baby syndrome--Outreach campaign) and
24 1993 c 107 s 2;

25 (14) RCW 43.121.150 (Juvenile crime--Legislative findings) and 1997
26 c 338 s 56;

27 (15) RCW 43.121.160 (Postpartum depression--Public information and
28 communication outreach campaign) and 2005 c 347 s 2; and

29 (16) RCW 43.121.910 (Severability--1982 c 4) and 1982 c 4 s 15.

30 **Sec. 36.** RCW 43.121.100 and 2005 c 53 s 4 are each amended to read
31 as follows:

32 (~~The council may accept~~) Contributions, grants, or gifts in cash
33 or otherwise, including funds generated by the sale of "heirloom" birth
34 certificates under chapter 70.58 RCW from persons, associations, or
35 corporations and funds generated through the issuance of the "Keep Kids
36 Safe" license plate under chapter (~~46.16~~) 46.18 RCW(~~(. All moneys~~
37 ~~received by the council or any employee thereof from contributions,~~

1 ~~grants, or gifts~~) and not funds through appropriation by the
2 legislature shall be deposited in a depository approved by the state
3 treasurer to be known as the children's trust fund. Disbursements of
4 such funds shall be on the authorization of the (~~council or a duly~~
5 ~~authorized representative thereof and only for the purposes stated in~~
6 ~~RCW 43.121.050~~) secretary of the department of social and health
7 services or the secretary's designee. In order to maintain an
8 effective expenditure and revenue control, such funds shall be subject
9 in all respects to chapter 43.88 RCW, but no appropriation shall be
10 required to permit expenditure of such funds.

11 **Sec. 37.** RCW 43.215.146 and 2007 c 466 s 2 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this section and
14 ~~RCW ((43.121.170 through))~~ 43.215.145, 43.215.147, and 43.121.185
15 unless the context clearly requires otherwise.

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

20 (2) "Home visitation" means providing services in the permanent or
21 temporary residence, or in other familiar surroundings, of the family
22 receiving such services.

23 (3) "Research-based" means a program or practice that has some
24 research demonstrating effectiveness, but that does not yet meet the
25 standard of evidence-based practices.

26 **Sec. 38.** RCW 43.215.147 and 2008 c 152 s 6 are each amended to
27 read as follows:

28 (1) Within available funds, the (~~council for children and~~
29 ~~families~~) department shall fund evidence-based and research-based home
30 visitation programs for improving parenting skills and outcomes for
31 children. Home visitation programs must be voluntary and must address
32 the needs of families to alleviate the effect on child development of
33 factors such as poverty, single parenthood, parental unemployment or
34 underemployment, parental disability, or parental lack of high school
35 diploma, which research shows are risk factors for child abuse and
36 neglect and poor educational outcomes.

1 (2) The (~~council for children and families shall develop a plan~~)
2 department shall work with the department of social and health
3 services(~~(,)~~) and the department of health(~~(, the department of early~~
4 ~~learning, and the family policy council)~~) to develop a plan to
5 coordinate or consolidate home visitation services for children and
6 families (~~and report to the appropriate committees of the legislature~~
7 ~~by December 1, 2007, with their recommendations for implementation of~~
8 ~~the plan~~) to the extent practicable.

9 **Children of Incarcerated Parents Advisory Committee**

10 NEW SECTION. **Sec. 39.** RCW 43.63A.068 (Advisory committee on
11 policies and programs for children and families with incarcerated
12 parents--Funding for programs and services) and 2009 c 518 s 18 & 2007
13 c 384 s 6 are each repealed.

14 **Sec. 40.** RCW 28A.300.520 and 2009 c 578 s 9 are each amended to
15 read as follows:

16 (1) The superintendent of public instruction shall review current
17 policies and assess the adequacy and availability of programs targeted
18 at children who have a parent who is incarcerated in a department of
19 corrections facility. The superintendent of public instruction shall
20 adopt policies that support the children of incarcerated parents and
21 meet their needs with the goal of facilitating normal child
22 development, including maintaining adequate academic progress, while
23 reducing intergenerational incarceration.

24 (2) To the extent funds are available, (~~the superintendent shall~~
25 ~~conduct the following activities~~) to assist in implementing the
26 requirements of subsection (1) of this section(~~(+~~

27 ~~(a)~~), the superintendent shall gather information and data on the
28 students who are the children of inmates incarcerated in department of
29 corrections facilities(~~(+ and~~

30 ~~(b) Participate in the children of incarcerated parents advisory~~
31 ~~committee and report information obtained under this section to the~~
32 ~~advisory committee~~)).

1 **Sec. 41.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to
2 read as follows:

3 (1)(a) The director of the department of early learning shall
4 review current department policies and assess the adequacy and
5 availability of programs targeted at persons who receive assistance who
6 are the children and families of a person who is incarcerated in a
7 department of corrections facility. Great attention shall be focused
8 on programs and policies affecting foster youth who have a parent who
9 is incarcerated.

10 (b) The director shall adopt policies that support the children of
11 incarcerated parents and meet their needs with the goal of facilitating
12 normal child development, while reducing intergenerational
13 incarceration.

14 (2) (~~The director shall conduct the following activities~~) To
15 assist in implementing the requirements of subsection (1) of this
16 section(

17 ~~(a))~~, the director shall gather information and data on the
18 recipients of assistance who are the children and families of inmates
19 incarcerated in department of corrections facilities(~~(; and~~

20 ~~(b) Participate in the children of incarcerated parents advisory~~
21 ~~committee and report information obtained under this section to the~~
22 ~~advisory committee)).~~

23 **Sec. 42.** RCW 72.09.495 and 2007 c 384 s 2 are each amended to read
24 as follows:

25 (1) The secretary of corrections shall review current department
26 policies and assess the following:

27 (a) The impact of existing policies on the ability of offenders to
28 maintain familial contact and engagement between inmates and children;
29 and

30 (b) The adequacy and availability of programs targeted at inmates
31 with children.

32 (2) The secretary shall adopt policies that encourage familial
33 contact and engagement between inmates and their children with the goal
34 of reducing recidivism and intergenerational incarceration. Programs
35 and policies should take into consideration the children's need to
36 maintain contact with his or her parent and the inmate's ability to

1 develop plans to financially support their children, assist in
2 reunification when appropriate, and encourage the improvement of
3 parenting skills where needed.

4 (3) The department shall conduct the following activities to assist
5 in implementing the requirements of subsection (1) of this section:

6 (a) Gather information and data on the families of inmates,
7 particularly the children of incarcerated parents; and

8 (b) Evaluate data to determine the impact on recidivism and
9 intergenerational incarceration(~~(+and~~

10 ~~(c) Participate in the children of incarcerated parents advisory~~
11 ~~committee and report information obtained under this section to the~~
12 ~~advisory committee)).~~

13 **Sec. 43.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to read
14 as follows:

15 (1)(a) The secretary of social and health services shall review
16 current department policies and assess the adequacy and availability of
17 programs targeted at persons who receive services through the
18 department who are the children and families of a person who is
19 incarcerated in a department of corrections facility. Great attention
20 shall be focused on programs and policies affecting foster youth who
21 have a parent who is incarcerated.

22 (b) The secretary shall adopt policies that encourage familial
23 contact and engagement between inmates of the department of corrections
24 facilities and their children with the goal of facilitating normal
25 child development, while reducing recidivism and intergenerational
26 incarceration. Programs and policies should take into consideration
27 the children's need to maintain contact with his or her parent, the
28 inmate's ability to develop plans to financially support their
29 children, assist in reunification when appropriate, and encourage the
30 improvement of parenting skills where needed. The programs and
31 policies should also meet the needs of the child while the parent is
32 incarcerated.

33 (2) (~~The secretary shall conduct the following activities~~) To
34 assist in implementing the requirements of subsection (1) of this
35 section(~~(+~~

36 ~~(a))~~, the secretary shall gather information and data on the

1 recipients of public assistance, or children in the care of the state
2 under chapter 13.34 RCW, who are the children and families of inmates
3 incarcerated in department of corrections facilities(~~;~~and

4 ~~(b) Participate in the children of incarcerated parents advisory~~
5 ~~committee and report information obtained under this section to the~~
6 ~~advisory committee)).~~

7 **Eastern State Hospital Board and Western State Hospital Board**

8 **Sec. 44.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to
9 read as follows:

10 (1) It is the intent of the legislature to improve the quality of
11 service at state hospitals, eliminate overcrowding, and more
12 specifically define the role of the state hospitals. The legislature
13 intends that eastern and western state hospitals shall become clinical
14 centers for handling the most complicated long-term care needs of
15 patients with a primary diagnosis of mental disorder. To this end, the
16 legislature intends that funds appropriated for mental health programs,
17 including funds for regional support networks and the state hospitals
18 be used for persons with primary diagnosis of mental disorder. The
19 legislature finds that establishment of (~~the eastern state hospital~~
20 ~~board, the western state hospital board, and~~) institutes for the study
21 and treatment of mental disorders at both eastern state hospital and
22 western state hospital will be instrumental in implementing the
23 legislative intent.

24 (2)(~~(a) The eastern state hospital board and the western state~~
25 ~~hospital board are each established. Members of the boards shall be~~
26 ~~appointed by the governor with the consent of the senate. Each board~~
27 ~~shall include:~~

28 ~~(i) The director of the institute for the study and treatment of~~
29 ~~mental disorders established at the hospital;~~

30 ~~(ii) One family member of a current or recent hospital resident;~~

31 ~~(iii) One consumer of services;~~

32 ~~(iv) One community mental health service provider;~~

33 ~~(v) Two citizens with no financial or professional interest in~~
34 ~~mental health services;~~

1 ~~(vi) One representative of the regional support network in which~~
2 ~~the hospital is located;~~

3 ~~(vii) One representative from the staff who is a physician;~~

4 ~~(viii) One representative from the nursing staff;~~

5 ~~(ix) One representative from the other professional staff;~~

6 ~~(x) One representative from the nonprofessional staff; and~~

7 ~~(xi) One representative of a minority community.~~

8 ~~(b) At least one representative listed in (a)(viii), (ix), or (x)~~
9 ~~of this subsection shall be a union member.~~

10 ~~(c) Members shall serve four-year terms. Members of the board~~
11 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~
12 ~~and 43.03.060 and shall receive compensation as provided in RCW~~
13 ~~43.03.240.~~

14 ~~(3) The boards established under this section shall:~~

15 ~~(a) Monitor the operation and activities of the hospital;~~

16 ~~(b) Review and advise on the hospital budget;~~

17 ~~(c) Make recommendations to the governor and the legislature for~~
18 ~~improving the quality of service provided by the hospital;~~

19 ~~(d) Monitor and review the activities of the hospital in~~
20 ~~implementing the intent of the legislature set forth in this section;~~
21 ~~and~~

22 ~~(e) Consult with the secretary regarding persons the secretary may~~
23 ~~select as the superintendent of the hospital whenever a vacancy occurs.~~

24 ~~(4)) (a) There is established at eastern state hospital and~~
25 ~~western state hospital, institutes for the study and treatment of~~
26 ~~mental disorders. The institutes shall be operated by joint operating~~
27 ~~agreements between state colleges and universities and the department~~
28 ~~of social and health services. The institutes are intended to conduct~~
29 ~~training, research, and clinical program development activities that~~
30 ~~will directly benefit ((mentally ill)) persons with mental illness who~~
31 ~~are receiving treatment in Washington state by performing the following~~
32 ~~activities:~~

33 ~~(i) Promote recruitment and retention of highly qualified~~
34 ~~professionals at the state hospitals and community mental health~~
35 ~~programs;~~

36 ~~(ii) Improve clinical care by exploring new, innovative, and~~
37 ~~scientifically based treatment models for persons presenting~~
38 ~~particularly difficult and complicated clinical syndromes;~~

1 (iii) Provide expanded training opportunities for existing staff at
2 the state hospitals and community mental health programs;

3 (iv) Promote bilateral understanding of treatment orientation,
4 possibilities, and challenges between state hospital professionals and
5 community mental health professionals.

6 (b) To accomplish these purposes the institutes may, within funds
7 appropriated for this purpose:

8 (i) Enter joint operating agreements with state universities or
9 other institutions of higher education to accomplish the placement and
10 training of students and faculty in psychiatry, psychology, social
11 work, occupational therapy, nursing, and other relevant professions at
12 the state hospitals and community mental health programs;

13 (ii) Design and implement clinical research projects to improve the
14 quality and effectiveness of state hospital services and operations;

15 (iii) Enter into agreements with community mental health service
16 providers to accomplish the exchange of professional staff between the
17 state hospitals and community mental health service providers;

18 (iv) Establish a student loan forgiveness and conditional
19 scholarship program to retain qualified professionals at the state
20 hospitals and community mental health providers when the secretary has
21 determined a shortage of such professionals exists.

22 (c) Notwithstanding any other provisions of law to the contrary,
23 the institutes may enter into agreements with the department or the
24 state hospitals which may involve changes in staffing necessary to
25 implement improved patient care programs contemplated by this section.

26 (d) The institutes are authorized to seek and accept public or
27 private gifts, grants, contracts, or donations to accomplish their
28 purposes under this section.

29 **Escrow Commission**

30 **Sec. 45.** RCW 18.44.011 and 2010 c 34 s 1 are each reenacted and
31 amended to read as follows:

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

34 (1) "Controlling person" is any person who owns or controls ten
35 percent or more of the beneficial ownership of any escrow agent,

1 regardless of the form of business organization employed and regardless
2 of whether such interest stands in such person's true name or in the
3 name of a nominee.

4 (2) "Department" means the department of financial institutions.

5 (3) "Designated escrow officer" means any licensed escrow officer
6 designated by a licensed escrow agent and approved by the director as
7 the licensed escrow officer responsible for supervising that agent's
8 handling of escrow transactions, management of the agent's trust
9 account, and supervision of all other licensed escrow officers employed
10 by the agent.

11 (4) "Director" means the director of financial institutions, or his
12 or her duly authorized representative.

13 (5) "Director of licensing" means the director of the department of
14 licensing, or his or her duly authorized representative.

15 (6) "Escrow" means any transaction, except the acts of a qualified
16 intermediary in facilitating an exchange under section 1031 of the
17 internal revenue code, wherein any person or persons, for the purpose
18 of effecting and closing the sale, purchase, exchange, transfer,
19 encumbrance, or lease of real or personal property to another person or
20 persons, delivers any written instrument, money, evidence of title to
21 real or personal property, or other thing of value to a third person to
22 be held by such third person until the happening of a specified event
23 or the performance of a prescribed condition or conditions, when it is
24 then to be delivered by such third person, in compliance with
25 instructions under which he or she is to act, to a grantee, grantor,
26 promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor,
27 or any agent or employee thereof.

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

31 (8) (~~"Escrow commission" means the escrow commission of the state
32 of Washington created by RCW 18.44.500.~~

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

36 ~~((10))~~ (9) "Licensed escrow officer" means any natural person
37 handling escrow transactions and licensed as such by the director.

1 Dated

2 Signature of

3 Notary Public

4 (Seal or stamp) Title

5 My appointment expires

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

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

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

13 **Fairs Commission**

14 NEW SECTION. **Sec. 50.** RCW 15.76.170 (Fairs commission--Creation,
15 terms, compensation, powers and duties) and 2010 c 8 s 6100, 1984 c 287
16 s 18, 1975-'76 2nd ex.s. c 34 s 21, 1975 1st ex.s. c 7 s 11, & 1961 c
17 61 s 8 are each repealed.

18 **Sec. 51.** RCW 15.76.110 and 1961 c 61 s 2 are each amended to read
19 as follows:

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

22 (1) "Director" (~~shall~~) means the director of agriculture.
23 (~~"Commission" shall mean the fairs commission created by this~~
24 ~~chapter.~~)

25 (2) "State allocations" (~~shall~~) means allocations from the state
26 fair fund.

27 **Sec. 52.** RCW 15.76.150 and 2002 c 313 s 113 are each amended to
28 read as follows:

29 The director shall have the authority to make allocations from the
30 state fair fund, including interest income under RCW 43.79A.040,
31 exclusively as follows: Eighty-five percent to participating
32 agricultural fairs, distributed according to the merit of such fairs

1 measured by a merit rating to be set up by the director. This merit
2 rating shall take into account such factors as area and population
3 served, open and/or youth participation, attendance, gate receipts,
4 number and type of exhibits, premiums and prizes paid, community
5 support, evidence of successful achievement of the aims and purposes of
6 the fair, extent of improvements made to grounds and facilities from
7 year to year, and overall condition and appearance of grounds and
8 facilities. The remaining fifteen percent of money in the state fair
9 fund may be used for special assistance to any participating fair or
10 fairs and for administrative expenses incurred in the administration of
11 this chapter only(~~(, including expenses incurred by the fair commission
12 as may be approved by the director)~~): PROVIDED, That not more than
13 five percent of the state fair fund may be used for such expenses.

14 The division and payment of funds authorized in this section shall
15 occur at such times as the director may prescribe.

16 **Family Policy Council**

17 **Sec. 53.** RCW 13.40.462 and 2006 c 304 s 2 are each amended to read
18 as follows:

19 (1) The department of social and health services juvenile
20 rehabilitation administration shall establish a reinvesting in youth
21 program that awards grants to counties for implementing research-based
22 early intervention services that target juvenile justice-involved youth
23 and reduce crime, subject to the availability of amounts appropriated
24 for this specific purpose.

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

27 (3) Counties that participate in the reinvesting in youth program
28 shall have a portion of their costs of serving youth through the
29 research-based intervention service models paid for with moneys from
30 the reinvesting in youth account established pursuant to RCW 13.40.466.

31 (4) The department of social and health services juvenile
32 rehabilitation administration shall review county applications for
33 funding through the reinvesting in youth program and shall select the
34 counties that will be awarded grants with funds appropriated to
35 implement this program. The department, in consultation with the

1 Washington state institute for public policy, shall develop guidelines
2 to determine which counties will be awarded funding in accordance with
3 the reinvesting in youth program. At a minimum, counties must meet the
4 following criteria in order to participate in the reinvesting in youth
5 program:

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

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

14 (c) Counties must participate fully in the state quality assurance
15 program established in RCW 13.40.468 to ensure fidelity of program
16 implementation. If no state quality assurance program is in effect for
17 a particular selected research-based service, the county must submit a
18 quality assurance plan for state approval with its grant application.
19 Failure to demonstrate continuing compliance with quality assurance
20 plans shall be grounds for termination of state funding; and

21 (d) Counties that submit joint applications must submit for
22 approval by the department of social and health services juvenile
23 rehabilitation administration multicounty plans for efficient program
24 delivery.

25 ~~((5) The department of social and health services juvenile
26 rehabilitation administration shall convene a technical advisory
27 committee comprised of representatives from the house of
28 representatives, the senate, the governor's office of financial
29 management, the department of social and health services juvenile
30 rehabilitation administration, the family policy council, the juvenile
31 court administrator's association, and the Washington association of
32 counties to assist in the implementation of chapter 304, Laws of
33 2006.))~~

34 **Sec. 54.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to
35 read as follows:

36 The department(~~(, in consultation with the family policy council
37 created in chapter 70.190 RCW,))~~) shall establish, by rule, standards

1 for local health departments and networks to use in assessment,
2 performance measurement, policy development, and assurance regarding
3 social development to prevent health problems caused by risk factors
4 empirically linked to: Violent criminal acts by juveniles, teen
5 substance abuse, teen pregnancy and male parentage, teen suicide
6 attempts, dropping out of school, child abuse or neglect, and domestic
7 violence. The standards shall be based on the standards set forth in
8 the public health services improvement plan as required by RCW
9 43.70.550.

10 NEW SECTION. **Sec. 55.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 70.190.005 (Purpose) and 1994 sp.s. c 7 s 301 & 1992 c 198
13 s 1;

14 (2) RCW 70.190.010 (Definitions) and 2009 c 565 s 52, 2009 c 479 s
15 58, 1996 c 132 s 2, 1995 c 399 s 200, & 1992 c 198 s 3;

16 (3) RCW 70.190.020 (Consolidate efforts of existing entities) and
17 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;

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

20 (5) RCW 70.190.040 (Finding--Grants to improve readiness to learn)
21 and 1993 c 336 s 901;

22 (6) RCW 70.190.050 (Community networks--Outcome evaluation) and
23 1998 c 245 s 122 & 1994 sp.s. c 7 s 207;

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

27 (8) RCW 70.190.065 (Member's authorization of expenditures--
28 Limitation) and 1996 c 132 s 5;

29 (9) RCW 70.190.070 (Community networks--Duties) and 1994 sp.s. c 7
30 s 304;

31 (10) RCW 70.190.075 (Lead fiscal agent) and 1996 c 132 s 4;

32 (11) RCW 70.190.080 (Community networks--Programs and plans) and
33 1996 c 132 s 6 & 1994 sp.s. c 7 s 305;

34 (12) RCW 70.190.085 (Community networks--Sexual abstinence and
35 activity campaign) and 1994 c 299 s 5;

36 (13) RCW 70.190.090 (Community networks--Planning grants and

1 contracts--Distribution of funds--Reports) and 1999 c 309 s 918, 1996
2 c 132 s 7, & 1994 sp.s. c 7 s 306;

3 (14) RCW 70.190.100 (Duties of council) and 2009 c 479 s 59, 1998
4 c 245 s 123, & 1994 sp.s. c 7 s 307;

5 (15) RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994
6 sp.s. c 7 s 308;

7 (16) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s
8 309;

9 (17) RCW 70.190.130 (Comprehensive plan--Approval process--Network
10 expenditures--Penalty for noncompliance with chapter) and 1998 c 314 s
11 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;

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

14 (19) RCW 70.190.160 (Community networks--Implementation in federal
15 and state plans) and 1994 sp.s. c 7 s 314;

16 (20) RCW 70.190.170 (Transfer of funds and programs to state
17 agency) and 1994 sp.s. c 7 s 320;

18 (21) RCW 70.190.180 (Community network--Grants for use of school
19 facilities) and 1994 sp.s. c 7 s 604;

20 (22) RCW 70.190.190 (Network members immune from civil liability--
21 Network assets not subject to attachment or execution) and 1996 c 132
22 s 9;

23 (23) RCW 70.190.910 (Severability--1992 c 198) and 1992 c 198 s 20;
24 and

25 (24) RCW 70.190.920 (Effective date--1992 c 198) and 1992 c 198 s
26 21.

27 **Sec. 56.** RCW 74.14A.060 and 2000 c 219 s 2 are each amended to
28 read as follows:

29 The secretary of the department of social and health services shall
30 charge appropriated funds to support blended funding projects for youth
31 subject to any current or future waiver the department receives to the
32 requirements of IV-E funding. To be eligible for blended funding a
33 child must be eligible for services designed to address a behavioral,
34 mental, emotional, or substance abuse issue from the department of
35 social and health services and require services from more than one
36 categorical service delivery system. ~~((Before any blended funding
37 project is established by the secretary, any entity or person proposing~~

1 ~~the project shall seek input from the public health and safety network~~
2 ~~or networks established in the catchment area of the project. The~~
3 ~~network or networks shall submit recommendations on the blended funding~~
4 ~~project to the family policy council. The family policy council shall~~
5 ~~advise the secretary whether to approve the proposed blended funding~~
6 ~~project. The network shall review the proposed blended funding project~~
7 ~~pursuant to its authority to examine the decategorization of program~~
8 ~~funds under RCW 70.190.110, within the current appropriation level.))~~
9 The department shall document the number of children who participate in
10 blended funding projects, the total blended funding amounts per child,
11 the amount charged to each appropriation by program, and services
12 provided to each child through each blended funding project and report
13 this information to the appropriate committees of the legislature by
14 December 1st of each year, beginning in December 1, 2000.

15 **Sec. 57.** RCW 74.14C.050 and 1995 c 311 s 9 are each amended to
16 read as follows:

17 By December 1, 1995, the department, with the assistance of ((~~the~~
18 ~~family policy council,~~)) two urban and two rural public health and
19 safety networks to be chosen by the ((~~family policy council,~~))
20 secretary and two private, nonprofit agencies with expertise and
21 experience in preservation services, shall submit to the legislature an
22 implementation and evaluation plan that identifies:

23 (1) A valid and reliable process that can be used by caseworkers
24 for accurately identifying clients who are eligible for intensive
25 family preservation services and family preservation services. The
26 plan shall recognize the due process rights of families that receive
27 preservation services and recognize that family preservation services
28 are not intended to be investigative for purposes of chapter 13.34 RCW;

29 (2) Necessary data by which program success will be measured,
30 projections of service needs, budget requests, and long-range planning;

31 (3) Regional and statewide projections of service needs;

32 (4) A cost estimate for statewide implementation and expansion of
33 preservation services on a phased-in basis beginning no later than July
34 1, 1996;

35 (5) A plan and time frame for phased-in implementation of
36 preservation services on a statewide basis to be accomplished as soon
37 as possible but no later than July 1, 1997;

1 (6) Data regarding the number of children in foster care, group
2 care, institutional placements, and other out-of-home placements due to
3 medical needs, mental health needs, developmental disabilities, and
4 juvenile offenses, and an assessment of the feasibility of providing
5 preservation services to include all of these children;

6 (7) Standards and outcome measures for the department when the
7 department provides preservation services directly; and

8 (8) A process to assess outcome measures identified in RCW
9 74.14C.030 for contractors providing preservation services.

10 **Firearms Range Advisory Committee**

11 NEW SECTION. **Sec. 58.** RCW 79A.25.220 (Firearms range advisory
12 committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3
13 are each repealed.

14 **Hanford Area Economic Investment Fund Committee**

15 NEW SECTION. **Sec. 59.** RCW 43.31.425 (Hanford area economic
16 investment fund committee) and 1998 c 76 s 2 & 1991 c 272 s 20 are each
17 repealed.

18 **Sec. 60.** RCW 43.31.428 and 2004 c 77 s 2 are each amended to read
19 as follows:

20 The (~~Hanford area economic investment fund committee created under~~
21 ~~RCW 43.31.425~~) department of commerce may:

22 (~~1) (Adopt bylaws for the regulation of its affairs and the~~
23 ~~conduct of its business;~~

24 (~~2) Utilize the services of other governmental agencies;~~

25 (~~3~~)) Accept from any federal or state agency loans or grants for
26 the purposes of funding Hanford area revolving loan funds, Hanford area
27 infrastructure projects, or Hanford area economic development projects;

28 ((~~4~~)) (2) Adopt rules for the administration of the program,
29 including the terms and rates pertaining to its loans, and criteria for
30 awarding grants, loans, and financial guarantees;

1 ~~((+5))~~ (3) Adopt a spending strategy for the moneys in the fund
2 created in RCW 43.31.422. The strategy shall include five and ten year
3 goals for economic development and diversification for use of the
4 moneys in the Hanford area;

5 ~~((+6) Recommend to the director)~~ (4) Make no more than two
6 allocations eligible for funding per calendar year, with a first
7 priority on Hanford area revolving loan allocations, and Hanford area
8 infrastructure allocations followed by other Hanford area economic
9 development and diversification projects if the committee finds that
10 there are no suitable allocations in the priority allocations described
11 in this section;

12 ~~((+7))~~ (5) Establish and administer a revolving fund consistent
13 with this section and RCW 43.31.422 ~~((and 43.31.425))~~; and

14 ~~((+8))~~ (6) Make grants from the Hanford area economic investment
15 fund consistent with this section and RCW 43.31.422 ~~((and 43.31.425))~~.

16 **Sec. 61.** RCW 43.31.422 and 2004 c 77 s 1 are each amended to read
17 as follows:

18 The Hanford area economic investment fund is established in the
19 custody of the state treasurer. Moneys in the fund shall only be used
20 for reasonable assistant attorney general costs in support of the
21 ~~((committee or pursuant to the decisions of the committee created in
22 RCW 43.31.425 for))~~ Hanford area revolving loan funds, Hanford area
23 infrastructure projects, or other Hanford area economic development and
24 diversification projects, but may not be used for government or
25 nonprofit organization operating expenses. Up to five percent of
26 moneys in the fund may be used for program administration. For the
27 purpose of this chapter "Hanford area" means Benton and Franklin
28 counties. The director of ~~((community, trade, and economic
29 development))~~ commerce or the director's designee shall authorize
30 disbursements from the fund ~~((after an affirmative vote of at least six
31 members of the committee created in RCW 43.31.425 on any decisions
32 reached by the committee created in RCW 43.31.425))~~. The fund is
33 subject to the allotment procedures under chapter 43.88 RCW, but no
34 appropriation is required for disbursements. The legislature intends
35 to establish similar economic investment funds for areas that develop
36 low-level radioactive waste disposal facilities.

1 **Home Care Quality Authority**

2 NEW SECTION. **Sec. 62.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 70.127.041 (Home care quality authority not subject to
5 regulation) and 2002 c 3 s 13;

6 (2) RCW 74.39A.230 (Authority created) and 2002 c 3 s 2; and

7 (3) RCW 74.39A.280 (Powers) and 2002 c 3 s 7.

8 NEW SECTION. **Sec. 63.** RCW 74.39A.290 is decodified.

9 **Sec. 64.** RCW 74.39A.095 and 2009 c 580 s 8 are each amended to
10 read as follows:

11 (1) In carrying out case management responsibilities established
12 under RCW 74.39A.090 for consumers who are receiving services under the
13 medicaid personal care, community options programs entry system or
14 chore services program through an individual provider, each area agency
15 on aging shall provide oversight of the care being provided to
16 consumers receiving services under this section to the extent of
17 available funding. Case management responsibilities incorporate this
18 oversight, and include, but are not limited to:

19 (a) Verification that any individual provider (~~(who has not been~~
20 ~~referred to a consumer by the authority)~~) has met any training
21 requirements established by the department;

22 (b) Verification of a sample of worker time sheets;

23 (c) Monitoring the consumer's plan of care to verify that it
24 adequately meets the needs of the consumer, through activities such as
25 home visits, telephone contacts, and responses to information received
26 by the area agency on aging indicating that a consumer may be
27 experiencing problems relating to his or her home care;

28 (d) Reassessing and reauthorizing services;

29 (e) Monitoring of individual provider performance(~~(. If, in the~~
30 ~~course of its case management activities, the area agency on aging~~
31 ~~identifies concerns regarding the care being provided by an individual~~
32 ~~provider who was referred by the authority, the area agency on aging~~
33 ~~must notify the authority regarding its concerns))); and~~

34 (f) Conducting criminal background checks or verifying that
35 criminal background checks have been conducted for any individual

1 provider (~~who has not been referred to a consumer by the authority~~).
2 Individual providers who are hired after January 1, 2012, are subject
3 to background checks under RCW 74.39A.055.

4 (2) The area agency on aging case manager shall work with each
5 consumer to develop a plan of care under this section that identifies
6 and ensures coordination of health and long-term care services that
7 meet the consumer's needs. In developing the plan, they shall utilize,
8 and modify as needed, any comprehensive community service plan
9 developed by the department as provided in RCW 74.39A.040. The plan of
10 care shall include, at a minimum:

11 (a) The name and telephone number of the consumer's area agency on
12 aging case manager, and a statement as to how the case manager can be
13 contacted about any concerns related to the consumer's well-being or
14 the adequacy of care provided;

15 (b) The name and telephone numbers of the consumer's primary health
16 care provider, and other health or long-term care providers with whom
17 the consumer has frequent contacts;

18 (c) A clear description of the roles and responsibilities of the
19 area agency on aging case manager and the consumer receiving services
20 under this section;

21 (d) The duties and tasks to be performed by the area agency on
22 aging case manager and the consumer receiving services under this
23 section;

24 (e) The type of in-home services authorized, and the number of
25 hours of services to be provided;

26 (f) The terms of compensation of the individual provider;

27 (g) A statement by the individual provider that he or she has the
28 ability and willingness to carry out his or her responsibilities
29 relative to the plan of care; and

30 (h)(i) Except as provided in (h)(ii) of this subsection, a clear
31 statement indicating that a consumer receiving services under this
32 section has the right to waive any of the case management services
33 offered by the area agency on aging under this section, and a clear
34 indication of whether the consumer has, in fact, waived any of these
35 services.

36 (ii) The consumer's right to waive case management services does
37 not include the right to waive reassessment or reauthorization of

1 services, or verification that services are being provided in
2 accordance with the plan of care.

3 (3) Each area agency on aging shall retain a record of each waiver
4 of services included in a plan of care under this section.

5 (4) Each consumer has the right to direct and participate in the
6 development of their plan of care to the maximum practicable extent of
7 their abilities and desires, and to be provided with the time and
8 support necessary to facilitate that participation.

9 (5) A copy of the plan of care must be distributed to the
10 consumer's primary care provider, individual provider, and other
11 relevant providers with whom the consumer has frequent contact, as
12 authorized by the consumer.

13 (6) The consumer's plan of care shall be an attachment to the
14 contract between the department, or their designee, and the individual
15 provider.

16 (7) If the department or area agency on aging case manager finds
17 that an individual provider's inadequate performance or inability to
18 deliver quality care is jeopardizing the health, safety, or well-being
19 of a consumer receiving service under this section, the department or
20 the area agency on aging may take action to terminate the contract
21 between the department and the individual provider. If the department
22 or the area agency on aging has a reasonable, good faith belief that
23 the health, safety, or well-being of a consumer is in imminent
24 jeopardy, the department or area agency on aging may summarily suspend
25 the contract pending a fair hearing. The consumer may request a fair
26 hearing to contest the planned action of the case manager, as provided
27 in chapter 34.05 RCW. (~~When the department or area agency on aging
28 terminates or summarily suspends a contract under this subsection, it
29 must provide oral and written notice of the action taken to the
30 authority.~~) The department may by rule adopt guidelines for
31 implementing this subsection.

32 (8) The department or area agency on aging may reject a request by
33 a consumer receiving services under this section to have a family
34 member or other person serve as his or her individual provider if the
35 case manager has a reasonable, good faith belief that the family member
36 or other person will be unable to appropriately meet the care needs of
37 the consumer. The consumer may request a fair hearing to contest the

1 decision of the case manager, as provided in chapter 34.05 RCW. The
2 department may by rule adopt guidelines for implementing this
3 subsection.

4 **Sec. 65.** RCW 74.39A.220 and 2002 c 3 s 1 are each amended to read
5 as follows:

6 The people of the state of Washington find as follows:

7 (1) Thousands of Washington seniors and persons with disabilities
8 live independently in their own homes, which they prefer and is less
9 costly than institutional care such as nursing homes.

10 (2) Many Washington seniors and persons with disabilities currently
11 receive long-term in-home care services from individual providers hired
12 directly by them under the medicaid personal care, community options
13 programs entry system, or chore services program.

14 (3) Quality long-term in-home care services allow Washington
15 seniors, persons with disabilities, and their families the choice of
16 allowing seniors and persons with disabilities to remain in their
17 homes, rather than forcing them into institutional care such as nursing
18 homes. Long-term in-home care services are also less costly, saving
19 Washington taxpayers significant amounts through lower reimbursement
20 rates.

21 ~~((4) The quality of long term in home care services in Washington
22 would benefit from improved regulation, higher standards, better
23 accountability, and improved access to such services. The quality of
24 long term in home care services would further be improved by a well-
25 trained, stable individual provider workforce earning reasonable wages
26 and benefits.~~

27 ~~(5) Washington seniors and persons with disabilities would benefit
28 from the establishment of an authority that has the power and duty to
29 regulate and improve the quality of long term in home care services.~~

30 ~~(6) The authority should ensure that the quality of long term in-
31 home care services provided by individual providers is improved through
32 better regulation, higher standards, increased accountability, and the
33 enhanced ability to obtain services. The authority should also
34 encourage stability in the individual provider workforce through
35 collective bargaining and by providing training opportunities.))~~

1 **Sec. 66.** RCW 74.39A.240 and 2002 c 3 s 3 are each amended to read
2 as follows:

3 The definitions in this section apply throughout RCW 74.39A.030 and
4 74.39A.095 and 74.39A.220 through 74.39A.300, and 41.56.026(~~(7~~
5 ~~70.127.041, and 74.09.740)~~) unless the context clearly requires
6 otherwise.

- 7 ~~(1) ("Authority" means the home care quality authority.~~
- 8 ~~(2) "Board" means the board created under RCW 74.39A.230.~~
- 9 ~~(3))~~ "Consumer" means a person to whom an individual provider
10 provides any such services.

11 ~~((4))~~ (2) "Department" means the department of social and health
12 services.

13 (3) "Individual provider" means a person, including a personal
14 aide, who has contracted with the department to provide personal care
15 or respite care services to functionally disabled persons under the
16 medicaid personal care, community options program entry system, chore
17 services program, or respite care program, or to provide respite care
18 or residential services and support to persons with developmental
19 disabilities under chapter 71A.12 RCW, or to provide respite care as
20 defined in RCW 74.13.270.

21 **Sec. 67.** RCW 74.39A.250 and 2002 c 3 s 4 are each amended to read
22 as follows:

- 23 ~~(1) ((The authority must carry out the following duties:~~
- 24 ~~(a) Establish qualifications and reasonable standards for~~
25 ~~accountability for and investigate the background of individual~~
26 ~~providers and prospective individual providers, except in cases where,~~
27 ~~after the department has sought approval of any appropriate amendments~~
28 ~~or waivers under RCW 74.09.740, federal law or regulation requires that~~
29 ~~such qualifications and standards for accountability be established by~~
30 ~~another entity in order to preserve eligibility for federal funding.~~
31 ~~Qualifications established must include compliance with the minimum~~
32 ~~requirements for training and satisfactory criminal background checks~~
33 ~~as provided in RCW 74.39A.050 and confirmation that the individual~~
34 ~~provider or prospective individual provider is not currently listed on~~
35 ~~any long-term care abuse and neglect registry used by the department at~~
36 ~~the time of the investigation;~~

1 ~~(b) Undertake recruiting activities to identify and recruit~~
2 ~~individual providers and prospective individual providers;~~

3 ~~(c) Provide training opportunities, either directly or through~~
4 ~~contract, for individual providers, prospective individual providers,~~
5 ~~consumers, and prospective consumers;~~

6 ~~(d))~~ The department shall provide assistance to consumers and
7 prospective consumers in finding individual providers and prospective
8 individual providers through the establishment of a referral registry
9 of individual providers and prospective individual providers. Before
10 placing an individual provider or prospective individual provider on
11 the referral registry, the ((authority)) department shall determine
12 that:

13 ~~((i))~~ (a) The individual provider or prospective individual
14 provider has met the minimum requirements for training set forth in RCW
15 74.39A.050;

16 ~~((ii))~~ (b) The individual provider or prospective individual
17 provider has satisfactorily undergone a criminal background check
18 conducted within the prior twelve months; and

19 ~~((iii))~~ (c) The individual provider or prospective individual
20 provider is not listed on any long-term care abuse and neglect registry
21 used by the department(~~(~~

22 ~~e) Remove~~)).

23 (2) The department shall remove from the referral registry any
24 individual provider or prospective individual provider ((the authority
25 determines)) that does not ((to)) meet the qualifications set forth in
26 ((d) of this)) subsection (1) of this section or to have committed
27 misfeasance or malfeasance in the performance of his or her duties as
28 an individual provider. The individual provider or prospective
29 individual provider, or the consumer to which the individual provider
30 is providing services, may request a fair hearing to contest the
31 removal from the referral registry, as provided in chapter 34.05 RCW((

32 ~~(f) Provide routine, emergency, and respite referrals of individual~~
33 ~~providers and prospective individual providers to consumers and~~
34 ~~prospective consumers who are authorized to receive long term in-home~~
35 ~~care services through an individual provider;~~

36 ~~(g))~~).

37 (3) The department shall give preference in the recruiting,
38 training, referral, and employment of individual providers and

1 prospective individual providers to recipients of public assistance or
2 other low-income persons who would qualify for public assistance in the
3 absence of such employment (~~(; and~~

4 ~~(h) Cooperate with the department, area agencies on aging, and~~
5 ~~other federal, state, and local agencies to provide the services~~
6 ~~described and set forth in this section. If, in the course of carrying~~
7 ~~out its duties, the authority identifies concerns regarding the~~
8 ~~services being provided by an individual provider, the authority must~~
9 ~~notify the relevant area agency or department case manager regarding~~
10 ~~such concerns.~~

11 ~~(2) In determining how best to carry out its duties, the authority~~
12 ~~must identify existing individual provider recruitment, training, and~~
13 ~~referral resources made available to consumers by other state and local~~
14 ~~public, private, and nonprofit agencies. The authority may coordinate~~
15 ~~with the agencies to provide a local presence for the authority and to~~
16 ~~provide consumers greater access to individual provider recruitment,~~
17 ~~training, and referral resources in a cost-effective manner. Using~~
18 ~~requests for proposals or similar processes, the authority may contract~~
19 ~~with the agencies to provide recruitment, training, and referral~~
20 ~~services if the authority determines the agencies can provide the~~
21 ~~services according to reasonable standards of performance determined by~~
22 ~~the authority. The authority must provide an opportunity for consumer~~
23 ~~participation in the determination of the standards)).~~

24 **Sec. 68.** RCW 74.39A.260 and 2009 c 580 s 9 are each amended to
25 read as follows:

26 The department must perform criminal background checks for
27 individual providers and prospective individual providers (~~(and ensure~~
28 ~~that the authority has ready access to any long-term care abuse and~~
29 ~~neglect registry used by the department)). Individual providers who
30 are hired after January 1, 2012, are subject to background checks under
31 RCW 74.39A.055.~~

32 **Sec. 69.** RCW 74.39A.270 and 2007 c 361 s 7 and 2007 c 278 s 3 are
33 each reenacted and amended to read as follows:

34 (1) Solely for the purposes of collective bargaining and as
35 expressly limited under subsections (2) and (3) of this section, the
36 governor is the public employer, as defined in chapter 41.56 RCW, of

1 individual providers, who, solely for the purposes of collective
2 bargaining, are public employees as defined in chapter 41.56 RCW. To
3 accommodate the role of the state as payor for the community-based
4 services provided under this chapter and to ensure coordination with
5 state employee collective bargaining under chapter 41.80 RCW and the
6 coordination necessary to implement RCW 74.39A.300, the public employer
7 shall be represented for bargaining purposes by the governor or the
8 governor's designee appointed under chapter 41.80 RCW. The governor or
9 governor's designee shall periodically consult with the authority
10 during the collective bargaining process to allow the authority to
11 communicate issues relating to the long-term in-home care services
12 received by consumers. (~~The governor or the governor's designee shall~~
13 ~~consult the authority on all issues for which the exclusive bargaining~~
14 ~~representative requests to engage in collective bargaining under~~
15 ~~subsections (6) and (7) of this section.~~) The ((authority))
16 department shall ((~~work with~~)) solicit input from the developmental
17 disabilities council, the governor's committee on disability issues and
18 employment, the state council on aging, and other consumer advocacy
19 organizations to obtain informed input from consumers on their
20 interests, including impacts on consumer choice, for all issues
21 proposed for collective bargaining under subsections (5) and (6) (~~and~~
22 ~~(7)~~) of this section.

23 (2) Chapter 41.56 RCW governs the collective bargaining
24 relationship between the governor and individual providers, except as
25 otherwise expressly provided in this chapter and except as follows:

26 (a) The only unit appropriate for the purpose of collective
27 bargaining under RCW 41.56.060 is a statewide unit of all individual
28 providers;

29 (b) The showing of interest required to request an election under
30 RCW 41.56.060 is ten percent of the unit, and any intervener seeking to
31 appear on the ballot must make the same showing of interest;

32 (c) The mediation and interest arbitration provisions of RCW
33 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

34 (i) With respect to commencement of negotiations between the
35 governor and the bargaining representative of individual providers,
36 negotiations shall be commenced by May 1st of any year prior to the
37 year in which an existing collective bargaining agreement expires; and

1 (ii) The decision of the arbitration panel is not binding on the
2 legislature and, if the legislature does not approve the request for
3 funds necessary to implement the compensation and fringe benefit
4 provisions of the arbitrated collective bargaining agreement, is not
5 binding on the authority or the state;

6 (d) Individual providers do not have the right to strike; and

7 (e) Individual providers who are related to, or family members of,
8 consumers or prospective consumers are not, for that reason, exempt
9 from this chapter or chapter 41.56 RCW.

10 (3) Individual providers who are public employees solely for the
11 purposes of collective bargaining under subsection (1) of this section
12 are not, for that reason, employees of the state, its political
13 subdivisions, or an area agency on aging for any purpose. Chapter
14 41.56 RCW applies only to the governance of the collective bargaining
15 relationship between the employer and individual providers as provided
16 in subsections (1) and (2) of this section.

17 (4) Consumers and prospective consumers retain the right to select,
18 hire, supervise the work of, and terminate any individual provider
19 providing services to them. Consumers may elect to receive long-term
20 in-home care services from individual providers who are not referred to
21 them by the authority.

22 ~~(5) ((In implementing and administering this chapter, neither the~~
23 ~~authority nor any of its contractors may reduce or increase the hours~~
24 ~~of service for any consumer below or above the amount determined to be~~
25 ~~necessary under any assessment prepared by the department or an area~~
26 ~~agency on aging.~~

27 ~~(6))~~ Except as expressly limited in this section and RCW
28 74.39A.300, the wages, hours, and working conditions of individual
29 providers are determined solely through collective bargaining as
30 provided in this chapter. No agency or department of the state may
31 establish policies or rules governing the wages or hours of individual
32 providers. However, this subsection does not modify:

33 (a) The department's authority to establish a plan of care for each
34 consumer or its core responsibility to manage long-term in-home care
35 services under this chapter, including determination of the level of
36 care that each consumer is eligible to receive. However, at the
37 request of the exclusive bargaining representative, the governor or the
38 governor's designee appointed under chapter 41.80 RCW shall engage in

1 collective bargaining, as defined in RCW 41.56.030(4), with the
2 exclusive bargaining representative over how the department's core
3 responsibility affects hours of work for individual providers. This
4 subsection shall not be interpreted to require collective bargaining
5 over an individual consumer's plan of care;

6 (b) The department's authority to terminate its contracts with
7 individual providers who are not adequately meeting the needs of a
8 particular consumer, or to deny a contract under RCW 74.39A.095(8);

9 (c) The consumer's right to assign hours to one or more individual
10 providers selected by the consumer within the maximum hours determined
11 by his or her plan of care;

12 (d) The consumer's right to select, hire, terminate, supervise the
13 work of, and determine the conditions of employment for each individual
14 provider providing services to the consumer under this chapter;

15 (e) The department's obligation to comply with the federal medicaid
16 statute and regulations and the terms of any community-based waiver
17 granted by the federal department of health and human services and to
18 ensure federal financial participation in the provision of the
19 services; and

20 (f) The legislature's right to make programmatic modifications to
21 the delivery of state services under this title, including standards of
22 eligibility of consumers and individual providers participating in the
23 programs under this title, and the nature of services provided. The
24 governor shall not enter into, extend, or renew any agreement under
25 this chapter that does not expressly reserve the legislative rights
26 described in this subsection ~~((+6+))~~ (5)(f).

27 ~~((+7+))~~ (6) At the request of the exclusive bargaining
28 representative, the governor or the governor's designee appointed under
29 chapter 41.80 RCW shall engage in collective bargaining, as defined in
30 RCW 41.56.030(4), with the exclusive bargaining representative over
31 employer contributions to the training partnership for the costs of:
32 (a) Meeting all training and peer mentoring required under this
33 chapter; and (b) other training intended to promote the career
34 development of individual providers.

35 ~~((+8+(a+))~~ (7) The state, the department, ~~((the authority,))~~ the
36 area agencies on aging, or their contractors under this chapter may not
37 be held vicariously or jointly liable for the action or inaction of any
38 individual provider or prospective individual provider, whether or not

1 that individual provider or prospective individual provider was
2 included on the ((authority's)) referral registry or referred to a
3 consumer or prospective consumer. The existence of a collective
4 bargaining agreement, the placement of an individual provider on the
5 referral registry, or the development or approval of a plan of care for
6 a consumer who chooses to use the services of an individual provider
7 and the provision of case management services to that consumer, by the
8 department or an area agency on aging, does not constitute a special
9 relationship with the consumer.

10 ~~((b) The members of the board are immune from any liability~~
11 ~~resulting from implementation of this chapter.~~

12 (9)) (8) Nothing in this section affects the state's
13 responsibility with respect to unemployment insurance for individual
14 providers. However, individual providers are not to be considered, as
15 a result of the state assuming this responsibility, employees of the
16 state.

17 **Sec. 70.** RCW 41.56.030 and 2010 c 296 s 3 are each reenacted and
18 amended to read as follows:

19 As used in this chapter:

20 (1) "Adult family home provider" means a provider as defined in RCW
21 70.128.010 who receives payments from the medicaid and state-funded
22 long-term care programs.

23 (2) "Bargaining representative" means any lawful organization which
24 has as one of its primary purposes the representation of employees in
25 their employment relations with employers.

26 (3) "Child care subsidy" means a payment from the state through a
27 child care subsidy program established pursuant to RCW 74.12.340 or
28 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
29 program.

30 (4) "Collective bargaining" means the performance of the mutual
31 obligations of the public employer and the exclusive bargaining
32 representative to meet at reasonable times, to confer and negotiate in
33 good faith, and to execute a written agreement with respect to
34 grievance procedures and collective negotiations on personnel matters,
35 including wages, hours and working conditions, which may be peculiar to
36 an appropriate bargaining unit of such public employer, except that by

1 such obligation neither party shall be compelled to agree to a proposal
2 or be required to make a concession unless otherwise provided in this
3 chapter.

4 (5) "Commission" means the public employment relations commission.

5 (6) "Executive director" means the executive director of the
6 commission.

7 (7) "Family child care provider" means a person who: (a) Provides
8 regularly scheduled care for a child or children in the home of the
9 provider or in the home of the child or children for periods of less
10 than twenty-four hours or, if necessary due to the nature of the
11 parent's work, for periods equal to or greater than twenty-four hours;
12 (b) receives child care subsidies; and (c) is either licensed by the
13 state under RCW 74.15.030 or is exempt from licensing under chapter
14 74.15 RCW.

15 (8) (~~"Home care quality authority" means the authority under~~
16 ~~chapter 74.39A RCW.~~

17 ~~(9))~~) "Individual provider" means an individual provider as defined
18 in RCW 74.39A.240(4) who, solely for the purposes of collective
19 bargaining, is a public employee as provided in RCW 74.39A.270.

20 (~~(10))~~) (9) "Institution of higher education" means the University
21 of Washington, Washington State University, Central Washington
22 University, Eastern Washington University, Western Washington
23 University, The Evergreen State College, and the various state
24 community colleges.

25 (~~(11))~~) (10)(a) "Language access provider" means any independent
26 contractor who provides spoken language interpreter services for
27 department of social and health services appointments or medicaid
28 enrollee appointments, or provided these services on or after January
29 1, 2009, and before June 10, 2010, whether paid by a broker, language
30 access agency, or the department.

31 (b) "Language access provider" does not mean an owner, manager, or
32 employee of a broker or a language access agency.

33 (~~(12))~~) (11) "Public employee" means any employee of a public
34 employer except any person (a) elected by popular vote, or (b)
35 appointed to office pursuant to statute, ordinance or resolution for a
36 specified term of office as a member of a multimember board,
37 commission, or committee, whether appointed by the executive head or
38 body of the public employer, or (c) whose duties as deputy,

1 administrative assistant or secretary necessarily imply a confidential
2 relationship to (i) the executive head or body of the applicable
3 bargaining unit, or (ii) any person elected by popular vote, or (iii)
4 any person appointed to office pursuant to statute, ordinance or
5 resolution for a specified term of office as a member of a multimember
6 board, commission, or committee, whether appointed by the executive
7 head or body of the public employer, or (d) who is a court commissioner
8 or a court magistrate of superior court, district court, or a
9 department of a district court organized under chapter 3.46 RCW, or (e)
10 who is a personal assistant to a district court judge, superior court
11 judge, or court commissioner. For the purpose of (e) of this
12 subsection, no more than one assistant for each judge or commissioner
13 may be excluded from a bargaining unit.

14 ~~((+13))~~ (12) "Public employer" means any officer, board,
15 commission, council, or other person or body acting on behalf of any
16 public body governed by this chapter, or any subdivision of such public
17 body. For the purposes of this section, the public employer of
18 district court or superior court employees for wage-related matters is
19 the respective county legislative authority, or person or body acting
20 on behalf of the legislative authority, and the public employer for
21 nonwage-related matters is the judge or judge's designee of the
22 respective district court or superior court.

23 ~~((+14))~~ (13) "Uniformed personnel" means: (a) Law enforcement
24 officers as defined in RCW 41.26.030 employed by the governing body of
25 any city or town with a population of two thousand five hundred or more
26 and law enforcement officers employed by the governing body of any
27 county with a population of ten thousand or more; (b) correctional
28 employees who are uniformed and nonuniformed, commissioned and
29 noncommissioned security personnel employed in a jail as defined in RCW
30 70.48.020(9), by a county with a population of seventy thousand or
31 more, and who are trained for and charged with the responsibility of
32 controlling and maintaining custody of inmates in the jail and
33 safeguarding inmates from other inmates; (c) general authority
34 Washington peace officers as defined in RCW 10.93.020 employed by a
35 port district in a county with a population of one million or more; (d)
36 security forces established under RCW 43.52.520; (e) firefighters as
37 that term is defined in RCW 41.26.030; (f) employees of a port district
38 in a county with a population of one million or more whose duties

1 include crash fire rescue or other firefighting duties; (g) employees
2 of fire departments of public employers who dispatch exclusively either
3 fire or emergency medical services, or both; or (h) employees in the
4 several classes of advanced life support technicians, as defined in RCW
5 18.71.200, who are employed by a public employer.

6 **Sec. 71.** RCW 43.105.340 and 2008 c 151 s 2 are each amended to
7 read as follows:

8 (1) The department shall coordinate among state agencies to develop
9 a consumer protection web site. The web site shall serve as a one-stop
10 web site for consumer information. At a minimum, the web site must
11 provide links to information on:

12 (a) Insurance information provided by the office of the insurance
13 commissioner, including information on how to file consumer complaints
14 against insurance companies, how to look up authorized insurers, and
15 how to learn more about health insurance benefits;

16 (b) Child care information provided by the department of early
17 learning, including how to select a child care provider, how child care
18 providers are rated, and information about product recalls;

19 (c) Financial information provided by the department of financial
20 institutions, including consumer information on financial fraud,
21 investing, credit, and enforcement actions;

22 (d) Health care information provided by the department of health,
23 including health care provider listings and quality assurance
24 information;

25 ~~((Home care information provided by the home care quality
26 authority, including information to assist consumers in finding an in-
27 home provider;~~

28 ~~(f))~~ Licensing information provided by the department of
29 licensing, including information regarding business, vehicle, and
30 professional licensing; and

31 ~~((g))~~ (f) Other information available on existing state agency
32 web sites that could be a helpful resource for consumers.

33 (2) By July 1, 2008, state agencies shall report to the department
34 on whether they maintain resources for consumers that could be made
35 available through the consumer protection web site.

36 (3) By September 1, 2008, the department shall make the consumer
37 protection web site available to the public.

1 (4) After September 1, 2008, the department, in coordination with
2 other state agencies, shall develop a plan on how to build upon the
3 consumer protection web site to create a consumer protection portal.
4 The plan must also include an examination of the feasibility of
5 developing a toll-free information line to support the consumer
6 protection portal. The plan must be submitted to the governor and the
7 appropriate committees of the legislature by December 1, 2008.

8 **Home Inspector Advisory Licensing Board**

9 NEW SECTION. **Sec. 72.** RCW 18.280.040 (Home inspector advisory
10 licensing board) and 2008 c 119 s 4 are each repealed.

11 **Sec. 73.** RCW 18.280.010 and 2008 c 119 s 1 are each amended to
12 read as follows:

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

15 (1) (~~("Board" means the home inspector advisory licensing board.~~
16 ~~+2))~~) "Department" means the department of licensing.

17 (~~+3))~~ (2) "Director" means the director of the department of
18 licensing.

19 (~~+4))~~ (3) "Entity" or "entities" means educational groups or
20 organizations, national organizations or associations, or a national
21 test organization.

22 (~~+5))~~ (4) "Home inspection" means a professional examination of
23 the current condition of a house.

24 (~~+6))~~ (5) "Home inspector" means a person who carries out a
25 noninvasive examination of the condition of a home, often in connection
26 with the sale of that home, using special training and education to
27 carry out the inspection.

28 (~~+7))~~ (6) "Report" means a written report prepared and issued
29 after a home inspection.

30 (~~+8))~~ (7) "Wood destroying organism" means insects or fungi that
31 consume, excavate, develop in, or otherwise modify the integrity of
32 wood or wood products. "Wood destroying organism" includes but is not
33 limited to carpenter ants, moisture ants, subterranean termites,

1 dampwood termites, beetles in the family Anobiidae, and wood decay
2 fungi, known as wood rot.

3 **Sec. 74.** RCW 18.280.030 and 2008 c 119 s 3 are each amended to
4 read as follows:

5 A person licensed under this chapter is responsible for performing
6 a visual and noninvasive inspection of the following readily accessible
7 systems and components of a home and reporting on the general condition
8 of those systems and components at the time of the inspection in his or
9 her written report: The roof, foundation, exterior, heating system,
10 air-conditioning system, structure, plumbing and electrical systems,
11 and other aspects of the home as may be identified by the ((board))
12 director. The inspection must include looking for certain fire and
13 safety hazards as defined by the ((board)) director. The standards of
14 practice to be developed by the ((board)) director will be used as the
15 minimum standards for an inspection. The duties of the home inspector
16 with regard to wood destroying organisms are provided in RCW
17 18.280.190.

18 **Sec. 75.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to
19 read as follows:

20 The director has the following authority in administering this
21 chapter:

22 (1) To adopt, amend, and rescind rules ((approved by the board)) as
23 deemed necessary to carry out this chapter;

24 (2) To administer licensing examinations ((approved by the board))
25 and to adopt or recognize examinations prepared by other entities ((as
26 approved by the board));

27 (3) To adopt standards of professional conduct, practice, and
28 ethics ((as approved by the board)); and

29 (4) To adopt fees as provided in RCW 43.24.086.

30 **Sec. 76.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to
31 read as follows:

32 The ((board)) director has the following authority in administering
33 this chapter:

34 (1) ((To establish rules, including board organization and

1 ~~assignment of terms, and meeting frequency and timing, for adoption by~~
2 ~~the director;~~

3 ~~(2))~~ To establish the minimum qualifications for licensing
4 applicants as provided in this chapter;

5 ~~((3))~~ (2) To approve the method of administration of examinations
6 required by this chapter ~~((or by rule as established by the director));~~

7 ~~((4))~~ (3) To approve the content of or recognition of
8 examinations prepared by other entities ~~((for adoption by the~~
9 ~~director));~~

10 ~~((5))~~ (4) To set the time and place of examinations ~~((with the~~
11 ~~approval of the director));~~ and

12 ~~((6))~~ (5) To establish and review standards of professional
13 conduct, practice, and ethics ~~((for adoption by the director. These)),~~
14 which standards must address what constitutes certain fire and safety
15 hazards as used in RCW 18.280.030.

16 **Sec. 77.** RCW 18.280.070 and 2008 c 119 s 7 are each amended to
17 read as follows:

18 In order to become licensed as a home inspector, an applicant must
19 submit the following to the department:

- 20 (1) An application on a form developed by the department;
- 21 (2) Proof of a minimum of one hundred twenty hours of classroom
22 instruction approved by the ~~((board))~~ director;
- 23 (3) Proof of up to forty hours of field training supervised by a
24 licensed home inspector;
- 25 (4) Evidence of successful passage of the written exam as required
26 in RCW 18.280.080; and
- 27 (5) The fee in the amount set by the department.

28 **Sec. 78.** RCW 18.280.080 and 2008 c 119 s 8 are each amended to
29 read as follows:

30 Applicants for licensure must pass an exam that is psychometrically
31 valid, reliable, and legally defensible by the state. The exam is to
32 be developed, maintained, and administered by the department. The
33 ~~((board shall recommend to the))~~ director shall determine whether to
34 use an exam that is prepared by a national entity. If an exam prepared
35 by a national entity is used, a section specific to Washington shall be
36 developed by the director and included as part of the entire exam.

1 (2) The director(~~(, with the assistance of the board,)~~) shall
2 establish by rule under what circumstances a home inspector license may
3 be suspended or revoked. These circumstances shall be based upon
4 accepted industry standards (~~(and the board's cumulative experience)~~).

5 (3) Any person aggrieved by a decision of the director under this
6 section may appeal the decision as provided in chapter 34.05 RCW. The
7 adjudicative proceeding shall be conducted under chapter 34.05 RCW by
8 an administrative law judge appointed pursuant to RCW 34.12.030.

9 **Horse Racing Commission-Reducing Commission Members**

10 **Sec. 82.** RCW 67.16.012 and 1998 c 345 s 4 are each amended to read
11 as follows:

12 There is hereby created the Washington horse racing commission, to
13 consist of (~~(five)~~) three commissioners, appointed by the governor and
14 confirmed by the senate. The commissioners shall be citizens,
15 residents, and qualified electors of the state of Washington, one of
16 whom shall be a breeder of race horses and shall be of at least one
17 year's standing. The terms of the members shall be six years. Each
18 member shall hold office until his or her successor is appointed and
19 qualified. Vacancies in the office of commissioner shall be filled by
20 appointment to be made by the governor for the unexpired term. Any
21 commissioner may be removed at any time at the pleasure of the
22 governor. Before entering upon the duties of his or her office, each
23 commissioner shall enter into a surety company bond, to be approved by
24 the governor and attorney general, payable to the state of Washington,
25 in the penal sum of five thousand dollars, conditioned upon the
26 faithful performance of his or her duties and the correct accounting
27 and payment of all sums received and coming within his or her control
28 under this chapter, and in addition thereto each commissioner shall
29 take and subscribe to an oath of office of the same form as that
30 prescribed by law for elective state officers.

31 **Indeterminate Sentencing Review Board**

1 **Sec. 83.** RCW 9.95.003 and 2007 c 362 s 1 are each amended to read
2 as follows:

3 The board is created within the department. The board shall
4 consist of a (~~chairman~~) chair and four other members, each of whom
5 shall be appointed by the governor with the consent of the senate.
6 Each member shall hold office for a term of five years, and until his
7 or her successor is appointed and qualified. The terms shall expire on
8 April 15th of the expiration year. Vacancies in the membership of the
9 board shall be filled by appointment by the governor with the consent
10 of the senate. In the event of the inability of any member to act, the
11 governor shall appoint some competent person to act in his stead during
12 the continuance of such inability. The members shall not be removable
13 during their respective terms except for cause determined by the
14 superior court of Thurston county. The governor in appointing the
15 members shall designate one of them to serve as (~~chairman~~) chair at
16 the governor's pleasure. The appointed (~~chairman~~) chair shall serve
17 as a fully participating board member (~~and as the director of the~~
18 ~~agency~~)).

19 The members of the board and (~~its officers and employees~~) staff
20 assigned to the board shall not engage in any other business or
21 profession or hold any other public office without the prior approval
22 of the executive ethics board indicating compliance with RCW 42.52.020,
23 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of
24 appointment or employment or during their incumbency, serve as the
25 representative of any political party on an executive committee or
26 other governing body thereof, or as an executive officer or employee of
27 any political committee or association. The members of the board shall
28 each severally receive salaries fixed by the governor in accordance
29 with the provisions of RCW 43.03.040, and in addition shall receive
30 travel expenses incurred in the discharge of their official duties in
31 accordance with RCW 43.03.050 and 43.03.060. Members of the board and
32 employees assigned to the board shall be employees of the department.

33 The (~~board~~) secretary may employ(~~, and fix, with the approval of~~
34 ~~the governor, the compensation of and prescribe the duties of~~) a
35 senior administrative officer and such (~~officers, employees, and~~
36 ~~assistants~~) other personnel as may be necessary(~~, and provide~~
37 ~~necessary quarters, supplies, and equipment~~) to carry out the duties
38 of the board.

1 **Sec. 84.** RCW 9.95.005 and 2001 2nd sp.s. c 12 s 318 are each
2 amended to read as follows:

3 The board shall meet at major state correctional institutions at
4 such times as may be necessary for a full and complete study of the
5 cases of all convicted persons whose durations of confinement are to be
6 determined by it; whose community custody supervision is under the
7 board's authority; or whose applications for parole come before it.
8 Other times and places of meetings may also be fixed by the board.

9 The superintendents of the different institutions shall provide
10 suitable quarters for the board (~~(and assistants)~~) while in the
11 discharge of their duties.

12 **Sec. 85.** RCW 9.95.007 and 1986 c 224 s 5 are each amended to read
13 as follows:

14 The board may meet and transact business in panels. Each board
15 panel shall consist of at least two members of the board. In all
16 matters concerning the internal affairs of the board and policy-making
17 decisions, a majority of the full board must concur in such matters.
18 The (~~chairman~~) chair of the board with the consent of a majority of
19 the board may designate any two members to exercise all the powers and
20 duties of the board in connection with any hearing before the board.
21 If the two members so designated cannot unanimously agree as to the
22 disposition of the hearing assigned to them, such hearing shall be
23 reheard by the full board. All actions of the full board shall be by
24 concurrence of a majority of the sitting board members.

25 **Sec. 86.** RCW 9.95.140 and 2009 c 28 s 29 are each amended to read
26 as follows:

27 (1) The board shall cause a complete record to be kept of every
28 prisoner under the jurisdiction of the board released on parole or
29 community custody. Such records shall be organized in accordance with
30 the most modern methods of filing and indexing so that there will be
31 always immediately available complete information about each such
32 prisoner. Subject to information sharing provisions related to
33 (~~mentally ill~~) offenders(~~(7)~~) with mental illness and the end of
34 sentence review committee, (~~and the department of corrections,~~) the
35 board may make rules as to the privacy of such records and their use by
36 others than the board and (~~its~~) the department staff assigned to

1 perform board-related duties. Sex offenders convicted of crimes
2 committed before July 1, 1984, who are under the board's jurisdiction
3 shall be subject to the determinations of the end of sentence review
4 committee regarding risk level and subject to sex offender registration
5 and community notification. The board and the department staff
6 assigned to perform board-related duties shall be immune from liability
7 for the release of information concerning sex offenders as provided in
8 RCW 4.24.550.

9 The superintendents of state correctional facilities and all
10 officers and employees thereof and all other public officials shall at
11 all times cooperate with the board and furnish to the board(~~(, its~~
12 ~~officers, and employees)) and staff assigned to perform board-related
13 duties such information as may be necessary to enable it to perform its
14 functions, and such superintendents and other employees shall at all
15 times give the members of the board(~~(, its officers, and employees))~~
16 and staff assigned to perform board-related duties free access to all
17 prisoners confined in the state correctional facilities.~~

18 (2) Offenders sentenced under RCW 9.94A.507 shall be subject to the
19 determinations of the end of sentence review committee regarding risk
20 level and subject to sex offender registration and community
21 notification.

22 (3) The end of sentence review committee shall make law enforcement
23 notifications for offenders under board jurisdiction on the same basis
24 that it notifies law enforcement regarding offenders sentenced under
25 chapter 9.94A RCW for crimes committed after July 1, 1984.

26 **Sec. 87.** RCW 9.95.280 and 2001 2nd sp.s. c 12 s 344 are each
27 amended to read as follows:

28 The secretary, upon recommendation by the board, may deputize any
29 person (regularly employed by another state) to act as an officer and
30 agent of this state in effecting the return of any person convicted of
31 a crime committed before July 1, 1984, who has violated the terms and
32 conditions of parole or probation as granted by this state. In any
33 matter relating to the return of such a person, any agent so deputized
34 shall have all the powers of a police officer of this state.

35 **Sec. 88.** RCW 9.95.300 and 2001 2nd sp.s. c 12 s 346 are each
36 amended to read as follows:

1 The secretary, upon recommendation by the board, may enter into
2 contracts with similar officials of any other state or states for the
3 purpose of sharing an equitable portion of the cost of effecting the
4 return of any person who has violated the terms and conditions of
5 parole, probation, or community custody as granted by this state.

6 **Sec. 89.** RCW 9.96.050 and 2009 c 325 s 4 are each amended to read
7 as follows:

8 (1)(a) When an offender on parole has performed all obligations of
9 his or her release, including any and all legal financial obligations,
10 for such time as shall satisfy the indeterminate sentence review board
11 that his or her final release is not incompatible with the best
12 interests of society and the welfare of the paroled individual, the
13 board may make a final order of discharge and issue a certificate of
14 discharge to the offender.

15 (b) The board retains the jurisdiction to issue a certificate of
16 discharge after the expiration of the offender's or parolee's maximum
17 statutory sentence. If not earlier granted and any and all legal
18 financial obligations have been paid, the board shall issue a final
19 order of discharge three years from the date of parole unless the
20 parolee is on suspended or revoked status at the expiration of the
21 three years.

22 (c) The discharge, regardless of when issued, shall have the effect
23 of restoring all civil rights not already restored by RCW 29A.08.520,
24 and the certification of discharge shall so state.

25 (d) This restoration of civil rights shall not restore the right to
26 receive, possess, own, or transport firearms.

27 (e) The board shall issue a certificate of discharge to the
28 offender in person or by mail to the offender's last known address.

29 (2) (~~The board shall send to the department of corrections~~) A
30 copy of every signed certificate of discharge for offender sentences
31 under the authority of the department of corrections shall be placed in
32 the department's files.

33 (3) The discharge provided for in this section shall be considered
34 as a part of the sentence of the convicted person and shall not in any
35 manner be construed as affecting the powers of the governor to pardon
36 any such person.

1 **Sec. 90.** RCW 71.05.385 and 2009 c 320 s 2 are each amended to read
2 as follows:

3 (1) A mental health service provider shall release to the persons
4 authorized under subsection (2) of this section, upon request:

5 (a) The fact, place, and date of an involuntary commitment, the
6 fact and date of discharge or release, and the last known address of a
7 person who has been committed under this chapter.

8 (b) Information related to mental health services, in the format
9 determined under subsection (9) of this section, concerning a person
10 who:

11 (i) Is currently committed to the custody or supervision of the
12 department of corrections or the indeterminate sentence review board
13 under chapter 9.94A or 9.95 RCW;

14 (ii) Has been convicted or found not guilty by reason of insanity
15 of a serious violent offense; or

16 (iii) Was charged with a serious violent offense and such charges
17 were dismissed under RCW 10.77.086.

18 Legal counsel may release such information to the persons
19 authorized under subsection (2) of this section on behalf of the mental
20 health service provider, provided that nothing in this subsection shall
21 require the disclosure of attorney work product or attorney-client
22 privileged information.

23 (2) The information subject to release under subsection (1) of this
24 section shall be released to law enforcement officers, personnel of a
25 county or city jail, designated mental health professionals, public
26 health officers, therapeutic court personnel, or personnel of the
27 department of corrections, (~~or personnel of~~) including the
28 indeterminate sentence review board and personnel assigned to perform
29 board-related duties, when such information is requested during the
30 course of business and for the purpose of carrying out the
31 responsibilities of the requesting person's office. No mental health
32 service provider or person employed by a mental health service
33 provider, or its legal counsel, shall be liable for information
34 released to or used under the provisions of this section or rules
35 adopted under this section except under RCW 71.05.440.

36 (3) A person who requests information under subsection (1)(b) of
37 this section must comply with the following restrictions:

1 (a) Information must be requested only for the purposes permitted
2 by this subsection and for the purpose of carrying out the
3 responsibilities of the requesting person's office. Appropriate
4 purposes for requesting information under this section include:

5 (i) Completing presentence investigations or risk assessment
6 reports;

7 (ii) Assessing a person's risk to the community;

8 (iii) Assessing a person's risk of harm to self or others when
9 confined in a city or county jail;

10 (iv) Planning for and provision of supervision of an offender,
11 including decisions related to sanctions for violations of conditions
12 of community supervision; and

13 (v) Responding to an offender's failure to report for department of
14 corrections supervision.

15 (b) Information shall not be requested under this section unless
16 the requesting person has reasonable suspicion that the individual who
17 is the subject of the information:

18 (i) Has engaged in activity indicating that a crime or a violation
19 of community custody or parole has been committed or, based upon his or
20 her current or recent past behavior, is likely to be committed in the
21 near future; or

22 (ii) Is exhibiting signs of a deterioration in mental functioning
23 which may make the individual appropriate for civil commitment under
24 this chapter.

25 (c) Any information received under this section shall be held
26 confidential and subject to the limitations on disclosure outlined in
27 this chapter, except:

28 (i) Such information may be shared with other persons who have the
29 right to request similar information under subsection (2) of this
30 section, solely for the purpose of coordinating activities related to
31 the individual who is the subject of the information in a manner
32 consistent with the official responsibilities of the persons involved;

33 (ii) Such information may be shared with a prosecuting attorney
34 acting in an advisory capacity for a person who receives information
35 under this section. A prosecuting attorney under this subsection shall
36 be subject to the same restrictions and confidentiality limitations as
37 the person who requested the information; and

38 (iii) As provided in RCW 72.09.585.

1 (4) A request for information related to mental health services
2 under this section shall not require the consent of the subject of the
3 records. Such request shall be provided in writing, except to the
4 extent authorized in subsection (5) of this section. A written request
5 may include requests made by e-mail or facsimile so long as the
6 requesting person is clearly identified. The request must specify the
7 information being requested.

8 (5) In the event of an emergency situation that poses a significant
9 risk to the public or the offender, a mental health service provider,
10 or its legal counsel, shall release information related to mental
11 health services delivered to the offender and, if known, information
12 regarding where the offender is likely to be found to the department of
13 corrections or law enforcement upon request. The initial request may
14 be written or oral. All oral requests must be subsequently confirmed
15 in writing. Information released in response to an oral request is
16 limited to a statement as to whether the offender is or is not being
17 treated by the mental health service provider and the address or
18 information about the location or whereabouts of the offender.

19 (6) Disclosure under this section to state or local law enforcement
20 authorities is mandatory for the purposes of the health insurance
21 portability and accountability act.

22 (7) Whenever federal law or federal regulations restrict the
23 release of information contained in the treatment records of any
24 patient who receives treatment for alcoholism or drug dependency, the
25 release of the information may be restricted as necessary to comply
26 with federal law and regulations.

27 (8) This section does not modify the terms and conditions of
28 disclosure of information related to sexually transmitted diseases
29 under chapter 70.24 RCW.

30 (9) In collaboration with interested organizations, the department
31 shall develop a standard form for requests for information related to
32 mental health services made under this section and a standard format
33 for information provided in response to such requests. Consistent with
34 the goals of the health information privacy provisions of the federal
35 health insurance portability and accountability act, in developing the
36 standard form for responsive information, the department shall design
37 the form in such a way that the information disclosed is limited to the

1 minimum necessary to serve the purpose for which the information is
2 requested.

3 **Sec. 91.** RCW 72.09.585 and 2004 c 166 s 5 are each amended to read
4 as follows:

5 (1) When the department is determining an offender's risk
6 management level, the department shall inquire of the offender and
7 shall be told whether the offender is subject to court-ordered
8 treatment for mental health services or chemical dependency services.
9 The department shall request and the offender shall provide an
10 authorization to release information form that meets applicable state
11 and federal requirements and shall provide the offender with written
12 notice that the department will request the offender's mental health
13 and substance abuse treatment information. An offender's failure to
14 inform the department of court-ordered treatment is a violation of the
15 conditions of supervision if the offender is in the community and an
16 infraction if the offender is in confinement, and the violation or
17 infraction is subject to sanctions.

18 (2) When an offender discloses that he or she is subject to court-
19 ordered mental health services or chemical dependency treatment, the
20 department shall provide the mental health services provider or
21 chemical dependency treatment provider with a written request for
22 information and any necessary authorization to release information
23 forms. The written request shall comply with rules adopted by the
24 department of social and health services or protocols developed jointly
25 by the department and the department of social and health services. A
26 single request shall be valid for the duration of the offender's
27 supervision in the community. Disclosures of information related to
28 mental health services made pursuant to a department request shall not
29 require consent of the offender.

30 (3) The information received by the department under RCW 71.05.445
31 or (~~(71.34.225)~~) 71.34.345 may be released to the indeterminate
32 sentence review board as relevant to carry out its responsibility of
33 planning and ensuring community protection with respect to persons
34 under its jurisdiction. Further disclosure by the indeterminate
35 sentence review board is subject to the limitations set forth in
36 subsections (5) and (6) of this section and must be consistent with the
37 written policy of the indeterminate sentence review board. The

1 decision to disclose or not shall not result in civil liability for the
2 indeterminate sentence review board or (~~its employees~~) staff assigned
3 to perform board-related duties provided that the decision was reached
4 in good faith and without gross negligence.

5 (4) The information received by the department under RCW 71.05.445
6 or (~~71.34.225~~) 71.34.345 may be used to meet the statutory duties of
7 the department to provide evidence or report to the court. Disclosure
8 to the public of information provided to the court by the department
9 related to mental health services shall be limited in accordance with
10 RCW 9.94A.500 or this section.

11 (5) The information received by the department under RCW 71.05.445
12 or (~~71.34.225~~) 71.34.345 may be disclosed by the department to other
13 state and local agencies as relevant to plan for and provide offenders
14 transition, treatment, and supervision services, or as relevant and
15 necessary to protect the public and counteract the danger created by a
16 particular offender, and in a manner consistent with the written policy
17 established by the secretary. The decision to disclose or not shall
18 not result in civil liability for the department or its employees so
19 long as the decision was reached in good faith and without gross
20 negligence. The information received by a state or local agency from
21 the department shall remain confidential and subject to the limitations
22 on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and,
23 subject to these limitations, may be released only as relevant and
24 necessary to counteract the danger created by a particular offender.

25 (6) The information received by the department under RCW 71.05.445
26 or (~~71.34.225~~) 71.34.345 may be disclosed by the department to
27 individuals only with respect to offenders who have been determined by
28 the department to have a high risk of reoffending by a risk assessment,
29 as defined in RCW 9.94A.030, only as relevant and necessary for those
30 individuals to take reasonable steps for the purpose of self-
31 protection, or as provided in RCW 72.09.370(2). The information may
32 not be disclosed for the purpose of engaging the public in a system of
33 supervision, monitoring, and reporting offender behavior to the
34 department. The department must limit the disclosure of information
35 related to mental health services to the public to descriptions of an
36 offender's behavior, risk he or she may present to the community, and
37 need for mental health treatment, including medications, and shall not
38 disclose or release to the public copies of treatment documents or

1 records, except as otherwise provided by law. All disclosure of
2 information to the public must be done in a manner consistent with the
3 written policy established by the secretary. The decision to disclose
4 or not shall not result in civil liability for the department or its
5 employees so long as the decision was reached in good faith and without
6 gross negligence. Nothing in this subsection prevents any person from
7 reporting to law enforcement or the department behavior that he or she
8 believes creates a public safety risk.

9 NEW SECTION. **Sec. 92.** RCW 4.24.5502 is decodified.

10 **Mental Health Counselors, Marriage and Family**
11 **Therapists, and Social Workers Advisory Committee**

12 NEW SECTION. **Sec. 93.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 18.225.060 (Washington state mental health counselors,
15 marriage and family therapists, and social workers advisory committee--
16 Established--Composition) and 2001 c 251 s 6; and

17 (2) RCW 18.225.070 (Department of health--Advice/assistance of
18 advisory committee) and 2001 c 251 s 7.

19 **Sec. 94.** RCW 18.225.010 and 2008 c 135 s 11 are each amended to
20 read as follows:

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

23 (1) "Advanced social work" means the application of social work
24 theory and methods including emotional and biopsychosocial assessment,
25 psychotherapy under the supervision of a licensed independent clinical
26 social worker, case management, consultation, advocacy, counseling, and
27 community organization.

28 (2) "Applicant" means a person who completes the required
29 application, pays the required fee, is at least eighteen years of age,
30 and meets any background check requirements and uniform disciplinary
31 act requirements.

32 (3) "Associate" means a prelicensure candidate who has a graduate
33 degree in a mental health field under RCW 18.225.090 and is gaining the

1 supervision and supervised experience necessary to become a licensed
2 independent clinical social worker, a licensed advanced social worker,
3 a licensed mental health counselor, or a licensed marriage and family
4 therapist.

5 ~~(4) ("Committee" means the Washington state mental health~~
6 ~~counselors, marriage and family therapists, and social workers advisory~~
7 ~~committee.~~

8 ~~(5))~~ "Department" means the department of health.

9 ~~((6))~~ (5) "Disciplining authority" means the department.

10 ~~((7))~~ (6) "Independent clinical social work" means the diagnosis
11 and treatment of emotional and mental disorders based on knowledge of
12 human development, the causation and treatment of psychopathology,
13 psychotherapeutic treatment practices, and social work practice as
14 defined in advanced social work. Treatment modalities include but are
15 not limited to diagnosis and treatment of individuals, couples,
16 families, groups, or organizations.

17 ~~((8))~~ (7) "Marriage and family therapy" means the diagnosis and
18 treatment of mental and emotional disorders, whether cognitive,
19 affective, or behavioral, within the context of relationships,
20 including marriage and family systems. Marriage and family therapy
21 involves the professional application of psychotherapeutic and family
22 systems theories and techniques in the delivery of services to
23 individuals, couples, and families for the purpose of treating such
24 diagnosed nervous and mental disorders. The practice of marriage and
25 family therapy means the rendering of professional marriage and family
26 therapy services to individuals, couples, and families, singly or in
27 groups, whether such services are offered directly to the general
28 public or through organizations, either public or private, for a fee,
29 monetary or otherwise.

30 ~~((9))~~ (8) "Mental health counseling" means the application of
31 principles of human development, learning theory, psychotherapy, group
32 dynamics, and etiology of mental illness and dysfunctional behavior to
33 individuals, couples, families, groups, and organizations, for the
34 purpose of treatment of mental disorders and promoting optimal mental
35 health and functionality. Mental health counseling also includes, but
36 is not limited to, the assessment, diagnosis, and treatment of mental
37 and emotional disorders, as well as the application of a wellness model
38 of mental health.

1 ~~((10))~~ (9) "Secretary" means the secretary of health or the
2 secretary's designee.

3 **Sec. 95.** RCW 18.225.040 and 2009 c 492 s 7 are each amended to
4 read as follows:

5 In addition to any other authority provided by law, the secretary
6 has the authority to:

7 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
8 chapter(~~(. Any rules adopted shall be in consultation with the~~
9 ~~committee))~~);

10 (2) Establish all licensing, examination, and renewal fees in
11 accordance with RCW 43.70.250;

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

14 (4) Issue licenses to applicants who have met the education,
15 training, and examination requirements for licensure and to deny a
16 license to applicants who do not meet the requirements;

17 (5) Hire clerical, administrative, investigative, and other staff
18 as needed to implement this chapter, and hire individuals licensed
19 under this chapter to serve as examiners for any practical
20 examinations;

21 (6) Administer and supervise the grading and taking of examinations
22 for applicants for licensure;

23 (7) Determine which states have credentialing requirements
24 substantially equivalent to those of this state, and issue licenses to
25 individuals credentialed in those states without examinations;

26 (8) Implement and administer a program for consumer education (~~in~~
27 ~~consultation with the committee~~));

28 (9) Adopt rules implementing a continuing education program (~~in~~
29 ~~consultation with the committee~~));

30 (10) Maintain the official record of all applicants and licenses;
31 and

32 (11) Establish by rule the procedures for an appeal of an
33 examination failure.

34 The office of crime victims advocacy shall supply the (~~committee~~)
35 department with information on methods of recognizing victims of human
36 trafficking, what services are available for these victims, and where
37 to report potential trafficking situations. The information supplied

1 must be culturally sensitive and must include information relating to
2 minor victims. The ~~((committee))~~ department shall disseminate this
3 information to licensees ~~((by))~~: By providing the information on the
4 ~~((committee's))~~ department's web site; by including the information in
5 newsletters; by holding trainings at meetings attended by organization
6 members; or through another distribution method determined by the
7 ~~((committee))~~ department. The ~~((committee))~~ department shall report to
8 the office of crime victims advocacy on the method or methods it uses
9 to distribute information under this subsection(+

10 ~~(11) Maintain the official record of all applicants and licensees;~~
11 ~~and~~

12 ~~(12) Establish by rule the procedures for an appeal of an~~
13 ~~examination failure)).~~

14 **Livestock Identification Advisory Board**

15 NEW SECTION. **Sec. 96.** RCW 16.57.015 (Livestock identification
16 advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c
17 354 s 10 are each repealed.

18 **Sec. 97.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read
19 as follows:

20 (1) The director may adopt rules:

21 (a) To support the agriculture industry in meeting federal
22 requirements for the country-of-origin labeling of meat. Any
23 requirements established under this subsection for country of origin
24 labeling purposes shall be substantially consistent with and shall not
25 exceed the requirements established by the United States department of
26 agriculture; and

27 (b) ~~((In consultation with the livestock identification advisory~~
28 ~~board under RCW 16.57.015,))~~ To implement federal requirements for
29 animal identification needed to trace the source of livestock for
30 disease control and response purposes.

31 (2) The director may cooperate with and enter into agreements with
32 other states and agencies of federal government to carry out such
33 systems and to promote consistency of regulation.

1 **Midwifery Advisory Committee**

2 NEW SECTION. **Sec. 98.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 18.50.140 (Midwifery advisory committee--Generally) and
5 1994 sp.s. c 9 s 706, 1991 c 3 s 114, 1987 c 467 s 5, & 1981 c 53 s 3;
6 and

7 (2) RCW 18.50.150 (Midwifery advisory committee--Advice and
8 recommendations) and 1998 c 245 s 6, 1991 c 3 s 115, & 1981 c 53 s 4.

9 **Sec. 99.** RCW 18.50.045 and 1991 c 3 s 107 are each amended to read
10 as follows:

11 The secretary shall (~~promulgate~~) adopt standards by rule under
12 chapter 34.05 RCW for accrediting midwifery educational programs. The
13 standards shall cover the provision of adequate clinical and didactic
14 instruction in all subjects and noncurriculum matters under this
15 section including, but not limited to, staffing and teacher
16 qualifications. In developing the standards, the secretary shall (~~be~~
17 ~~advised by and receive the recommendations of the midwifery advisory~~
18 ~~committee~~) consult with a statewide midwifery association.

19 **Sec. 100.** RCW 18.50.060 and 1991 c 3 s 109 are each amended to
20 read as follows:

21 (1) The secretary is hereby authorized and empowered to execute the
22 provisions of this chapter and shall offer examinations in midwifery at
23 least twice a year at such times and places as the secretary may
24 select. The examinations shall be written and shall be in the English
25 language.

26 (2) The secretary, with the assistance of (~~the midwifery advisory~~
27 ~~committee,~~) a statewide midwifery association shall develop or approve
28 a licensure examination in the subjects that the secretary determines
29 are within the scope of and commensurate with the work performed by a
30 licensed midwife. The examination shall be sufficient to test the
31 scientific and practical fitness of candidates to practice midwifery.
32 All application papers shall be deposited with the secretary and there
33 retained for at least one year, when they may be destroyed.

34 (3) If the examination is satisfactorily completed, the secretary
35 shall issue to such candidate a license entitling the candidate to
36 practice midwifery in the state of Washington.

1 (3) All revenue derived from the sale of the license validation and
2 stamp by the department to persons hunting solely nonwaterfowl
3 migratory birds shall be deposited in the state wildlife (~~fund~~)
4 account and shall be used only for that portion of the cost of printing
5 and production of the stamps for nonwaterfowl migratory bird hunters as
6 determined by subsection (4) of this section, and for those
7 nonwaterfowl migratory bird projects specified by the director for the
8 acquisition and development of nonwaterfowl migratory bird habitat in
9 the state and for the enhancement, protection, and propagation of
10 nonwaterfowl migratory birds in the state.

11 (4) With regard to the revenue from license validation and stamp
12 sales that is not the result of sales to stamp collectors, the
13 department shall determine the proportion of migratory waterfowl
14 hunters and solely nonwaterfowl migratory bird hunters by using the
15 yearly migratory bird hunter harvest information program survey results
16 or, in the event that these results are not available, other similar
17 survey results. A two-year average of the most recent survey results
18 shall be used to determine the proportion of the revenue attributed to
19 migratory waterfowl hunters and the proportion attributed to solely
20 nonwaterfowl migratory bird hunters for each fiscal year. For fiscal
21 year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the
22 stamp revenue shall be attributed to migratory waterfowl hunters and
23 four percent of the stamp revenue shall be attributed to solely
24 nonwaterfowl migratory game hunters.

25 (5) Acquisition shall include but not be limited to the acceptance
26 of gifts of real estate or any interest therein or the rental, lease,
27 or purchase of real estate or any interest therein. If the department
28 acquires any fee interest, leasehold, or rental interest in real
29 property under this section, it shall allow the general public
30 reasonable access to that property and shall, if appropriate, ensure
31 that the deed or other instrument creating the interest allows such
32 access to the general public. If the department obtains a covenant in
33 real property in its favor or an easement or any other interest in real
34 property under this section, it shall exercise its best efforts to
35 ensure that the deed or other instrument creating the interest grants
36 to the general public in the form of a covenant running with the land
37 reasonable access to the property. The private landowner from whom the

1 department obtains such a covenant or easement shall retain the right
2 of granting access to the lands by written permission, but may not
3 charge a fee for access.

4 (6) The department may produce migratory bird stamps in any given
5 year in excess of those necessary for sale in that year. The excess
6 stamps may be sold to the ~~((migratory waterfowl art committee for sale
7 to the))~~ public.

8 **Sec. 104.** RCW 77.12.690 and 2009 c 333 s 38 are each amended to
9 read as follows:

10 (1) The ~~((migratory waterfowl art committee))~~ director is
11 responsible for the selection of the annual migratory bird stamp design
12 ~~((and shall provide the design to the department. If the committee
13 does not perform this duty within the time frame necessary to achieve
14 proper and timely distribution of the stamps to license dealers, the
15 director shall initiate the art work selection for that year))~~. The
16 ~~((committee))~~ department shall create collector art prints and related
17 artwork, utilizing the same design ~~((as provided to the department))~~.
18 The administration, sale, distribution, and other matters relating to
19 the prints and sales of stamps with prints and related artwork shall be
20 the responsibility of the ~~((migratory waterfowl art committee))~~
21 department.

22 (2) The total amount brought in from the sale of prints and related
23 artwork shall be deposited in the state wildlife account created in RCW
24 77.12.170. The costs of producing and marketing of prints and related
25 artwork ~~((, including administrative expenses mutually agreed upon by
26 the committee and the director,))~~ shall be paid out of the total amount
27 brought in from sales of those same items. Net funds derived from the
28 sale of prints and related artwork shall be used by the director to
29 contract with one or more appropriate individuals or nonprofit
30 organizations for the development of waterfowl propagation projects
31 within Washington which specifically provide waterfowl for the Pacific
32 flyway. The department shall not contract with any individual or
33 organization that obtains compensation for allowing waterfowl hunting
34 except if the individual or organization does not permit hunting for
35 compensation on the subject property.

36 ~~((The migratory waterfowl art committee shall have an annual audit~~

1 ~~of its finances conducted by the state auditor and shall furnish a copy~~
2 ~~of the audit to the commission.))~~

3 **Sec. 105.** RCW 77.08.045 and 1998 c 191 s 31 are each amended to
4 read as follows:

5 As used in this title or rules adopted pursuant to this title:

6 (1) "Migratory waterfowl" means members of the family Anatidae,
7 including brants, ducks, geese, and swans;

8 (2) "Migratory bird" means migratory waterfowl and coots, snipe,
9 doves, and band-tailed pigeon;

10 (3) "Migratory bird stamp" means the stamp that is required by RCW
11 77.32.350 to be in the possession of all persons to hunt migratory
12 birds; and

13 (4) "Prints and artwork" means replicas of the original stamp
14 design that are sold to the general public. Prints and artwork are not
15 to be construed to be the migratory bird stamp that is required by RCW
16 77.32.350. Artwork may be any facsimile of the original stamp design,
17 including color renditions, metal duplications, or any other kind of
18 design(~~(/and~~

19 ~~(5) "Migratory waterfowl art committee" means the committee created~~
20 ~~by RCW 77.12.680. The committee's primary function is to select the~~
21 ~~annual migratory bird stamp design)).~~

22 **Nonhighway and Off-Road Vehicle Activities**

23 **Advisory Committee**

24 NEW SECTION. **Sec. 106.** RCW 46.09.280 (Nonhighway and off-road
25 vehicle activities advisory committee) and 2007 c 241 s 19, 2004 c 105
26 s 8, 2003 c 185 s 1, & 1986 c 206 s 13 are each repealed.

27 **Sec. 107.** RCW 46.09.020 and 2007 c 241 s 13 are each amended to
28 read as follows:

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

31 (1) (~~("Advisory committee" means the nonhighway and off-road~~
32 ~~vehicle activities advisory committee established in RCW 46.09.280.~~

1 ~~(2)~~) "Board" means the recreation and conservation funding board
2 established in RCW 79A.25.110.

3 ~~((3))~~ (2) "Dealer" means a person, partnership, association, or
4 corporation engaged in the business of selling off-road vehicles at
5 wholesale or retail in this state.

6 ~~((4))~~ (3) "Department" means the department of licensing.

7 ~~((5))~~ (4) "Highway," for the purpose of this chapter only, means
8 the entire width between the boundary lines of every roadway publicly
9 maintained by the state department of transportation or any county or
10 city with funding from the motor vehicle fund. A highway is generally
11 capable of travel by a conventional two-wheel drive passenger
12 automobile during most of the year and in use by such vehicles.

13 ~~((6))~~ (5) "Motorized vehicle" means a vehicle that derives motive
14 power from an internal combustion engine.

15 ~~((7))~~ (6) "Nonhighway road" means any road owned or managed by a
16 public agency or any private road for which the owner has granted an
17 easement for public use for which appropriations from the motor vehicle
18 fund were not used for (a) original construction or reconstruction in
19 the last twenty-five years; or (b) maintenance in the last four years.

20 ~~((8))~~ (7) "Nonhighway road recreation facilities" means
21 recreational facilities that are adjacent to, or accessed by, a
22 nonhighway road and intended primarily for nonhighway road recreational
23 users.

24 ~~((9))~~ (8) "Nonhighway road recreational user" means a person
25 whose purpose for consuming fuel on a nonhighway road or off-road is
26 primarily for nonhighway road recreational purposes, including, but not
27 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
28 picnicking, driving for pleasure, kayaking/canoeing, and gathering
29 berries, firewood, mushrooms, and other natural products.

30 ~~((10))~~ (9) "Nonhighway vehicle" means any motorized vehicle
31 including an ORV when used for recreational purposes on nonhighway
32 roads, trails, or a variety of other natural terrain.

33 Nonhighway vehicle does not include:

34 (a) Any vehicle designed primarily for travel on, over, or in the
35 water;

36 (b) Snowmobiles or any military vehicles; or

37 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or

1 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
2 This exemption includes but is not limited to farm, construction, and
3 logging vehicles.

4 ~~((+11))~~ (10) "Nonmotorized recreational facilities" means
5 recreational trails and facilities that are adjacent to, or accessed
6 by, a nonhighway road and intended primarily for nonmotorized
7 recreational users.

8 ~~((+12))~~ (11) "Nonmotorized recreational user" means a person whose
9 purpose for consuming fuel on a nonhighway road or off-road is
10 primarily for nonmotorized recreational purposes including, but not
11 limited to, walking, hiking, backpacking, climbing, cross-country
12 skiing, snowshoeing, mountain biking, horseback riding, and pack animal
13 activities.

14 ~~((+13))~~ (12) "Off-road vehicle" or "ORV" means any nonstreet
15 licensed vehicle when used for recreational purposes on nonhighway
16 roads, trails, or a variety of other natural terrain. Such vehicles
17 include, but are not limited to, all-terrain vehicles, motorcycles,
18 four-wheel drive vehicles, and dune buggies.

19 ~~((+14))~~ (13) "Operator" means each person who operates, or is in
20 physical control of, any nonhighway vehicle.

21 ~~((+15))~~ (14) "Organized competitive event" means any competition,
22 advertised in advance through written notice to organized clubs or
23 published in local newspapers, sponsored by recognized clubs, and
24 conducted at a predetermined time and place.

25 ~~((+16))~~ (15) "ORV recreation facilities" include, but are not
26 limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and
27 ORV use areas, designated for ORV use by the managing authority that
28 are intended primarily for ORV recreational users.

29 ~~((+17))~~ (16) "ORV recreational user" means a person whose purpose
30 for consuming fuel on nonhighway roads or off-road is primarily for ORV
31 recreational purposes, including but not limited to riding an all-
32 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
33 dune buggy.

34 ~~((+18))~~ (17) "ORV sports park" means a facility designed to
35 accommodate competitive ORV recreational uses including, but not
36 limited to, motocross racing, four-wheel drive competitions, and flat
37 track racing. Use of ORV sports parks can be competitive or
38 noncompetitive in nature.

1 ((+19+)) (18) "ORV trail" means a multiple-use corridor designated
2 by the managing authority and maintained for recreational use by
3 motorized vehicles.

4 ((+20+)) (19) "ORV use permit" means a permit issued for operation
5 of an off-road vehicle under this chapter.

6 ((+21+)) (20) "Owner" means the person other than the lienholder,
7 having an interest in or title to a nonhighway vehicle, and entitled to
8 the use or possession thereof.

9 ((+22+)) (21) "Person" means any individual, firm, partnership,
10 association, or corporation.

11 **Orthotic and Prosthetics Advisory Committee**

12 NEW SECTION. **Sec. 108.** RCW 18.200.060 (Advisory committee--
13 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

14 **Sec. 109.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) (~~"Advisory committee" means the orthotics and prosthetics~~
19 ~~advisory committee.~~

20 (+2+)) "Department" means the department of health.

21 ((+3+)) (2) "Secretary" means the secretary of health or the
22 secretary's designee.

23 ((+4+)) (3) "Orthotics" means the science and practice of
24 evaluating, measuring, designing, fabricating, assembling, fitting,
25 adjusting, or servicing, as well as providing the initial training
26 necessary to accomplish the fitting of, an orthosis for the support,
27 correction, or alleviation of neuromuscular or musculoskeletal
28 dysfunction, disease, injury, or deformity. The practice of orthotics
29 encompasses evaluation, treatment, and consultation. With basic
30 observational gait and postural analysis, orthotists assess and design
31 orthoses to maximize function and provide not only the support but the
32 alignment necessary to either prevent or correct deformity or to
33 improve the safety and efficiency of mobility or locomotion, or both.

1 Orthotic practice includes providing continuing patient care in order
2 to assess its effect on the patient's tissues and to assure proper fit
3 and function of the orthotic device by periodic evaluation.

4 ~~((+5))~~ (4) "Orthotist" means a person licensed to practice
5 orthotics under this chapter.

6 ~~((+6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace
7 or support that is designed for long-term use. Except for the
8 treatment of scoliosis, orthosis does not include prefabricated or
9 direct-formed orthotic devices, as defined in this section, or any of
10 the following assistive technology devices: Commercially available
11 knee orthoses used following injury or surgery; spastic muscle tone-
12 inhibiting orthoses; upper extremity adaptive equipment; finger
13 splints; hand splints; custom-made, leather wrist gauntlets; face masks
14 used following burns; wheelchair seating that is an integral part of
15 the wheelchair and not worn by the patient independent of the
16 wheelchair; fabric or elastic supports; corsets; arch supports, also
17 known as foot orthotics; low-temperature formed plastic splints;
18 trusses; elastic hose; canes; crutches; cervical collars; dental
19 appliances; and other similar devices as determined by the secretary,
20 such as those commonly carried in stock by a pharmacy, department
21 store, corset shop, or surgical supply facility. Prefabricated
22 orthoses, also known as custom-fitted, or off-the-shelf, are devices
23 that are manufactured as commercially available stock items for no
24 specific patient. Direct-formed orthoses are devices formed or shaped
25 during the molding process directly on the patient's body or body
26 segment. Custom-fabricated orthoses, also known as custom-made
27 orthoses, are devices designed and fabricated, in turn, from raw
28 materials for a specific patient and require the generation of an
29 image, form, or mold that replicates the patient's body or body segment
30 and, in turn, involves the rectification of dimensions, contours, and
31 volumes to achieve proper fit, comfort, and function for that specific
32 patient.

33 ~~((+7))~~ (6) "Prosthetics" means the science and practice of
34 evaluating, measuring, designing, fabricating, assembling, fitting,
35 aligning, adjusting, or servicing, as well as providing the initial
36 training necessary to accomplish the fitting of, a prosthesis through
37 the replacement of external parts of a human body lost due to
38 amputation or congenital deformities or absences. The practice of

1 prosthetics also includes the generation of an image, form, or mold
2 that replicates the patient's body or body segment and that requires
3 rectification of dimensions, contours, and volumes for use in the
4 design and fabrication of a socket to accept a residual anatomic limb
5 to, in turn, create an artificial appendage that is designed either to
6 support body weight or to improve or restore function or cosmesis, or
7 both. Involved in the practice of prosthetics is observational gait
8 analysis and clinical assessment of the requirements necessary to
9 refine and mechanically fix the relative position of various parts of
10 the prosthesis to maximize the function, stability, and safety of the
11 patient. The practice of prosthetics includes providing continuing
12 patient care in order to assess the prosthetic device's effect on the
13 patient's tissues and to assure proper fit and function of the
14 prosthetic device by periodic evaluation.

15 ((+8)) (7) "Prosthetist" means a person who is licensed to
16 practice prosthetics under this chapter.

17 ((+9)) (8) "Prosthesis" means a definitive artificial limb that is
18 alignable or articulated, or, in lower extremity applications, capable
19 of weight bearing. Prosthesis means an artificial medical device that
20 is not surgically implanted and that is used to replace a missing limb,
21 appendage, or other external human body part including an artificial
22 limb, hand, or foot. The term does not include artificial eyes, ears,
23 fingers or toes, dental appliances, ostomy products, devices such as
24 artificial breasts, eyelashes, wigs, or other devices as determined by
25 the secretary that do not have a significant impact on the
26 musculoskeletal functions of the body. In the lower extremity of the
27 body, the term prosthesis does not include prostheses required for
28 amputations distal to and including the transmetatarsal level. In the
29 upper extremity of the body, the term prosthesis does not include
30 prostheses that are provided to restore function for amputations distal
31 to and including the carpal level.

32 ((+10)) (9) "Authorized health care practitioner" means licensed
33 physicians, physician's assistants, osteopathic physicians,
34 chiropractors, naturopaths, podiatric physicians and surgeons,
35 dentists, and advanced registered nurse practitioners.

36 **Sec. 110.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
37 read as follows:

1 In addition to other authority provided by law, the secretary has
2 the authority to:

3 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
4 chapter;

5 (2) Establish administrative procedures, administrative
6 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
7 All fees collected under this section must be credited to the health
8 professions account as required under RCW 43.70.320;

9 (3) Register applicants, issue licenses to applicants who have met
10 the education, training, and examination requirements for licensure,
11 and deny licenses to applicants who do not meet the minimum
12 qualifications, except that proceedings concerning the denial of
13 credentials based upon unprofessional conduct or impairment are
14 governed by the uniform disciplinary act, chapter 18.130 RCW;

15 (4) Hire clerical, administrative, investigative, and other staff
16 as needed to implement this chapter and hire individuals licensed under
17 this chapter to serve as examiners for any practical examinations;

18 (5) Determine minimum education requirements and evaluate and
19 designate those educational programs from which graduation will be
20 accepted as proof of eligibility to take a qualifying examination for
21 applicants for licensure;

22 (6) Establish the standards and procedures for revocation of
23 approval of education programs;

24 (7) Utilize or contract with individuals or organizations having
25 expertise in the profession or in education to assist in the
26 evaluations;

27 (8) Prepare and administer, or approve the preparation and
28 administration of, examinations for applicants for licensure;

29 (9) Determine whether alternative methods of training are
30 equivalent to formal education, and establish forms, procedures, and
31 criteria for evaluation of an applicant's alternative training to
32 determine the applicant's eligibility to take any qualifying
33 examination;

34 (10) Determine which jurisdictions have licensing requirements
35 equivalent to those of this state and issue licenses without
36 examinations to individuals licensed in those jurisdictions;

37 (11) Define and approve any experience requirement for licensing;

38 (12) Implement and administer a program for consumer education;

1 (13) Adopt rules implementing continuing competency requirements
2 for renewal of the license and relicensing;

3 (14) Maintain the official department records of all applicants and
4 licensees;

5 (15) Establish by rule the procedures for an appeal of an
6 examination failure;

7 (16) Establish requirements and procedures for an inactive license;
8 and

9 (17) (~~With the advice of the advisory committee, the secretary~~
10 ~~may~~) Recommend collaboration with health professions, boards, and
11 commissions to develop appropriate referral protocols.

12 **Sec. 111.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
13 read as follows:

14 (1) An applicant must file a written application on forms provided
15 by the department showing to the satisfaction of the secretary(~~(, in~~
16 ~~consultation with the advisory committee,)~~) that the applicant meets
17 the following requirements:

18 (a) The applicant possesses a baccalaureate degree with coursework
19 appropriate for the profession approved by the secretary, or possesses
20 equivalent training as determined by the secretary pursuant to
21 subsections (3) and (5) of this section;

22 (b) The applicant has the amount of formal training, including the
23 hours of classroom education and clinical practice, in areas of study
24 as the secretary deems necessary and appropriate;

25 (c) The applicant has completed a clinical internship or residency
26 in the professional area for which a license is sought in accordance
27 with the standards, guidelines, or procedures for clinical internships
28 or residencies inside or outside the state as established by the
29 secretary, or that are otherwise substantially equivalent to the
30 standards commonly accepted in the fields of orthotics and prosthetics
31 as determined by the secretary pursuant to subsections (3) and (5) of
32 this section. The secretary must set the internship as at least one
33 year.

34 (2) An applicant for licensure as either an orthotist or
35 prosthetist must pass all written and practical examinations that are
36 required and approved by the secretary (~~(in consultation with the~~
37 ~~advisory committee)~~).

1 (3) The standards and requirements for licensure established by the
2 secretary must be substantially equal to the standards commonly
3 accepted in the fields of orthotics and prosthetics.

4 (4) An applicant failing to make the required grade in the first
5 examination may take up to three subsequent examinations as the
6 applicant desires upon prepaying a fee, determined by the secretary
7 under RCW 43.70.250, for each subsequent examination. Upon failing
8 four examinations, the secretary may invalidate the original
9 application and require remedial education before the person may take
10 future examinations.

11 (5) The secretary may waive some of the education, examination, or
12 experience requirements of this section if the secretary determines
13 that the applicant meets alternative standards, established by the
14 secretary through rule, that are substantially equivalent to the
15 requirements in subsections (1) and (2) of this section.

16 **Performance Agreement Committee**

17 NEW SECTION. **Sec. 112.** RCW 28B.10.922 (Performance agreements--
18 State committee--Development of final proposals--Implementation--
19 Updates) and 2008 c 160 s 4 are each repealed.

20 **Problem Gambling Advisory Committee**

21 **Sec. 113.** RCW 43.20A.890 and 2010 c 171 s 1 are each amended to
22 read as follows:

23 (1) A program for (a) the prevention and treatment of problem and
24 pathological gambling; and (b) the training of professionals in the
25 identification and treatment of problem and pathological gambling is
26 established within the department of social and health services, to be
27 administered by a qualified person who has training and experience in
28 problem gambling or the organization and administration of treatment
29 services for persons suffering from problem gambling. The department
30 may certify and contract with treatment facilities for any services
31 provided under the program. The department shall track program
32 participation and client outcomes.

1 (2) To receive treatment under subsection (1) of this section, a
2 person must:

3 (a) Need treatment for problem or pathological gambling, or because
4 of the problem or pathological gambling of a family member, but be
5 unable to afford treatment; and

6 (b) Be targeted by the department of social and health services as
7 being most amenable to treatment.

8 (3) Treatment under this section is available only to the extent of
9 the funds appropriated or otherwise made available to the department of
10 social and health services for this purpose. The department may
11 solicit and accept for use any gift of money or property made by will
12 or otherwise, and any grant of money, services, or property from the
13 federal government, any tribal government, the state, or any political
14 subdivision thereof or any private source, and do all things necessary
15 to cooperate with the federal government or any of its agencies or any
16 tribal government in making an application for any grant.

17 (4) The department may adopt rules establishing standards for the
18 review and certification of treatment facilities under this program.

19 ~~(5) ((The department of social and health services shall establish
20 an advisory committee to assist it in designing, managing, and
21 evaluating the effectiveness of the program established in this
22 section. The advisory committee shall give due consideration in the
23 design and management of the program that persons who hold licenses or
24 contracts issued by the gambling commission, horse racing commission,
25 and lottery commission are not excluded from, or discouraged from,
26 applying to participate in the program. The committee shall include,
27 at a minimum, persons knowledgeable in the field of problem and
28 pathological gambling and persons representing tribal gambling,
29 privately owned nontribal gambling, and the state lottery.~~

30 ~~(6))~~ For purposes of this section, "pathological gambling" is a
31 mental disorder characterized by loss of control over gambling,
32 progression in preoccupation with gambling and in obtaining money to
33 gamble, and continuation of gambling despite adverse consequences.
34 "Problem gambling" is an earlier stage of pathological gambling which
35 compromises, disrupts, or damages family or personal relationships or
36 vocational pursuits.

1 **Real Estate Appraiser Commission**

2 NEW SECTION. **Sec. 114.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 18.140.230 (Real estate appraiser commission--
5 Establishment--Composition) and 2005 c 339 s 19 & 2000 c 249 s 3;

6 (2) RCW 18.140.240 (Commission/members--Duties and
7 responsibilities) and 2000 c 249 s 4; and

8 (3) RCW 18.140.250 (Commission member's compensation) and 2000 c
9 249 s 5.

10 **Sec. 115.** RCW 18.140.010 and 2005 c 339 s 2 are each amended to
11 read as follows:

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

14 (1) "Appraisal" means the act or process of estimating value; an
15 estimate of value; or of or pertaining to appraising and related
16 functions.

17 (2) "Appraisal report" means any communication, written or oral, of
18 an appraisal, review, or consulting service in accordance with the
19 standards of professional conduct or practice, adopted by the director,
20 that is transmitted to the client upon completion of an assignment.

21 (3) "Appraisal assignment" means an engagement for which an
22 appraiser is employed or retained to act, or would be perceived by
23 third parties or the public as acting, as a disinterested third party
24 in rendering an unbiased analysis, opinion, or conclusion relating to
25 the value of specified interests in, or aspects of, identified real
26 estate. The term "appraisal assignment" may apply to valuation work
27 and analysis work.

28 (4) "Brokers price opinion" means an oral or written report of
29 property value that is prepared by a real estate broker or salesperson
30 licensed under chapter 18.85 RCW.

31 (5) "Client" means any party for whom an appraiser performs a
32 service.

33 (6) (~~"Commission" means the real estate appraiser commission of~~
34 ~~the state of Washington.~~

35 (+7)) "Comparative market analysis" means a brokers price opinion.

36 ((+8)) (7) "Department" means the department of licensing.

1 ~~((+9))~~ (8) "Director" means the director of the department of
2 licensing.

3 ~~((+10))~~ (9) "Expert review appraiser" means a state-certified or
4 state-licensed real estate appraiser chosen by the director for the
5 purpose of providing appraisal review assistance to the director.

6 ~~((+11))~~ (10) "Federal department" means an executive department of
7 the United States of America specifically concerned with housing
8 finance issues, such as the department of housing and urban
9 development, the department of veterans affairs, or their legal federal
10 successors.

11 ~~((+12))~~ (11) "Federal financial institutions regulatory agency"
12 means the board of governors of the federal reserve system, the federal
13 deposit insurance corporation, the office of the comptroller of the
14 currency, the office of thrift supervision, the national credit union
15 administration, their successors and/or such other agencies as may be
16 named in future amendments to 12 U.S.C. Sec. 3350(6).

17 ~~((+13))~~ (12) "Federal secondary mortgage marketing agency" means
18 the federal national mortgage association, the government national
19 mortgage association, the federal home loan mortgage corporation, their
20 successors and/or such other similarly functioning housing finance
21 agencies as may be federally chartered in the future.

22 ~~((+14))~~ (13) "Federally related transaction" means any real
23 estate-related financial transaction that the federal financial
24 institutions regulatory agency or the resolution trust corporation
25 engages in, contracts for, or regulates; and that requires the services
26 of an appraiser.

27 ~~((+15))~~ (14) "Financial institution" means any person doing
28 business under the laws of this state or the United States relating to
29 banks, bank holding companies, savings banks, trust companies, savings
30 and loan associations, credit unions, consumer loan companies, and the
31 affiliates, subsidiaries, and service corporations thereof.

32 ~~((+16))~~ (15) "Mortgage broker" for the purpose of this chapter
33 means a mortgage broker licensed under chapter 19.146 RCW, any mortgage
34 broker approved and subject to audit by the federal national mortgage
35 association, the government national mortgage association, or the
36 federal home loan mortgage corporation as provided in RCW 19.146.020,
37 any mortgage broker approved by the United States secretary of housing

1 and urban development for participation in any mortgage insurance under
2 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,
3 subsidiaries, and service corporations thereof.

4 ~~((+17))~~ (16) "Real estate" means an identified parcel or tract of
5 land, including improvements, if any.

6 ~~((+18))~~ (17) "Real estate-related financial transaction" means any
7 transaction involving:

8 (a) The sale, lease, purchase, investment in, or exchange of real
9 property, including interests in property, or the financing thereof;

10 (b) The refinancing of real property or interests in real property;
11 and

12 (c) The use of real property or interests in property as security
13 for a loan or investment, including mortgage-backed securities.

14 ~~((+19))~~ (18) "Real property" means one or more defined interests,
15 benefits, or rights inherent in the ownership of real estate.

16 ~~((+20))~~ (19) "Review" means the act or process of critically
17 studying an appraisal report prepared by another.

18 ~~((+21))~~ (20) "Specialized appraisal services" means all appraisal
19 services that do not fall within the definition of appraisal
20 assignment. The term "specialized appraisal service" may apply to
21 valuation work and to analysis work. Regardless of the intention of
22 the client or employer, if the appraiser would be perceived by third
23 parties or the public as acting as a disinterested third party in
24 rendering an unbiased analysis, opinion, or conclusion, the work is
25 classified as an appraisal assignment and not a specialized appraisal
26 service.

27 ~~((+22))~~ (21) "State-certified general real estate appraiser" means
28 a person certified by the director to develop and communicate real
29 estate appraisals of all types of property. A state-certified general
30 real estate appraiser may designate or identify an appraisal rendered
31 by him or her as a "certified appraisal."

32 ~~((+23))~~ (22) "State-certified residential real estate appraiser"
33 means a person certified by the director to develop and communicate
34 real estate appraisals of all types of residential property of one to
35 four units without regard to transaction value or complexity and
36 nonresidential property having a transaction value as specified in
37 rules adopted by the director. A state certified residential real

1 estate appraiser may designate or identify an appraisal rendered by him
2 or her as a "certified appraisal."

3 ~~((+24))~~ (23) "State-licensed real estate appraiser" means a person
4 licensed by the director to develop and communicate real estate
5 appraisals of noncomplex one to four residential units and complex one
6 to four residential units and nonresidential property having
7 transaction values as specified in rules adopted by the director.

8 ~~((+25))~~ (24) "State-registered appraiser trainee," "trainee," or
9 "trainee real estate appraiser" means a person registered by the
10 director under RCW 18.140.280 to develop and communicate real estate
11 appraisals under the immediate and personal direction of a state-
12 certified real estate appraiser. Appraisals are limited to those types
13 of properties that the supervisory appraiser is permitted by their
14 current credential, and that the supervisory appraiser is competent and
15 qualified to appraise. By signing the appraisal report, or being
16 identified in the certification or addenda as having lent significant
17 professional assistance, the state-registered appraiser trainee accepts
18 total and complete individual responsibility for all content, analyses,
19 and conclusions in the report.

20 ~~((+26))~~ (25) "Supervisory appraiser" means a person holding a
21 currently valid certificate issued by the director as a state-certified
22 real estate appraiser providing direct supervision to another state-
23 certified, state-licensed, or state-registered appraiser trainee. The
24 supervisory appraiser must be in good standing in each jurisdiction
25 that he or she is credentialed. The supervisory appraiser must sign
26 all appraisal reports. By signing the appraisal report, the
27 supervisory appraiser accepts full responsibility for all content,
28 analyses, and conclusions in the report.

29 **Sec. 116.** RCW 18.140.030 and 2005 c 339 s 4 are each amended to
30 read as follows:

31 The director shall have the following powers and duties:

32 (1) To adopt rules in accordance with chapter 34.05 RCW necessary
33 to implement this chapter and chapter 18.235 RCW ~~(, with the advice and
34 approval of the commission)~~);

35 (2) To receive and approve or deny applications for certification
36 or licensure as a state-certified or state-licensed real estate
37 appraiser and for registration as a state-registered appraiser trainee

1 under this chapter; to establish appropriate administrative procedures
2 for the processing of such applications; to issue certificates,
3 licenses, or registrations to qualified applicants pursuant to the
4 provisions of this chapter; and to maintain a roster of the names and
5 addresses of individuals who are currently certified, licensed, or
6 registered under this chapter;

7 ~~(3) ((To provide administrative assistance to the members of and to
8 keep records for the real estate appraiser commission;~~

9 ~~(4))~~ To solicit bids and enter into contracts with educational
10 testing services or organizations for the preparation of questions and
11 answers for certification or licensure examinations;

12 ~~((+5))~~ (4) To administer or contract for administration of
13 certification or licensure examinations at locations and times as may
14 be required to carry out the responsibilities under this chapter;

15 ~~((+6))~~ (5) To enter into contracts for professional services
16 determined to be necessary for adequate enforcement of this chapter;

17 ~~((+7) To consider recommendations by the real estate appraiser
18 commission relating to the experience, education, and examination
19 requirements for each classification of state certified appraiser and
20 for licensure;~~

21 ~~(8) To consider recommendations by the real estate appraiser
22 commission relating to the educational requirements for the state-
23 registered appraiser trainee classification;~~

24 ~~(9) To consider recommendations by the real estate appraiser
25 commission relating to the maximum number of state registered appraiser
26 trainees that each supervisory appraiser will be permitted to
27 supervise;~~

28 ~~(10) To consider recommendations by the real estate appraiser
29 commission relating to continuing education requirements as a
30 prerequisite to renewal of certification or licensure;~~

31 ~~(11) To consider recommendations by the real estate appraiser
32 commission relating to standards of professional appraisal conduct or
33 practice in the enforcement of this chapter;~~

34 ~~(+12))~~ (6) To employ such professional, clerical, and technical
35 assistance as may be necessary to properly administer the work of the
36 director;

37 ~~((+13))~~ (7) To establish forms necessary to administer this
38 chapter;

1 ~~((14))~~ (8) To establish an expert review appraiser roster
2 comprised of state-certified or licensed real estate appraisers whose
3 purpose is to assist the director by applying their individual
4 expertise by reviewing real estate appraisals for compliance with this
5 chapter. Qualifications to act as an expert review appraiser shall be
6 established by the director ~~((with the advice of the commission))~~. An
7 application to serve as an expert review appraiser shall be submitted
8 to the real estate appraiser program, and the roster of accepted expert
9 review appraisers shall be maintained by the department. An expert
10 review appraiser may be added to or deleted from that roster by the
11 director. The expert review appraiser shall be reimbursed for expenses
12 ~~((in the same manner as))~~ by the department ~~((reimburses the~~
13 ~~commission))~~; and

14 ~~((15))~~ (9) To do all other things necessary to carry out the
15 provisions of this chapter and minimally meet the requirements of
16 federal guidelines regarding state certification or licensure of
17 appraisers and registration of state-registered appraiser trainees that
18 the director determines are appropriate for state-certified and state-
19 licensed appraisers and state-registered appraiser trainees in this
20 state.

21 **Sec. 117.** RCW 18.140.160 and 2007 c 256 s 1 are each amended to
22 read as follows:

23 In addition to the unprofessional conduct described in RCW
24 18.235.130, the director may take disciplinary action for the following
25 conduct, acts, or conditions:

26 (1) Failing to meet the minimum qualifications for state
27 certification, licensure, or registration established by or pursuant to
28 this chapter;

29 (2) Paying money other than the fees provided for by this chapter
30 to any employee of the director ~~((or the commission))~~ to procure state
31 certification, licensure, or registration under this chapter;

32 (3) Continuing to act as a state-certified real estate appraiser,
33 state-licensed real estate appraiser, or state-registered appraiser
34 trainee when his or her certificate, license, or registration is on an
35 expired status;

36 (4) Violating any provision of this chapter or any lawful rule made
37 by the director pursuant thereto;

1 (5) Issuing an appraisal report on any real property in which the
2 appraiser has an interest unless his or her interest is clearly stated
3 in the appraisal report;

4 (6) Being affiliated as an employer, independent contractor, or
5 supervisory appraiser of a state-certified real estate appraiser,
6 state-licensed real estate appraiser, or state-registered appraiser
7 trainee whose certification, license, or registration is currently in
8 a suspended or revoked status;

9 (7) Failure or refusal without good cause to exercise reasonable
10 diligence in performing an appraisal practice under this chapter,
11 including preparing an oral or written report to communicate
12 information concerning an appraisal practice; and

13 (8) Negligence or incompetence in performing an appraisal practice
14 under this chapter, including preparing an oral or written report to
15 communicate information concerning an appraisal practice.

16 **Sec. 118.** RCW 18.140.170 and 2005 c 339 s 15 are each amended to
17 read as follows:

18 The director may investigate the actions of a state-certified or
19 state-licensed real estate appraiser or a state-registered appraiser
20 trainee or an applicant for certification, licensure, or registration
21 or recertification, relicensure, or reregistration. Upon receipt of
22 information indicating that a state-certified or state-licensed real
23 estate appraiser or state-registered appraiser trainee under this
24 chapter may have violated this chapter, the director may cause one or
25 more of the staff investigators to make an investigation of the facts
26 to determine whether or not there is admissible evidence of any such
27 violation. (~~(If technical assistance is required, a staff investigator~~
28 ~~may consult with one or more of the members of the commission.))~~)

29 **Salmon Recovery Funding Board**

30 NEW SECTION. **Sec. 119.** RCW 77.85.110 (Salmon recovery funding
31 board--Creation--Membership) and 2007 c 241 s 20 & 1999 sp.s. c 13 s 3
32 are each repealed.

1 **Sec. 120.** RCW 77.85.005 and 2009 c 345 s 9 are each amended to
2 read as follows:

3 The legislature finds that repeated attempts to improve salmonid
4 fish runs throughout the state of Washington have failed to avert
5 listings of salmon and steelhead runs as threatened or endangered under
6 the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
7 These listings threaten the sport, commercial, and tribal fishing
8 industries as well as the economic well-being and vitality of vast
9 areas of the state. It is the intent of the legislature to begin
10 activities required for the recovery of salmon stocks as soon as
11 possible, although the legislature understands that successful recovery
12 efforts may not be realized for many years because of the life cycle of
13 salmon and the complex array of natural and human-caused problems they
14 face.

15 The legislature finds that it is in the interest of the citizens of
16 the state of Washington for the state to retain primary responsibility
17 for managing the natural resources of the state, rather than abdicate
18 those responsibilities to the federal government, and that the state
19 may best accomplish this objective by integrating local and regional
20 recovery activities into a statewide strategy that can make the most
21 effective use of provisions of federal laws allowing for a state lead
22 in salmon recovery, delivered through implementation activities
23 consistent with regional and watershed recovery plans. The legislature
24 also finds that a statewide salmon recovery strategy must be developed
25 and implemented through an active public involvement process in order
26 to ensure public participation in, and support for, salmon recovery.
27 The legislature also finds that there is a substantial link between the
28 provisions of the federal endangered species act and the federal clean
29 water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds
30 that habitat restoration is a vital component of salmon recovery
31 efforts. Therefore, it is the intent of the legislature to
32 specifically address salmon habitat restoration in a coordinated manner
33 and to develop a structure that allows for the coordinated delivery of
34 federal, state, and local assistance to communities for habitat
35 projects that will assist in the recovery and enhancement of salmon
36 stocks. A strong watershed-based locally implemented plan is essential
37 for local, regional, and statewide salmon recovery.

1 The legislature also finds that credible scientific review and
2 oversight is essential for any salmon recovery effort to be successful.

3 The legislature further finds that it is important to monitor the
4 overall health of the salmon resource to determine if recovery efforts
5 are providing expected returns. It is important to monitor salmon
6 habitat projects and salmon recovery activities to determine their
7 effectiveness in order to secure federal acceptance of the state's
8 approach to salmon recovery. Adaptive management cannot exist without
9 monitoring. For these reasons, the legislature believes that a
10 coordinated and integrated monitoring system should be developed and
11 implemented.

12 The legislature therefore finds that a coordinated framework for
13 responding to the salmon crisis is needed immediately. To that end,
14 the governor's salmon recovery office should be created to provide
15 overall coordination of the state's response; an independent science
16 panel is needed to provide scientific review and oversight; a
17 coordinated state funding process should be established through a
18 salmon recovery funding (~~board~~) office; the appropriate local or
19 tribal government should provide local leadership in identifying and
20 sequencing habitat projects to be funded by state agencies; habitat
21 projects should be implemented without delay; and a strong locally
22 based effort to restore salmon habitat should be established by
23 providing a framework to allow citizen volunteers to work effectively.

24 **Sec. 121.** RCW 77.85.020 and 2009 c 345 s 4 are each amended to
25 read as follows:

26 (1) Beginning December 2010, the recreation and conservation office
27 shall produce a biennial report on the statewide status of salmon
28 recovery and watershed health, summarize the funded projects and
29 programs (~~(funded by the salmon recovery funding board)~~), and summarize
30 progress as measured by high-level indicators and state agency
31 compliance with applicable protocols established by the forum for
32 monitoring salmon recovery and watershed health. The report must be a
33 consolidation of the current reporting activities(~~(, including the~~
34 ~~salmon recovery funding board and the forum on monitoring salmon~~
35 ~~recovery and watershed health,~~)) on the status of salmon recovery and
36 watershed health in Washington state, in accordance with RCW
37 77.85.250(8). The report shall also include a high-level status report

1 on watershed planning efforts under chapter 90.82 RCW as summarized by
2 the department of ecology and on salmon recovery and watershed planning
3 as summarized by the Puget Sound partnership. The report's
4 introduction must include a list of high-level questions related to the
5 status of watershed health and salmon recovery to help decision makers
6 and the public respond to salmon recovery and watershed health
7 management needs.

8 (2) The department, the department of ecology, the department of
9 natural resources, and the state conservation commission shall provide
10 to the recreation and conservation office information requested by the
11 office necessary to prepare the consolidated report on salmon recovery
12 and watershed health.

13 **Sec. 122.** RCW 77.85.050 and 2009 c 345 s 3 and 2009 c 333 s 25 are
14 each reenacted and amended to read as follows:

15 (1)(a) Counties, cities, and tribal governments must jointly
16 designate, by resolution or by letters of support, the area for which
17 a habitat project list is to be developed and the lead entity that is
18 to be responsible for submitting the habitat project list. No project
19 included on a habitat project list shall be considered mandatory in
20 nature and no private landowner may be forced or coerced into
21 participation in any respect. The lead entity may be a county, city,
22 conservation district, special district, tribal government, regional
23 recovery organization, or other entity.

24 (b) The lead entity shall establish a committee that consists of
25 representative interests of counties, cities, conservation districts,
26 tribes, environmental groups, business interests, landowners, citizens,
27 volunteer groups, regional fish enhancement groups, and other habitat
28 interests. The purpose of the committee is to provide a citizen-based
29 evaluation of the projects proposed to promote salmon habitat.

30 (c) The committee shall compile a list of habitat projects,
31 establish priorities for individual projects, define the sequence for
32 project implementation, and submit these activities as the habitat
33 project list. The committee shall also identify potential federal,
34 state, local, and private funding sources.

35 (2) The area covered by the habitat project list must be based, at
36 a minimum, on a WRIA, combination of WRIs, or any other area as agreed
37 to by the counties, cities, and tribes in resolutions or in letters of

1 support meeting the requirements of this subsection. Preference will
2 be given to projects in an area that contain a salmon species that is
3 listed or proposed for listing under the federal endangered species
4 act.

5 (3) The lead entity shall submit the habitat project list to the
6 (~~(salmon recovery funding board)~~) recreation and conservation office in
7 accordance with procedures adopted by the board.

8 (4) The recreation and conservation office shall administer funding
9 to support the functions of lead entities.

10 **Sec. 123.** RCW 77.85.120 and 2007 c 241 s 21 are each amended to
11 read as follows:

12 ((+1)) The (~~(salmon recovery funding board)~~) recreation and
13 conservation office is responsible for making grants and loans for
14 salmon habitat projects and salmon recovery activities from the amounts
15 appropriated (~~(to the board)~~) for this purpose. To accomplish this
16 purpose the (~~(board)~~) recreation and conservation office may:

17 ((+a)) (1) Provide assistance to grant applicants regarding the
18 procedures and criteria for grant and loan awards;

19 ((+b)) (2) Make and execute all manner of contracts and agreements
20 with public and private parties as the board deems necessary,
21 consistent with the purposes of this chapter;

22 ((+c)) (3) Accept any gifts, grants, or loans of funds, property,
23 or financial or other aid in any form from any other source on any
24 terms that are not in conflict with this chapter;

25 ((+d)) (4) Adopt rules under chapter 34.05 RCW as necessary to
26 carry out the purposes of this chapter; and

27 ((+e)) (5) Do all acts and things necessary or convenient to carry
28 out the powers expressly granted or implied under this chapter.

29 (~~((2) The recreation and conservation office shall provide all~~
30 ~~necessary grants and loans administration assistance to the board, and~~
31 ~~shall distribute funds as provided by the board in RCW 77.85.130.))~~

32 **Sec. 124.** RCW 77.85.130 and 2007 c 341 s 36 and 2007 c 257 s 1 are
33 each reenacted and amended to read as follows:

34 (1) The (~~(salmon recovery funding board)~~) recreation and
35 conservation office shall develop procedures and criteria for
36 allocation of funds for salmon habitat projects and salmon recovery

1 activities on a statewide basis to address the highest priorities for
2 salmon habitat protection and restoration. To the extent practicable
3 the ((board)) office shall adopt an annual allocation of funding. The
4 allocation should address both protection and restoration of habitat,
5 and should recognize the varying needs in each area of the state on an
6 equitable basis. The ((board)) office has the discretion to partially
7 fund, or to fund in phases, salmon habitat projects. The ((board))
8 office may annually establish a maximum amount of funding available for
9 any individual project, subject to available funding. No projects
10 required solely as a mitigation or a condition of permitting are
11 eligible for funding.

12 (2)(a) In evaluating, ranking, and awarding funds for projects and
13 activities the ((board)) office shall give preference to projects that:

14 (i) Are based upon the limiting factors analysis identified under
15 RCW 77.85.060;

16 (ii) Provide a greater benefit to salmon recovery based upon the
17 stock status information contained in the department of fish and
18 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
19 habitat inventory and assessment project (SSHIAP), and any comparable
20 science-based assessment when available;

21 (iii) Will benefit listed species and other fish species;

22 (iv) Will preserve high quality salmonid habitat;

23 (v) Are included in a regional or watershed-based salmon recovery
24 plan that accords the project, action, or area a high priority for
25 funding;

26 (vi) Are, except as provided in RCW 77.85.240, sponsored by an
27 entity that is a Puget Sound partner, as defined in RCW 90.71.010; and

28 (vii) Are projects referenced in the action agenda developed by the
29 Puget Sound partnership under RCW 90.71.310.

30 (b) In evaluating, ranking, and awarding funds for projects and
31 activities the ((board)) office shall also give consideration to
32 projects that:

33 (i) Are the most cost-effective;

34 (ii) Have the greatest matched or in-kind funding;

35 (iii) Will be implemented by a sponsor with a successful record of
36 project implementation;

37 (iv) Involve members of the veterans conservation corps established
38 in RCW 43.60A.150; and

1 (v) Are part of a regionwide list developed by lead entities.

2 (3) The ((board)) recreation and conservation office may reject,
3 but not add, projects from a habitat project list submitted by a lead
4 entity for funding.

5 (4) The ((board)) office shall establish criteria for determining
6 when block grants may be made to a lead entity. The ((board)) office
7 may provide block grants to the lead entity to implement habitat
8 project lists developed under RCW 77.85.050, subject to available
9 funding. The ((board)) office shall determine an equitable minimum
10 amount of project funds for each recovery region, and shall distribute
11 the remainder of funds on a competitive basis. The ((board)) office
12 may also provide block grants to the lead entity or regional recovery
13 organization to assist in carrying out functions described under this
14 chapter. Block grants must be expended consistent with the priorities
15 established for the ((board)) office in subsection (2) of this section.
16 Lead entities or regional recovery organizations receiving block grants
17 under this subsection shall provide an annual report to the ((board))
18 office summarizing how funds were expended for activities consistent
19 with this chapter, including the types of projects funded, project
20 outcomes, monitoring results, and administrative costs.

21 (5) The ((board)) recreation and conservation office may waive or
22 modify portions of the allocation procedures and standards adopted
23 under this section in the award of grants or loans to conform to
24 legislative appropriations directing an alternative award procedure or
25 when the funds to be awarded are from federal or other sources
26 requiring other allocation procedures or standards as a condition of
27 the ((board's)) office's receipt of the funds. The ((board)) office
28 shall develop an integrated process to manage the allocation of funding
29 from federal and state sources to minimize delays in the award of
30 funding while recognizing the differences in state and legislative
31 appropriation timing.

32 (6) The board may award a grant or loan for a salmon recovery
33 project on private or public land when the landowner has a legal
34 obligation under local, state, or federal law to perform the project,
35 when expedited action provides a clear benefit to salmon recovery, and
36 there will be harm to salmon recovery if the project is delayed. For
37 purposes of this subsection, a legal obligation does not include a
38 project required solely as a mitigation or a condition of permitting.

1 (7) Property acquired or improved by a project sponsor may be
2 conveyed to a federal agency if: (a) The agency agrees to comply with
3 all terms of the grant or loan to which the project sponsor was
4 obligated; or (b) the board approves: (i) Changes in the terms of the
5 grant or loan, and the revision or removal of binding deed of right
6 instruments; and (ii) a memorandum of understanding or similar document
7 ensuring that the facility or property will retain, to the extent
8 feasible, adequate habitat protections; and (c) the appropriate
9 legislative authority of the county or city with jurisdiction over the
10 project area approves the transfer and provides notification to the
11 ((board)) office.

12 (8) Any project sponsor receiving funding from the ((salmon
13 recovery funding board)) recreation and conservation office that is not
14 subject to disclosure under chapter 42.56 RCW must, as a mandatory
15 contractual prerequisite to receiving the funding, agree to disclose
16 any information in regards to the expenditure of that funding as if the
17 project sponsor was subject to the requirements of chapter 42.56 RCW.

18 (9) After January 1, 2010, any project designed to address the
19 restoration of Puget Sound may be funded under this chapter only if the
20 project is not in conflict with the action agenda developed by the
21 Puget Sound partnership under RCW 90.71.310.

22 **Sec. 125.** RCW 77.85.135 and 2001 c 227 s 9 are each amended to
23 read as follows:

24 In providing funding for habitat projects, the ((salmon recovery
25 funding board)) recreation and conservation office shall require
26 recipients to incorporate the environmental benefits of the project
27 into their grant applications, and the ((board)) office shall utilize
28 the statement of environmental benefits in its prioritization and
29 selection process. The ((board)) office shall also develop appropriate
30 outcome-focused performance measures to be used both for management and
31 performance assessment of the grant program. To the extent possible,
32 the ((board)) office should coordinate its performance measure system
33 with other natural resource-related agencies as defined in RCW
34 43.41.270. The ((board)) recreation and conservation office shall
35 consult with affected interest groups in implementing this section.

1 **Sec. 126.** RCW 77.85.140 and 2009 c 518 s 9 and 2009 c 345 s 8 are
2 each reenacted and amended to read as follows:

3 (1) Habitat project lists shall be submitted to the (~~salmon~~
4 ~~recovery funding board~~) recreation and conservation office for funding
5 at least once a year on a schedule established by the board. The
6 (~~board~~) office shall provide the legislature with a list of the
7 proposed projects and a list of the projects funded by October 1st of
8 each year for informational purposes. Project sponsors who complete
9 salmon habitat projects approved for funding from habitat project lists
10 and have met grant application deadlines will be paid by the (~~salmon~~
11 ~~recovery funding board~~) recreation and conservation office within
12 thirty days of project completion.

13 (2) The recreation and conservation office shall track all funds
14 allocated for salmon habitat projects and salmon recovery activities
15 (~~on behalf of the board~~), including both funds allocated by the
16 (~~board~~) office and funds allocated by other state or federal agencies
17 for salmon recovery or water quality improvement.

18 **Sec. 127.** RCW 79A.25.010 and 2007 c 241 s 40 are each amended to
19 read as follows:

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

22 (1) "Marine recreation land" means any land with or without
23 improvements which (a) provides access to, or in whole or in part
24 borders on, fresh or salt water suitable for recreational use by
25 watercraft, or (b) may be used to create, add to, or make more usable,
26 bodies of water, waterways, or land, for recreational use by
27 watercraft.

28 (2) "Public body" means any county, city, town, port district, park
29 and recreation district, metropolitan park district, or other municipal
30 corporation which is authorized to acquire or improve public outdoor
31 recreation land, and shall also mean Indian tribes now or hereafter
32 recognized as such by the federal government for participation in the
33 land and water conservation program.

34 (3) "Tax on marine fuel" means motor vehicle fuel tax which is (a)
35 tax on fuel used in, or sold or distributed for use in, any watercraft,
36 (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the

1 director of licensing with respect to taxable sales, distributions, or
2 uses occurring on or after December 3, 1964.

3 (4) "Watercraft" means any boat, vessel, or other craft used for
4 navigation on or through water.

5 (5) "Board" means the recreation and conservation funding board.

6 (6) "Director" means the director of the recreation and
7 conservation office.

8 (7) "Office," "recreation and conservation office," or "the office
9 of recreation and conservation" means the state agency responsible for
10 administration of programs and activities of the recreation and
11 conservation funding board, (~~the salmon recovery funding board,~~) the
12 invasive species council, and such other duties or boards, councils, or
13 advisory groups as are or may be established or directed for
14 administrative placement in the agency.

15 (8) "Council" means the Washington invasive species council created
16 in RCW 79A.25.310.

17 **Sec. 128.** RCW 79A.25.240 and 2009 c 345 s 13 are each amended to
18 read as follows:

19 The recreation and conservation office (~~shall provide necessary~~
20 ~~grants and loan administration support to the salmon recovery funding~~
21 ~~board as provided in RCW 77.85.120. The office~~) shall (~~also~~) be
22 responsible for administering and tracking salmon recovery expenditures
23 under RCW 77.85.140. (~~The office shall provide all necessary~~
24 ~~administrative support to the salmon recovery funding board, and the~~
25 ~~salmon recovery funding board shall be located with the office.~~)

26 **Sec. 129.** RCW 43.41.270 and 2009 c 345 s 12 are each amended to
27 read as follows:

28 (1) The office of financial management shall assist natural
29 resource-related agencies in developing outcome-focused performance
30 measures for administering natural resource-related and environmentally
31 based grant and loan programs. These performance measures are to be
32 used in determining grant eligibility, for program management and
33 performance assessment.

34 (2) The office of financial management and the recreation and
35 conservation office shall assist natural resource-related agencies in
36 developing recommendations for a monitoring program to measure outcome-

1 focused performance measures required by this section. The
2 recommendations must be consistent with the framework and coordinated
3 monitoring strategy developed by the monitoring oversight committee
4 established in RCW 77.85.210.

5 (3) Natural resource agencies shall consult with grant or loan
6 recipients including local governments, tribes, nongovernmental
7 organizations, and other interested parties, and report to the office
8 of financial management on the implementation of this section.

9 (4) For purposes of this section, "natural resource-related
10 agencies" include the department of ecology, the department of natural
11 resources, the department of fish and wildlife, the state conservation
12 commission, the recreation and conservation (~~funding board, the salmon
13 recovery funding board,~~) office and the public works board within the
14 department of (~~community, trade, and economic development~~) commerce.

15 (5) For purposes of this section, "natural resource-related
16 environmentally based grant and loan programs" includes the
17 conservation reserve enhancement program; dairy nutrient management
18 grants under chapter 90.64 RCW; state conservation commission water
19 quality grants under chapter 89.08 RCW; coordinated prevention grants,
20 public participation grants, and remedial action grants under RCW
21 70.105D.070; water pollution control facilities financing under chapter
22 70.146 RCW; aquatic lands enhancement grants under RCW 79.105.150;
23 habitat grants under the Washington wildlife and recreation program
24 under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW;
25 and the public works trust fund program under chapter 43.155 RCW. The
26 term also includes programs administered by the department of fish and
27 wildlife related to protection or recovery of fish stocks which are
28 funded with moneys from the capital budget.

29 **Sec. 130.** RCW 76.13.150 and 2003 c 311 s 7 are each amended to
30 read as follows:

31 (1) The legislature finds that a state-led cost-sharing program is
32 necessary to assist small forest landowners with removing and replacing
33 fish passage barriers that were added to their land prior to May 14,
34 2003, to help achieve the goals of the forests and fish report, and to
35 assist small forest landowners in complying with the state's fish
36 passage requirements.

1 (2) The small forest landowner office must, in cooperation with the
2 department of fish and wildlife, establish a program designed to assist
3 small forest landowners with repairing or removing fish passage
4 barriers and assist lead entities in acquiring the data necessary to
5 fill any gaps in fish passage barrier information. The small forest
6 landowner office and the department of fish and wildlife must work
7 closely with lead entities or other local watershed groups to make
8 maximum use of current information regarding the location and priority
9 of current fish passage barriers. Where additional fish passage
10 barrier inventories are necessary, funding will be sought for the
11 collection of this information. Methods, protocols, and formulas for
12 data gathering and prioritizing must be developed in consultation with
13 the department of fish and wildlife. The department of fish and
14 wildlife must assist in the training and management of fish passage
15 barrier location data collection.

16 (3) The small forest landowner office must actively seek out
17 funding for the program authorized in this section. The small forest
18 landowner office must work with consenting landowners to identify and
19 secure funding from local, state, federal, tribal, or nonprofit habitat
20 restoration organizations and other private sources, including the
21 (~~salmon recovery funding board~~) recreation and conservation office,
22 the United States department of agriculture, the United States
23 department of transportation, the Washington state department of
24 transportation, the United States department of commerce, and the
25 federal highway administration.

26 (4)(a) Except as otherwise provided in this subsection, the small
27 forest landowner office, in implementing the program established in
28 this section, must provide the highest proportion of public funding
29 available for the removal or replacement of any fish passage barrier.

30 (b) In no case shall a small forest landowner be required to pay
31 more than the lesser of either: (i) Twenty-five percent of any costs
32 associated with the removal or replacement of a particular fish passage
33 barrier; or (ii) five thousand dollars for the removal or replacement
34 of a particular fish passage barrier. No small forest landowner shall
35 be required to pay more than the maximum total annual costs in (c) of
36 this subsection.

37 (c) The portion of the total cost of removing or replacing fish
38 passage barriers that a small forest landowner must pay in any calendar

1 year shall be determined based on the average annual timber volume
2 harvested from the landowner's lands in this state during the three
3 preceding calendar years, and whether the fish passage barrier is in
4 eastern or western Washington.

5 (i) In western Washington (west of the Cascade Crest), a small
6 forest landowner who has harvested an average annual timber volume of
7 less than five hundred thousand board feet shall not be required to pay
8 more than a total of eight thousand dollars during that calendar year,
9 a small forest landowner who has harvested an annual average timber
10 volume between five hundred thousand and nine hundred ninety-nine
11 thousand board feet shall not be required to pay more than a total of
12 sixteen thousand dollars during that calendar year, a small forest
13 landowner who has harvested an average annual timber volume between one
14 million and one million four hundred ninety-nine thousand board feet
15 shall not be required to pay more than a total of twenty-four thousand
16 dollars during that calendar year, and a small forest landowner who has
17 harvested an average annual timber volume greater than or equal to one
18 million five hundred thousand board feet shall not be required to pay
19 more than a total of thirty-two thousand dollars during that calendar
20 year, regardless of the number of fish passage barriers removed or
21 replaced on the landowner's lands during that calendar year.

22 (ii) In eastern Washington (east of the Cascade Crest), a small
23 forest landowner who has harvested an average annual timber volume of
24 less than five hundred thousand board feet shall not be required to pay
25 more than a total of two thousand dollars during that calendar year, a
26 small forest landowner who has harvested an annual average timber
27 volume between five hundred thousand and nine hundred ninety-nine
28 thousand board feet shall not be required to pay more than a total of
29 four thousand dollars during that calendar year, a small forest
30 landowner who has harvested an average annual timber volume between one
31 million and one million four hundred ninety-nine thousand board feet
32 shall not be required to pay more than a total of twelve thousand
33 dollars during that calendar year, and a small forest landowner who has
34 harvested an average annual timber volume greater than or equal to one
35 million five hundred thousand board feet shall not be required to pay
36 more than a total of sixteen thousand dollars during that calendar
37 year, regardless of the number of fish passage barriers removed or
38 replaced on the landowner's lands during that calendar year.

1 (iii) Maximum total annual costs for small forest landowners with
2 fish passage barriers in both western and eastern Washington shall be
3 those specified under (c)(i) and (ii) of this subsection.

4 (d) If an existing fish passage barrier on land owned by a small
5 forest landowner was installed under an approved forest practices
6 application or notification, and hydraulics approval, and that fish
7 passage barrier becomes a high priority for fish passage based on the
8 watershed ranking in RCW (~~(76.13.150)~~) 77.12.755, one hundred percent
9 public funding shall be provided.

10 (5) If a small forest landowner is required to contribute a portion
11 of the funding under the cost-share program established in this
12 section, that landowner may satisfy his or her required proportion by
13 providing either direct monetary contributions or in-kind services to
14 the project. In-kind services may include labor, equipment, materials,
15 and other landowner-provided services determined by the department to
16 have an appropriate value to the removal of a particular fish passage
17 barrier.

18 (6)(a) The department, using fish passage barrier assessments and
19 ranked inventory information provided by the department of fish and
20 wildlife and the appropriate lead entity as delineated in RCW
21 77.12.755, must establish a prioritized list for the funding of fish
22 passage barrier removals on property owned by small forest landowners
23 that ensures that funding is provided first to the known fish passage
24 barriers existing on forest land owned by small forest landowners that
25 cause the greatest harm to public resources.

26 (b) As the department collects information about the presence of
27 fish passage barriers from submitted checklists, it must share this
28 information with the department of fish and wildlife (~~(and the~~
29 ~~technical advisory groups established in RCW 77.85.070)~~). If the
30 addition of the information collected in the checklists or any other
31 changes to the scientific instruments described in RCW 77.12.755 alter
32 the analysis conducted under RCW 77.12.755, the department must alter
33 the funding order appropriately to reflect the new information.

34 (7) The department may accept commitments from small forest
35 landowners that they will participate in the program to remove fish
36 passage barriers from their land at any time, regardless of the funding
37 order given to the fish passage barriers on a particular landowner's
38 property.

1 **Sec. 131.** RCW 90.71.370 and 2010 1st sp.s. c 36 s 6013 are each
2 amended to read as follows:

3 (1) By December 1, 2008, and by September 1st of each even-numbered
4 year beginning in 2010, the council shall provide to the governor and
5 the appropriate fiscal committees of the senate and house of
6 representatives its recommendations for the funding necessary to
7 implement the action agenda in the succeeding biennium. The
8 recommendations shall:

9 (a) Identify the funding needed by action agenda element;

10 (b) Address funding responsibilities among local, state, and
11 federal governments, as well as nongovernmental funding; and

12 (c) Address funding needed to support the work of the partnership,
13 the panel, the ecosystem work group, and entities assisting in
14 coordinating local efforts to implement the plan.

15 (2) In the 2008 report required under subsection (1) of this
16 section, the council shall include recommendations for projected
17 funding needed through 2020 to implement the action agenda; funding
18 needs for science panel staff; identify methods to secure stable and
19 sufficient funding to meet these needs; and include proposals for new
20 sources of funding to be dedicated to Puget Sound protection and
21 recovery. In preparing the science panel staffing proposal, the
22 council shall consult with the panel.

23 (3) By November 1st of each odd-numbered year beginning in 2009,
24 the council shall produce a state of the Sound report that includes, at
25 a minimum:

26 (a) An assessment of progress by state and nonstate entities in
27 implementing the action agenda, including accomplishments in the use of
28 state funds for action agenda implementation;

29 (b) A description of actions by implementing entities that are
30 inconsistent with the action agenda and steps taken to remedy the
31 inconsistency;

32 (c) The comments by the panel on progress in implementing the plan,
33 as well as findings arising from the assessment and monitoring program;

34 (d) A review of citizen concerns provided to the partnership and
35 the disposition of those concerns;

36 (e) A review of the expenditures of funds to state agencies for the
37 implementation of programs affecting the protection and recovery of

1 Puget Sound, and an assessment of whether the use of the funds is
2 consistent with the action agenda; and

3 (f) An identification of all funds provided to the partnership, and
4 recommendations as to how future state expenditures for all entities,
5 including the partnership, could better match the priorities of the
6 action agenda.

7 (4)(a) The council shall review state programs that fund facilities
8 and activities that may contribute to action agenda implementation. By
9 November 1, 2009, the council shall provide initial recommendations
10 regarding program changes to the governor and appropriate fiscal and
11 policy committees of the senate and house of representatives. By
12 November 1, 2010, the council shall provide final recommendations
13 regarding program changes, including proposed legislation to implement
14 the recommendation, to the governor and appropriate fiscal and policy
15 committees of the senate and house of representatives.

16 (b) The review in this subsection shall be conducted with the
17 active assistance and collaboration of the agencies administering these
18 programs, and in consultation with local governments and other entities
19 receiving funding from these programs:

20 (i) Water pollution control facilities financing, chapter 70.146
21 RCW;

22 (ii) The water pollution control revolving fund, chapter 90.50A
23 RCW;

24 (iii) The public works assistance account, chapter 43.155 RCW;

25 (iv) The aquatic lands enhancement account, RCW 79.105.150;

26 (v) The state toxics control account and local toxics control
27 account and clean-up program, chapter 70.105D RCW;

28 (vi) The acquisition of habitat conservation and outdoor recreation
29 land, chapter 79A.15 RCW;

30 (vii) The ~~((salmon recovery funding board, RCW 77.85.110))~~
31 recreation and conservation office, RCW 77.85.120 through 77.85.150;

32 (viii) The community economic revitalization board, chapter 43.160
33 RCW;

34 (ix) Other state financial assistance to water quality-related
35 projects and activities; and

36 (x) Water quality financial assistance from federal programs
37 administered through state programs or provided directly to local
38 governments in the Puget Sound basin.

1 (c) The council's review shall include but not be limited to:

2 (i) Determining the level of funding and types of projects and
3 activities funded through the programs that contribute to
4 implementation of the action agenda;

5 (ii) Evaluating the procedures and criteria in each program for
6 determining which projects and activities to fund, and their
7 relationship to the goals and priorities of the action agenda;

8 (iii) Assessing methods for ensuring that the goals and priorities
9 of the action agenda are given priority when program funding decisions
10 are made regarding water quality-related projects and activities in the
11 Puget Sound basin and habitat-related projects and activities in the
12 Puget Sound basin;

13 (iv) Modifying funding criteria so that projects, programs, and
14 activities that are inconsistent with the action agenda are ineligible
15 for funding;

16 (v) Assessing ways to incorporate a strategic funding approach for
17 the action agenda within the outcome-focused performance measures
18 required by RCW 43.41.270 in administering natural resource-related and
19 environmentally based grant and loan programs.

20 (5) During the 2009-2011 fiscal biennium, the council's review must
21 result in a ranking of projects affecting the protection and recovery
22 of the Puget Sound basin that are proposed in the governor's capital
23 budget submitted under RCW 43.88.060. The ranking shall include
24 recommendations for reallocation of total requested funds for Puget
25 Sound basin projects to achieve the greatest positive outcomes for
26 protection and recovery of Puget Sound and shall be submitted to the
27 appropriate fiscal committees of the legislature no later than February
28 1, 2011.

29 **Salmon Stamp Selection Committee**

30 NEW SECTION. **Sec. 132.** RCW 77.12.856 (Salmon stamp selection
31 committee--Creation) and 1999 c 342 s 5 are each repealed.

32 **Sec. 133.** RCW 77.12.850 and 1999 c 342 s 2 are each amended to
33 read as follows:

1 The definitions in this section apply throughout RCW 77.12.850
2 through 77.12.860 unless the context clearly requires otherwise.

3 (1) "Salmon" means all species of the genus *Oncorhynchus*, except
4 those classified as game fish in this title, and includes:

| 5 | Scientific Name | Common Name |
|----|---------------------------------|----------------|
| 6 | <i>Oncorhynchus tshawytscha</i> | Chinook salmon |
| 7 | <i>Oncorhynchus kisutch</i> | Coho salmon |
| 8 | <i>Oncorhynchus keta</i> | Chum salmon |
| 9 | <i>Oncorhynchus gorbuscha</i> | Pink salmon |
| 10 | <i>Oncorhynchus nerka</i> | Sockeye salmon |

11 (2) "Department" means the department of fish and wildlife.

12 (3) (~~("Committee" means the salmon stamp selection committee
13 created in RCW 77.12.856.~~

14 ~~(4))~~) "Stamp" means the stamp created under the Washington salmon
15 stamp program and the Washington junior salmon stamp program, created
16 in RCW 77.12.850 through 77.12.860.

17 **Sentencing Guidelines Commission**

18 NEW SECTION. **Sec. 134.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 13.40.005 (Juvenile disposition standards commission--
21 Abolished--References to commission--Transfer of powers, duties, and
22 functions) and 1995 c 269 s 301;

23 (2) RCW 9.94A.850 (Sentencing guidelines commission--Established--
24 Powers and duties) and 2009 c 375 s 8, 2009 c 28 s 17, & 2005 c 282 s
25 19;

26 (3) RCW 9.94A.860 (Sentencing guidelines commission--Membership--
27 Appointments--Terms of office--Expenses and compensation) and 2001 2nd
28 sp.s. c 12 s 311, 1996 c 232 s 3, 1993 c 11 s 1, 1988 c 157 s 2, 1984
29 c 287 s 10, & 1981 c 137 s 6;

30 (4) RCW 9.94A.8672 (Sex offender policy board--Establishment) and
31 2008 c 249 s 2;

1 (5) RCW 9.94A.8673 (Sex offender policy board--Membership) and 2008
2 c 249 s 3; and

3 (6) RCW 9.94A.8675 (Sex offender policy board--Authority) and 2008
4 c 249 s 5.

5 **Sec. 135.** RCW 9.94A.480 and 2002 c 290 s 16 are each amended to
6 read as follows:

7 (1) A current, newly created or reworked judgment and sentence
8 document for each felony sentencing shall record any and all
9 recommended sentencing agreements or plea agreements and the sentences
10 for any and all felony crimes kept as public records under RCW
11 9.94A.475 shall contain the clearly printed name and legal signature of
12 the sentencing judge. The judgment and sentence document as defined in
13 this section shall also provide additional space for the sentencing
14 judge's reasons for going either above or below the presumptive
15 sentence range for any and all felony crimes covered as public records
16 under RCW 9.94A.475. Both the sentencing judge and the prosecuting
17 attorney's office shall each retain or receive a completed copy of each
18 sentencing document as defined in this section for their own records.

19 (2) The (~~sentencing guidelines commission~~) office of financial
20 management shall be sent a completed copy of the judgment and sentence
21 document upon conviction for each felony sentencing under subsection
22 (1) of this section and shall compile a yearly and cumulative judicial
23 record of each sentencing judge in regards to his or her sentencing
24 practices for any and all felony crimes involving:

25 (a) Any violent offense as defined in this chapter;

26 (b) Any most serious offense as defined in this chapter;

27 (c) Any felony with any deadly weapon special verdict under RCW
28 (~~9.94A.602~~) 9.94A.825;

29 (d) Any felony with any deadly weapon enhancements under RCW
30 9.94A.533 (3) or (4), or both; and/or

31 (e) The felony crimes of possession of a machine gun, possessing a
32 stolen firearm, drive-by shooting, theft of a firearm, unlawful
33 possession of a firearm in the first or second degree, and/or use of a
34 machine gun in a felony.

35 (3) The (~~sentencing guidelines commission~~) office of financial
36 management shall compare each individual judge's sentencing practices
37 to the standard or presumptive sentence range for any and all felony

1 crimes listed in subsection (2) of this section for the appropriate
2 offense level as defined in RCW 9.94A.515 or 9.94A.518, offender score
3 as defined in RCW 9.94A.525, and any applicable deadly weapon
4 enhancements as defined in RCW 9.94A.533 (3) or (4), or both. These
5 comparative records shall be retained and made available to the public
6 for review in a current, newly created or reworked official published
7 document by the (~~sentencing guidelines commission~~) office of
8 financial management.

9 (4) Any and all felony sentences which are either above or below
10 the standard or presumptive sentence range in subsection (3) of this
11 section shall also mark whether the prosecuting attorney in the case
12 also recommended a similar sentence, if any, which was either above or
13 below the presumptive sentence range and shall also indicate if the
14 sentence was in conjunction with an approved alternative sentencing
15 option including a first-time offender waiver, sex offender sentencing
16 alternative, or other prescribed sentencing option.

17 (5) If any completed judgment and sentence document as defined in
18 subsection (1) of this section is not sent to the (~~sentencing~~
19 ~~guidelines commission~~) office of financial management as required in
20 subsection (2) of this section, the (~~sentencing guidelines~~
21 ~~commission~~) office of financial management shall have the authority
22 and shall undertake reasonable and necessary steps to assure that all
23 past, current, and future sentencing documents as defined in subsection
24 (1) of this section are received by the (~~sentencing guidelines~~
25 ~~commission~~) office of financial management.

26 **Sec. 136.** RCW 9.94A.863 and 2009 c 431 s 2 are each amended to
27 read as follows:

28 The (~~sentencing guidelines commission~~) office of financial
29 management shall review the monetary threshold amounts differentiating
30 the various degrees of property crimes in Washington state to determine
31 whether such amounts should be modified. The (~~sentencing guidelines~~
32 ~~commission~~) office of financial management shall report to the
33 legislature with its recommendations by November 1, 2014, and every
34 five years thereafter.

35 **Sec. 137.** RCW 13.50.010 and 2010 c 150 s 3 are each amended to
36 read as follows:

1 (1) For purposes of this chapter:

2 (a) "Juvenile justice or care agency" means any of the following:
3 Police, diversion units, court, prosecuting attorney, defense attorney,
4 detention center, attorney general, the legislative children's
5 oversight committee, the office of the family and children's ombudsman,
6 the department of social and health services and its contracting
7 agencies, schools; persons or public or private agencies having
8 children committed to their custody; and any placement oversight
9 committee created under RCW 72.05.415;

10 (b) "Official juvenile court file" means the legal file of the
11 juvenile court containing the petition or information, motions,
12 memorandums, briefs, findings of the court, and court orders;

13 (c) "Records" means the official juvenile court file, the social
14 file, and records of any other juvenile justice or care agency in the
15 case;

16 (d) "Social file" means the juvenile court file containing the
17 records and reports of the probation counselor.

18 (2) Each petition or information filed with the court may include
19 only one juvenile and each petition or information shall be filed under
20 a separate docket number. The social file shall be filed separately
21 from the official juvenile court file.

22 (3) It is the duty of any juvenile justice or care agency to
23 maintain accurate records. To this end:

24 (a) The agency may never knowingly record inaccurate information.
25 Any information in records maintained by the department of social and
26 health services relating to a petition filed pursuant to chapter 13.34
27 RCW that is found by the court to be false or inaccurate shall be
28 corrected or expunged from such records by the agency;

29 (b) An agency shall take reasonable steps to assure the security of
30 its records and prevent tampering with them; and

31 (c) An agency shall make reasonable efforts to insure the
32 completeness of its records, including action taken by other agencies
33 with respect to matters in its files.

34 (4) Each juvenile justice or care agency shall implement procedures
35 consistent with the provisions of this chapter to facilitate inquiries
36 concerning records.

37 (5) Any person who has reasonable cause to believe information
38 concerning that person is included in the records of a juvenile justice

1 or care agency and who has been denied access to those records by the
2 agency may make a motion to the court for an order authorizing that
3 person to inspect the juvenile justice or care agency record concerning
4 that person. The court shall grant the motion to examine records
5 unless it finds that in the interests of justice or in the best
6 interests of the juvenile the records or parts of them should remain
7 confidential.

8 (6) A juvenile, or his or her parents, or any person who has
9 reasonable cause to believe information concerning that person is
10 included in the records of a juvenile justice or care agency may make
11 a motion to the court challenging the accuracy of any information
12 concerning the moving party in the record or challenging the continued
13 possession of the record by the agency. If the court grants the
14 motion, it shall order the record or information to be corrected or
15 destroyed.

16 (7) The person making a motion under subsection (5) or (6) of this
17 section shall give reasonable notice of the motion to all parties to
18 the original action and to any agency whose records will be affected by
19 the motion.

20 (8) The court may permit inspection of records by, or release of
21 information to, any clinic, hospital, or agency which has the subject
22 person under care or treatment. The court may also permit inspection
23 by or release to individuals or agencies, including juvenile justice
24 advisory committees of county law and justice councils, engaged in
25 legitimate research for educational, scientific, or public purposes.
26 The court shall release to the (~~sentencing guidelines commission~~)
27 office of financial management records needed for its research and
28 data-gathering functions (~~under RCW 9.94A.850 and other statutes~~).
29 Access to records or information for research purposes shall be
30 permitted only if the anonymity of all persons mentioned in the records
31 or information will be preserved. Each person granted permission to
32 inspect juvenile justice or care agency records for research purposes
33 shall present a notarized statement to the court stating that the names
34 of juveniles and parents will remain confidential.

35 (9) Juvenile detention facilities shall release records to the
36 (~~sentencing guidelines commission under RCW 9.94A.850~~) office of
37 financial management upon request. The commission shall not disclose

1 the names of any juveniles or parents mentioned in the records without
2 the named individual's written permission.

3 (10) Requirements in this chapter relating to the court's authority
4 to compel disclosure shall not apply to the legislative children's
5 oversight committee or the office of the family and children's
6 ombudsman.

7 (11) For the purpose of research only, the administrative office of
8 the courts shall maintain an electronic research copy of all records in
9 the judicial information system related to juveniles. Access to the
10 research copy is restricted to the Washington state center for court
11 research. The Washington state center for court research shall
12 maintain the confidentiality of all confidential records and shall
13 preserve the anonymity of all persons identified in the research copy.
14 The research copy may not be subject to any records retention schedule
15 and must include records destroyed or removed from the judicial
16 information system pursuant to RCW 13.50.050 (17) and (18) and
17 13.50.100(3).

18 (12) The court shall release to the Washington state office of
19 public defense records needed to implement the agency's oversight,
20 technical assistance, and other functions as required by RCW 2.70.020.
21 Access to the records used as a basis for oversight, technical
22 assistance, or other agency functions is restricted to the Washington
23 state office of public defense. The Washington state office of public
24 defense shall maintain the confidentiality of all confidential
25 information included in the records.

26 **Sec. 138.** RCW 9.94A.030 and 2010 c 274 s 401, 2010 c 267 s 9, 2010
27 c 227 s 11, and 2010 c 224 s 1 are each reenacted and amended to read
28 as follows:

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

31 (1) "Board" means the indeterminate sentence review board created
32 under chapter 9.95 RCW.

33 (2) "Collect," or any derivative thereof, "collect and remit," or
34 "collect and deliver," when used with reference to the department,
35 means that the department, either directly or through a collection
36 agreement authorized by RCW 9.94A.760, is responsible for monitoring
37 and enforcing the offender's sentence with regard to the legal

1 financial obligation, receiving payment thereof from the offender, and,
2 consistent with current law, delivering daily the entire payment to the
3 superior court clerk without depositing it in a departmental account.

4 (3) (~~("Commission" means the sentencing guidelines commission.~~

5 ~~(4))~~ "Community corrections officer" means an employee of the
6 department who is responsible for carrying out specific duties in
7 supervision of sentenced offenders and monitoring of sentence
8 conditions.

9 ~~((5))~~ (4) "Community custody" means that portion of an offender's
10 sentence of confinement in lieu of earned release time or imposed as
11 part of a sentence under this chapter and served in the community
12 subject to controls placed on the offender's movement and activities by
13 the department.

14 ~~((6))~~ (5) "Community protection zone" means the area within eight
15 hundred eighty feet of the facilities and grounds of a public or
16 private school.

17 ~~((7))~~ (6) "Community restitution" means compulsory service,
18 without compensation, performed for the benefit of the community by the
19 offender.

20 ~~((8))~~ (7) "Confinement" means total or partial confinement.

21 ~~((9))~~ (8) "Conviction" means an adjudication of guilt pursuant to
22 Title 10 or 13 RCW and includes a verdict of guilty, a finding of
23 guilty, and acceptance of a plea of guilty.

24 ~~((10))~~ (9) "Crime-related prohibition" means an order of a court
25 prohibiting conduct that directly relates to the circumstances of the
26 crime for which the offender has been convicted, and shall not be
27 construed to mean orders directing an offender affirmatively to
28 participate in rehabilitative programs or to otherwise perform
29 affirmative conduct. However, affirmative acts necessary to monitor
30 compliance with the order of a court may be required by the department.

31 ~~((11))~~ (10) "Criminal history" means the list of a defendant's
32 prior convictions and juvenile adjudications, whether in this state, in
33 federal court, or elsewhere.

34 (a) The history shall include, where known, for each conviction (i)
35 whether the defendant has been placed on probation and the length and
36 terms thereof; and (ii) whether the defendant has been incarcerated and
37 the length of incarceration.

1 (b) A conviction may be removed from a defendant's criminal history
2 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
3 a similar out-of-state statute, or if the conviction has been vacated
4 pursuant to a governor's pardon.

5 (c) The determination of a defendant's criminal history is distinct
6 from the determination of an offender score. A prior conviction that
7 was not included in an offender score calculated pursuant to a former
8 version of the sentencing reform act remains part of the defendant's
9 criminal history.

10 ~~((12))~~ (11) "Criminal street gang" means any ongoing
11 organization, association, or group of three or more persons, whether
12 formal or informal, having a common name or common identifying sign or
13 symbol, having as one of its primary activities the commission of
14 criminal acts, and whose members or associates individually or
15 collectively engage in or have engaged in a pattern of criminal street
16 gang activity. This definition does not apply to employees engaged in
17 concerted activities for their mutual aid and protection, or to the
18 activities of labor and bona fide nonprofit organizations or their
19 members or agents.

20 ~~((13))~~ (12) "Criminal street gang associate or member" means any
21 person who actively participates in any criminal street gang and who
22 intentionally promotes, furthers, or assists in any criminal act by the
23 criminal street gang.

24 ~~((14))~~ (13) "Criminal street gang-related offense" means any
25 felony or misdemeanor offense, whether in this state or elsewhere, that
26 is committed for the benefit of, at the direction of, or in association
27 with any criminal street gang, or is committed with the intent to
28 promote, further, or assist in any criminal conduct by the gang, or is
29 committed for one or more of the following reasons:

30 (a) To gain admission, prestige, or promotion within the gang;

31 (b) To increase or maintain the gang's size, membership, prestige,
32 dominance, or control in any geographical area;

33 (c) To exact revenge or retribution for the gang or any member of
34 the gang;

35 (d) To obstruct justice, or intimidate or eliminate any witness
36 against the gang or any member of the gang;

37 (e) To directly or indirectly cause any benefit, aggrandizement,

1 gain, profit, or other advantage for the gang, its reputation,
2 influence, or membership; or

3 (f) To provide the gang with any advantage in, or any control or
4 dominance over any criminal market sector, including, but not limited
5 to, manufacturing, delivering, or selling any controlled substance
6 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
7 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
8 RCW); human trafficking (RCW 9A.40.100); or promoting pornography
9 (chapter 9.68 RCW).

10 ~~((+15+))~~ (14) "Day fine" means a fine imposed by the sentencing
11 court that equals the difference between the offender's net daily
12 income and the reasonable obligations that the offender has for the
13 support of the offender and any dependents.

14 ~~((+16+))~~ (15) "Day reporting" means a program of enhanced
15 supervision designed to monitor the offender's daily activities and
16 compliance with sentence conditions, and in which the offender is
17 required to report daily to a specific location designated by the
18 department or the sentencing court.

19 ~~((+17+))~~ (16) "Department" means the department of corrections.

20 ~~((+18+))~~ (17) "Determinate sentence" means a sentence that states
21 with exactitude the number of actual years, months, or days of total
22 confinement, of partial confinement, of community custody, the number
23 of actual hours or days of community restitution work, or dollars or
24 terms of a legal financial obligation. The fact that an offender
25 through earned release can reduce the actual period of confinement
26 shall not affect the classification of the sentence as a determinate
27 sentence.

28 ~~((+19+))~~ (18) "Disposable earnings" means that part of the earnings
29 of an offender remaining after the deduction from those earnings of any
30 amount required by law to be withheld. For the purposes of this
31 definition, "earnings" means compensation paid or payable for personal
32 services, whether denominated as wages, salary, commission, bonuses, or
33 otherwise, and, notwithstanding any other provision of law making the
34 payments exempt from garnishment, attachment, or other process to
35 satisfy a court-ordered legal financial obligation, specifically
36 includes periodic payments pursuant to pension or retirement programs,
37 or insurance policies of any type, but does not include payments made

1 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
2 or Title 74 RCW.

3 ~~((+20+))~~ (19) "Domestic violence" has the same meaning as defined
4 in RCW 10.99.020 and 26.50.010.

5 ~~((+21+))~~ (20) "Drug offender sentencing alternative" is a
6 sentencing option available to persons convicted of a felony offense
7 other than a violent offense or a sex offense and who are eligible for
8 the option under RCW 9.94A.660.

9 ~~((+22+))~~ (21) "Drug offense" means:

10 (a) Any felony violation of chapter 69.50 RCW except possession of
11 a controlled substance (RCW 69.50.4013) or forged prescription for a
12 controlled substance (RCW 69.50.403);

13 (b) Any offense defined as a felony under federal law that relates
14 to the possession, manufacture, distribution, or transportation of a
15 controlled substance; or

16 (c) Any out-of-state conviction for an offense that under the laws
17 of this state would be a felony classified as a drug offense under (a)
18 of this subsection.

19 ~~((+23+))~~ (22) "Earned release" means earned release from
20 confinement as provided in RCW 9.94A.728.

21 ~~((+24+))~~ (23) "Escape" means:

22 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
23 first degree (RCW 9A.76.110), escape in the second degree (RCW
24 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
25 willful failure to return from work release (RCW 72.65.070), or willful
26 failure to be available for supervision by the department while in
27 community custody (RCW 72.09.310); or

28 (b) Any federal or out-of-state conviction for an offense that
29 under the laws of this state would be a felony classified as an escape
30 under (a) of this subsection.

31 ~~((+25+))~~ (24) "Felony traffic offense" means:

32 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
33 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
34 run injury-accident (RCW 46.52.020(4)), felony driving while under the
35 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or
36 felony physical control of a vehicle while under the influence of
37 intoxicating liquor or any drug (RCW 46.61.504(6)); or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a felony
3 traffic offense under (a) of this subsection.

4 ~~((+26+))~~ (25) "Fine" means a specific sum of money ordered by the
5 sentencing court to be paid by the offender to the court over a
6 specific period of time.

7 ~~((+27+))~~ (26) "First-time offender" means any person who has no
8 prior convictions for a felony and is eligible for the first-time
9 offender waiver under RCW 9.94A.650.

10 ~~((+28+))~~ (27) "Home detention" means a program of partial
11 confinement available to offenders wherein the offender is confined in
12 a private residence subject to electronic surveillance.

13 ~~((+29+))~~ (28) "Legal financial obligation" means a sum of money
14 that is ordered by a superior court of the state of Washington for
15 legal financial obligations which may include restitution to the
16 victim, statutorily imposed crime victims' compensation fees as
17 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
18 drug funds, court-appointed attorneys' fees, and costs of defense,
19 fines, and any other financial obligation that is assessed to the
20 offender as a result of a felony conviction. Upon conviction for
21 vehicular assault while under the influence of intoxicating liquor or
22 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
23 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
24 legal financial obligations may also include payment to a public agency
25 of the expense of an emergency response to the incident resulting in
26 the conviction, subject to RCW 38.52.430.

27 ~~((+30+))~~ (29) "Minor child" means a biological or adopted child of
28 the offender who is under age eighteen at the time of the offender's
29 current offense.

30 ~~((+31+))~~ (30) "Most serious offense" means any of the following
31 felonies or a felony attempt to commit any of the following felonies:

32 (a) Any felony defined under any law as a class A felony or
33 criminal solicitation of or criminal conspiracy to commit a class A
34 felony;

35 (b) Assault in the second degree;

36 (c) Assault of a child in the second degree;

37 (d) Child molestation in the second degree;

38 (e) Controlled substance homicide;

- 1 (f) Extortion in the first degree;
- 2 (g) Incest when committed against a child under age fourteen;
- 3 (h) Indecent liberties;
- 4 (i) Kidnapping in the second degree;
- 5 (j) Leading organized crime;
- 6 (k) Manslaughter in the first degree;
- 7 (l) Manslaughter in the second degree;
- 8 (m) Promoting prostitution in the first degree;
- 9 (n) Rape in the third degree;
- 10 (o) Robbery in the second degree;
- 11 (p) Sexual exploitation;
- 12 (q) Vehicular assault, when caused by the operation or driving of
- 13 a vehicle by a person while under the influence of intoxicating liquor
- 14 or any drug or by the operation or driving of a vehicle in a reckless
- 15 manner;
- 16 (r) Vehicular homicide, when proximately caused by the driving of
- 17 any vehicle by any person while under the influence of intoxicating
- 18 liquor or any drug as defined by RCW 46.61.502, or by the operation of
- 19 any vehicle in a reckless manner;
- 20 (s) Any other class B felony offense with a finding of sexual
- 21 motivation;
- 22 (t) Any other felony with a deadly weapon verdict under RCW
- 23 9.94A.825;
- 24 (u) Any felony offense in effect at any time prior to December 2,
- 25 1993, that is comparable to a most serious offense under this
- 26 subsection, or any federal or out-of-state conviction for an offense
- 27 that under the laws of this state would be a felony classified as a
- 28 most serious offense under this subsection;
- 29 (v)(i) A prior conviction for indecent liberties under RCW
- 30 (~~9A.88.100~~) 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975
- 31 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a),
- 32 (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and
- 33 RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
- 34 until July 1, 1988;
- 35 (ii) A prior conviction for indecent liberties under RCW
- 36 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
- 37 if: (A) The crime was committed against a child under the age of
- 38 fourteen; or (B) the relationship between the victim and perpetrator is

1 included in the definition of indecent liberties under RCW
2 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
3 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
4 through July 27, 1997;

5 (w) Any out-of-state conviction for a felony offense with a finding
6 of sexual motivation if the minimum sentence imposed was ten years or
7 more; provided that the out-of-state felony offense must be comparable
8 to a felony offense under Title 9 or 9A RCW and the out-of-state
9 definition of sexual motivation must be comparable to the definition of
10 sexual motivation contained in this section.

11 ~~((+32+))~~ (31) "Nonviolent offense" means an offense which is not a
12 violent offense.

13 ~~((+33+))~~ (32) "Offender" means a person who has committed a felony
14 established by state law and is eighteen years of age or older or is
15 less than eighteen years of age but whose case is under superior court
16 jurisdiction under RCW 13.04.030 or has been transferred by the
17 appropriate juvenile court to a criminal court pursuant to RCW
18 13.40.110. In addition, for the purpose of community custody
19 requirements under this chapter, "offender" also means a misdemeanor or
20 gross misdemeanor probationer convicted of an offense included in RCW
21 9.94A.501(1) and ordered by a superior court to probation under the
22 supervision of the department pursuant to RCW 9.92.060, 9.95.204, or
23 9.95.210. Throughout this chapter, the terms "offender" and
24 "defendant" are used interchangeably.

25 ~~((+34+))~~ (33) "Partial confinement" means confinement for no more
26 than one year in a facility or institution operated or utilized under
27 contract by the state or any other unit of government, or, if home
28 detention or work crew has been ordered by the court or home detention
29 has been ordered by the department as part of the parenting program, in
30 an approved residence, for a substantial portion of each day with the
31 balance of the day spent in the community. Partial confinement
32 includes work release, home detention, work crew, and a combination of
33 work crew and home detention.

34 ~~((+35+))~~ (34) "Pattern of criminal street gang activity" means:

35 (a) The commission, attempt, conspiracy, or solicitation of, or any
36 prior juvenile adjudication of or adult conviction of, two or more of
37 the following criminal street gang-related offenses:

1 (i) Any "serious violent" felony offense as defined in this
2 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
3 Child 1 (RCW 9A.36.120);
4 (ii) Any "violent" offense as defined by this section, excluding
5 Assault of a Child 2 (RCW 9A.36.130);
6 (iii) Deliver or Possession with Intent to Deliver a Controlled
7 Substance (chapter 69.50 RCW);
8 (iv) Any violation of the firearms and dangerous weapon act
9 (chapter 9.41 RCW);
10 (v) Theft of a Firearm (RCW 9A.56.300);
11 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
12 (vii) Malicious Harassment (RCW 9A.36.080);
13 (viii) Harassment where a subsequent violation or deadly threat is
14 made (RCW 9A.46.020(2)(b));
15 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
16 (x) Any felony conviction by a person eighteen years of age or
17 older with a special finding of involving a juvenile in a felony
18 offense under RCW 9.94A.833;
19 (xi) Residential Burglary (RCW 9A.52.025);
20 (xii) Burglary 2 (RCW 9A.52.030);
21 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
22 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
23 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
24 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
25 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);
26 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
27 9A.56.075);
28 (xix) Extortion 1 (RCW 9A.56.120);
29 (xx) Extortion 2 (RCW 9A.56.130);
30 (xxi) Intimidating a Witness (RCW 9A.72.110);
31 (xxii) Tampering with a Witness (RCW 9A.72.120);
32 (xxiii) Reckless Endangerment (RCW 9A.36.050);
33 (xxiv) Coercion (RCW 9A.36.070);
34 (xxv) Harassment (RCW 9A.46.020); or
35 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
36 (b) That at least one of the offenses listed in (a) of this
37 subsection shall have occurred after July 1, 2008;

1 (c) That the most recent committed offense listed in (a) of this
2 subsection occurred within three years of a prior offense listed in (a)
3 of this subsection; and

4 (d) Of the offenses that were committed in (a) of this subsection,
5 the offenses occurred on separate occasions or were committed by two or
6 more persons.

7 (~~(+36+)~~) (35) "Persistent offender" is an offender who:

8 (a)(i) Has been convicted in this state of any felony considered a
9 most serious offense; and

10 (ii) Has, before the commission of the offense under (a) of this
11 subsection, been convicted as an offender on at least two separate
12 occasions, whether in this state or elsewhere, of felonies that under
13 the laws of this state would be considered most serious offenses and
14 would be included in the offender score under RCW 9.94A.525; provided
15 that of the two or more previous convictions, at least one conviction
16 must have occurred before the commission of any of the other most
17 serious offenses for which the offender was previously convicted; or

18 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
19 of a child in the first degree, child molestation in the first degree,
20 rape in the second degree, rape of a child in the second degree, or
21 indecent liberties by forcible compulsion; (B) any of the following
22 offenses with a finding of sexual motivation: Murder in the first
23 degree, murder in the second degree, homicide by abuse, kidnapping in
24 the first degree, kidnapping in the second degree, assault in the first
25 degree, assault in the second degree, assault of a child in the first
26 degree, assault of a child in the second degree, or burglary in the
27 first degree; or (C) an attempt to commit any crime listed in this
28 subsection (~~(+36+)~~) (35)(b)(i); and

29 (ii) Has, before the commission of the offense under (b)(i) of this
30 subsection, been convicted as an offender on at least one occasion,
31 whether in this state or elsewhere, of an offense listed in (b)(i) of
32 this subsection or any federal or out-of-state offense or offense under
33 prior Washington law that is comparable to the offenses listed in
34 (b)(i) of this subsection. A conviction for rape of a child in the
35 first degree constitutes a conviction under (b)(i) of this subsection
36 only when the offender was sixteen years of age or older when the
37 offender committed the offense. A conviction for rape of a child in

1 the second degree constitutes a conviction under (b)(i) of this
2 subsection only when the offender was eighteen years of age or older
3 when the offender committed the offense.

4 ~~((+37+))~~ (36) "Predatory" means: (a) The perpetrator of the crime
5 was a stranger to the victim, as defined in this section; (b) the
6 perpetrator established or promoted a relationship with the victim
7 prior to the offense and the victimization of the victim was a
8 significant reason the perpetrator established or promoted the
9 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
10 volunteer, or other person in authority in any public or private school
11 and the victim was a student of the school under his or her authority
12 or supervision. For purposes of this subsection, "school" does not
13 include home-based instruction as defined in RCW 28A.225.010; (ii) a
14 coach, trainer, volunteer, or other person in authority in any
15 recreational activity and the victim was a participant in the activity
16 under his or her authority or supervision; (iii) a pastor, elder,
17 volunteer, or other person in authority in any church or religious
18 organization, and the victim was a member or participant of the
19 organization under his or her authority; or (iv) a teacher, counselor,
20 volunteer, or other person in authority providing home-based
21 instruction and the victim was a student receiving home-based
22 instruction while under his or her authority or supervision. For
23 purposes of this subsection: (A) "Home-based instruction" has the same
24 meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor,
25 volunteer, or other person in authority" does not include the parent or
26 legal guardian of the victim.

27 ~~((+38+))~~ (37) "Private school" means a school regulated under
28 chapter 28A.195 or 28A.205 RCW.

29 ~~((+39+))~~ (38) "Public school" has the same meaning as in RCW
30 28A.150.010.

31 ~~((+40+))~~ (39) "Repetitive domestic violence offense" means any:

32 (a)(i) Domestic violence assault that is not a felony offense under
33 RCW 9A.36.041;

34 (ii) Domestic violence violation of a no-contact order under
35 chapter 10.99 RCW that is not a felony offense;

36 (iii) Domestic violence violation of a protection order under
37 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

1 (iv) Domestic violence harassment offense under RCW 9A.46.020 that
2 is not a felony offense; or

3 (v) Domestic violence stalking offense under RCW 9A.46.110 that is
4 not a felony offense; or

5 (b) Any federal, out-of-state, tribal court, military, county, or
6 municipal conviction for an offense that under the laws of this state
7 would be classified as a repetitive domestic violence offense under (a)
8 of this subsection.

9 ~~((41))~~ (40) "Restitution" means a specific sum of money ordered
10 by the sentencing court to be paid by the offender to the court over a
11 specified period of time as payment of damages. The sum may include
12 both public and private costs.

13 ~~((42))~~ (41) "Risk assessment" means the application of the risk
14 instrument recommended to the department by the Washington state
15 institute for public policy as having the highest degree of predictive
16 accuracy for assessing an offender's risk of reoffense.

17 ~~((43))~~ (42) "Serious traffic offense" means:

18 (a) Nonfelony driving while under the influence of intoxicating
19 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
20 while under the influence of intoxicating liquor or any drug (RCW
21 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
22 attended vehicle (RCW 46.52.020(5)); or

23 (b) Any federal, out-of-state, county, or municipal conviction for
24 an offense that under the laws of this state would be classified as a
25 serious traffic offense under (a) of this subsection.

26 ~~((44))~~ (43) "Serious violent offense" is a subcategory of violent
27 offense and means:

28 (a)(i) Murder in the first degree;

29 (ii) Homicide by abuse;

30 (iii) Murder in the second degree;

31 (iv) Manslaughter in the first degree;

32 (v) Assault in the first degree;

33 (vi) Kidnapping in the first degree;

34 (vii) Rape in the first degree;

35 (viii) Assault of a child in the first degree; or

36 (ix) An attempt, criminal solicitation, or criminal conspiracy to
37 commit one of these felonies; or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a serious
3 violent offense under (a) of this subsection.

4 (~~(45)~~) (44) "Sex offense" means:

5 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
6 RCW 9A.44.132;

7 (ii) A violation of RCW 9A.64.020;

8 (iii) A felony that is a violation of chapter 9.68A RCW other than
9 RCW 9.68A.080;

10 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
11 criminal solicitation, or criminal conspiracy to commit such crimes; or

12 (v) A felony violation of RCW 9A.44.132(1) (failure to register) if
13 the person has been convicted of violating RCW 9A.44.132(1) (failure to
14 register) on at least one prior occasion;

15 (b) Any conviction for a felony offense in effect at any time prior
16 to July 1, 1976, that is comparable to a felony classified as a sex
17 offense in (a) of this subsection;

18 (c) A felony with a finding of sexual motivation under RCW
19 9.94A.835 or 13.40.135; or

20 (d) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a sex
22 offense under (a) of this subsection.

23 (~~(46)~~) (45) "Sexual motivation" means that one of the purposes
24 for which the defendant committed the crime was for the purpose of his
25 or her sexual gratification.

26 (~~(47)~~) (46) "Standard sentence range" means the sentencing
27 court's discretionary range in imposing a nonappealable sentence.

28 (~~(48)~~) (47) "Statutory maximum sentence" means the maximum length
29 of time for which an offender may be confined as punishment for a crime
30 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining
31 the crime, or other statute defining the maximum penalty for a crime.

32 (~~(49)~~) (48) "Stranger" means that the victim did not know the
33 offender twenty-four hours before the offense.

34 (~~(50)~~) (49) "Total confinement" means confinement inside the
35 physical boundaries of a facility or institution operated or utilized
36 under contract by the state or any other unit of government for twenty-
37 four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

1 (~~(51)~~) (50) "Transition training" means written and verbal
2 instructions and assistance provided by the department to the offender
3 during the two weeks prior to the offender's successful completion of
4 the work ethic camp program. The transition training shall include
5 instructions in the offender's requirements and obligations during the
6 offender's period of community custody.

7 (~~(52)~~) (51) "Victim" means any person who has sustained
8 emotional, psychological, physical, or financial injury to person or
9 property as a direct result of the crime charged.

10 (~~(53)~~) (52) "Violent offense" means:

11 (a) Any of the following felonies:

12 (i) Any felony defined under any law as a class A felony or an
13 attempt to commit a class A felony;

14 (ii) Criminal solicitation of or criminal conspiracy to commit a
15 class A felony;

16 (iii) Manslaughter in the first degree;

17 (iv) Manslaughter in the second degree;

18 (v) Indecent liberties if committed by forcible compulsion;

19 (vi) Kidnapping in the second degree;

20 (vii) Arson in the second degree;

21 (viii) Assault in the second degree;

22 (ix) Assault of a child in the second degree;

23 (x) Extortion in the first degree;

24 (xi) Robbery in the second degree;

25 (xii) Drive-by shooting;

26 (xiii) Vehicular assault, when caused by the operation or driving
27 of a vehicle by a person while under the influence of intoxicating
28 liquor or any drug or by the operation or driving of a vehicle in a
29 reckless manner; and

30 (xiv) Vehicular homicide, when proximately caused by the driving of
31 any vehicle by any person while under the influence of intoxicating
32 liquor or any drug as defined by RCW 46.61.502, or by the operation of
33 any vehicle in a reckless manner;

34 (b) Any conviction for a felony offense in effect at any time prior
35 to July 1, 1976, that is comparable to a felony classified as a violent
36 offense in (a) of this subsection; and

37 (c) Any federal or out-of-state conviction for an offense that

1 under the laws of this state would be a felony classified as a violent
2 offense under (a) or (b) of this subsection.

3 ~~((+54+))~~ (53) "Work crew" means a program of partial confinement
4 consisting of civic improvement tasks for the benefit of the community
5 that complies with RCW 9.94A.725.

6 ~~((+55+))~~ (54) "Work ethic camp" means an alternative incarceration
7 program as provided in RCW 9.94A.690 designed to reduce recidivism and
8 lower the cost of corrections by requiring offenders to complete a
9 comprehensive array of real-world job and vocational experiences,
10 character-building work ethics training, life management skills
11 development, substance abuse rehabilitation, counseling, literacy
12 training, and basic adult education.

13 ~~((+56+))~~ (55) "Work release" means a program of partial confinement
14 available to offenders who are employed or engaged as a student in a
15 regular course of study at school.

16 **Sec. 139.** RCW 9.94A.74501 and 2001 c 35 s 3 are each amended to
17 read as follows:

18 (1) The ~~((sentencing guidelines commission))~~ department of
19 corrections shall serve as the state council for interstate adult
20 offender supervision as required under article IV of RCW 9.94A.745, the
21 interstate compact for adult offender supervision. ~~((To assist the~~
22 ~~commission in performing its functions as the state council,))~~ The
23 department of corrections shall provide staffing and support services.
24 The ~~((commission))~~ department of corrections may form a subcommittee,
25 including members representing the legislative, judicial, and executive
26 branches of state government, and victims' groups~~((, and the secretary~~
27 ~~of corrections,))~~ to perform the functions of the state council. Any
28 such subcommittee shall include representation of both houses and at
29 least two of the four largest political caucuses in the legislature.

30 (2) The ~~((commission,))~~ department or a subcommittee if formed for
31 that purpose, shall:

32 (a) Review department operations and procedures under RCW
33 9.94A.745, and recommend policies to the compact administrator,
34 including policies to be pursued in the administrator's capacity as the
35 state's representative on the interstate commission created under
36 article III of RCW 9.94A.745;

1 (b) Report annually to the legislature on interstate supervision
2 operations and procedures under RCW 9.94A.745, including
3 recommendations for policy changes; and

4 (c) Not later than December 1, 2004, report to the legislature on
5 the effectiveness of its functioning as the state council under article
6 IV of RCW 9.94A.745, and recommend any legislation it deems
7 appropriate.

8 (3) The ~~((commission, or a subcommittee if formed for that
9 purpose,))~~ secretary shall appoint ~~((one of its members, or))~~ an
10 employee of the department ~~((designated by the secretary)), or a
11 subcommittee if formed for that purpose shall appoint one of its
12 members,~~ to represent the state at meetings of the interstate
13 commission created under article III of RCW 9.94A.745 when the compact
14 administrator cannot attend.

15 **Sec. 140.** RCW 9.94A.855 and 2005 c 282 s 20 are each amended to
16 read as follows:

17 The ~~((commission))~~ office of financial management shall appoint a
18 research staff of sufficient size and with sufficient resources to
19 accomplish its duties. The ~~((commission))~~ office of financial
20 management may request from ~~((the office of financial management, the
21 indeterminate sentence review board,))~~ the administrative office of the
22 courts, the department of corrections, and the department of social and
23 health services such data, information, and data processing assistance
24 as it may need to accomplish its duties, and such services shall be
25 provided without cost to the ~~((commission))~~ office of financial
26 management. ~~((The commission shall adopt its own bylaws.~~

27 ~~The salary for a full-time executive officer, if any, shall be
28 fixed by the governor pursuant to RCW 43.03.040.))~~

29 **Sec. 141.** RCW 9.94A.870 and 1999 c 143 s 13 are each amended to
30 read as follows:

31 If the governor finds that an emergency exists in that the
32 population of a state residential correctional facility exceeds its
33 reasonable, maximum capacity, then the governor may ~~((do any one or
34 more of the following:~~

35 ~~(1) Call the sentencing guidelines commission into an emergency
36 meeting for the purpose of evaluating the standard ranges and other~~

1 standards. The commission may adopt any revision or amendment to the
2 standard ranges or other standards that it believes appropriate to deal
3 with the emergency situation. The revision or amendment shall be
4 adopted in conformity with chapter 34.05 RCW and shall take effect on
5 the date prescribed by the commission. The legislature shall approve
6 or modify the commission's revision or amendment at the next
7 legislative session after the revision or amendment takes effect.
8 Failure of the legislature to act shall be deemed as approval of the
9 revision or amendment;

10 (2)) call the clemency and pardons board into an emergency meeting
11 for the purpose of recommending whether the governor's commutation or
12 pardon power should be exercised to meet the present emergency.

13 **Sec. 142.** RCW 9.94A.875 and 1984 c 209 s 9 are each amended to
14 read as follows:

15 If the governor finds that an emergency exists in that the
16 populations of county jails exceed their reasonable, maximum capacity
17 in a significant manner as a result of increases in the sentenced felon
18 population due to implementation of chapter 9.94A RCW, the governor may
19 ((do any one or more of the following:

20 (1) Call the sentencing guidelines commission into an emergency
21 meeting for the purpose of evaluating the standard ranges and other
22 standards. The commission may adopt any revision or amendment to the
23 standard ranges or other standards that it believes appropriate to deal
24 with the emergency situation. The revision or amendment shall be
25 adopted in conformity with chapter 34.05 RCW and shall take effect on
26 the date prescribed by the commission. The legislature shall approve
27 or modify the commission's revision or amendment at the next
28 legislative session after the revision or amendment takes effect.
29 Failure of the legislature to act shall be deemed as approval of the
30 revision or amendment. The commission shall also analyze how
31 alternatives to total confinement are being provided and used and may
32 recommend other emergency measures that may relieve the overcrowding.

33 (2)) call the clemency and pardons board into an emergency meeting
34 for the purpose of recommending whether the governor's commutation or
35 pardon power should be exercised to meet the present emergency.

1 **Sec. 143.** RCW 9A.52.025 and 1989 2nd ex.s. c 1 s 1 are each
2 amended to read as follows:

3 (1) A person is guilty of residential burglary if, with intent to
4 commit a crime against a person or property therein, the person enters
5 or remains unlawfully in a dwelling other than a vehicle.

6 (2) Residential burglary is a class B felony. In establishing
7 sentencing guidelines and disposition standards, (~~the sentencing~~
8 ~~guidelines commission and~~) the juvenile disposition standards
9 commission shall consider residential burglary as a more serious
10 offense than second degree burglary.

11 **Sec. 144.** RCW 10.98.140 and 1987 c 462 s 4 are each amended to
12 read as follows:

13 (1) The section, the department, and the office of financial
14 management shall be the primary sources of information for criminal
15 justice forecasting. The information maintained by these agencies
16 shall be complete, accurate, and sufficiently timely to support state
17 criminal justice forecasting.

18 (2) The office of financial management shall be the official state
19 agency for the sentenced felon jail forecast. This forecast shall
20 provide at least a six-year projection and shall be published by
21 December 1 of every even-numbered year beginning with 1986. The office
22 of financial management shall seek advice regarding the assumptions in
23 the forecast from criminal justice agencies and associations.

24 (3) The (~~sentencing guidelines commission~~) office of financial
25 management shall keep records on all sentencings above or below the
26 standard range defined by chapter 9.94A RCW. As a minimum, the records
27 shall include the name of the offender, the crimes for which the
28 offender was sentenced, the name and county of the sentencing judge,
29 and the deviation from the standard range. Such records shall be made
30 available to public officials upon request.

31 **Sec. 145.** RCW 10.98.160 and 2005 c 282 s 25 are each amended to
32 read as follows:

33 In the development and modification of the procedures, definitions,
34 and reporting capabilities of the section, the department, the office
35 of financial management, and the responsible agencies and persons shall
36 consider the needs of other criminal justice agencies such as the

1 administrative office of the courts, local law enforcement agencies,
2 local jails, (~~the sentencing guidelines commission,~~) the
3 indeterminate sentence review board, the clemency board, prosecuting
4 attorneys, and affected state agencies such as the office of financial
5 management and legislative committees dealing with criminal justice
6 issues. The Washington integrated justice information board shall
7 review and provide recommendations to state justice agencies and the
8 courts for development and modification of the statewide justice
9 information network.

10 **Sec. 146.** RCW 70.96A.350 and 2009 c 479 s 50 and 2009 c 445 s 1
11 are each reenacted and amended to read as follows:

12 (1) The criminal justice treatment account is created in the state
13 treasury. Moneys in the account may be expended solely for: (a)
14 Substance abuse treatment and treatment support services for offenders
15 with an addiction or a substance abuse problem that, if not treated,
16 would result in addiction, against whom charges are filed by a
17 prosecuting attorney in Washington state; (b) the provision of drug and
18 alcohol treatment services and treatment support services for
19 nonviolent offenders within a drug court program; (c) the
20 administrative and overhead costs associated with the operation of a
21 drug court; and (d) during the 2007-2009 biennium, operation of the
22 integrated crisis response and intensive case management pilots
23 contracted with the department of social and health services division
24 of alcohol and substance abuse. Moneys in the account may be spent
25 only after appropriation.

26 (2) For purposes of this section:

27 (a) "Treatment" means services that are critical to a participant's
28 successful completion of his or her substance abuse treatment program,
29 but does not include the following services: Housing other than that
30 provided as part of an inpatient substance abuse treatment program,
31 vocational training, and mental health counseling; and

32 (b) "Treatment support" means transportation to or from inpatient
33 or outpatient treatment services when no viable alternative exists, and
34 child care services that are necessary to ensure a participant's
35 ability to attend outpatient treatment sessions.

36 (3) Revenues to the criminal justice treatment account consist of:

1 (a) Funds transferred to the account pursuant to this section; and (b)
2 any other revenues appropriated to or deposited in the account.

3 (4)(a) For the fiscal biennium beginning July 1, 2003, the state
4 treasurer shall transfer eight million nine hundred fifty thousand
5 dollars from the general fund into the criminal justice treatment
6 account, divided into eight equal quarterly payments. For the fiscal
7 year beginning July 1, 2005, and each subsequent fiscal year, the state
8 treasurer shall transfer eight million two hundred fifty thousand
9 dollars from the general fund to the criminal justice treatment
10 account, divided into four equal quarterly payments. For the fiscal
11 year beginning July 1, 2006, and each subsequent fiscal year, the
12 amount transferred shall be increased on an annual basis by the
13 implicit price deflator as published by the federal bureau of labor
14 statistics.

15 (b) In each odd-numbered year, the legislature shall appropriate
16 the amount transferred to the criminal justice treatment account in (a)
17 of this subsection to the division of alcohol and substance abuse for
18 the purposes of subsection (5) of this section.

19 (5) Moneys appropriated to the division of alcohol and substance
20 abuse from the criminal justice treatment account shall be distributed
21 as specified in this subsection. The department shall serve as the
22 fiscal agent for purposes of distribution. Until July 1, 2004, the
23 department may not use moneys appropriated from the criminal justice
24 treatment account for administrative expenses and shall distribute all
25 amounts appropriated under subsection (4)(b) of this section in
26 accordance with this subsection. Beginning in July 1, 2004, the
27 department may retain up to three percent of the amount appropriated
28 under subsection (4)(b) of this section for its administrative costs.

29 (a) Seventy percent of amounts appropriated to the division from
30 the account shall be distributed to counties pursuant to the
31 distribution formula adopted under this section. The division of
32 alcohol and substance abuse, in consultation with the department of
33 corrections, (~~the sentencing guidelines commission,~~) the Washington
34 state association of counties, the Washington state association of drug
35 court professionals, the superior court judges' association, the
36 Washington association of prosecuting attorneys, representatives of the
37 criminal defense bar, representatives of substance abuse treatment
38 providers, and any other person deemed by the division to be necessary,

1 shall establish a fair and reasonable methodology for distribution to
2 counties of moneys in the criminal justice treatment account. County
3 or regional plans submitted for the expenditure of formula funds must
4 be approved by the panel established in (b) of this subsection.

5 (b) Thirty percent of the amounts appropriated to the division from
6 the account shall be distributed as grants for purposes of treating
7 offenders against whom charges are filed by a county prosecuting
8 attorney. The division shall appoint a panel of representatives from
9 the Washington association of prosecuting attorneys, the Washington
10 association of sheriffs and police chiefs, the superior court judges'
11 association, the Washington state association of counties, the
12 Washington defender's association or the Washington association of
13 criminal defense lawyers, the department of corrections, the Washington
14 state association of drug court professionals, substance abuse
15 treatment providers, and the division. The panel shall review county
16 or regional plans for funding under (a) of this subsection and grants
17 approved under this subsection. The panel shall attempt to ensure that
18 treatment as funded by the grants is available to offenders statewide.

19 (6) The county alcohol and drug coordinator, county prosecutor,
20 county sheriff, county superior court, a substance abuse treatment
21 provider appointed by the county legislative authority, a member of the
22 criminal defense bar appointed by the county legislative authority,
23 and, in counties with a drug court, a representative of the drug court
24 shall jointly submit a plan, approved by the county legislative
25 authority or authorities, to the panel established in subsection (5)(b)
26 of this section, for disposition of all the funds provided from the
27 criminal justice treatment account within that county. The funds shall
28 be used solely to provide approved alcohol and substance abuse
29 treatment pursuant to RCW 70.96A.090, treatment support services, and
30 for the administrative and overhead costs associated with the operation
31 of a drug court.

32 (a) No more than ten percent of the total moneys received under
33 subsections (4) and (5) of this section by a county or group of
34 counties participating in a regional agreement shall be spent on the
35 administrative and overhead costs associated with the operation of a
36 drug court.

37 (b) No more than ten percent of the total moneys received under

1 subsections (4) and (5) of this section by a county or group of
2 counties participating in a regional agreement shall be spent for
3 treatment support services.

4 (7) Counties are encouraged to consider regional agreements and
5 submit regional plans for the efficient delivery of treatment under
6 this section.

7 (8) Moneys allocated under this section shall be used to
8 supplement, not supplant, other federal, state, and local funds used
9 for substance abuse treatment.

10 (9) Counties must meet the criteria established in RCW
11 2.28.170(3)(b).

12 (10) The authority under this section to use funds from the
13 criminal justice treatment account for the administrative and overhead
14 costs associated with the operation of a drug court expires June 30,
15 2013.

16 **Sec. 147.** RCW 72.09.350 and 1993 c 459 s 1 are each amended to
17 read as follows:

18 (1) The department of corrections and the University of Washington
19 may enter into a collaborative arrangement to provide improved services
20 for (~~mentally ill~~) offenders with mental illness with a focus on
21 prevention, treatment, and reintegration into society. The
22 participants in the collaborative arrangement may develop a strategic
23 plan within sixty days after May 17, 1993, to address the management of
24 (~~mentally ill~~) offenders with mental illness within the correctional
25 system, facilitating their reentry into the community and the mental
26 health system, and preventing the inappropriate incarceration of
27 (~~mentally ill~~) individuals with mental illness. The collaborative
28 arrangement may also specify the establishment and maintenance of a
29 corrections mental health center located at McNeil Island corrections
30 center. The collaborative arrangement shall require that an advisory
31 panel of key stakeholders be established and consulted throughout the
32 development and implementation of the center. The stakeholders
33 advisory panel shall include a broad array of interest groups drawn
34 from representatives of mental health, criminal justice, and
35 correctional systems. The stakeholders advisory panel shall include,
36 but is not limited to, membership from: The department of corrections,
37 the department of social and health services mental health division and

1 division of juvenile rehabilitation, regional support networks, local
2 and regional law enforcement agencies, (~~the sentencing guidelines~~
3 ~~commission,~~) county and city jails, mental health advocacy groups for
4 (~~the mentally ill, developmentally disabled~~) individuals with mental
5 illness, individuals with developmental disabilities, and traumatically
6 brain-injured, and the general public. The center established by the
7 department of corrections and University of Washington, in consultation
8 with the stakeholder advisory groups, shall have the authority to:

9 (a) Develop new and innovative treatment approaches for corrections
10 mental health clients;

11 (b) Improve the quality of mental health services within the
12 department and throughout the corrections system;

13 (c) Facilitate mental health staff recruitment and training to meet
14 departmental, county, and municipal needs;

15 (d) Expand research activities within the department in the area of
16 treatment services, the design of delivery systems, the development of
17 organizational models, and training for corrections mental health care
18 professionals;

19 (e) Improve the work environment for correctional employees by
20 developing the skills, knowledge, and understanding of how to work with
21 offenders with special chronic mental health challenges;

22 (f) Establish a more positive rehabilitative environment for
23 offenders;

24 (g) Strengthen multidisciplinary mental health collaboration
25 between the University of Washington, other groups committed to the
26 intent of this section, and the department of corrections;

27 (h) Strengthen department linkages between institutions of higher
28 education, public sector mental health systems, and county and
29 municipal corrections;

30 (i) Assist in the continued formulation of corrections mental
31 health policies;

32 (j) Develop innovative and effective recruitment and training
33 programs for correctional personnel working with (~~mentally ill~~)
34 offenders with mental illness;

35 (k) Assist in the development of a coordinated continuum of mental
36 health care capable of providing services from corrections entry to
37 community return; and

1 (1) Evaluate all current and innovative approaches developed within
2 this center in terms of their effective and efficient achievement of
3 improved mental health of inmates, development and utilization of
4 personnel, the impact of these approaches on the functioning of
5 correctional institutions, and the relationship of the corrections
6 system to mental health and criminal justice systems. Specific
7 attention should be paid to evaluating the effects of programs on the
8 reintegration of (~~mentally ill~~) offenders with mental illness into
9 the community and the prevention of inappropriate incarceration of
10 (~~mentally ill~~) persons with mental illness.

11 (2) The corrections mental health center may conduct research,
12 training, and treatment activities for the (~~mentally ill~~) offender
13 with mental illness within selected sites operated by the department.
14 The department shall provide support services for the center such as
15 food services, maintenance, perimeter security, classification,
16 offender supervision, and living unit functions. The University of
17 Washington may develop, implement, and evaluate the clinical,
18 treatment, research, and evaluation components of the mentally ill
19 offender center. The institute of (~~for~~) for public policy and
20 management may be consulted regarding the development of the center and
21 in the recommendations regarding public policy. As resources permit,
22 training within the center shall be available to state, county, and
23 municipal agencies requiring the services. Other state colleges, state
24 universities, and mental health providers may be involved in activities
25 as required on a subcontract basis. Community mental health
26 organizations, research groups, and community advocacy groups may be
27 critical components of the center's operations and involved as
28 appropriate to annual objectives. (~~Mentally ill~~) Clients with mental
29 illness may be drawn from throughout the department's population and
30 transferred to the center as clinical need, available services, and
31 department jurisdiction permits.

32 (3) The department shall prepare a report of the center's progress
33 toward the attainment of stated goals and provide the report to the
34 legislature annually.

35 **Sec. 148.** RCW 72.66.016 and 1983 c 255 s 8 are each amended to
36 read as follows:

1 (1) A furlough shall not be granted to a resident if the furlough
2 would commence prior to the time the resident has served the minimum
3 amounts of time provided under this section:

4 (a) If his or her minimum term of imprisonment is longer than
5 twelve months, he or she shall have served at least six months of the
6 term;

7 (b) If his or her minimum term of imprisonment is less than twelve
8 months, he or she shall have served at least ninety days and shall have
9 no longer than six months left to serve on his or her minimum term;

10 (c) If he or she is serving a mandatory minimum term of
11 confinement, he or she shall have served all but the last six months of
12 such term.

13 (2) A person convicted and sentenced for a violent offense as
14 defined in RCW 9.94A.030 is not eligible for furlough until the person
15 has served at least one-half of the minimum term (~~(as established by~~
16 ~~the board of prison terms and paroles or the sentencing guidelines~~
17 ~~commission))~~).

18 **State Noxious Weed Control Board**

19 NEW SECTION. **Sec. 149.** RCW 17.10.030 (State noxious weed control
20 board--Members--Terms--Elections--Meetings--Reimbursement for travel
21 expenses) and 1997 c 353 s 4, 1987 c 438 s 2, 1975-'76 2nd ex.s. c 34
22 s 23, & 1969 ex.s. c 113 s 3 are each repealed.

23 **Sec. 150.** RCW 17.10.010 and 1997 c 353 s 2 are each amended to
24 read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise:

27 (1) "Noxious weed" means a plant that when established is highly
28 destructive, competitive, or difficult to control by cultural or
29 chemical practices.

30 (2) "State noxious weed list" means a list of noxious weeds adopted
31 by the (~~(state noxious weed control board)~~) department. The list is
32 divided into three classes:

33 (a) Class A consists of those noxious weeds not native to the state

1 that are of limited distribution or are unrecorded in the state and
2 that pose a serious threat to the state;

3 (b) Class B consists of those noxious weeds not native to the state
4 that are of limited distribution or are unrecorded in a region of the
5 state and that pose a serious threat to that region;

6 (c) Class C consists of any other noxious weeds.

7 (3) "Person" means any individual, partnership, corporation, firm,
8 the state or any department, agency, or subdivision thereof, or any
9 other entity.

10 (4) "Owner" means the person in actual control of property, or his
11 or her agent, whether the control is based on legal or equitable title
12 or on any other interest entitling the holder to possession and, for
13 purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means
14 the possessor of legal or equitable title or the possessor of an
15 easement: PROVIDED, That when the possessor of an easement has the
16 right to control or limit the growth of vegetation within the
17 boundaries of an easement, only the possessor of the easement is
18 deemed, for the purpose of this chapter, an "owner" of the property
19 within the boundaries of the easement.

20 (5) As pertains to the duty of an owner, the words "control",
21 "contain", "eradicate", and the term "prevent the spread of noxious
22 weeds" means conforming to the standards of noxious weed control or
23 prevention in this chapter or as adopted by rule in chapter 16-750 WAC
24 by the (~~state noxious weed control board~~) department and an activated
25 county noxious weed control board.

26 (6) "Agent" means any occupant or any other person acting for the
27 owner and working or in charge of the land.

28 (7) "Agricultural purposes" are those that are intended to provide
29 for the growth and harvest of food and fiber.

30 (8) "Director" means the director of the department of agriculture
31 or the director's appointed representative.

32 (9) "Weed district" means a weed district as defined in chapters
33 17.04 and 17.06 RCW.

34 (10) "Aquatic noxious weed" means an aquatic plant species that is
35 listed on the state weed list under RCW 17.10.080.

36 (11) "Screenings" means a mixture of mill or elevator run mixture
37 or a combination of varying amounts of materials obtained in the

1 process of cleaning either grain or seeds, or both, such as light or
2 broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator
3 dust, floor sweepings, sand, and dirt.

4 (12) "Department" means the department of agriculture.

5 **Sec. 151.** RCW 17.10.040 and 1997 c 353 s 5 are each amended to
6 read as follows:

7 An inactive county noxious weed control board may be activated by
8 any one of the following methods:

9 (1) Either within sixty days after a petition is filed by one
10 hundred registered voters within the county or, on its own motion, the
11 county legislative authority shall hold a hearing to determine whether
12 there is a need, due to a damaging infestation of noxious weeds, to
13 activate the county noxious weed control board. If such a need is
14 found to exist, then the county legislative authority shall, in the
15 manner provided by RCW 17.10.050, appoint five persons to the county's
16 noxious weed control board.

17 (2) If the county's noxious weed control board is not activated
18 within one year following a hearing by the county legislative authority
19 to determine the need for activation, then upon the filing with the
20 (~~(state noxious weed control board)~~) department of a petition comprised
21 either of the signatures of at least two hundred registered voters
22 within the county, or of the signatures of a majority of an adjacent
23 county's noxious weed control board, the (~~(state board)~~) director
24 shall, within six months of the date of the filing, hold a hearing in
25 the county to determine the need for activation. If a need for
26 activation is found to exist, then the (~~(state board)~~) director shall
27 order the county legislative authority to activate the county's noxious
28 weed control board and to appoint members to the board in the manner
29 provided by RCW 17.10.050.

30 (3) The director(~~(, upon request of the state noxious weed control~~
31 ~~board,)~~) shall order a county legislative authority to activate the
32 noxious weed control board immediately if an infestation of a class A
33 noxious weed or class B noxious weed designated for control on the
34 state noxious weed list is confirmed in that county. The county
35 legislative authority may, as an alternative to activating the noxious
36 weed board, combat the class A noxious weed or class B noxious weed
37 with county resources and personnel operating with the authorities and

1 responsibilities imposed by this chapter on a county noxious weed
2 control board. No county may continue without a noxious weed control
3 board for a second consecutive year if the class A noxious weed or
4 class B noxious weed has not been eradicated.

5 **Sec. 152.** RCW 17.10.070 and 1998 c 245 s 3 are each amended to
6 read as follows:

7 ~~((1) In addition to the powers conferred on the state noxious weed
8 control board under other provisions of this chapter, it has the power
9 to:~~

10 ~~(a) Employ a state noxious weed control board executive secretary,
11 and additional persons as it deems necessary, to disseminate
12 information relating to noxious weeds to county noxious weed control
13 boards and weed districts, to coordinate the educational and weed
14 control efforts of the various county and regional noxious weed control
15 boards and weed districts, and to assist the board in carrying out its
16 responsibilities;~~

17 ~~(b) Adopt, amend, or repeal rules, pursuant to the administrative
18 procedure act, chapter 34.05 RCW, as may be necessary to carry out the
19 duties and authorities assigned to the board by this chapter.~~

20 ~~(2))~~ The ~~((state noxious weed control board))~~ department shall
21 provide a written report before January 1st of each odd-numbered year
22 to the county noxious weed control boards and the weed districts
23 showing the expenditure of state funds on noxious weed control;
24 specifically how the funds were spent; the status of the state, county,
25 and district programs; and recommendations for the continued best use
26 of state funds for noxious weed control. The report shall include
27 recommendations as to the long-term needs regarding weed control.

28 **Sec. 153.** RCW 17.10.074 and 1997 c 353 s 9 are each amended to
29 read as follows:

30 (1) In addition to the powers conferred on the director under other
31 provisions of this chapter, the director(~~(, with the advice of the
32 state noxious weed control board,)~~) has power to:

33 (a) Require the county legislative authority or the noxious weed
34 control board of any county or any weed district to report to it
35 concerning the presence, absence, or estimated amount of noxious weeds
36 and measures, if any, taken or planned for the control thereof;

1 (b) Employ staff as may be necessary in the administration of this
2 chapter;

3 (c) Adopt, amend, or repeal rules, pursuant to the administrative
4 procedure act, chapter 34.05 RCW, as may be necessary to carry out this
5 chapter;

6 (d) Do such things as may be necessary and incidental to the
7 administration of its functions pursuant to this chapter including but
8 not limited to surveying for and detecting noxious weed infestations;

9 (e) Upon receipt of a complaint signed by a majority of the members
10 of an adjacent county noxious weed control board or weed district, or
11 by one hundred registered voters that are land owners within the
12 county, require the county legislative authority or noxious weed
13 control board of the county or weed district that is the subject of the
14 complaint to respond to the complaint within forty-five days with a
15 plan for the control of the noxious weeds cited in the complaint;

16 (f) If the complaint in (e) of this subsection involves a class A
17 or class B noxious weed, order the county legislative authority,
18 noxious weed control board, or weed district to take immediate action
19 to eradicate or control the noxious weed infestation. If the county or
20 the weed district does not take action to control the noxious weed
21 infestation in accordance with the order, the director may control it
22 or cause it to be controlled. The county or weed district is liable
23 for payment of the expense of the control work including necessary
24 costs and expenses for attorneys' fees incurred by the director in
25 securing payment from the county or weed district. The director may
26 bring a civil action in a court of competent jurisdiction to collect
27 the expenses of the control work, costs, and attorneys' fees;

28 (g) In counties without an activated noxious weed control board,
29 enter upon any property as provided for in RCW 17.10.160, issue or
30 cause to be issued notices and citations and take the necessary action
31 to control noxious weeds as provided in RCW 17.10.170, hold hearings on
32 any charge or cost of control action taken as provided for in RCW
33 17.10.180, issue a notice of civil infraction as provided for in RCW
34 17.10.230 (~~and~~), 17.10.310 (~~through~~ ~~and~~), and 17.10.350, and
35 place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and
36 17.10.300 with the same authorities and responsibilities imposed by
37 these sections on county noxious weed control boards;

1 (h) Adopt a list of noxious weed seeds and toxic weeds which shall
2 be controlled in designated articles, products, or feed stuffs as
3 provided for in RCW 17.10.235.

4 (2) The moneys appropriated for noxious weed control to the
5 department shall be used for (~~administration of the state noxious weed~~
6 ~~control board,~~) the administration of the director's powers under this
7 chapter, the purchase of materials for controlling, containing, or
8 eradicating noxious weeds, the purchase or collection of biological
9 control agents for controlling noxious weeds, and the contracting for
10 services to carry out the purposes of this chapter. In a county with
11 an activated noxious weed control board, the director shall make every
12 effort to contract with that board for the needed services.

13 (~~(3) If the director determines the need to reallocate funds~~
14 ~~previously designated for county use, the director shall convene a~~
15 ~~meeting of the state noxious weed control board to seek its advice~~
16 ~~concerning any reallocation.~~)

17 **Sec. 154.** RCW 17.10.080 and 1997 c 353 s 10 are each amended to
18 read as follows:

19 (1) The (~~state noxious weed control board~~) department shall each
20 year or more often, following a hearing, adopt a state noxious weed
21 list.

22 (2) Any person may request during a comment period established by
23 the (~~state weed board~~) director the inclusion, deletion, or
24 designation change of any plant to the state noxious weed list.

25 (3) The (~~state noxious weed control board~~) department shall send
26 a copy of the list to each activated county noxious weed control board,
27 to each weed district, and to the county legislative authority of each
28 county with an inactive noxious weed control board.

29 (4) The record of rule making must include the written findings of
30 the (~~board~~) department for the inclusion of each plant on the list.
31 The findings shall be made available upon request to any interested
32 person.

33 **Sec. 155.** RCW 17.10.090 and 1997 c 353 s 11 are each amended to
34 read as follows:

35 Each county noxious weed control board shall, within ninety days of
36 the adoption of the state noxious weed list (~~from~~) by the (~~state~~

1 ~~noxious weed control board~~) department and following a hearing, select
2 those weeds from the class C list and those weeds from the class B list
3 not designated for control in the noxious weed control region in which
4 the county lies that it finds necessary to be controlled in the county.
5 The weeds thus selected and all class A weeds and those class B weeds
6 that have been designated for control in the noxious weed control
7 region in which the county lies shall be classified within that county
8 as noxious weeds, and those weeds comprise the county noxious weed
9 list.

10 **Sec. 156.** RCW 17.10.100 and 1997 c 353 s 12 are each amended to
11 read as follows:

12 Where any of the following occur, the (~~state noxious weed control~~
13 ~~board~~) director may, following a hearing, order any county noxious
14 weed control board or weed district to include a noxious weed from the
15 (~~state board's~~) department's list in the county's noxious weed list:

16 (1) Where the (~~state noxious weed control board~~) department
17 receives a petition from at least one hundred registered voters within
18 the county requesting that the weed be listed.

19 (2) Where the (~~state noxious weed control board~~) department
20 receives a request for inclusion from an adjacent county's noxious weed
21 control board or weed district, which the adjacent board or district
22 has included that weed in its county list, and the adjacent board or
23 weed district alleges that its noxious weed control program is being
24 hampered by the failure to include the weed on the county's noxious
25 weed list.

26 **Sec. 157.** RCW 17.10.130 and 1997 c 353 s 15 are each amended to
27 read as follows:

28 The powers and duties of a regional noxious weed control board are
29 as follows:

30 (1) The regional board shall, within ninety days of the adoption of
31 the state noxious weed list (~~from~~) by the (~~state noxious weed~~
32 ~~control board~~) department and following a hearing, select those weeds
33 from the state list that it finds necessary to be controlled on a
34 regional basis. The weeds thus selected shall also be contained in the
35 county noxious weed list of each county in the region.

1 (2) The regional board shall take action as may be necessary to
2 coordinate the noxious weed control programs of the region and adopt a
3 regional plan for the control of noxious weeds.

4 **Sec. 158.** RCW 17.10.160 and 1997 c 353 s 20 are each amended to
5 read as follows:

6 Any authorized agent or employee of the county noxious weed control
7 board (~~(or of the state noxious weed control board)~~) or of the
8 department (~~(of agriculture)~~) where not otherwise proscribed by law may
9 enter upon any property for the purpose of administering this chapter
10 and any power exercisable pursuant thereto, including the taking of
11 specimens of weeds, general inspection, and the performance of
12 eradication or control work. Prior to carrying out the purpose for
13 which the entry is made, the official making such entry or someone in
14 his or her behalf, shall make a reasonable attempt to notify the owner
15 of the property as to the purpose and need for the entry.

16 (1) When there is probable cause to believe that there is property
17 within this state not otherwise exempt from process or execution upon
18 which noxious weeds are standing or growing and the owner refuses
19 permission to inspect the property, a judge of the superior court or
20 district court in the county in which the property is located may, upon
21 the request of the county noxious weed control board or its agent,
22 issue a warrant directed to the board or agent authorizing the taking
23 of specimens of weeds or other materials, general inspection, and the
24 performance of eradication or control work.

25 (2) Application for issuance and execution and return of the
26 warrant authorized by this section shall be in accordance with the
27 applicable rules of the superior court or the district courts.

28 (3) Nothing in this section requires the application for and
29 issuance of any warrant not otherwise required by law: PROVIDED, That
30 civil liability for negligence shall lie in any case in which entry and
31 any of the activities connected therewith are not undertaken with
32 reasonable care.

33 (4) Any person who improperly prevents or threatens to prevent
34 entry upon land as authorized in this section or any person who
35 interferes with the carrying out of this chapter shall be upon
36 conviction guilty of a misdemeanor.

1 **Sec. 159.** RCW 17.10.201 and 1997 c 353 s 34 are each amended to
2 read as follows:

3 (1) The (~~state noxious weed control board~~) department shall:

4 (a) Work with the various federal and tribal land management
5 agencies to coordinate state and federal noxious weed control;

6 (b) Encourage the various federal and tribal land management
7 agencies to devote more time and resources to noxious weed control; and

8 (c) Assist the various federal and tribal land management agencies
9 by seeking adequate funding for noxious weed control.

10 (2) County noxious weed control boards and weed districts shall
11 work with the various federal and tribal land management agencies in
12 each county in order to:

13 (a) Identify new noxious weed infestations;

14 (b) Outline and plan necessary noxious weed control actions;

15 (c) Develop coordinated noxious weed control programs; and

16 (d) Notify local federal and tribal agency land managers of noxious
17 weed infestations.

18 (3) The department (~~of agriculture~~), county noxious weed control
19 boards, and weed districts are authorized to enter federal lands, with
20 the approval of the appropriate federal agency, to survey for and
21 control noxious weeds where control measures of a type and extent
22 required under this chapter have not been taken.

23 (4) The department (~~of agriculture~~), county noxious weed control
24 boards, and weed districts may bill the federal land management agency
25 that manages the land for all costs of the noxious weed control
26 performed on federal land. If not paid by the federal agency that
27 manages the land, the cost of the noxious weed control on federal land
28 may be paid from any funds available to the county noxious weed control
29 board or weed district that performed the noxious weed control.
30 Alternatively, the costs of noxious weed control on federal land may be
31 paid from any funds specifically appropriated to the department of
32 agriculture for that purpose.

33 (5) The department (~~of agriculture~~), county noxious weed control
34 boards, and weed districts are authorized to enter into any reasonable
35 agreement with the appropriate authorities for the control of noxious
36 weeds on federal or tribal lands.

37 (6) The department (~~of agriculture~~), county noxious weed control

1 boards, and weed districts shall consult with state agencies managing
2 federal land concerning noxious weed infestation and control programs.

3 **Sec. 160.** RCW 17.10.210 and 1997 c 353 s 25 are each amended to
4 read as follows:

5 (1) Whenever the director, the county noxious weed control board,
6 or a weed district finds that a parcel of land is so seriously infested
7 with class A or class B noxious weeds that control measures cannot be
8 undertaken thereon without quarantining the land and restricting or
9 denying access thereto or use thereof, the director, the county noxious
10 weed control board, or weed district, with the approval of the director
11 of the department (~~(of agriculture)~~), may issue an order for the
12 quarantine and restriction or denial of access or use. Upon issuance
13 of the order, the director, the county noxious weed control board, or
14 the weed district shall commence necessary control measures and may
15 institute legal action for the collection of costs for control work,
16 which may include attorneys' fees and the costs of other appropriate
17 actions.

18 (2) An order of quarantine shall be served, by any method
19 sufficient for the service of civil process, on all persons known to
20 qualify as owners of the land within the meaning of this chapter.

21 (3) The director shall (~~(, with the advice of the state noxious weed~~
22 ~~control board,)~~) determine how the expense of control work undertaken
23 pursuant to this section, and the cost of any quarantine in connection
24 therewith, is apportioned.

25 **Sec. 161.** RCW 17.10.235 and 1997 c 353 s 26 are each amended to
26 read as follows:

27 (1) The director (~~(of agriculture)~~) shall adopt (~~(, with the advice~~
28 ~~of the state noxious weed control board,)~~) rules designating noxious
29 weed seeds which shall be controlled in products, screenings, or
30 articles to prevent the spread of noxious weeds. The rules shall
31 identify the products, screenings, and articles in which the seeds must
32 be controlled and the maximum amount of the seed to be permitted in the
33 product, screenings, or article to avoid a hazard of spreading the
34 noxious weed by seed from the product, screenings, or article. The
35 director shall also adopt (~~(, with the advice of the state board,)~~)
36 rules designating toxic weeds which shall be controlled in feed stuffs

1 and screenings to prevent injury to the animal that consumes the feed.
2 The rules shall identify the feed stuffs and screenings in which the
3 toxic weeds must be controlled and the maximum amount of the toxic weed
4 to be permitted in the feed. Rules developed under this section shall
5 identify ways that products, screenings, articles, or feed stuffs
6 containing noxious weed seeds or toxic weeds can be made available for
7 beneficial uses.

8 (2) Any person who knowingly or negligently sells or otherwise
9 distributes a product, article, screenings, or feed stuff designated by
10 rule containing noxious weed seeds or toxic weeds designated for
11 control by rule and in an amount greater than the amount established by
12 the director for the seed or weed by rule is guilty of a misdemeanor.

13 (3) The department (~~(of agriculture shall)~~), upon request of the
14 buyer, inspect products, screenings, articles, or feed stuffs
15 designated by rule and charge fees, in accordance with chapter
16 (~~(22.09)~~) 17.24 RCW, to determine the presence of designated noxious
17 (~~(weed seeds or toxic)~~) weeds.

18 **Sec. 162.** RCW 17.10.250 and 1997 c 353 s 28 are each amended to
19 read as follows:

20 The legislative authority of any county with an activated noxious
21 weed control board or the board of any weed district may apply to the
22 director for noxious weed control funds when informed by the director
23 that funds are available. Any applicant must employ adequate
24 administrative personnel to supervise an effective weed control program
25 as determined by the director (~~(with advice from the state noxious weed~~
26 ~~control board)~~). The director (~~(with advice from the state noxious~~
27 ~~weed control board)~~) shall adopt rules on the distribution and use of
28 noxious weed control account funds.

29 **Sec. 163.** RCW 17.10.260 and 1987 c 438 s 33 are each amended to
30 read as follows:

31 The administrative powers granted under this chapter to the
32 director (~~(of the department of agriculture and to the state noxious~~
33 ~~weed control board)~~) shall be exercised in conformity with the
34 provisions of the administrative procedure act, chapter 34.05 RCW, as
35 now or hereafter amended. The use of any substance to control noxious
36 weeds shall be subject to the provisions of the water pollution control

1 act, chapter 90.48 RCW, as now or hereafter amended, the Washington
2 pesticide control act, chapter 15.58 RCW, and the Washington pesticide
3 application act, chapter 17.21 RCW.

4 **Sec. 164.** RCW 17.10.350 and 2003 c 53 s 117 are each amended to
5 read as follows:

6 (1) Any person found to have committed a civil infraction under
7 this chapter shall be assessed a monetary penalty not to exceed one
8 thousand dollars. The (~~state noxious weed control board~~) director
9 shall adopt a schedule of monetary penalties for each violation of this
10 chapter classified as a civil infraction and submit the schedule to the
11 appropriate court. If a monetary penalty is imposed by the court, the
12 penalty is immediately due and payable. The court may, at its
13 discretion, grant an extension of time, not to exceed thirty days, in
14 which the penalty must be paid.

15 (2) Failure to pay any monetary penalties imposed under this
16 chapter is punishable as a misdemeanor.

17 **Sec. 165.** RCW 17.15.020 and 1997 c 357 s 3 are each amended to
18 read as follows:

19 Each of the following state agencies or institutions shall
20 implement integrated pest management practices when carrying out the
21 agency's or institution's duties related to pest control:

- 22 (1) The department of agriculture;
23 (2) (~~The state noxious weed control board;~~
24 ~~+3~~) The department of ecology;
25 (~~+4~~) (3) The department of fish and wildlife;
26 (~~+5~~) (4) The department of transportation;
27 (~~+6~~) (5) The parks and recreation commission;
28 (~~+7~~) (6) The department of natural resources;
29 (~~+8~~) (7) The department of corrections;
30 (~~+9~~) (8) The department of general administration; and
31 (~~+10~~) (9) Each state institution of higher education, for the
32 institution's own building and grounds maintenance.

33 **Sec. 166.** RCW 17.26.006 and 1995 c 255 s 2 are each amended to
34 read as follows:

35 This state is facing an environmental disaster that will affect

1 other states as well as other nations. The legislature finds that six
2 years is sufficient time for state agencies to debate solutions to the
3 spartina and purple loosestrife problems that are occurring in state
4 waters. One of the purposes of chapter 255, Laws of 1995 is to focus
5 agency action on control and future eradication of spartina and purple
6 loosestrife. It is the mandate of the legislature that one state
7 agency, the department of agriculture, be responsible for a unified
8 effort to eliminate spartina and control purple loosestrife(~~(,with the~~
9 ~~advice of the state noxious weed control board,~~) and that state agency
10 shall be directly accountable to the legislature on the progress of the
11 spartina eradication and purple loosestrife control program.

12 **Sec. 167.** RCW 17.26.015 and 1998 c 245 s 4 are each amended to
13 read as follows:

14 (1) The state department of agriculture is the lead agency for the
15 control of spartina and purple loosestrife (~~(with the advice of the~~
16 ~~state noxious weed control board)~~).

17 (2) Responsibilities of the lead agency include:

18 (a) Coordination of the control program including memorandums of
19 understanding, contracts, and agreements with local, state, federal,
20 and tribal governmental entities and private parties;

21 (b) Preparation of a statewide spartina management plan utilizing
22 integrated vegetation management strategies that encompass all of
23 Washington's tidelands. The plan shall be developed in cooperation
24 with local, state, federal, and tribal governments, private landowners,
25 and concerned citizens. The plan shall prioritize areas for control.
26 Nothing in this subsection prohibits the department from taking action
27 to control spartina in a particular area of the state in accordance
28 with a plan previously prepared by the state while preparing the
29 statewide plan;

30 (c) Directing on the ground control efforts that include, but are
31 not limited to: (i) Control work and contracts; (ii) spartina survey;
32 (iii) collection and maintenance of spartina location data; (iv)
33 purchasing equipment, goods, and services; (v) survey of threatened and
34 endangered species; and (vi) site-specific environmental information
35 and documents; and

36 (d) Evaluating the effectiveness of the control efforts.

1 ((The lead agency shall report to the appropriate standing
2 committees of the house of representatives and the senate no later than
3 December 15th of each year through the year 1999 on the progress of the
4 program, the number of acres treated by various methods of control, and
5 on the funds spent.))

6 **Sec. 168.** RCW 77.60.130 and 2007 c 341 s 59 are each amended to
7 read as follows:

8 (1) The aquatic nuisance species committee is created for the
9 purpose of fostering state, federal, tribal, and private cooperation on
10 aquatic nuisance species issues. The mission of the committee is to
11 minimize the unauthorized or accidental introduction of nonnative
12 aquatic species and give special emphasis to preventing the
13 introduction and spread of aquatic nuisance species. The term "aquatic
14 nuisance species" means a nonnative aquatic plant or animal species
15 that threatens the diversity or abundance of native species, the
16 ecological stability of infested waters, or commercial, agricultural,
17 or recreational activities dependent on such waters.

18 (2) The committee consists of representatives from each of the
19 following state agencies: Department of fish and wildlife, department
20 of ecology, department of agriculture, department of health, department
21 of natural resources, Puget Sound partnership, state patrol, (~~state
22 noxious weed control board,~~) and Washington sea grant program. The
23 committee shall encourage and solicit participation by: Federally
24 recognized tribes of Washington, federal agencies, Washington
25 conservation organizations, environmental groups, and representatives
26 from industries that may either be affected by the introduction of an
27 aquatic nuisance species or that may serve as a pathway for their
28 introduction.

29 (3) The committee has the following duties:

30 (a) Periodically revise the state of Washington aquatic nuisance
31 species management plan, originally published in June 1998;

32 (b) Make recommendations to the legislature on statutory provisions
33 for classifying and regulating aquatic nuisance species;

34 (c) Recommend to the (~~state noxious weed control board~~)
35 department of agriculture that a plant be classified under the process
36 designated by RCW 17.10.080 as an aquatic noxious weed;

1 (d) Coordinate education, research, regulatory authorities,
2 monitoring and control programs, and participate in regional and
3 national efforts regarding aquatic nuisance species;

4 (e) Consult with representatives from industries and other
5 activities that may serve as a pathway for the introduction of aquatic
6 nuisance species to develop practical strategies that will minimize the
7 risk of new introductions; and

8 (f) Prepare a biennial report to the legislature with the first
9 report due by December 1, 2001, making recommendations for better
10 accomplishing the purposes of this chapter, and listing the
11 accomplishments of this chapter to date.

12 (4) The committee shall accomplish its duties through the authority
13 and cooperation of its member agencies. Implementation of all plans
14 and programs developed by the committee shall be through the member
15 agencies and other cooperating organizations.

16 **Sec. 169.** RCW 79A.25.320 and 2006 c 152 s 3 are each amended to
17 read as follows:

18 (1) Membership in the council includes a representative from the
19 following entities:

20 (a) The department of agriculture, represented by the director or
21 the director's designee;

22 (b) The department of fish and wildlife, represented by the
23 director or the director's designee;

24 (c) The department of ecology, represented by the director or the
25 director's designee;

26 (d) The department of natural resources, represented by the
27 commissioner or the commissioner's designee;

28 (e) The department of transportation, represented by the secretary
29 or the secretary's designee;

30 ~~(f) ((The Washington state noxious weed control board, appointed by
31 the board;~~

32 ~~(g))~~ A county located east of the crest of the Cascade mountains,
33 appointed by the other members of the council; and

34 ~~((h))~~ (g) A county located west of the crest of the Cascade
35 mountains, appointed by the other members of the council.

36 (2) The councilmembers may add members to the council as the
37 councilmembers deem appropriate to accomplish its goals.

1 (3) The council must invite one representative each from the United
2 States department of agriculture, the United States fish and wildlife
3 service, the United States environmental protection agency, and the
4 United States coast guard to participate on the council in a nonvoting,
5 ex officio capacity.

6 (4) A representative of the office of the governor must convene the
7 first meeting of the council and serve as chair until the council
8 selects a chair. At the first meeting of the council, the council
9 shall address issues including, but not limited to, voting methods,
10 meeting schedules, and the need for and use of advisory and technical
11 committees.

12 **Sec. 170.** RCW 79A.25.340 and 2006 c 152 s 5 are each amended to
13 read as follows:

14 (1) The council shall develop and periodically update a statewide
15 strategic plan for addressing invasive species. The strategic plan
16 should incorporate the reports and activities of the aquatic nuisance
17 species committee, the (~~state noxious weed control board~~) department
18 of agriculture, and other appropriate reports and activities. In
19 addition, the council must coordinate with the biodiversity council
20 created in Executive Order 04-02 to ensure that a statewide strategy
21 for the control of invasive species is integrated into the thirty-year
22 strategy for biodiversity conservation that the biodiversity council
23 must submit to the legislature in 2007.

24 (2) The strategic plan must, at a minimum, address:

25 (a) Statewide coordination and intergovernmental cooperation;

26 (b) Prevention of new biological invasions through deliberate or
27 unintentional introduction;

28 (c) Inventory and monitoring of invasive species;

29 (d) Early detection of and rapid response to new invasions;

30 (e) Control, management, and eradication of established populations
31 of invasive species;

32 (f) Projects that can be implemented during the period covered by
33 the strategic plan for the control, management, and eradication of new
34 or established populations of invasive species;

35 (g) Revegetation, reclamation, or restoration of native species
36 following control or eradication of invasive species;

1 (h) Tools that can be made available to assist state agencies that
2 are responsible for managing public land to control invasive noxious
3 weeds and recommendations as to how the agencies should be held
4 responsible for the failure to control invasive noxious weeds;

5 (i) Research and public education;

6 (j) Funding and resources available for invasive species
7 prevention, control, and management; and

8 (k) Recommendations for legislation necessary to carry out the
9 purposes of this chapter.

10 (3) The strategic plan must be updated at least once every three
11 years following its initial development. The strategic plan must be
12 submitted to the governor and appropriate committees of the legislature
13 by September 15th of each applicable year. The council shall complete
14 the initial strategic plan within two years of June 7, 2006.

15 (4) Each state department and agency named to the council shall,
16 consistent with state law, make best efforts to implement elements of
17 the completed plan that are applicable to the department or agency.

18 **Well Drilling Technical Advisory Group**

19 NEW SECTION. **Sec. 171.** RCW 18.104.190 (Technical advisory group)
20 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

21 **Sec. 172.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to
22 read as follows:

23 The department shall have the power:

24 (1) To issue, deny, suspend or revoke licenses pursuant to the
25 provisions of this chapter;

26 (2) At all reasonable times, to enter upon lands for the purpose of
27 inspecting, taking measurements from, or tagging any well, constructed
28 or being constructed;

29 (3) To call upon or receive professional or technical advice from
30 the department of health(~~(, the technical advisory group created in RCW~~
31 ~~18.104.190,)) or any other public agency or person;~~

32 (4) To adopt rules, in consultation with the department of health
33 (~~(and the technical advisory group created in RCW 18.104.190, governing~~

1 ~~licensing and well construction~~)), as may be appropriate to carry out
2 the purposes of this chapter. The rules adopted by the department may
3 include, but are not limited to:

4 (a) Standards for the construction and maintenance of wells and
5 their casings;

6 (b) Methods of capping, sealing, and decommissioning wells to
7 prevent contamination of groundwater resources and to protect public
8 health and safety;

9 (c) Methods of artificial recharge of groundwater bodies and of
10 construction of wells which insure separation of individual water
11 bearing formations;

12 (d) The manner of conducting and the content of examinations
13 required to be taken by applicants for license hereunder;

14 (e) Requirements for the filing of notices of intent, well reports,
15 and the payment of fees;

16 (f) Reporting requirements of well contractors;

17 (g) Limitations on well construction in areas identified by the
18 department as requiring intensive control of withdrawals in the
19 interests of sound management of the groundwater resource;

20 (5) To require the operator in the construction of a well and the
21 property owner in the maintenance of a well to guard against waste and
22 contamination of the groundwater resources;

23 (6) To require the operator to place a well identification tag on
24 a new well and on an existing well on which work is performed after the
25 effective date of rules requiring well identification tags and to place
26 or require the owner to place a well identification tag on an existing
27 well;

28 (7) To require the well owner to repair or decommission any well:

29 (a) That is abandoned, unusable, or not intended for future use; or

30 (b) That is an environmental, safety, or public health hazard.

31 **Sec. 173.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to
32 read as follows:

33 (1) If requested in writing by the governing body of a local health
34 district or county, the department by memorandum of agreement may
35 delegate to the governing body the authority to administer and enforce
36 the well tagging, sealing, and decommissioning portions of the water
37 well construction program.

1 (2) The department shall determine whether a local health district
2 or county that seeks delegation under this section has the resources,
3 capability, and expertise, including qualified field inspectors, to
4 administer the delegated program. If the department determines the
5 local government has these resources, it shall notify well contractors
6 and operators of the proposal. The department shall accept written
7 comments on the proposal for sixty days after the notice is mailed.

8 (3) If the department determines that a delegation of authority to
9 a local health district or county to administer and enforce the well
10 sealing and decommissioning portions of the water well construction
11 program will enhance the public health and safety and the environment,
12 the department and the local governing body may enter into a memorandum
13 of agreement setting forth the specific authorities delegated by the
14 department to the local governing body. The memorandum of agreement
15 must be, at a minimum, reviewed annually. The department(~~(, in~~
16 ~~consultation with the technical advisory group, created under RCW~~
17 ~~18.104.190,)) shall adopt rules outlining the annual review and
18 reporting process. A detailed summary of the review must be made
19 available to well contractors and operators upon request and be
20 published on the department's web site.~~

21 (4) With regard to the portions of the water well construction
22 program delegated under this section, the local governing agency shall
23 exercise only the authority delegated to it under this section. If,
24 after a public hearing, the department determines that a local
25 governing body is not administering the program in accordance with this
26 chapter, it shall notify the local governing body of the deficiencies.
27 If corrective action is not taken within a reasonable time, not to
28 exceed sixty days, the department by order shall withdraw the
29 delegation of authority.

30 (5) The department shall promptly furnish the local governing body
31 with a copy of each water well report and notification of start cards
32 received in the area covered by a delegated program.

33 (6) The department and the local governing body shall coordinate to
34 reduce duplication of effort and shall share all appropriate
35 information including technical reports, violations, and well reports.

36 (7) Any person aggrieved by a decision of a local health district
37 or county under a delegated program may appeal the decision to the

1 department. The department's decision is subject to review by the
2 pollution control hearings board as provided in RCW 43.21B.110.

3 (8) The department shall not delegate the authority to license well
4 contractors, renew licenses, receive notices of intent to commence
5 constructing a well, receive well reports, or collect state fees
6 provided for in this chapter.

7 **Sec. 174.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to
8 read as follows:

9 The department by rule shall adopt procedures to permit a well
10 operator to modify construction standards to meet unforeseen
11 circumstances encountered during the construction of a well. ((The
12 procedures shall be developed in consultation with the technical
13 advisory group established in RCW 18.104.190.))

14 **Sec. 175.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to
15 read as follows:

16 (1) Licenses issued pursuant to this chapter shall be renewed every
17 two years. A license shall be renewed upon payment of a renewal fee
18 and completion of continuing education requirements and receipt of a
19 completed license renewal application. If a licensee fails to submit
20 an application for renewal, the renewal fee, and proof of completion of
21 the required continuing education, the license shall be suspended at
22 the end of its effective term. The licensee is not allowed to perform
23 work authorized by their license during the time that it is suspended.
24 The licensee is allowed thirty days to submit an application for
25 renewal, the renewal fee, and proof of completion of the required
26 continuing education for the renewal period. Continuing education
27 obtained during the thirty-day suspension period may be applied only to
28 the next renewal period. If a licensee fails to submit an application
29 for renewal, the renewal fee, and proof of completion of the required
30 continuing education by the end of the thirty-day suspension period,
31 the license expires. The department shall adopt rules((, ~~in~~
32 ~~consultation with the technical advisory group created under RCW~~
33 ~~18.104.190,~~)) that allow for an extension of the thirty-day suspension
34 period for certain situations that are beyond the control of the
35 licensee. The rules must also allow for a retirement or inactive
36 license.

1 (2) A person whose license has expired must apply for a new license
2 as provided in this chapter. The department may waive the requirement
3 for a written examination and on-site testing for a person whose
4 license has expired.

5 (3) The department may refuse to renew a license if the licensee
6 has not complied with an order issued by the department or has not paid
7 a penalty imposed in accordance with this chapter, unless the order or
8 penalty is under appeal.

9 (4) The department may issue a conditional license to enable a
10 former licensee to comply with an order to correct problems with a
11 well.

12 **Sec. 176.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to
13 read as follows:

14 (1) A person seeking a new license or to renew an existing license
15 under this chapter must demonstrate a willingness to maintain a high
16 level of professional competency by completing continuing education
17 programs as required by the department by rule. The department shall
18 not approve any continuing education program unless: (a) It is offered
19 by an approved provider; (b) it is open to all persons licensed or
20 pursuing a license under this chapter; and (c) the fees charged are
21 reasonable for all persons desiring to attend the program.

22 (2) The department(~~(, in consultation with the technical advisory~~
23 ~~group created in RCW 18.104.190,))~~ shall adopt rules governing
24 continuing education programs. At a minimum, the rules must establish:
25 A method of approving providers of continuing education; a criteria to
26 evaluate the offerings, workshops, courses, classes, or programs; a
27 criteria for assigning credits; and a criteria for reporting and
28 verifying completion.

29 (3) The department shall support approved providers by providing,
30 upon request and at the department's discretion, technical assistance
31 and presenters for continuing education offerings.

32 (4) The department shall maintain a current list of all continuing
33 education offerings by approved providers and ensure that the list is
34 available to all licensees by request. The list must also be posted on
35 the department's web site.

1 **Workforce Training Customer Advisory Committee**

2 **Sec. 177.** RCW 28C.04.390 and 2010 1st sp.s. c 24 s 2 are each
3 amended to read as follows:

4 (1) The college board worker retraining program funds shall be
5 used for training programs and related support services, including
6 financial aid, counseling, referral to training resources, job
7 referral, and job development that:

8 (a) Are consistent with the unified plan for workforce development;

9 (b) Provide increased enrollments for dislocated workers;

10 (c) Provide customized training opportunities for dislocated
11 workers; and

12 (d) Provide increased enrollments and support services, including
13 financial aid for those students not receiving unemployment insurance
14 benefits, that do not replace or supplant any existing enrollments,
15 programs, support services, or funding sources.

16 (2) The college board shall develop a plan for use of the worker
17 retraining program funds in conjunction with the workforce training
18 customer advisory committee established in subsection (3) of this
19 section. In developing the plan the college board shall:

20 (a) Provide that applicants for worker retraining program funds
21 shall solicit financial support for training programs and give priority
22 in receipt of funds to those applicants which are most successful in
23 matching public dollars with financial support;

24 (b) Provide that applicants for worker retraining program funds
25 shall develop training programs in partnership with local businesses,
26 industry associations, labor, and other partners as appropriate and
27 give priority in receipt of funds to those applicants who develop
28 customized training programs in partnership with local businesses,
29 industry associations, and labor organizations;

30 (c) Give priority in receipt of funds to those applicants serving
31 rural areas;

32 (d) Ensure that applicants receiving worker retraining program
33 funds gather information from local workforce development councils on
34 employer workforce needs, including the needs of businesses with less
35 than twenty-five employees;

36 (e) Provide for specialized vocational training at a private career
37 school or college at the request of a recipient eligible under

1 subsection (1)(b) of this section. Available tuition for the training
2 is limited to the amount that would otherwise be payable per enrolled
3 quarter to a public institution; and

4 (f) Give priority in receipt of funds to those applicants working
5 toward careers in the aerospace, health care, advanced manufacturing,
6 construction, forest product, and renewable energy industries; high-
7 demand occupations in strategic industry clusters identified in the
8 state comprehensive plan and the workforce development councils' local
9 comprehensive plans for workforce educational training as identified in
10 RCW 28C.18.080 and 28C.18.150; and occupations and industries
11 identified by community and technical colleges in collaboration with
12 local workforce development councils. For purposes of this section,
13 health care includes long-term care.

14 ~~((3) The executive director of the college board shall appoint a
15 workforce training customer advisory committee by July 1, 1999, to:~~

16 ~~(a) Assist in the development of the plan for the use of the
17 college board worker retraining program funds and recommend guidelines
18 to the college board for the operation of worker retraining programs;~~

19 ~~(b) Recommend selection criteria for worker retraining programs and
20 grant applicants for receipt of worker retraining program grants;~~

21 ~~(c) Provide advice to the college board on other workforce
22 development activities of the community and technical colleges;~~

23 ~~(d) Recommend selection criteria for job skills grants, consistent
24 with criteria established in this chapter and chapter 121, Laws of
25 1999. Such criteria shall include a prioritization of job skills
26 applicants in rural areas;~~

27 ~~(e) Recommend guidelines to the college board for the operation of
28 the job skills program; and~~

29 ~~(f) Recommend grant applicants for receipt of job skills program
30 grants.~~

31 ~~(4) Members of the workforce training customer advisory committee
32 shall consist of three college system representatives selected by the
33 executive director of the college board, three representatives of
34 business selected from nominations provided by statewide business
35 organizations, and three representatives of labor selected from
36 nominations provided by a statewide labor organization representing a
37 cross section of workers in the state.))~~

1 **Sec. 178.** RCW 28C.04.420 and 2009 c 554 s 2 are each amended to
2 read as follows:

3 The college board may, subject to appropriation from the
4 legislature or from funds made available from any other public or
5 private source and pursuant to rules adopted by the college board
6 (~~with the advice of the workforce training customer advisory committee~~
7 ~~established in RCW 28C.04.390~~), provide job skills grants to
8 educational institutions. The job skills grants shall be used
9 exclusively for programs which are consistent with the job skills
10 program. The college board shall work (~~in collaboration with the~~
11 ~~workforce training customer advisory committee established in RCW~~
12 ~~28C.04.390~~) to assure that:

13 (1) The program is within the scope of the job skills program under
14 this chapter and may reasonably be expected to succeed and thereby
15 increase employment within the state;

16 (2) Provision has been made to use any available alternative
17 funding from local, state, and federal sources;

18 (3) The job skills grant will only be used to cover the costs
19 associated with the program;

20 (4) The program will not unnecessarily duplicate existing programs
21 and could not be provided by another educational institution more
22 effectively or efficiently;

23 (5) The program involves an area of skills training and education
24 for which there is a demonstrable need;

25 (6) The applicant has made provisions for the use of existing
26 federal and state resources for student financial assistance;

27 (7) The job skills grant is essential to the success of the program
28 as the resources of the applicant are inadequate to attract the
29 technical assistance and financial support necessary for the program
30 from business and industry;

31 (8) The program represents a collaborative partnership between
32 business, industry, labor, educational institutions, and other
33 partners, as appropriate;

34 (9) The commitment of financial support from business and industry
35 shall be equal to or greater than the amount of the requested job
36 skills grant;

37 (10) The job skills program gives priority to applications:

1 (a) Proposing training that leads to transferable skills that are
2 interchangeable among different jobs, employers, or workplaces;

3 (b) From firms in strategic industry clusters as identified by the
4 state or local areas;

5 (c) Proposing coordination with other cluster-based programs or
6 initiatives including, but not limited to, industry skill panels,
7 centers of excellence, innovation partnership zones, state-supported
8 cluster growth grants, and local cluster-based economic development
9 initiatives;

10 (d) Proposing industry-based credentialing; and

11 (e) Proposing increased capacity for educational institutions that
12 can be made available to industry and students beyond the grant
13 recipients;

14 (11) Binding commitments have been made to the college board by the
15 applicant for adequate reporting of information and data regarding the
16 program to the college board, particularly information concerning the
17 recruitment and employment of trainees and students, and including a
18 requirement for an annual or other periodic audit of the books of the
19 applicant directly related to the program, and for such control on the
20 part of the college board as it considers prudent over the management
21 of the program, so as to protect the use of public funds, including, in
22 the discretion of the commission and without limitation, right of
23 access to financial and other records of the applicant directly related
24 to the programs; and

25 (12) A provision has been made by the applicant to work, in
26 cooperation with the employment security department, to identify and
27 screen potential trainees, and that provision has been made by the
28 applicant for the participation as trainees of low-income persons
29 including temporary assistance for needy families recipients,
30 dislocated workers, and persons from minority and economically
31 disadvantaged groups to participate in the program.

32 Beginning October 1, 1999, and every two years thereafter, the
33 college board shall provide the legislature and the governor with a
34 report describing the activities and outcomes of the state job skills
35 program.

1 **Transfer of Appointment Authority**

2 **Sec. 179.** RCW 18.106.110 and 2006 c 185 s 4 are each amended to
3 read as follows:

4 (1) There is created a state advisory board of plumbers, to be
5 composed of seven members appointed by the (~~governor~~) director. Two
6 members shall be journeyman plumbers, one member shall be a specialty
7 plumber, three members shall be persons conducting a plumbing business,
8 at least one of which shall be primarily engaged in a specialty
9 plumbing business, and one member from the general public who is
10 familiar with the business and trade of plumbing.

11 (2) The term of one journeyman plumber expires July 1, 1995; the
12 term of the second journeyman plumber expires July 1, 2000; the term of
13 the specialty plumber expires July 1, 2008; the term of one person
14 conducting a plumbing business expires July 1, 1996; the term of the
15 second person conducting a plumbing business expires July 1, 2000; the
16 term of the third person conducting a plumbing business expires July 1,
17 2007; and the term of the public member expires July 1, 1997.
18 Thereafter, upon the expiration of said terms, the (~~governor~~)
19 director shall appoint a new member to serve for a period of three
20 years. However, to ensure that the board can continue to act, a member
21 whose term expires shall continue to serve until his or her replacement
22 is appointed. In the case of any vacancy on the board for any reason,
23 the (~~governor~~) director shall appoint a new member to serve out the
24 term of the person whose position has become vacant.

25 (3) The advisory board shall carry out all the functions and duties
26 enumerated in this chapter, as well as generally advise the department
27 on all matters relative to this chapter.

28 (4) Each member of the advisory board shall receive travel expenses
29 in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now
30 existing or hereafter amended for each day in which such member is
31 actually engaged in attendance upon the meetings of the advisory board.

32 **Sec. 180.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to
33 read as follows:

34 (1) The director of labor and industries shall appoint an
35 apprenticeship council, composed of three representatives each from
36 employer and employee organizations, respectively. The terms of office
37 of the members of the apprenticeship council first appointed by the

1 director of labor and industries shall be as follows: One
2 representative each of employers and employees shall be appointed for
3 one year, two years, and three years, respectively. Thereafter, each
4 member shall be appointed for a term of three years. The ~~((governor))~~
5 director of labor and industries shall also appoint a public member to
6 the apprenticeship council for a three-year term. ~~((The appointment of
7 the public member is subject to confirmation by the senate.))~~ Each
8 member shall hold office until a successor is appointed and has
9 qualified and any vacancy shall be filled by appointment for the
10 unexpired portion of the term. A designated representative from each
11 of the following: The workforce training and education coordinating
12 board, state board for community and technical colleges, employment
13 security department, and United States department of labor,
14 apprenticeship, training, employer, and labor services, shall be ex
15 officio members of the apprenticeship council. Ex officio members
16 shall have no vote. Each member of the council, not otherwise
17 compensated by public moneys, shall be reimbursed for travel expenses
18 in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated
19 in accordance with RCW 43.03.240.

20 (2) The apprenticeship council is authorized to approve
21 apprenticeship programs, and establish apprenticeship program standards
22 as rules, including requirements for apprentice-related and
23 supplemental instruction, coordination of instruction with job
24 experiences, and instructor qualifications. The council shall consider
25 recommendations from the state board for community and technical
26 colleges on matters of apprentice-related and supplemental instruction,
27 coordination of instruction with job experiences, and instructor
28 qualifications. The rules for apprenticeship instructor qualifications
29 shall either be by reference or reasonably similar to the applicable
30 requirements established by or pursuant to chapter 28B.50 RCW. The
31 council is further authorized to issue such rules as may be necessary
32 to carry out the intent and purposes of this chapter, including a
33 procedure to resolve an impasse should a tie vote of the council occur,
34 and perform such other duties as are hereinafter imposed.

35 (3) Not less than once a year the apprenticeship council shall make
36 a report to the director of labor and industries of its activities and
37 findings which shall be available to the public.

1 **Sec. 181.** RCW 36.93.051 and 1991 c 363 s 93 are each amended to
2 read as follows:

3 The boundary review board in each county with a population of one
4 million or more shall consist of eleven members chosen as follows:

5 (1) (~~Three persons shall be appointed by the governor;~~
6 ~~(2) Three~~) Four persons shall be appointed by the county
7 appointing authority;

8 (~~(3) Three~~) (2) Four persons shall be appointed by the mayors of
9 the cities and towns located within the county; and

10 (~~(4) Two~~) (3) Three persons shall be appointed by the board from
11 nominees of special districts in the county.

12 The governor shall designate one initial appointee to serve a term
13 of two years, and two initial appointees to serve terms of four years,
14 if the appointments are made in an odd-numbered year, or one initial
15 appointee to serve a term of one year, and two initial appointees to
16 serve terms of three years, if the appointments are made in an even-
17 numbered year, with the length of the term being calculated from the
18 first day of February in the year the appointment was made.

19 The county appointing authority shall designate one of its initial
20 appointees to serve a term of two years, and two of its initial
21 appointees to serve terms of four years, if the appointments are made
22 in an odd-numbered year, or one of its initial appointees to serve a
23 term of one year, and two of its initial appointees to serve terms of
24 three years, if the appointments are made in an even-numbered year,
25 with the length of the term being calculated from the first day of
26 February in the year the appointment was made.

27 The mayors making the initial city and town appointments shall
28 designate two of their initial appointees to serve terms of two years,
29 and one of their initial appointees to serve a term of four years, if
30 the appointments are made in an odd-numbered year, or two of their
31 initial appointees to serve terms of one year, and one of their initial
32 appointees to serve a term of three years, if the appointments are made
33 in an even-numbered year, with the length of the term being calculated
34 from the first day of February in the year the appointment was made.

35 The board shall make two initial appointments from the nominees of
36 special districts, with one appointee serving a term of four years and
37 one initial appointee serving a term of two years, if the appointments
38 are made in an odd-numbered year, or one initial appointee serving a

1 term of three years and one initial appointee serving a term of one
2 year if the appointments are made in an even-numbered year, with the
3 length of the term being calculated from the first day of March in the
4 year in which the appointment is made.

5 After the initial appointments, all appointees shall serve four-
6 year terms.

7 No appointee may be an official or employee of the county or a
8 governmental unit in the county, or a consultant or advisor on a
9 contractual or regular retained basis of the county, any governmental
10 unit in the county, or any agency or association thereof.

11 **Sec. 182.** RCW 15.92.090 and 1999 c 247 s 1 are each amended to
12 read as follows:

13 (1) A commission on pesticide registration is established. The
14 commission shall be composed of twelve voting members appointed by the
15 (~~governor~~) director as follows:

16 (a) Eight members from the following segments of the state's
17 agricultural industry as nominated by a statewide private agricultural
18 association or agricultural commodity commission formed under Title 15
19 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato
20 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry
21 growers; (vii) wine grape growers; and (viii) the nursery and landscape
22 industry. Although members are appointed from various segments of the
23 agriculture industry, they are appointed to represent and advance the
24 interests of the industry as a whole.

25 (b) One member from each of the following: (i) Forest protection
26 industry; (ii) food processors; (iii) agricultural chemical industry;
27 and (iv) professional pesticide applicators. One member shall be
28 appointed for each such segment of the industry and shall be nominated
29 by a statewide, private association of that segment of the industry.
30 The representative of the agricultural chemical industry shall be
31 involved in the manufacture of agricultural crop protection products.

32 The following shall be ex officio, nonvoting members of the
33 commission: The coordinator of the interregional project number four
34 at Washington State University; the director of the department of
35 ecology or the director's designee; the director of the department of
36 agriculture or the director's designee; the director of the department

1 of labor and industries or the director's designee; and the secretary
2 of the department of health or the secretary's designee.

3 (2) Each voting member of the commission shall serve a term of
4 three years. (~~((However, the first appointments in the first year shall
5 be made by the governor for one, two, and three year terms so that, in
6 subsequent years, approximately one third of the voting members shall
7 be appointed each year. The governor shall assign the initial one,
8 two, and three year terms to members by lot.))~~) A vacancy shall be
9 filled by appointment for the unexpired term in the same manner
10 provided for an appointment to the full term. No member of the
11 commission may be removed by the (~~(governor)~~) director during his or
12 her term of office unless for cause of incapacity, incompetence,
13 neglect of duty, or malfeasance in office. Each member of the
14 commission shall receive travel expenses in accordance with RCW
15 43.03.050 and 43.03.060 for attending meetings of the commission and
16 for performing special duties, in the way of official commission
17 business, specifically assigned to the person by the commission. The
18 voting members of the commission serve without compensation from the
19 state other than such travel expenses.

20 (3) (~~((Nominations for the initial appointments to the commission
21 under subsection (1) of this section shall be submitted by September 1,
22 1995. The governor shall make initial appointments to the commission
23 by October 15, 1995.~~

24 (~~4~~)) The commission shall elect a chair from among its voting
25 members each calendar year. After its original organizational meeting,
26 the commission shall meet at the call of the chair. A majority of the
27 voting members of the commission constitutes a quorum and an official
28 action of the commission may be taken by a majority vote of the quorum.

29 **Sec. 183.** RCW 43.160.030 and 2008 c 327 s 3 are each amended to
30 read as follows:

31 (1) The community economic revitalization board is hereby created
32 to exercise the powers granted under this chapter.

33 (2) The board shall consist of one member from each of the two
34 major caucuses of the house of representatives to be appointed by the
35 speaker of the house and one member from each of the two major caucuses
36 of the senate to be appointed by the president of the senate. The
37 board shall also consist of the following members appointed by the

1 ((governor)) director of commerce: A recognized private or public
2 sector economist; one port district official; one county official; one
3 city official; one representative of a federally recognized Indian
4 tribe; one representative of the public; one representative of small
5 businesses each from: (a) The area west of Puget Sound, (b) the area
6 east of Puget Sound and west of the Cascade range, (c) the area east of
7 the Cascade range and west of the Columbia river, and (d) the area east
8 of the Columbia river; one executive from large businesses each from
9 the area west of the Cascades and the area east of the Cascades. The
10 appointive members shall initially be appointed to terms as follows:
11 Three members for one-year terms, three members for two-year terms, and
12 three members for three-year terms which shall include the chair.
13 Thereafter each succeeding term shall be for three years. The chair of
14 the board shall be selected by the ((governor)) director of commerce.
15 The members of the board shall elect one of their members to serve as
16 vice-chair. The director of ((community, trade, and economic
17 development)) commerce, the director of revenue, the commissioner of
18 employment security, and the secretary of transportation shall serve as
19 nonvoting advisory members of the board.

20 (3) Management services, including fiscal and contract services,
21 shall be provided by the department to assist the board in implementing
22 this chapter.

23 (4) Members of the board shall be reimbursed for travel expenses as
24 provided in RCW 43.03.050 and 43.03.060.

25 (5) If a vacancy occurs by death, resignation, or otherwise of
26 appointive members of the board, the ((governor)) director of commerce
27 shall fill the same for the unexpired term. Members of the board may
28 be removed for malfeasance or misfeasance in office, upon specific
29 written charges by the ((governor)) director of commerce, under chapter
30 34.05 RCW.

31 (6) A member appointed by the ((governor)) director of commerce may
32 not be absent from more than fifty percent of the regularly scheduled
33 meetings in any one calendar year. Any member who exceeds this absence
34 limitation is deemed to have withdrawn from the office and may be
35 replaced by the ((governor)) director of commerce.

36 (7) A majority of members currently appointed constitutes a quorum.

1 **Sec. 184.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to
2 read as follows:

3 (1) A sixteen member state commute trip reduction board is
4 established as follows:

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

7 (b) One representative from the office of (~~the governor or the~~
8 ~~governor's designee~~) financial management;

9 (c) The director or the director's designee of one of the following
10 agencies, to be determined by the (~~governor~~) secretary of
11 transportation:

12 (i) Department of general administration;

13 (ii) Department of ecology;

14 (iii) Department of (~~community, trade, and economic development~~)
15 commerce;

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

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

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

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

31 (h) Two citizens appointed by the (~~governor~~) secretary of
32 transportation for staggered four-year terms.

33 Members of the commute trip reduction board shall serve without
34 compensation but shall be reimbursed for travel expenses as provided in
35 RCW 43.03.050 and 43.03.060. Members appointed by the (~~governor~~)
36 secretary of transportation shall be compensated in accordance with RCW
37 43.03.220. The board has all powers necessary to carry out its duties
38 as prescribed by this chapter.

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

10 (a) Guidance criteria for growth and transportation efficiency
11 centers;

12 (b) Data measurement methods and procedures for determining the
13 efficacy of commute trip reduction activities and progress toward
14 meeting commute trip reduction plan goals;

15 (c) Model commute trip reduction ordinances;

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

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

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

28 (g) Listing of the affected areas of the program to be done every
29 four years as identified in subsection (5) of this section;

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

33 (i) Guidelines and deadlines for creating and updating local
34 commute trip reduction plans, including guidance to ensure consistency
35 between the local commute trip reduction plan and the transportation
36 demand management strategies identified in the transportation element
37 in the local comprehensive plan, as required by RCW 36.70A.070;

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

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

9 (l) Guidelines for creating and updating growth and transportation
10 efficiency center programs; and

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

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

32 (4) The board shall work with affected jurisdictions, major
33 employers, and other parties to develop and implement a public
34 awareness campaign designed to increase the effectiveness of local
35 commute trip reduction programs and support achievement of the
36 objectives identified in this chapter.

37 (5) The board shall evaluate and update the commute trip reduction
38 program plan and recommend changes to the rules every four years, with

1 the first assessment report due July 1, 2011, to ensure that the latest
2 data methodology used by the department of transportation is
3 incorporated into the program and to determine which areas of the state
4 should be affected by the program. The board shall review the
5 definition of a major employer no later than December 1, 2009. The
6 board shall regularly identify urban growth areas that are projected to
7 be affected by chapter 329, Laws of 2006 in the next four-year period
8 and may provide advance planning support to the potentially affected
9 jurisdictions.

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

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

31 **Sec. 185.** RCW 38.52.040 and 1995 c 269 s 1202 are each amended to
32 read as follows:

33 (1) There is hereby created the emergency management council
34 (hereinafter called the council), to consist of not more than seventeen
35 members who shall be appointed by the (~~governor~~) adjutant general.
36 The membership of the council shall include, but not be limited to,
37 representatives of city and county governments, sheriffs and police

1 chiefs, the Washington state patrol, the military department, the
2 department of ecology, state and local fire chiefs, seismic safety
3 experts, state and local emergency management directors, search and
4 rescue volunteers, medical professions who have expertise in emergency
5 medical care, building officials, and private industry. The
6 representatives of private industry shall include persons knowledgeable
7 in emergency and hazardous materials management. The council members
8 shall elect a chairman from within the council membership. The members
9 of the council shall serve without compensation, but may be reimbursed
10 for their travel expenses incurred in the performance of their duties
11 in accordance with RCW 43.03.050 and 43.03.060 as now existing or
12 hereafter amended.

13 (2) The emergency management council shall advise the governor and
14 the director on all matters pertaining to state and local emergency
15 management. The council may appoint such ad hoc committees,
16 subcommittees, and working groups as are required to develop specific
17 recommendations for the improvement of emergency management practices,
18 standards, policies, or procedures. The council shall ensure that the
19 governor receives an annual assessment of statewide emergency
20 preparedness including, but not limited to, specific progress on hazard
21 mitigation and reduction efforts, implementation of seismic safety
22 improvements, reduction of flood hazards, and coordination of hazardous
23 materials planning and response activities. The council or a
24 subcommittee thereof shall periodically convene in special session and
25 serve during those sessions as the state emergency response commission
26 required by P.L. 99-499, the emergency planning and community right-to-
27 know act. When sitting in session as the state emergency response
28 commission, the council shall confine its deliberations to those items
29 specified in federal statutes and state administrative rules governing
30 the coordination of hazardous materials policy. The council shall
31 review administrative rules governing state and local emergency
32 management practices and recommend necessary revisions to the director.

33 **Sec. 186.** RCW 70.168.020 and 2000 c 93 s 20 are each amended to
34 read as follows:

35 (1) There is hereby created an emergency medical services and
36 trauma care steering committee composed of representatives of
37 individuals knowledgeable in emergency medical services and trauma

1 care, including emergency medical providers such as physicians, nurses,
2 hospital personnel, emergency medical technicians, paramedics,
3 ambulance services, a member of the emergency medical services
4 licensing and certification advisory committee, local government
5 officials, state officials, consumers, and persons affiliated
6 professionally with health science schools. The ((~~governor~~)) secretary
7 shall appoint members of the steering committee. Members shall be
8 appointed for a period of three years. The department shall provide
9 administrative support to the committee. All appointive members of the
10 committee, in the performance of their duties, may be entitled to
11 receive travel expenses as provided in RCW 43.03.050 and 43.03.060.
12 The ((~~governor~~)) secretary may remove members from the committee who
13 have three unexcused absences from committee meetings. The
14 ((~~governor~~)) secretary shall fill any vacancies of the committee in a
15 timely manner. The terms of those members representing the same field
16 shall not expire at the same time.

17 The committee shall elect a chair and a vice-chair whose terms of
18 office shall be for one year each. The chair shall be ineligible for
19 reelection after serving four consecutive terms.

20 The committee shall meet on call by the ((~~governor~~)) the
21 secretary((~~7~~)) or the chair.

22 (2) The emergency medical services and trauma care steering
23 committee shall:

24 (a) Advise the department regarding emergency medical services and
25 trauma care needs throughout the state.

26 (b) Review the regional emergency medical services and trauma care
27 plans and recommend changes to the department before the department
28 adopts the plans.

29 (c) Review proposed departmental rules for emergency medical
30 services and trauma care.

31 (d) Recommend modifications in rules regarding emergency medical
32 services and trauma care.

33 **Sec. 187.** RCW 67.17.050 and 2001 c 18 s 6 are each amended to read
34 as follows:

35 (1) There is created an interstate governmental entity to be known
36 as the "compact committee" which shall be comprised of one official
37 from the racing commission or its equivalent in each party state who

1 shall be appointed, serve, and be subject to removal in accordance with
2 the laws of the party state he or she represents. Under the laws of
3 his or her party state, each official shall have the assistance of his
4 or her state's racing commission or the equivalent thereof in
5 considering issues related to licensing of participants in live racing
6 and in fulfilling his or her responsibilities as the representative
7 from his or her state to the compact committee. If an official is
8 unable to perform any duty in connection with the powers and duties of
9 the compact committee, the racing commission or equivalent thereof from
10 his or her state shall designate another of its members as an alternate
11 who shall serve in his or her place and represent the party state as
12 its official on the compact committee until that racing commission or
13 equivalent thereof determines that the original representative official
14 is able once again to perform his or her duties as that party state's
15 representative official on the compact committee. The designation of
16 an alternate shall be communicated by the affected state's racing
17 commission or equivalent thereof to the compact committee as the
18 committee's bylaws may provide.

19 (2) The ((governor)) horse racing commission shall appoint the
20 official to represent the state of Washington on the compact committee
21 for a term of four years. No official may serve more than three
22 consecutive terms. A vacancy shall be filled by the ((governor)) horse
23 racing commission for the unexpired term.

24 **Sec. 188.** RCW 43.365.030 and 2008 c 85 s 2 are each amended to
25 read as follows:

26 (1) A Washington motion picture competitiveness program under this
27 chapter shall be administered by a board of directors appointed by the
28 ((governor)) director of commerce, and the appointments shall be made
29 within sixty days following enactment. The department, after
30 consulting with the board, shall adopt rules for the standards that
31 shall be used to evaluate the applications for funding assistance prior
32 to June 30, 2006.

33 (2) The board shall evaluate and award financial assistance to
34 motion picture projects under rules set forth under RCW 43.365.020.

35 (3) The board shall consist of the following members:

36 (a) One member representing the Washington motion picture
37 production industry;

1 (b) One member representing the Washington motion picture
2 postproduction industry;

3 (c) Two members representing labor unions affiliated with
4 Washington motion picture production;

5 (d) One member representing the Washington visitors and convention
6 bureaus;

7 (e) One member representing the Washington tourism industry;

8 (f) One member representing the Washington restaurant, hotel, and
9 airline industry; and

10 (g) A chairperson, chosen at large, shall serve at the pleasure of
11 the ((governor)) director of commerce.

12 (4) The term of the board members, other than the chair, is four
13 years, except as provided in subsection (5) of this section.

14 (5) The ((governor)) director of commerce shall appoint board
15 members in 2010 to two-year or four-year staggered terms. Once the
16 initial two-year or four-year terms expire, all subsequent terms shall
17 be for four years. The terms of the initial board members shall be as
18 follows:

19 (a) The board positions in subsection (3)(b), (d), and (f) of this
20 section, and one position from subsection (3)(c) of this section shall
21 be appointed to two-year terms; and

22 (b) The remaining board positions in subsection (3) of this section
23 shall be appointed to four-year terms.

24 (6) A board member appointed by the ((governor)) director of
25 commerce may be removed by the ((governor)) director of commerce for
26 cause under RCW 43.06.070 and 43.06.080.

27 (7) Five members of the board constitute a quorum.

28 (8) The board shall elect a treasurer and secretary annually, and
29 other officers as the board members determine necessary, and may adopt
30 bylaws or rules for its own government.

31 (9) The board shall make any information available at the request
32 of the department to administer this chapter.

33 (10) Contributions received by a board shall be deposited into the
34 account described in RCW 43.365.020(2).

35 **Sec. 189.** RCW 41.60.015 and 2000 c 139 s 1 are each amended to
36 read as follows:

37 (1) There is hereby created the productivity board, which may also

1 be known as the employee involvement and recognition board. The board
2 shall administer the employee suggestion program and the teamwork
3 incentive program under this chapter.

4 (2) The board shall be composed of:

5 (a) The secretary of state who shall act as chairperson;

6 (b) The director of personnel appointed under the provisions of RCW
7 41.06.130 or the director's designee;

8 (c) The director of financial management or the director's
9 designee;

10 (d) The director of general administration or the director's
11 designee;

12 (e) Three persons with experience in administering incentives such
13 as those used by industry, with the ((governor,)) lieutenant governor,
14 secretary of state, and speaker of the house of representatives each
15 appointing one person. The ((governor's)) secretary of state's
16 appointee shall be a representative of an employee organization
17 certified as an exclusive representative of at least one bargaining
18 unit of classified employees; and

19 (f) Two persons representing state agencies and institutions with
20 employees subject to chapter 41.06 RCW, and one person representing
21 those subject to chapter 28B.16 RCW, both appointed by the ((governor;
22 and

23 ~~(g) In addition, the governor and board chairperson may jointly~~
24 ~~appoint persons to the board on an ad hoc basis. Ad hoc members shall~~
25 ~~serve in an advisory capacity and shall not have the right to vote))~~
26 secretary of state.

27 Members under subsection (2)(e) and (f) of this section shall be
28 appointed to serve three-year terms.

29 Members of the board appointed pursuant to subsection (2)(e) of
30 this section may be compensated in accordance with RCW 43.03.240. Any
31 board member who is not a state employee may be reimbursed for travel
32 expenses under RCW 43.03.050 and 43.03.060.

33 **Sec. 190.** RCW 43.20A.685 and 1981 c 151 s 2 are each amended to
34 read as follows:

35 (1) ~~((The initial members of the council shall be appointed by the~~
36 ~~governor to staggered terms such that approximately one third of the~~
37 ~~members serve terms of one year, one third serve terms of two years,~~

1 ~~and one third serve terms of three years. Thereafter,))~~ Members of the
2 council shall be appointed (~~by the governor~~) to terms of three years,
3 except in the case of a vacancy, in which event appointment shall be
4 for the remainder of the unexpired term for which the vacancy occurs.
5 No member of the council may serve more than two consecutive three-year
6 terms. Each area agency on aging advisory council shall appoint one
7 member (~~shall be appointed~~) from (~~each~~) its state-designated
8 planning and service area (~~from a list of names transmitted by each~~
9 ~~area agency on aging advisory council, such list including the names of~~
10 ~~all persons nominated within the planning and service area together~~
11 ~~with the area agency on aging advisory council's recommendations~~)).
12 The governor shall appoint one additional member from names submitted
13 by the association of Washington cities and one additional member from
14 names submitted by the Washington state association of counties. In
15 addition, the governor may appoint not more than five at large members,
16 in order to ensure that rural areas (those areas outside of a standard
17 metropolitan statistical area), minority populations, and those
18 individuals with special skills which could assist the state council
19 are represented. The members of the state council on aging shall
20 elect, at the council's initial meeting and at the council's first
21 meeting each year, one member to serve as chairperson of the council
22 and another member to serve as secretary of the council.

23 (2) The speaker of the house of representatives and the president
24 of the senate shall each appoint two nonvoting members to the council;
25 one from each of the two largest caucuses in each house. The terms of
26 the members so appointed shall be for approximately two years and the
27 terms shall expire before the first day of the legislative session in
28 odd-numbered years. They shall be compensated by their respective
29 houses as provided under RCW 44.04.120, as now or hereafter amended.

30 (3) With the exception of the members from the Washington state
31 association of cities, the Washington state association of counties,
32 and the nonvoting legislative members, all members of the council shall
33 be at least fifty-five years old.

34 **Sec. 191.** RCW 79A.30.030 and 2000 c 11 s 85 are each amended to
35 read as follows:

36 (1) A nonprofit corporation may be formed under the nonprofit
37 corporation provisions of chapter 24.03 RCW to carry out the purposes

1 of this chapter. Except as provided in RCW 79A.30.040, the corporation
2 shall have all the powers and be subject to the same restrictions as
3 are permitted or prescribed to nonprofit corporations and shall
4 exercise those powers only for carrying out the purposes of this
5 chapter and those purposes necessarily implied therefrom. The
6 nonprofit corporation shall be known as the Washington state horse park
7 authority. The articles of incorporation shall provide that it is the
8 responsibility of the authority to develop, promote, operate, manage,
9 and maintain the Washington state horse park. The articles of
10 incorporation shall provide for appointment of directors and other
11 conduct of business consistent with the requirements of this chapter.

12 (2)(a) The articles of incorporation shall provide for a seven-
13 member board of directors for the authority, all appointed by the
14 ~~((governor))~~ commission. Board members shall serve three-year terms,
15 except that two of the original appointees shall serve one-year terms,
16 and two of the original appointees shall serve two-year terms. A board
17 member may serve consecutive terms.

18 (b) The articles of incorporation shall provide that the
19 ~~((governor))~~ commission appoint board members as follows:

20 (i) One board member shall represent the interests of the
21 commission(~~(. In making this appointment, the governor shall solicit~~
22 ~~recommendations from the commission));~~

23 (ii) One board member shall represent the interests of the county
24 in which the park is located. In making this appointment, the
25 ~~((governor))~~ commission shall solicit recommendations from the county
26 legislative authority; and

27 (iii) Five board members shall represent the geographic and sports
28 discipline diversity of equestrian interests in the state, and at least
29 one of these members shall have business experience relevant to the
30 organization of horse shows or operation of a horse show facility. In
31 making these appointments, the ~~((governor))~~ commission shall solicit
32 recommendations from a variety of active horse-related organizations in
33 the state.

34 (3) The articles of incorporation shall include a policy that
35 provides for the preferential use of a specific area of the horse park
36 facilities at nominal cost for horse groups associated with youth
37 groups and ~~((the disabled))~~ individuals with disabilities.

1 (4) The ((governor)) commission shall make appointments to fill
2 board vacancies for positions authorized under subsection (2) of this
3 section, upon additional solicitation of recommendations from the board
4 of directors.

5 (5) The board of directors shall perform their duties in the best
6 interests of the authority, consistent with the standards applicable to
7 directors of nonprofit corporations under RCW 24.03.127.

8 **General Provisions**

9 **Sec. 192.** RCW 42.17.2401 and 2009 c 565 s 24 are each amended to
10 read as follows:

11 For the purposes of RCW 42.17.240, the term "executive state
12 officer" includes:

13 (1) The chief administrative law judge, the director of
14 agriculture, the administrator of the Washington basic health plan, the
15 director of the department of services for the blind, the director of
16 the state system of community and technical colleges, the director of
17 commerce, the secretary of corrections, the director of early learning,
18 the director of ecology, the commissioner of employment security, the
19 chair of the energy facility site evaluation council, the secretary of
20 the state finance committee, the director of financial management, the
21 director of fish and wildlife, the executive secretary of the forest
22 practices appeals board, the director of the gambling commission, the
23 director of general administration, the secretary of health, the
24 administrator of the Washington state health care authority, the
25 executive secretary of the health care facilities authority, the
26 executive secretary of the higher education facilities authority, the
27 executive secretary of the horse racing commission, the executive
28 secretary of the human rights commission, (~~the executive secretary of~~
29 ~~the indeterminate sentence review board,~~) the director of the
30 department of information services, the executive director of the state
31 investment board, the director of labor and industries, the director of
32 licensing, the director of the lottery commission, the director of the
33 office of minority and women's business enterprises, the director of
34 parks and recreation, the director of personnel, the executive director
35 of the public disclosure commission, the executive director of the

1 Puget Sound partnership, the director of the recreation and
2 conservation office, the director of retirement systems, the director
3 of revenue, the secretary of social and health services, the chief of
4 the Washington state patrol, the executive secretary of the board of
5 tax appeals, the secretary of transportation, the secretary of the
6 utilities and transportation commission, the director of veterans
7 affairs, the president of each of the regional and state universities
8 and the president of The Evergreen State College, and each district and
9 each campus president of each state community college;

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

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

12 (4) Central Washington University board of trustees, the boards of
13 trustees of each community college and each technical college, each
14 member of the state board for community and technical colleges, state
15 convention and trade center board of directors, committee for deferred
16 compensation, Eastern Washington University board of trustees,
17 Washington economic development finance authority, The Evergreen State
18 College board of trustees, executive ethics board, forest practices
19 appeals board, forest practices board, gambling commission, life
20 sciences discovery fund authority board of trustees, Washington health
21 care facilities authority, each member of the Washington health
22 services commission, higher education coordinating board, higher
23 education facilities authority, horse racing commission, state housing
24 finance commission, human rights commission, (~~indeterminate sentence~~
25 ~~review board,~~) board of industrial insurance appeals, information
26 services board, recreation and conservation funding board, state
27 investment board, commission on judicial conduct, legislative ethics
28 board, liquor control board, lottery commission, marine oversight
29 board, Pacific Northwest electric power and conservation planning
30 council, parks and recreation commission, board of pilotage
31 commissioners, pollution control hearings board, public disclosure
32 commission, public pension commission, shorelines hearings board,
33 public employees' benefits board, (~~salmon recovery funding board,~~)
34 board of tax appeals, transportation commission, University of
35 Washington board of regents, utilities and transportation commission,
36 Washington state maritime commission, Washington personnel resources
37 board, Washington public power supply system executive board,

1 Washington State University board of regents, Western Washington
2 University board of trustees, and fish and wildlife commission.

3 **Sec. 193.** RCW 42.17A.705 and 2010 c 204 s 902 are each amended to
4 read as follows:

5 For the purposes of RCW 42.17A.700, "executive state officer"
6 includes:

7 (1) The chief administrative law judge, the director of
8 agriculture, the director of the department of services for the blind,
9 the director of the state system of community and technical colleges,
10 the director of commerce, the secretary of corrections, the director of
11 early learning, the director of ecology, the commissioner of employment
12 security, the chair of the energy facility site evaluation council, the
13 secretary of the state finance committee, the director of financial
14 management, the director of fish and wildlife, the executive secretary
15 of the forest practices appeals board, the director of the gambling
16 commission, the director of general administration, the secretary of
17 health, the administrator of the Washington state health care
18 authority, the executive secretary of the health care facilities
19 authority, the executive secretary of the higher education facilities
20 authority, the executive secretary of the horse racing commission, the
21 executive secretary of the human rights commission, (~~the executive~~
22 ~~secretary of the indeterminate sentence review board,~~) the director of
23 the department of information services, the executive director of the
24 state investment board, the director of labor and industries, the
25 director of licensing, the director of the lottery commission, the
26 director of the office of minority and women's business enterprises,
27 the director of parks and recreation, the director of personnel, the
28 executive director of the public disclosure commission, the executive
29 director of the Puget Sound partnership, the director of the recreation
30 and conservation office, the director of retirement systems, the
31 director of revenue, the secretary of social and health services, the
32 chief of the Washington state patrol, the executive secretary of the
33 board of tax appeals, the secretary of transportation, the secretary of
34 the utilities and transportation commission, the director of veterans
35 affairs, the president of each of the regional and state universities
36 and the president of The Evergreen State College, and each district and
37 each campus president of each state community college;

1 (2) Each professional staff member of the office of the governor;
2 (3) Each professional staff member of the legislature; and
3 (4) Central Washington University board of trustees, the boards of
4 trustees of each community college and each technical college, each
5 member of the state board for community and technical colleges, state
6 convention and trade center board of directors, Eastern Washington
7 University board of trustees, Washington economic development finance
8 authority, Washington energy northwest executive board, The Evergreen
9 State College board of trustees, executive ethics board, fish and
10 wildlife commission, forest practices appeals board, forest practices
11 board, gambling commission, Washington health care facilities
12 authority, higher education coordinating board, higher education
13 facilities authority, horse racing commission, state housing finance
14 commission, human rights commission, (~~indeterminate sentence review~~
15 ~~board,~~) board of industrial insurance appeals, information services
16 board, state investment board, commission on judicial conduct,
17 legislative ethics board, life sciences discovery fund authority board
18 of trustees, liquor control board, lottery commission, Pacific
19 Northwest electric power and conservation planning council, parks and
20 recreation commission, Washington personnel resources board, board of
21 pilotage commissioners, pollution control hearings board, public
22 disclosure commission, public employees' benefits board, recreation and
23 conservation funding board, (~~salmon recovery funding board,~~)
24 shorelines hearings board, board of tax appeals, transportation
25 commission, University of Washington board of regents, utilities and
26 transportation commission, Washington State University board of
27 regents, and Western Washington University board of trustees.

28 **Sec. 194.** RCW 43.03.220 and 2010 1st sp.s. c 7 s 142 are each
29 amended to read as follows:

30 (1) Any part-time board, commission, council, committee, or other
31 similar group which is established by the executive, legislative, or
32 judicial branch to participate in state government and which functions
33 primarily in an advisory, coordinating, or planning capacity shall be
34 identified as a class one group.

35 (2) Absent any other provision of law to the contrary, no money
36 beyond the customary reimbursement or allowance for expenses may be

1 paid by or through the state to members of class one groups for
2 attendance at meetings of such groups.

3 ~~(3) ((Beginning July 1, 2010, through June 30, 2011, no person
4 designated as a member of a class one board, commission, council,
5 committee, or similar group may receive an allowance for subsistence,
6 lodging, or travel expenses if the allowance cost is funded by the
7 state general fund. Exceptions may be granted under section 605,
8 chapter 3, Laws of 2010. Class one groups, when feasible, shall use an
9 alternative means of conducting a meeting that does not require travel
10 while still maximizing member and public participation and may use a
11 meeting format that requires members to be physically present at one
12 location only when necessary or required by law. Meetings that require
13 a member's physical presence at one location must be held in state
14 facilities whenever possible, and meetings conducted using private
15 facilities must be approved by the director of the office of financial
16 management.~~

17 ~~(4))~~ Beginning July 1, 2010, through June 30, 2011, class one
18 groups ~~((that are funded by sources other than the state general fund))~~
19 are encouraged to reduce travel, lodging, and other costs associated
20 with conducting the business of the group including use of other
21 meeting formats that do not require travel.

22 **Sec. 195.** RCW 43.03.230 and 2010 1st sp.s. c 7 s 143 are each
23 amended to read as follows:

24 (1) Any agricultural commodity board or commission established
25 pursuant to Title 15 or 16 RCW shall be identified as a class two group
26 for purposes of compensation.

27 (2) Except as otherwise provided in this section, each member of a
28 class two group is eligible to receive compensation in an amount not to
29 exceed one hundred dollars for each day during which the member attends
30 an official meeting of the group or performs statutorily prescribed
31 duties approved by the chairperson of the group. A person shall not
32 receive compensation for a day of service under this section if the
33 person (a) occupies a position, normally regarded as full-time in
34 nature, in any agency of the federal government, Washington state
35 government, or Washington state local government; and (b) receives any
36 compensation from such government for working that day.

1 (3) Compensation may be paid a member under this section only if it
2 is authorized under the law dealing in particular with the specific
3 group to which the member belongs or dealing in particular with the
4 members of that specific group.

5 ~~(4) ((Beginning July 1, 2010, through June 30, 2011, no person
6 designated as a member of a class two board, commission, council,
7 committee, or similar group may receive an allowance for subsistence,
8 lodging, or travel expenses if the allowance cost is funded by the
9 state general fund. Exceptions may be granted under section 605,
10 chapter 3, Laws of 2010. Class two groups, when feasible, shall use an
11 alternative means of conducting a meeting that does not require travel
12 while still maximizing member and public participation and may use a
13 meeting format that requires members to be physically present at one
14 location only when necessary or required by law. Meetings that require
15 a member's physical presence at one location must be held in state
16 facilities whenever possible, and meetings conducted using private
17 facilities must be approved by the director of the office of financial
18 management.~~

19 ~~(5))~~ Beginning July 1, 2010, through June 30, 2011, class two
20 groups ~~((that are funded by sources other than the state general fund))~~
21 are encouraged to reduce travel, lodging, and other costs associated
22 with conducting the business of the group including use of other
23 meeting formats that do not require travel.

24 **Sec. 196.** RCW 43.03.240 and 2010 1st sp.s. c 7 s 144 are each
25 amended to read as follows:

26 (1) Any part-time, statutory board, commission, council, committee,
27 or other similar group which has rule-making authority, performs quasi
28 judicial functions, has responsibility for the administration or policy
29 direction of a state agency or program, or performs regulatory or
30 licensing functions with respect to a specific profession, occupation,
31 business, or industry shall be identified as a class three group for
32 purposes of compensation.

33 (2) Except as otherwise provided in this section, each member of a
34 class three group is eligible to receive compensation in an amount not
35 to exceed fifty dollars for each day during which the member attends an
36 official meeting of the group or performs statutorily prescribed duties
37 approved by the chairperson of the group. A person shall not receive

1 compensation for a day of service under this section if the person (a)
2 occupies a position, normally regarded as full-time in nature, in any
3 agency of the federal government, Washington state government, or
4 Washington state local government; and (b) receives any compensation
5 from such government for working that day.

6 (3) Compensation may be paid a member under this section only if it
7 is authorized under the law dealing in particular with the specific
8 group to which the member belongs or dealing in particular with the
9 members of that specific group.

10 ~~(4) ((Beginning July 1, 2010, through June 30, 2011, no person
11 designated as a member of a class three board, commission, council,
12 committee, or similar group may receive an allowance for subsistence,
13 lodging, or travel expenses if the allowance cost is funded by the
14 state general fund. Exceptions may be granted under section 605,
15 chapter 3, Laws of 2010. Class three groups, when feasible, shall use
16 an alternative means of conducting a meeting that does not require
17 travel while still maximizing member and public participation and may
18 use a meeting format that requires members to be physically present at
19 one location only when necessary or required by law. Meetings that
20 require a member's physical presence at one location must be held in
21 state facilities whenever possible, and meetings conducted using
22 private facilities must be approved by the director of the office of
23 financial management.~~

24 ~~(5))~~ Beginning July 1, 2010, through June 30, 2011, class three
25 groups ~~((that are funded by sources other than the state general fund))~~
26 are encouraged to reduce travel, lodging, and other costs associated
27 with conducting the business of the group including use of other
28 meeting formats that do not require travel.

29 **Sec. 197.** RCW 43.03.250 and 2010 1st sp.s. c 7 s 145 are each
30 amended to read as follows:

31 (1) A part-time, statutory board, commission, council, committee,
32 or other similar group shall be identified as a class four group for
33 purposes of compensation if the group:

34 (a) Has rule-making authority, performs quasi-judicial functions,
35 or has responsibility for the administration or policy direction of a
36 state agency or program;

1 (b) Has duties that are deemed by the legislature to be of
2 overriding sensitivity and importance to the public welfare and the
3 operation of state government; and

4 (c) Requires service from its members representing a significant
5 demand on their time that is normally in excess of one hundred hours of
6 meeting time per year.

7 (2) Each member of a class four group is eligible to receive
8 compensation in an amount not to exceed one hundred dollars for each
9 day during which the member attends an official meeting of the group or
10 performs statutorily prescribed duties approved by the chairperson of
11 the group. A person shall not receive compensation for a day of
12 service under this section if the person (a) occupies a position,
13 normally regarded as full-time in nature, in any agency of the federal
14 government, Washington state government, or Washington state local
15 government; and (b) receives any compensation from such government for
16 working that day.

17 (3) Compensation may be paid a member under this section only if it
18 is authorized under the law dealing in particular with the specific
19 group to which the member belongs or dealing in particular with the
20 members of that specific group.

21 (4) Beginning July 1, 2010, through June 30, 2011, class four
22 groups(~~(, when feasible, shall use an alternative means of conducting~~
23 ~~a meeting that does not require travel while still maximizing member~~
24 ~~and public participation and may use a meeting format that requires~~
25 ~~members to be physically present at one location only when necessary or~~
26 ~~required by law. Meetings that require a member's physical presence at~~
27 ~~one location must be held in state facilities whenever possible, and~~
28 ~~meetings conducted using private facilities must be approved by the~~
29 ~~director of the office of financial management)) are encouraged to
30 reduce travel, lodging, and other costs associated with conducting the
31 business of the group including use of other meeting formats that do
32 not require travel.~~

33 **Sec. 198.** RCW 43.03.265 and 2010 1st sp.s. c 7 s 146 are each
34 amended to read as follows:

35 (1) Any part-time commission that has rule-making authority,
36 performs quasi-judicial functions, has responsibility for the policy
37 direction of a health profession credentialing program, and performs

1 regulatory and licensing functions with respect to a health care
2 profession licensed under Title 18 RCW shall be identified as a class
3 five group for purposes of compensation.

4 (2) Except as otherwise provided in this section, each member of a
5 class five group is eligible to receive compensation in an amount not
6 to exceed two hundred fifty dollars for each day during which the
7 member attends an official meeting of the group or performs statutorily
8 prescribed duties approved by the chairperson of the group. A person
9 shall not receive compensation for a day of service under this section
10 if the person (a) occupies a position, normally regarded as full-time
11 in nature, in any agency of the federal government, Washington state
12 government, or Washington state local government; and (b) receives any
13 compensation from such government for working that day.

14 (3) Compensation may be paid a member under this section only if it
15 is necessarily incurred in the course of authorized business consistent
16 with the responsibilities of the commission established by law.

17 ~~(4) ((Beginning July 1, 2010, through June 30, 2011, no person
18 designated as a member of a class five board, commission, council,
19 committee, or similar group may receive an allowance for subsistence,
20 lodging, or travel expenses if the allowance cost is funded by the
21 state general fund. Exceptions may be granted under section 605,
22 chapter 3, Laws of 2010. Class five groups, when feasible, shall use
23 an alternative means of conducting a meeting that does not require
24 travel while still maximizing member and public participation and may
25 use a meeting format that requires members to be physically present at
26 one location only when necessary or required by law. Meetings that
27 require a member's physical presence at one location must be held in
28 state facilities whenever possible, and meetings conducted using
29 private facilities must be approved by the director of the office of
30 financial management.~~

31 ~~(5))~~ Beginning July 1, 2010, through June 30, 2011, class five
32 groups ~~((that are funded by sources other than the state general fund))~~
33 are encouraged to reduce travel, lodging, and other costs associated
34 with conducting the business of the group including use of other
35 meeting formats that do not require travel.

36 NEW SECTION. **Sec. 199.** A new section is added to chapter 39.29
37 RCW to read as follows:

1 Except under a specific statute to the contrary, agencies are
2 prohibited from entering into personal service contracts with members
3 of any agency board, commission, council, committee, or other similar
4 group formed to advise the activities and management of state
5 government for services related to work done as a member of the agency
6 board, commission, council, committee, or other similar group.

7 NEW SECTION. **Sec. 200.** A new section is added to chapter 28A.300
8 RCW to read as follows:

9 In addition to any board, commission, council, committee, or other
10 similar group established by statute or executive order, the
11 superintendent of public instruction may appoint advisory groups on
12 subject matters within the superintendent's responsibilities or as may
13 be required by any federal legislation as a condition to the receipt of
14 federal funds by the federal department. The advisory groups shall be
15 constituted as required by federal law or as the superintendent may
16 determine.

17 Members of advisory groups under the authority of the
18 superintendent may be paid their travel expenses in accordance with RCW
19 43.03.050 and 43.03.060.

20 Except as provided in this section, members of advisory groups
21 under the authority of the superintendent are volunteering their
22 services and are not eligible for compensation. A person is eligible
23 to receive compensation in an amount not to exceed one hundred dollars
24 for each day during which the member attends an official meeting of the
25 group or performs statutorily prescribed duties approved by the
26 chairperson of the group if the person (1) occupies a position,
27 normally regarded as full-time in nature, as a certificated employee of
28 a local school district; (2) is participating as part of their
29 employment with the local school district; and (3) the meeting or
30 duties are performed outside the period in which school days as defined
31 by RCW 28A.150.030 are conducted. The superintendent may reimburse
32 local school districts for substitute certificated employees to enable
33 members to meet or perform duties on school days. A person is eligible
34 to receive compensation from federal funds in an amount to be
35 determined by personal service contract for groups required by federal
36 law.

Lieutenant Governor's Duties

Sec. 201. RCW 43.15.020 and 2010 1st sp.s. c 7 s 136 and 2010 c 271 s 704 are each reenacted and amended to read as follows:

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

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

(a) Capitol furnishings preservation committee, RCW 27.48.040;

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

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

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

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

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

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

(i) Association of Washington generals, RCW 43.15.030.

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

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

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

(c) Washington state gambling commission, RCW 9.46.040;

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

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

~~((f))~~ (e) Financial education public-private partnership, RCW 28A.300.450;

~~((g))~~ (f) Joint administrative rules review committee, RCW 34.05.610;

~~((h))~~ (g) Capital projects advisory review board, RCW 39.10.220;

~~((i))~~ (h) Select committee on pension policy, RCW 41.04.276;

~~((j))~~ (i) Legislative ethics board, RCW 42.52.310;

~~((k))~~ (j) Washington citizens' commission on salaries, RCW 43.03.305;

~~((l))~~ (k) Legislative oral history committee, RCW 44.04.325;

~~((m))~~ (l) State council on aging, RCW 43.20A.685;

~~((n))~~ (m) State investment board, RCW 43.33A.020;

1 ~~((o) Capitol campus design advisory committee, RCW 43.34.080;~~
2 ~~(p))~~ (n) Washington state arts commission, RCW 43.46.015;
3 ~~((q))~~ (o) Information services board, RCW 43.105.032;
4 ~~((r) Council for children and families, RCW 43.121.020;~~
5 ~~(s))~~ (p) PNWER-Net working subgroup under chapter 43.147 RCW;
6 ~~((t))~~ (q) Community economic revitalization board, RCW
7 43.160.030;
8 ~~((u))~~ (r) Washington economic development finance authority, RCW
9 43.163.020;
10 ~~((v))~~ (s) Life sciences discovery fund authority, RCW 43.350.020;
11 ~~((w))~~ (t) Legislative children's oversight committee, RCW
12 44.04.220;
13 ~~((x))~~ (u) Joint legislative audit and review committee, RCW
14 44.28.010;
15 ~~((y))~~ (v) Joint committee on energy supply and energy
16 conservation, RCW 44.39.015;
17 ~~((z))~~ (w) Legislative evaluation and accountability program
18 committee, RCW 44.48.010;
19 ~~((aa))~~ (x) Agency council on coordinated transportation, RCW
20 47.06B.020;
21 ~~((bb))~~ (y) Manufactured housing task force, RCW 59.22.090;
22 ~~((cc))~~ (z) Washington horse racing commission, RCW 67.16.014;
23 ~~((dd) Correctional industries board of directors, RCW 72.09.080;~~
24 ~~(ee))~~ (aa) Joint committee on veterans' and military affairs, RCW
25 73.04.150;
26 ~~((ff))~~ (bb) Joint legislative committee on water supply during
27 drought, RCW 90.86.020;
28 ~~((gg))~~ (cc) Statute law committee, RCW 1.08.001; and
29 ~~((hh))~~ (dd) Joint legislative oversight committee on trade
30 policy, RCW 44.55.020.

Effective/Expiration Dates

31
32 NEW SECTION. **Sec. 202.** Section 192 of this act (RCW 42.17.2401)
33 expires January 1, 2012.

1 NEW SECTION. **Sec. 203.** Section 193 of this act (RCW 42.17A.705)
2 takes effect January 1, 2012.

3 NEW SECTION. **Sec. 204.** Except for sections 193, 199, and 200 of
4 this act, this act is necessary for the immediate preservation of the
5 public peace, health, or safety, or support of the state government and
6 its existing public institutions, and takes effect immediately.

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