
SENATE BILL 6219

State of Washington

55th Legislature

1998 Regular Session

By Senators McDonald, McCaslin, Patterson and West; by request of Office of Financial Management

Read first time . Referred to Committee on .

1 AN ACT Relating to reports to the legislature; making technical
2 corrections to the Revised Code of Washington; amending RCW 2.14.040,
3 9.95.212, 13.40.430, 17.10.070, 17.26.015, 18.16.050, 18.50.150,
4 19.118.080, 19.27A.020, 19.94.185, 27.04.110, 28A.300.300, 28A.415.260,
5 28A.630.825, 28B.10.887, 28B.125.010, 28B.20.130, 28B.20.382,
6 28B.25.020, 28B.30.150, 28B.30.537, 28B.50.259, 28B.65.050, 28B.80.280,
7 28B.80.360, 28B.80.612, 29.04.200, 36.32.340, 36.47.020, 36.47.070,
8 36.70A.385, 36.79.060, 38.52.535, 39.29.068, 39.84.090, 39.96.070,
9 41.04.630, 41.05.190, 41.05.220, 41.05.280, 41.06.285, 41.50.780,
10 41.52.040, 41.52.070, 42.16.017, 43.01.240, 43.06.115, 43.121.130,
11 43.147.070, 43.163.090, 43.163.120, 43.168.130, 43.175.020,
12 43.19.19052, 43.19.19362, 43.19.554, 43.19A.030, 43.20.235, 43.20A.725,
13 43.21J.030, 43.31.411, 43.31.526, 43.33.130, 43.41.240, 43.51.400,
14 43.51.944, 43.52.360, 43.52.560, 43.52.565, 43.63A.550, 43.70.066,
15 43.70.240, 43.70.330, 43.70.530, 43.70.545, 43.70.555, 43.70.600,
16 43.72.860, 43.99F.040, 43.200.180, 43.200.190, 43.200.200, 43.210.050,
17 43.330.090, 43.07.290, 44.40.070, 44.40.150, 46.20.520, 46.61.165,
18 46.81A.020, 47.01.250, 47.01.900, 47.04.180, 47.05.021, 47.14.050,
19 47.24.010, 48.41.070, 49.30.005, 50.44.035, 50.60.901, 50.62.040,
20 50.72.070, 51.36.080, 59.22.090, 69.43.010, 69.50.201, 69.50.525,
21 70.105.160, 70.112.050, 70.119A.160, 70.129.160, 70.148.020,

1 70.148.050, 70.162.050, 70.168.030, 70.170.060, 70.175.100, 70.180.110,
2 70.180.120, 70.190.050, 70.190.100, 70.190.110, 70.195.010, 70.24.400,
3 70.41.320, 70.93.250, 70.94.162, 70.94.656, 70.95.263, 70.95.810,
4 70.95C.030, 70.95C.250, 70.96A.420, 70.96A.500, 71.24.410, 72.09.040,
5 72.09.560, 72.23.025, 72.65.210, 74.04.025, 74.09.415, 74.09.520,
6 74.13.045, 74.13.055, 74.13.260, 74.14A.050, 74.20.340, 74.41.070,
7 75.24.060, 75.28.770, 75.30.480, 75.50.100, 75.52.110, 75.54.010,
8 77.12.690, 77.12.710, 77.32.060, 78.56.160, 79.01.295, 80.01.090,
9 81.04.520, 81.53.281, 81.80.450, 82.33A.010, 82.60.110, 84.33.200,
10 84.41.130, 90.22.060, 90.48.480, and 90.56.100; reenacting and amending
11 RCW 41.06.070, 43.43.934, 67.70.050, 71.24.035, 81.104.110, and
12 90.42.010; repealing RCW 13.04.460, 19.02.885, 19.27.078, 26.23.0401,
13 28B.04.070, 28B.06.050, 28B.10.692, 28B.30.636, 28B.50.900,
14 28B.106.900, 41.50.100, 43.03.260, 43.05.900, 43.43.560, 43.43.752,
15 43.59.130, 43.63A.215, 43.63A.220, 43.72.850, 43.88.065, 43.121.090,
16 43.163.900, 46.23.030, 47.01.220, 47.12.249, 47.26.163, 47.60.470,
17 47.60.544, 47.82.050, 48.87.090, 48.88.060, 49.46.150, 50.65.331,
18 51.32.116, 59.28.110, 66.08.028, 67.32.120, 69.51.070, 70.95C.090,
19 70.95E.070, 70.98.210, 70.114A.090, 70.120.180, 70.120.220, 70.123.060,
20 70.128.180, 70.149.110, 70.180.900, 72.02.170, 75.08.460, 75.50.050,
21 75.50.120, 77.04.111, 80.36.380, 80.36.860, 82.01.110, 82.61.070,
22 82.63.080, 90.48.369, and 90.58.330; repealing 1994 sp.s. c 7 s 517
23 (uncodified); repealing 1994 c 40 s 5 (uncodified); repealing 1996 c
24 152 s 3 (uncodified); and providing expiration dates.

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

26 **Sec. 1.** RCW 2.14.040 and 1988 c 109 s 15 are each amended to read
27 as follows:

28 The administrator for the courts, under the direction of the board
29 for judicial administration, shall administer the plan. The
30 administrator shall:

31 (1) Deposit or invest contributions to the plan consistent with RCW
32 2.14.080;

33 (2) Credit investment earnings or interest to individual judicial
34 retirement accounts consistent with RCW 2.14.070;

35 (3) Keep or cause to be kept full and adequate accounts and records
36 of the assets, obligations, transactions, and affairs of any judicial
37 retirement accounts created under this chapter; and

1 (4) ~~((File an annual report of the financial condition,~~
2 ~~transactions, and affairs of the judicial retirement accounts. A copy~~
3 ~~of the annual report shall be filed with the speaker of the house of~~
4 ~~representatives, the president of the senate, the governor, and the~~
5 ~~state auditor; and~~

6 ~~(5))~~) Adopt rules necessary to carry out this chapter.

7 **Sec. 2.** RCW 9.95.212 and 1995 1st sp.s. c 19 s 31 are each amended
8 to read as follows:

9 ~~((1))~~) The Washington state law and justice advisory council,
10 appointed under RCW 72.09.300(7), shall by October 1, 1995, develop
11 proposed standards for the supervision of misdemeanor probationers
12 sentenced by superior courts under RCW 9.92.060 or 9.95.210. In
13 developing the standards, the council shall consider realistic current
14 funding levels or reasonable expansions thereof, the recommendations of
15 the department of corrections, county probation departments, superior
16 and district court judges, and the misdemeanor corrections
17 association. The supervision standards shall establish classifications
18 of misdemeanor probationers based upon the seriousness of the offense,
19 the perceived risks to the community, and other relevant factors. The
20 standards may provide discretion to officials supervising misdemeanor
21 probationers to adjust the supervision standards, for good cause, based
22 upon individual circumstances surrounding the probationer. The
23 supervision standards shall include provisions for reciprocal
24 supervision of offenders who are sentenced in counties other than their
25 counties of residence.

26 ~~((2) The department of corrections shall report to the legislature~~
27 ~~by December 1, 1995, the estimated cost of fully implementing the~~
28 ~~proposed standards. The report shall rank by relative costs each of~~
29 ~~the elements of the proposed standards and shall identify the total~~
30 ~~daily supervision cost per offender. The report shall also include an~~
31 ~~accounting of the amount of supervision fees assessed and collected by~~
32 ~~the department under RCW 9.95.214.))~~

33 **Sec. 3.** RCW 13.40.430 and 1993 c 373 s 2 are each amended to read
34 as follows:

35 The ~~((department))~~ sentencing guidelines commission shall within
36 existing funds collect such data as may be necessary to monitor any
37 disparity in processing or disposing of cases involving juvenile

1 offenders due to economic, gender, geographic, or racial factors that
2 may result from implementation of section 1, chapter 373, Laws of 1993.
3 Beginning December 1, 1993, the ((department)) sentencing guidelines
4 commission shall report annually to the legislature on economic,
5 gender, geographic, or racial disproportionality in the rates of
6 arrest, detention, trial, treatment, and disposition in the state's
7 juvenile justice system. The report shall cover the preceding calendar
8 year. The annual report shall identify the causes of such
9 disproportionality and shall specifically point out any economic,
10 gender, geographic, or racial disproportionality resulting from
11 implementation of section 1, chapter 373, Laws of 1993.

12 **Sec. 4.** RCW 17.10.070 and 1997 c 353 s 8 are each amended to read
13 as follows:

14 (1) In addition to the powers conferred on the state noxious weed
15 control board under other provisions of this chapter, it has the power
16 to:

17 (a) Employ a state noxious weed control board executive secretary,
18 and additional persons as it deems necessary, to disseminate
19 information relating to noxious weeds to county noxious weed control
20 boards and weed districts, to coordinate the educational and weed
21 control efforts of the various county and regional noxious weed control
22 boards and weed districts, and to assist the board in carrying out its
23 responsibilities;

24 (b) Adopt, amend, or repeal rules, pursuant to the administrative
25 procedure act, chapter 34.05 RCW, as may be necessary to carry out the
26 duties and authorities assigned to the board by this chapter.

27 (2) The state noxious weed control board shall provide a written
28 report before January 1st of each odd-numbered year to ((the governor,
29 the legislature,)) the county noxious weed control boards((,)) and the
30 weed districts showing the expenditure of state funds on noxious weed
31 control; specifically how the funds were spent; the status of the
32 state, county, and district programs; and recommendations for the
33 continued best use of state funds for noxious weed control. The report
34 shall include recommendations as to the long-term needs regarding weed
35 control.

36 **Sec. 5.** RCW 17.26.015 and 1995 c 255 s 10 are each amended to read
37 as follows:

1 (1) The state department of agriculture is the lead agency for the
2 control of spartina and purple loosestrife with the advice of the state
3 noxious weed control board.

4 (2) Responsibilities of the lead agency include:

5 (a) Coordination of the control program including memorandums of
6 understanding, contracts, and agreements with local, state, federal,
7 and tribal governmental entities and private parties;

8 (b) Preparation of a state-wide spartina management plan utilizing
9 integrated vegetation management strategies that encompass all of
10 Washington's tidelands. The plan shall be developed in cooperation
11 with local, state, federal, and tribal governments, private landowners,
12 and concerned citizens. The plan shall prioritize areas for control.
13 Nothing in this subsection prohibits the department from taking action
14 to control spartina in a particular area of the state in accordance
15 with a plan previously prepared by the state while preparing the state-
16 wide plan;

17 (c) Directing on the ground control efforts that include, but are
18 not limited to: (i) Control work and contracts; (ii) spartina survey;
19 (iii) collection and maintenance of spartina location data; (iv)
20 purchasing equipment, goods, and services; (v) survey of threatened and
21 endangered species; and (vi) site-specific environmental information
22 and documents; and

23 (d) Evaluating the effectiveness of the control efforts.

24 The lead agency shall report to the appropriate standing committees
25 of the house of representatives and the senate no later than (~~May 15th~~
26 ~~and~~) December 15th of each year through the year 1999 on the progress
27 of the program, the number of acres treated by various methods of
28 control, and on the funds spent.

29 **Sec. 6.** RCW 18.16.050 and 1997 c 179 s 1 are each amended to read
30 as follows:

31 (1) There is created a state cosmetology, barbering, esthetics, and
32 manicuring advisory board consisting of seven members appointed by the
33 director. These seven members of the board shall include a
34 representative of a private cosmetology school and a representative of
35 a public vocational technical school involved in cosmetology training,
36 with the balance made up of currently practicing licensees who have
37 been engaged in the practice of manicuring, esthetics, barbering, or
38 cosmetology for at least three years. One member of the board shall be

1 a consumer who is unaffiliated with the cosmetology, barbering,
2 esthetics, or manicuring industry. On June 30, 1995, the director
3 shall appoint seven new members to the board. These new members shall
4 serve a term of three years. The director shall appoint two new
5 members including: (a) One representative with employee supervisory
6 experience from a chain salon having ten or more salons; and (b) one
7 representative from the industry at large who has substantial salon and
8 school experience. The board shall cease to exist on June 30, 1998.
9 Any members serving on the advisory board as of July 1, 1995, or who
10 are appointed after July 27, 1997, are eligible to be reappointed,
11 should the advisory board be extended beyond June 30, 1998. Any board
12 member may be removed for just cause. The director may appoint a new
13 member to fill any vacancy on the board for the remainder of the
14 unexpired term.

15 ~~(2) ((The board appointed on June 30, 1995, together with the~~
16 ~~director or the director's designee, shall conduct a thorough review of~~
17 ~~educational requirements, licensing requirements, and enforcement and~~
18 ~~health standards for persons engaged in cosmetology, barbering,~~
19 ~~esthetics, or manicuring and shall prepare a report to be delivered to~~
20 ~~the governor, the director, and the chairpersons of the governmental~~
21 ~~operations committees of the house of representatives and the senate.~~
22 ~~The report must summarize their findings and make recommendations,~~
23 ~~including, if appropriate, recommendations for legislation reforming~~
24 ~~and restructuring the regulation of cosmetology, barbering, esthetics,~~
25 ~~and manicuring.~~

26 ~~(3))~~ Board members shall be entitled to compensation pursuant to
27 RCW 43.03.240 for each day spent conducting official business and to
28 reimbursement for travel expenses as provided by RCW 43.03.050 and
29 43.03.060.

30 ~~((4))~~ (3) The board may seek the advice and input of officials
31 from the following state agencies: (a) The work force training and
32 education coordinating board; (b) the department of employment
33 security; (c) the department of labor and industries; (d) the
34 department of health; (e) the department of licensing; and (f) the
35 department of revenue.

36 **Sec. 7.** RCW 18.50.150 and 1991 c 3 s 115 are each amended to read
37 as follows:

1 The midwifery advisory committee shall advise and make
2 recommendations to the secretary on issues including, but not limited
3 to, continuing education, mandatory reexamination, and peer review.
4 (~~The secretary shall transmit the recommendations to the social and~~
5 ~~health services committee of the senate and the human services~~
6 ~~committee of the house of representatives on an annual basis.~~)

7 **Sec. 8.** RCW 19.118.080 and 1995 c 254 s 5 are each amended to read
8 as follows:

9 (1) Except as provided in RCW 19.118.160, the attorney general
10 shall contract with one or more private entities to conduct arbitration
11 proceedings in order to settle disputes between consumers and
12 manufacturers as provided in this chapter, and each private entity
13 shall constitute a new motor vehicle arbitration board for purposes of
14 this chapter. The entities shall not be affiliated with any
15 manufacturer or new motor vehicle dealer and shall have available the
16 services of persons with automotive technical expertise to assist in
17 resolving disputes under this chapter. No private entity or its
18 officers or employees conducting board proceedings and no arbitrator
19 presiding at such proceedings shall be directly involved in the
20 manufacture, distribution, sale, or warranty service of any motor
21 vehicle. Payment to the entities for the arbitration services shall be
22 made from the new motor vehicle arbitration account.

23 (2) The attorney general shall adopt rules for the uniform conduct
24 of the arbitrations by the boards whether conducted by a private entity
25 or by the attorney general pursuant to RCW 19.118.160, which rules
26 shall include but not be limited to the following procedures:

27 (a) At all arbitration proceedings, the parties are entitled to
28 present oral and written testimony, to present witnesses and evidence
29 relevant to the dispute, to cross-examine witnesses, and to be
30 represented by counsel.

31 (b) A dealer, manufacturer, or other persons shall produce records
32 and documents requested by a party which are reasonably related to the
33 dispute. If a dealer, manufacturer, or other person refuses to comply
34 with such a request, a party may present a request to the board for the
35 attorney general to issue a subpoena on behalf of the board.

36 The subpoena shall be issued only for the production of records and
37 documents which the board has determined are reasonably related to the

1 dispute, including but not limited to documents described in RCW
2 19.118.031 (4) or (5).

3 If a party fails to comply with the subpoena, the arbitrator may at
4 the outset of the arbitration hearing impose any of the following
5 sanctions: (i) Find that the matters which were the subject of the
6 subpoena, or any other designated facts, shall be taken to be
7 established for purposes of the hearing in accordance with the claim of
8 the party which requested the subpoena; (ii) refuse to allow the
9 disobedient party to support or oppose the designated claims or
10 defenses, or prohibit that party from introducing designated matters
11 into evidence; (iii) strike claims or defenses, or parts thereof; or
12 (iv) render a decision by default against the disobedient party.

13 If a nonparty fails to comply with a subpoena and upon an
14 arbitrator finding that without such compliance there is insufficient
15 evidence to render a decision in the dispute, the attorney general
16 shall enforce such subpoena in superior court and the arbitrator shall
17 continue the arbitration hearing until such time as the nonparty
18 complies with the subpoena or the subpoena is quashed.

19 (c) A party may obtain written affidavits from employees and agents
20 of a dealer, a manufacturer or other party, or from other potential
21 witnesses, and may submit such affidavits for consideration by the
22 board.

23 (d) Records of the board proceedings shall be open to the public.
24 The hearings shall be open to the public to the extent practicable.

25 (e) Where the board proceedings are conducted by one or more
26 private entities, a single arbitrator may be designated to preside at
27 such proceedings.

28 (3) A consumer shall exhaust the new motor vehicle arbitration
29 board remedy or informal dispute resolution settlement procedure under
30 RCW 19.118.150 before filing any superior court action.

31 (4) The attorney general shall maintain records of each dispute
32 submitted to the new motor vehicle arbitration board, including an
33 index of new motor vehicles by year, make, and model.

34 (5) The attorney general shall compile aggregate annual statistics
35 for all disputes submitted to, and decided by, the new motor vehicle
36 arbitration board, as well as annual statistics for each manufacturer
37 that include, but shall not be limited to, the number and percent of:
38 (a) Replacement motor vehicle requests; (b) purchase price refund
39 requests; (c) replacement motor vehicles obtained in prehearing

1 settlements; (d) purchase price refunds obtained in prehearing
2 settlements; (e) replacement motor vehicles awarded in arbitration; (f)
3 purchase price refunds awarded in arbitration; (g) board decisions
4 neither complied with during the forty calendar day period nor
5 petitioned for appeal within the thirty calendar day period; (h) board
6 decisions appealed categorized by consumer or manufacturer; (i) the
7 nature of the court decisions and who the prevailing party was; (j)
8 appeals that were held by the court to be brought without good cause;
9 and (k) appeals that were held by the court to be brought solely for
10 the purpose of harassment. The statistical compilations shall be
11 public information.

12 ~~(6) ((The attorney general shall submit biennial reports of the~~
13 ~~information in this section to the senate and house of representatives~~
14 ~~committees on commerce and labor, with the first report due January 1,~~
15 ~~1990.~~

16 (7)) The attorney general shall adopt rules to implement this
17 chapter. Such rules shall include uniform standards by which the
18 boards shall make determinations under this chapter, including but not
19 limited to rules which provide:

20 (a) A board shall find that a nonconformity exists if it determines
21 that the consumer's new motor vehicle has a defect, serious safety
22 defect, or condition that substantially impairs the use, value, or
23 safety of the vehicle.

24 (b) A board shall find that a reasonable number of attempts to
25 repair a nonconformity have been undertaken if: (i) The same serious
26 safety defect has been subject to diagnosis or repair two or more
27 times, at least one of which is during the period of coverage of the
28 applicable manufacturer's written warranty, and the serious safety
29 defect continues to exist; (ii) the same nonconformity has been subject
30 to diagnosis or repair four or more times, at least one of which is
31 during the period of coverage of the applicable manufacturer's written
32 warranty, and the nonconformity continues to exist; or (iii) the
33 vehicle is out-of-service by reason of diagnosis or repair of one or
34 more nonconformities for a cumulative total of thirty calendar days, at
35 least fifteen of them during the period of the applicable
36 manufacturer's written warranty. For purposes of this subsection, the
37 manufacturer's written warranty shall be at least one year after the
38 date of the original delivery to the consumer of the vehicle or the
39 first twelve thousand miles of operation, whichever occurs first.

1 (c) A board shall find that a manufacturer has failed to comply
2 with RCW 19.118.041 if it finds that the manufacturer, its agent, or
3 the new motor vehicle dealer has failed to correct a nonconformity
4 after a reasonable number of attempts and the manufacturer has failed,
5 within forty days of the consumer's written request, to repurchase the
6 vehicle or replace the vehicle with a vehicle identical or reasonably
7 equivalent to the vehicle being replaced.

8 ((+8+)) (7) The attorney general shall provide consumers with
9 information regarding the procedures and remedies under this chapter.

10 **Sec. 9.** RCW 19.27A.020 and 1996 c 186 s 502 are each amended to
11 read as follows:

12 (1) No later than January 1, 1991, the state building code council
13 shall ((promulgate)) adopt rules to be known as the Washington state
14 energy code as part of the state building code.

15 (2) The council shall follow the legislature's standards set forth
16 in this section to ((promulgate)) adopt rules to be known as the
17 Washington state energy code. The Washington state energy code shall
18 be designed to require new buildings to meet a certain level of energy
19 efficiency, but allow flexibility in building design, construction, and
20 heating equipment efficiencies within that framework. The Washington
21 state energy code shall be designed to allow space heating equipment
22 efficiency to offset or substitute for building envelope thermal
23 performance.

24 (3) The Washington state energy code shall take into account
25 regional climatic conditions. Climate zone 1 shall include all
26 counties not included in climate zone 2. Climate zone 2 includes:
27 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
28 Oreille, Spokane, Stevens, and Whitman counties.

29 (4) The Washington state energy code for residential buildings
30 shall require:

31 (a) New residential buildings that are space heated with electric
32 resistance heating systems to achieve energy use equivalent to that
33 used in typical buildings constructed with:

34 (i) Ceilings insulated to a level of R-38. The code shall contain
35 an exception which permits single rafter or joist vaulted ceilings
36 insulated to a level of R-30 (R value includes insulation only);

37 (ii) In zone 1, walls insulated to a level of R-19 (R value
38 includes insulation only), or constructed with two by four members,

1 R-13 insulation batts, R-3.2 insulated sheathing, and other normal
2 assembly components; in zone 2 walls insulated to a level of R-24 (R
3 value includes insulation only), or constructed with two by six
4 members, R-22 insulation batts, R-3.2 insulated sheathing, and other
5 normal construction assembly components; for the purpose of determining
6 equivalent thermal performance, the wall U-value shall be 0.058 in zone
7 1 and 0.044 in zone 2;

8 (iii) Below grade walls, insulated on the interior side, to a level
9 of R-19 or, if insulated on the exterior side, to a level of R-10 in
10 zone 1 and R-12 in zone 2 (R value includes insulation only);

11 (iv) Floors over unheated spaces insulated to a level of R-30 (R
12 value includes insulation only);

13 (v) Slab on grade floors insulated to a level of R-10 at the
14 perimeter;

15 (vi) Double glazed windows with values not more than U-0.4;

16 (vii) In zone 1 the glazing area may be up to twenty-one percent of
17 floor area and in zone 2 the glazing area may be up to seventeen
18 percent of floor area where consideration of the thermal resistance
19 values for other building components and solar heat gains through the
20 glazing result in thermal performance equivalent to that achieved with
21 thermal resistance values for other components determined in accordance
22 with the equivalent thermal performance criteria of (a) of this
23 subsection and glazing area equal to fifteen percent of the floor area.
24 Throughout the state for the purposes of determining equivalent thermal
25 performance, the maximum glazing area shall be fifteen percent of the
26 floor area; and

27 (viii) Exterior doors insulated to a level of R-5; or an exterior
28 wood door with a thermal resistance value of less than R-5 and values
29 for other components determined in accordance with the equivalent
30 thermal performance criteria of (a) of this subsection.

31 (b) New residential buildings which are space-heated with all other
32 forms of space heating to achieve energy use equivalent to that used in
33 typical buildings constructed with:

34 (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in
35 zone 2 the code shall contain an exception which permits single rafter
36 or joist vaulted ceilings insulated to a level of R-30 (R value
37 includes insulation only);

38 (ii) Walls insulated to a level of R-19 (R value includes
39 insulation only), or constructed with two by four members, R-13

1 insulation batts, R-3.2 insulated sheathing, and other normal assembly
2 components;

3 (iii) Below grade walls, insulated on the interior side, to a level
4 of R-19 or, if insulated on the exterior side, to a level of R-10 in
5 zone 1 and R-12 in zone 2 (R value includes insulation only);

6 (iv) Floors over unheated spaces insulated to a level of R-19 in
7 zone 1 and R-30 in zone 2 (R value includes insulation only);

8 (v) Slab on grade floors insulated to a level of R-10 at the
9 perimeter;

10 (vi) Heat pumps with a minimum heating season performance factor
11 (HSPF) of 6.8 or with all other energy sources with a minimum annual
12 fuel utilization efficiency (AFUE) of seventy-eight percent;

13 (vii) Double glazed windows with values not more than U-0.65 in
14 zone 1 and U-0.60 in zone 2. The state building code council, in
15 consultation with the department of community, trade, and economic
16 development, shall review these U-values, and, if economically
17 justified for consumers, shall amend the Washington state energy code
18 to improve the U-values by December 1, 1993. The amendment shall not
19 take effect until July 1, 1994; and

20 (viii) In zone 1, the maximum glazing area shall be twenty-one
21 percent of the floor area. In zone 2 the maximum glazing area shall be
22 seventeen percent of the floor area. Throughout the state for the
23 purposes of determining equivalent thermal performance, the maximum
24 glazing area shall be fifteen percent of the floor area.

25 (c) The requirements of (b)(ii) of this subsection do not apply to
26 residences with log or solid timber walls with a minimum average
27 thickness of three and one-half inches and with space heat other than
28 electric resistance.

29 (d) The state building code council may approve an energy code for
30 pilot projects of residential construction that use innovative energy
31 efficiency technologies intended to result in savings that are greater
32 than those realized in the levels specified in this section.

33 (5) U-values for glazing shall be determined using the area
34 weighted average of all glazing in the building. U-values for vertical
35 glazing shall be determined, certified, and labeled in accordance with
36 the appropriate national fenestration rating council (NFRC) standard,
37 as determined and adopted by the state building code council.
38 Certification of U-values shall be conducted by a certified,
39 independent agency licensed by the NFRC. The state building code

1 council may develop and adopt alternative methods of determining,
2 certifying, and labeling U-values for vertical glazing that may be used
3 by fenestration manufacturers if determined to be appropriate by the
4 council. The state building code council shall review and consider the
5 adoption of the NFRC standards for determining, certifying, and
6 labeling U-values for doors and skylights when developed and published
7 by the NFRC. The state building code council may develop and adopt
8 appropriate alternative methods for determining, certifying, and
9 labeling U-values for doors and skylights. U-values for doors and
10 skylights determined, certified, and labeled in accordance with the
11 appropriate NFRC standard shall be acceptable for compliance with the
12 state energy code. Sealed insulation glass, where used, shall conform
13 to, or be in the process of being tested for, ASTM E-774-81 class A or
14 better.

15 (6) The minimum state energy code for new nonresidential buildings
16 shall be the Washington state energy code, 1986 edition, as amended.

17 (7)(a) Except as provided in (b) of this subsection, the Washington
18 state energy code for residential structures shall preempt the
19 residential energy code of each city, town, and county in the state of
20 Washington.

21 (b) The state energy code for residential structures does not
22 preempt a city, town, or county's energy code for residential
23 structures which exceeds the requirements of the state energy code and
24 which was adopted by the city, town, or county prior to March 1, 1990.
25 Such cities, towns, or counties may not subsequently amend their energy
26 code for residential structures to exceed the requirements adopted
27 prior to March 1, 1990.

28 (8) The state building code council shall consult with the
29 department of community, trade, and economic development as provided in
30 RCW 34.05.310 prior to publication of proposed rules. The department
31 of community, trade, and economic development shall review the proposed
32 rules for consistency with the guidelines adopted in subsection (4) of
33 this section. The director of the department of community, trade, and
34 economic development shall recommend to the state building code council
35 any changes necessary to conform the proposed rules to the requirements
36 of this section.

37 ~~((9) The state building code council shall conduct a study of~~
38 ~~county and city enforcement of energy codes in the state. In~~
39 ~~conducting the study, the council shall conduct public hearings at~~

1 designated council meetings to seek input from interested individuals
2 and organizations, and to the extent possible, hold these meetings in
3 conjunction with adopting rules under this section. The study shall
4 include recommendations as to how code enforcement may be improved.
5 The findings of the study shall be submitted in a report to the
6 legislature no later than January 1, 1991.

7 (10) If any electric utility providing electric service to
8 customers in the state of Washington purchases at least one percent of
9 its firm energy load from a federal agency, pursuant to section
10 5.(b)(1) of the Pacific Northwest electric power planning and
11 conservation act (P.L. 96-501), and such utility is unable to obtain
12 from that agency at least fifty percent of the funds for payments
13 required by RCW 19.27A.035, the amendments to this section by chapter
14 2, Laws of 1990 shall be null and void, and the 1986 state energy code
15 shall be in effect, except that a city, town, or county may enforce a
16 local energy code with more stringent energy requirements adopted prior
17 to March 1, 1990. This subsection shall expire June 30, 1995.)

18 **Sec. 10.** RCW 19.94.185 and 1995 c 355 s 8 are each amended to read
19 as follows:

20 (1) Except as provided in subsection (2) of this section, all
21 moneys collected under this chapter shall be payable to the director
22 and placed in the weights and measures account hereby established in
23 the agricultural local fund. Moneys deposited in this account shall be
24 used solely for the purposes of implementing or enforcing this chapter.
25 No appropriation is required for the disbursement of moneys from the
26 weights and measures account by the director.

27 (2) Civil penalties collected by the department under RCW
28 19.94.510, 19.94.515, and 19.94.517 shall be deposited in the state
29 general fund.

30 ((3) By January 1st of each odd numbered year, the department
31 shall provide a written report on the amount of revenues by major
32 category received under this chapter, including the metrology
33 laboratory, for the administration of the weights and measures program
34 by the department. The report shall include the amount of revenue
35 generated for the two previous biennia, an estimate of the amount of
36 funds to be received during the current biennium, and an estimate of
37 the amount of funds to be generated during the next ensuing biennium.
38 The report shall be submitted to the office of financial management and

1 ~~to each committee in the legislature with jurisdiction over programs~~
2 ~~administered by the department in the house and the senate.))~~

3 **Sec. 11.** RCW 27.04.110 and 1991 c 91 s 1 are each amended to read
4 as follows:

5 (1) The learn-in-libraries program is hereby created. The state
6 library commission shall administer the program.

7 (2) The state library commission may provide grants, with funds
8 appropriated for that purpose, to local libraries to develop and
9 implement learn-in-library programs that provide after school and
10 vacation programs for children. Grant applicants shall be encouraged
11 to develop programs that use older adult volunteers and other community
12 volunteer resources. The programs shall be designed to increase
13 literacy, improve reading skills, encourage reading, and provide
14 homework assistance for school-age children who would otherwise be
15 unsupervised. Applicants shall be encouraged to develop innovative
16 models to provide services.

17 (3) In addition to grants provided under subsection (2) of this
18 section, the state library commission may provide grants, with funds
19 appropriated for that purpose, to local libraries to develop and
20 implement other innovative programs for children throughout the year.
21 Programs may be developed in cooperation with a school district and
22 occur during the school day. Programs shall be designed to provide
23 services to children or to help provide training to parents or other
24 persons working with children in order to increase literacy, encourage
25 reading, promote reading readiness, and improve reading and other
26 learning skills. The commission shall encourage grant applicants to
27 develop programs that use older adult volunteers and other community
28 volunteer resources and to develop innovative models to provide
29 services.

30 ~~((4) The state library commission shall report to the legislature~~
31 ~~on the results of the program by December 1, 1991.))~~

32 **Sec. 12.** RCW 28A.300.300 and 1996 c 273 s 4 are each amended to
33 read as follows:

34 (1) After effective programs have been identified in accordance
35 with RCW 28A.300.290, the center for the improvement of student
36 learning, or its designee, shall provide information and take other
37 appropriate steps to inform elementary school teachers, principals,

1 curriculum directors, superintendents, school board members, college
2 and university reading instruction faculty, and others of its findings.

3 (2) The center, in cooperation with state-wide organizations
4 interested in improving literacy, also shall develop and implement
5 strategies to improve reading instruction in the state, with a special
6 emphasis on the instruction of reading in the primary grades using the
7 effective reading programs that have been identified in accordance with
8 RCW 28A.300.290. The strategies may include, but should not be limited
9 to, expanding and improving reading instruction of elementary school
10 teachers in teacher preparation programs, expanded in-service training
11 in reading instruction, the training of paraprofessionals and
12 volunteers in reading instruction, improving classroom-based assessment
13 of reading, and increasing state-wide and regional technical assistance
14 in reading instruction.

15 ~~((3) The center shall submit a status report to appropriate
16 committees of the legislature by December 31, 1996, regarding its
17 efforts to implement RCW 28A.300.290 and subsections (1) and (2) of
18 this section. The report shall include a description of safeguards
19 enacted to ensure the integrity and objectivity of the assistance and
20 advice provided by the center.))~~

21 **Sec. 13.** RCW 28A.415.260 and 1993 c 336 s 402 are each amended to
22 read as follows:

23 (1) To the extent specific funds are appropriated for the pilot
24 program in this section, the superintendent of public instruction shall
25 establish a pilot program to support the pairing of full-time mentor
26 teachers with experienced teachers who are having difficulties and
27 full-time mentor teachers with beginning teachers under RCW
28 28A.415.250.

29 ~~((2) (The superintendent of public instruction shall submit a
30 report to the legislature by December 31, 1995, with findings about the
31 pilot program. The report shall include an analysis of the
32 effectiveness of the pilot program in the remediation of teachers
33 having difficulties, recommendations regarding continuing the program,
34 and recommendations on new procedures under chapter 28A.405 RCW
35 regarding teachers who have not shown sufficient progress in the area
36 or areas of teaching skills needing improvement.~~

37 ~~(3))~~ The superintendent of public instruction shall appoint an
38 oversight committee, which shall include teachers and administrators

1 from the pilot districts, that shall be involved in the evaluation of
2 the pilot program under this section.

3 ~~((4))~~ (3) The superintendent of public instruction shall adopt
4 rules as necessary under chapter 34.05 RCW to implement the pilot
5 program established under subsection (1) of this section.

6 **Sec. 14.** RCW 28A.630.825 and 1994 c 13 s 4 are each amended to
7 read as follows:

8 The superintendent of public instruction shall:

9 (1) Approve fifteen to twenty-five demonstration projects in
10 individual school districts and cooperatives, including at least seven
11 projects approved after the effective date of this section;

12 (2) Make awards for in-service training of teachers and other
13 staff;

14 (3) Provide technical assistance;

15 (4) Grant waivers from state rules needed to implement the
16 projects, or request such waivers to be granted by the appropriate
17 agency;

18 (5) Perform or contract for an evaluation of the projects; and

19 (6) Confer on the evaluation design with the selection advisory
20 committee(~~(; and~~

21 ~~(7) Submit to the legislature an interim report on the evaluation~~
22 ~~by December 31, 1993, and a final report by December 31, 1995)).~~

23 **Sec. 15.** RCW 28B.10.887 and 1987 c 147 s 8 are each amended to
24 read as follows:

25 ~~((1))~~ After consulting with the higher education coordinating
26 board and the state four-year institutions of higher education, the
27 governor may transfer the administration of this program to another
28 agency which has an appropriate educationally related mission.

29 ~~((2) By December 1, 1989, the higher education coordinating board~~
30 ~~and any agency administering this program, if applicable, shall make~~
31 ~~recommendations to the governor and the legislature on any needed~~
32 ~~changes in the program.))~~

33 **Sec. 16.** RCW 28B.125.010 and 1993 c 492 s 270 are each amended to
34 read as follows:

35 (1) The higher education coordinating board, the state board for
36 community and technical colleges, the superintendent of public

1 instruction, the state department of health, the Washington health
2 services commission, and the state department of social and health
3 services, to be known for the purposes of this section as the
4 committee, shall establish a state-wide health personnel resource plan.
5 The governor shall appoint a lead agency from one of the agencies on
6 the committee.

7 In preparing the state-wide plan the committee shall consult with
8 the training and education institutions affected by this chapter,
9 health care providers, employers of health care providers, insurers,
10 consumers of health care, and other appropriate entities.

11 Should a successor agency or agencies be authorized or created by
12 the legislature with planning, coordination, or administrative
13 authority over vocational-technical schools, community colleges, or
14 four-year higher education institutions, the governor shall grant
15 membership on the committee to such agency or agencies and remove the
16 member or members it replaces.

17 The committee shall appoint subcommittees for the purpose of
18 assisting in the development of the institutional plans required under
19 this chapter. Such subcommittees shall at least include those
20 committee members that have statutory responsibility for planning,
21 coordination, or administration of the training and education
22 institutions for which the institutional plans are being developed. In
23 preparing the institutional plans for four-year institutes of higher
24 education, the subcommittee shall be composed of at least the higher
25 education coordinating board and the state's four-year higher education
26 institutions. The appointment of subcommittees to develop portions of
27 the state-wide plan shall not relinquish the committee's responsibility
28 for assuring overall coordination, integration, and consistency of the
29 state-wide plan.

30 In establishing and implementing the state-wide health personnel
31 resource plan the committee shall, to the extent possible, utilize
32 existing data and information, personnel, equipment, and facilities and
33 shall minimize travel and take such other steps necessary to reduce the
34 administrative costs associated with the preparation and implementation
35 of the plan.

36 (2) The state-wide health resource plan shall include at least the
37 following:

1 (a)(i) Identification of the type, number, and location of the
2 health care professional work force necessary to meet health care needs
3 of the state.

4 (ii) A description and analysis of the composition and numbers of
5 the potential work force available for meeting health care service
6 needs of the population to be used for recruitment purposes. This
7 should include a description of the data, methodology, and process used
8 to make such determinations.

9 (b) A centralized inventory of the numbers of student applications
10 to higher education and vocational-technical training and education
11 programs, yearly enrollments, yearly degrees awarded, and numbers on
12 waiting lists for all the state's publicly funded health care training
13 and education programs. The committee shall request similar
14 information for incorporation into the inventory from private higher
15 education and vocational-technical training and education programs.

16 (c) A description of state-wide and local specialized provider
17 training needs to meet the health care needs of target populations and
18 a plan to meet such needs in a cost-effective and accessible manner.

19 (d) A description of how innovative, cost-effective technologies
20 such as telecommunications can and will be used to provide higher
21 education, vocational-technical, continued competency, and skill
22 maintenance and enhancement education and training to placebound
23 students who need flexible programs and who are unable to attend
24 institutions for training.

25 (e) A strategy for assuring higher education and vocational-
26 technical educational and training programming is sensitive to the
27 changing work force such as reentry workers, women, minorities, and the
28 disabled.

29 (f) Strategies to increase the number of persons of color in the
30 health professions. Such strategies shall incorporate, to the extent
31 possible, federal and state assistance programs for health career
32 development, including those for American Indians, economically
33 disadvantaged persons, physically challenged persons, and persons of
34 color.

35 (g) A strategy and coordinated state-wide policy developed by the
36 subcommittees authorized in subsection (1) of this section for
37 increasing the number of graduates intending to serve in shortage areas
38 after graduation, including such strategies as the establishment of
39 preferential admissions and designated enrollment slots.

1 (h) Guidelines and policies developed by the subcommittees
2 authorized in subsection (1) of this section for allowing academic
3 credit for on-the-job experience such as internships, volunteer
4 experience, apprenticeships, and community service programs.

5 (i) A strategy developed by the subcommittees authorized in
6 subsection (1) of this section for making required internships and
7 residency programs available that are geographically accessible and
8 sufficiently diverse to meet both general and specialized training
9 needs as identified in the plan when such programs are required.

10 (j) A description of the need for multiskilled health care
11 professionals and an implementation plan to restructure educational and
12 training programming to meet these needs.

13 (k) An analysis of the types and estimated numbers of health care
14 personnel that will need to be recruited from out-of-state to meet the
15 health professional needs not met by in-state trained personnel.

16 (l) An analysis of the need for educational articulation within the
17 various health care disciplines and a plan for addressing the need.

18 (m) An analysis of the training needs of those members of the long-
19 term care profession that are not regulated and that have no formal
20 training requirements. Programs to meet these needs should be
21 developed in a cost-effective and a state-wide accessible manner that
22 provide for the basic training needs of these individuals.

23 (n) A designation of the professions and geographic locations in
24 which loan repayment and scholarships should be available based upon
25 objective data-based forecasts of health professional shortages. A
26 description of the criteria used to select professions and geographic
27 locations shall be included. Designations of professions and
28 geographic locations may be amended by the department of health when
29 circumstances warrant as provided for in RCW 28B.115.070.

30 (o) A description of needed changes in regulatory laws governing
31 the credentialing of health professionals.

32 (p) A description of linguistic and cultural training needs of
33 foreign-trained health care professionals to assure safe and effective
34 practice of their health care profession.

35 (q) A plan to implement the recommendations of the state-wide
36 nursing plan authorized by RCW 74.39.040.

37 (r) A description of criteria and standards that institutional
38 plans provided for in this section must address in order to meet the
39 requirements of the state-wide health personnel resource plan,

1 including funding requirements to implement the plans. The committee
2 shall also when practical identify specific outcome measures to measure
3 progress in meeting the requirements of this plan. The criteria and
4 standards shall be established in a manner as to provide flexibility to
5 the institutions in meeting state-wide plan requirements. The
6 committee shall establish required submission dates for the
7 institutional plans that permit inclusion of funding requests into the
8 institutions budget requests to the state.

9 (s) A description of how the higher education coordinating board,
10 state board for community and technical colleges, superintendent of
11 public instruction, department of health, and department of social and
12 health services coordinated in the creation and implementation of the
13 state plan including the areas of responsibility each agency shall
14 assume. The plan should also include a description of the steps taken
15 to assure participation by the groups that are to be consulted with.

16 (t) A description of the estimated fiscal requirements for
17 implementation of the state-wide health resource plan that include a
18 description of cost saving activities that reduce potential costs by
19 avoiding administrative duplication, coordinating programming
20 activities, and other such actions to control costs.

21 (3) The committee may call upon other agencies of the state to
22 provide available information to assist the committee in meeting the
23 responsibilities under this chapter. This information shall be
24 supplied as promptly as circumstances permit.

25 (4) State agencies involved in the development and implementation
26 of the plan shall to the extent possible utilize existing personnel and
27 financial resources in the development and implementation of the state-
28 wide health personnel resource plan.

29 ~~(5) ((The state-wide health personnel resource plan shall be~~
30 ~~submitted to the governor by July 1, 1992, and updated by July 1 of~~
31 ~~each even-numbered year. The governor, no later than December 1 of~~
32 ~~that year, shall approve, approve with modifications, or disapprove the~~
33 ~~state-wide health resource plan.~~

34 ~~(6) The approved state-wide health resource plan shall be submitted~~
35 ~~to the senate and house of representatives committees on health care,~~
36 ~~higher education, and ways and means or appropriations by December 1 of~~
37 ~~each even-numbered year.~~

38 ~~(7))~~ Implementation of the state-wide plan shall begin by July 1,
39 1993.

1 (~~(8)~~) Notwithstanding subsections (5) and (7) of this section, the
2 committee shall prepare and submit to the higher education coordinating
3 board by June 1, 1992, the analysis necessary for the initial
4 implementation of the health professional loan repayment and
5 scholarship program created in chapter 28B.115 RCW.

6 ~~(9))~~ (6) Each publicly funded two-year and four-year institute of
7 higher education authorized under Title 28B RCW and vocational-
8 technical institution authorized under Title 28A RCW that offers health
9 training and education programs shall biennially prepare and submit an
10 institutional plan to the committee. The institutional plan shall
11 identify specific programming and activities of the institution that
12 meet the requirements of the state-wide health professional resource
13 plan.

14 The committee shall review and assess whether the institutional
15 plans meet the requirements of the state-wide health personnel resource
16 plan and shall prepare a report with its determination. The report
17 shall become part of the institutional plan and shall be submitted to
18 the governor and the legislature.

19 The institutional plan shall be included with the institution's
20 biennial budget submission. The institution's budget shall identify
21 proposed spending to meet the requirements of the institutional plan.
22 Each vocational-technical institution, college, or university shall be
23 responsible for implementing its institutional plan.

24 **Sec. 17.** RCW 28B.20.130 and 1985 c 370 s 92 are each amended to
25 read as follows:

26 General powers and duties of the board of regents are as follows:

27 (1) To have full control of the university and its property of
28 various kinds, except as otherwise provided by law.

29 (2) To employ the president of the university, his or her
30 assistants, members of the faculty, and employees of the institution,
31 who except as otherwise provided by law, shall hold their positions
32 during the pleasure of said board of regents.

33 (3) Establish entrance requirements for students seeking admission
34 to the university which meet or exceed the standards specified under
35 RCW 28B.80.350(2). Completion of examinations satisfactory to the
36 university may be a prerequisite for entrance by any applicant at the
37 university's discretion. Evidence of completion of public high schools

1 and other educational institutions whose courses of study meet the
2 approval of the university may be acceptable for entrance.

3 (4) Establish such colleges, schools, or departments necessary to
4 carry out the purpose of the university and not otherwise proscribed by
5 law.

6 (5) With the assistance of the faculty of the university, prescribe
7 the course of study in the various colleges, schools, and departments
8 of the institution and publish the necessary catalogues thereof.

9 (6) Grant to students such certificates or degrees as recommended
10 for such students by the faculty. The board, upon recommendation of
11 the faculty, may also confer honorary degrees upon persons other than
12 graduates of this university in recognition of their learning or
13 devotion to literature, art, or science: PROVIDED, That no degree
14 shall ever be conferred in consideration of the payment of money or the
15 giving of property of whatsoever kind.

16 (7) Accept such gifts, grants, conveyances, bequests, and devises,
17 whether real or personal property, or both, in trust or otherwise, for
18 the use or benefit of the university, its colleges, schools,
19 departments, or agencies; and sell, lease or exchange, invest or expend
20 the same or the proceeds, rents, profits, and income thereof except as
21 limited by the terms of said gifts, grants, conveyances, bequests, and
22 devises. The board shall adopt proper rules to govern and protect the
23 receipt and expenditure of the proceeds of all fees, and the proceeds,
24 rents, profits, and income of all gifts, grants, conveyances, bequests,
25 and devises above-mentioned(~~(, and shall make full report of the same
26 in the customary biennial report to the governor and members of the
27 legislature, or more frequently if required by law: PROVIDED, HOWEVER,
28 That nothing herein contained shall be construed to repeal, amend or in
29 any way modify any of the provisions of RCW 28B.20.380))~~).

30 (8) Except as otherwise provided by law, to enter into such
31 contracts as the regents deem essential to university purposes.

32 (9) To submit upon request such reports as will be helpful to the
33 governor and to the legislature in providing for the institution.

34 (10) Subject to the approval of the higher education coordinating
35 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-
36 campus programs, participate in consortia or centers, contract for off-
37 campus educational programs, and purchase or lease major off-campus
38 facilities.

1 **Sec. 18.** RCW 28B.20.382 and 1996 c 288 s 27 are each amended to
2 read as follows:

3 Until authorized and empowered to do so by statute of the
4 legislature, the board of regents of the university, with respect to
5 that certain tract of land in the city of Seattle originally known as
6 the "old university grounds" and more recently known as the
7 "metropolitan tract" and any land contiguous thereto, shall not sell
8 the land or any part thereof or any improvement thereon, or lease the
9 land or any part thereof or any improvement thereon or renew or extend
10 any lease thereof for a term ending more than sixty years beyond
11 midnight, December 31, 1980. Any sale of the land or any part thereof
12 or any improvement thereon, or any lease or renewal or extension of any
13 lease of the land or any part thereof or any improvement thereon for a
14 term ending more than sixty years after midnight, December 31, 1980,
15 made or attempted to be made by the board of regents shall be null and
16 void unless and until the same has been approved or ratified and
17 confirmed by legislative act.

18 The board of regents shall have power from time to time to lease
19 the land, or any part thereof or any improvement thereon for a term
20 ending not more than sixty years beyond midnight, December 31, 1980:
21 (~~PROVIDED, That the board of regents shall make a full, detailed~~
22 ~~report of all leases and transactions pertaining to the land or any~~
23 ~~part thereof or any improvement thereon to the joint legislative audit~~
24 ~~and review committee, including one copy to the staff of the committee,~~
25 ~~during an odd numbered year:~~) PROVIDED ((FURTHER)), That any and all
26 records, books, accounts, and agreements of any lessee or sublessee
27 under this section, pertaining to compliance with the terms and
28 conditions of such lease or sublease, shall be open to inspection by
29 the board of regents, the ways and means committee of the senate, the
30 appropriations committee of the house of representatives, and the joint
31 legislative audit and review committee or any successor committees. It
32 is not intended by this proviso that unrelated records, books,
33 accounts, and agreements of lessees, sublessees, or related companies
34 be open to such inspection.

35 **Sec. 19.** RCW 28B.25.020 and 1996 c 110 s 1 are each amended to
36 read as follows:

37 (1) The joint center shall have authority over all fiscal
38 activities related to the land and facilities known as the Riverpoint

1 higher education park subject to the approval of the higher education
2 coordinating board pursuant to RCW 28B.80.330 through 28B.80.350.

3 (2) The joint center for higher education shall coordinate all
4 baccalaureate and graduate degree programs, and all other courses and
5 programs offered in the Spokane area by Washington State University and
6 by Eastern Washington University outside of its Cheney campus. The
7 joint center for higher education shall not coordinate the
8 intercollegiate center for nursing. The joint center for higher
9 education may mediate disagreements among institutions about degree
10 programs or courses.

11 (3) The joint center for higher education shall coordinate the
12 following higher education activities in the Spokane area outside of
13 the Eastern Washington University Cheney campus:

14 (a) Articulation between lower division and upper division
15 programs;

16 (b) The participation of Washington State University and Eastern
17 Washington University in joint academic degree programs with Gonzaga
18 University and Whitworth College and in joint academic degree programs
19 with each other;

20 (c) All contractual negotiations between public and independent
21 colleges and universities; and

22 (d) Programs offered through the intercollegiate research and
23 technology institute created by RCW 28B.10.060.

24 (4) The participating institutions in the joint center for higher
25 education shall maintain jurisdiction over the content of the course
26 offerings and the entitlement to degrees. However, before any degree
27 program is authorized under this section, it shall be subject to review
28 and approval of the higher education coordinating board.

29 (5) The joint center shall develop a master plan for the
30 Riverpoint higher education park. The plan shall be developed in
31 cooperation with the participating institutions (~~and submitted to the~~
32 ~~higher education coordinating board, legislature, and office of~~
33 ~~financial management~~)).

34 (6) The joint center shall adopt rules as necessary to implement
35 this chapter.

36 (7) Title to or all interest in real estate and other assets,
37 including but not limited to assignable contracts, cash, equipment,
38 buildings, facilities, and appurtenances thereto held as of July 1,
39 1991, shall vest in the joint center for higher education.

1 **Sec. 20.** RCW 28B.30.150 and 1985 c 370 s 93 are each amended to
2 read as follows:

3 The regents of Washington State University, in addition to other
4 duties prescribed by law, shall:

5 (1) Have full control of the university and its property of various
6 kinds, except as otherwise provided by law.

7 (2) Employ the president of the university, his or her assistants,
8 members of the faculty, and employees of the university, who, except as
9 otherwise provided by law, shall hold their positions during the
10 pleasure of said board of regents.

11 (3) Establish entrance requirements for students seeking admission
12 to the university which meet or exceed the standards specified under
13 RCW 28B.80.350(2). Completion of examinations satisfactory to the
14 university may be a prerequisite for entrance by any applicant, at the
15 university's discretion. Evidence of completion of public high schools
16 and other educational institutions whose courses of study meet the
17 approval of the university may be acceptable for entrance.

18 (4) Establish such colleges, schools, or departments necessary to
19 carry out the purpose of the university and not otherwise proscribed by
20 law.

21 (5) Subject to the approval of the higher education coordinating
22 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-
23 campus programs, participate in consortia or centers, contract for off-
24 campus educational programs, and purchase or lease major off-campus
25 facilities.

26 (6) With the assistance of the faculty of the university, prescribe
27 the courses of instruction in the various colleges, schools, and
28 departments of the institution and publish the necessary catalogues
29 thereof.

30 (7) Collect such information as the board deems desirable as to the
31 schemes of technical instruction adopted in other parts of the United
32 States and foreign countries.

33 (8) Provide for holding agricultural institutes including farm
34 marketing forums.

35 (9) Provide that instruction given in the university, as far as
36 practicable, be conveyed by means of laboratory work and provide in
37 connection with the university one or more physical, chemical, and
38 biological laboratories, and suitably furnish and equip the same.

1 (10) Provide training in military tactics for those students
2 electing to participate therein.

3 (11) Establish a department of elementary science and in connection
4 therewith provide instruction in elementary mathematics, including
5 elementary trigonometry, elementary mechanics, elementary and
6 mechanical drawing, and land surveying.

7 (12) Establish a department of agriculture and in connection
8 therewith provide instruction in physics with special application of
9 its principles to agriculture, chemistry with special application of
10 its principles to agriculture, morphology and physiology of plants with
11 special reference to common grown crops and fungus enemies, morphology
12 and physiology of the lower forms of animal life, with special
13 reference to insect pests, morphology and physiology of the higher
14 forms of animal life and in particular of the horse, cow, sheep, and
15 swine, agriculture with special reference to the breeding and feeding
16 of livestock and the best mode of cultivation of farm produce, and
17 mining and metallurgy, appointing demonstrators in each of these
18 subjects to superintend the equipment of a laboratory and to give
19 practical instruction therein.

20 (13) Establish agricultural experiment stations in connection with
21 the department of agriculture, including at least one in the western
22 portion of the state, and appoint the officers and prescribe
23 regulations for their management.

24 (14) Grant to students such certificates or degrees, as recommended
25 for such students by the faculty.

26 (15) Confer honorary degrees upon persons other than graduates of
27 the university in recognition of their learning or devotion to
28 literature, art, or science when recommended thereto by the faculty:
29 PROVIDED, That no degree shall ever be conferred in consideration of
30 the payment of money or the giving of property of whatsoever kind.

31 (16) Adopt plans and specifications for university buildings and
32 facilities or improvements thereto and employ skilled architects and
33 engineers to prepare such plans and specifications and supervise the
34 construction of buildings or facilities which the board is authorized
35 to erect, and fix the compensation for such services. The board shall
36 enter into contracts with one or more contractors for such suitable
37 buildings, facilities, or improvements as the available funds will
38 warrant, upon the most advantageous terms offered at a public
39 competitive letting, pursuant to public notice under ((regulations))

1 rules established by the board. The board shall require of all persons
2 with whom they contract for construction and improvements a good and
3 sufficient bond for the faithful performance of the work and full
4 protection against all liens.

5 (17) Except as otherwise provided by law, direct the disposition of
6 all money appropriated to or belonging to the state university.

7 (18) Receive and expend the money appropriated under the act of
8 congress approved May 8, 1914, entitled "An Act to provide for
9 cooperative agricultural extension work between the agricultural
10 colleges in the several States receiving the benefits of the Act of
11 Congress approved July 2, 1862, and Acts supplemental thereto and the
12 United States Department of Agriculture" and organize and conduct
13 agricultural extension work in connection with the state university in
14 accordance with the terms and conditions expressed in the acts of
15 congress.

16 (19) Except as otherwise provided by law, to enter into such
17 contracts as the regents deem essential to university purposes.

18 (20) Acquire by lease, gift, or otherwise, lands necessary to
19 further the work of the university or for experimental or
20 demonstrational purposes.

21 (21) Establish and maintain at least one agricultural experiment
22 station in an irrigation district to conduct investigational work upon
23 the principles and practices of irrigational agriculture including the
24 utilization of water and its relation to soil types, crops, climatic
25 conditions, ditch and drain construction, fertility investigations,
26 plant disease, insect pests, marketing, farm management, utilization of
27 fruit byproducts, and general development of agriculture under
28 irrigation conditions.

29 (22) Supervise and control the agricultural experiment station at
30 Puyallup.

31 (23) Establish and maintain at Wenatchee an agricultural experiment
32 substation for the purpose of conducting investigational work upon the
33 principles and practices of orchard culture, spraying, fertilization,
34 pollenization, new fruit varieties, fruit diseases and pests,
35 byproducts, marketing, management, and general horticultural problems.

36 (24) Accept such gifts, grants, conveyances, devises, and bequests,
37 whether real or personal property, in trust or otherwise, for the use
38 or benefit of the university, its colleges, schools, or departments;
39 and sell, lease or exchange, invest or expend the same or the proceeds,

1 rents, profits, and income thereof except as limited by the terms of
2 said gifts, grants, conveyances, bequests, and devises; and adopt
3 proper rules to govern and protect the receipt and expenditure of the
4 proceeds of all fees, and the proceeds, rents, profits, and income of
5 all gifts, grants, conveyances, bequests, and devises(~~(, and make full~~
6 ~~report thereof in a biennial report to the governor and members of the~~
7 legislature)).

8 (25) Construct when the board so determines a new foundry and a
9 mining, physical, technological building, and fabrication shop at the
10 university, or add to the present foundry and other buildings, in order
11 that both instruction and research be expanded to include permanent
12 molding and die casting with a section for new fabricating techniques,
13 especially for light metals, including magnesium and aluminum; purchase
14 equipment for the shops and laboratories in mechanical, electrical, and
15 civil engineering; establish a pilot plant for the extraction of
16 alumina from native clays and other possible light metal research;
17 purchase equipment for a research laboratory for technological research
18 generally; and purchase equipment for research in electronics,
19 instrumentation, energy sources, plastics, food technology, mechanics
20 of materials, hydraulics, and similar fields.

21 (26) Make and transmit to the governor and members of the
22 legislature upon request such reports as will be helpful in providing
23 for the institution.

24 **Sec. 21.** RCW 28B.30.537 and 1995 c 399 s 28 are each amended to
25 read as follows:

26 The IMPACT center shall:

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

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

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

36 (2) Research and identify current impediments to increased exports
37 of Washington agricultural products, and determine methods of

1 surmounting those impediments and opportunities for exporting new
2 agricultural products and commodities to foreign markets;

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

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

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

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

19 ~~(7) Subject to RCW 40.07.040, report biennially to the governor and~~
20 ~~the legislature on the IMPACT center, state agricultural commodities~~
21 ~~marketing programs, and the center's success in obtaining nonstate~~
22 ~~funding for its operation)).~~

23 **Sec. 22.** RCW 28B.50.259 and 1993 sp.s. c 18 s 32 are each amended
24 to read as follows:

25 (1) The state board for community and technical colleges shall
26 administer a program designed to provide higher education opportunities
27 to dislocated forest products workers and their unemployed spouses who
28 are enrolled in a community or technical college for ten or more credit
29 hours per quarter. In administering the program, the college board
30 shall have the following powers and duties:

31 (a) With the assistance of an advisory committee, design a
32 procedure for selecting dislocated forest products workers to
33 participate in the program;

34 (b) Allocate funding to community and technical colleges attended
35 by participants; and

36 (c) Monitor the program and report on participants' progress and
37 outcomes(~~(; and~~

1 ~~(d) Report to the legislature by December 1, 1993, on the status of~~
2 ~~the program).~~

3 (2) Unemployed spouses of eligible dislocated forest products
4 workers may participate in the program, but tuition and fees may be
5 waived under the program only for the worker or the spouse and not
6 both.

7 (3) Subject to the limitations of RCW 28B.15.910, the governing
8 boards of the community and technical colleges may waive all or a
9 portion of tuition and fees for program participants, for a maximum of
10 six quarters within a two-year period.

11 (4) During any biennium, the number of full-time equivalent
12 students to be served in this program shall be determined by the
13 applicable omnibus appropriations act, and shall be in addition to the
14 community college enrollment level funded by the applicable omnibus
15 appropriations act.

16 **Sec. 23.** RCW 28B.65.050 and 1995 c 399 s 30 are each amended to
17 read as follows:

18 (1) The board shall oversee, coordinate, and evaluate the high-
19 technology programs.

20 (2) The board shall:

21 (a) Determine the specific high-technology occupational fields in
22 which technical training is needed and advise the institutions of
23 higher education and the higher education coordinating board on their
24 findings;

25 (b) Identify economic areas and high-technology industries in need
26 of technical training and research and development critical to economic
27 development and advise the institutions of higher education and the
28 higher education coordinating board on their findings;

29 (c) Oversee and coordinate the Washington high-technology education
30 and training program to (~~insure~~) ensure high standards, efficiency,
31 and effectiveness;

32 (d) Work cooperatively with the superintendent of public
33 instruction to identify the skills prerequisite to the high-technology
34 programs in the institutions of higher education;

35 (e) Work cooperatively with and provide any information or advice
36 which may be requested by the higher education coordinating board
37 during the board's review of new baccalaureate degree program proposals
38 which are submitted under this chapter. Nothing in this chapter shall

1 be construed as altering or superseding the powers or prerogatives of
2 the higher education coordinating board over the review of new degree
3 programs as established in section 6(2) of this 1985 act;

4 (f) Work cooperatively with the department of community, trade, and
5 economic development to identify the high-technology education and
6 training needs of existing Washington businesses and businesses with
7 the potential to locate in Washington;

8 (g) Work towards increasing private sector participation and
9 contributions in Washington high-technology programs;

10 (h) Identify and evaluate the effectiveness of state sponsored
11 research related to high technology; and

12 (i) Establish and maintain a plan, including priorities, to guide
13 high-technology program development in public institutions of higher
14 education, which plan shall include an assessment of current high-
15 technology programs, steps to increase existing programs, new
16 initiatives and programs necessary to promote high technology, and
17 methods to coordinate and target high-technology programs to changing
18 market opportunities in business and industry(~~and~~

19 ~~(j) Prepare and submit to the legislature before the first day of~~
20 ~~each regular session an annual report on Washington high technology~~
21 ~~programs including, but not limited to:~~

22 ~~(i) An evaluation of each program;~~

23 ~~(ii) A determination of the feasibility of expanding the program;~~

24 ~~and~~

25 ~~(iii) Recommendations, including recommendations for further~~
26 ~~legislation as the board deems necessary)).~~

27 (3) The board may adopt rules under chapter 34.05 RCW as it deems
28 necessary to carry out the purposes of this chapter.

29 (4) The board shall cease to exist on June 30, 1987, unless
30 extended by law for an additional fixed period of time.

31 **Sec. 24.** RCW 28B.80.280 and 1985 c 370 s 27 are each amended to
32 read as follows:

33 The board shall, in cooperation with the state institutions of
34 higher education and the state board for community and technical
35 colleges (~~(education)~~), establish and maintain a state-wide transfer of
36 credit policy and agreement. The policy and agreement shall, where
37 feasible, include course and program descriptions consistent with
38 state-wide interinstitutional guidelines. The institutions of higher

1 education shall provide support and staff resources as necessary to
2 assist in developing and maintaining this policy and agreement. The
3 state-wide transfer of credit policy and agreement shall be effective
4 beginning with the 1985-86 academic year. (~~The board shall report on~~
5 ~~developments toward that objective at the 1987 regular session of the~~
6 ~~legislature.~~)

7 **Sec. 25.** RCW 28B.80.360 and 1995 1st sp.s. c 9 s 12 are each
8 amended to read as follows:

9 The board shall perform the following administrative
10 responsibilities:

11 (1) Administer the programs set forth in the following statutes:
12 RCW 28A.600.100 through 28A.600.150 (Washington scholars); chapter
13 28B.04 RCW (displaced homemakers); chapter 28B.85 RCW (degree-granting
14 institutions); RCW 28B.10.210 through 28B.10.220 (blind students
15 subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid
16 program); chapter 28B.12 RCW (work study); RCW 28B.15.067 (establishing
17 tuition and fees); RCW 28B.15.543 (tuition waivers for Washington
18 scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans);
19 RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW
20 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal
21 programs).

22 (2) Study the delegation of the administration of the following:
23 RCW 28B.65.040 through 28B.65.060 (high-technology board); chapter
24 28B.85 RCW (degree-granting institutions); RCW 28B.80.150 through
25 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state
26 commission for federal law purposes); RCW 28B.80.210 (enumerated
27 federal programs); RCW 28B.80.230 (receipt of federal funds); RCW
28 28B.80.240 (student financial aid programs); RCW 28A.600.120 through
29 28A.600.150 (Washington scholars); RCW 28B.15.543 (Washington
30 scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers);
31 RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790,
32 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid);
33 RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100
34 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon
35 reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity);
36 RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW
37 28B.15.760 through 28B.15.764 (math/science loans). (~~The board shall~~

1 ~~report the results of its study and recommendations to the~~
2 ~~legislature.))~~

3 **Sec. 26.** RCW 28B.80.612 and 1993 c 363 s 3 are each amended to
4 read as follows:

5 In cooperation with institutions of higher education, the state
6 board for community and technical colleges, and appropriate state and
7 local agencies, the higher education coordinating board may identify
8 methods to reduce administrative barriers to efficient institutional
9 operations. These methods may include waivers of statutory
10 requirements and administrative rules. ~~((The higher education~~
11 ~~coordinating board shall report to the governor and appropriate~~
12 ~~legislative committees its recommendations for any statutory changes~~
13 ~~necessary to enhance institutional efficiencies.))~~ In cooperation with
14 affected institutions, the board shall work with appropriate agencies
15 to reduce administrative barriers that do not require statutory
16 changes.

17 **Sec. 27.** RCW 29.04.200 and 1991 c 363 s 30 are each amended to
18 read as follows:

19 (1) Beginning January 1, 1993, no voting device or machine may be
20 used in a county with a population of seventy thousand or more to
21 conduct a primary or general or special election in this state unless
22 it correctly records on a separate ballot the votes cast by each
23 elector for any person and for or against any measure and such separate
24 ballots are available for audit purposes after such a primary or
25 election.

26 (2) Beginning January 1, 1993, the secretary of state shall not
27 certify under this title any voting device or machine for use in
28 conducting a primary or general or special election in this state
29 unless the device or machine correctly records on a separate ballot the
30 votes cast by each elector for any person and for or against any
31 measure and such separate ballots are available for audit purposes
32 after such a primary or election.

33 (3) Beginning January 1, 1993, a county with a population of less
34 than seventy thousand may use a voting machine or device for conducting
35 a primary or general or special election which does not record on a
36 separate ballot, available for audit purposes after the primary or

1 election, the votes cast by each elector for any person and for or
2 against any measure if:

3 (a) The device was certified under this title before January 1,
4 1993, for use in this state;

5 (b) The device otherwise satisfies the requirements of this title;
6 and

7 (c) Not more than twenty percent of the votes cast during any
8 primary or general or special election conducted after January 1, 1998,
9 in the county are cast using such a machine or device.

10 (4) The purpose of subsection (3) of this section is to permit less
11 populous counties to replace voting equipment in stages over several
12 years. These less populous counties are, nonetheless, encouraged to
13 secure as expeditiously as possible voting equipment which would
14 satisfy the requirements of subsection (1) of this section established
15 for more populous counties. (~~The secretary of state shall report to
16 the legislature by January 1st of each odd numbered year through 1997
17 on the progress of such less populous counties in replacing equipment
18 which does not satisfy the requirements of subsection (1) of this
19 section established for more populous counties.~~)

20 **Sec. 28.** RCW 36.32.340 and 1963 c 4 s 36.32.340 are each amended
21 to read as follows:

22 The county commissioners shall take such action as is necessary to
23 effect coordination of their administrative programs(~~(7)~~) and prepare
24 reports annually on the operations of all departments under their
25 jurisdiction(~~(7 and submit biennially to the governor and the
26 legislature their joint recommendations on procedural changes which
27 would increase the efficiency of any department)~~)).

28 **Sec. 29.** RCW 36.47.020 and 1969 ex.s. c 5 s 1 are each amended to
29 read as follows:

30 It shall be the duty of the assessor, auditor, clerk, coroner,
31 sheriff, superintendent of schools, treasurer, and prosecuting attorney
32 of each county in the state, including appointive officials in charter
33 counties heading like departments, to take such action as they jointly
34 deem necessary to effect the coordination of the administrative
35 programs of each county (~~and to submit to the governor and the
36 legislature biennially a joint report or joint reports containing
37 recommendations for procedural changes which would increase the~~

1 efficiency of the respective departments headed by such county
2 officials)).

3 **Sec. 30.** RCW 36.47.070 and 1977 ex.s. c 221 s 2 are each amended
4 to read as follows:

5 It is the desire of the legislature that the Washington State
6 Association of County Officials, as set forth in chapter 36.47 RCW and
7 the Washington State Association of Counties, as set forth in RCW
8 36.32.350, shall merge into one association of elected county officers.
9 Only one association shall carry out the duties imposed by RCW
10 36.32.335 through 36.32.360 and 36.47.020 through 36.47.060.

11 ~~((The two organizations shall report to the legislature by January
12 1, 1978 on the details of this merger.))~~

13 **Sec. 31.** RCW 36.70A.385 and 1995 c 399 s 43 are each amended to
14 read as follows:

15 (1) The legislature intends to determine whether the environmental
16 review process mandated under chapter 43.21C RCW may be enhanced and
17 simplified, and coordination improved, when applied to comprehensive
18 plans mandated by this chapter. The department shall undertake pilot
19 projects on environmental review to determine if the review process can
20 be improved by fostering more coordination and eliminating duplicative
21 environmental analysis which is made to assist decision makers
22 approving comprehensive plans pursuant to this chapter. Such pilot
23 projects should be designed and scoped to consider cumulative impacts
24 resulting from plan decisions, plan impacts on environmental quality,
25 impacts on adjacent jurisdictions, and similar factors in sufficient
26 depth to simplify the analysis of subsequent specific projects being
27 carried out pursuant to the approved plan.

28 (2) The legislature hereby authorizes the department to establish,
29 in cooperation with business, industry, cities, counties, and other
30 interested parties, at least two but not more than four pilot projects,
31 one of which shall be with a county, on enhanced draft and final
32 nonproject environmental analysis of comprehensive plans prepared
33 pursuant to this chapter, for the purposes outlined in subsection (1)
34 of this section. The department may select appropriate geographic
35 subareas within a comprehensive plan if that will best serve the
36 purposes of this section and meet the requirements of chapter 43.21C
37 RCW.

1 (3) An enhanced draft and final nonproject environmental analysis
2 prepared pursuant to this section shall follow the rules adopted
3 pursuant to chapter 43.21C RCW.

4 (4) Not later than December 31, 1993, the department shall evaluate
5 the overall effectiveness of the pilot projects under this section
6 regarding preparing enhanced nonproject environmental analysis for the
7 approval process of comprehensive plans and shall:

8 (a) Provide an interim report of its findings to the legislature
9 with such recommendations as may be appropriate, including the need, if
10 any, for further legislation;

11 (b) Consider adoption of any further rules or guidelines as may be
12 appropriate to assist counties and cities in meeting requirements of
13 chapter 43.21C RCW when considering comprehensive plans; and

14 (c) Prepare and circulate to counties and cities such instructional
15 manuals or other information derived from the pilot projects as will
16 assist all counties and cities in meeting the requirements and
17 objectives of chapter 43.21C RCW in the most expeditious and efficient
18 manner in the process of considering comprehensive plans pursuant to
19 this chapter.

20 ~~((5) The department shall submit a final report to the legislature
21 no later than December 31, 1995.))~~

22 **Sec. 32.** RCW 36.79.060 and 1997 c 81 s 5 are each amended to read
23 as follows:

24 The board shall:

25 (1) Adopt rules necessary to implement the provisions of this
26 chapter relating to the allocation of funds in the rural arterial trust
27 account to counties;

28 (2) Adopt reasonably uniform design standards for county rural
29 arterials and collectors that meet the requirements for trucks
30 transporting commodities(~~(/~~

31 ~~(3) Report biennially on the first day of November of the even-
32 numbered years to the legislative transportation committee and the
33 house and senate transportation committees regarding the progress of
34 counties in developing plans for their rural arterial and collector
35 construction programs and the construction of replacement bridges
36 funded by the federal bridge replacement program on access roads in
37 rural areas and the allocation of rural arterial trust funds to the
38 counties)).~~

1 **Sec. 33.** RCW 38.52.535 and 1995 c 243 s 10 are each amended to
2 read as follows:

3 The state enhanced 911 coordination office and the enhanced 911
4 advisory committee may participate in efforts to set uniform national
5 standards for automatic number identification and automatic location
6 identification data transmission for private telecommunications systems
7 and private shared telecommunications services. ((The enhanced 911
8 advisory committee shall report to the legislature by January 1, 1997,
9 the progress of such standards development and shall make
10 recommendations on steps to be taken if such standards have not been
11 adopted.))

12 **Sec. 34.** RCW 39.29.068 and 1993 c 433 s 8 are each amended to read
13 as follows:

14 The office of financial management shall maintain a publicly
15 available list of all personal service contracts entered into by state
16 agencies during each fiscal year. The list shall identify the
17 contracting agency, the contractor, the purpose of the contract,
18 effective dates and periods of performance, the cost of the contract
19 and funding source, any modifications to the contract, and whether the
20 contract was competitively procured or awarded on a sole source basis.
21 The office of financial management shall also ensure that state
22 accounting definitions and procedures are consistent with RCW 39.29.006
23 and permit the reporting of personal services expenditures by agency
24 and by type of service. Designations of type of services shall
25 include, but not be limited to, management and organizational services,
26 legal and expert witness services, financial services, computer and
27 information services, social or technical research, marketing,
28 communications, and employee training or recruiting services. ((The
29 office of financial management shall report annually to the fiscal
30 committees of the senate and house of representatives on sole source
31 contracts filed under this chapter. The report shall describe: (1)
32 The number and aggregate value of contracts for each category
33 established in this section; (2) the number and aggregate value of
34 contracts of two thousand five hundred dollars or greater but less than
35 ten thousand dollars; (3) the number and aggregate value of contracts
36 of ten thousand dollars or greater; (4) the justification provided by
37 agencies for the use of sole source contracts; and (5) any trends in
38 the use of sole source contracts.))

1 **Sec. 35.** RCW 39.84.090 and 1995 c 399 s 56 are each amended to
2 read as follows:

3 (1) Prior to issuance of any revenue bonds, each public corporation
4 shall submit a copy of its enabling ordinance and charter, a
5 description of any industrial development facility proposed to be
6 undertaken, and the basis for its qualification as an industrial
7 development facility to the department of community, trade, and
8 economic development.

9 (2) If the industrial development facility is not eligible under
10 this chapter, the department of community, trade, and economic
11 development shall give notice to the public corporation, in writing and
12 by certified mail, within twelve working days of receipt of the
13 description.

14 ~~(3) ((The department of trade and economic development shall report
15 annually through 1989 to the chairs of the committees on ways and means
16 of the senate and house of representatives, including one copy to the
17 staff of each of the committees, and to the governor on the amount of
18 capital investment undertaken under this chapter and the amount of
19 permanent employment reasonably related to the existence of such
20 industrial development facilities.~~

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

27 **Sec. 36.** RCW 39.96.070 and 1995 c 192 s 2 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (3) of this section, no
30 governmental entity may enter a payment agreement under RCW 39.96.030
31 after June 30, 2000.

32 (2) The termination of authority to enter payment agreements after
33 June 30, 2000, shall not affect the validity of any payment agreements
34 or other contracts entered into under RCW 39.96.030 on or before that
35 date.

36 (3) A governmental entity may enter into a payment agreement under
37 and in accordance with this chapter after June 30, 2000, to replace a
38 payment agreement that relates to specified obligations issued on or

1 before that date and that has terminated before the final term of those
2 obligations.

3 ~~((4) The state finance committee shall make a report to the
4 appropriate legislative committees on payment agreements authorized in
5 this chapter. The report shall include the governmental entity
6 entering into a payment agreement, the amount of the agreement, the
7 expected savings resulting from the agreement, the transactions cost,
8 and any other information the state finance committee determines
9 relevant. The report shall be submitted each December.))~~

10 **Sec. 37.** RCW 41.04.630 and 1987 c 475 s 7 are each amended to read
11 as follows:

12 (1) The committee shall keep or cause to be kept full and adequate
13 accounts and records of the assets, obligations, transactions, and
14 affairs of a salary reduction plan created under RCW 41.04.615.

15 (2) The committee shall file an annual report of the financial
16 condition, transactions, and affairs of the salary reduction plan under
17 the committee's jurisdiction. ~~((A copy of the annual report shall be
18 filed with the speaker of the house of representatives, the president
19 of the senate, the governor, and the state auditor.))~~

20 (3) Members of the committee shall be deemed to stand in a
21 fiduciary relationship to the employees participating in the salary
22 reduction plan and shall discharge their duties in good faith and with
23 that diligence, care, and skill which ordinary prudent persons would
24 exercise under similar circumstances in like positions.

25 **Sec. 38.** RCW 41.05.190 and 1993 c 492 s 221 are each amended to
26 read as follows:

27 The administrator, in consultation with the public employees'
28 benefits board, shall design a self-insured medicare supplemental
29 insurance plan for retired and disabled employees eligible for
30 medicare. For the purpose of determining the appropriate scope of the
31 self-funded medicare supplemental plan, the administrator shall
32 consider the differences in the scope of health services available
33 under the uniform benefits package and the medicare program. ~~((The
34 proposed plan shall be submitted to appropriate committees of the
35 legislature by December 1, 1993.))~~

1 **Sec. 39.** RCW 41.05.220 and 1993 c 492 s 232 are each amended to
2 read as follows:

3 (1) State general funds appropriated to the department of health
4 for the purposes of funding community health centers to provide primary
5 health and dental care services, migrant health services, and maternity
6 health care services shall be transferred to the state health care
7 authority. Any related administrative funds expended by the department
8 of health for this purpose shall also be transferred to the health care
9 authority. The health care authority shall exclusively expend these
10 funds through contracts with community health centers to provide
11 primary health and dental care services, migrant health services, and
12 maternity health care services. The administrator of the health care
13 authority shall establish requirements necessary to assure community
14 health centers provide quality health care services that are
15 appropriate and effective and are delivered in a cost-efficient manner.
16 The administrator shall further assure that community health centers
17 have appropriate referral arrangements for acute care and medical
18 specialty services not provided by the community health centers.

19 ~~(2) ((To further the intent of chapter 492, Laws of 1993, the~~
20 ~~health care authority, in consultation with the department of health,~~
21 ~~shall evaluate the organization and operation of the federal and state-~~
22 ~~funded community health centers and other not for profit health care~~
23 ~~organizations and propose recommendations to the health services~~
24 ~~commission and the health policy committees of the legislature by~~
25 ~~November 30, 1994, that identify changes to permit community health~~
26 ~~centers and other not for profit health care organizations to form~~
27 ~~certified health plans or other innovative health care delivery~~
28 ~~arrangements that help ensure access to primary health care services~~
29 ~~consistent with the purposes of chapter 492, Laws of 1993.~~

30 (3)) The authority, in consultation with the department of health,
31 shall work with community and migrant health clinics and other
32 providers of care to underserved populations, to ensure that the number
33 of people of color and underserved people receiving access to managed
34 care is expanded in proportion to need, based upon demographic data.

35 **Sec. 40.** RCW 41.05.280 and 1993 c 504 s 3 are each amended to read
36 as follows:

37 The department of corrections shall consult with the state health
38 care authority to identify how the department of corrections shall

1 develop a working plan to correspond to the health care reform measures
2 that require all departments to place all state purchased health
3 services in a community-rated, single risk pool under the direct
4 administrative authority of the state purchasing agent by July 1, 1997.
5 (~~The department of corrections shall report the findings to the chairs~~
6 ~~of the house of representatives health care committee and committee on~~
7 ~~corrections and the chairs of the senate committee on health and human~~
8 ~~services and the law and justice committee by December 12, 1993.~~)

9 **Sec. 41.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
10 1996 c 186 s 109 are each reenacted and amended to read as follows:

11 (1) The provisions of this chapter do not apply to:

12 (a) The members of the legislature or to any employee of, or
13 position in, the legislative branch of the state government including
14 members, officers, and employees of the legislative council, joint
15 legislative audit and review committee, statute law committee, and any
16 interim committee of the legislature;

17 (b) The justices of the supreme court, judges of the court of
18 appeals, judges of the superior courts or of the inferior courts, or to
19 any employee of, or position in the judicial branch of state
20 government;

21 (c) Officers, academic personnel, and employees of technical
22 colleges;

23 (d) The officers of the Washington state patrol;

24 (e) Elective officers of the state;

25 (f) The chief executive officer of each agency;

26 (g) In the departments of employment security and social and health
27 services, the director and the director's confidential secretary; in
28 all other departments, the executive head of which is an individual
29 appointed by the governor, the director, his or her confidential
30 secretary, and his or her statutory assistant directors;

31 (h) In the case of a multimember board, commission, or committee,
32 whether the members thereof are elected, appointed by the governor or
33 other authority, serve ex officio, or are otherwise chosen:

34 (i) All members of such boards, commissions, or committees;

35 (ii) If the members of the board, commission, or committee serve on
36 a part-time basis and there is a statutory executive officer: The
37 secretary of the board, commission, or committee; the chief executive
38 officer of the board, commission, or committee; and the confidential

1 secretary of the chief executive officer of the board, commission, or
2 committee;

3 (iii) If the members of the board, commission, or committee serve
4 on a full-time basis: The chief executive officer or administrative
5 officer as designated by the board, commission, or committee; and a
6 confidential secretary to the chair of the board, commission, or
7 committee;

8 (iv) If all members of the board, commission, or committee serve ex
9 officio: The chief executive officer; and the confidential secretary
10 of such chief executive officer;

11 (i) The confidential secretaries and administrative assistants in
12 the immediate offices of the elective officers of the state;

13 (j) Assistant attorneys general;

14 (k) Commissioned and enlisted personnel in the military service of
15 the state;

16 (l) Inmate, student, part-time, or temporary employees, and part-
17 time professional consultants, as defined by the Washington personnel
18 resources board;

19 (m) The public printer or to any employees of or positions in the
20 state printing plant;

21 (n) Officers and employees of the Washington state fruit
22 commission;

23 (o) Officers and employees of the Washington state apple
24 advertising commission;

25 (p) Officers and employees of the Washington state dairy products
26 commission;

27 (q) Officers and employees of the Washington tree fruit research
28 commission;

29 (r) Officers and employees of the Washington state beef commission;

30 (s) Officers and employees of any commission formed under chapter
31 15.66 RCW;

32 (t) Officers and employees of the state wheat commission formed
33 under chapter 15.63 RCW;

34 (u) Officers and employees of agricultural commissions formed under
35 chapter 15.65 RCW;

36 (v) Officers and employees of the nonprofit corporation formed
37 under chapter 67.40 RCW;

38 (w) Executive assistants for personnel administration and labor
39 relations in all state agencies employing such executive assistants

1 including but not limited to all departments, offices, commissions,
2 committees, boards, or other bodies subject to the provisions of this
3 chapter and this subsection shall prevail over any provision of law
4 inconsistent herewith unless specific exception is made in such law;

5 (x) In each agency with fifty or more employees: Deputy agency
6 heads, assistant directors or division directors, and not more than
7 three principal policy assistants who report directly to the agency
8 head or deputy agency heads;

9 (y) All employees of the marine employees' commission;

10 (z) Up to a total of five senior staff positions of the western
11 library network under chapter 27.26 RCW responsible for formulating
12 policy or for directing program management of a major administrative
13 unit. This subsection (1)(z) shall expire on June 30, 1997;

14 (aa) Staff employed by the department of community, trade, and
15 economic development to administer energy policy functions and manage
16 energy site evaluation council activities under RCW 43.21F.045(2)(m);

17 (bb) Staff employed by Washington State University to administer
18 energy education, applied research, and technology transfer programs
19 under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

20 (2) The following classifications, positions, and employees of
21 institutions of higher education and related boards are hereby exempted
22 from coverage of this chapter:

23 (a) Members of the governing board of each institution of higher
24 education and related boards, all presidents, vice-presidents, and
25 their confidential secretaries, administrative, and personal
26 assistants; deans, directors, and chairs; academic personnel; and
27 executive heads of major administrative or academic divisions employed
28 by institutions of higher education; principal assistants to executive
29 heads of major administrative or academic divisions; other managerial
30 or professional employees in an institution or related board having
31 substantial responsibility for directing or controlling program
32 operations and accountable for allocation of resources and program
33 results, or for the formulation of institutional policy, or for
34 carrying out personnel administration or labor relations functions,
35 legislative relations, public information, development, senior computer
36 systems and network programming, or internal audits and investigations;
37 and any employee of a community college district whose place of work is
38 one which is physically located outside the state of Washington and who

1 is employed pursuant to RCW 28B.50.092 and assigned to an educational
2 program operating outside of the state of Washington;

3 (b) Student, part-time, or temporary employees, and part-time
4 professional consultants, as defined by the Washington personnel
5 resources board, employed by institutions of higher education and
6 related boards;

7 (c) The governing board of each institution, and related boards,
8 may also exempt from this chapter classifications involving research
9 activities, counseling of students, extension or continuing education
10 activities, graphic arts or publications activities requiring
11 prescribed academic preparation or special training as determined by
12 the board: PROVIDED, That no nonacademic employee engaged in office,
13 clerical, maintenance, or food and trade services may be exempted by
14 the board under this provision;

15 (d) Printing craft employees in the department of printing at the
16 University of Washington.

17 (3) In addition to the exemptions specifically provided by this
18 chapter, the Washington personnel resources board may provide for
19 further exemptions pursuant to the following procedures. The governor
20 or other appropriate elected official may submit requests for exemption
21 to the Washington personnel resources board stating the reasons for
22 requesting such exemptions. The Washington personnel resources board
23 shall hold a public hearing, after proper notice, on requests submitted
24 pursuant to this subsection. If the board determines that the position
25 for which exemption is requested is one involving substantial
26 responsibility for the formulation of basic agency or executive policy
27 or one involving directing and controlling program operations of an
28 agency or a major administrative division thereof, the Washington
29 personnel resources board shall grant the request and such
30 determination shall be final as to any decision made before July 1,
31 1993. The total number of additional exemptions permitted under this
32 subsection shall not exceed one percent of the number of employees in
33 the classified service not including employees of institutions of
34 higher education and related boards for those agencies not directly
35 under the authority of any elected public official other than the
36 governor, and shall not exceed a total of twenty-five for all agencies
37 under the authority of elected public officials other than the
38 governor. (~~The Washington personnel resources board shall report to~~
39 ~~each regular session of the legislature during an odd-numbered year all~~

1 ~~exemptions granted under subsections (1)(w) and (x) and (2) of this~~
2 ~~section, together with the reasons for such exemptions.)~~

3 The salary and fringe benefits of all positions presently or
4 hereafter exempted except for the chief executive officer of each
5 agency, full-time members of boards and commissions, administrative
6 assistants and confidential secretaries in the immediate office of an
7 elected state official, and the personnel listed in subsections (1)(j)
8 through (v), (y), (z), and (2) of this section, shall be determined by
9 the Washington personnel resources board. However, beginning with
10 changes proposed for the 1997-99 fiscal biennium, changes to the
11 classification plan affecting exempt salaries must meet the same
12 provisions for classified salary increases resulting from adjustments
13 to the classification plan as outlined in RCW 41.06.152.

14 Any person holding a classified position subject to the provisions
15 of this chapter shall, when and if such position is subsequently
16 exempted from the application of this chapter, be afforded the
17 following rights: If such person previously held permanent status in
18 another classified position, such person shall have a right of
19 reversion to the highest class of position previously held, or to a
20 position of similar nature and salary.

21 Any classified employee having civil service status in a classified
22 position who accepts an appointment in an exempt position shall have
23 the right of reversion to the highest class of position previously
24 held, or to a position of similar nature and salary.

25 A person occupying an exempt position who is terminated from the
26 position for gross misconduct or malfeasance does not have the right of
27 reversion to a classified position as provided for in this section.

28 **Sec. 42.** RCW 41.06.285 and 1993 c 379 s 308 are each amended to
29 read as follows:

30 (1) There is hereby created a fund within the state treasury,
31 designated as the "higher education personnel service fund," to be used
32 by the board as a revolving fund for the payment of salaries, wages,
33 and operations required for the administration of institutions of
34 higher education and related boards, the budget for which shall be
35 subject to review and approval and appropriation by the legislature.
36 Subject to the requirements of subsection (2) of this section, an
37 amount not to exceed one-half of one percent of the salaries and wages
38 for all positions in the classified service shall be contributed from

1 the operations appropriations of each institution and the state board
2 for community and technical colleges and credited to the higher
3 education personnel service fund as such allotments are approved
4 pursuant to chapter 43.88 RCW. Subject to the above limitations, such
5 amount shall be charged against the allotments pro rata, at a rate to
6 be fixed by the director of financial management from time to time,
7 which will provide the board with funds to meet its anticipated
8 expenditures during the allotment period.

9 (2) If employees of institutions of higher education cease to be
10 classified under this chapter pursuant to an agreement authorized by
11 RCW 41.56.201, each institution of higher education and the state board
12 for community and technical colleges shall continue, for six months
13 after the effective date of the agreement, to make contributions to the
14 higher education personnel service fund based on employee salaries and
15 wages that includes the employees under the agreement. At the
16 expiration of the six-month period, the director of financial
17 management shall make across-the-board reductions in allotments of the
18 higher education personnel service fund for the remainder of the
19 biennium so that the charge to the institutions of higher education and
20 state board for community and technical colleges based on the salaries
21 and wages of the remaining employees of institutions of higher
22 education and related boards classified under this chapter does not
23 increase during the biennium, unless an increase is authorized by the
24 legislature. (~~The director of financial management shall report the
25 amount and impact of any across the board reductions made under this
26 section to the appropriations committee of the house of representatives
27 and the ways and means committee of the senate, or appropriate
28 successor committees, within thirty days of making the reductions.~~)

29 (3) Moneys from the higher education personnel service fund shall
30 be disbursed by the state treasurer by warrants on vouchers duly
31 authorized by the board.

32 **Sec. 43.** RCW 41.50.780 and 1995 c 239 s 315 are each amended to
33 read as follows:

34 (1) The deferred compensation principal account is hereby created
35 in the state treasury. Any deficiency in the deferred compensation
36 administrative account caused by an excess of administrative expenses
37 disbursed from that account over earnings of investments of balances

1 credited to that account shall be eliminated by transferring moneys to
2 that account from the deferred compensation principal account.

3 (2) The amount of compensation deferred by employees under
4 agreements entered into under the authority contained in RCW 41.50.770
5 shall be paid into the deferred compensation principal account and
6 shall be sufficient to cover costs of administration and staffing in
7 addition to such other amounts as determined by the department. The
8 deferred compensation principal account shall be used to carry out the
9 purposes of RCW 41.50.770. All eligible state employees shall be given
10 the opportunity to participate in agreements entered into by the
11 department under RCW 41.50.770. State agencies shall cooperate with
12 the department in providing employees with the opportunity to
13 participate.

14 (3) Any county, municipality, or other subdivision of the state may
15 elect to participate in any agreements entered into by the department
16 under RCW 41.50.770, including the making of payments therefrom to the
17 employees participating in a deferred compensation plan upon their
18 separation from state or other qualifying service. Accordingly, the
19 deferred compensation principal account shall be considered to be a
20 public pension or retirement fund within the meaning of Article XXIX,
21 section 1 of the state Constitution, for the purpose of determining
22 eligible investments and deposits of the moneys therein.

23 (4) All moneys in the deferred compensation principal account, all
24 property and rights purchased therewith, and all income attributable
25 thereto, shall remain (until made available to the participating
26 employee or other beneficiary) solely the money, property, and rights
27 of the state and participating counties, municipalities, and
28 subdivisions (without being restricted to the provision of benefits
29 under the plan) subject only to the claims of the state's and
30 participating jurisdictions' general creditors. Participating
31 jurisdictions shall each retain property rights separately.

32 (5) The state investment board, at the request of the employee
33 retirement benefits board as established under RCW 41.50.086, is
34 authorized to invest moneys in the deferred compensation principal
35 account in accordance with RCW 43.84.150. Except as provided in RCW
36 43.33A.160, one hundred percent of all earnings from these investments
37 shall accrue directly to the deferred compensation principal account.

38 (6) The deferred compensation administrative account is hereby
39 created in the state treasury. All expenses of the department

1 pertaining to the deferred compensation plan including staffing and
2 administrative expenses shall be paid out of the deferred compensation
3 administrative account. Any excess of earnings of investments of
4 balances credited to this account over administrative expenses
5 disbursed from this account shall be transferred to the deferred
6 compensation principal account. Any deficiency in the deferred
7 compensation administrative account caused by an excess of
8 administrative expenses disbursed from this account over earnings of
9 investments of balances credited to this account shall be transferred
10 to this account from the deferred compensation principal account.

11 (7) In addition to the duties specified in this section and RCW
12 41.50.770, the department shall administer the salary reduction plan
13 established in RCW 41.04.600 through 41.04.645.

14 (8) The department shall keep or cause to be kept full and adequate
15 accounts and records of the assets, obligations, transactions, and
16 affairs of any deferred compensation plans created under RCW 41.50.770
17 and this section.

18 ~~(9) ((The department shall file an annual report of the financial
19 condition, transactions, and affairs of the deferred compensation plans
20 under its jurisdiction. A copy of the annual report shall be filed
21 with the speaker of the house of representatives, the president of the
22 senate, the governor, and the state auditor.~~

23 ~~(10))~~ Members of the employee retirement benefits board
24 established under RCW 41.50.086 shall be deemed to stand in a fiduciary
25 relationship to the employees participating in the deferred
26 compensation plans created under RCW 41.50.770 and this section and
27 shall discharge the duties of their respective positions in good faith
28 and with that diligence, care, and skill which ordinary prudent persons
29 would exercise under similar circumstances in like positions.

30 ~~((11))~~ (10) The department may adopt rules necessary to carry out
31 the purposes of RCW 41.50.770 and this section.

32 **Sec. 44.** RCW 41.52.040 and 1967 c 128 s 2 are each amended to read
33 as follows:

34 The commission shall have the following powers and duties:

35 (1) Study the pension and benefit laws applicable to officers and
36 employees in governmental service throughout the state and appraise and
37 evaluate the existing laws pertaining to this subject;

1 (2) Study and consider the financial problems of the several
2 retirement and pension funds and make recommendations as to revisions
3 in financial provisions and methods of amortizing the accrued
4 liabilities of such funds without impairment of any of the rights and
5 equities of participants and beneficiaries but in conformity with sound
6 and established principles of financing pension fund obligations;

7 (3) Study and make recommendations concerning the extension of
8 pension coverage to public employees to whom pension protection has not
9 been accorded;

10 (4) Study and make recommendations concerning the preservation and
11 continuity of earned rights and credits in public employment for
12 pension purposes including a thorough study of the legal, financial and
13 other aspects of so-called legal vesting of pension rights;

14 (5) Evaluate all pension proposals in terms of policy, cost
15 implications, and their impact on other public employee retirement
16 programs;

17 (6) Consider all aspects of pension planning and operation aiming
18 toward the development of a standard pension policy grounded in
19 fundamental principles;

20 (7) Consider the feasibility of codifying pension laws;

21 (8) Make available to such public officers and employees at all
22 levels of government as it shall deem advisable, information as to
23 pension and benefit studies, recommendations, and evaluations as to
24 afford them an opportunity to become familiar with all aspects of
25 pension problems so they may develop sound legislative and fiscal
26 policies in accordance with established concepts of good retirement
27 planning and sound financing;

28 ~~(9) ((Report from time to time, at least biennially, to the members~~
29 ~~of the legislature, and to the governor, its conclusions and~~
30 ~~recommendations;~~

31 ~~(10))~~ Prepare an explanatory note for each pension bill introduced
32 in the legislature, which note shall briefly explain the financial
33 impact and policies of the bill, indicate the impact on the relative
34 position of the system affected with the other public pension systems,
35 and which shall be attached to or printed upon the printed bill;

36 ~~((11))~~ (10) Study and make recommendations on the investment
37 policies and procedures of all public pension systems.

1 **Sec. 45.** RCW 41.52.070 and 1967 c 160 s 1 are each amended to read
2 as follows:

3 The state public pension commission shall employ on a contractual
4 basis a qualified investment counsel. Such counsel shall be a business
5 organization having experience in securities analyses and investment
6 counseling for both private and public pension funds on a national
7 basis for a minimum of three consecutive years during the five years
8 immediately prior to employment by the commission. The counsel shall
9 not be engaged in the business of buying, selling, or otherwise
10 marketing securities during the time of its employment by the
11 commission.

12 The securities counsel shall make periodic examinations of the
13 transactions and portfolio of each public pension system in the state.
14 The administrator of each pension system shall cooperate with and make
15 its records available to the counsel. The counsel shall file a copy of
16 its examination report with the public pension system examined and also
17 with the public pension commission. (~~The public pension commission
18 shall include in its biennial report to the legislature a summarization
19 of all such examination reports.~~) The securities counsel shall be
20 available on request of the board of trustees of any public retirement
21 system in the state of Washington for investment counseling pertaining
22 to any or all proposed changes in the investment portfolio of that
23 system.

24 **Sec. 46.** RCW 42.16.017 and 1983 1st ex.s. c 28 s 6 are each
25 amended to read as follows:

26 The director of financial management shall adopt the necessary
27 policies and procedures to implement RCW 42.16.010 through 42.16.017,
28 including the establishment of paydates. Such paydates shall conform
29 to RCW 42.16.010. The director of financial management shall have
30 approval over all agency and state payroll systems and shall determine
31 the payroll systems to be used by state agencies to (~~insure~~) ensure
32 the implementation of RCW 42.16.010 and 41.04.232: PROVIDED, That for
33 purposes of the central personnel payroll system, the provisions of RCW
34 41.07.020 shall apply. (~~The director shall provide a comprehensive
35 report to the legislature on December 31, 1984, on the implementation
36 of and compliance with RCW 42.16.010 and 41.04.232, including the
37 timeliness of payments to state employees.~~)

1 **Sec. 47.** RCW 43.01.240 and 1995 c 215 s 3 are each amended to read
2 as follows:

3 (1) There is hereby established an account in the state treasury to
4 be known as the state agency parking account. All parking income
5 collected from the fees imposed by state agencies on parking spaces at
6 state-owned or leased facilities, including the capitol campus, shall
7 be deposited in the state agency parking account. Only the office of
8 financial management may authorize expenditures from the account. The
9 account is subject to allotment procedures under chapter 43.88 RCW, but
10 no appropriation is required for expenditures. No agency may receive
11 an allotment greater than the amount of revenue deposited into the
12 state agency parking account.

13 (2) An agency may, as an element of the agency's commute trip
14 reduction program to achieve the goals set forth in RCW 70.94.527,
15 impose parking rental fees at state-owned and leased properties. These
16 fees will be deposited in the state agency parking account. Each
17 agency shall establish a committee to advise the agency director on
18 parking rental fees, taking into account the market rate of comparable,
19 privately owned rental parking in each region. The agency shall
20 solicit representation of the employee population including, but not
21 limited to, management, administrative staff, production workers, and
22 state employee bargaining units. Funds shall be used by agencies to:
23 (a) Support the agencies' commute trip reduction program under RCW
24 70.94.521 through 70.94.551; (b) support the agencies' parking program;
25 or (c) support the lease or ownership costs for the agencies' parking
26 facilities.

27 (3) In order to reduce the state's subsidization of employee
28 parking, after July 1997 agencies shall not enter into leases for
29 employee parking in excess of building code requirements, except as
30 authorized by the director of general administration. In situations
31 where there are fewer parking spaces than employees at a worksite,
32 parking must be allocated equitably, with no special preference given
33 to managers.

34 ~~((4) The director of general administration must report to the
35 house and senate transportation committees no later than December 1,
36 1997, regarding the implementation of chapter 215, Laws of 1995. The
37 report must include an estimate of the reduction in parking supply and
38 an estimate of the cost savings.))~~

1 **Sec. 48.** RCW 43.06.115 and 1996 c 186 s 505 are each amended to
2 read as follows:

3 (1) The governor may, by executive order, after consultation with
4 or notification of the executive-legislative committee on economic
5 development created by chapter . . . (Senate Bill No. 5300), Laws of
6 1993, declare a community to be a "military impacted area." A
7 "military impacted area" means a community or communities, as
8 identified in the executive order, that experience serious social and
9 economic hardships because of a change in defense spending by the
10 federal government in that community or communities.

11 (2) If the governor executes an order under subsection (1) of this
12 section, the governor shall establish a response team to coordinate
13 state efforts to assist the military impacted community. The response
14 team may include, but not be limited to, one member from each of the
15 following agencies: (a) The department of community, trade, and
16 economic development; (b) the department of social and health services;
17 (c) the employment security department; (d) the state board for
18 community and technical colleges; (e) the higher education coordinating
19 board; and (f) the department of transportation. The governor may
20 appoint a response team coordinator. The governor shall seek to
21 actively involve the impacted community or communities in planning and
22 implementing a response to the crisis. The governor may seek input or
23 assistance from the community diversification advisory committee, and
24 the governor may establish task forces in the community or communities
25 to assist in the coordination and delivery of services to the local
26 community. The state and community response shall consider economic
27 development, human service, and training needs of the community or
28 communities impacted.

29 ~~((3) The governor shall report at the beginning of the next~~
30 ~~legislative session to the legislature and the executive-legislative~~
31 ~~committee on economic development created by chapter . . . (Senate Bill~~
32 ~~No. 5300), Laws of 1993, as to the designation of a military impacted~~
33 ~~area. The report shall include recommendations regarding whether a~~
34 ~~military impacted area should become eligible for (a) funding provided~~
35 ~~by the community economic revitalization board, public facilities~~
36 ~~construction loan revolving account, Washington state development loan~~
37 ~~fund, basic health plan, the public works assistance account,~~
38 ~~department of community, trade, and economic development, employment~~
39 ~~security department, and department of transportation; (b) training for~~

1 ~~dislocated defense workers; or (c) services for dislocated defense~~
2 ~~workers.))~~

3 **Sec. 49.** RCW 43.121.130 and 1988 c 278 s 3 are each amended to
4 read as follows:

5 (1) Funding shall be provided, as funds are available, in
6 decreasing amounts over a two-year period, with the goal of having the
7 programs become supported by local communities at the end of a two-year
8 period. State funding may be continued in areas where local funding
9 would be difficult to obtain due to local economic conditions to the
10 extent funding is made available to the council.

11 (2) The council shall work with the projects in the program to
12 evaluate the results of the projects. The council shall make
13 recommendations on these projects and the program. A project agreeing
14 to develop an evaluation component shall be considered for a three-year
15 funding schedule. ~~((A report on the evaluations shall be made~~
16 ~~available to the legislature at the beginning of the legislative~~
17 ~~session in 1992.))~~

18 **Sec. 50.** RCW 43.147.070 and 1993 c 485 s 4 are each amended to
19 read as follows:

20 The PNWER-Net working subgroup shall have the following duties:

21 (1) To work with working subgroups from other member states and
22 provinces in an entity known as the PNWER-Net working group to develop
23 PNWER-Net; and

24 (2) To assist the PNWER-Net working group in developing criteria to
25 ensure that designated member libraries use existing telecommunications
26 infrastructure including the internet(~~;~~ ~~and~~

27 ~~(3) To report to the legislature by December 1, 1994, concerning~~
28 ~~the status of PNWER-Net)).~~

29 **Sec. 51.** RCW 43.163.090 and 1997 c 257 s 1 are each amended to
30 read as follows:

31 The authority shall adopt a general plan of economic development
32 finance objectives to be implemented by the authority during the period
33 of the plan. The authority may exercise the powers authorized under
34 this chapter prior to the adoption of the initial plan. In developing
35 the plan, the authority shall consider and set objectives for:

36 (1) Employment generation associated with the authority's programs;

1 (2) The application of funds to sectors and regions of the state
2 economy evidencing need for improved access to capital markets and
3 funding resources;

4 (3) Geographic distribution of funds and programs available through
5 the authority;

6 (4) Eligibility criteria for participants in authority programs;

7 (5) The use of funds and resources available from or through
8 federal, state, local, and private sources and programs;

9 (6) Standards for economic viability and growth opportunities of
10 participants in authority programs;

11 (7) New programs which serve a targeted need for financing
12 assistance within the purposes of this chapter; and

13 (8) Opportunities to improve capital access as evidenced by
14 programs existent in other states or as they are made possible by
15 results of private capital market circumstances.

16 The authority shall, as part of the finance plan required under
17 this section, develop an outreach and marketing plan designed to
18 increase its financial services to distressed counties. As used in
19 this section, "distressed counties" has the same meaning as distressed
20 area in RCW 43.168.020.

21 At least one public hearing shall be conducted by the authority on
22 the plan prior to its adoption. The plan shall be adopted by
23 resolution of the authority no later than November 15, 1990. (~~The~~
24 ~~plan shall be submitted to the chief clerk of the house of~~
25 ~~representatives and secretary of the senate for transmittal to and~~
26 ~~review by the appropriate standing committees no later than December~~
27 ~~15, 1990.)) The authority ((~~shall~~)) may periodically update the plan
28 as determined necessary by the authority(~~(, but not less than once~~
29 ~~every two years))~~). The plan or updated plan shall include a report on
30 authority activities conducted since the commencement of authority
31 operation or since the last plan was reported, whichever is more
32 recent, including a statement of results achieved under the purposes of
33 this chapter and the plan. Upon adoption, the authority shall conduct
34 its programs in observance of the objectives established in the plan.~~

35 **Sec. 52.** RCW 43.163.120 and 1994 c 238 s 3 are each amended to
36 read as follows:

37 The authority shall receive no appropriation of state funds. The
38 department of community, trade, and economic development shall provide

1 staff to the authority, to the extent permitted by law, to enable the
2 authority to accomplish its purposes; the staff from the department of
3 community, trade, and economic development may assist the authority in
4 organizing itself and in designing programs, but shall not be involved
5 in the issuance of bonds or in making credit decisions regarding
6 financing provided to borrowers by the authority. ((The authority
7 shall report each December on its activities to the appropriate
8 standing committees of the house of representatives and senate.))

9 **Sec. 53.** RCW 43.168.130 and 1987 c 461 s 7 are each amended to
10 read as follows:

11 ((+1)) The committee shall develop performance standards for
12 judging the effectiveness of the program. Such standards shall
13 include, to the extent possible, examining the effectiveness of grants
14 in regard to:

15 ((+a)) (1) Job creation for individuals of low and moderate
16 income;

17 ((+b)) (2) Retention of existing employment;

18 ((+c)) (3) The creation of new employment opportunities;

19 ((+d)) (4) The diversification of the economic base of local
20 communities;

21 ((+e)) (5) The establishment of employee cooperatives;

22 ((+f)) (6) The provision of assistance in cases of employee buy-
23 outs of firms to prevent the loss of existing employment;

24 ((+g)) (7) The degree of risk assumed by the development loan
25 fund, with emphasis on loans which did not receive financing from
26 commercial lenders, but which are considered financially sound.

27 ((+2) The committee shall report to the appropriate standing
28 committees of the legislature on the development of performance
29 standards by January 1, 1988.))

30 **Sec. 54.** RCW 43.175.020 and 1987 c 348 s 7 are each amended to
31 read as follows:

32 The governor's small business improvement council shall seek to:
33 Identify regulatory, administrative, and legislative proposals that
34 will improve the entrepreneurial environment for small businesses; and
35 advise and comment on state business programs and the business
36 assistance center on program policies, and services to assist small
37 businesses. ((In consultation with the business assistance center and

1 the appropriate standing committees of the senate and house of
2 representatives, the governor's small business improvement council
3 shall submit its proposals and recommendations to the governor and the
4 legislature prior to the convening of each regular session of the
5 legislature.))

6 **Sec. 55.** RCW 43.19.19052 and 1995 c 269 s 1403 are each amended to
7 read as follows:

8 Initial policy determinations for the functions described in RCW
9 43.19.1905 shall be developed and published within the 1975-77 biennium
10 by the director for guidance and compliance by all state agencies,
11 including educational institutions, involved in purchasing and material
12 control. Modifications to these initial supply management policies
13 established during the 1975-77 biennium shall be instituted by the
14 director in future biennia as required to maintain an efficient and up-
15 to-date state supply management system. ((The director shall transmit
16 to the governor and the legislature in June 1976 and June 1977 a
17 progress report which indicates the degree of accomplishment of each of
18 these assigned duties, and which summarizes specific achievements
19 obtained in increased effectiveness and dollar savings or cost
20 avoidance within the overall state purchasing and material control
21 system. The second progress report in June 1977 shall include a
22 comprehensive supply management plan which includes the recommended
23 organization of a state wide purchasing and material control system and
24 development of an orderly schedule for implementing such
25 recommendation. In the interim between these annual progress reports,
26 the director shall furnish periodic reports to the office of financial
27 management for review of progress being accomplished in achieving
28 increased efficiencies and dollar savings or cost avoidance.))

29 It is the intention of the legislature that measurable improvements
30 in the effectiveness and economy of supply management in state
31 government shall be achieved during the 1975-77 biennium, and each
32 biennium thereafter. All agencies, departments, offices, divisions,
33 boards, and commissions and educational, correctional, and other types
34 of institutions are required to cooperate with and support the
35 development and implementation of improved efficiency and economy in
36 purchasing and material control. To effectuate this legislative
37 intention, the director, through the state purchasing and material
38 control director, shall have the authority to direct and require the

1 submittal of data from all state organizations concerning purchasing
2 and material control matters.

3 **Sec. 56.** RCW 43.19.19362 and 1987 c 505 s 25 are each amended to
4 read as follows:

5 There is hereby created a risk management office within the
6 department of general administration. The director of general
7 administration shall implement the risk management policy in RCW
8 43.19.19361 through the risk management office. The director of
9 general administration shall appoint a risk manager to supervise the
10 risk management office. The risk management office shall make
11 recommendations when appropriate to state agencies on the application
12 of prudent safety, security, loss prevention, and loss minimization
13 methods so as to reduce or avoid risk or loss. ~~((The director of
14 general administration shall submit a risk management report biennially
15 to the governor, with copies to the chairs of the standing committees
16 having jurisdiction on judiciary and insurance and the ways and means
17 and state governmental operations committees in the senate and the
18 house of representatives, including one copy to the staff of each of
19 the committees. The management report shall describe the plans,
20 policies, and operation of the risk management office and shall at
21 least include the following:~~

22 ~~(1) Success in implementing stated goals and objectives for the
23 risk management office;~~

24 ~~(2) Improving loss control and prevention practices;~~

25 ~~(3) Self insuring risks of loss to state owned property except
26 where bond indentures or other special considerations require the
27 purchase of insurance;~~

28 ~~(4) Consolidating insurance coverages for properties requiring
29 insurance by bond indenture;~~

30 ~~(5) Establishing an emergency fund to provide assistance to state
31 agencies in the event of serious property loss;~~

32 ~~(6) Self insuring liability risks to public and professional third
33 parties;~~

34 ~~(7) Funding of the tort claims revolving fund on an actuarial
35 basis;~~

36 ~~(8) A program of excess liability coverage above a selected self-
37 insurance limit;~~

1 ~~(9) Identification of cost savings and cost avoidances achieved~~
2 ~~during the preceding two years; and~~
3 ~~(10) Appropriate recommendations for new or amended legislation.)~~

4 **Sec. 57.** RCW 43.19.554 and 1994 sp.s. c 9 s 803 are each amended
5 to read as follows:

6 (1) To carry out the purposes of RCW 43.19.550 through 43.19.558
7 and 46.08.065, the director of general administration has the following
8 powers and duties:

9 (a) To develop and implement a state-wide information system to
10 collect, analyze, and disseminate data on the acquisition, operation,
11 management, maintenance, repair, disposal, and replacement of all
12 state-owned passenger motor vehicles. State agencies shall provide the
13 department with such data as is necessary to implement and maintain the
14 system. The department shall provide state agencies with information
15 and reports designed to assist them in achieving efficient and cost-
16 effective management of their passenger motor vehicle operations.

17 (b) To survey state agencies to identify the location, ownership,
18 and condition of all state-owned fuel storage tanks.

19 (c) In cooperation with the department of ecology and other public
20 agencies, to prepare a plan and funding proposal for the inspection and
21 repair or replacement of state-owned fuel storage tanks, and for the
22 clean-up of fuel storage sites where leakage has occurred. The plan
23 and funding proposal shall be submitted to the governor no later than
24 December 1, 1989.

25 (d) To develop and implement a state-wide motor vehicle fuel
26 purchase, distribution, and accounting system to be used by all state
27 agencies and their employees. The director may exempt agencies from
28 participation in the system if the director determines that
29 participation interferes with the statutory duties of the agency.

30 (e) To establish minimum standards and requirements for the content
31 and frequency of safe driving instruction for state employees operating
32 state-owned passenger motor vehicles, which shall include consideration
33 of employee driving records. In carrying out this requirement, the
34 department shall consult with other agencies that have expertise in
35 this area.

36 (f) To develop a schedule, after consultation with affected state
37 agencies, for state employees to participate in safe driving
38 instruction.

1 (g) To require all state employees to provide proof of a driver's
2 license recognized as valid under Washington state law prior to
3 operating a state-owned passenger vehicle.

4 (h) To develop standards for the efficient and economical
5 replacement of all categories of passenger motor vehicles used by state
6 agencies and provide those standards to state agencies and the office
7 of financial management.

8 (i) To develop and implement a uniform system and standards to be
9 used for the marking of passenger motor vehicles as state-owned
10 vehicles as provided for in RCW 46.08.065. The system shall be
11 designed to enhance the resale value of passenger motor vehicles, yet
12 ensure that the vehicles are clearly identified as property of the
13 state.

14 (j) To develop and implement other programs to improve the
15 performance, efficiency, and cost-effectiveness of passenger motor
16 vehicles owned and operated by state agencies.

17 (k) To consult with state agencies and institutions of higher
18 education in carrying out RCW 43.19.550 through 43.19.558.

19 (2) The director shall establish an operational unit within the
20 department to carry out subsection (1) of this section. The director
21 shall employ such personnel as are necessary to carry out RCW 43.19.550
22 through 43.19.558. Not more than three employees within the unit may
23 be exempt from chapter 41.06 RCW.

24 ~~((3) No later than December 31, 1992, the director shall report to
25 the governor and appropriate standing committees of the legislature on
26 the implementation of programs prescribed by this section, any cost
27 savings and efficiencies realized by their implementation, and
28 recommendations for statutory changes.))~~

29 **Sec. 58.** RCW 43.19A.030 and 1991 c 297 s 4 are each amended to
30 read as follows:

31 (1) By January 1, 1993, each local government shall review its
32 existing procurement policies and specifications to determine whether
33 recycled products are intentionally or unintentionally excluded. The
34 policies and specifications shall be revised to include such products
35 unless a recycled content product does not meet an established
36 performance standard of the agency.

37 (2) By fiscal year 1994, each local government shall adopt a
38 minimum purchasing goal for recycled content as a percentage of the

1 total dollar value of supplies purchased. To assist in achieving this
2 goal each local government shall adopt a strategy by January 1, 1993,
3 and shall submit a description of the strategy to the department.
4 (~~The department shall report to the appropriate standing committees of~~
5 ~~the legislature by October 1, 1993, on the progress of implementation~~
6 ~~by local governments, and shall thereafter periodically report on the~~
7 ~~progress of recycled product purchasing by state and other public~~
8 ~~agencies.~~) All public agencies shall respond to requests for
9 information from the department for the purpose of its reporting
10 requirements under this section.

11 (3) Each local government shall designate a procurement officer who
12 shall serve as the primary contact with the department for compliance
13 with the requirements of this chapter.

14 (4) This section shall apply only to local governments with
15 expenditures for supplies exceeding five hundred thousand dollars for
16 fiscal year 1989. Expenditures for capital goods and for electricity,
17 water, or gas for resale shall not be considered a supply expenditure.

18 **Sec. 59.** RCW 43.20.235 and 1993 sp.s. c 4 s 10 are each amended to
19 read as follows:

20 Water purveyors required to develop a water system plan pursuant to
21 RCW 43.20.230 shall evaluate the feasibility of adopting and
22 implementing water delivery rate structures that encourage water
23 conservation. This information shall be included in water system plans
24 submitted to the department of health for approval after July 1, 1993.
25 The department shall evaluate the following:

26 (1) Rate structures currently used by public water systems in
27 Washington; and

28 (2) Economic and institutional constraints to implementing
29 conservation rate structures.

30 (~~The department shall provide its findings to the appropriate~~
31 ~~committees of the legislature no later than December 31, 1995.~~)

32 **Sec. 60.** RCW 43.20A.725 and 1993 c 425 s 1 are each amended to
33 read as follows:

34 (1) The department shall maintain a program whereby TTs, signal
35 devices, and amplifying accessories capable of serving the needs of the
36 hearing and speech impaired shall be provided under the standards

1 established in subsection (~~((11))~~) (10) of this section to an
2 individual of school age or older:

3 (a) Who is certified as hearing impaired by a licensed physician,
4 audiologist, or a qualified state agency, and to any subscriber that is
5 an organization representing the hearing impaired, as determined and
6 specified by the TRS program advisory committee; or

7 (b) Who is certified as speech impaired by a licensed physician,
8 speech pathologist, or a qualified state agency, and to any subscriber
9 that is an organization representing the speech impaired, as determined
10 and specified by the TRS program advisory committee.

11 For the purpose of this section, certification implies that
12 individuals cannot use the telephone for expressive or receptive
13 communications due to hearing or speech impairment.

14 (2) The office shall award contracts on a competitive basis, to
15 qualified persons for which eligibility to contract is determined by
16 the office, for the distribution and maintenance of such TTs, signal
17 devices, and amplifying accessories as shall be determined by the
18 office. When awarding such contracts, the office may consider the
19 quality of equipment and, with the director's approval, may award
20 contracts on a basis other than cost. Such contracts may include a
21 provision for the employment and use of a qualified trainer and the
22 training of recipients in the use of such devices.

23 (3) The office shall establish and implement a policy for the
24 ultimate responsibility for recovery of TTs, signal devices, and
25 amplifying accessories from recipients who have been provided with the
26 equipment without cost and who are moving from this state or who for
27 other reasons are no longer using them.

28 (4) Pursuant to recommendations of the TRS program advisory
29 committee, until July 26, 1993, the office shall maintain a program
30 whereby a relay system will be provided state-wide using operator
31 intervention to connect hearing impaired and speech impaired persons
32 and offices or organizations representing the hearing impaired and
33 speech impaired, as determined and specified by the TDD advisory
34 committee pursuant to RCW 43.20A.730. The relay system shall be the
35 most cost-effective possible and shall operate in a manner consistent
36 with federal requirements for such systems.

37 (5) Pursuant to the recommendations of the TDD task force report of
38 December 1991, and with the express purpose of maintaining state

1 control and jurisdiction, the office shall seek certification by the
2 federal communications commission of the state-wide relay service.

3 (6) The office shall award contracts for the operation and
4 maintenance of the state-wide relay service. The initial contract
5 shall be for service commencing on or before July 26, 1993. The
6 contract shall be awarded to an individual company registered as a
7 telecommunications company by the utilities and transportation
8 commission, to a group of registered telecommunications companies, or
9 to any other company or organization determined by the office as
10 qualified to provide relay services, contingent upon that company or
11 organization being approved as a registered telecommunications company
12 prior to final contract approval.

13 (7) The program shall be funded by a telecommunications relay
14 service (TRS) excise tax applied to each switched access line provided
15 by the local exchange companies. The office shall determine, in
16 consultation with the TRS program advisory committee, the budget needed
17 to fund the program on an annual basis, including both operational
18 costs and a reasonable amount for capital improvements such as
19 equipment upgrade and replacement. The budget proposed by the office,
20 together with documentation and supporting materials, shall be
21 submitted to the office of financial management for review and
22 approval. The approved budget shall be given by the department in an
23 annual budget to the utilities and transportation commission no later
24 than March 1 prior to the beginning of the fiscal year. The utilities
25 and transportation commission shall then determine the amount of TRS
26 excise tax to be placed on each access line and shall inform each local
27 exchange company of this amount no later than May 15. The utilities
28 and transportation commission shall determine the amount of TRS excise
29 tax by dividing the total of the program budget, as submitted by the
30 office, by the total number of access lines, and shall not exercise any
31 further oversight of the program under this subsection. The TRS excise
32 tax shall not exceed nineteen cents per month per access line. Each
33 local exchange company shall impose the amount of excise tax determined
34 by the commission as of July 1, and shall remit the amount collected
35 directly to the department on a monthly basis. The TRS excise tax
36 shall be separately identified on each ratepayer's bill with the
37 following statement: "Funds federal ADA requirement." All proceeds
38 from the TRS excise tax shall be put into a fund to be administered by
39 the office through the department.

1 (8) The office shall administer and control the award of money to
2 all parties incurring costs in implementing and maintaining
3 telecommunications services, programs, equipment, and technical support
4 services in accordance with the provisions of RCW 43.20A.725.

5 ~~(9) ((The department shall provide the legislature with a biennial
6 report on the operation of the program. The first report shall be
7 provided no later than December 1, 1990, and successive reports every
8 two years thereafter. Reports shall be prepared in consultation with
9 the TRS program advisory committee and the utilities and transportation
10 commission. The reports shall, at a minimum, briefly outline the
11 accomplishments of the program, the number of persons served, revenues
12 and expenditures, the prioritizing of services to those eligible based
13 on such factors as degree of physical handicap or the allocation of the
14 program's revenue between provision of devices to individuals and
15 operation of the state wide relay service, other major policy or
16 operational issues, and proposals for improvements or changes for the
17 program. The first report shall contain a study which includes
18 examination of like programs in other states, alternative methods of
19 financing the program, alternative methods of using the
20 telecommunications system, advantages and disadvantages of operating
21 the TRS program from within the department, by telecommunications
22 companies, and by a private, nonprofit corporation, and means to limit
23 demand for system usage.~~

24 ~~(10))~~) The program shall be consistent with the requirements of
25 federal law for the operation of both interstate and intrastate
26 telecommunications services for the deaf or hearing impaired or speech
27 impaired. The department and the utilities and transportation
28 commission shall be responsible for ensuring compliance with federal
29 requirements and shall provide timely notice to the legislature of any
30 legislation that may be required to accomplish compliance.

31 ~~((11))~~) (10)(a) The department shall provide TTs, signal devices,
32 and amplifying accessories to a person eligible under subsection (1) of
33 this section at no charge in addition to the basic exchange rate if:

34 (i) The person is eligible for participation in the Washington
35 telephone assistance program under RCW 80.36.470;

36 (ii) The person's annual family income is equal to or less than one
37 hundred sixty-five percent of the federal poverty level; or

1 (iii) The person is a child eighteen years of age or younger with
2 a family income less than or equal to two hundred percent of the
3 federal poverty level.

4 (b) A person eligible under subsection (1) of this section with a
5 family income greater than one hundred sixty-five percent and less than
6 or equal to two hundred percent of the federal poverty level shall be
7 assessed a charge for the cost of TTs, signal devices, and amplifying
8 accessories based on a sliding scale of charges established by rule
9 adopted by the department.

10 (c) The department shall charge a person eligible under subsection
11 (1) of this section whose income exceeds two hundred percent of the
12 federal poverty level the cost to the department of purchasing the
13 equipment provided to that person.

14 (d) The department may waive part or all of the charges assessed
15 under this subsection if the department finds that (i) the eligible
16 person requires telebraille equipment or other equipment of similar
17 cost and (ii) the charges normally assessed for the equipment under
18 this subsection would create an exceptional or undue hardship on the
19 eligible person.

20 (e) For the purposes of this subsection, certification of family
21 income by the eligible person or the person's guardian or head of
22 household is sufficient to determine eligibility.

23 **Sec. 61.** RCW 43.21J.030 and 1994 c 264 s 17 are each amended to
24 read as follows:

25 (1) There is created the environmental enhancement and job creation
26 task force within the office of the governor. The purpose of the task
27 force is to provide a coordinated and comprehensive approach to
28 implementation of chapter 516, Laws of 1993. The task force shall
29 consist of the commissioner of public lands, the director of the
30 department of fish and wildlife, the director of the department of
31 ecology, the director of the parks and recreation commission, the
32 timber team coordinator, the executive director of the work force
33 training and education coordinating board, and the executive director
34 of the Puget Sound water quality authority, or their designees. The
35 task force may seek the advice of the following agencies and
36 organizations: The department of community, trade, and economic
37 development, the conservation commission, the employment security
38 department, the interagency committee for outdoor recreation,

1 appropriate federal agencies, appropriate special districts, the
2 Washington state association of counties, the association of Washington
3 cities, labor organizations, business organizations, timber-dependent
4 communities, environmental organizations, and Indian tribes. The
5 governor shall appoint the task force chair. Members of the task force
6 shall serve without additional pay. Participation in the work of the
7 committee by agency members shall be considered in performance of their
8 employment. The governor shall designate staff and administrative
9 support to the task force and shall solicit the participation of agency
10 personnel to assist the task force.

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

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

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

21 (c) Considering unemployment profile data provided by the
22 employment security department((+)

23 ~~(d) No later than December 31, 1993, providing recommendations to~~
24 ~~the appropriate standing committees of the legislature for improving~~
25 ~~the administration of grants for projects or training programs funded~~
26 ~~under this chapter that prevent habitat and environmental degradation~~
27 ~~or provide for its restoration;~~

28 ~~(e) Submitting to the appropriate standing committees of the~~
29 ~~legislature a biennial report summarizing the jobs and the~~
30 ~~environmental benefits created by the projects funded under this~~
31 ~~chapter)).~~

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

34 (a) To solicit and evaluate proposals from state and local
35 agencies, private nonprofit organizations, and tribes for environmental
36 and forest restoration projects;

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

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

4 **Sec. 62.** RCW 43.31.411 and 1993 c 280 s 43 are each amended to
5 read as follows:

6 The Washington investment opportunities office shall:

7 (1) Maintain a list of all entrepreneurs engaged in manufacturing,
8 wholesaling, transportation services, development of destination
9 tourism resorts, or traded services throughout the state seeking
10 capital resources and interested in the services of the investment
11 opportunities office.

12 (2) Maintain a file on each entrepreneur which may include the
13 entrepreneur's business plan and any other information which the
14 entrepreneur offers for review by potential investors.

15 (3) Assist entrepreneurs in procuring the managerial and technical
16 assistance necessary to attract potential investors. Such assistance
17 shall include the automatic referral to the small business innovators
18 opportunity program of any entrepreneur with a new product meriting the
19 services of the program.

20 (4) Provide entrepreneurs with information about potential
21 investors and provide investors with information about those
22 entrepreneurs which meet the investment criteria of the investor.

23 (5) Promote small business securities financing.

24 (6) Remain informed about investment trends in capital markets and
25 preferences of individual investors or investment firms throughout the
26 nation through literature surveys, conferences, and private meetings.

27 (7) Publicize the services of the investment opportunities office
28 through public meetings throughout the state, appropriately targeted
29 media, and private meetings. Whenever practical, the office shall use
30 the existing services of local associate development organizations in
31 outreach and identification of entrepreneurs and investors.

32 ~~((8) Report to the ways and means committees and appropriate~~
33 ~~economic development committees of the senate and the house of~~
34 ~~representatives by December 1, 1989, and each year thereafter, on the~~
35 ~~accomplishments of the office. Such reports shall include:~~

36 ~~(a) The number of entrepreneurs on the list referred to in~~
37 ~~subsection (1) of this section, segregated by standard industrial~~
38 ~~classification codes;~~

1 ~~(b) The number of investments made in entrepreneurs, segregated as~~
2 ~~required by (a) of this subsection, as a result of contact with the~~
3 ~~investment opportunities office, the dollar amount of each such~~
4 ~~investment, the source, by state or nation, of each investment, and the~~
5 ~~number of jobs created as a result of each investment;~~

6 ~~(c) The number of entrepreneurs on the list referred to in~~
7 ~~subsection (1) of this section segregated by counties, the number of~~
8 ~~investments, the dollar amount of investments, and the number of jobs~~
9 ~~created through investments in each county as a result of contact with~~
10 ~~the investment opportunities office;~~

11 ~~(d) A categorization of jobs created through investments made as a~~
12 ~~result of contact with the investment opportunities office, the number~~
13 ~~of jobs created in each such category, and the average pay scale for~~
14 ~~jobs created in each such category;~~

15 ~~(e) The results of client satisfaction surveys distributed to~~
16 ~~entrepreneurs and investors using the services of the investment~~
17 ~~opportunities office; and~~

18 ~~(f) Such other information as the managing director finds~~
19 ~~appropriate.)~~

20 **Sec. 63.** RCW 43.31.526 and 1994 c 47 s 2 are each amended to read
21 as follows:

22 (1) The department shall contract with governments, industry
23 associations, or local nonprofit organizations to foster cooperation
24 and linkages between distressed and nondistressed areas and between
25 urban and rural areas, and between Washington and other Northwest
26 states. The department may enter into joint contracts with multiple
27 nonprofit organizations. Contracts with economic development
28 organizations to foster cooperation and linkages between distressed and
29 nondistressed areas and urban and rural areas shall be structured by
30 the department and the distressed area marketplace programs. Contracts
31 with economic development organizations shall:

32 (a) Award contracts based on a competitive bidding process,
33 pursuant to chapter 43.19 RCW; and

34 (b) Ensure that each location contain sufficient business activity
35 to permit effective program operation.

36 The department may require that contractors contribute at least
37 twenty percent local funding.

1 (2) The contracts with governments, industry associations, or local
2 nonprofit organizations shall be for, but not limited to, the
3 performance of the following services for the Washington marketplace
4 program:

5 (a) Contacting Washington state businesses to identify goods and
6 services they are currently buying or are planning in the future to buy
7 out-of-state and determine which of these goods and services could be
8 purchased on competitive terms within the state;

9 (b) Identifying locally sold goods and services which are currently
10 provided by out-of-state businesses;

11 (c) Determining, in consultation with local business, goods and
12 services for which the business is willing to make contract agreements;

13 (d) Advertising market opportunities described in (c) of this
14 subsection;

15 (e) Receiving bid responses from potential suppliers and sending
16 them to that business for final selection; and

17 (f) Establish linkages with federal, regional, and Northwest
18 governments, industry associations, and nonprofit organizations to
19 foster buying leads and information benefiting Washington suppliers and
20 industry and trade associations.

21 (3) Contracts may include provisions for charging service fees of
22 businesses that participate in the program.

23 (4) The center shall also perform the following activities in order
24 to promote the goals of the program:

25 (a) Prepare promotional materials or conduct seminars to inform
26 communities and organizations about the Washington marketplace program;

27 (b) Provide technical assistance to communities and organizations
28 interested in developing an import replacement program;

29 (c) Develop standardized procedures for operating the local
30 component of the Washington marketplace program; and

31 (d) Provide continuing management and technical assistance to local
32 contractors (~~and~~

33 ~~(e) Report by December 31 of each year to the appropriate economic~~
34 ~~development committees of the senate and the house of representatives~~
35 ~~describing the activities of the Washington marketplace program)).~~

36 **Sec. 64.** RCW 43.33.130 and 1981 c 3 s 25 are each amended to read
37 as follows:

1 The state finance committee shall prepare written reports at least
2 annually summarizing the debt management activities of the finance
3 committee, which reports shall be sent to (~~the governor, to the senate~~
4 ~~ways and means committee, the house appropriations committee,~~)
5 agencies having a direct financial interest in the issuance and sale of
6 bonds by the committee, and to other persons on written request.

7 **Sec. 65.** RCW 43.41.240 and 1994 sp.s. c 9 s 875 are each amended
8 to read as follows:

9 A new board or commission not established or required in statute
10 that must be included in the report required by RCW 43.88.505 may not
11 be established without the express approval of the director of
12 financial management. (~~The director shall, by January 8th of each~~
13 ~~year, submit to the legislature a list of those boards and commissions~~
14 ~~that were requested for approval and those that were approved during~~
15 ~~the preceding calendar year.))~~

16 **Sec. 66.** RCW 43.43.934 and 1995 c 369 s 16 and 1995 c 243 s 11 are
17 each reenacted and amended to read as follows:

18 Except for matters relating to the statutory duties of the chief of
19 the Washington state patrol that are to be carried out through the
20 director of fire protection, the board shall have the responsibility of
21 developing a comprehensive state policy regarding fire protection
22 services. In carrying out its duties, the board shall:

23 (1)(a) Adopt a state fire training and education master plan that
24 allows to the maximum feasible extent for negotiated agreements: (i)
25 With the state board for community and technical colleges to provide
26 academic, vocational, and field training programs for the fire service
27 and (ii) with the higher education coordinating board and the state
28 colleges and universities to provide instructional programs requiring
29 advanced training, especially in command and management skills;

30 (b) Adopt minimum standards for each level of responsibility among
31 personnel with fire suppression, prevention, inspection, and
32 investigation responsibilities that assure continuing assessment of
33 skills and are flexible enough to meet emerging technologies. With
34 particular respect to training for fire investigations, the master plan
35 shall encourage cross training in appropriate law enforcement skills.
36 To meet special local needs, fire agencies may adopt more stringent
37 requirements than those adopted by the state;

1 (c) Cooperate with the common schools, technical and community
2 colleges, institutions of higher education, and any department or
3 division of the state, or of any county or municipal corporation in
4 establishing and maintaining instruction in fire service training and
5 education in accordance with any act of congress and legislation
6 enacted by the legislature in pursuance thereof and in establishing,
7 building, and operating training and education facilities.

8 Industrial fire departments and private fire investigators may
9 participate in training and education programs under this chapter for
10 a reasonable fee established by rule;

11 (d) Develop and adopt a master plan for constructing, equipping,
12 maintaining, and operating necessary fire service training and
13 education facilities subject to the provisions of chapter 43.19 RCW;
14 and

15 (e) Develop and adopt a master plan for the purchase, lease, or
16 other acquisition of real estate necessary for fire service training
17 and education facilities in a manner provided by law.

18 (2) In addition to its responsibilities for fire service training,
19 the board shall:

20 (a) Adopt a state fire protection master plan;

21 (b) Monitor fire protection in the state and develop objectives and
22 priorities to improve fire protection for the state's citizens
23 including: (i) The comprehensiveness of state and local inspections
24 required by law for fire and life safety; (ii) the level of skills and
25 training of inspectors, as well as needs for additional training; and
26 (iii) the efforts of local, regional, and state inspection agencies to
27 improve coordination and reduce duplication among inspection efforts;

28 (c) Establish and promote state arson control programs and ensure
29 development of local arson control programs;

30 (d) Provide representation for local fire protection services to
31 the governor in state-level fire protection planning matters such as,
32 but not limited to, hazardous materials control;

33 (e) Recommend to the director of community, trade, and economic
34 development rules on minimum information requirements of automatic
35 location identification for the purposes of enhanced 911 emergency
36 service;

37 (f) Seek and solicit grants, gifts, bequests, devises, and matching
38 funds for use in furthering the objectives and duties of the board, and
39 establish procedures for administering them;

1 (g) Promote mutual aid and disaster planning for fire services in
2 this state;

3 (h) Assure the dissemination of information concerning the amount
4 of fire damage including that damage caused by arson, and its causes
5 and prevention;

6 (~~((h) Submit an annual report to the governor describing its
7 activities undertaken pursuant to this chapter, and make such studies,
8 reports, and recommendations to the governor and the legislature as are
9 requested;))~~) and

10 (i) Implement any legislation enacted by the legislature to meet
11 the requirements of any acts of congress that apply to this section.

12 (3) In carrying out its statutory duties, the board shall give
13 particular consideration to the appropriate roles to be played by the
14 state and by local jurisdictions with fire protection responsibilities.
15 Any determinations on the division of responsibility shall be made in
16 consultation with local fire officials and their representatives.

17 To the extent possible, the board shall encourage development of
18 regional units along compatible geographic, population, economic, and
19 fire risk dimensions. Such regional units may serve to: (a) Reinforce
20 coordination among state and local activities in fire service training,
21 reporting, inspections, and investigations; (b) identify areas of
22 special need, particularly in smaller jurisdictions with inadequate
23 resources; (c) assist the state in its oversight responsibilities; (d)
24 identify funding needs and options at both the state and local levels;
25 and (e) provide models for building local capacity in fire protection
26 programs.

27 **Sec. 67.** RCW 43.51.400 and 1994 c 151 s 3 are each amended to read
28 as follows:

29 The state parks and recreation commission shall:

30 (1) Coordinate a state-wide program of boating safety education
31 using to the maximum extent possible existing programs offered by the
32 United States power squadron and the United States coast guard
33 auxiliary;

34 (2) Adopt rules in accordance with chapter 34.05 RCW, consistent
35 with United States coast guard regulations, standards, and precedents,
36 as needed for the efficient administration and enforcement of this
37 section;

1 (3) Enter into agreements aiding the administration of this
2 chapter;

3 (4) Adopt and administer a casualty and accident reporting program
4 consistent with United States coast guard regulations;

5 (5) Adopt and enforce recreational boating safety rules, including
6 but not necessarily limited to equipment and navigating requirements,
7 consistent with United States coast guard regulations;

8 (6) Coordinate with local and state agencies the development of
9 biennial plans and programs for the enhancement of boating safety,
10 safety education, and enforcement of safety rules and laws; allocate
11 money appropriated to the commission for these programs as necessary;
12 and accept and administer any public or private grants or federal funds
13 which are obtained for these purposes under chapter 43.88 RCW; and

14 ~~((Biennially report to the legislature the effects of the
15 combined efforts of state and local boating safety programs on the
16 state's boating accident and fatality rate. The report shall assess
17 and recommend new or alternative fire safety and accident prevention
18 laws adopted in other states as well as successful programs employed by
19 government or industry; and~~

20 ~~((+8))) Take additional actions necessary to gain acceptance of a
21 program of boating safety for this state under the federal boating
22 safety act of 1971.~~

23 **Sec. 68.** RCW 43.51.944 and 1977 ex.s. c 306 s 4 are each amended
24 to read as follows:

25 ~~((+1))) The full market value for department of natural resources'
26 managed trust lands or interest therein within the conservation area
27 shall be determined by the department of natural resources for any
28 lands or interests to be dedicated or leased as provided herein. The
29 department of natural resources shall determine the value of dedicating
30 such lands or interests in lands as it may determine to be necessary to
31 carry out the purposes of ~~((this 1977 amendatory act))~~ chapter 306,
32 Laws of 1977 ex. sess. either by execution of fifty-five year scenic or
33 development easements or by execution of fifty-five year leases,
34 including such conditions as may be necessary to carry out the purposes
35 of ~~((this 1977 amendatory act))~~ chapter 306, Laws of 1977 ex. sess.
36 Any lease issued pursuant to ~~((this 1977 amendatory act))~~ chapter 306,
37 Laws of 1977 ex. sess. may be subject to renewal under the provisions
38 of RCW 79.01.276 as presently existing or hereafter amended. Nothing~~

1 in (~~this 1977 amendatory act~~) chapter 306, Laws of 1977 ex. sess.
2 shall be deemed to alter or affect normal management on lands owned by
3 the state for which no dedication by easement or lease has been made
4 and it is further recognized that no restrictions on management of such
5 lands shall be required unless the applicable trust relating to such
6 lands shall have been compensated.

7 (~~The completed report of the cost of obtaining the desired~~
8 ~~interest in these lands shall be presented by the department of natural~~
9 ~~resources to the interagency committee for outdoor recreation and a~~
10 ~~summary of the report to the senate and house committees on parks and~~
11 ~~recreation by December 31, 1978.~~

12 (~~2) The parks and recreation commission shall appraise all lands~~
13 ~~except those identified in subsection (1) of this section to establish~~
14 ~~fair market fee title value of the interests therein. The parks and~~
15 ~~recreation commission shall present to the interagency committee for~~
16 ~~outdoor recreation the completed report of the cost of obtaining the~~
17 ~~desired interest in such lands, and a summary of the report to the~~
18 ~~senate and house committees on parks and recreation by December 31,~~
19 ~~1978.)~~)

20 **Sec. 69.** RCW 43.52.360 and 1987 c 376 s 11 are each amended to
21 read as follows:

22 Any two or more cities or public utility districts or combinations
23 thereof may form an operating agency (herein sometimes called a joint
24 operating agency) for the purpose of acquiring, constructing, operating
25 and owning plants, systems and other facilities and extensions thereof,
26 for the generation and/or transmission of electric energy and power.
27 Each such agency shall be a municipal corporation of the state of
28 Washington with the right to sue and be sued in its own name.

29 Application for the formation of an operating agency shall be made
30 to the director of the department of ecology (herein sometimes referred
31 to as the director) after the adoption of a resolution by the
32 legislative body of each city or public utility district to be initial
33 members thereof authorizing said city or district to participate. Such
34 application shall set forth (1) the name and address of each
35 participant, together with a certified copy of the resolution
36 authorizing its participation; (2) a general description of the project
37 and the principal project works, including dams, reservoirs, power
38 houses and transmission lines; (3) the general location of the project

1 and, if a hydroelectric project, the name of the stream on which such
2 proposed project is to be located; (4) if the project is for the
3 generation of electricity, the proposed use or market for the power to
4 be developed; (5) a general statement of the electric loads and
5 resources of each of the participants; (6) a statement of the proposed
6 method of financing the preliminary engineering and other studies and
7 the participation therein by each of the participants.

8 Within ten days after such application is filed with the director
9 of the department of ecology notice thereof shall be published by the
10 director once a week for four consecutive weeks in a newspaper of
11 general circulation in the county or counties in which such project is
12 to be located, setting forth the names of the participants and the
13 general nature, extent and location of the project. Any public utility
14 wishing to do so may object to such application by filing an objection,
15 setting forth the reasons therefor, with the director of the department
16 of ecology not later than ten days after the date of last publication
17 of such notice.

18 Within ninety days after the date of last publication the director
19 shall either make findings thereon or have instituted a hearing
20 thereon. In ~~((+the))~~ the event the director has neither made findings
21 nor instituted a hearing within ninety days of the date of last
22 publication, or if such hearing is instituted within such time but no
23 findings are made within one hundred and twenty days of the date of
24 such last publication, the application shall be deemed to have been
25 approved and the operating agency established. If it shall appear (a)
26 that the statements set forth in said application are substantially
27 correct; (b) that the contemplated project is such as is adaptable to
28 the needs, both actual and prospective, of the participants and such
29 other public utilities as indicate a good faith intention by contract
30 or by letter of intent to participate in the use of such project; (c)
31 that no objection to the formation of such operating agency has been
32 filed by any other public utility which prior to and at the time of the
33 filing of the application for such operating agency had on file a
34 permit or license from an agency of the state or an agency of the
35 United States, whichever has primary jurisdiction, for the construction
36 of such project; (d) that adequate provision will be made for financing
37 the preliminary engineering, legal and other costs necessary thereto;
38 the director shall make findings to that effect and enter an order
39 creating such operating agency, establishing the name thereof and the

1 specific project for the construction and operation for which such
2 operating agency is formed. Such order shall not be construed to
3 constitute a bar to any other public utility proceeding according to
4 law to procure any required governmental permits, licenses or
5 authority, but such order shall establish the competency of the
6 operating agency to proceed according to law to procure such permits,
7 licenses or authority.

8 No operating agency shall undertake projects or conservation
9 activities in addition to those for which it was formed without the
10 approval of the legislative bodies of a majority of the members
11 thereof. Prior to undertaking any new project for acquisition of an
12 energy resource, a joint operating agency shall prepare a plan which
13 details a least-cost approach for investment in energy resources. The
14 plan shall include an analysis of the costs of developing conservation
15 compared with costs of developing other energy resources and a strategy
16 for implementation of the plan. The plan shall be (~~updated annually~~
17 ~~and~~) presented to the energy and utilities committees of the senate
18 and house of representatives for their review and comment. In the
19 event that an operating agency desires to undertake such a
20 hydroelectric project at a site or sites upon which any publicly or
21 privately owned public utility has a license or permit or has a prior
22 application for a license or permit pending with any commission or
23 agency, state or federal, having jurisdiction thereof, application to
24 construct such additional project shall be made to the director of the
25 department of ecology in the same manner, subject to the same
26 requirements and with the same notice as required for an initial agency
27 and project and shall not be constructed until an order authorizing the
28 same shall have been made by the director in the manner provided for
29 such original application.

30 Any party who has joined in filing the application for, or
31 objections against, the creation of such operating agency and/or the
32 construction of an additional project, and who feels aggrieved by any
33 order or finding of the director shall have the right to appeal to the
34 superior court in the manner set forth in RCW 43.52.430.

35 After the formation of an operating agency, any other city or
36 district may become a member thereof upon application to such agency
37 after the adoption of a resolution of its legislative body authorizing
38 said city or district to participate, and with the consent of the
39 operating agency by the affirmative vote of the majority of its

1 members. Any member may withdraw from an operating agency, and
2 thereupon such member shall forfeit any and all rights or interest
3 which it may have in such operating agency or in any of the assets
4 thereof: PROVIDED, That all contractual obligations incurred while a
5 member shall remain in full force and effect. An operating agency may
6 be dissolved by the unanimous agreement of the members, and the
7 members, after making provisions for the payment of all debts and
8 obligations, shall thereupon hold the assets thereof as tenants in
9 common.

10 **Sec. 70.** RCW 43.52.560 and 1987 c 376 s 1 are each amended to read
11 as follows:

12 ~~((1))~~ Except as provided otherwise in this chapter, a joint
13 operating agency shall purchase any item or items of materials,
14 equipment, or supplies, the estimated cost of which is in excess of
15 five thousand dollars exclusive of sales tax, or order work for
16 construction of generating projects and associated facilities, the
17 estimated cost of which is in excess of ten thousand dollars exclusive
18 of sales tax, by contract in accordance with RCW 54.04.070 and
19 54.04.080, which require sealed bids for contracts.

20 ~~((2) When a joint operating agency executes a contract under RCW
21 43.52.565, 43.52.575, or 43.52.580, the managing director shall certify
22 to the committees on energy and utilities of the senate and house of
23 representatives in writing within thirty days after the contract is
24 signed, that such contract is in the public interest, state the reason
25 or reasons why, and indicate the estimated cost savings to the project
26 compared to contracting for the same material, supplies, equipment or
27 work through completion of work as contracted, including termination
28 costs, or through sealed bids.))~~

29 **Sec. 71.** RCW 43.52.565 and 1994 c 27 s 1 are each amended to read
30 as follows:

31 (1) An operating agency may enter into contracts through
32 competitive negotiation under subsection (2) of this section for
33 materials, equipment, supplies, or work to be performed during
34 commercial operation of a nuclear generating project and associated
35 facilities (a) to replace a defaulted contract or a contract terminated
36 in whole or in part, or (b) where consideration of factors in addition
37 to price, such as technical knowledge, experience, management, staff,

1 or schedule, is necessary to achieve economical operation of the
2 project, provided that the managing director or a designee determines
3 in writing and the executive board finds that execution of a contract
4 under this section will accomplish project completion or operation more
5 economically than sealed bids.

6 (2) The selection of a contractor shall be made in accordance with
7 the following procedures:

8 (a) Proposals shall be solicited through a request for proposals,
9 which shall state the requirements to be met. Responses shall describe
10 the professional competence of the offeror, the technical merits of the
11 offer, and the price.

12 (b) The request for proposals shall be given adequate public notice
13 in the same manner as for sealed bids.

14 (c) As provided in the request for proposals, the operating agency
15 shall specify at a preproposal conference the contract requirements in
16 the request for proposal, which may include but are not limited to:
17 Schedule, managerial, and staffing requirements, productivity and
18 production levels, technical expertise, approved project quality
19 assurance procedures, and time and place for submission of proposals.
20 Any inquiries and responses thereto shall be confirmed in writing and
21 shall be sent to all potential offerors.

22 (d) Proposals shall be opened so as to avoid disclosure of contents
23 to competing offerors during the process of negotiation. A register of
24 proposals shall be open for public inspection after contract award.

25 (e) As provided in the request for proposals, invitations shall be
26 sent to all responsible offerors who submit proposals to attend
27 discussions for the purpose of clarification to assure full
28 understanding of, and responsiveness to, the solicitation requirements.
29 Any inquiries and responses thereto shall be confirmed in writing and
30 shall be sent to all offerors. Offerors shall be accorded fair and
31 equal treatment with respect to any opportunity for discussion and
32 revision of proposals, and such revisions may be permitted after
33 submissions and prior to award for the purpose of obtaining best and
34 final offers. In conducting discussions, there shall be no disclosure
35 of any information derived from proposals submitted by competing
36 offerors.

37 (f) The operating agency shall execute a contract with the
38 responsible offeror whose proposal is determined in writing to be the
39 most advantageous to the operating agency and the state taking into

1 consideration the requirements set forth in the request for proposals.
2 (~~If a proposed contract exceeds ten million dollars, the operating~~
3 ~~agency shall notify the committees on energy and utilities of the~~
4 ~~senate and house of representatives at least thirty days prior to the~~
5 ~~date of contract execution and shall provide a copy of the contract~~
6 ~~with the notification.)) The contract file shall contain the basis on
7 which the successful offeror is selected. The operating agency shall
8 conduct a briefing conference on the selection if requested by an
9 offeror.~~

10 (g) The contract may be fixed price or cost-reimbursable, in whole
11 or in part, but not cost-plus-percentage-of-cost.

12 (h) The operating agency shall retain authority and responsibility
13 for inspection, testing, and compliance with applicable regulations or
14 standards of any state or federal governmental agency.

15 **Sec. 72.** RCW 43.63A.550 and 1990 1st ex.s. c 17 s 21 are each
16 amended to read as follows:

17 (1) The department shall assist in the process of inventorying and
18 collecting data on public and private land for the acquisition of data
19 describing land uses, demographics, infrastructure, critical areas,
20 transportation corridors physical features, housing, and other
21 information useful in managing growth throughout the state. For this
22 purpose the department shall contract with the department of
23 information services and shall form an advisory group consisting of
24 representatives from state, local, and federal agencies, colleges and
25 universities, and private firms with expertise in land planning, and
26 geographic information systems.

27 (2) The department shall establish a sequence for acquiring data,
28 giving priority to rapidly growing areas. The data shall be retained
29 in a manner to facilitate its use in preparing maps, aggregating with
30 data from multiple jurisdictions, and comparing changes over time.
31 Data shall further be retained in a manner which permits its access via
32 computer.

33 (3) (~~By December 1, 1990, the department shall report to the~~
34 ~~appropriate committees of the house of representatives and senate on~~
35 ~~the availability of existing data; specific data which is needed but~~
36 ~~not currently available; data compatibility across jurisdictions; the~~
37 ~~suitability of various types of data for retention on computer; the~~
38 ~~cost of collecting, storing, updating, mapping, and manipulating data~~

1 ~~on a computer; and recommendations on how to maintain an inventory of~~
2 ~~data which is accessible to any user and whether to maintain the data~~
3 ~~at a central repository or decentralized repositories.~~

4 (4)) The department shall work with other state agencies, local
5 governments, and private organizations that are inventorying public and
6 private lands to ensure close coordination and to ensure that
7 duplication of efforts does not occur.

8 **Sec. 73.** RCW 43.70.066 and 1997 c 274 s 3 are each amended to read
9 as follows:

10 (1) The department of health shall study the feasibility of a
11 uniform quality assurance and improvement program for use by all public
12 and private health plans and health care providers and facilities. In
13 this study, the department shall consult with:

- 14 (a) Public and private purchasers of health care services;
- 15 (b) Health carriers;
- 16 (c) Health care providers and facilities; and
- 17 (d) Consumers of health services.

18 (2) In conducting the study, the department shall propose standards
19 that meet the needs of affected persons and organizations, whether
20 public or private, without creation of differing levels of quality
21 assurance. All consumers of health services should be afforded the
22 same level of quality assurance.

23 (3) At a minimum, the study shall include but not be limited to the
24 following program components and indicators appropriate for consumer
25 disclosure:

- 26 (a) Health care provider training, credentialing, and licensure
27 standards;
- 28 (b) Health care facility credentialing and recredentialing;
- 29 (c) Staff ratios in health care facilities;
- 30 (d) Annual mortality and morbidity rates of cases based on a
31 defined set of procedures performed or diagnoses treated in health care
32 facilities, adjusted to fairly consider variable factors such as
33 patient demographics and case severity;
- 34 (e) The average total cost and average length of hospital stay for
35 a defined set of procedures and diagnoses;
- 36 (f) The total number of the defined set of procedures, by
37 specialty, performed by each physician at a health care facility within
38 the previous twelve months;

1 (g) Utilization performance profiles by provider, both primary care
2 and specialty care, that have been adjusted to fairly consider variable
3 factors such as patient demographics and severity of case;

4 (h) Health plan fiscal performance standards;

5 (i) Health care provider and facility recordkeeping and reporting
6 standards;

7 (j) Health care utilization management that monitors trends in
8 health service underutilization, as well as overutilization of
9 services;

10 (k) Health monitoring that is responsive to consumer, purchaser,
11 and public health assessment needs; and

12 (l) Assessment of consumer satisfaction and disclosure of consumer
13 survey results.

14 (4) In conducting the study, the department shall develop standards
15 that permit each health care facility, provider group, or health
16 carrier to assume responsibility for and determine the physical method
17 of collection, storage, and assimilation of quality indicators for
18 consumer disclosure. The study may define the forms, frequency, and
19 posting requirements for disclosure of information.

20 In developing proposed standards under this subsection, the
21 department shall identify options that would minimize provider burden
22 and administrative cost resulting from duplicative private sector data
23 submission requirements.

24 (5) The department shall submit a preliminary report to the
25 legislature by December 31, 1995, including recommendations for initial
26 legislation pursuant to subsection (6) of this section, and (~~shall~~)
27 may submit supplementary reports and recommendations as completed,
28 consistent with appropriated funds and staffing.

29 (6) The department shall not adopt any rule implementing the
30 uniform quality assurance program or consumer disclosure provisions
31 unless expressly directed to do so by an act of law.

32 **Sec. 74.** RCW 43.70.240 and 1989 1st ex.s. c 9 s 304 are each
33 amended to read as follows:

34 The secretary and each of the professional licensing and
35 disciplinary boards under the administration of the department shall
36 enter into written operating agreements on administrative procedures
37 with input from the regulated profession and the public. The intent of
38 these agreements is to provide a process for the department to consult

1 each board on administrative matters and to ensure that the
2 administration and staff functions effectively enable each board to
3 fulfill its statutory responsibilities. The agreements shall include,
4 but not be limited to, the following provisions:

5 (1) Administrative activities supporting the board's policies,
6 goals, and objectives;

7 (2) Development and review of the agency budget as it relates to
8 the board; and

9 (3) Board related personnel issues.

10 The agreements shall be reviewed and revised in like manner if
11 appropriate at the beginning of each fiscal year, and at other times
12 upon written request by the secretary or the board.

13 ~~((The secretary shall report to the health care committees of the
14 legislature, on or before February 28, 1990, on the implementation of
15 the written operating agreement and the need, if any, for modification
16 of this section.))~~

17 **Sec. 75.** RCW 43.70.330 and 1995 c 399 s 75 are each amended to
18 read as follows:

19 (1) The department of health shall be the primary inspector of
20 labor camps and farmworker housing for the state of Washington:
21 PROVIDED, That the department of labor and industries shall be the
22 inspector for all farmworker housing not covered by the authority of
23 the state board of health.

24 (2) The department of health, the department of labor and
25 industries, the department of community, trade, and economic
26 development, the state board of health, and the employment security
27 department shall develop an interagency agreement defining the rules
28 and responsibilities for the inspection of farmworker housing. This
29 agreement shall recognize the department of health as the primary
30 inspector of labor camps for the state, and shall further be designed
31 to provide a central information center for public information and
32 education regarding farmworker housing. ~~((The agencies shall provide
33 the legislature with a report on the results of this agreement by
34 January 1, 1991.))~~

35 **Sec. 76.** RCW 43.70.530 and 1993 c 179 s 2 are each amended to read
36 as follows:

1 The department of health, the department of social and health
2 services, the department of community, trade, and economic development,
3 the superintendent of public instruction, and the employment security
4 department shall, collectively and collaboratively, develop a plan for
5 a home health visitor program that shall have as its primary purpose
6 the prevention of child abuse and neglect through the provision of
7 selected educational and supportive services to high risk parents of
8 newborns.

9 (1) The program shall: (a) Be community-based; (b) include early
10 hospital-based screening to identify high risk parents of newborns; (c)
11 provide for an effective, in-home outreach and support program for high
12 risk parents of newborns that involves: (i) Frequent home visits, (ii)
13 parent training on early childhood development, parenting, and the
14 stress factors that lead to abuse and neglect, and (iii) referrals to
15 needed social and health services; and (d) demonstrate effective
16 coordination among current community-based programs that may also serve
17 high risk parents and their infants, including child abuse prevention
18 programs, first steps, second steps, the early childhood education and
19 assistance program, the healthy kids program, child welfare services,
20 the women, infants, and ~~((child [children]))~~ children program, the high
21 priority infant tracking program, the birth to six program, local and
22 state public health prevention and early intervention services, and
23 other services as identified.

24 (2) The plan shall: (a) Include an estimate and a description of
25 the high risk groups to be served; (b) detail the screening process and
26 mechanisms to be used to identify high risk parents; (c) detail the
27 services to be included in the in-home program; (d) describe staffing
28 that may include the use of teams of professionals, paraprofessionals,
29 and volunteers; (e) describe how the program will be evaluated,
30 including the measurable outcomes to be achieved; and (f) provide an
31 estimate of the costs to fully implement the program state-wide, and
32 for possible consideration, a series of pilot projects with a phased-in
33 schedule.

34 ~~((3) The plan shall be provided to the appropriate legislative
35 committees by December 1, 1993.))~~

36 **Sec. 77.** RCW 43.70.545 and 1994 sp.s. c 7 s 202 are each amended
37 to read as follows:

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

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

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

29 ~~(4) ((The department shall publish annual reports on intentional
30 injuries, unintentional injuries, rates of at risk youth, and
31 associated risk and protective factors. The reports shall be submitted
32 to the governor, the legislature, and the Washington state institute
33 for public policy.~~

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

1 ~~((6))~~ (5) The department may, consistent with its general
2 authority and directives under RCW 43.70.540 through 43.70.560,
3 contract with a college or university that has experience in data
4 collection relating to the health and overall welfare of children to
5 provide assistance to:

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

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

11 **Sec. 78.** RCW 43.70.555 and 1994 sp.s. c 7 s 204 are each amended
12 to read as follows:

13 The department, in consultation with the family policy council
14 created in chapter 70.190 RCW, shall establish, by rule, standards for
15 local health departments and networks to use in assessment, performance
16 measurement, policy development, and assurance regarding social
17 development to prevent health problems caused by risk factors
18 empirically linked to: Violent criminal acts by juveniles, teen
19 substance abuse, teen pregnancy and male parentage, teen suicide
20 attempts, dropping out of school, child abuse or neglect, and domestic
21 violence. The standards shall be based on the standards set forth in
22 the public health services improvement plan as required by RCW
23 43.70.550.

24 ~~((The department, in consultation with the family policy council,
25 shall review the definitions of at risk children and youth, protective
26 factors, and risk factors contained in RCW 70.190.010 and make any
27 suggested recommendations for change to the legislature by January 1,
28 1995.))~~

29 **Sec. 79.** RCW 43.70.600 and 1996 c 323 s 6 are each amended to read
30 as follows:

31 When funds are appropriated for this purpose, the department shall
32 conduct a survey of scientific literature regarding the possible health
33 effects of human exposure to the radio frequency part of the
34 electromagnetic spectrum (300Hz to 300GHz). The department ~~((shall))~~
35 may submit the survey results to the legislature, prepare a summary of
36 that survey, and make the summary available to the public. The
37 department ~~((shall))~~ may update the survey and summary periodically.

1 **Sec. 80.** RCW 43.72.860 and 1995 c 81 s 2 are each amended to read
2 as follows:

3 (1) The department of labor and industries, in consultation with
4 the workers' compensation advisory committee, may conduct pilot
5 projects to purchase medical services for injured workers through
6 managed care arrangements. The projects shall assess the effects of
7 managed care on the cost and quality of, and employer and employee
8 satisfaction with, medical services provided to injured workers.

9 (2) The pilot projects may be limited to specific employers. The
10 implementation of a pilot project shall be conditioned upon a
11 participating employer and a majority of its employees, or, if the
12 employees are represented for collective bargaining purposes, the
13 exclusive bargaining representative, voluntarily agreeing to the terms
14 of the pilot. Unless the project is terminated by the department, both
15 the employer and employees are bound by the project agreements for the
16 duration of the project.

17 (3) Solely for the purpose and duration of a pilot project, the
18 specific requirements of Title 51 RCW that are identified by the
19 department as otherwise prohibiting implementation of the pilot project
20 shall not apply to the participating employers and employees to the
21 extent necessary for conducting the project. Managed care arrangements
22 for the pilot projects may include the designation of doctors
23 responsible for the care delivered to injured workers participating in
24 the projects.

25 (4) The projects shall conclude no later than January 1, 1997.
26 (~~The department shall make an interim report on the projects to the~~
27 ~~governor and appropriate committees of the legislature on or before~~
28 ~~October 1, 1996. The department shall present the final results of the~~
29 ~~pilot projects and any final recommendations related to the projects to~~
30 ~~the governor and appropriate committees of the legislature on or before~~
31 ~~April 1, 1997.~~)

32 **Sec. 81.** RCW 43.99F.040 and 1996 c 37 s 1 are each amended to read
33 as follows:

34 The proceeds from the sale of the bonds deposited in the state and
35 local improvements revolving account, Waste Disposal Facilities, 1980
36 of the general fund under the terms of this chapter shall be
37 administered by the state department of ecology subject to legislative
38 appropriation. The department may use or permit the use of any funds

1 derived from the sale of bonds authorized under this chapter to
2 accomplish the purpose for which the bonds are issued by direct
3 expenditures and by grants or loans to public bodies, including grants
4 to public bodies as cost-sharing funds in any case where federal,
5 local, or other funds are made available on a cost-sharing basis for
6 improvements within the purposes of this chapter. The department shall
7 ensure that funds derived from the sale of bonds authorized under this
8 chapter do not constitute more than seventy-five percent of the total
9 cost of any waste disposal or management facility. Not more than two
10 percent of the proceeds of the bond issue may be used by the department
11 of ecology in relation to the administration of the expenditures,
12 grants, and loans.

13 At least one hundred fifty million dollars of the proceeds of the
14 bonds authorized by this chapter shall be used exclusively for waste
15 management systems capable of producing renewable energy or energy
16 savings as a result of the management of the wastes. "Renewable
17 energy" means, but is not limited to, the production of steam, hot
18 water for steam heat, electricity, cogeneration, gas, or fuel through
19 the use of wastes by incineration, refuse-derived fuel processes,
20 pyrolysis, hydrolysis, or bioconversion, and energy savings through
21 material recovery from waste source separation and/or recycling.

22 ~~((Beginning with the biennium ending June 30, 1997, the department
23 shall present a biennial progress report on the use of moneys from the
24 account to the chairs of the senate committee on ways and means and the
25 house of representatives committee on appropriations. The first report
26 is due June 30, 1996, and the report for each succeeding biennium is
27 due December 31 of the odd-numbered year. The report shall consist of
28 a list of each recipient, project description, and amount of the grant,
29 loan, or both.))~~

30 Integration of the management and operation of systems for solid
31 waste disposal with systems of liquid waste disposal holds promise of
32 improved waste disposal efficiency and greater environmental protection
33 and restoration. To encourage the planning for and development of such
34 integration, the department may provide for special grant incentives to
35 public bodies which plan for or operate integrated waste disposal
36 management systems.

37 Funds provided for waste disposal and management facilities under
38 this chapter may be used for payments to a service provider under a
39 service agreement pursuant to RCW 70.150.060. If funds are to be used

1 for such payments, the department may make periodic disbursements to a
2 public body or may make a single lump sum disbursement. Disbursements
3 of funds with respect to a facility owned or operated by a service
4 provider shall be equivalent in value to disbursements that would
5 otherwise be made if that facility were owned or operated by a public
6 body. Payments under this chapter for waste disposal and management
7 facilities made to public bodies entering into service agreements
8 pursuant to RCW 70.150.060 shall not exceed amounts paid to public
9 bodies not entering into service agreements.

10 **Sec. 82.** RCW 43.200.180 and 1986 c 2 s 4 are each amended to read
11 as follows:

12 The department of ecology shall be the state agency responsible for
13 implementation of the federal low-level radioactive waste policy
14 amendments act of 1985, including:

15 (1) Collecting and administering the surcharge assessed by the
16 governor under RCW 43.200.170;

17 (2) Collecting low-level radioactive waste data from disposal
18 facility operators, generators, intermediate handlers, and the federal
19 department of energy;

20 (3) Developing and operating a computerized information system to
21 manage low-level radioactive waste data;

22 (4) Denying and reinstating access to the Hanford low-level
23 radioactive waste disposal facility pursuant to the authority granted
24 under federal law;

25 (5) Administering and/or monitoring (a) the maximum waste volume
26 levels for the Hanford low-level radioactive waste disposal facility,
27 (b) reactor waste allocations, (c) priority allocations under the
28 Northwest Interstate Compact on Low-Level Radioactive Waste Management,
29 and (d) adherence by other states and compact regions to federal
30 statutory deadlines; and

31 (6) Coordinating the state's low-level radioactive waste disposal
32 program with similar programs in other states(~~(/and~~

33 ~~(7) Preparing an annual report to the legislature which details the
34 manifested curie content and cubic foot volume of the material received
35 at the Hanford low-level radioactive waste disposal facility in a
36 manner which allows for an assessment of the impact of volume reduction
37 techniques and imposition of any surcharges on the amount of material
38 received)).~~

1 **Sec. 83.** RCW 43.200.190 and 1986 c 2 s 6 are each amended to read
2 as follows:

3 (~~(1)~~) The department of ecology shall perform studies, by
4 contract or otherwise, to define site closure and perpetual care and
5 maintenance requirements for the Hanford low-level radioactive waste
6 disposal facility and to assess the adequacy of insurance coverage for
7 general liability, radiological liability, and transportation liability
8 for the facility.

9 (~~(2) The department shall complete the studies and report its
10 findings to the legislature by December 31, 1987. The department shall
11 make a preliminary progress report to the legislature by December 31,
12 1986.~~)

13 **Sec. 84.** RCW 43.200.200 and 1992 c 61 s 1 are each amended to read
14 as follows:

15 (1) The director of the department of ecology shall periodically
16 review the potential for bodily injury and property damage arising from
17 the transportation and disposal of commercial low-level radioactive
18 waste under permits issued by the state.

19 (2) The director may require permit holders to demonstrate
20 financial assurance in an amount that is adequate to protect the state
21 and its citizens from all claims, suits, losses, damages, or expenses
22 on account of injuries to persons and property damage arising or
23 growing out of the transportation or disposal of commercial low-level
24 radioactive waste. The financial assurance may be in the form of
25 insurance, cash deposits, surety bonds, corporate guarantees, and other
26 acceptable instruments or guarantees determined by the director to be
27 acceptable evidence of financial assurance.

28 (3) In making the determination of the appropriate level of
29 financial assurance, the director shall consider:

30 (a) The nature and purpose of the activity and its potential for
31 injury and damages to or claims against the state and its citizens;

32 (b) The current and cumulative manifested volume and radioactivity
33 of waste being packaged, transported, buried, or otherwise handled;

34 (c) The location where the waste is being packaged, transported,
35 buried, or otherwise handled, including the proximity to the general
36 public and geographic features such as geology and hydrology, if
37 relevant; and

1 (d) The legal defense cost, if any, that will be paid from the
2 required financial assurance amount.

3 (4) The director may establish different levels of required
4 financial assurance for various classes of permit holders.

5 (5) The director shall establish by rule the instruments or
6 mechanisms by which a permit applicant or holder may demonstrate
7 financial assurance as required by RCW 43.200.210.

8 ~~((6) The director shall complete a review and determination, and
9 report the results to the legislature by December 1, 1994, and at least
10 every five years thereafter, the director shall conduct a new review
11 and determination and report its results to the legislature.))~~

12 **Sec. 85.** RCW 43.210.050 and 1995 c 399 s 107 are each amended to
13 read as follows:

14 The small business export finance assistance center formed under
15 RCW 43.210.020 and 43.210.030 shall enter into a contract under this
16 chapter with the department of community, trade, and economic
17 development or its statutory successor. The contract shall require the
18 center to provide export assistance services, consistent with RCW
19 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of
20 two years, and shall require the center to aggressively seek to fund
21 its continued operation from nonstate funds. The contract shall also
22 require the center to report annually to the department on its success
23 in obtaining nonstate funding. Upon expiration of the contract, any
24 provisions within the contract applicable to the Pacific Northwest
25 export assistance project shall be automatically renewed without change
26 provided the legislature appropriates funds for administration of the
27 small business export assistance center and the Pacific Northwest
28 export assistance project. The provisions of the contract related to
29 the Pacific Northwest export assistance project may be changed at any
30 time if the director of the department of community, trade, and
31 economic development or the president of the small business export
32 finance assistance center present compelling reasons supporting the
33 need for a contract change to the board of directors and a majority of
34 the board of directors agrees to the changes. The department of
35 agriculture shall be included in the contracting negotiations with the
36 department of community, trade, and economic development and the small
37 business export finance assistance center when the Pacific Northwest
38 export assistance project provides export services to industrial

1 sectors within the administrative domain of the Washington state
2 department of agriculture. (~~The department of community, trade, and
3 economic development, the small business export finance assistance
4 center, and, if appropriate, the department of agriculture, shall
5 report annually, as one group, to the appropriate legislative oversight
6 committees on the progress of the Pacific Northwest export assistance
7 project.~~)

8 **Sec. 86.** RCW 43.330.090 and 1994 c 144 s 1 are each amended to
9 read as follows:

10 (1) The department shall work with private sector organizations,
11 local governments, local economic development organizations, and higher
12 education and training institutions to assist in the development of
13 strategies to diversify the economy, facilitate technology transfer and
14 diffusion, and increase value-added production by focusing on targeted
15 sectors. The targeted sectors may include, but are not limited to,
16 software, forest products, biotechnology, environmental industries,
17 recycling markets and waste reduction, aerospace, food processing,
18 tourism, film and video, microelectronics, new materials, robotics, and
19 machine tools. The department shall, on a continuing basis, evaluate
20 the potential return to the state from devoting additional resources to
21 a targeted sector's approach to economic development and including
22 additional sectors in its efforts. The department shall use
23 information gathered in each service delivery region in formulating its
24 sectoral strategies and in designating new targeted sectors.

25 (2) The department shall ensure that the state continues to pursue
26 a coordinated program to expand the tourism industry throughout the
27 state in cooperation with the public and private tourism development
28 organizations. The department shall work to provide a balance of
29 tourism activities throughout the state and during different seasons of
30 the year. In addition, the department shall promote, market, and
31 encourage growth in the production of films and videos, as well as
32 television commercials within the state; to this end the department is
33 directed to assist in the location of a film and video production
34 studio within the state.

35 (3) In assisting in the development of a targeted sector, the
36 department's activities may include, but are not limited to:

37 (a) Conducting focus group discussions, facilitating meetings, and
38 conducting studies to identify members of the sector, appraise the

1 current state of the sector, and identify issues of common concern
2 within the sector;

3 (b) Supporting the formation of industry associations, publications
4 of association directories, and related efforts to create or expand the
5 activities or industry associations;

6 (c) Assisting in the formation of flexible networks by providing
7 (i) agency employees or private sector consultants trained to act as
8 flexible network brokers and (ii) funding for potential flexible
9 network participants for the purpose of organizing or implementing a
10 flexible network;

11 (d) Helping establish research consortia;

12 (e) Facilitating joint training and education programs;

13 (f) Promoting cooperative market development activities;

14 (g) Analyzing the need, feasibility, and cost of establishing
15 product certification and testing facilities and services; and

16 (h) Providing for methods of electronic communication and
17 information dissemination among firms and groups of firms to facilitate
18 network activity.

19 ~~((By January 10th of each year, the department shall report in
20 writing on its targeted sector programs to the appropriate legislative
21 economic development committees. The department's report shall include
22 an appraisal of the sector, activities the department has undertaken to
23 assist in the development of each sector, and recommendations to the
24 legislature regarding activities that the state should implement but
25 are currently beyond the scope of the department's program or
26 resources.))~~

27 **Sec. 87.** RCW 43.07.290 and 1997 c 329 s 1 are each amended to read
28 as follows:

29 (1) The Washington quality award council shall be organized as a
30 private, nonprofit corporation, in accordance with chapter 24.03 RCW
31 and this section, with limited staff assistance by the secretary of
32 state as provided by RCW 43.07.295.

33 (2) The council shall oversee the governor's Washington state
34 quality achievement award program. The purpose of the program is to
35 improve the overall competitiveness of the state's economy by
36 stimulating Washington state industries, business, and organizations to
37 bring about measurable success through setting standards of
38 organizational excellence, encouraging organizational self-assessment,

1 identifying successful organizations as role models, and providing a
2 valuable mechanism for promoting and strengthening a commitment to
3 continuous quality improvement in all sectors of the state's economy.
4 The program shall annually recognize organizations that improve the
5 quality of their products and services and are noteworthy examples of
6 high-performing work organizations.

7 (3) The council shall consist of the governor and the secretary of
8 state, or their designees, as chair and vice-chair, respectively, the
9 director of the department of community, trade, and economic
10 development, or his or her designee, and twenty-seven members appointed
11 by the governor. Those twenty-seven council members must be selected
12 from recognized professionals who shall have backgrounds in or
13 experience with effective quality improvement techniques, employee
14 involvement quality of work life initiatives, development of innovative
15 labor-management relations, and other recognized leaders in state and
16 local government and private business. The membership of the board
17 beyond the chair and vice-chair shall be appointed by the governor for
18 terms of three years.

19 (4) The council shall establish a board of examiners, a recognition
20 committee, and such other subcouncil groups as it deems appropriate to
21 carry out its responsibilities. Subcouncil groups established by the
22 council may be composed of noncouncilmembers.

23 (5) The council shall compile a list of resources available for
24 organizations interested in productivity improvement, quality
25 techniques, effective methods of work organization, and upgrading work
26 force skills as a part of the quality for Washington state foundation's
27 ongoing educational programs. The council shall make the list of
28 resources available to the general public.

29 (6) The council may conduct such public information, research,
30 education, and assistance programs as it deems appropriate to further
31 quality improvement in organizations operating in the state of
32 Washington.

33 (7) The council shall:

34 (a) Approve and announce achievement award recipients;

35 (b) Approve guidelines to examine applicant organizations;

36 (c) Approve appointment of judges and examiners;

37 (d) Arrange appropriate annual awards and recognition for
38 recipients, in conjunction with the quality for Washington state
39 foundation;

1 (e) Formulate recommendations for change in the nomination form or
2 award categories, in cooperation with the quality for Washington state
3 foundation; and

4 (f) Review any related education, training, technology transfer,
5 and research initiatives proposed to it, and that it determines
6 (~~merits [merit]~~) merit such a review.

7 (8) By January 1st of each even-numbered year, the council
8 (~~shall~~) may report to the governor and the appropriate committees of
9 the legislature on its activities in the proceeding two years and on
10 any recommendations in state policies or programs that could encourage
11 quality improvement and the development of high-performance work
12 organizations.

13 (9) The council shall cease to exist on July 1, 1999, unless
14 otherwise extended by law.

15 **Sec. 88.** RCW 44.40.070 and 1988 c 167 s 10 are each amended to
16 read as follows:

17 Prior to October 1st of each even-numbered year all state agencies
18 whose major programs consist of transportation activities, including
19 the department of transportation, (~~the utilities and transportation~~
20 ~~commission,~~) the transportation improvement board, the Washington
21 state patrol, the department of licensing, the traffic safety
22 commission, the county road administration board, and the board of
23 pilotage commissioners, shall adopt or revise, after consultation with
24 the legislative transportation committee, a comprehensive six-year
25 program and financial plan for all transportation activities under each
26 agency's jurisdiction.

27 The comprehensive six-year program and financial plan shall state
28 the general objectives and needs of each agency's major transportation
29 programs, including workload and performance estimates.

30 **Sec. 89.** RCW 44.40.150 and 1989 1st ex.s. c 6 s 14 are each
31 amended to read as follows:

32 (1) The legislative transportation committee shall undertake a
33 study and develop recommendations for legislative and executive
34 consideration that will:

35 (a) Increase the efficiency and effectiveness of state
36 transportation programs and reduce costs;

1 (b) Enhance the accountability and organizational soundness of all
2 transportation modes;

3 (c) Encourage better communication between local jurisdictions and
4 the department of transportation in developing engineering plans and
5 subsequent construction projects;

6 (d) Encourage private sector support and financial participation in
7 project development and construction of transportation projects;

8 (e) Develop long-range goals that reflect changing technology and
9 state-of-the-art advancements in transportation;

10 (f) Explore alternatives for the establishment of an integrated and
11 balanced multimodal state-wide transportation system to meet the needs
12 of the 21st century; and

13 (g) Explore ways to reduce the demand on the transportation system
14 and more effectively use the existing system.

15 The committee may study other transportation needs and problems and
16 make further recommendations.

17 (2) The office of financial management and the department of
18 transportation shall provide staff support as required by the
19 legislative transportation committee in developing the recommendations.
20 To the extent permitted by law, all agencies of the state shall
21 cooperate fully with the legislative transportation committee in
22 carrying out its duties under this section.

23 (3) The legislative transportation committee may receive and expend
24 gifts, grants, and endowments from private sector sources to carry out
25 the purpose of this section.

26 ~~((4) By December 1991 the legislative transportation committee
27 shall submit its preliminary findings and recommendations to the
28 governor, transportation commission, and legislature. A final report
29 shall be submitted by December 1993.))~~

30 **Sec. 90.** RCW 46.20.520 and 1987 c 454 s 3 are each amended to read
31 as follows:

32 (1) The director of licensing shall use moneys designated for the
33 motorcycle safety education account of the highway safety fund to
34 implement by July 1, 1983, a voluntary motorcycle operator training and
35 education program. The director may contract with public and private
36 entities to implement this program.

37 (2) There is created a motorcycle safety education advisory board
38 to assist the director of licensing in the development of a motorcycle

1 operator training education program. The board shall monitor this
2 program following implementation and report to the director of
3 licensing as necessary with recommendations including, but not limited
4 to, administration, application, and substance of the motorcycle
5 operator training and education program.

6 The board shall consist of five members appointed by the director
7 of licensing. Three members of the board, one of whom shall be
8 appointed chairperson, shall be active motorcycle riders or members of
9 nonprofit motorcycle organizations which actively support and promote
10 motorcycle safety education. One member shall be a currently employed
11 Washington state patrol motorcycle officer with at least five years
12 experience and at least one year cumulative experience as a motorcycle
13 officer. One member shall be a member of the public. The term of
14 appointment shall be two years. The board shall meet at the call of
15 the director, but not less than two times annually and not less than
16 five times during its term of appointment, and shall receive no
17 compensation for services but shall be reimbursed for travel expenses
18 while engaged in business of the board in accordance with RCW 43.03.050
19 and 43.03.060 as now existing or hereafter amended.

20 ~~(3) ((The board shall submit a proposed motorcycle operator~~
21 ~~training and education program to the director and to the legislative~~
22 ~~transportation committee for review and approval on or before January~~
23 ~~1, 1988.~~

24 ~~(4))~~ The priorities of the program shall be in the following order
25 of priority:

26 (a) Public awareness of motorcycle safety.

27 (b) Motorcycle safety education programs conducted by public and
28 private entities.

29 (c) Classroom and on-cycle training.

30 (d) Improved motorcycle operator testing.

31 **Sec. 91.** RCW 46.61.165 and 1991 sp.s. c 15 s 67 are each amended
32 to read as follows:

33 The state department of transportation and the local authorities
34 are authorized to reserve all or any portion of any highway under their
35 respective jurisdictions, including any designated lane or ramp, for
36 the exclusive or preferential use of public transportation vehicles or
37 private motor vehicles carrying no fewer than a specified number of
38 passengers when such limitation will increase the efficient utilization

1 of the highway or will aid in the conservation of energy resources.
2 There is hereby appropriated from the transportation fund--state to the
3 department of transportation, program C for the period ending June 30,
4 1993, an additional \$15 million for the sole purpose of expediting
5 completion of the HOV core lane system. Regulations authorizing such
6 exclusive or preferential use of a highway facility may be declared to
7 be effective at all times or at specified times of day or on specified
8 days. ~~((The department shall evaluate the efficacy of the vehicle
9 occupancy requirements and shall report to the legislative
10 transportation committee by January 1, 1992.))~~

11 **Sec. 92.** RCW 46.81A.020 and 1993 c 115 s 2 are each amended to
12 read as follows:

13 (1) The director shall administer and enforce the law pertaining to
14 the motorcycle skills education program as set forth in this chapter.

15 (2) The director may adopt and enforce reasonable rules that are
16 consistent with this chapter.

17 (3) The director shall revise the Washington motorcycle safety
18 program to:

19 (a) Institute a motorcycle skills education course for both novice
20 and advanced motorcycle riders that is a minimum of eight hours and no
21 more than sixteen hours at a cost of no more than fifty dollars;

22 (b) Encourage the use of loaned or used motorcycles for use in the
23 motorcycle skills education course if the instructor approves them;

24 (c) Require all instructors to conduct at least three classes in a
25 one-year period to maintain their teaching eligibility;

26 (d) Encourage the use of radio or intercom equipped helmets when,
27 in the opinion of the instructor, radio or intercom equipped helmets
28 improve the quality of instruction((;

29 ~~(e) Require a biennial report to be submitted to the legislative
30 transportation committee that includes the following:~~

31 ~~(i) A narrative history of the program;~~

32 ~~(ii) Current biennium program appropriations versus actual program
33 expenditures;~~

34 ~~(iii) Historical enrollment statistics and enrollment forecasts;~~

35 ~~(iv) Comparative data evaluating motorcycle traffic statistics of
36 program graduates versus nongraduates;~~

37 ~~(v) Data on the age of the enrollees;~~

1 ~~(vi) Statistical information regarding general trends in motorcycle~~
2 ~~ridership in Washington state;~~
3 ~~(vii) The number of courses offered throughout the biennium;~~
4 ~~(viii) Information on course dropout rates)).~~

5 (4) The department shall obtain and compile information from
6 applicants for a motorcycle endorsement regarding whether they have
7 completed a state approved motorcycle skills education course. ((This
8 information shall be used for the report required by subsection (3)(e)
9 of this section.))

10 **Sec. 93.** RCW 47.01.250 and 1990 c 266 s 5 are each amended to read
11 as follows:

12 The chief of the Washington state patrol, the director of the
13 traffic safety commission, the executive director of the county road
14 administration board, and the director of licensing are designated as
15 official consultants to the transportation commission so that the goals
16 and activities of their respective agencies which relate to
17 transportation are fully coordinated with other related
18 responsibilities of the department of transportation. In this
19 capacity, the chief of the Washington state patrol, the director of the
20 traffic safety commission, the executive director of the county road
21 administration board, and the director of licensing shall consult with
22 the transportation commission and the secretary of transportation on
23 the implications and impacts on the transportation related functions
24 and duties of their respective agencies of any proposed comprehensive
25 transportation plan, program, or policy.

26 In order to develop fully integrated, balanced, and coordinated
27 transportation plans, programs, and budgets the chief of the Washington
28 state patrol, the director of the traffic safety commission, the
29 executive director of the county road administration board, and the
30 director of licensing shall consult with the secretary of
31 transportation on the matter of relative priorities during the
32 development of their respective agencies' plans, programs, and budgets
33 as they pertain to transportation activities. ((The secretary of
34 transportation shall provide written comments to the governor and the
35 legislature on the extent to which the state patrol's, the traffic
36 safety commission's, the county road administration board's, and the
37 department of licensing's final plans, programs, and budgets are

1 ~~compatible with the priorities established in the department of~~
2 ~~transportation's final plans, programs, and budgets.))~~

3 **Sec. 94.** RCW 47.01.900 and 1996 c 186 s 301 are each amended to
4 read as follows:

5 (1) All powers, duties, and functions of the state energy office
6 pertaining to the commute trip reduction program are transferred to the
7 department of transportation. All references to the director or the
8 state energy office in the Revised Code of Washington shall be
9 construed to mean the secretary or the department of transportation
10 when referring to the functions transferred in this section.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the state energy
13 office pertaining to the powers, functions, and duties transferred
14 shall be delivered to the custody of the department of transportation.
15 All cabinets, furniture, office equipment, software, data base, motor
16 vehicles, and other tangible property employed by the state energy
17 office in carrying out the powers, functions, and duties transferred
18 shall be made available to the department of transportation. All
19 funds, credits, or other assets held in connection with the powers,
20 functions, and duties transferred shall be assigned to the department
21 of transportation.

22 (b) Any appropriations made to the state energy office for carrying
23 out the powers, functions, and duties transferred shall, on July 1,
24 1996, be transferred and credited to the department of transportation.

25 (c) Whenever any question arises as to the transfer of any
26 personnel, funds, books, documents, records, papers, files, equipment,
27 or other tangible property used or held in the exercise of the powers
28 and the performance of the duties and functions transferred, the
29 director of financial management shall make a determination as to the
30 proper allocation and certify the same to the state agencies concerned.

31 (3) All employees of the state energy office engaged in performing
32 the powers, functions, and duties transferred are transferred to the
33 jurisdiction of the department of transportation. All employees
34 classified under chapter 41.06 RCW, the state civil service law, are
35 assigned to the department of transportation to perform their usual
36 duties upon the same terms as formerly, without any loss of rights,
37 subject to any action that may be appropriate thereafter in accordance
38 with the laws and rules governing state civil service.

1 (4) All rules and all pending business before the state energy
2 office pertaining to the powers, functions, and duties transferred
3 shall be continued and acted upon by the department of transportation.
4 All existing contracts and obligations, excluding personnel contracts
5 and obligations, shall remain in full force and shall be performed by
6 the department of transportation.

7 (5) The transfer of the powers, duties, functions, and personnel of
8 the state energy office shall not affect the validity of any act
9 performed before July 1, 1996.

10 (6) If apportionments of budgeted funds are required because of the
11 transfers directed by this section, the director of financial
12 management shall certify the apportionments to the agencies affected,
13 the state auditor, and the state treasurer. Each of these shall make
14 the appropriate transfer and adjustments in funds and appropriation
15 accounts and equipment records in accordance with the certification.

16 ~~((7) The department of transportation shall report to the
17 legislature by December 1, 1996, on the effects of this section.))~~

18 **Sec. 95.** RCW 47.04.180 and 1989 c 195 s 1 are each amended to read
19 as follows:

20 On the recommendation of their public works departments or
21 designees, counties or cities can petition the department of
22 transportation to create a "twenty-four hour headlight policy" on state
23 highways in their respective jurisdictions. The department shall
24 develop criteria for approval or disapproval, such as traffic volume,
25 accident statistics, and costs of signs. The department shall notify
26 all counties about this program.

27 A jurisdiction requesting such a policy shall periodically report
28 to the department regarding its educational efforts. A jurisdiction
29 may petition the department to remove such a policy.

30 The jurisdiction shall educate its citizens on the "twenty-four
31 hour headlight policy." The department shall place and maintain
32 appropriate signs along the designated highway. Participating
33 jurisdictions shall share in the cost of signing in an amount as
34 determined by the department.

35 ~~((The department shall periodically report to the legislative
36 transportation committee regarding petitions and the subsequent
37 accident statistics. By January 1, 1995, the department shall report
38 to the legislature on the findings of the program.))~~

1 **Sec. 96.** RCW 47.05.021 and 1993 c 490 s 2 are each amended to read
2 as follows:

3 (1) The transportation commission is hereby directed to conduct
4 periodic analyses of the entire state highway system, report thereon to
5 the chairs of the transportation committees of the senate and house of
6 representatives, including one copy to the staff of each of the
7 committees, biennially and based thereon, to subdivide, classify, and
8 subclassify according to their function and importance all designated
9 state highways and those added from time to time and periodically
10 review and revise the classifications into the following three
11 functional classes:

12 (a) The "principal arterial system" shall consist of a connected
13 network of rural arterial routes with appropriate extensions into and
14 through urban areas, including all routes designated as part of the
15 interstate system, which serve corridor movements having travel
16 characteristics indicative of substantial state-wide and interstate
17 travel;

18 (b) The "minor arterial system" shall, in conjunction with the
19 principal arterial system, form a rural network of arterial routes
20 linking cities and other activity centers which generate long distance
21 travel, and, with appropriate extensions into and through urban areas,
22 form an integrated network providing interstate and interregional
23 service; and

24 (c) The "collector system" shall consist of routes which primarily
25 serve the more important intercounty, intracounty, and intraurban
26 travel corridors, collect traffic from the system of local access roads
27 and convey it to the arterial system, and on which, regardless of
28 traffic volume, the predominant travel distances are shorter than on
29 arterial routes.

30 (2) In making the functional classification the transportation
31 commission shall adopt and give consideration to criteria consistent
32 with this section and federal regulations relating to the functional
33 classification of highways, including but not limited to the following:

34 (a) Urban population centers within and without the state
35 stratified and ranked according to size;

36 (b) Important traffic generating economic activities, including but
37 not limited to recreation, agriculture, government, business, and
38 industry;

1 (c) Feasibility of the route, including availability of alternate
2 routes within and without the state;

3 (d) Directness of travel and distance between points of economic
4 importance;

5 (e) Length of trips;

6 (f) Character and volume of traffic;

7 (g) Preferential consideration for multiple service which shall
8 include public transportation;

9 (h) Reasonable spacing depending upon population density; and

10 (i) System continuity.

11 (3) The transportation commission shall designate a system of state
12 highways that have state-wide significance. This state-wide system
13 shall include interstate highways and other state-wide principal
14 arterials that are needed to connect major communities across the state
15 and support the state's economy.

16 (4) The transportation commission shall designate a freight and
17 goods transportation system. This state-wide system shall include
18 state highways, county roads, and city streets. The commission, in
19 cooperation with cities and counties, shall review and make
20 recommendations to the legislature regarding policies governing weight
21 restrictions and road closures which affect the transportation of
22 freight and goods. (~~The first report is due by December 15, 1993, and~~
23 ~~biennially thereafter.~~)

24 **Sec. 97.** RCW 47.14.050 and 1987 c 267 s 5 are each amended to read
25 as follows:

26 The department shall:

27 (1) Give priority to the refinement and modification of right of
28 way procedures and policies dealing with donation;

29 (2) Reduce or simplify paperwork requirements resulting from right
30 of way procurement;

31 (3) Increase communication and education efforts as a means to
32 solicit and encourage voluntary right of way donations;

33 (4) Enhance communication and coordination with local governments
34 through agreements of understanding that address state acceptance of
35 right of way donations secured under zoning, use permits, subdivision,
36 and associated police power authority of local government((~~r~~

37 ~~(5) Report to the legislative transportation committee by January~~
38 ~~31, 1988, on its efforts under this section)).~~

1 **Sec. 98.** RCW 47.24.010 and 1979 ex.s. c 86 s 2 are each amended to
2 read as follows:

3 The transportation commission shall determine what streets,
4 together with bridges thereon and wharves necessary for use for
5 ferriage of motor vehicle traffic in connection with such streets, if
6 any, in any incorporated cities and towns shall form a part of the
7 route of state highways and between the first and fifteenth days of
8 July of any year the department of transportation shall (~~certify to~~
9 ~~the clerk of each city or town,~~) identify by brief description, the
10 streets, together with the bridges thereon and wharves, if any, in such
11 city or town which are designated as forming a part of the route of any
12 state highway; and all such streets, including curbs and gutters and
13 street intersections and such bridges and wharves, shall thereafter be
14 a part of the state highway system and as such shall be constructed and
15 maintained by the department of transportation from any state funds
16 available therefor: PROVIDED, That the responsibility for the
17 construction and maintenance of any such street together with its
18 appurtenances may be returned to a city or a town upon certification by
19 the department of transportation to the clerk of any city or town that
20 such street, or portion thereof, is no longer required as a part of the
21 state highway system: PROVIDED FURTHER, That any such certification
22 that a street, or portion thereof, is no longer required as a part of
23 the state highway system shall be made between the first and fifteenth
24 of July following the determination by the department that such street
25 or portion thereof is no longer required as a part of the state highway
26 system, but this shall not prevent the department and any city or town
27 from entering into an agreement that a city or town will accept
28 responsibility for such a street or portion thereof at some time other
29 than between the first and fifteenth of July of any year.

30 **Sec. 99.** RCW 48.41.070 and 1989 c 121 s 4 are each amended to read
31 as follows:

32 The pool shall be subject to examination by the commissioner as
33 provided under chapter 48.03 RCW. The board of directors shall submit
34 to the commissioner, not later than one hundred twenty days after the
35 end of each accounting year, a financial report for the year in a form
36 approved by the commissioner. (~~The board of directors shall further~~
37 ~~report to the appropriate standing committees of each house of the~~
38 ~~legislature by March 1st of each year.~~)

1 **Sec. 100.** RCW 49.30.005 and 1991 c 31 s 1 are each amended to read
2 as follows:

3 (~~(1)~~) It is the intent of the legislature that the department
4 assist agricultural employers in mitigating the costs of the state's
5 unemployment insurance program. The department shall work with members
6 of the agricultural community to: Improve understanding of the
7 program's operation; increase compliance with work-search requirements;
8 provide prompt notification of potential claims against an employer's
9 experience rating; inform employers of their rights; inform employers
10 of the actions necessary to appeal a claim and to protect their rights;
11 and reduce claimant and employer fraud. These efforts shall include:

12 (~~(a)~~) (1) Conducting employer workshops and community seminars;

13 (~~(b)~~) (2) Developing new educational materials; and

14 (~~(c)~~) (3) Developing forms that use lay language.

15 (~~(2)~~ The department shall report to the appropriate standing
16 committees of the legislature by January 10, 1990, 1991, and 1992 and
17 include a description of the activities of the department to carry out
18 the intents of this section and provide quantitative data where
19 possible on the effectiveness of the activities undertaken by the
20 department to comply with the intents of this section during the
21 previous calendar year.))

22 **Sec. 101.** RCW 50.44.035 and 1983 1st ex.s. c 23 s 22 are each
23 amended to read as follows:

24 (1) Any county, city, or town not electing to make payments in lieu
25 of contributions shall pay a "local government tax." Taxes paid under
26 this section shall be paid into an administratively identifiable
27 account in the unemployment compensation fund. This account shall be
28 self-sustaining. For calendar years 1978 and 1979 all such employers
29 shall pay local government tax at the rate of one and one-quarter
30 percent of all remuneration paid by the governmental unit for services
31 in its employment. For each year after 1979 each such employer's rate
32 of tax shall be determined in accordance with this section: PROVIDED,
33 HOWEVER, That whenever it appears to the commissioner that the
34 anticipated benefit payments from the account would jeopardize
35 reasonable reserves in this identifiable account the commissioner may
36 at the commencement of any calendar quarter, impose an emergency excess
37 tax of not more than one percent of remuneration paid by the
38 participating governmental units which "excess tax" shall be paid in

1 addition to the applicable rate computed pursuant to this section until
2 the calendar year following the next September 1st.

3 (2) A reserve account shall be established for each such employer.

4 (a) The "reserve account" of each such employer shall be credited
5 with tax amounts paid and shall be charged with benefit amounts charged
6 in accordance with the formula set forth in RCW 50.44.060 as now or
7 hereafter amended except that such employer's account shall be charged
8 for the full amount of extended benefits so attributable for weeks of
9 unemployment commencing after January 1, 1979. Such credits and
10 charges shall be cumulative from January 1, 1978.

11 (b) After the cutoff date, the "reserve ratio" of each such
12 employer shall be computed by dividing its reserve account balance as
13 of the computation date by the total remuneration paid during the
14 preceding calendar year for services in its employment. This division
15 shall be carried to four decimal places, with the remaining fraction,
16 if any, disregarded.

17 (3) A "benefit cost ratio" for each such employer shall be computed
18 by dividing its total benefit charges during the thirty-six months
19 ending on June 30th by its total remuneration during the three
20 preceding calendar years: PROVIDED, That after August 31st in 1979
21 each employer's total benefit charges for the twelve months ending on
22 June 30th shall be divided by its total remuneration paid in the last
23 three quarters of calendar year 1978; and after August 31st in 1980
24 each employer's total benefit charges for the twenty-four months ending
25 June 30th shall be divided by its total remuneration paid in the last
26 three calendar quarters of 1978 and the four calendar quarters of 1979.
27 Such computations shall be carried to four decimal places, with the
28 remaining fraction, if any, disregarded.

29 (4) For each such employer its benefit cost ratio shall be
30 subtracted from its reserve ratio. One-third of the resulting amount
31 shall be subtracted from its benefit cost ratio. The resulting figure,
32 expressed as a percentage and rounded to the nearest tenth of one
33 percent, shall become its local government tax rate for the following
34 rate year. For the rate year 1980 no tax rate shall be less than 0.6
35 percent nor more than 2.2 percent. For 1981 no tax rate shall be less
36 than 0.4 percent nor more than 2.6 percent. For years after 1981 no
37 tax rate shall be less than 0.2 percent or more than 3.0 percent. No
38 individual rate shall be increased any more than 1.0 percent from one
39 rate year to the next.

1 (5) Any county, city, or town electing participation under this
2 section at any time after December 15, 1977, shall be assigned a tax
3 rate of one and one-quarter percent of total remuneration for the first
4 eight quarters of the participation.

5 ~~(6) ((Each year after 1980 the commissioner shall review the local
6 government tax system and make recommendations to the legislature for
7 changes in said system.~~

8 ~~(7))~~ "Local government tax" shall be deemed to be "contributions"
9 to the extent that such usage is consistent with the purposes of this
10 title. Such construction shall include but not be limited to those
11 portions of this title and the rules ~~((and regulations))~~ enacted
12 pursuant thereto dealing with assessments, interest, penalties, liens,
13 collection procedures and remedies, administrative and judicial review,
14 and the imposition of administrative, civil, and criminal sanctions.

15 **Sec. 102.** RCW 50.60.901 and 1983 c 207 s 14 are each amended to
16 read as follows:

17 The department shall adopt such rules as are necessary to carry out
18 the purposes of this act. ~~((The department shall make a report to the
19 legislature by January 1, 1984 which describes the implementation of
20 this act.))~~

21 **Sec. 103.** RCW 50.62.040 and 1987 c 284 s 4 are each amended to
22 read as follows:

23 (1) Each year the employment security department ~~((shall))~~ may
24 publish an annual report on the unemployed based on research conducted
25 on the continuous ~~((usage [wage]))~~ wage and benefit history and other
26 sources that identifies:

27 (a) The demographic groups of unemployment insurance claimants that
28 experience the greatest difficulty finding new employment with wages
29 comparable to their prelayoff earnings;

30 (b) The demographic groups of unemployment insurance claimants that
31 have the highest rates of failure to find unemployment insurance
32 covered-employment after a layoff;

33 (c) The demographic, industry, and employment characteristics of
34 the unemployment insurance claimant population most closely associated
35 with the exhaustion of an unemployment claim;

1 (d) The demographic, industry, and employment characteristics of
2 those locked-out workers who are eligible for unemployment compensation
3 under RCW 50.20.090; and

4 (e) The demographic groups which are defined as the "long-term
5 unemployed" for purposes of this chapter. This listing shall be
6 updated each year.

7 (2) The employment security department shall continue to fund the
8 continuing wage and benefit history at a level necessary to produce the
9 annual report described in subsection (1) of this section.

10 **Sec. 104.** RCW 50.72.070 and 1994 sp.s. c 3 s 7 are each amended to
11 read as follows:

12 (1) An applicant selected for funding under this chapter shall
13 provide the department information on program and participant
14 accomplishments. The information shall be provided in progress and
15 final reports as requested by the department.

16 (2) (~~The department shall prepare an initial evaluation report,~~
17 ~~which shall be made available to the governor and appropriate~~
18 ~~legislative committees, on or before December 1, 1995, on the progress~~
19 ~~of individual programs funded under this chapter.)) A final evaluation
20 report shall be prepared on individual programs at the time of their
21 completion. The final evaluation report shall include, but is not
22 limited to, information on the effectiveness of the program, the status
23 of program participants, and recommendations on program administration
24 at the state and local level.~~

25 **Sec. 105.** RCW 51.36.080 and 1993 c 159 s 2 are each amended to
26 read as follows:

27 (1) All fees and medical charges under this title shall conform to
28 the fee schedule established by the director and shall be paid within
29 sixty days of receipt by the department of a proper billing in the form
30 prescribed by department rule or sixty days after the claim is allowed
31 by final order or judgment, if an otherwise proper billing is received
32 by the department prior to final adjudication of claim allowance. The
33 department shall pay interest at the rate of one percent per month, but
34 at least one dollar per month, whenever the payment period exceeds the
35 applicable sixty-day period on all proper fees and medical charges.

36 Beginning in fiscal year 1987, interest payments under this
37 subsection may be paid only from funds appropriated to the department

1 for administrative purposes. (~~(A record of payments made under this~~
2 ~~subsection shall be submitted twice yearly to the commerce and labor~~
3 ~~committees of the senate and the house of representatives and to the~~
4 ~~ways and means committees of the senate and the house of~~
5 ~~representatives.))~~

6 Nothing in this section may be construed to require the payment of
7 interest on any billing, fee, or charge if the industrial insurance
8 claim on which the billing, fee, or charge is predicated is ultimately
9 rejected or the billing, fee, or charge is otherwise not allowable.

10 In establishing fees for medical and other health care services,
11 the director shall consider the director's duty to purchase health care
12 in a prudent, cost-effective manner without unduly restricting access
13 to necessary care by persons entitled to the care. With respect to
14 workers admitted as hospital inpatients on or after July 1, 1987, the
15 director shall pay for inpatient hospital services on the basis of
16 diagnosis-related groups, contracting for services, or other prudent,
17 cost-effective payment method, which the director shall establish by
18 rules adopted in accordance with chapter 34.05 RCW.

19 (2) The director may establish procedures for selectively or
20 randomly auditing the accuracy of fees and medical billings submitted
21 to the department under this title.

22 **Sec. 106.** RCW 59.22.090 and 1991 c 327 s 4 are each amended to
23 read as follows:

24 (1) A manufactured housing task force is established to study and
25 make recommendations concerning the structure state government should
26 use to regulate manufactured housing in this state. In conducting this
27 study, the task force shall review the structures used in other states,
28 including those states with a commission structure. The task force
29 shall consider the report prepared by the department of licensing, the
30 department of labor and industries, and the department of community,
31 trade, and economic development on consolidating mobile home-related
32 functions in conducting its study. The task force may not consider any
33 form of mobile home rent control, but shall consider mobile home park
34 siting and density regulatory issues.

35 (2) (~~(The task force shall submit a final report containing its~~
36 ~~findings and recommendations to the house of representatives housing~~
37 ~~committee and the senate commerce and labor committee by December 1,~~
38 ~~1992.))~~ The task force shall terminate on December 31, 1992.

1 (3) The task force shall consist of the following members:
2 (a) Two members of the house of representatives appointed by the
3 speaker of the house of representatives, from different political
4 caucuses;
5 (b) Two members of the senate appointed by the president of the
6 senate, from different political caucuses;
7 (c) Two members who represent mobile home park owners, appointed by
8 the governor;
9 (d) Two members who represent mobile home owners, appointed by the
10 governor;
11 (e) One member who represents mobile home manufacturers, appointed
12 by the governor;
13 (f) One member who represents mobile home dealers, appointed by the
14 governor;
15 (g) One member who represents mobile home transporters, appointed
16 by the governor;
17 (h) One member who represents local building officials, appointed
18 by the governor;
19 (i) One member who is either an elected or appointed government
20 official of a county with a population of one hundred thousand or more
21 persons, appointed by the governor;
22 (j) One member who is either an elected or appointed government
23 official of a county with a population of less than one hundred
24 thousand persons, appointed by the governor;
25 (k) One member who is either an elected or appointed government
26 official of a city with a population of thirty-five thousand persons,
27 appointed by the governor;
28 (l) One member who is either an elected or appointed government
29 official of a city with a population of less than thirty-five thousand
30 persons, appointed by the governor;
31 (m) One member who represents local health officials, appointed by
32 the governor; and
33 (n) The director, or the director's designee from the department of
34 community, trade, and economic development, the department of
35 licensing, the department of labor and industries, and the attorney
36 general's office. The designees shall be nonvoting, ex officio members
37 of the task force.
38 (4) The members of the task force shall select the chair or co-
39 chairs of the task force.

1 (5) Staff assistance for the task force will be provided by
2 legislative staff and staff from the agencies or offices listed in
3 subsection (3)(n) of this section.

4 **Sec. 107.** RCW 67.70.050 and 1987 c 511 s 3 and 1987 c 505 s 57 are
5 each reenacted and amended to read as follows:

6 There is created the office of director of the state lottery. The
7 director shall be appointed by the governor with the consent of the
8 senate. The director shall serve at the pleasure of the governor and
9 shall receive such salary as is determined by the governor, but in no
10 case may the director's salary be more than ninety percent of the
11 salary of the governor. The director shall:

12 (1) Supervise and administer the operation of the lottery in
13 accordance with the provisions of this chapter and with the rules of
14 the commission.

15 (2) Appoint such deputy and assistant directors as may be required
16 to carry out the functions and duties of his office: PROVIDED, That
17 the provisions of the state civil service law, chapter 41.06 RCW, shall
18 not apply to such deputy and assistant directors.

19 (3) Appoint such professional, technical, and clerical assistants
20 and employees as may be necessary to perform the duties imposed by this
21 chapter: PROVIDED, That the provisions of the state civil service law,
22 chapter 41.06 RCW, shall not apply to such employees as are engaged in
23 undercover audit or investigative work or security operations but shall
24 apply to other employees appointed by the director, except as provided
25 for in subsection (2) of this section.

26 (4) In accordance with the provisions of this chapter and the rules
27 of the commission, license as agents to sell or distribute lottery
28 tickets such persons as in his opinion will best serve the public
29 convenience and promote the sale of tickets or shares. The director
30 may require a bond from any licensed agent, in such amount as provided
31 in the rules of the commission. Every licensed agent shall prominently
32 display his license, or a copy thereof, as provided in the rules of the
33 commission. License fees may be established by the commission, and, if
34 established, shall be deposited in the state lottery account created by
35 RCW 67.70.230.

36 (5) Confer regularly as necessary or desirable with the commission
37 on the operation and administration of the lottery; make available for
38 inspection by the commission, upon request, all books, records, files,

1 and other information and documents of the lottery; and advise the
2 commission and recommend such matters as the director deems necessary
3 and advisable to improve the operation and administration of the
4 lottery.

5 (6) Subject to the applicable laws relating to public contracts,
6 enter into contracts for the operation of the lottery, or any part
7 thereof, and into contracts for the promotion of the lottery. No
8 contract awarded or entered into by the director may be assigned by the
9 holder thereof except by specific approval of the commission:
10 PROVIDED, That nothing in this chapter authorizes the director to enter
11 into public contracts for the regular and permanent administration of
12 the lottery after the initial development and implementation.

13 (7) Certify quarterly to the state treasurer and the commission a
14 full and complete statement of lottery revenues, prize disbursements,
15 and other expenses for the preceding quarter.

16 ~~(8) ((Report immediately to the governor and the legislature any
17 matters which require immediate changes in the laws of this state in
18 order to prevent abuses and evasions of this chapter or rules
19 promulgated thereunder or to rectify undesirable conditions in
20 connection with the administration or operation of the lottery.~~

21 ~~(9))~~ Carry on a continuous study and investigation of the lottery
22 throughout the state: (a) For the purpose of ascertaining any defects
23 in this chapter or in the rules issued thereunder by reason whereof any
24 abuses in the administration and operation of the lottery or any
25 evasion of this chapter or the rules may arise or be practiced, (b) for
26 the purpose of formulating recommendations for changes in this chapter
27 and the rules promulgated thereunder to prevent such abuses and
28 evasions, (c) to guard against the use of this chapter and the rules
29 issued thereunder as a cloak for the carrying on of professional
30 gambling and crime, and (d) to ~~((insure))~~ ensure that this chapter and
31 rules shall be in such form and be so administered as to serve the true
32 purposes of this chapter.

33 ~~((+10+))~~ (9) Make a continuous study and investigation of: (a) The
34 operation and the administration of similar laws which may be in effect
35 in other states or countries, (b) the operation of an additional game
36 or games for the benefit of a particular program or purpose, (c) any
37 literature on the subject which from time to time may be published or
38 available, (d) any federal laws which may affect the operation of the
39 lottery, and (e) the reaction of the citizens of this state to existing

1 and potential features of the lottery with a view to recommending or
2 effecting changes that will tend to serve the purposes of this
3 chapter.

4 ~~((+11))~~ (10) Have all enforcement powers granted in chapter 9.46
5 RCW.

6 ~~((+12))~~ (11) Perform all other matters and things necessary to
7 carry out the purposes and provisions of this chapter.

8 **Sec. 108.** RCW 69.43.010 and 1988 c 147 s 1 are each amended to
9 read as follows:

10 (1) Beginning July 1, 1988, a report to the state board of pharmacy
11 shall be submitted in accordance with this chapter by a manufacturer,
12 retailer, or other person who sells, transfers, or otherwise furnishes
13 to any person in this state any of the following substances or their
14 salts or isomers:

- 15 (a) Anthranilic acid;
- 16 (b) Barbituric acid;
- 17 (c) Chlorephedrine;
- 18 (d) Diethyl malonate;
- 19 (e) D-lysergic acid;
- 20 (f) Ephedrine;
- 21 (g) Ergotamine tartrate;
- 22 (h) Ethylamine;
- 23 (i) Ethyl malonate;
- 24 (j) Ethylephedrine;
- 25 (k) Lead acetate;
- 26 (l) Malonic acid;
- 27 (m) Methylamine;
- 28 (n) Methylformamide;
- 29 (o) Methylephedrine;
- 30 (p) Methylpseudoephedrine;
- 31 (q) N-acetylanthranilic acid;
- 32 (r) Norpseudoephedrine;
- 33 (s) Phenylacetic acid;
- 34 (t) Phenylpropanolamine;
- 35 (u) Piperidine;
- 36 (v) Pseudoephedrine; and
- 37 (w) Pyrrolidine.

1 (2) The state board of pharmacy shall administer this chapter and
2 may, by rule adopted pursuant to chapter 34.05 RCW, add a substance to
3 or remove a substance from the list in subsection (1) of this section.
4 In determining whether to add or remove a substance, the board shall
5 consider the following:

6 (a) The likelihood that the substance is useable as a precursor in
7 the illegal production of a controlled substance as defined in chapter
8 69.50 RCW;

9 (b) The availability of the substance;

10 (c) The relative appropriateness of including the substance in this
11 chapter or in chapter 69.50 RCW; and

12 (d) The extent and nature of legitimate uses for the substance.

13 ~~(3) ((On or before December 1 of each year, the board shall inform
14 the committees of reference of the legislature of the substances added,
15 deleted, or changed in subsection (1) of this section and include an
16 explanation of these actions.~~

17 ~~(4))~~(a) Beginning on July 1, 1988, any manufacturer, wholesaler,
18 retailer, or other person shall, before selling, transferring, or
19 otherwise furnishing any substance specified in subsection (1) of this
20 section to a person in this state, require proper identification from
21 the purchaser.

22 (b) For the purposes of this subsection, "proper identification"
23 means, in the case of a face-to-face purchase, a motor vehicle
24 operator's license or other official state-issued identification of the
25 purchaser containing a photograph of the purchaser, and includes the
26 residential or mailing address of the purchaser, other than a post
27 office box number, the motor vehicle license number of any motor
28 vehicle owned or operated by the purchaser, a letter of authorization
29 from any business for which any substance specified in subsection (1)
30 of this section is being furnished, which includes the business license
31 number and address of the business, a description of how the substance
32 is to be used, and the signature of the purchaser. The person selling,
33 transferring, or otherwise furnishing any substance specified in
34 subsection (1) of this section shall affix his or her signature as a
35 witness to the signature and identification of the purchaser. The
36 state board of pharmacy shall provide by rule for the proper
37 identification of purchasers in other than face-to-face purchases.

38 (c) A violation of this subsection is a misdemeanor.

1 (~~(+5)~~) (4) Beginning on July 1, 1988, any manufacturer,
2 wholesaler, retailer, or other person who sells, transfers, or
3 otherwise furnishes the substance specified in subsection (1) of this
4 section to a person in this state shall, not less than twenty-one days
5 before delivery of the substance, submit a report of the transaction,
6 which includes the identification information specified in subsection
7 (~~(+4)~~) (3) of this section to the state board of pharmacy. However,
8 the state board of pharmacy may authorize the submission of the reports
9 on a monthly basis with respect to repeated, regular transactions
10 between the furnisher and the recipient involving the same substance if
11 the state board of pharmacy determines that either of the following
12 exist:

13 (a) A pattern of regular supply of the substance exists between the
14 manufacturer, wholesaler, retailer, or other person who sells,
15 transfers, or otherwise furnishes such substance and the recipient of
16 the substance; or

17 (b) The recipient has established a record of using the substance
18 for lawful purposes.

19 (~~(+6)~~) (5) Any person specified in subsection (~~(+5)~~) (4) of this
20 section who does not submit a report as required by that subsection is
21 guilty of a gross misdemeanor.

22 **Sec. 109.** RCW 69.50.201 and 1993 c 187 s 2 are each amended to
23 read as follows:

24 (a) The state board of pharmacy shall enforce this chapter and may
25 add substances to or delete or reschedule substances listed in RCW
26 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to
27 the procedures of chapter 34.05 RCW.

28 (1) In making a determination regarding a substance, the board
29 shall consider the following:

30 (i) the actual or relative potential for abuse;

31 (ii) the scientific evidence of its pharmacological effect, if
32 known;

33 (iii) the state of current scientific knowledge regarding the
34 substance;

35 (iv) the history and current pattern of abuse;

36 (v) the scope, duration, and significance of abuse;

37 (vi) the risk to the public health;

1 (vii) the potential of the substance to produce psychic or
2 physiological dependence liability; and

3 (viii) whether the substance is an immediate precursor of a
4 controlled substance.

5 (2) The board may consider findings of the federal Food and Drug
6 Administration or the Drug Enforcement Administration as prima facie
7 evidence relating to one or more of the determinative factors.

8 ~~(b) ((On or before December 1 of each year, the board shall inform
9 the committees of reference of the legislature of the controlled
10 substances added, deleted, or changed on the schedules specified in
11 this chapter and which includes an explanation of these actions.~~

12 ~~(e))~~ After considering the factors enumerated in subsection (a) of
13 this section, the board shall make findings with respect thereto and
14 adopt and cause to be published a rule controlling the substance upon
15 finding the substance has a potential for abuse.

16 ~~((d))~~ (c) The board, without regard to the findings required by
17 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,
18 69.50.209, and 69.50.211 or the procedures prescribed by subsections
19 (a) and ~~((e))~~ (b) of this section, may place an immediate precursor
20 in the same schedule in which the controlled substance of which it is
21 an immediate precursor is placed or in any other schedule. If the
22 board designates a substance as an immediate precursor, substances that
23 are precursors of the controlled precursor are not subject to control
24 solely because they are precursors of the controlled precursor.

25 ~~((e))~~ (d) If a substance is designated, rescheduled, or deleted
26 as a controlled substance under federal law, the board shall similarly
27 control the substance under this chapter after the expiration of thirty
28 days from the date of publication in the federal register of a final
29 order designating the substance as a controlled substance or
30 rescheduling or deleting the substance or from the date of issuance of
31 an order of temporary scheduling under Section 508 of the federal
32 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),
33 unless within that thirty-day period, the board or an interested party
34 objects to inclusion, rescheduling, temporary scheduling, or deletion.
35 If no objection is made, the board shall adopt and cause to be
36 published, without the necessity of making determinations or findings
37 as required by subsection (a) of this section or RCW 69.50.203,
38 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which
39 notice of proposed rule making is omitted, designating, rescheduling,

1 temporarily scheduling, or deleting the substance. If an objection is
2 made, the board shall make a determination with respect to the
3 designation, rescheduling, or deletion of the substance as provided by
4 subsection (a) of this section. Upon receipt of an objection to
5 inclusion, rescheduling, or deletion under this chapter by the board,
6 the board shall publish notice of the receipt of the objection, and
7 control under this chapter is stayed until the board adopts a rule as
8 provided by subsection (a) of this section.

9 ~~((f))~~ (e) The board, by rule and without regard to the
10 requirements of subsection (a) of this section, may schedule a
11 substance in Schedule I regardless of whether the substance is
12 substantially similar to a controlled substance in Schedule I or II if
13 the board finds that scheduling of the substance on an emergency basis
14 is necessary to avoid an imminent hazard to the public safety and the
15 substance is not included in any other schedule or no exemption or
16 approval is in effect for the substance under Section 505 of the
17 federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt
18 of notice under RCW 69.50.214, the board shall initiate scheduling of
19 the controlled substance analog on an emergency basis pursuant to this
20 subsection. The scheduling of a substance under this subsection
21 expires one year after the adoption of the scheduling rule. With
22 respect to the finding of an imminent hazard to the public safety, the
23 board shall consider whether the substance has been scheduled on a
24 temporary basis under federal law or factors set forth in subsection
25 (a)(1)(iv), (v), and (vi) of this section, and may also consider
26 clandestine importation, manufacture, or distribution, and, if
27 available, information concerning the other factors set forth in
28 subsection (a)(1) of this section. A rule may not be adopted under
29 this subsection until the board initiates a rule-making proceeding
30 under subsection (a) of this section with respect to the substance. A
31 rule adopted under this subsection must be vacated upon the conclusion
32 of the rule-making proceeding initiated under subsection (a) of this
33 section with respect to the substance.

34 (g) Authority to control under this section does not extend to
35 distilled spirits, wine, malt beverages, or tobacco as those terms are
36 defined or used in Titles 66 and 26 RCW.

37 **Sec. 110.** RCW 69.50.525 and 1993 c 187 s 20 are each amended to
38 read as follows:

1 (a) As used in this section, "diversion" means the transfer of any
2 controlled substance from a licit to an illicit channel of distribution
3 or use.

4 (b) The department shall regularly prepare and make available to
5 other state regulatory, licensing, and law enforcement agencies a
6 report on the patterns and trends of actual distribution, diversion,
7 and abuse of controlled substances.

8 (c) The department shall enter into written agreements with local,
9 state, and federal agencies for the purpose of improving identification
10 of sources of diversion and to improve enforcement of and compliance
11 with this chapter and other laws and regulations pertaining to unlawful
12 conduct involving controlled substances. An agreement must specify the
13 roles and responsibilities of each agency that has information or
14 authority to identify, prevent, and control drug diversion and drug
15 abuse. The department shall convene periodic meetings to coordinate a
16 state diversion prevention and control program. The department shall
17 arrange for cooperation and exchange of information among agencies and
18 with neighboring states and the federal government.

19 ~~((d) The department shall report to the governor and to the
20 presiding officer of each house of the legislature on the outcome of
21 this program with respect to its effects on distribution and abuse of
22 controlled substances, including recommendations for improving control
23 and prevention of the diversion of controlled substances of this
24 state.))~~

25 **Sec. 111.** RCW 70.105.160 and 1984 c 254 s 2 are each amended to
26 read as follows:

27 The department shall conduct a study to determine the best
28 management practices for categories of waste for the priority waste
29 management methods established in RCW 70.105.150, with due
30 consideration in the course of the study to sound environmental
31 management and available technology. As an element of the study, the
32 department shall review methods that will help achieve the priority of
33 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed
34 ~~((regulations))~~ rules, the department shall conduct public hearings
35 regarding the best management practices for the various waste
36 categories studied by the department. After conducting the study, the
37 department shall prepare new rules or modify existing rules as
38 appropriate to promote implementation of the priorities established in

1 RCW 70.105.150 for management practices which assure use of sound
2 environmental management techniques and available technology. The
3 preliminary study shall be completed by July 1, 1986, and the rules
4 shall be adopted by July 1, 1987. The solid waste advisory committee
5 shall review the studies and the new or modified rules (~~and submit~~
6 ~~recommendations to the legislature by January 1, 1988, regarding policy~~
7 ~~options (such as fee incentives, disposal bans, etc.) that will be used~~
8 ~~to reduce the production of dangerous and extremely hazardous waste in~~
9 ~~Washington state~~)).

10 The studies shall be updated at least once every five years. The
11 funding for these studies shall be from the hazardous waste control and
12 elimination account, subject to legislative appropriation.

13 **Sec. 112.** RCW 70.112.050 and 1975 1st ex.s. c 108 s 5 are each
14 amended to read as follows:

15 The advisory board shall advise the dean and the chairman of the
16 department of family medicine in the implementation of the educational
17 programs provided for in this chapter; including, but not limited to,
18 the selection of the areas within the state where affiliate residency
19 programs shall exist, the allocation of funds appropriated under this
20 chapter, and the procedures for review and evaluation of the residency
21 programs. (~~On or before January 15 of each year the advisory board~~
22 ~~shall provide the governor and the legislature with the report on the~~
23 ~~status of the state wide family practice residency program.~~)

24 **Sec. 113.** RCW 70.119A.160 and 1995 c 376 s 4 are each amended to
25 read as follows:

26 The department shall create a water supply advisory committee.
27 Membership on the committee shall reflect a broad range of interests in
28 the regulation of public water supplies, including water utilities of
29 all sizes, local governments, business groups, special purpose
30 districts, local health jurisdictions, other state and federal
31 agencies, financial institutions, environmental organizations, the
32 legislature, and other groups substantially affected by the
33 department's role in implementing state and federal requirements for
34 public water systems. Members shall be appointed for fixed terms of no
35 less than two years, and may be reappointed. Any members of an
36 existing advisory committee to the drinking water program may remain as
37 members of the water supply advisory committee. The committee shall

1 provide advice to the department on the organization, functions,
2 service delivery methods, and funding of the drinking water program.
3 The committee shall also review the adequacy and necessity of the
4 current and prospective funding for the drinking water program, and the
5 results of the committees' review shall be forwarded to the department
6 (~~for inclusion in a report to the appropriate standing committees of~~
7 ~~the legislature no later than November 1, 1996~~). The report shall
8 include a discussion of the extent to which the drinking water program
9 has progressed toward achieving the objectives of the public health
10 improvement plan, and an assessment of any changes to the program
11 necessitated by modifications to the federal safe drinking water act.

12 **Sec. 114.** RCW 70.129.160 and 1994 c 214 s 18 are each amended to
13 read as follows:

14 The long-term care ombudsman shall monitor implementation of this
15 chapter and determine the degree to which veterans' homes, nursing
16 facilities, adult family homes, and boarding homes ensure that
17 residents are able to exercise their rights. The long-term care
18 ombudsman shall consult with the departments of health and social and
19 health services, long-term care facility organizations, resident
20 groups, and senior and (~~disable~~[disabled]) disabled citizen
21 organizations (~~and report to the house of representatives committee on~~
22 ~~health care and the senate committee on health and human services~~
23 ~~concerning the implementation of this chapter with any applicable~~
24 ~~recommendations by July 1, 1995~~)).

25 **Sec. 115.** RCW 70.148.020 and 1991 sp.s. c 13 s 90 are each amended
26 to read as follows:

27 (1) The pollution liability insurance program trust account is
28 established in the custody of the state treasurer. All funds
29 appropriated for this chapter and all premiums collected for
30 reinsurance shall be deposited in the account. Expenditures from the
31 account shall be used exclusively for the purposes of this chapter
32 including payment of costs of administering the pollution liability
33 insurance and underground storage tank community assistance programs.
34 The account is subject to allotment procedures under chapter 43.88 RCW.
35 Expenditures for payment of the costs of administering the program may
36 be made only after appropriation by statute. No appropriation is
37 required for other expenditures from the account.

1 (2) Each calendar quarter, the director shall report to the
2 insurance commissioner (~~((and the chairs of the senate ways and means,
3 senate financial institutions, house of representatives revenue, and
4 house of representatives financial institutions committees,))~~) the loss
5 and surplus reserves required for the calendar quarter. The director
6 shall notify the department of revenue of this amount by the fifteenth
7 day of each calendar quarter.

8 (3) Each calendar quarter the director shall (~~(report to the chairs
9 of the senate ways and means, senate financial institutions, house of
10 representatives revenue, and house of representatives financial
11 institutions and insurance committees,))~~ determine the amount of
12 reserves necessary to fund commitments made to provide financial
13 assistance under RCW 70.148.130 to the extent that the financial
14 assistance reserves do not jeopardize the operations and liabilities of
15 the pollution liability insurance program. The director shall notify
16 the department of revenue of this amount by the fifteenth day of each
17 calendar quarter. The director may immediately establish an initial
18 financial assistance reserve of five million dollars from available
19 revenues. The director may not expend more than fifteen million
20 dollars for the financial assistance program.

21 **Sec. 116.** RCW 70.148.050 and 1995 c 12 s 1 are each amended to
22 read as follows:

23 The director has the following powers and duties:

24 (1) To design and from time to time revise a reinsurance contract
25 providing coverage to an insurer meeting the requirements of this
26 chapter. Before initially entering into a reinsurance contract, the
27 director shall (~~(provide a report to the chairs of the senate ways and
28 means, senate financial institutions, house of representatives revenue,
29 and house of representatives financial institutions committees and
30 shall include))~~ prepare an actuarial report describing the various
31 reinsurance methods considered by the director and describing each
32 method's costs. In designing the reinsurance contract the director
33 shall consider common insurance industry reinsurance contract
34 provisions and shall design the contract in accordance with the
35 following guidelines:

36 (a) The contract shall provide coverage to the insurer for the
37 liability risks of owners and operators of underground storage tanks

1 for third party bodily injury and property damage and corrective action
2 that are underwritten by the insurer.

3 (b) In the event of an insolvency of the insurer, the reinsurance
4 contract shall provide reinsurance payable directly to the insurer or
5 to its liquidator, receiver, or successor on the basis of the liability
6 of the insurer in accordance with the reinsurance contract. In no
7 event may the program be liable for or provide coverage for that
8 portion of any covered loss that is the responsibility of the insurer
9 whether or not the insurer is able to fulfill the responsibility.

10 (c) The total limit of liability for reinsurance coverage shall not
11 exceed one million dollars per occurrence and two million dollars
12 annual aggregate for each policy underwritten by the insurer less the
13 ultimate net loss retained by the insurer as defined and provided for
14 in the reinsurance contract.

15 (d) Disputes between the insurer and the insurance program shall be
16 settled through arbitration.

17 (2) To design and implement a structure of periodic premiums due
18 the director from the insurer that takes full advantage of revenue
19 collections and projected revenue collections to ensure affordable
20 premiums to the insured consistent with sound actuarial principles.

21 (3) To periodically review premium rates for reinsurance to
22 determine whether revenue appropriations supporting the program can be
23 reduced without substantially increasing the insured's premium costs.

24 (4) To solicit bids from insurers and select an insurer to provide
25 pollution liability insurance to owners and operators of underground
26 storage tanks for third party bodily injury and property damage and
27 corrective action.

28 (5) To monitor the activities of the insurer to ensure compliance
29 with this chapter and protect the program from excessive loss exposure
30 resulting from claims mismanagement by the insurer.

31 (6) To monitor the success of the program and periodically make
32 such reports and recommendations to the legislature as the director
33 deems appropriate, and to annually publish a financial report on the
34 pollution liability insurance program trust account showing, among
35 other things, administrative and other expenses paid from the fund.

36 (7) To annually report the financial and loss experience of the
37 insurer as to policies issued under the program and the financial and
38 loss experience of the program to the legislature.

1 (8) To evaluate the effects of the program upon the private market
2 for liability insurance for owners and operators of underground storage
3 tanks and make recommendations to the legislature on the necessity for
4 continuing the program to ensure availability of such coverage.

5 (9) To enter into contracts with public and private agencies to
6 assist the director in his or her duties to design, revise, monitor,
7 and evaluate the program and to provide technical or professional
8 assistance to the director.

9 (10) To examine the affairs, transactions, accounts, records,
10 documents, and assets of insurers as the director deems advisable.

11 **Sec. 117.** RCW 70.162.050 and 1989 c 315 s 6 are each amended to
12 read as follows:

13 (1) The superintendent of public instruction may implement a model
14 indoor air quality program in a school district selected by the
15 superintendent.

16 (2) The superintendent shall ensure that the model program
17 includes:

18 (a) An initial evaluation by an indoor air quality expert of the
19 current indoor air quality in the school district. The evaluation
20 shall be completed within ninety days after the beginning of the school
21 year;

22 (b) Establishment of procedures to ensure the maintenance and
23 operation of any ventilation and filtration system used. These
24 procedures shall be implemented within thirty days of the initial
25 evaluation;

26 (c) A reevaluation by an indoor air quality expert, to be conducted
27 approximately two hundred seventy days after the initial evaluation;
28 and

29 (d) The implementation of other procedures or plans that the
30 superintendent deems necessary to implement the model program.

31 ~~((3) The superintendent shall make a report by December 1, 1990,
32 to the appropriate committees of the legislature that includes:~~

33 ~~(a) A summary and evaluation of the model program;~~

34 ~~(b) An evaluation of the adequacy of mechanical ventilation and
35 filtration systems used in public schools; and~~

36 ~~(c) Recommendations to ensure acceptable indoor air quality in all
37 public schools.)~~

1 **Sec. 118.** RCW 70.168.030 and 1988 c 183 s 3 are each amended to
2 read as follows:

3 (1) Upon the recommendation of the steering committee, the director
4 of the office of financial management shall contract with an
5 independent party for an analysis of the state's trauma system.

6 (2) The analysis shall contain at a minimum, the following:

7 (a) The identification of components of a functional state-wide
8 trauma care system, including standards; and

9 (b) An assessment of the current trauma care program compared with
10 the functional state-wide model identified in subsection (a) of this
11 section, including an analysis of deficiencies and reasons for the
12 deficiencies.

13 (3) The analysis shall provide a design for a state-wide trauma
14 care system based on the findings of the committee under subsection (2)
15 of this section, with a plan for phased-in implementation. The plan
16 shall include, at a minimum, the following:

17 (a) Responsibility for implementation;

18 (b) Administrative authority at the state, regional, and local
19 levels;

20 (c) Facility, equipment, and personnel standards;

21 (d) Triage and care criteria;

22 (e) Data collection and use;

23 (f) Cost containment strategies;

24 (g) System evaluation; and

25 (h) Projected costs.

26 (~~(4) The steering committee shall submit to the appropriate~~
27 ~~committees of the legislature the results of the identification and~~
28 ~~assessment phase of the analysis by July 1, 1989, and the design plan~~
29 ~~by January 1, 1990.))~~

30 **Sec. 119.** RCW 70.170.060 and 1989 1st ex.s. c 9 s 506 are each
31 amended to read as follows:

32 (1) No hospital or its medical staff shall adopt or maintain
33 admission practices or policies which result in:

34 (a) A significant reduction in the proportion of patients who have
35 no third-party coverage and who are unable to pay for hospital
36 services;

37 (b) A significant reduction in the proportion of individuals
38 admitted for inpatient hospital services for which payment is, or is

1 likely to be, less than the anticipated charges for or costs of such
2 services; or

3 (c) The refusal to admit patients who would be expected to require
4 unusually costly or prolonged treatment for reasons other than those
5 related to the appropriateness of the care available at the hospital.

6 (2) No hospital shall adopt or maintain practices or policies which
7 would deny access to emergency care based on ability to pay. No
8 hospital which maintains an emergency department shall transfer a
9 patient with an emergency medical condition or who is in active labor
10 unless the transfer is performed at the request of the patient or is
11 due to the limited medical resources of the transferring hospital.
12 Hospitals must follow reasonable procedures in making transfers to
13 other hospitals including confirmation of acceptance of the transfer by
14 the receiving hospital.

15 (3) The department shall develop definitions by rule, as
16 appropriate, for subsection (1) of this section and, with reference to
17 federal requirements, subsection (2) of this section. The department
18 shall monitor hospital compliance with subsections (1) and (2) of this
19 section. The department shall report (~~to the legislature and the~~
20 ~~governor on hospital compliance with these requirements and shall~~
21 ~~report~~) individual instances of possible noncompliance to the state
22 attorney general or the appropriate federal agency.

23 (4) The department shall establish and maintain by rule, consistent
24 with the definition of charity care in RCW 70.170.020, the following:

25 (a) Uniform procedures, data requirements, and criteria for
26 identifying patients receiving charity care;

27 (b) A definition of residual bad debt including reasonable and
28 uniform standards for collection procedures to be used in efforts to
29 collect the unpaid portions of hospital charges that are the patient's
30 responsibility.

31 (5) For the purpose of providing charity care, each hospital shall
32 develop, implement, and maintain a charity care policy which,
33 consistent with subsection (1) of this section, shall enable people
34 below the federal poverty level access to appropriate hospital-based
35 medical services, and a sliding fee schedule for determination of
36 discounts from charges for persons who qualify for such discounts by
37 January 1, 1990. The department shall develop specific guidelines to
38 assist hospitals in setting sliding fee schedules required by this
39 section. All persons with family income below one hundred percent of

1 the federal poverty standard shall be deemed charity care patients for
2 the full amount of hospital charges, provided that such persons are not
3 eligible for other private or public health coverage sponsorship.
4 Persons who may be eligible for charity care shall be notified by the
5 hospital.

6 (6) Each hospital shall make every reasonable effort to determine
7 the existence or nonexistence of private or public sponsorship which
8 might cover in full or part the charges for care rendered by the
9 hospital to a patient; the family income of the patient as classified
10 under federal poverty income guidelines; and the eligibility of the
11 patient for charity care as defined in this chapter and in accordance
12 with hospital policy. An initial determination of sponsorship status
13 shall precede collection efforts directed at the patient.

14 (7) The department shall monitor the distribution of charity care
15 among hospitals, with reference to factors such as relative need for
16 charity care in hospital service areas and trends in private and public
17 health coverage. The department shall ~~((report to the legislature and
18 executive))~~ prepare reports that identify any problems in distribution
19 which are in contradiction of the intent of this chapter. The report
20 shall include an assessment of the effects of the provisions of this
21 chapter on access to hospital and health care services, as well as an
22 evaluation of the contribution of all purchasers of care to hospital
23 charity care.

24 (8) The department shall issue a report on the subjects addressed
25 in this section at least annually, with the first report due on July 1,
26 1990.

27 **Sec. 120.** RCW 70.175.100 and 1989 1st ex.s. c 9 s 710 are each
28 amended to read as follows:

29 (1) The department shall establish and adopt such standards and
30 ~~((regulations))~~ rules pertaining to the construction, maintenance, and
31 operation of a rural health care facility and the scope of health care
32 services, and rescind, amend, or modify ~~((such regulations))~~ the rules
33 from time to time as necessary in the public interest. In developing
34 the ~~((regulations))~~ rules, the department shall consult with
35 representatives of rural hospitals, community mental health centers,
36 public health departments, community and migrant health clinics, and
37 other providers of health care in rural communities. The department
38 shall also consult with third-party payers, consumers, local officials,

1 and others to (~~insure~~) ensure broad participation in defining
2 regulatory standards and requirements that are appropriate for a rural
3 health care facility.

4 (2) When developing the rural health care facility licensure rules,
5 the department shall consider the report of the Washington rural health
6 care commission established under chapter 207, Laws of 1988. Nothing
7 in this chapter requires the department to follow any specific
8 recommendation contained in that report except as it may also be
9 included in this chapter.

10 (3) Upon developing rules, the department shall enter into
11 negotiations with appropriate federal officials to seek medicare
12 approval of the facility and financial participation of medicare and
13 other federal programs in developing and operating the rural health
14 care facility.

15 (~~(4) The department shall report periodically to the appropriate
16 committees of the legislature on the progress of rule development and
17 negotiations with the federal government.~~)

18 **Sec. 121.** RCW 70.180.110 and 1990 c 271 s 15 are each amended to
19 read as follows:

20 (1) The department, in consultation with at least the higher
21 education coordinating board, the state board for community and
22 technical colleges (~~education~~), the superintendent of public
23 instruction, and state-supported education programs in medicine,
24 pharmacy, and nursing, shall develop a plan for increasing rural
25 training opportunities for students in medicine, pharmacy, and nursing.
26 The plan shall provide for direct exposure to rural health professional
27 practice conditions for students planning careers in medicine,
28 pharmacy, and nursing.

29 (2) The department and the medical, pharmacy, and nurse education
30 programs shall:

31 (a) Inventory existing rural-based clinical experience programs,
32 including internships, clerkships, residencies, and other training
33 opportunities available to students pursuing degrees in nursing,
34 pharmacy, and medicine;

35 (b) Identify where training opportunities do not currently exist
36 and are needed;

37 (c) Develop recommendations for improving the availability of rural
38 training opportunities;

1 (d) Develop recommendations on establishing agreements between
2 education programs to assure that all students in medical, pharmacist,
3 and nurse education programs in the state have access to rural training
4 opportunities; and

5 (e) Review private and public funding sources to finance rural-
6 based training opportunities.

7 ~~((3) The department shall report to the house of representatives
8 and senate standing committees on health care by December 1, 1990, with
9 their findings and recommendations including needed legislative
10 changes.))~~

11 **Sec. 122.** RCW 70.180.120 and 1990 c 271 s 16 are each amended to
12 read as follows:

13 The department, in consultation with training programs that lead to
14 licensure in midwifery and certification as a certified nurse midwife,
15 and other appropriate private and public groups, shall develop a state-
16 wide plan to address access to midwifery services.

17 The plan shall include at least the following: (1) Identification
18 of maternity service shortage areas in the state where midwives could
19 reduce the shortage of services; (2) an inventory of current training
20 programs and preceptorship activities available to train licensed and
21 certified nurse midwives; (3) identification of gaps in the
22 availability of training due to such factors as geographic or economic
23 conditions that prevent individuals from seeking training; (4)
24 identification of other barriers to utilizing midwives; (5)
25 identification of strategies to train future midwives such as
26 developing training programs at community colleges and universities,
27 using innovative telecommunications for training in rural areas, and
28 establishing preceptorship programs accessible to prospective midwives
29 in shortage areas; (6) development of recruitment strategies; and (7)
30 estimates of expected costs associated in recruitment and training.

31 The plan shall identify the most expeditious and cost-efficient
32 manner to recruit and train midwives to meet the current shortages.
33 Plan development and implementation shall be coordinated with other
34 state policy efforts directed toward, but not limited to, maternity
35 care access, rural health care system organization, and provider
36 recruitment for shortage and medically underserved areas of the state.

37 ~~((The department shall submit a copy of the plan to the senate and
38 house of representatives health care committees by December 1, 1990.))~~

1 **Sec. 123.** RCW 70.190.050 and 1994 sp.s. c 7 s 207 are each amended
2 to read as follows:

3 (1) The Washington state institute for public policy shall conduct
4 or contract for monitoring and tracking of the implementation of
5 chapter 7, Laws of 1994 sp. sess. to determine whether these efforts
6 result in a measurable reduction of violence. The institute shall also
7 conduct or contract for an evaluation of the effectiveness of the
8 community public health and safety networks in reducing the rate of at-
9 risk youth through reducing risk factors and increasing protective
10 factors. The evaluation plan shall result in statistically valid
11 evaluation at both state-wide and community levels. (~~The evaluation
12 plan shall be submitted to the governor and appropriate legislative
13 committees by July 1, 1995.~~)

14 (2) Starting five years after the initial grant to a community
15 network, if the community network fails to meet the outcome standards
16 and goals in any two consecutive years, the institute shall make
17 recommendations to the legislature concerning whether the funds
18 received by that community network should revert back to the
19 originating agency. In making this determination, the institute shall
20 consider the adequacy of the level of intervention relative to the risk
21 factors in the community and any external events having a significant
22 impact on risk factors or outcomes.

23 (3) The outcomes required under this chapter and social development
24 standards and measures established by the department of health under
25 RCW 43.70.555 shall be used in conducting the outcome evaluation of the
26 community networks.

27 **Sec. 124.** RCW 70.190.100 and 1994 sp.s. c 7 s 307 are each amended
28 to read as follows:

29 The family policy council shall:

30 (1) Establish network boundaries no later than July 1, 1994. There
31 is a presumption that no county may be divided between two or more
32 community networks and no network shall have fewer than forty thousand
33 population. When approving multicounty networks, considering dividing
34 a county between networks, or creating a network with a population of
35 less than forty thousand, the council must consider: (a) Common
36 economic, geographic, and social interests; (b) historical and existing
37 shared governance; and (c) the size and location of population centers.
38 Individuals and groups within any area shall be given ample opportunity

1 to propose network boundaries in a manner designed to assure full
2 consideration of their expressed wishes;

3 (2) Develop a technical assistance and training program to assist
4 communities in creating and developing community networks and
5 comprehensive plans;

6 (3) Approve the structure, purpose, goals, plan, and performance
7 measurements of each community network;

8 (4) Identify all prevention and early intervention programs and
9 funds, including all programs funded under RCW 69.50.520, in addition
10 to the programs set forth in RCW 70.190.110, which could be
11 transferred, in all or part, to the community networks, and report
12 their findings and recommendations to the governor and the legislature
13 regarding any appropriate program transfers by January 1 of each year;

14 (5) Reward community networks that show exceptional success as
15 provided in RCW 43.41.195;

16 (6) Seek every opportunity to maximize federal and other funding
17 that is consistent with the plans approved by the council for the
18 purpose and goals of this chapter;

19 (7) Review the state-funded out-of-home placement rate before the
20 end of each contract to determine whether the region has sufficiently
21 reduced the rate. If the council determines that there has not been a
22 sufficient reduction in the rate, it may reduce the immediately
23 succeeding grant to the network;

24 (8)(a) The council shall monitor the implementation of programs
25 contracted by participating state agencies by reviewing periodic
26 reports on the extent to which services were delivered to intended
27 populations, the quality of services, and the extent to which service
28 outcomes were achieved at the conclusion of service interventions.
29 This monitoring shall include provision for periodic feedback to
30 community networks;

31 (b) The legislature intends that this monitoring be used by the
32 Washington state institute for public policy, together with public
33 health data on at-risk behaviors and risk and protective factors, to
34 produce an external evaluation of the effectiveness of the networks and
35 their programs. For this reason, and to conserve public funds, the
36 council shall not conduct or contract for the conduct of control group
37 studies, quasi-experimental design studies, or other analysis efforts
38 to attempt to determine the impact of network programs on at-risk
39 behaviors or risk and protective factors; and

1 (9) Review the implementation of chapter 7, Laws of 1994 sp. sess.
2 (~~and report its recommendations to the legislature annually.~~) The
3 report shall use measurable performance standards to evaluate the
4 implementation.

5 **Sec. 125.** RCW 70.190.110 and 1994 sp.s. c 7 s 308 are each amended
6 to read as follows:

7 (1) The council, and each network, shall biennially review all
8 state and federal funded programs serving individuals, families, or
9 communities to determine whether a network may be better able to
10 integrate and coordinate these services within the community.

11 (2) The council, and each network, shall specifically review (~~and~~
12 ~~report, to the governor and the legislature, on~~) the feasibility and
13 desirability of decategorizing and granting, all or part of, the
14 following program funds to the networks:

15 (a) Consolidated juvenile services;

16 (b) Family preservation and support services;

17 (c) Readiness to learn;

18 (d) Community mobilization;

19 (e) Violence prevention;

20 (f) Community-police partnership;

21 (g) Child care;

22 (h) Early intervention and educational services, including but not
23 limited to, birth to three, birth to six, early childhood education and
24 assistance, and headstart;

25 (i) Crisis residential care;

26 (j) Victims' assistance;

27 (k) Foster care;

28 (l) Adoption support;

29 (m) Continuum of care; and

30 (n) Drug and alcohol abuse prevention and early intervention in
31 schools.

32 (3) In determining the desirability of decategorizing these
33 programs the report shall analyze whether:

34 (a) The program is an integral part of the comprehensive plan
35 without decategorization;

36 (b) The program is already adequately integrated and coordinated
37 with other programs that are, or will be, funded by the network;

1 (c) The network could develop the capacity to provide the program's
2 services;

3 (d) The program goals might receive greater community support and
4 reinforcement through the network;

5 (e) The program presently ensures that adequate follow-up efforts
6 are utilized, and whether the network could improve on those efforts
7 through decategorization of the funds;

8 (f) The decategorization would benefit the community; and

9 (g) The decategorization would assist the network in achieving its
10 goals.

11 (4) If the council or a network determines that a program should
12 not be decategorized, the council or network shall make recommendations
13 regarding programmatic changes that are necessary to improve the
14 coordination and integration of services and programs, regardless of
15 the funding source for those programs.

16 **Sec. 126.** RCW 70.195.010 and 1992 c 198 s 15 are each amended to
17 read as follows:

18 For the purposes of implementing this chapter, the governor shall
19 appoint a state birth-to-six interagency coordinating council and
20 ensure that state agencies involved in the provision of, or payment
21 for, early intervention services to infants and toddlers with
22 disabilities and their families shall coordinate and collaborate in the
23 planning and delivery of such services. ((The coordinating council
24 shall report to the appropriate committees of the legislature on the
25 implementation of this chapter by January 15, 1993.))

26 No state or local agency currently providing early intervention
27 services to infants and toddlers with disabilities may use funds
28 appropriated for early intervention services for infants and toddlers
29 with disabilities to supplant funds from other sources.

30 All state and local agencies shall ensure that the implementation
31 of this chapter will not cause any interruption in existing early
32 intervention services for infants and toddlers with disabilities.

33 Nothing in this chapter shall be construed to permit the
34 restriction or reduction of eligibility under Title V of the Social
35 Security Act, P.L. 90-248, relating to maternal and child health or
36 Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid
37 for infants and toddlers with disabilities.

1 **Sec. 127.** RCW 70.24.400 and 1991 c 3 s 327 are each amended to
2 read as follows:

3 The department shall establish a state-wide system of regional
4 acquired immunodeficiency syndrome (AIDS) service networks as follows:

5 (1) The secretary of health shall direct that all state or federal
6 funds, excluding those from federal Title XIX for services or other
7 activities authorized in this chapter, shall be allocated to the office
8 on AIDS established in RCW 70.24.250. The secretary shall further
9 direct that all funds for services and activities specified in
10 subsection (3) of this section shall be provided to lead counties
11 through contractual agreements based on plans developed as provided in
12 subsection (2) of this section, unless direction of such funds is
13 explicitly prohibited by federal law, federal regulation, or federal
14 policy. The department shall deny funding allocations to lead counties
15 only if the denial is based upon documented incidents of nonfeasance,
16 misfeasance, or malfeasance. However, the department shall give
17 written notice and thirty days for corrective action in incidents of
18 misfeasance or nonfeasance before funding may be denied. The
19 department shall designate six AIDS service network regions
20 encompassing the state. In doing so, the department shall use the
21 boundaries of the regional structures in place for the community
22 services administration on January 1, 1988.

23 (2) The department shall request that a lead county within each
24 region, which shall be the county with the largest population, prepare,
25 through a cooperative effort of local health departments within the
26 region, a regional organizational and service plan, which meets the
27 requirements set forth in subsection (3) of this section. Efforts
28 should be made to use existing plans, where appropriate. The plan
29 should place emphasis on contracting with existing hospitals, major
30 voluntary organizations, or health care organizations within a region
31 that have in the past provided quality services similar to those
32 mentioned in subsection (3) of this section and that have demonstrated
33 an interest in providing any of the components listed in subsection (3)
34 of this section. If any of the counties within a region do not
35 participate, it shall be the lead county's responsibility to develop
36 the part of the plan for the nonparticipating county or counties. If
37 all of the counties within a region do not participate, the department
38 shall assume the responsibility.

1 (3) The regional AIDS service network plan shall include the
2 following components:

3 (a) A designated single administrative or coordinating agency;

4 (b) A complement of services to include:

5 (i) Voluntary and anonymous counseling and testing;

6 (ii) Mandatory testing and/or counseling services for certain
7 individuals, as required by law;

8 (iii) Notification of sexual partners of infected persons, as
9 required by law;

10 (iv) Education for the general public, health professionals, and
11 high-risk groups;

12 (v) Intervention strategies to reduce the incidence of HIV
13 infection among high-risk groups, possibly including needle
14 sterilization and methadone maintenance;

15 (vi) Related community outreach services for runaway youth;

16 (vii) Case management;

17 (viii) Strategies for the development of volunteer networks;

18 (ix) Strategies for the coordination of related agencies within the
19 network; and

20 (x) Other necessary information, including needs particular to the
21 region;

22 (c) A service delivery model that includes:

23 (i) Case management services; and

24 (ii) A community-based continuum-of-care model encompassing both
25 medical, mental health, and social services with the goal of
26 maintaining persons with AIDS in a home-like setting, to the extent
27 possible, in the least-expensive manner; and

28 (d) Budget, caseload, and staffing projections.

29 (4) Efforts shall be made by both the counties and the department
30 to use existing service delivery systems, where possible, in developing
31 the networks.

32 (5) The University of Washington health science program, in
33 cooperation with the office on AIDS may, within available resources,
34 establish a center for AIDS education, which shall be linked to the
35 networks. The center for AIDS education is not intended to engage in
36 state-funded research related to HIV infection, AIDS, or HIV-related
37 conditions. Its duties shall include providing the office on AIDS with
38 the appropriate educational materials necessary to carry out that
39 office's duties.

1 (6) The department shall implement this section, consistent with
2 available funds, by October 1, 1988, by establishing six regional AIDS
3 service networks whose combined jurisdictions shall include the entire
4 state.

5 (a) Until June 30, 1991, available funding for each regional AIDS
6 service network shall be allocated as follows:

7 (i) Seventy-five percent of the amount provided for regional AIDS
8 service networks shall be allocated per capita based on the number of
9 persons residing within each region, but in no case less than one
10 hundred fifty thousand dollars for each regional AIDS service network
11 per fiscal year. This amount shall be expended for testing,
12 counseling, education, case management, notification of sexual partners
13 of infected persons, planning, coordination, and other services
14 required by law, except for those enumerated in (a)(ii) of this
15 subsection.

16 (ii) Twenty-five percent of the amount provided for regional AIDS
17 service networks shall be allocated for intervention strategies
18 specifically addressing groups that are at a high risk of being
19 infected with the human immunodeficiency virus. The allocation shall
20 be made by the office on AIDS based on documented need as specified in
21 regional AIDS network plans.

22 (b) After June 30, 1991, the funding shall be allocated as provided
23 by law. ~~((By December 15, 1990, the department shall report to the
24 appropriate committees of the legislature on proposed methods of
25 funding regional AIDS service networks.))~~

26 (7) The regional AIDS service networks shall be the official state
27 regional agencies for AIDS information education and coordination of
28 services. The state public health officer, as designated by the
29 secretary of health, shall make adequate efforts to publicize the
30 existence and functions of the networks.

31 (8) If the department is not able to establish a network by an
32 agreement solely with counties, it may contract with nonprofit agencies
33 for any or all of the designated network responsibilities.

34 (9) The department, in establishing the networks, shall study
35 mechanisms that could lead to reduced costs and/or increased access to
36 services. The methods shall include capitation.

37 (10) The department shall reflect in its departmental biennial
38 budget request the funds necessary to implement this section.

1 (11) (~~The department shall submit an implementation plan to the~~
2 ~~appropriate committees of the legislature by July 1, 1988.~~

3 (12)) The use of appropriate materials may be authorized by
4 regional AIDS service networks in the prevention or control of HIV
5 infection.

6 **Sec. 128.** RCW 70.41.320 and 1995 1st sp.s. c 18 s 5 are each
7 amended to read as follows:

8 (1) Hospitals and acute care facilities shall:

9 (a) Work cooperatively with the department of social and health
10 services, area agencies on aging, and local long-term care information
11 and assistance organizations in the planning and implementation of
12 patient discharges to long-term care services.

13 (b) Establish and maintain a system for discharge planning and
14 designate a person responsible for system management and
15 implementation.

16 (c) Establish written policies and procedures to:

17 (i) Identify patients needing further nursing, therapy, or
18 supportive care following discharge from the hospital;

19 (ii) Develop a documented discharge plan for each identified
20 patient, including relevant patient history, specific care
21 requirements, and date such follow-up care is to be initiated;

22 (iii) Coordinate with patient, family, caregiver, and appropriate
23 members of the health care team;

24 (iv) Provide any patient, regardless of income status, written
25 information and verbal consultation regarding the array of long-term
26 care options available in the community, including the relative cost,
27 eligibility criteria, location, and contact persons;

28 (v) Promote an informed choice of long-term care services on the
29 part of patients, family members, and legal representatives; and

30 (vi) Coordinate with the department and specialized case management
31 agencies, including area agencies on aging and other appropriate long-
32 term care providers, as necessary, to ensure timely transition to
33 appropriate home, community residential, or nursing facility care.

34 (d) Work in cooperation with the department which is responsible
35 for ensuring that patients eligible for medicaid long-term care receive
36 prompt assessment and appropriate service authorization.

37 (2) In partnership with selected hospitals, the department of
38 social and health services shall develop and implement pilot projects

1 in up to three areas of the state with the goal of providing
2 information about appropriate in-home and community services to
3 individuals and their families early during the individual's hospital
4 stay.

5 The department shall not delay hospital discharges but shall assist
6 and support the activities of hospital discharge planners. The
7 department also shall coordinate with home health and hospice agencies
8 whenever appropriate. The role of the department is to assist the
9 hospital and to assist patients and their families in making informed
10 choices by providing information regarding home and community options.

11 ~~((The department shall by December 12, 1995, report to the house of
12 representatives health care committee and the senate health and long-
13 term care committee regarding the progress and results of the pilot
14 projects along with recommendations regarding continuation or
15 modification of the pilot projects.))~~

16 In conducting the pilot projects, the department shall:

17 (a) Assess and offer information regarding appropriate in-home and
18 community services to individuals who are medicaid clients or
19 applicants; and

20 (b) Offer assessment and information regarding appropriate in-home
21 and community services to individuals who are reasonably expected to
22 become medicaid recipients within one hundred eighty days of admission
23 to a nursing facility.

24 **Sec. 129.** RCW 70.93.250 and 1990 c 66 s 3 are each amended to read
25 as follows:

26 The department shall provide grants to local units of government to
27 establish, conduct, and evaluate community service programs for litter
28 cleanup. Programs eligible for grants under this section shall
29 include, but not be limited to, programs established pursuant to RCW
30 72.09.260. ~~((The department shall report to the appropriate standing
31 committees of the legislature by December 31, 1991, on the
32 effectiveness of community service litter cleanup programs funded from
33 grants under this section.))~~

34 **Sec. 130.** RCW 70.94.162 and 1993 c 252 s 6 are each amended to
35 read as follows:

36 (1) The department and delegated local air authorities are
37 authorized to determine, assess, and collect, and each permit program

1 source shall pay, annual fees sufficient to cover the direct and
2 indirect costs of implementing a state operating permit program
3 approved by the United States environmental protection agency under the
4 federal clean air act. However, a source that receives its operating
5 permit from the United States environmental protection agency shall not
6 be considered a permit program source so long as the environmental
7 protection agency continues to act as the permitting authority for that
8 source. Each permitting authority shall develop by rule a fee schedule
9 allocating among its permit program sources the costs of the operating
10 permit program, and may, by rule, establish a payment schedule whereby
11 periodic installments of the annual fee are due and payable more
12 frequently. All operating permit program fees collected by the
13 department shall be deposited in the air operating permit account. All
14 operating permit program fees collected by the delegated local air
15 authorities shall be deposited in their respective air operating permit
16 accounts or other accounts dedicated exclusively to support of the
17 operating permit program. The fees assessed under this subsection
18 shall first be due not less than forty-five days after the United
19 States environmental protection agency delegates to the department the
20 authority to administer the operating permit program and then annually
21 thereafter.

22 The department shall establish, by rule, procedures for
23 administrative appeals to the department regarding the fee assessed
24 pursuant to this subsection.

25 (2) The fee schedule developed by each permitting authority shall
26 fully cover and not exceed both its permit administration costs and the
27 permitting authority's share of state-wide program development and
28 oversight costs.

29 (a) Permit administration costs are those incurred by each
30 permitting authority, including the department, in administering and
31 enforcing the operating permit program with respect to sources under
32 its jurisdiction. Costs associated with the following activities are
33 fee eligible as these activities relate to the operating permit program
34 and to the sources permitted by a permitting authority, including,
35 where applicable, sources subject to a general permit:

36 (i) Preapplication assistance and review of an application and
37 proposed compliance plan for a permit, permit revision, or renewal;

- 1 (ii) Source inspections, testing, and other data-gathering
2 activities necessary for the development of a permit, permit revision,
3 or renewal;
- 4 (iii) Acting on an application for a permit, permit revision, or
5 renewal, including the costs of developing an applicable requirement as
6 part of the processing of a permit, permit revision, or renewal,
7 preparing a draft permit and fact sheet, and preparing a final permit,
8 but excluding the costs of developing BACT, LAER, BART, or RACT
9 requirements for criteria and toxic air pollutants;
- 10 (iv) Notifying and soliciting, reviewing and responding to comment
11 from the public and contiguous states and tribes, conducting public
12 hearings regarding the issuance of a draft permit and other costs of
13 providing information to the public regarding operating permits and the
14 permit issuance process;
- 15 (v) Modeling necessary to establish permit limits or to determine
16 compliance with permit limits;
- 17 (vi) Reviewing compliance certifications and emissions reports and
18 conducting related compilation and reporting activities;
- 19 (vii) Conducting compliance inspections, complaint investigations,
20 and other activities necessary to ensure that a source is complying
21 with permit conditions;
- 22 (viii) Administrative enforcement activities and penalty
23 assessment, excluding the costs of proceedings before the pollution
24 control hearings board and all costs of judicial enforcement;
- 25 (ix) The share attributable to permitted sources of the development
26 and maintenance of emissions inventories;
- 27 (x) The share attributable to permitted sources of ambient air
28 quality monitoring and associated recording and reporting activities;
- 29 (xi) Training for permit administration and enforcement;
- 30 (xii) Fee determination, assessment, and collection, including the
31 costs of necessary administrative dispute resolution and penalty
32 collection;
- 33 (xiii) Required fiscal audits, periodic performance audits, and
34 reporting activities;
- 35 (xiv) Tracking of time, revenues and expenditures, and accounting
36 activities;
- 37 (xv) Administering the permit program including the costs of
38 clerical support, supervision, and management;

1 (xvi) Provision of assistance to small businesses under the
2 jurisdiction of the permitting authority as required under section 507
3 of the federal clean air act; and

4 (xvii) Other activities required by operating permit regulations
5 issued by the United States environmental protection agency under the
6 federal clean air act.

7 (b) Development and oversight costs are those incurred by the
8 department in developing and administering the state operating permit
9 program, and in overseeing the administration of the program by the
10 delegated local permitting authorities. Costs associated with the
11 following activities are fee eligible as these activities relate to the
12 operating permit program:

13 (i) Review and determinations necessary for delegation of authority
14 to administer and enforce a permit program to a local air authority
15 under RCW 70.94.161(2) and 70.94.860;

16 (ii) Conducting fiscal audits and periodic performance audits of
17 delegated local authorities, and other oversight functions required by
18 the operating permit program;

19 (iii) Administrative enforcement actions taken by the department on
20 behalf of a permitting authority, including those actions taken by the
21 department under RCW 70.94.785, but excluding the costs of proceedings
22 before the pollution control hearings board and all costs of judicial
23 enforcement;

24 (iv) Determination and assessment with respect to each permitting
25 authority of the fees covering its share of the costs of development
26 and oversight;

27 (v) Training and assistance for permit program administration and
28 oversight, including training and assistance regarding technical,
29 administrative, and data management issues;

30 (vi) Development of generally applicable regulations or guidance
31 regarding the permit program or its implementation or enforcement;

32 (vii) State codification of federal rules or standards for
33 inclusion in operating permits;

34 (viii) Preparation of delegation package and other activities
35 associated with submittal of the state permit program to the United
36 States environmental protection agency for approval, including ongoing
37 coordination activities;

1 (ix) General administration and coordination of the state permit
2 program, related support activities, and other agency indirect costs,
3 including necessary data management and quality assurance;

4 (x) Required fiscal audits and periodic performance audits of the
5 department, and reporting activities;

6 (xi) Tracking of time, revenues and expenditures, and accounting
7 activities;

8 (xii) Public education and outreach related to the operating permit
9 program, including the maintenance of a permit register;

10 (xiii) The share attributable to permitted sources of compiling and
11 maintaining emissions inventories;

12 (xiv) The share attributable to permitted sources of ambient air
13 quality monitoring, related technical support, and associated recording
14 activities;

15 (xv) The share attributable to permitted sources of modeling
16 activities;

17 (xvi) Provision of assistance to small business as required under
18 section 507 of the federal clean air act as it exists on July 25, 1993,
19 or its later enactment as adopted by reference by the director by rule;

20 (xvii) Provision of services by the department of revenue and the
21 office of the state attorney general and other state agencies in
22 support of permit program administration;

23 (xviii) A one-time revision to the state implementation plan to
24 make those administrative changes necessary to ensure coordination of
25 the state implementation plan and the operating permit program; and

26 (xix) Other activities required by operating permit regulations
27 issued by the United States environmental protection agency under the
28 federal clean air act.

29 (3) The responsibility for operating permit fee determination,
30 assessment, and collection is to be shared by the department and
31 delegated local air authorities as follows:

32 (a) Each permitting authority, including the department, acting in
33 its capacity as a permitting authority, shall develop a fee schedule
34 and mechanism for collecting fees from the permit program sources under
35 its jurisdiction; the fees collected by each authority shall be
36 sufficient to cover its costs of permit administration and its share of
37 the department's costs of development and oversight. Each delegated
38 local authority shall remit to the department its share of the
39 department's development and oversight costs.

1 (b) Only those local air authorities to whom the department has
2 delegated the authority to administer the program pursuant to RCW
3 70.94.161(2) (b) and (c) and 70.94.860 shall have the authority to
4 administer and collect operating permit fees. The department shall
5 retain the authority to administer and collect such fees with respect
6 to the sources within the jurisdiction of a local air authority until
7 the effective date of program delegation to that air authority.

8 (c) The department shall allocate its development and oversight
9 costs among all permitting authorities, including the department, in
10 proportion to the number of permit program sources under the
11 jurisdiction of each authority, except that extraordinary costs or
12 other costs readily attributable to a specific permitting authority may
13 be assessed that authority. For purposes of this subsection, all
14 sources covered by a single general permit shall be treated as one
15 source.

16 (4) The department and each delegated local air authority shall
17 adopt by rule a general permit fee schedule for sources under their
18 respective jurisdictions after such time as the department adopts
19 provisions for general permit issuance. Within ninety days of the time
20 that the department adopts a general permit fee schedule, the
21 department shall report to the relevant standing committees of the
22 legislature regarding the general permit fee schedules adopted by the
23 department and by the delegated local air authorities. The permit
24 administration costs of each general permit shall be allocated
25 equitably among only those sources subject to that general permit. The
26 share of development and oversight costs attributable to each general
27 permit shall be determined pursuant to subsection (3)(c) of this
28 section.

29 (5) The fee schedule developed by the department shall allocate
30 among the sources for whom the department acts as a permitting
31 authority, other than sources subject to a general permit, those
32 portions of the department's permit administration costs and the
33 department's share of the development and oversight costs which the
34 department does not plan to recover under its general permit fee
35 schedule or schedules as follows:

36 (a) The department shall allocate its permit administration costs
37 and its share of the development and oversight costs not recovered
38 through general permit fees according to a three-tiered model based
39 upon:

1 (i) The number of permit program sources under its jurisdiction;
2 (ii) The complexity of permit program sources under its
3 jurisdiction; and

4 (iii) The size of permit program sources under its jurisdiction, as
5 measured by the quantity of each regulated pollutant emitted by the
6 source.

7 (b) Each of the three tiers shall be equally weighted.

8 (c) The department may, in addition, allocate activities-based
9 costs readily attributable to a specific source to that source under
10 RCW 70.94.152(1) and 70.94.154(7).

11 The quantity of each regulated pollutant emitted by a source shall
12 be determined based on the annual emissions during the most recent
13 calendar year for which data is available.

14 (6) The department shall, after opportunity for public review and
15 comment, adopt rules that establish a process for development and
16 review of its operating permit program fee schedule, a methodology for
17 tracking program revenues and expenditures and, for both the department
18 and the delegated local air authorities, a system of fiscal audits,
19 reports, and periodic performance audits.

20 (a) The fee schedule development and review process shall include
21 the following:

22 (i) The department shall conduct a biennial workload analysis. The
23 department shall provide the opportunity for public review of and
24 comment on the workload analysis. The department shall review and
25 update its workload analysis during each biennial budget cycle, taking
26 into account information gathered by tracking previous revenues, time,
27 and expenditures and other information obtained through fiscal audits
28 and performance audits.

29 (ii) The department shall prepare a biennial budget based upon the
30 resource requirements identified in the workload analysis for that
31 biennium. In preparing the budget, the department shall take into
32 account the projected operating permit account balance at the start of
33 the biennium. The department shall provide the opportunity for public
34 review of and comment on the proposed budget. The department shall
35 review and update its budget each biennium.

36 (iii) The department shall develop a fee schedule allocating the
37 department's permit administration costs and its share of the
38 development and oversight costs among the department's permit program
39 sources using the methodology described in subsection (5) of this

1 section. The department shall provide the opportunity for public
2 review of and comment on the allocation methodology and fee schedule.
3 The department shall provide procedures for administrative resolution
4 of disputes regarding the source data on which allocation
5 determinations are based; these procedures shall be designed such that
6 resolution occurs prior to the completion of the allocation process.
7 The department shall review and update its fee schedule annually.

8 (b) The methodology for tracking revenues and expenditures shall
9 include the following:

10 (i) The department shall develop a system for tracking revenues and
11 expenditures that provides the maximum practicable information. At a
12 minimum, revenues from fees collected under the operating permit
13 program shall be tracked on a source-specific basis and time and
14 expenditures required to administer the program shall be tracked on the
15 basis of source categories and functional categories. Each general
16 permit will be treated as a separate source category for tracking and
17 accounting purposes.

18 (ii) The department shall use the information obtained from
19 tracking revenues, time, and expenditures to modify the workload
20 analysis required in subsection (6)(a) of this section.

21 (iii) The information obtained from tracking revenues, time, and
22 expenditures shall not provide a basis for challenge to the amount of
23 an individual source's fee.

24 ~~((iv) On or before December 1, 1996, the department shall report
25 to the appropriate standing committees of the legislature
26 recommendations on the administrative feasibility and benefits of
27 source-specific tracking of time and expenditures. The report may
28 include findings from demonstration projects wherein time and
29 expenditures are tracked on a source-specific basis.))~~

30 (c) The system of fiscal audits, reports, and periodic performance
31 audits shall include the following:

32 (i) The department and the delegated local air authorities shall
33 prepare annual reports and shall submit the reports to, respectively,
34 the appropriate standing committees of the legislature and the board of
35 directors of the local air authority.

36 (ii) The department shall arrange for fiscal audits and routine
37 performance audits and for periodic intensive performance audits of
38 each permitting authority and of the department.

1 (7) Each local air authority requesting delegation shall, after
2 opportunity for public review and comment, publish regulations which
3 establish a process for development and review of its operating permit
4 program fee schedule, and a methodology for tracking its revenues and
5 expenditures. These regulations shall be submitted to the department
6 for review and approval as part of the local authority's delegation
7 request.

8 (8) As used in this section and in RCW 70.94.161(14), "regulated
9 pollutant" shall have the same meaning as defined in section 502(b) of
10 the federal clean air act as it exists on July 25, 1993, or its later
11 enactment as adopted by reference by the director by rule.

12 (9) ~~((The department shall report to the appropriate standing
13 committees of the legislature by December 1, 1995, regarding the
14 appropriateness of the fee structures authorized under this section for
15 those sources not subject to permit program requirements as of July 25,
16 1993, but which later become subject to such permit program
17 requirements. In preparing the report, the department shall consult
18 with representatives of such sources, local air authorities,
19 environmental groups, and other interested parties.))~~ Fee structures
20 as authorized under this section shall remain in effect until such time
21 as the legislature authorizes an alternative structure following
22 receipt of the report required by this subsection.

23 **Sec. 131.** RCW 70.94.656 and 1995 c 261 s 1 are each amended to
24 read as follows:

25 It is hereby declared to be the policy of this state that strong
26 efforts should be made to minimize adverse effects on air quality from
27 the open burning of field and turf grasses grown for seed. To such end
28 this section is intended to promote the development of economical and
29 practical alternate agricultural practices to such burning, and to
30 provide for interim regulation of such burning until practical
31 alternates are found.

32 (1) The department shall approve of a study or studies for the
33 exploration and identification of economical and practical alternate
34 agricultural practices to the open burning of field and turf grasses
35 grown for seed. Any study conducted pursuant to this section shall be
36 conducted by Washington State University. The university may not
37 charge more than eight percent for administrative overhead. Prior to
38 the issuance of any permit for such burning under RCW 70.94.650, there

1 shall be collected a fee not to exceed one dollar per acre of crop to
2 be burned. Any such fees received by any authority shall be
3 transferred to the department of ecology. The department of ecology
4 shall deposit all such acreage fees in a special grass seed burning
5 research account, hereby created, in the state treasury.

6 (2) The department shall allocate moneys annually from this account
7 for the support of any approved study or studies as provided for in
8 subsection (1) of this section. Whenever the department of ecology
9 shall conclude that sufficient reasonably available alternates to open
10 burning have been developed, and at such time as all costs of any
11 studies have been paid, the grass seed burning research account shall
12 be dissolved, and any money remaining therein shall revert to the
13 general fund. The fee collected under subsection (1) of this section
14 shall constitute the research portion of fees required under RCW
15 70.94.650 for open burning of grass grown for seed.

16 (3) Whenever on the basis of information available to it, the
17 department after public hearings have been conducted wherein testimony
18 will be received and considered from interested parties wishing to
19 testify shall conclude that any procedure, program, technique, or
20 device constitutes a practical alternate agricultural practice to the
21 open burning of field or turf grasses grown for seed, the department
22 shall, by order, certify approval of such alternate. Thereafter, in
23 any case which any such approved alternate is reasonably available, the
24 open burning of field and turf grasses grown for seed shall be
25 disallowed and no permit shall issue therefor.

26 (4) Until approved alternates become available, the department or
27 the authority may limit the number of acres on a pro rata basis among
28 those affected for which permits to burn will be issued in order to
29 effectively control emissions from this source.

30 (5) Permits issued for burning of field and turf grasses may be
31 conditioned to minimize emissions insofar as practical, including
32 denial of permission to burn during periods of adverse meteorological
33 conditions.

34 (6) By November 1, 1996, and every two years thereafter until grass
35 seed burning is prohibited, Washington State University (~~shall submit~~
36 ~~to the appropriate standing committees of the legislature~~) may prepare
37 a brief report assessing the potential of the university's research to
38 result in economical and practical alternatives to grass seed burning.

1 **Sec. 132.** RCW 70.95.263 and 1975-'76 2nd ex.s. c 41 s 5 are each
2 amended to read as follows:

3 The department shall in addition to its other duties and powers
4 under this chapter:

5 (1) Prepare the following:

6 (a) A management system for recycling waste paper generated by
7 state offices and institutions in cooperation with such offices and
8 institutions;

9 (b) An evaluation of existing and potential systems for recovery of
10 energy and materials from solid waste with recommendations to affected
11 governmental agencies as to those systems which would be the most
12 appropriate for implementation;

13 (c) A data management system to evaluate and assist the progress of
14 state and local jurisdictions and private industry in resource
15 recovery;

16 (d) Identification of potential markets, in cooperation with
17 private industry, for recovered resources and the impact of the
18 distribution of such resources on existing markets;

19 (e) Studies on methods of transportation, collection, reduction,
20 separation, and packaging which will encourage more efficient
21 utilization of existing waste recovery facilities;

22 (f) Recommendations on incentives, including state grants, loans,
23 and other assistance, to local governments which will encourage the
24 recovery and recycling of solid wastes.

25 (2) Provide technical information and assistance to state and local
26 jurisdictions, the public, and private industry on solid waste recovery
27 and/or recycling.

28 (3) Procure and expend funds available from federal agencies and
29 other sources to assist the implementation by local governments of
30 solid waste recovery and/or recycling programs, and projects.

31 (4) Conduct necessary research and studies to carry out the
32 purposes of this chapter.

33 (5) Encourage and assist local governments and private industry to
34 develop pilot solid waste recovery and/or recycling projects.

35 (6) Monitor, assist with research, and collect data for use in
36 assessing feasibility for others to develop solid waste recovery and/or
37 recycling projects.

1 (~~(7) Make periodic recommendations to the governor and the~~
2 ~~legislature on actions and policies which would further implement the~~
3 ~~objectives of chapter 41, Laws of 1975-'76 2nd ex. sess.))~~)

4 **Sec. 133.** RCW 70.95.810 and 1995 c 399 s 191 are each amended to
5 read as follows:

6 (1) In order to establish the feasibility of composting food and
7 yard wastes, the department shall provide funds, as available, to local
8 governments submitting a proposal to compost such wastes.

9 (2) The department, in cooperation with the department of
10 community, trade, and economic development, may approve an application
11 if the project can demonstrate the essential parameters for successful
12 composting, including, but not limited to, cost-effectiveness, handling
13 and safety requirements, and current and potential markets.

14 (~~(3) The department shall periodically report to the appropriate~~
15 ~~standing committees of the legislature on the need for, and feasibility~~
16 ~~of, composting systems for food and yard wastes.))~~)

17 **Sec. 134.** RCW 70.95C.030 and 1990 c 114 s 3 are each amended to
18 read as follows:

19 (1) There is established in the department an office of waste
20 reduction. The office shall use its authorities to encourage the
21 voluntary reduction of hazardous substance usage and waste generation
22 by waste generators and hazardous substance users. The office shall
23 prepare and submit a quarterly progress report to the director (~~and~~
24 ~~the director shall submit an annual progress report to the appropriate~~
25 ~~environmental standing committees of the legislature beginning December~~
26 ~~31, 1988)).~~)

27 (2) The office shall be the coordinating center for all state
28 agency programs that provide technical assistance to waste generators
29 and hazardous substance users and shall serve as the state's lead
30 agency and promoter for such programs. In addition to this
31 coordinating function, the office shall encourage hazardous substance
32 use reduction and waste reduction by:

33 (a) Providing for the rendering of advice and consultation to waste
34 generators and hazardous substance users on hazardous substance use
35 reduction and waste reduction techniques, including assistance in
36 preparation of plans provided for in RCW 70.95C.200;

1 (b) Sponsoring or co-sponsoring with public or private
2 organizations technical workshops and seminars on waste reduction and
3 hazardous substance use reduction;

4 (c) Administering a waste reduction and hazardous substance use
5 reduction data base and hotline providing comprehensive referral
6 services to waste generators and hazardous substance users;

7 (d) Administering a waste reduction and hazardous substance use
8 reduction research and development program;

9 (e) Coordinating a waste reduction and hazardous substance use
10 reduction public education program that includes the utilization of
11 existing publications from public and private sources, as well as
12 publishing necessary new materials on waste reduction;

13 (f) Recommending to institutions of higher education in the state
14 courses and curricula in areas related to waste reduction and hazardous
15 substance use reduction; and

16 (g) Operating an intern program in cooperation with institutions of
17 higher education and other outside resources to provide technical
18 assistance on hazardous substance use reduction and waste reduction
19 techniques and to carry out research projects as needed within the
20 office.

21 **Sec. 135.** RCW 70.95C.250 and 1994 c 248 s 1 are each amended to
22 read as follows:

23 (1) Not later than January 1, 1995, the department shall designate
24 an industry type and up to ten individual facilities within that
25 industry type to be the focus of a pilot multimedia program. The
26 program shall be designed to coordinate department actions related to
27 environmental permits, plans, approvals, certificates, registrations,
28 technical assistance, and inspections. The program shall also
29 investigate the feasibility of issuing facility-wide permits. The
30 director shall determine the industry type and facilities based on:

31 (a) A review of at least three industry types; and

32 (b) Criteria which shall include at least the following factors:

33 (i) The potential for the industry to serve as a state-wide model
34 for multimedia environmental programs including pollution prevention;

35 (ii) Whether the industry type is subject to regulatory
36 requirements relating to at least two of the following subject areas:
37 Air quality, water quality, or hazardous waste management;

1 (iii) The existence within the industry type of a range of business
2 sizes; and

3 (iv) Voluntary participation in the program.

4 (2) (~~Not later than January 1, 1997, the department shall submit~~
5 ~~to the governor and the appropriate standing committees of the~~
6 ~~legislature:~~

7 ~~(a) A report evaluating the pilot multimedia program. The report~~
8 ~~shall consider the program's effect on the efficiency and effectiveness~~
9 ~~of program delivery and shall evaluate the feasibility of expanding the~~
10 ~~program to other industry types; and~~

11 ~~(b) A report analyzing the feasibility of a facility-wide permit~~
12 ~~program.~~

13 ~~(3))~~ In developing the program, the department shall consult with
14 and seek the cooperation of the environmental protection agency.

15 ~~((4))~~ (3) For purposes of this section, "facility-wide permit"
16 means a single multimedia permit issued by the department to the owner
17 or operator of a facility incorporating the permits and any other
18 relevant department approvals previously issued to the owner or
19 operator or currently required by the department.

20 **Sec. 136.** RCW 70.96A.420 and 1995 c 321 s 3 are each amended to
21 read as follows:

22 (1) The department, in consultation with opiate substitution
23 treatment service providers and counties authorizing opiate
24 substitution treatment programs, shall establish state-wide treatment
25 standards for opiate substitution treatment programs. The department
26 and counties that authorize opiate substitution treatment programs
27 shall enforce these treatment standards. The treatment standards shall
28 include, but not be limited to, reasonable provisions for all
29 appropriate and necessary medical procedures, counseling requirements,
30 urinalysis, and other suitable tests as needed to ensure compliance
31 with this chapter. A opiate substitution treatment program shall not
32 have a caseload in excess of three hundred fifty persons.

33 (2) The department, in consultation with opiate substitution
34 treatment programs and counties authorizing opiate substitution
35 treatment programs, shall establish state-wide operating standards for
36 opiate substitution treatment programs. The department and counties
37 that authorize opiate substitution treatment programs shall enforce
38 these operating standards. The operating standards shall include, but

1 not be limited to, reasonable provisions necessary to enable the
2 department and authorizing counties to monitor certified and licensed
3 opiate substitution treatment programs for compliance with this chapter
4 and the treatment standards authorized by this chapter and to minimize
5 the impact of the opiate substitution treatment programs upon the
6 business and residential neighborhoods in which the program is located.

7 (3) The department shall establish criteria for evaluating the
8 compliance of opiate (~~(substitute—[substitution])~~) substitution
9 treatment programs with the goals and standards established under this
10 chapter. As a condition of certification, opiate substitution programs
11 shall submit an annual report to the department and county legislative
12 authority, including data as specified by the department necessary for
13 outcome analysis. The department shall analyze and evaluate the data
14 submitted by each treatment program and take corrective action where
15 necessary to ensure compliance with the goals and standards enumerated
16 under this chapter. (~~(Before January 1 of each year, the department~~
17 ~~shall submit an annual report to the legislature, including the outcome~~
18 ~~analysis of each treatment program.)~~)

19 **Sec. 137.** RCW 70.96A.500 and 1995 c 54 s 2 are each amended to
20 read as follows:

21 (~~(1)~~) The department shall contract with the University of
22 Washington fetal alcohol syndrome clinic to provide fetal alcohol
23 exposure screening and assessment services. The University indirect
24 charges shall not exceed ten percent of the total contract amount. The
25 contract shall require the University of Washington fetal alcohol
26 syndrome clinic to provide the following services:

27 (~~(a)~~) (1) Training for health care staff in community-based fetal
28 alcohol exposure clinics to ensure the accurate diagnosis of
29 individuals with fetal alcohol exposure and the development and
30 implementation of appropriate service referral plans;

31 (~~(b)~~) (2) Development of written or visual educational materials
32 for the individuals diagnosed with fetal alcohol exposure and their
33 families or caregivers;

34 (~~(c)~~) (3) Systematic information retrieval from each community
35 clinic to (~~(i)~~) (a) maintain diagnostic accuracy and reliability
36 across all community clinics, (~~(ii)~~) (b) facilitate the development
37 of effective and efficient screening tools for population-based
38 identification of individuals with fetal alcohol exposure, (~~(iii)~~)

1 (c) facilitate identification of the most clinically efficacious and
2 cost-effective educational, social, vocational, and health service
3 interventions for individuals with fetal alcohol exposure;

4 ~~((d))~~ (4) Based on available funds, establishment of a network of
5 community-based fetal alcohol exposure clinics across the state to meet
6 the demand for fetal alcohol exposure diagnostic and referral services;
7 and

8 ~~((e))~~ (5) Preparation of an annual report for submission to the
9 department of health, the department of social and health services, the
10 department of corrections, and the office of the superintendent of
11 public instruction which includes the information retrieved under
12 subsection ~~((1)(e))~~ (3) of this section.

13 ~~((2) The department shall submit to the legislature, by January 1,
14 1996, a copy of the governor's fetal alcohol syndrome advisory board
15 report.)~~

16 **Sec. 138.** RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, and
17 1991 c 29 s 1 are each reenacted and amended to read as follows:

18 (1) The department is designated as the state mental health
19 authority.

20 (2) The secretary may provide for public, client, and licensed
21 service provider participation in developing the state mental health
22 program.

23 (3) The secretary shall provide for participation in developing the
24 state mental health program for children and other underserved
25 populations, by including representatives on any committee established
26 to provide oversight to the state mental health program.

27 (4) The secretary shall be designated as the county authority if a
28 county fails to meet state minimum standards or refuses to exercise
29 responsibilities under RCW 71.24.045.

30 (5) The secretary shall:

31 (a) Develop a biennial state mental health program that
32 incorporates county biennial needs assessments and county mental health
33 service plans and state services for mentally ill adults and children.
34 The secretary may also develop a six-year state mental health plan;

35 (b) Assure that any county community mental health program provides
36 access to treatment for the county's residents in the following order
37 of priority: (i) The acutely mentally ill; (ii) chronically mentally

1 ill adults and severely emotionally disturbed children; and (iii) the
2 seriously disturbed. Such programs shall provide:

3 (A) Outpatient services;

4 (B) Emergency care services for twenty-four hours per day;

5 (C) Day treatment for mentally ill persons which includes training
6 in basic living and social skills, supported work, vocational
7 rehabilitation, and day activities. Such services may include
8 therapeutic treatment. In the case of a child, day treatment includes
9 age-appropriate basic living and social skills, educational and
10 prevocational services, day activities, and therapeutic treatment;

11 (D) Screening for patients being considered for admission to state
12 mental health facilities to determine the appropriateness of admission;

13 (E) Employment services, which may include supported employment,
14 transitional work, placement in competitive employment, and other work-
15 related services, that result in mentally ill persons becoming engaged
16 in meaningful and gainful full or part-time work. Other sources of
17 funding such as the division of vocational rehabilitation may be
18 utilized by the secretary to maximize federal funding and provide for
19 integration of services;

20 (F) Consultation and education services; and

21 (G) Community support services;

22 (c) Develop and (~~promulgate~~) adopt rules establishing state
23 minimum standards for the delivery of mental health services including,
24 but not limited to:

25 (i) Licensed service providers;

26 (ii) Regional support networks; and

27 (iii) Residential and inpatient services, evaluation and treatment
28 services and facilities under chapter 71.05 RCW, resource management
29 services, and community support services;

30 (d) Assure that the special needs of minorities, the elderly,
31 disabled, children, and low-income persons are met within the
32 priorities established in this section;

33 (e) Establish a standard contract or contracts, consistent with
34 state minimum standards, which shall be used by the counties;

35 (f) Establish, to the extent possible, a standardized auditing
36 procedure which minimizes paperwork requirements of county authorities
37 and licensed service providers;

38 (g) Develop and maintain an information system to be used by the
39 state, counties, and regional support networks when they are

1 established which shall include a tracking method which allows the
2 department and regional support networks to identify mental health
3 clients' participation in any mental health service or public program
4 on an immediate basis. The information system shall not include
5 individual patient's case history files. Confidentiality of client
6 information and records shall be maintained as provided in this chapter
7 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and
8 71.05.440. The system shall be fully operational no later than January
9 1, 1993: PROVIDED, HOWEVER, That when a regional support network is
10 established, the department shall have an operational interim tracking
11 system for that network that will be adequate for the regional support
12 network to perform its required duties under this chapter;

13 (h) License service providers who meet state minimum standards;

14 (i) Certify regional support networks that meet state minimum
15 standards;

16 (j) Periodically inspect certified regional support networks and
17 licensed service providers at reasonable times and in a reasonable
18 manner; and

19 (k) Fix fees to be paid by evaluation and treatment centers to the
20 secretary for the required inspections;

21 (l) Monitor and audit counties, regional support networks, and
22 licensed service providers as needed to assure compliance with
23 contractual agreements authorized by this chapter;

24 (m) Prior to September 1, 1989, adopt such rules as are necessary
25 to implement the department's responsibilities under this chapter
26 pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be
27 submitted to the appropriate committees of the legislature for review
28 and comment prior to adoption; and

29 (n) Beginning July 1, 1989, and continuing through July 1, 1993,
30 track by region and county the use and cost of state hospital and local
31 evaluation and treatment facilities for seventy-two hour detention,
32 fourteen, ninety, and one hundred eighty day commitments pursuant to
33 chapter 71.05 RCW, voluntary care in state hospitals, and voluntary
34 community inpatient care covered by the medical assistance program.
35 Service use and cost reports shall be provided to regions in a timely
36 fashion at six-month intervals.

37 (6) The secretary shall use available resources appropriated
38 specifically for community mental health programs only for programs
39 under RCW 71.24.045. After July 1, 1995, or when regional support

1 networks are established, available resources may be used only for
2 regional support networks.

3 (7) Each certified regional support network and licensed service
4 provider shall file with the secretary, on request, such data,
5 statistics, schedules, and information as the secretary reasonably
6 requires. A certified regional support network or licensed service
7 provider which, without good cause, fails to furnish any data,
8 statistics, schedules, or information as requested, or files fraudulent
9 reports thereof, may have its certification or license revoked or
10 suspended.

11 (8) The secretary may suspend, revoke, limit, or restrict a
12 certification or license, or refuse to grant a certification or license
13 for failure to conform to the law, applicable rules and regulations, or
14 applicable standards, or failure to meet the minimum standards
15 established pursuant to this section.

16 (9) The superior court may restrain any regional support network or
17 service provider from operating without certification or a license or
18 any other violation of this section. The court may also review,
19 pursuant to procedures contained in chapter 34.05 RCW, any denial,
20 suspension, limitation, restriction, or revocation of certification or
21 license, and grant other relief required to enforce the provisions of
22 this chapter.

23 (10) Upon petition by the secretary, and after hearing held upon
24 reasonable notice to the facility, the superior court may issue a
25 warrant to an officer or employee of the secretary authorizing him or
26 her to enter at reasonable times, and examine the records, books, and
27 accounts of any regional support network or service provider refusing
28 to consent to inspection or examination by the authority.

29 (11) The secretary shall adopt such rules as may be necessary to
30 effectuate the intent and purposes of this chapter, which shall include
31 but not be limited to certification and licensing and other action
32 relevant to certifying regional support networks and licensing service
33 providers.

34 (12) Notwithstanding the existence or pursuit of any other remedy,
35 the secretary may, in the manner provided by law, upon the advice of
36 the attorney general who shall represent the secretary in the
37 proceedings, maintain an action in the name of the state for an
38 injunction or other process against any person or governmental unit to
39 restrain or prevent the establishment, conduct, or operation of a

1 regional support network or service provider without certification or
2 a license under this chapter.

3 (13) The standards for certification of evaluation and treatment
4 facilities shall include standards relating to maintenance of good
5 physical and mental health and other services to be afforded persons
6 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise
7 assure the effectuation of the purposes and intent of this chapter and
8 chapter 71.05 RCW.

9 (14)(a) The department, in consultation with affected parties,
10 shall establish a distribution formula that reflects county needs
11 assessments based on the number of persons who are acutely mentally
12 ill, chronically mentally ill, severely emotionally disturbed, and
13 seriously disturbed as defined in chapter 71.24 RCW. The formula shall
14 take into consideration the impact on counties of demographic factors
15 in counties which result in concentrations of priority populations as
16 defined in subsection (15) of this section. These factors shall
17 include the population concentrations resulting from commitments under
18 the involuntary treatment act, chapter 71.05 RCW, to state psychiatric
19 hospitals, as well as concentration in urban areas, at border crossings
20 at state boundaries, and other significant demographic and workload
21 factors.

22 (b) (~~The department shall submit a proposed distribution formula~~
23 ~~in accordance with this section to the ways and means and health and~~
24 ~~long term care committees of the senate and to the ways and means and~~
25 ~~human services committees of the house of representatives by October 1,~~
26 ~~1991.~~) The formula shall also include a projection of the funding
27 allocations that will result for each county, which specifies
28 allocations according to priority populations, including the allocation
29 for services to children and other underserved populations.

30 (15) To supersede duties assigned under subsection (5)(a) and (b)
31 of this section, and to assure a county-based, integrated system of
32 care for acutely mentally ill adults and children, chronically mentally
33 ill adults, severely emotionally disturbed children, and seriously
34 disturbed adults and children who are determined by regional support
35 networks at their sole discretion to be at risk of becoming acutely or
36 chronically mentally ill, or severely emotionally disturbed, the
37 secretary shall encourage the development of regional support networks
38 as follows:

1 By December 1, 1989, the secretary shall recognize regional support
2 networks requested by counties or groups of counties.

3 All counties wishing to be recognized as a regional support network
4 on December 1, 1989, shall submit their intentions regarding
5 participation in the regional support networks by October 30, 1989,
6 along with preliminary plans. Counties wishing to be recognized as a
7 regional support network by January 1st of any year thereafter shall
8 submit their intentions by October 30th of the previous year along with
9 preliminary plans. The secretary shall assume all duties assigned to
10 the nonparticipating counties under chapters 71.05 and 71.24 RCW on
11 July 1, 1995. Such responsibilities shall include those which would
12 have been assigned to the nonparticipating counties under regional
13 support networks.

14 The implementation of regional support networks, or the secretary's
15 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,
16 shall be included in all state and federal plans affecting the state
17 mental health program including at least those required by this
18 chapter, the medicaid program, and P.L. 99-660. Nothing in these plans
19 shall be inconsistent with the intent and requirements of this chapter.

20 (16) By January 1, 1992, the secretary shall provide available
21 resources to regional support networks to operate freestanding
22 evaluation and treatment facilities or for regional support networks to
23 contract with local hospitals to assure access for regional support
24 network patients.

25 (17) The secretary shall:

26 (a) Disburse the first funds for the regional support networks that
27 are ready to begin implementation by January 1, 1990, or within sixty
28 days of approval of the biennial contract. The department must either
29 approve or reject the biennial contract within sixty days of receipt.

30 (b) Enter into biennial contracts with regional support networks to
31 begin implementation between January 1, 1990, and March 1, 1990, and
32 complete implementation by June 1995. The contracts shall be
33 consistent with available resources. No contract shall be approved
34 that does not include progress toward meeting the goals of this chapter
35 by taking responsibility for: (i) Short-term commitments; (ii)
36 residential care; and (iii) emergency response systems.

37 (c) By July 1, 1993, allocate one hundred percent of available
38 resources to regional support networks created by January 1, 1990, in
39 a single grant. Regional support networks created by January 1, 1991,

1 shall receive a single block grant by July 1, 1993; regional support
2 networks created by January 1, 1992, shall receive a single block grant
3 by July 1, 1994; and regional support networks created by January 1,
4 1993, shall receive a single block grant by July 1, 1995. The grants
5 shall include funds currently provided for all residential services,
6 all services pursuant to chapter 71.05 RCW, and all community support
7 services and shall be distributed in accordance with a formula
8 submitted to the legislature by January 1, 1993, in accordance with
9 subsection (14) of this section.

10 (d) By January 1, 1990, allocate available resources to regional
11 support networks for community support services, resource management
12 services, and residential services excluding evaluation and treatment
13 facilities provided pursuant to chapter 71.05 RCW in a single grant
14 using the distribution formula established in subsection (14) of this
15 section.

16 (e) By March 1, 1990, or within sixty days of approval of the
17 contract continuing through July 1, 1993, provide grants as
18 specifically appropriated by the legislature to regional support
19 networks for evaluation and treatment facilities for persons detained
20 or committed for periods up to seventeen days according to chapter
21 71.05 RCW. For regional support networks created by January 1, 1993,
22 provide grants as specifically appropriated by the legislature to
23 regional support networks for evaluation and treatment facilities for
24 persons detained or committed for periods up to seventeen days
25 according to chapter 71.05 RCW through July 1, 1995.

26 (f) Notify regional support networks of their allocation of
27 available resources at least sixty days prior to the start of a new
28 biennial contract period.

29 (g) Deny funding allocations to regional support networks based
30 solely upon formal findings of noncompliance with the terms of the
31 regional support network's contract with the department. Written
32 notice and at least thirty days for corrective action must precede any
33 such action. In such cases, regional support networks shall have full
34 rights to appeal under chapter 34.05 RCW.

35 (h) Identify in its departmental biennial operating and capital
36 budget requests the funds requested by regional support networks to
37 implement their responsibilities under this chapter.

1 (i) Contract to provide or, if requested, make grants to counties
2 to provide technical assistance to county authorities or groups of
3 county authorities to develop regional support networks.

4 (18) The department of social and health services, in cooperation
5 with the state congressional delegation, shall actively seek waivers of
6 federal requirements and such modifications of federal regulations as
7 are necessary to allow federal medicaid reimbursement for services
8 provided by free-standing evaluation and treatment facilities certified
9 under chapter 71.05 RCW. The department shall periodically report its
10 efforts to the health care and corrections committee of the senate and
11 the human services committee of the house of representatives.

12 (19) The secretary shall establish a task force to examine the
13 recruitment, training, and compensation of qualified mental health
14 professionals in the community, which shall include the advantages and
15 disadvantages of establishing a training academy, loan forgiveness
16 program, or educational stipends offered in exchange for commitments of
17 employment in mental health. (~~The task force shall report back to the~~
18 ~~appropriate committees of the legislature by January 1, 1990.~~)

19 **Sec. 139.** RCW 71.24.410 and 1994 c 259 s 3 are each amended to
20 read as follows:

21 The project established in RCW 71.24.405 must be implemented by
22 July 1, 1995, in at least two regional support networks, (~~with annual~~
23 ~~progress reports submitted to the appropriate committees of the~~
24 ~~legislature beginning November 1, 1994,~~) and in all regional support
25 networks state-wide with full implementation of the most effective and
26 efficient practices identified by the evaluation in RCW 71.24.405 no
27 later than July 1, 1997. (~~In addition, the department of social and~~
28 ~~health services, the participating regional support networks, and the~~
29 ~~local mental health service providers shall report to the appropriate~~
30 ~~policy and fiscal committees of the legislature on the need for any~~
31 ~~changes in state statute, rule, policy, or procedure, and any change in~~
32 ~~federal statute, regulation, policy, or procedure to ensure the~~
33 ~~purposes specified in RCW 71.24.400 are carried out.~~)

34 **Sec. 140.** RCW 72.09.040 and 1981 c 136 s 4 are each amended to
35 read as follows:

36 All powers, duties, and functions assigned to the secretary of
37 social and health services and to the department of social and health

1 services relating to adult correctional programs and institutions are
2 hereby transferred to the secretary of corrections and to the
3 department of corrections. Except as may be specifically provided, all
4 functions of the department of social and health services relating to
5 juvenile rehabilitation and the juvenile justice system shall remain in
6 the department of social and health services. Where functions of the
7 department of social and health services and the department of
8 corrections overlap in the juvenile rehabilitation and/or juvenile
9 justice area, the governor may allocate such functions between these
10 departments.

11 ~~((The secretaries of the department of social and health services
12 and the department of corrections shall submit to the 1983 session of
13 the Washington state legislature a joint report which addresses the
14 question of in which agency juvenile rehabilitation and state level
15 juvenile justice programs should be located.))~~

16 **Sec. 141.** RCW 72.09.560 and 1995 1st sp.s. c 19 s 21 are each
17 amended to read as follows:

18 ~~((1))~~ The department is authorized to establish a camp for alien
19 offenders and shall be ready to assign offenders to the camp not later
20 than January 1, 1997. The secretary shall locate the camp within the
21 boundaries of an existing department facility.

22 ~~((2) The secretary, in consultation with the committee established
23 in RCW 72.09.570, shall prepare a report to the legislature by December
24 1, 1995, on an implementation plan for the camp. The plan shall
25 include recommendations on meeting the following goals: (a) Expedited
26 deportation of alien offenders; (b) reduced daily costs of
27 incarceration; (c) enhanced public benefit through an emphasis on
28 inmate work and exemption from education programs other than those
29 programs necessary for offenders to understand and follow directions;
30 (d) minimum access to privileges; and (e) maximized use of nonstate
31 resources for the costs of incarceration.~~

32 (3) In preparing the plan, the secretary shall address at least the
33 following: (a) Eligibility criteria for prompt admission to the camp;
34 (b) whether to have a minimum and maximum length of stay in the camp;
35 (c) operational elements including residential arrangements, inmate
36 conduct and programming standards, and achieving maximum cooperation
37 with the United States government to expedite deportation of alien
38 offenders and reduce the likelihood that alien offenders who complete

1 ~~the camp will avoid deportation; (d) mitigating adverse impacts the~~
2 ~~camp may have on other offender programs; (e) meeting the goals set~~
3 ~~forth in this section; and (f) any state law and fiscal issues that are~~
4 ~~necessary for implementation of the camp.~~

5 ~~(4) The department shall consult with all appropriate public safety~~
6 ~~organizations and the committee created under RCW 72.09.570 in~~
7 ~~developing the plan.))~~

8 **Sec. 142.** RCW 72.23.025 and 1992 c 230 s 1 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. Over the next
16 six years, their involvement in providing short-term, acute care, and
17 less complicated long-term care shall be diminished in accordance with
18 the revised responsibilities for mental health care under chapter 71.24
19 RCW. To this end, the legislature intends that funds appropriated for
20 mental health programs, including funds for regional support networks
21 and the state hospitals be used for persons with primary diagnosis of
22 mental disorder. The legislature finds that establishment of the
23 eastern state hospital board, the western state hospital board, and
24 institutes for the study and treatment of mental disorders at both
25 eastern state hospital and western state hospital will be instrumental
26 in implementing the legislative intent.

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

31 (i) The director of the institute for the study and treatment of
32 mental disorders established at the hospital;

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

34 (iii) One consumer of services;

35 (iv) One community mental health service provider;

36 (v) Two citizens with no financial or professional interest in
37 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) ((Report periodically to the governor and the legislature on
23 the implementation of the legislative intent set forth in this section;
24 and~~

25 ~~(f))~~) Consult with the secretary regarding persons the secretary
26 may select as the superintendent of the hospital whenever a vacancy
27 occurs.

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

36 (i) Promote recruitment and retention of highly qualified
37 professionals at the state hospitals and community mental health
38 programs;

1 (ii) Improve clinical care by exploring new, innovative, and
2 scientifically based treatment models for persons presenting
3 particularly difficult and complicated clinical syndromes;

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

6 (iv) Promote bilateral understanding of treatment orientation,
7 possibilities, and challenges between state hospital professionals and
8 community mental health professionals.

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

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

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

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

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

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

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

32 **Sec. 143.** RCW 72.65.210 and 1995 c 399 s 203 are each amended to
33 read as follows:

34 (1) The department shall establish, by rule, inmate eligibility
35 standards for participation in the work release program.

36 (2) The department shall:

37 (a) Conduct an annual examination of each work release facility and
38 its security procedures;

1 (b) Investigate and set standards for the inmate supervision
2 policies of each work release facility;

3 (c) Establish physical standards for future work release structures
4 to ensure the safety of inmates, employees, and the surrounding
5 communities;

6 (d) Evaluate its recordkeeping of serious infractions to determine
7 if infractions are properly and consistently assessed against inmates
8 eligible for work release;

9 (e) ~~((Report to the legislature on a case management procedure to
10 evaluate and determine those inmates on work release who are in need of
11 treatment.))~~ The department shall establish ~~((in the report))~~ a
12 written treatment plan best suited to the inmate's needs, cost, and the
13 relationship of community placement and community corrections officers
14 to a system of case management;

15 (f) Adopt a policy to encourage businesses employing work release
16 inmates to contact the appropriate work release facility whenever an
17 inmate is absent from his or her work schedule. The department of
18 corrections shall provide each employer with written information and
19 instructions on who should be called if a work release employee is
20 absent from work or leaves the job site without authorization; and

21 (g) Develop a siting policy, in conjunction with cities, counties,
22 community groups, and the department of community, trade, and economic
23 development for the establishment of additional work release
24 facilities. Such policy shall include at least the following elements:

25 (i) Guidelines for appropriate site selection of work-release
26 facilities; (ii) notification requirements to local government and
27 community groups of intent to site a work release facility; and (iii)
28 guidelines for effective community relations by the work release
29 program operator.

30 The department shall comply with the requirements of this section
31 by July 1, 1990.

32 **Sec. 144.** RCW 74.04.025 and 1983 1st ex.s. c 41 s 33 are each
33 amended to read as follows:

34 (1) The department and the office of administrative hearings shall
35 ~~((insure))~~ ensure that bilingual services are provided to non-English
36 speaking applicants and recipients. The services shall be provided to
37 the extent necessary to assure that non-English speaking persons are

1 not denied, or unable to obtain or maintain, services or benefits
2 because of their inability to speak English.

3 (2) If the number of non-English speaking applicants or recipients
4 sharing the same language served by any community service office client
5 contact job classification equals or exceeds fifty percent of the
6 average caseload of a full-time position in such classification, the
7 department shall, through attrition, employ bilingual personnel to
8 serve such applicants or recipients.

9 (3) Regardless of the applicant or recipient caseload of any
10 community service office, each community service office shall ensure
11 that bilingual services required to supplement the community service
12 office staff are provided through contracts with interpreters, local
13 agencies, or other community resources.

14 (4) Initial client contact materials shall inform clients in all
15 primary languages of the availability of interpretation services for
16 non-English speaking persons. Basic informational pamphlets shall be
17 translated into all primary languages.

18 (5) To the extent all written communications directed to applicants
19 or recipients are not in the primary language of the applicant or
20 recipient, the department and the office of administrative hearings
21 shall include with the written communication a notice in all primary
22 languages of applicants or recipients describing the significance of
23 the communication and specifically how the applicants or recipients may
24 receive assistance in understanding, and responding to if necessary,
25 the written communication. The department shall assure that sufficient
26 resources are available to assist applicants and recipients in a timely
27 fashion with understanding, responding to, and complying with the
28 requirements of all such written communications.

29 (6) As used in this section, "primary languages" includes but is
30 not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

31 ~~((7) The department shall report to the legislature by July 1,
32 1984, on the cost effectiveness of translating all written forms,
33 notices, and other documents provided to non-English speaking
34 applicants or recipients into primary languages.))~~

35 **Sec. 145.** RCW 74.09.415 and 1990 c 296 s 2 are each amended to
36 read as follows:

37 (1) There is hereby established a program to be known as the
38 children's health program.

1 To the extent of available funds:

2 (a) Health care services may be provided to persons who are under
3 eighteen years of age with household incomes at or below the federal
4 poverty level and not otherwise eligible for medical assistance or the
5 limited casualty program for the medically needy.

6 (b) The determination of eligibility of recipients for health care
7 services shall be the responsibility of the department. The
8 application process shall be easy to understand and, to the extent
9 possible, applications shall be made available at local schools and
10 other appropriate locations. The department shall make eligibility
11 determinations within the timeframes for establishing eligibility for
12 children on medical assistance, as defined by RCW 74.09.510.

13 (c) The amount, scope, and duration of health care services
14 provided to eligible children under the children's health program shall
15 be the same as that provided to children under medical assistance, as
16 defined in RCW 74.09.520.

17 (2) The legislature is interested in assessing the effectiveness of
18 the prenatal care program. However, the legislature recognizes the
19 cost and complexity associated with such assessment.

20 The legislature accepts the effectiveness of prenatal and maternity
21 care at improving birth outcomes when these services are received by
22 eligible persons. Therefore, the legislature intends to focus scarce
23 assessment resources to determine the extent to which support services
24 such as child care, psychosocial and nutritional assessment and
25 counseling, case management, transportation, and other support services
26 authorized by chapter 296, Laws of 1990, result in receipt of prenatal
27 and maternity care by eligible persons.

28 The University of Washington shall conduct a study, based on a
29 statistically significant state-wide sampling of data, to evaluate the
30 effectiveness of the maternity care access program set forth in RCW
31 74.09.760 through 74.09.820 based on the principles set forth in RCW
32 74.09.770.

33 The University of Washington shall develop a plan and budget for
34 the study in consultation with the joint legislative ((budget)) audit
35 and review committee. The joint legislative ((budget)) audit and
36 review committee shall also monitor the progress of the study.

37 The department of social and health services shall make data and
38 other information available as needed to the University of Washington
39 as required to conduct this study.

1 The study shall determine:

2 (a) The characteristics of women receiving services, including
3 health risk factors;

4 (b) The extent to which access to maternity care and support
5 services have improved in this state as a result of this program;

6 (c) The utilization of services and birth outcomes for women and
7 infants served by this program by type of practitioner;

8 (d) The extent to which birth outcomes for women receiving services
9 under this program have improved in comparison to birth outcomes of
10 nonmedicaid mothers;

11 (e) The impact of increased medicaid reimbursement to physicians on
12 provider participation;

13 (f) The difference between costs for services provided under this
14 program and medicaid reimbursement for the services;

15 (g) The gaps in services, if any, that may still exist for women
16 and their infants as defined by RCW 74.09.790 (1) and (4) served by
17 this program, excluding pregnant substance abusers, and women covered
18 by private health insurance; and

19 (h) The number and mix of services provided to eligible women as
20 defined by subsection (2)(g) of this section and the effect on birth
21 outcomes as compared to nonmedicaid birth outcomes.

22 ~~((Results of the study shall be submitted to the legislative budget
23 committee and appropriate committees of the legislature, by December 1
24 of each year through December 1, 1994, beginning with December 1,
25 1991.))~~

26 **Sec. 146.** RCW 74.09.520 and 1995 1st sp.s. c 18 s 39 are each
27 amended to read as follows:

28 (1) The term "medical assistance" may include the following care
29 and services: (a) Inpatient hospital services; (b) outpatient hospital
30 services; (c) other laboratory and x-ray services; (d) nursing facility
31 services; (e) physicians' services, which shall include prescribed
32 medication and instruction on birth control devices; (f) medical care,
33 or any other type of remedial care as may be established by the
34 secretary; (g) home health care services; (h) private duty nursing
35 services; (i) dental services; (j) physical and occupational therapy
36 and related services; (k) prescribed drugs, dentures, and prosthetic
37 devices; and eyeglasses prescribed by a physician skilled in diseases
38 of the eye or by an optometrist, whichever the individual may select;

1 (l) personal care services, as provided in this section; (m) hospice
2 services; (n) other diagnostic, screening, preventive, and
3 rehabilitative services; and (o) like services when furnished to a
4 child by a school district in a manner consistent with the requirements
5 of this chapter. For the purposes of this section, the department may
6 not cut off any prescription medications, oxygen supplies, respiratory
7 services, or other life-sustaining medical services or supplies.

8 "Medical assistance," notwithstanding any other provision of law,
9 shall not include routine foot care, or dental services delivered by
10 any health care provider, that are not mandated by Title XIX of the
11 social security act unless there is a specific appropriation for these
12 services.

13 (2) The department shall amend the state plan for medical
14 assistance under Title XIX of the federal social security act to
15 include personal care services, as defined in 42 C.F.R. 440.170(f), in
16 the categorically needy program.

17 (3) The department shall adopt, amend, or rescind such
18 administrative rules as are necessary to ensure that Title XIX personal
19 care services are provided to eligible persons in conformance with
20 federal regulations.

21 (a) These administrative rules shall include financial eligibility
22 indexed according to the requirements of the social security act
23 providing for medicaid eligibility.

24 (b) The rules shall require clients be assessed as having a medical
25 condition requiring assistance with personal care tasks. Plans of care
26 must be reviewed by a nurse.

27 (4) The department shall design and implement a means to assess the
28 level of functional disability of persons eligible for personal care
29 services under this section. The personal care services benefit shall
30 be provided to the extent funding is available according to the
31 assessed level of functional disability. Any reductions in services
32 made necessary for funding reasons should be accomplished in a manner
33 that assures that priority for maintaining services is given to persons
34 with the greatest need as determined by the assessment of functional
35 disability.

36 ~~(5) ((The department shall report to the appropriate fiscal~~
37 ~~committees of the legislature on the utilization and associated costs~~
38 ~~of the personal care option under Title XIX of the federal social~~
39 ~~security act, as defined in 42 C.F.R. 440.170(f), in the categorically~~

1 ~~needy program. This report shall be submitted by January 1, 1990, and~~
2 ~~submitted on a yearly basis thereafter.~~

3 ~~(6))~~ Effective July 1, 1989, the department shall offer hospice
4 services in accordance with available funds.

5 ~~((7))~~ (6) For Title XIX personal care services administered by
6 aging and adult services administration of the department, the
7 department shall contract with area agencies on aging:

8 (a) To provide case management services to individuals receiving
9 Title XIX personal care services in their own home; and

10 (b) To reassess and reauthorize Title XIX personal care services or
11 other home and community services as defined in RCW 74.39A.008 in home
12 or in other settings for individuals consistent with the intent of this
13 section:

14 (i) Who have been initially authorized by the department to receive
15 Title XIX personal care services or other home and community services
16 as defined in RCW 74.39A.008; and

17 (ii) Who, at the time of reassessment and reauthorization, are
18 receiving such services in their own home.

19 ~~((8))~~ (7) In the event that an area agency on aging is unwilling
20 to enter into or satisfactorily fulfill a contract to provide these
21 services, the department is authorized to:

22 (a) Obtain the services through competitive bid; and

23 (b) Provide the services directly until a qualified contractor can
24 be found.

25 **Sec. 147.** RCW 74.13.045 and 1991 c 340 s 2 are each amended to
26 read as follows:

27 The department shall develop and implement an informal,
28 nonadversarial complaint resolution process to be used by clients of
29 the department, foster parents, and other affected individuals who have
30 complaints regarding a department policy or procedure, or the
31 application of such a policy or procedure, related to programs
32 administered under this chapter. The process shall not apply in
33 circumstances where the complainant has the right under Title 13, 26,
34 or 74 RCW to seek resolution of the complaint through judicial review
35 or through an adjudicative proceeding.

36 Nothing in this section shall be construed to create substantive or
37 procedural rights in any person. Participation in the complaint
38 resolution process shall not entitle any person to an adjudicative

1 proceeding under chapter 34.05 RCW or to superior court review.
2 Participation in the process shall not affect the right of any person
3 to seek other statutorily or constitutionally permitted remedies.

4 The department shall develop procedures to assure that clients and
5 foster parents are informed of the availability of the complaint
6 resolution process and how to access it. The department shall
7 incorporate information regarding the complaint resolution process into
8 the training for foster parents and caseworkers.

9 The department shall compile complaint resolution data including
10 the nature of the complaint and the outcome of the process. ((The
11 department shall submit semiannual reports, due January and July of
12 each year, beginning July 1992, to the senate children and family
13 services committee and the house of representatives human services
14 committee.))

15 **Sec. 148.** RCW 74.13.055 and 1982 c 118 s 1 are each amended to
16 read as follows:

17 The department shall adopt rules pursuant to chapter 34.05 RCW
18 which establish goals as to the maximum number of children who will
19 remain in foster care for a period of longer than twenty-four months.
20 The department shall also work cooperatively with the major private
21 child care providers to assure that a partnership plan for utilizing
22 the resources of the public and private sector in all matters
23 pertaining to child welfare is developed and implemented. ((The
24 department shall report to the legislature, no later than January 15,
25 1983, on the implementation of the partnership plan.))

26 **Sec. 149.** RCW 74.13.260 and 1990 c 284 s 4 are each amended to
27 read as follows:

28 Regular on-site monitoring of foster homes to assure quality care
29 improves care provided to children in family foster care. An on-site
30 monitoring program shall be established by the department to assure
31 quality care and regularly identify problem areas. ((The department
32 shall report to the legislature by June 1 of each year, beginning with
33 June 1, 1991, the results of the monitoring, including identified
34 problem areas, and make policy recommendations to improve the quality
35 of foster care based on the results of the monitoring.)) Monitoring
36 shall be done by the department on a random sample basis of no less

1 than ten percent of the total licensed family foster homes licensed by
2 the department on July 1 of each year.

3 **Sec. 150.** RCW 74.14A.050 and 1993 c 508 s 7 are each amended to
4 read as follows:

5 The secretary shall:

6 (1)(a) Consult with relevant qualified professionals to develop a
7 set of minimum guidelines to be used for identifying all children who
8 are in a state-assisted support system, whether at-home or out-of-home,
9 who are likely to need long-term care or assistance, because they face
10 physical, emotional, medical, mental, or other long-term challenges;

11 (b) The guidelines must, at a minimum, consider the following
12 criteria for identifying children in need of long-term care or
13 assistance:

14 (i) Placement within the foster care system for two years or more;

15 (ii) Multiple foster care placements;

16 (iii) Repeated unsuccessful efforts to be placed with a permanent
17 adoptive family;

18 (iv) Chronic behavioral or educational problems;

19 (v) Repetitive criminal acts or offenses;

20 (vi) Failure to comply with court-ordered disciplinary actions and
21 other imposed guidelines of behavior, including drug and alcohol
22 rehabilitation; and

23 (vii) Chronic physical, emotional, medical, mental, or other
24 similar conditions necessitating long-term care or assistance;

25 (2) Develop programs that are necessary for the long-term care of
26 children and youth that are identified for the purposes of this
27 section. Programs must: (a) Effectively address the educational,
28 physical, emotional, mental, and medical needs of children and youth;
29 and (b) incorporate an array of family support options, to individual
30 needs and choices of the child and family. The programs must be ready
31 for implementation by January 1, 1995;

32 (3) Conduct an evaluation of all children currently within the
33 foster care agency caseload to identify those children who meet the
34 criteria set forth in this section. The evaluation shall be completed
35 by January 1, 1994. All children entering the foster care system after
36 January 1, 1994, must be evaluated for identification of long-term
37 needs within thirty days of placement;

1 (4) Study and develop a comprehensive plan for the evaluation and
2 identification of all children and youth in need of long-term care or
3 assistance, including, but not limited to, the mentally ill,
4 developmentally disabled, medically fragile, seriously emotionally or
5 behaviorally disabled, and physically impaired;

6 (5) Study and develop a plan for the children and youth in need of
7 long-term care or assistance to ensure the coordination of services
8 between the department's divisions and between other state agencies who
9 are involved with the child or youth;

10 (6) Study and develop guidelines for transitional services, between
11 long-term care programs, based on the person's age or mental, physical,
12 emotional, or medical condition; and

13 (7) Study and develop a statutory proposal for the emancipation of
14 minors (~~and report its findings and recommendations to the legislature~~
15 ~~by January 1, 1994~~)).

16 **Sec. 151.** RCW 74.20.340 and 1979 ex.s. c 171 s 25 are each amended
17 to read as follows:

18 The department shall develop workload standards for each employee
19 classification involved in support enforcement activities for each
20 category of support enforcement cases. (~~The department shall submit~~
21 ~~the workload standards and a preliminary forecast of the level of~~
22 ~~staffing required to meet the workload standards to the senate ways and~~
23 ~~means committee and the house of representatives revenue and~~
24 ~~appropriations committees six months before the regular legislative~~
25 ~~sessions and whenever this information is requested by the senate ways~~
26 ~~and means committee and the house of representatives revenue and~~
27 ~~appropriations committees.~~)

28 **Sec. 152.** RCW 74.41.070 and 1987 c 409 s 5 are each amended to
29 read as follows:

30 (~~(1)~~) The area agencies administering respite care programs shall
31 maintain data which indicates demand for respite care, and which
32 includes information on in-home and out-of-home day care and in-home
33 and out-of-home overnight care demand.

34 (~~(2)~~) ~~The department shall provide a progress report to the~~
35 ~~legislature on the respite care programs authorized in this chapter.~~
36 ~~The report shall at least include a comparison of the relative cost-~~
37 ~~effectiveness of the services provided under this chapter with all~~

1 other programs and services which are intended to forestall
2 institutionalization. In addition, the report shall include a similar
3 comparison between in home and out of home respite care services. The
4 department shall make recommendations on the inclusion of respite care
5 services under the senior citizens act for delivery and funding of
6 respite care services described in this chapter. The report shall be
7 provided to the legislature not later than thirty days prior to the
8 1989 legislative session.))

9 **Sec. 153.** RCW 75.24.060 and 1985 c 256 s 1 are each amended to
10 read as follows:

11 It is the policy of the state to improve state oyster reserves so
12 that they are productive and yield a revenue sufficient for their
13 maintenance. In fixing the price of oysters and other shellfish sold
14 from the reserves, the director shall take into consideration this
15 policy. It is also the policy of the state to maintain the oyster
16 reserves to furnish shellfish to growers and processors and to stock
17 public beaches.

18 Shellfish may be harvested from state oyster reserves for personal
19 use as prescribed by rule of the director.

20 The department shall periodically inventory the state oyster
21 reserves and assign the reserve lands into management categories:

- 22 (1) Native Olympia oyster broodstock reserves;
- 23 (2) Commercial shellfish harvesting zones;
- 24 (3) Commercial shellfish propagation zones designated for long-term
25 leasing to private aquaculturists;
- 26 (4) Public recreational shellfish harvesting zones;
- 27 (5) Unproductive land.

28 The department shall manage each category of oyster reserve land to
29 maximize the sustained yield production of shellfish consistent with
30 the purpose for establishment of each management category.

31 The department shall develop an oyster reserve management plan, to
32 include recommendations for leasing reserve lands, in coordination with
33 the shellfish industry, by January 1, 1986. ((The report shall be
34 presented to the house and senate committees on natural resources.))

35 The director shall protect, reseed, improve the habitat of, and
36 replant state oyster reserves and issue cultch permits.

1 **Sec. 154.** RCW 75.28.770 and 1994 c 264 s 46 are each amended to
2 read as follows:

3 The department shall evaluate and recommend, in consultation with
4 the Indian tribes, salmon fishery management strategies and gear types,
5 as well as a schedule for implementation, that will minimize the impact
6 of commercial and recreational fishing in the mixed stock fishery on
7 critical and depressed wild stocks of salmonids. As part of this
8 evaluation, the department, in conjunction with the commercial and
9 recreational fishing industries, shall evaluate commercial and
10 recreational salmon fishing gear types developed by these industries.
11 ~~((The department shall present status reports to the appropriate
12 committees of the legislature by December 31 of each year in 1993,
13 1994, and 1995, and shall present the final evaluation and
14 recommendations by December 31, 1996.))~~

15 **Sec. 155.** RCW 75.30.480 and 1994 c 260 s 20 are each amended to
16 read as follows:

17 The department, with input from Dungeness crab coastal fishery
18 licensees and processors, shall prepare a resource plan to achieve
19 even-flow harvesting and long-term stability of the coastal Dungeness
20 crab resource. The plan may include pot limits, further reduction in
21 the number of vessels, individual quotas, trip limits, area quotas, or
22 other measures as determined by the department. ~~((The plan shall be
23 submitted to the appropriate standing committees of the legislature by
24 December 1, 1995.))~~

25 **Sec. 156.** RCW 75.50.100 and 1995 1st sp.s. c 2 s 39 are each
26 amended to read as follows:

27 The dedicated regional fisheries enhancement group account is
28 created in the custody of the state treasurer. Only the commission or
29 the commission's designee may authorize expenditures from the account.
30 The account is subject to allotment procedures under chapter 43.88 RCW,
31 but no appropriation is required for expenditures.

32 A surcharge of one dollar shall be collected on each recreational
33 personal use food fish license sold in the state. A surcharge of one
34 hundred dollars shall be collected on each commercial salmon fishery
35 license, each salmon delivery license, and each salmon charter license
36 sold in the state. ~~((The department shall study methods for collecting
37 and making available, an annual list, including names and addresses, of~~

1 all persons who obtain recreational and commercial salmon fishing
2 licenses. This list may be used to assist formation of the regional
3 fisheries enhancement groups and allow the broadest participation of
4 license holders in enhancement efforts. The results of the study shall
5 be reported to the house of representatives fisheries and wildlife
6 committee and the senate environment and natural resources committee by
7 October 1, 1990.) All receipts shall be placed in the regional
8 fisheries enhancement group account and shall be used exclusively for
9 regional fisheries enhancement group projects for the purposes of RCW
10 75.50.110. Funds from the regional fisheries enhancement group account
11 shall not serve as replacement funding for department operated salmon
12 projects that exist on January 1, 1991.

13 All revenue from the department's sale of salmon carcasses and eggs
14 that return to group facilities shall be deposited in the regional
15 fisheries enhancement group account for use by the regional fisheries
16 enhancement group that produced the surplus. The commission shall
17 adopt rules to implement this section pursuant to chapter 34.05 RCW.

18 **Sec. 157.** RCW 75.52.110 and 1993 sp.s. c 2 s 53 are each amended
19 to read as follows:

20 The department shall chair a technical committee, which shall
21 review the preparation of enhancement plans and construction designs
22 for a Cedar river sockeye spawning channel. The technical committee
23 shall consist of not more than eight members: One representative each
24 from the department, national marine fisheries service, United States
25 fish and wildlife service, and Muckleshoot Indian tribe; and four
26 representatives from the public utility described in RCW 75.52.130.
27 The technical committee will be guided by a policy committee, also to
28 be chaired by the department, which shall consist of not more than six
29 members: One representative from the department, one from the
30 Muckleshoot Indian tribe, and one from either the national marine
31 fisheries service or the United States fish and wildlife service; and
32 three representatives from the public utility described in RCW
33 75.52.130. The policy committee shall (~~present a progress report to~~
34 ~~the senate and house of representatives natural resources and~~
35 ~~environment committees by January 1, 1990, and shall~~) oversee the
36 operation and evaluation of the spawning channel. The policy committee
37 will continue its oversight until the policy committee concludes that
38 the channel is meeting the production goals specified in RCW 75.52.120.

1 **Sec. 158.** RCW 75.54.010 and 1993 sp.s. c 2 s 83 are each amended
2 to read as follows:

3 There is created within the department of fish and wildlife the
4 Puget Sound recreational salmon and marine fish enhancement program.
5 The department of fish and wildlife shall identify a coordinator for
6 the program who shall act as spokesperson for the program and shall:

7 (1) Coordinate the activities of the Puget Sound recreational
8 salmon and marine fish enhancement program, including the Lake
9 Washington salmon fishery; and

10 (2) ~~((Provide reports as needed to the legislature and the public;~~
11 ~~and~~

12 (3))) Work within and outside of the department to achieve the
13 goals stated in this chapter.

14 **Sec. 159.** RCW 77.12.690 and 1987 c 506 s 55 are each amended to
15 read as follows:

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

27 The total amount brought in from the sale of prints and related
28 artwork shall be deposited in the state wildlife fund. The costs of
29 producing and marketing of prints and related artwork, including
30 administrative expenses mutually agreed upon by the committee and the
31 director, shall be paid out of the total amount brought in from sales
32 of those same items. Net funds derived from the sale of prints and
33 related artwork shall be used by the director to contract with one or
34 more appropriate individuals or nonprofit organizations for the
35 development of waterfowl propagation projects within Washington which
36 specifically provide waterfowl for the Pacific flyway. The department
37 shall not contract with any individual or organization that obtains
38 compensation for allowing waterfowl hunting except if the individual or

1 organization does not permit hunting for compensation on the subject
2 property.

3 The migratory waterfowl art committee shall have an annual audit of
4 its finances conducted by the state auditor and shall furnish a copy of
5 the audit to the commission (~~and to the natural resources committees~~
6 ~~of the house and senate~~)).

7 **Sec. 160.** RCW 77.12.710 and 1995 c 399 s 208 are each amended to
8 read as follows:

9 The legislature hereby directs the department to determine the
10 feasibility and cost of doubling the state-wide game fish production by
11 the year 2000. The department shall seek to equalize the effort and
12 investment expended on anadromous and resident game fish programs. The
13 department shall provide the legislature with a specific plan for
14 legislative approval that will outline the feasibility of increasing
15 game fish production by one hundred percent over current levels by the
16 year 2000. The plan shall contain specific provisions to increase both
17 hatchery and naturally spawning game fish to a level that will support
18 the production goal established in this section consistent with
19 department policies. Steelhead trout, searun cutthroat trout, resident
20 trout, and warmwater fish producing areas of the state shall be
21 included in the plan. (~~The department shall provide the plan to the~~
22 ~~house of representatives and senate ways and means, environment and~~
23 ~~natural resources, environmental affairs, fisheries and wildlife, and~~
24 ~~natural resources committees by December 31, 1990.~~)

25 The plan shall include the following critical elements:

26 (1) Methods of determining current catch and production, and catch
27 and production in the year 2000;

28 (2) Methods of involving fishing groups, including Indian tribes,
29 in a cooperative manner;

30 (3) Methods for using low capital cost projects to produce game
31 fish as inexpensively as possible;

32 (4) Methods for renovating and modernizing all existing hatcheries
33 and rearing ponds to maximize production capability;

34 (5) Methods for increasing the productivity of natural spawning
35 game fish;

36 (6) Application of new technology to increase hatchery and natural
37 productivity;

1 (7) Analysis of the potential for private contractors to produce
2 game fish for public fisheries;

3 (8) Methods to optimize public volunteer efforts and cooperative
4 projects for maximum efficiency;

5 (9) Methods for development of trophy game fish fisheries;

6 (10) Elements of coordination with the Pacific Northwest Power
7 Council programs to ensure maximum Columbia river benefits;

8 (11) The role that should be played by private consulting companies
9 in developing and implementing the plan;

10 (12) Coordination with federal fish and wildlife agencies, Indian
11 tribes, and department fish production programs;

12 (13) Future needs for game fish predator control measures;

13 (14) Development of disease control measures;

14 (15) Methods for obtaining access to waters currently not available
15 to anglers; and

16 (16) Development of research programs to support game fish
17 management and enhancement programs.

18 The department, in cooperation with the department of revenue,
19 shall assess various funding mechanisms and make recommendations to the
20 legislature in the plan. The department, in cooperation with the
21 department of community, trade, and economic development, shall prepare
22 an analysis of the economic benefits to the state that will occur when
23 the game fish production is increased by one hundred percent in the
24 year 2000.

25 **Sec. 161.** RCW 77.32.060 and 1996 c 101 s 9 are each amended to
26 read as follows:

27 The director may adopt rules establishing the amount a license
28 dealer may charge and keep for each license, tag, permit, stamp, or
29 raffle ticket issued. The director shall establish the amount to be
30 retained by dealers to be at least fifty cents for each license issued,
31 and twenty-five cents for each tag, permit, stamp, or raffle ticket,
32 issued. (~~The director shall report to the next regular session of the~~
33 ~~legislature explaining any increase in the amount retained by license~~
34 ~~dealers.)) Fees retained by dealers shall be uniform throughout the
35 state.~~

36 **Sec. 162.** RCW 78.56.160 and 1994 c 232 s 16 are each amended to
37 read as follows:

1 (1) Until June 30, 1996, there shall be a moratorium on metals
2 mining and milling operations using the heap leach extraction process.
3 The department of natural resources and the department of ecology shall
4 jointly review the existing laws and regulations pertaining to the heap
5 leach extraction process for their adequacy in safeguarding the
6 environment (~~and shall report their findings to the legislature by~~
7 ~~December 30, 1994~~)).

8 (2) Metals mining using the process of in situ extraction is
9 permanently prohibited in the state of Washington.

10 **Sec. 163.** RCW 79.01.295 and 1993 sp.s. c 4 s 5 are each amended to
11 read as follows:

12 (1) By December 31, 1993, the department of fish and wildlife (~~and~~
13 ~~the department of fisheries~~)) shall ((each)) develop goals for the
14 wildlife and fish that (~~these agencies respectively~~) this agency
15 manages, to preserve, protect, and perpetuate wildlife and fish on
16 shrub steppe habitat or on lands that are presently agricultural lands,
17 rangelands, or grazable woodlands. These goals shall be consistent
18 with the maintenance of a healthy ecosystem.

19 (2) By July 31, 1993, the conservation commission shall appoint a
20 technical advisory committee to develop standards that achieve the
21 goals developed in subsection (1) of this section. The committee
22 members shall include but not be limited to technical experts
23 representing the following interests: Agriculture, academia, range
24 management, utilities, environmental groups, commercial and
25 recreational fishing interests, the Washington rangelands committee,
26 Indian tribes, the department of fish and wildlife, (~~the department of~~
27 ~~fisheries,~~) the department of natural resources, the department of
28 ecology, conservation districts, and the department of agriculture. A
29 member of the conservation commission shall chair the committee.

30 (3) By December 31, 1994, the committee shall develop standards to
31 meet the goals developed under subsection (1) of this section. These
32 standards shall not conflict with the recovery of wildlife or fish
33 species that are listed or proposed for listing under the federal
34 endangered species act. These standards shall be utilized to the
35 extent possible in development of coordinated resource management plans
36 to provide a level of management that sustains and perpetuates
37 renewable resources, including fish and wildlife, riparian areas, soil,
38 water, timber, and forage for livestock and wildlife. Furthermore, the

1 standards are recommended for application to model watersheds
2 designated by the Northwest power planning council in conjunction with
3 the conservation commission. The maintenance and restoration of
4 sufficient habitat to preserve, protect, and perpetuate wildlife and
5 fish shall be a major component included in the standards and
6 coordinated resource management plans. Application of standards to
7 privately owned lands is voluntary and may be dependent on funds to
8 provide technical assistance through conservation districts.

9 (4) The conservation commission shall approve the standards and
10 shall provide them to the departments of natural resources and fish and
11 wildlife, each of the conservation districts, and Washington State
12 University cooperative extension service(~~(, and the appropriate~~
13 ~~committees of the legislature)~~). The conservation districts shall make
14 these standards available to the public and for coordinated resource
15 management planning. Application to private lands is voluntary.

16 (5) The department of natural resources shall implement practices
17 necessary to meet the standards developed pursuant to this section on
18 department managed agricultural and grazing lands, consistent with the
19 trust mandate of the Washington state Constitution and Title 79 RCW.
20 The standards may be modified on a site-specific basis as needed to
21 achieve the fish and wildlife goals, and as determined by the
22 department of (~~(fisheries or)~~) fish and wildlife, and the department of
23 natural resources. Existing lessees shall be provided an opportunity
24 to participate in any site-specific field review. Department
25 agricultural and grazing leases issued after December 31, 1994, shall
26 be subject to practices to achieve the standards that meet those
27 developed pursuant to this section.

28 **Sec. 164.** RCW 80.01.090 and 1987 c 505 s 77 are each amended to
29 read as follows:

30 All proceedings of the commission and all documents and records in
31 its possession shall be public records, and it shall adopt and use an
32 official seal. (~~(Subject to RCW 40.07.040, the commission shall make~~
33 ~~and submit to the governor and the legislature a biennial report~~
34 ~~containing a statement of the transactions and proceedings of its~~
35 ~~office, together with the information gathered by the commission and~~
36 ~~such other facts, suggestions, and recommendations as the governor may~~
37 ~~require or the legislature request.))~~

1 **Sec. 165.** RCW 81.04.520 and 1990 c 21 s 8 are each amended to read
2 as follows:

3 The commission, together with the Hanford low-level radioactive
4 waste disposal site operator and other state agencies and parties as
5 necessary, shall study and assess the need for procedures that include,
6 but are not limited to: Assuring that the operator's rates are fair,
7 just, reasonable, and sufficient considering the value of the
8 operator's leasehold and license interests, the unique nature of its
9 business operations, and the operator's liability associated with the
10 site and its investment incurred over the term of its operations, and
11 the rate of return equivalent to that earned by comparable enterprises;
12 and for ensuring that the commission's costs of regulation are
13 recovered when the federal low-level waste policy act amendment of 1985
14 results in the regional site being the exclusive site option for
15 Northwest low-level waste compact generators, after January 1, 1993.
16 (~~The commission shall issue its report for such procedures, containing~~
17 ~~comments by the operator and other parties, to the legislature by~~
18 ~~December 1, 1990, for its consideration.)) If, following receipt of
19 the study, the legislature authorizes the commission to regulate the
20 operator's rates, such rates shall not take effect until January 1,
21 1993, when the regional site will be the exclusive site option for
22 Northwest low-level waste compact generators.~~

23 **Sec. 166.** RCW 81.104.110 and 1991 c 318 s 10 and 1991 c 309 s 3
24 are each reenacted and amended to read as follows:

25 The legislature recognizes that the planning processes described in
26 RCW 81.104.100 provide a recognized framework for guiding high capacity
27 transportation studies. However, the process cannot guarantee
28 appropriate decisions unless key study assumptions are reasonable.

29 To assure appropriate system plan assumptions and to provide for
30 review of system plan results, an expert review panel shall be
31 appointed to provide independent technical review for development of
32 any system plan which is to be funded in whole or in part by the
33 imposition of any voter-approved local option funding sources
34 enumerated in RCW 81.104.140.

35 (1) The expert review panel shall consist of five to ten members
36 who are recognized experts in relevant fields, such as transit
37 operations, planning, emerging transportation technologies,

1 engineering, finance, law, the environment, geography, economics, and
2 political science.

3 (2) The expert review panel shall be selected cooperatively by the
4 chair of the legislative transportation committee, the secretary of the
5 department of transportation, and the governor to assure a balance of
6 disciplines. In the case of counties adjoining another state or
7 Canadian province the expert review panel membership shall be selected
8 cooperatively with representatives of the adjoining state or Canadian
9 province.

10 (3) The chair of the expert review panel shall be designated by the
11 appointing authorities.

12 (4) The expert review panel shall serve without compensation but
13 shall be reimbursed for expenses according to chapter 43.03 RCW.

14 (5) The panel shall carry out the duties set forth in subsections
15 (6) and (7) of this section until the date on which an election is held
16 to consider the high capacity transportation system and financing
17 plans. Funds appropriated for expenses of the expert panel shall be
18 administered by the department of transportation.

19 (6) The expert panel shall review all reports required in RCW
20 81.104.100(2) and shall concentrate on service modes and concepts,
21 costs, patronage and financing evaluations.

22 (7) The expert panel shall provide timely reviews and comments on
23 individual reports and study conclusions to (~~the governor, the~~
24 ~~legislative transportation committee,~~) the department of
25 transportation, the regional transportation planning organization, the
26 joint regional policy committee, and the submitting lead transit
27 agency. In the case of counties adjoining another state or Canadian
28 province, the expert review panel shall provide its reviews, comments,
29 and conclusions to the representatives of the adjoining state or
30 Canadian province.

31 (8) The legislative transportation committee shall contract for
32 consulting services for expert review panels. The amount of consultant
33 support shall be negotiated with each expert review panel by the
34 legislative transportation committee and shall be paid from
35 appropriations for that purpose from the high capacity transportation
36 account.

37 **Sec. 167.** RCW 81.53.281 and 1987 c 257 s 1 are each amended to
38 read as follows:

1 There is hereby created in the state treasury a "grade crossing
2 protective fund," to which shall be transferred all moneys appropriated
3 for the purpose of carrying out the provisions of RCW 81.53.261,
4 81.53.271, 81.53.281, 81.53.291, and 81.53.295. At the time the
5 commission makes each allocation of cost to said grade crossing
6 protective fund, it shall certify that such cost shall be payable out
7 of said fund. When federal-aid highway funds are not involved, the
8 railroad shall, upon completion of the installation of any such signal
9 or other protective device and related work, present its claim for
10 reimbursement for the cost of installation and related work from said
11 fund of the amount allocated thereto by the commission. The annual
12 cost of maintenance shall be presented and paid in a like manner. When
13 federal-aid highway funds are involved, the department of
14 transportation shall, upon entry of an order by the commission
15 requiring the installation or upgrading of a grade crossing protective
16 device, submit to the commission an estimate for the cost of the
17 proposed installation and related work. Upon receipt of the estimate
18 the commission shall pay to the department of transportation the
19 percentage of the estimate specified in RCW 81.53.295, as now or
20 hereafter amended, to be used as the grade crossing protective fund
21 portion of the cost of the installation and related work. The
22 commission is hereby authorized to recover administrative costs from
23 said fund in an amount not to exceed three percent of the direct
24 appropriation provided for any biennium, and in the event
25 administrative costs exceed three percent of the appropriation, the
26 excess shall be chargeable to regulatory fees paid by railroads
27 pursuant to RCW 81.24.010.

28 (~~Within ninety days of the end of each fiscal year, the commission~~
29 ~~shall report to the legislative transportation committee, and the~~
30 ~~senate and house committees on transportation, the status of the grade~~
31 ~~crossing protective fund, including revenue sources, fund balances, and~~
32 ~~expenditures.))~~

33 The office of financial management shall direct the state treasurer
34 to transfer to the motor vehicle fund an amount not to exceed
35 \$1,331,000 from the grade crossing protective fund for the 1987-89
36 fiscal biennium.

37 **Sec. 168.** RCW 81.80.450 and 1995 c 399 s 212 are each amended to
38 read as follows:

1 (1) The department of community, trade, and economic development,
2 in conjunction with the utilities and transportation commission and the
3 department of ecology, shall evaluate the effect of exempting motor
4 vehicles transporting recovered materials from rate regulation as
5 provided under RCW 81.80.440. The evaluation shall, at a minimum,
6 describe the effect of such exemption on:

7 (a) The cost and timeliness of transporting recovered materials
8 within the state;

9 (b) The volume of recovered materials transported within the state;

10 (c) The number of safety violations and traffic accidents related
11 to transporting recovered materials within the state; and

12 (d) The availability of service related to transporting recovered
13 materials from rural areas of the state.

14 (2) ~~((The department shall report the results of its evaluation to
15 the appropriate standing committees of the legislature by October 1,
16 1993.~~

17 ~~(3))~~) The commission shall adopt rules requiring persons
18 transporting recovered materials to submit information required under
19 RCW 70.95.280. In adopting such rules, the commission shall include
20 procedures to ensure the confidentiality of proprietary information.

21 **Sec. 169.** RCW 82.33A.010 and 1996 c 152 s 2 are each amended to
22 read as follows:

23 (1) The economic climate council is hereby created.

24 (2) The council shall select a series of no more than ten
25 benchmarks that characterize the competitive environment of the state.
26 The benchmarks should be indicators of the cost of doing business; the
27 education and skills of the work force; a sound infrastructure; and the
28 quality of life. In selecting the appropriate benchmarks, the council
29 shall use the following criteria:

30 (a) The availability of comparative information for other states
31 and countries;

32 (b) The timeliness with which benchmark information can be
33 obtained; and

34 (c) The accuracy and validity of the benchmarks in measuring the
35 economic climate indicators named in this section.

36 ~~((The council shall report to the legislature by September 30,
37 1996, on the benchmarks selected under this subsection (2).))~~

1 (3) (~~Twice~~) Each year the council shall prepare an official state
2 economic climate report on the present status of benchmarks, changes in
3 the benchmarks since the previous report, and the reasons for the
4 changes. The reports shall include current benchmark comparisons with
5 other states and countries, and an analysis of factors related to the
6 benchmarks that may affect the ability of the state to compete
7 economically at the national and international level.

8 (4) (~~The council shall submit reports prepared under this section~~
9 ~~to the governor and the fiscal committees of the senate and the house~~
10 ~~of representatives on or before March 31st and September 30th of each~~
11 ~~year. The first report shall be made by September 30, 1996.~~

12 (5)) All agencies of state government shall provide to the council
13 immediate access to all information relating to economic climate
14 reports.

15 **Sec. 170.** RCW 82.60.110 and 1994 sp.s. c 1 s 8 are each amended to
16 read as follows:

17 If the department determines that an investment project for which
18 an exemption is granted under this chapter competes with an investment
19 project for which a deferral is granted under this chapter, the
20 department shall study the impacts on the project for which a deferral
21 is granted (~~and report to the fiscal committees of the legislature~~
22 ~~concerning revenue matters)).~~

23 **Sec. 171.** RCW 84.33.200 and 1989 c 175 s 179 are each amended to
24 read as follows:

25 (1) The legislature shall review the system of distribution and
26 allocation of all timber excise tax revenues in January 1975 and each
27 year thereafter to provide a uniform and equitable distribution and
28 allocation of such revenues to the state and local taxing districts.

29 (2) In order to allow legislative review of the rules to be adopted
30 by the department of revenue establishing the stumpage values provided
31 for in RCW 84.33.091, such rules shall be effective not less than sixty
32 days after transmitting to the staffs of the senate and house ways and
33 means committees (or their successor committees) the same proposed
34 rules as have been previously filed with the office of the code reviser
35 pursuant to RCW 34.05.320.

36 (3) (~~In the event that a permanent timber tax rate is not set in~~
37 ~~1979, a joint timber tax advisory committee shall be established. The~~

1 ~~joint advisory committee shall be composed of members of the house of~~
2 ~~representatives and the senate and co-chaired by a member of the house~~
3 ~~revenue committee and a member of the senate ways and means committee.~~
4 ~~The joint advisory committee shall recommend a rate level and~~
5 ~~distribution system on or before the convening of the forty-seventh~~
6 ~~legislature.~~

7 (4)) The department of revenue and the department of natural
8 resources shall make available to the revenue committees of the senate
9 and house of representatives of the state legislature information and
10 data, as it may be available, pertaining to the status of forest land
11 grading throughout the state, the collection of timber excise tax
12 revenues, the distribution and allocation of timber excise tax revenues
13 to the state and local taxing districts, and any other information as
14 may be necessary for the proper legislative review and implementation
15 of the timber excise tax system, and in addition, the departments shall
16 provide an annual report of such matters in January of each year to
17 such committees.

18 **Sec. 172.** RCW 84.41.130 and 1975 1st ex.s. c 278 s 203 are each
19 amended to read as follows:

20 Each county assessor, before October 15th each year, shall prepare
21 and submit to the department of revenue a detailed report of the
22 progress made in the revaluation program in his or her county to the
23 date of the report and be made a matter of public record. Such report
24 shall be submitted upon forms supplied by the department of revenue and
25 shall consist of such information as the department of revenue
26 requires. ((The department of revenue shall transmit a copy of such
27 report to the legislature.))

28 **Sec. 173.** RCW 90.22.060 and 1993 sp.s. c 4 s 13 are each amended
29 to read as follows:

30 By December 31, 1993, the department of ecology shall, in
31 cooperation with the Indian tribes, and the ((departments of
32 fisheries)) department of fish and wildlife, establish a state-wide
33 list of priorities for evaluation of instream flows. In establishing
34 these priorities, the department shall consider the achievement of wild
35 salmonid production as its primary goal.

1 (~~The priority list shall be presented to the appropriate~~
2 ~~legislative committees and to the water resources forum by December 31,~~
3 ~~1993.~~)

4 **Sec. 174.** RCW 90.42.010 and 1993 sp.s. c 4 s 14 and 1993 c 98 s 1
5 are each reenacted and amended to read as follows:

6 (~~(1)~~) The legislature finds that a need exists to develop and
7 test a means to facilitate the voluntary transfer of water and water
8 rights, including conserved water, to provide water for presently unmet
9 needs and emerging needs. Further, the legislature finds that water
10 conservation activities have the potential of affecting the quantity of
11 return flow waters to which existing water right holders have a right
12 to and rely upon. It is the intent of the legislature that persons
13 holding rights to water, including return flows, not be adversely
14 affected in the implementation of the provisions of this chapter.

15 (~~(2) The department shall provide to the appropriate legislative~~
16 ~~committees by December 31, 1993, a written evaluation of the~~
17 ~~implementation of RCW 90.42.010 through 90.42.090 and recommendations~~
18 ~~for future application. Recommendations shall include methods of~~
19 ~~applying RCW 90.42.010 through 90.42.090 to the rivers that are~~
20 ~~designated as high priority by the department of ecology under RCW~~
21 ~~90.22.060 in order to use net water savings to enhance stream flows.~~)

22 **Sec. 175.** RCW 90.48.480 and 1985 c 249 s 2 are each amended to
23 read as follows:

24 (~~(1)~~) The department of ecology shall work with local governments
25 to develop reasonable plans and compliance schedules for the greatest
26 reasonable reduction of combined sewer overflows. The plan shall
27 address various options, including construction of storage tanks for
28 sewage and separation of sewage and stormwater transport systems. The
29 compliance schedule shall be designed to achieve the greatest
30 reasonable reduction of combined sewer overflows at the earliest
31 possible date. The plans and compliance schedules shall be completed
32 by January 1, 1988. A compliance schedule will be a condition of any
33 waste discharge permit issued or renewed after January 1, 1988.

34 (~~(2) By September 1, 1987, the department of ecology shall report~~
35 ~~to the legislature any statutory changes necessary to implement the~~
36 ~~plans and compliance schedules described in subsection (1) of this~~
37 ~~section. The report shall include (a) a recommended date by which all~~

1 ~~sewage treatment facilities shall achieve the greatest reasonable~~
2 ~~reduction of combined sewer overflows, and (b) a comprehensive~~
3 ~~assessment of the total cost to achieve compliance, the projected need~~
4 ~~and recommended distribution of local, state, and federal funding, and~~
5 ~~the availability of local, state, and federal funding. A thorough~~
6 ~~discussion of the potential funding sources shall accompany the~~
7 ~~report.))~~

8 **Sec. 176.** RCW 90.56.100 and 1994 c 264 s 94 are each amended to
9 read as follows:

10 (1) The Washington wildlife rescue coalition shall be established
11 for the purpose of coordinating the rescue and rehabilitation of
12 wildlife injured or endangered by oil spills or the release of other
13 hazardous substances into the environment.

14 (2) The Washington wildlife rescue coalition shall be composed of:

15 (a) A representative of the department of fish and wildlife
16 designated by the director of fish and wildlife. The department of
17 fish and wildlife shall be designated as lead agency in the operations
18 of the coalition. The coalition shall be chaired by the representative
19 from the department of fish and wildlife;

20 (b) A representative of the department of ecology designated by the
21 director;

22 (c) A representative of the department of community, trade, and
23 economic development emergency management program designated by the
24 director of community, trade, and economic development;

25 (d) A licensed veterinarian, with experience and training in
26 wildlife rehabilitation, appointed by the veterinary board of
27 governors;

28 (e) The director of the Washington conservation corps;

29 (f) A lay person, with training and experience in the rescue and
30 rehabilitation of wildlife appointed by the department; and

31 (g) A person designated by the legislative authority of the county
32 where oil spills or spills of other hazardous substances may occur.
33 This member of the coalition shall serve on the coalition until
34 wildlife rescue and rehabilitation is completed in that county. The
35 completion of any rescue or rehabilitation project shall be determined
36 by the director of fish and wildlife.

37 (3) The duties of the Washington wildlife rescue coalition shall be
38 to:

1 (a) Develop an emergency mobilization plan to rescue and
2 rehabilitate waterfowl and other wildlife that are injured or
3 endangered by an oil spill or the release of other hazardous substances
4 into the environment;

5 (b) Develop and maintain a resource directory of persons,
6 governmental agencies, and private organizations that may provide
7 assistance in an emergency rescue effort;

8 (c) Provide advance training and instruction to volunteers in
9 rescuing and rehabilitating waterfowl and wildlife injured or
10 endangered by oil spills or the release of other hazardous substances
11 into the environment. The training may be provided through grants to
12 community colleges or to groups that conduct programs for training
13 volunteers. The coalition representatives from the agencies described
14 in subsection (2) of this section shall coordinate training efforts
15 with the director of the Washington conservation corps and work to
16 provide training opportunities for young citizens;

17 (d) Obtain and maintain equipment and supplies used in emergency
18 rescue efforts(;

19 ~~(e) Report to the appropriate standing committees of the~~
20 ~~legislature on the progress of the coalition's efforts and detail~~
21 ~~future funding options necessary for the implementation of this section~~
22 ~~and RCW 90.56.110. The coalition shall report by January 30, 1991)).~~

23 (4)(a) Expenses for the coalition may be provided by the coastal
24 protection fund administered according to RCW 90.48.400.

25 (b) The coalition is encouraged to seek grants, gifts, or donations
26 from private sources in order to carry out the provisions of this
27 section and RCW 90.56.110. Any private funds donated to the commission
28 shall be deposited into the wildlife rescue account hereby created
29 within the wildlife fund as authorized under Title 77 RCW.

30 NEW SECTION. **Sec. 177.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 13.04.460 and 1986 c 288 s 4;

33 (2) RCW 19.02.885 and 1990 c 264 s 3;

34 (3) RCW 19.27.078 and 1989 c 266 s 4 & 1985 c 360 s 3;

35 (4) RCW 26.23.0401 and 1989 c 360 s 40;

36 (5) RCW 28B.04.070 and 1987 c 505 s 10, 1985 c 370 s 41, 1982 1st
37 ex.s. c 15 s 5, & 1979 c 73 s 7;

38 (6) RCW 28B.06.050 and 1996 c 11 s 2 & 1987 c 518 s 108;

1 (7) RCW 28B.10.692 and 1993 c 414 s 3;
2 (8) RCW 28B.30.636 and 1990 c 289 s 4;
3 (9) RCW 28B.50.900 and 1991 c 238 s 29;
4 (10) RCW 28B.106.900 and 1988 c 125 s 15;
5 (11) RCW 41.50.100 and 1975-'76 2nd ex.s. c 105 s 12;
6 (12) RCW 43.03.260 and 1986 c 158 s 8 & 1984 c 287 s 113;
7 (13) RCW 43.05.900 and 1995 c 403 s 621;
8 (14) RCW 43.43.560 and 1986 c 196 s 1;
9 (15) RCW 43.43.752 and 1989 c 350 s 2;
10 (16) RCW 43.59.130 and 1987 c 505 s 31, 1971 ex.s. c 195 s 5, &
11 1967 ex.s. c 147 s 14;
12 (17) RCW 43.63A.215 and 1993 c 478 s 7;
13 (18) RCW 43.63A.220 and 1993 c 280 s 62, 1987 c 505 s 34, & 1985 c
14 263 s 2;
15 (19) RCW 43.72.850 and 1995 c 81 s 1 & 1993 c 492 s 485;
16 (20) RCW 43.88.065 and 1983 1st ex.s. c 47 s 2;
17 (21) RCW 43.121.090 and 1987 c 505 s 38, 1984 c 261 s 2, & 1982 c
18 4 s 9;
19 (22) RCW 43.163.900 and 1989 c 279 s 24;
20 (23) RCW 46.23.030 and 1987 c 505 s 47 & 1982 c 212 s 3;
21 (24) RCW 47.01.220 and 1984 c 7 s 81, 1977 ex.s. c 235 s 13, 1973
22 2nd ex.s. c 12 s 3, & 1961 c 13 s 47.01.220;
23 (25) RCW 47.12.249 and 1991 c 291 s 5;
24 (26) RCW 47.26.163 and 1988 c 167 s 5;
25 (27) RCW 47.60.470 and 1987 c 505 s 52, 1984 c 7 s 332, & 1961
26 ex.s. c 9 s 9;
27 (28) RCW 47.60.544 and 1979 c 27 s 8;
28 (29) RCW 47.82.050 and 1990 c 43 s 40;
29 (30) RCW 48.87.090 and 1993 c 112 s 9;
30 (31) RCW 48.88.060 and 1986 c 141 s 6;
31 (32) RCW 49.46.150 and 1989 c 1 s 4;
32 (33) RCW 50.65.331 and 1993 sp.s. c 7 s 17;
33 (34) RCW 51.32.116 and 1988 c 114 s 4;
34 (35) RCW 59.28.110 and 1995 c 399 s 163 & 1989 c 188 s 11;
35 (36) RCW 66.08.028 and 1987 c 505 s 56, 1977 c 75 s 79, 1955 c 182
36 s 1, 1935 c 174 s 13, & 1933 ex.s. c 62 s 72;
37 (37) RCW 67.32.120 and 1970 ex.s. c 76 s 12;
38 (38) RCW 69.51.070 and 1979 c 136 s 7;
39 (39) RCW 70.95C.090 and 1989 c 431 s 48;

- 1 (40) RCW 70.95E.070 and 1990 c 114 s 17;
2 (41) RCW 70.98.210 and 1975-'76 2nd ex.s. c 108 s 14 & 1961 c 207
3 s 24;
4 (42) RCW 70.114A.090 and 1995 c 220 s 9;
5 (43) RCW 70.120.180 and 1989 c 240 s 10;
6 (44) RCW 70.120.220 and 1996 c 186 s 519 & 1991 c 199 s 215;
7 (45) RCW 70.123.060 and 1987 c 505 s 63 & 1979 ex.s. c 245 s 6;
8 (46) RCW 70.128.180 and 1995 c 399 s 196;
9 (47) RCW 70.149.110 and 1995 c 20 s 11;
10 (48) RCW 70.180.900 and 1990 c 271 s 17;
11 (49) RCW 72.02.170 and 1982 c 49 s 5;
12 (50) RCW 75.08.460 and 1995 1st sp.s. c 2 s 18 (Referendum Bill No.
13 45) & 1990 c 91 s 2;
14 (51) RCW 75.50.050 and 1995 1st sp.s. c 2 s 37 (Referendum Bill No.
15 45), 1987 c 505 s 72, & 1985 c 458 s 5;
16 (52) RCW 75.50.120 and 1995 c 367 s 7 & 1990 c 58 s 5;
17 (53) RCW 77.04.111 and 1987 c 506 s 10;
18 (54) RCW 80.36.380 and 1987 c 505 s 78, 1987 c 293 s 6, & 1985 c
19 450 s 41;
20 (55) RCW 80.36.860 and 1989 c 282 s 6;
21 (56) RCW 82.01.110 and 1980 c 157 s 4;
22 (57) RCW 82.61.070 and 1995 c 399 s 215, 1993 sp.s. c 25 s 409,
23 1988 c 41 s 3, 1986 c 116 s 11, & 1985 ex.s. c 2 s 6;
24 (58) RCW 82.63.080 and 1994 sp.s. c 5 s 10;
25 (59) RCW 90.48.369 and 1991 c 200 s 817 & 1989 c 388 s 5;
26 (60) RCW 90.58.330 and 1971 ex.s. c 286 s 33;
27 (61) 1994 sp.s. c 7 s 517 (uncodified);
28 (62) 1994 c 40 s 5 (uncodified); and
29 (63) 1996 c 152 s 3 (uncodified).

30 NEW SECTION. **Sec. 178.** Section 14 of this act expires September
31 1, 2001.

32 NEW SECTION. **Sec. 179.** Sections 115 and 116 of this act expire
33 June 1, 2001.

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