
HOUSE BILL 1617

State of Washington

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By Representatives Smith, Chandler, Eddy, Orcutt, Pearson, Ross, Bailey, Seaquist, Johnson, Armstrong, Rodne, Herrera, Van De Wege, Warnick, Kelley, Kessler, Kristiansen, and Morrell

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1 AN ACT Relating to regulatory reform; amending RCW 34.05.570,
2 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016,
3 43.27A.090, 43.30.215, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070,
4 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050,
5 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070,
6 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060,
7 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; reenacting
8 and amending RCW 34.05.328; adding a new section to chapter 43.17 RCW;
9 adding a new section to chapter 34.05 RCW; and creating a new section.

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

11 **Sec. 1.** RCW 34.05.570 and 2004 c 30 s 1 are each amended to read
12 as follows:

13 (1) Generally. Except to the extent that this chapter or another
14 statute provides otherwise:

15 (a) The burden of demonstrating the invalidity of agency action is
16 on the party asserting invalidity except that the agency bears the
17 burden of demonstrating that an agency action was authorized by law;

18 (b) The validity of agency action shall be determined in accordance

1 with the standards of review provided in this section, as applied to
2 the agency action at the time it was taken;

3 (c) The court shall make a separate and distinct ruling on each
4 material issue on which the court's decision is based; and

5 (d) The court shall grant relief only if it determines that a
6 person seeking judicial relief has been substantially prejudiced by the
7 action complained of.

8 (2) Review of rules. (a) A rule may be reviewed by petition for
9 declaratory judgment filed pursuant to this subsection or in the
10 context of any other review proceeding under this section. In an
11 action challenging the validity of a rule, the agency shall be made a
12 party to the proceeding.

13 (b)((+i+)) The validity of any rule may be determined upon petition
14 for a declaratory judgment addressed to the superior court of Thurston
15 county, when it appears that the rule, or its threatened application,
16 interferes with or impairs or immediately threatens to interfere with
17 or impair the legal rights or privileges of the petitioner. The
18 declaratory judgment order may be entered whether or not the petitioner
19 has first requested the agency to pass upon the validity of the rule in
20 question.

21 ~~((+ii) From June 10, 2004, until July 1, 2008:~~

22 ~~(+A+)) (i) If the petitioner's residence or principal place of
23 business is within the geographical boundaries of the third division of
24 the court of appeals as defined by RCW 2.06.020(3), the petition may be
25 filed in the superior court of Spokane, Yakima, or Thurston county; and~~

26 ~~((+B+)) (ii) If the petitioner's residence or principal place of
27 business is within the geographical boundaries of district three of the
28 first division of the court of appeals as defined by RCW 2.06.020(1),
29 the petition may be filed in the superior court of Whatcom or Thurston
30 county.~~

31 (c) In a proceeding involving review of a rule, the court shall
32 declare the rule invalid only if it finds that: The rule violates
33 constitutional provisions; the rule exceeds the statutory authority of
34 the agency; the rule was adopted without compliance with statutory
35 rule-making procedures; or the rule is arbitrary and capricious. For
36 purposes of this subsection, in determining whether a rule exceeds the
37 agency's statutory authority, the court must also consider whether the
38 rule exceeds the limited delegation under section 40 of this act.

1 (3) Review of agency orders in adjudicative proceedings. The court
2 shall grant relief from an agency order in an adjudicative proceeding
3 only if it determines that:

4 (a) The order, or the statute or rule on which the order is based,
5 is in violation of constitutional provisions on its face or as applied;

6 (b) The order is outside the statutory authority or jurisdiction of
7 the agency conferred by any provision of law;

8 (c) The agency has engaged in unlawful procedure or decision-making
9 process, or has failed to follow a prescribed procedure;

10 (d) The agency has erroneously interpreted or applied the law;

11 (e) The order is not supported by evidence that is substantial when
12 viewed in light of the whole record before the court, which includes
13 the agency record for judicial review, supplemented by any additional
14 evidence received by the court under this chapter;

15 (f) The agency has not decided all issues requiring resolution by
16 the agency;

17 (g) A motion for disqualification under RCW 34.05.425 or 34.12.050
18 was made and was improperly denied or, if no motion was made, facts are
19 shown to support the grant of such a motion that were not known and
20 were not reasonably discoverable by the challenging party at the
21 appropriate time for making such a motion;

22 (h) The order is inconsistent with a rule of the agency unless the
23 agency explains the inconsistency by stating facts and reasons to
24 demonstrate a rational basis for inconsistency; or

25 (i) The order is arbitrary or capricious.

26 (4) Review of other agency action.

27 (a) All agency action not reviewable under subsection (2) or (3) of
28 this section shall be reviewed under this subsection.

29 (b) A person whose rights are violated by an agency's failure to
30 perform a duty that is required by law to be performed may file a
31 petition for review pursuant to RCW 34.05.514, seeking an order
32 pursuant to this subsection requiring performance. Within twenty days
33 after service of the petition for review, the agency shall file and
34 serve an answer to the petition, made in the same manner as an answer
35 to a complaint in a civil action. The court may hear evidence,
36 pursuant to RCW 34.05.562, on material issues of fact raised by the
37 petition and answer.

1 (c) Relief for persons aggrieved by the performance of an agency
2 action, including the exercise of discretion, or an action under (b) of
3 this subsection can be granted only if the court determines that the
4 action is:

5 (i) Unconstitutional;

6 (ii) Outside the statutory authority of the agency or the authority
7 conferred by a provision of law;

8 (iii) Arbitrary or capricious; or

9 (iv) Taken by persons who were not properly constituted as agency
10 officials lawfully entitled to take such action.

11 NEW SECTION. **Sec. 2.** The Constitution of the state of Washington
12 vests the power to make laws in the legislature. In order for the
13 legislature to properly carry out its responsibility for establishing
14 new laws, this act revises rule-making requirements to assure that the
15 legislature can carefully review rules that impose significant
16 requirements on citizens before the rules take effect.

17 **Sec. 3.** RCW 34.05.328 and 2003 c 165 s 2 and 2003 c 39 s 13 are
18 each reenacted and amended to read as follows:

19 (1) Before adopting a rule described in subsection (~~(+5+)~~) (6) of
20 this section, an agency shall:

21 (a) Clearly state in detail the general goals and specific
22 objectives of the statute that the rule implements;

23 (b) Determine that the rule is needed to achieve the general goals
24 and specific objectives stated under (a) of this subsection, and
25 analyze alternatives to rule making and the consequences of not
26 adopting the rule;

27 (c) Provide notification in the notice of proposed rule making
28 under RCW 34.05.320 that a preliminary cost-benefit analysis is
29 available. The preliminary cost-benefit analysis must fulfill the
30 requirements of the cost-benefit analysis under (d) of this subsection.
31 If the agency files a supplemental notice under RCW 34.05.340, the
32 supplemental notice shall include notification that a revised
33 preliminary cost-benefit analysis is available. A final cost-benefit
34 analysis shall be available when the rule is adopted under RCW
35 34.05.360;

1 (d) Determine that the probable benefits of the rule are greater
2 than its probable costs, taking into account both the qualitative and
3 quantitative benefits and costs and the specific directives of the
4 statute being implemented;

5 (e) Determine, after considering alternative versions of the rule
6 and the analysis required under (b), (c), and (d) of this subsection,
7 that the rule being adopted is the least burdensome alternative for
8 those required to comply with it that will achieve the general goals
9 and specific objectives stated under (a) of this subsection;

10 (f) Determine that the rule does not require those to whom it
11 applies to take an action that violates requirements of another federal
12 or state law;

13 (g) Determine that the rule does not impose more stringent
14 performance requirements on private entities than on public entities
15 unless required to do so by federal or state law;

16 (h) Determine if the rule differs from any federal regulation or
17 statute applicable to the same activity or subject matter and, if so,
18 determine that the difference is justified by the following:

19 (i) A state statute that explicitly allows the agency to differ
20 from federal standards; or

21 (ii) Substantial evidence that the difference is necessary to
22 achieve the general goals and specific objectives stated under (a) of
23 this subsection; and

24 (i) Coordinate the rule, to the maximum extent practicable, with
25 other federal, state, and local laws applicable to the same activity or
26 subject matter.

27 (2) In making its determinations pursuant to subsection (1)(b)
28 through (h) of this section, the agency shall place in the rule-making
29 file documentation of sufficient quantity and quality so as to persuade
30 a reasonable person that the determinations are justified.

31 (3) Before adopting rules described in subsection ((+5+)) (6) of
32 this section, an agency shall place in the rule-making file a rule
33 implementation plan for rules filed under each adopting order. The
34 plan shall describe how the agency intends to:

35 (a) Implement and enforce the rule, including a description of the
36 resources the agency intends to use;

37 (b) Inform and educate affected persons about the rule;

38 (c) Promote and assist voluntary compliance; and

1 (d) Evaluate whether the rule achieves the purpose for which it was
2 adopted, including, to the maximum extent practicable, the use of
3 interim milestones to assess progress and the use of objectively
4 measurable outcomes.

5 (4) The adoption of rules described in subsection (6) of this
6 section must be made before December 1st of any year, and the rules may
7 not take effect before the end of the regular legislative session in
8 the next year.

9 (5) After adopting a rule described in subsection ((+5+)) (6) of
10 this section regulating the same activity or subject matter as another
11 provision of federal or state law, an agency shall do all of the
12 following:

13 (a) Provide to the business assistance center a list citing by
14 reference the other federal and state laws that regulate the same
15 activity or subject matter;

16 (b) Coordinate implementation and enforcement of the rule with the
17 other federal and state entities regulating the same activity or
18 subject matter by making every effort to do one or more of the
19 following:

20 (i) Deferring to the other entity;

21 (ii) Designating a lead agency; or

22 (iii) Entering into an agreement with the other entities specifying
23 how the agency and entities will coordinate implementation and
24 enforcement.

25 If the agency is unable to comply with this subsection ((+4+))
26 (5)(b), the agency shall report to the legislature pursuant to (c) of
27 this subsection;

28 (c) Report to the joint administrative rules review committee:

29 (i) The existence of any overlap or duplication of other federal or
30 state laws, any differences from federal law, and any known overlap,
31 duplication, or conflict with local laws; and

32 (ii) Make recommendations for any legislation that may be necessary
33 to eliminate or mitigate any adverse effects of such overlap,
34 duplication, or difference.

35 ((+5+)) (6)(a) Except as provided in (b) of this subsection, this
36 section applies to:

37 (i) Significant legislative rules of the departments of ecology,
38 labor and industries, health, revenue, social and health services, and

1 natural resources, the employment security department, the forest
2 practices board, the office of the insurance commissioner, and to the
3 legislative rules of the department of fish and wildlife implementing
4 chapter 77.55 RCW; and

5 (ii) Any rule of any agency, if this section is voluntarily made
6 applicable to the rule by the agency, or is made applicable to the rule
7 by a majority vote of the joint administrative rules review committee
8 within forty-five days of receiving the notice of proposed rule making
9 under RCW 34.05.320.

10 (b) This section does not apply to:

11 (i) Emergency rules adopted under RCW 34.05.350;

12 (ii) Rules relating only to internal governmental operations that
13 are not subject to violation by a nongovernment party;

14 (iii) Rules adopting or incorporating by reference without material
15 change federal statutes or regulations, Washington state statutes,
16 rules of other Washington state agencies, shoreline master programs
17 other than those programs governing shorelines of statewide
18 significance, or, as referenced by Washington state law, national
19 consensus codes that generally establish industry standards, if the
20 material adopted or incorporated regulates the same subject matter and
21 conduct as the adopting or incorporating rule;

22 (iv) Rules that only correct typographical errors, make address or
23 name changes, or clarify language of a rule without changing its
24 effect;

25 (v) Rules the content of which is explicitly and specifically
26 dictated by statute;

27 (vi) Rules that set or adjust fees or rates pursuant to legislative
28 standards; or

29 (vii) Rules of the department of social and health services
30 relating only to client medical or financial eligibility and rules
31 concerning liability for care of dependents.

32 (c) For purposes of this subsection:

33 (i) A "procedural rule" is a rule that adopts, amends, or repeals
34 (A) any procedure, practice, or requirement relating to any agency
35 hearings; (B) any filing or related process requirement for making
36 application to an agency for a license or permit; or (C) any policy
37 statement pertaining to the consistent internal operations of an
38 agency.

1 (ii) An "interpretive rule" is a rule, the violation of which does
2 not subject a person to a penalty or sanction, that sets forth the
3 agency's interpretation of statutory provisions it administers.

4 (iii) A "significant legislative rule" is a rule other than a
5 procedural or interpretive rule that (A) adopts substantive provisions
6 of law pursuant to delegated legislative authority, the violation of
7 which subjects a violator of such rule to a penalty or sanction; (B)
8 establishes, alters, or revokes any qualification or standard for the
9 issuance, suspension, or revocation of a license or permit; or (C)
10 adopts a new, or makes significant amendments to, a policy or
11 regulatory program.

12 (d) In the notice of proposed rule making under RCW 34.05.320, an
13 agency shall state whether this section applies to the proposed rule
14 pursuant to (a)(i) of this subsection, or if the agency will apply this
15 section voluntarily.

16 ((+6+)) (7) By January 31, 1996, and by January 31st of each even-
17 numbered year thereafter, the office of financial management, after
18 consulting with state agencies, counties, and cities, and business,
19 labor, and environmental organizations, shall report to the governor
20 and the legislature regarding the effects of this section on the
21 regulatory system in this state. The report shall document:

22 (a) The rules proposed to which this section applied and to the
23 extent possible, how compliance with this section affected the
24 substance of the rule, if any, that the agency ultimately adopted;

25 (b) The costs incurred by state agencies in complying with this
26 section;

27 (c) Any legal action maintained based upon the alleged failure of
28 any agency to comply with this section, the costs to the state of such
29 action, and the result;

30 (d) The extent to which this section has adversely affected the
31 capacity of agencies to fulfill their legislatively prescribed mission;

32 (e) The extent to which this section has improved the acceptability
33 of state rules to those regulated; and

34 (f) Any other information considered by the office of financial
35 management to be useful in evaluating the effect of this section.

36 **Sec. 4.** RCW 28A.300.040 and 2006 c 263 s 104 are each amended to
37 read as follows:

1 In addition to any other powers and duties as provided by law, the
2 powers and duties of the superintendent of public instruction shall be:

3 (1) To have supervision over all matters pertaining to the public
4 schools of the state;

5 (2) To report to the governor and the legislature such information
6 and data as may be required for the management and improvement of the
7 schools;

8 (3) To prepare and have printed such forms, registers, courses of
9 study, rules for the government of the common schools, and such other
10 material and books as may be necessary for the discharge of the duties
11 of teachers and officials charged with the administration of the laws
12 relating to the common schools, and to distribute the same to
13 educational service district superintendents;

14 (4) To travel, without neglecting his or her other official duties
15 as superintendent of public instruction, for the purpose of attending
16 educational meetings or conventions, of visiting schools, and of
17 consulting educational service district superintendents or other school
18 officials;

19 (5) To prepare and from time to time to revise a manual of the
20 Washington state common school code, copies of which shall be provided
21 in such numbers as determined by the superintendent of public
22 instruction at no cost to those public agencies within the common
23 school system and which shall be sold at approximate actual cost of
24 publication and distribution per volume to all other public and
25 nonpublic agencies or individuals, said manual to contain Titles 28A
26 and 28C RCW, rules related to the common schools, and such other matter
27 as the state superintendent or the state board of education shall
28 determine. Proceeds of the sale of such code shall be transmitted to
29 the public printer who shall credit the state superintendent's account
30 within the state printing plant revolving fund by a like amount;

31 (6) To file all papers, reports and public documents transmitted to
32 the superintendent by the school officials of the several counties or
33 districts of the state, each year separately. Copies of all papers
34 filed in the superintendent's office, and the superintendent's official
35 acts, may, or upon request, shall be certified by the superintendent
36 and attested by the superintendent's official seal, and when so
37 certified shall be evidence of the papers or acts so certified to;

1 (7) To require annually, on or before the 15th day of August, of
2 the president, manager, or principal of every educational institution
3 in this state, a report as required by the superintendent of public
4 instruction; and it is the duty of every president, manager, or
5 principal, to complete and return such forms within such time as the
6 superintendent of public instruction shall direct;

7 (8) To keep in the superintendent's office a record of all teachers
8 receiving certificates to teach in the common schools of this state;

9 (9) To issue certificates as provided by law;

10 (10) To keep in the superintendent's office at the capital of the
11 state, all books and papers pertaining to the business of the
12 superintendent's office, and to keep and preserve in the
13 superintendent's office a complete record of statistics, as well as a
14 record of the meetings of the state board of education;

15 (11) With the assistance of the office of the attorney general, to
16 decide all points of law which may be submitted to the superintendent
17 in writing by any educational service district superintendent, or that
18 may be submitted to the superintendent by any other person, upon appeal
19 from the decision of any educational service district superintendent;
20 and the superintendent shall publish his or her rulings and decisions
21 from time to time for the information of school officials and teachers;
22 and the superintendent's decision shall be final unless set aside by a
23 court of competent jurisdiction;

24 (12) To administer oaths and affirmations in the discharge of the
25 superintendent's official duties;

26 (13) To deliver to his or her successor, at the expiration of the
27 superintendent's term of office, all records, books, maps, documents
28 and papers of whatever kind belonging to the superintendent's office or
29 which may have been received by the superintendent's for the use of the
30 superintendent's office;

31 (14) To administer family services and programs to promote the
32 state's policy as provided in RCW 74.14A.025;

33 (15) To promote the adoption of school-based curricula and policies
34 that provide quality, daily physical education for all students, and to
35 encourage policies that provide all students with opportunities for
36 physical activity outside of formal physical education classes;

37 (16) To perform such other duties as may be required by law.

1 For rules adopted under the provisions of this chapter after August
2 1, 2009, the superintendent of public instruction may adopt only rules
3 derived from a specific grant of legislative authority. The rules must
4 include the specific statutory section or sections from which the grant
5 of authority is derived, and may not rely solely on a section of law
6 stating a statute's intent or purpose or the general enabling
7 provisions establishing the office of the superintendent of public
8 instruction.

9 **Sec. 5.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to
10 read as follows:

11 The director shall:

12 (1) Have the authority to organize the department into not more
13 than four divisions, each headed by an assistant director;

14 (2) Have free access to all files and records of various funds
15 assigned to the department and inspect and audit the files and records
16 as deemed necessary;

17 (3) Employ personnel to carry out the general administration of the
18 department;

19 (4) Submit an annual written report of the activities of the
20 department to the governor and the chairs of the appropriate
21 legislative committees with one copy to the staff of each of the
22 committees, including recommendations for statutory changes the
23 director believes to be desirable;

24 (5) Adopt (~~such~~) rules (~~and regulations~~) as are necessary to
25 carry out the powers, duties, and functions of the department pursuant
26 to the provisions of chapter 34.05 RCW. For rules adopted under the
27 provisions of this chapter after August 1, 2009, the director may adopt
28 only rules derived from a specific grant of legislative authority. The
29 rules must include the specific statutory section or sections from
30 which the grant of authority is derived, and may not rely solely on a
31 section of law stating a statute's intent or purpose or the general
32 enabling provisions establishing the department.

33 **Sec. 6.** RCW 43.06A.030 and 1996 c 131 s 4 are each amended to read
34 as follows:

35 The ombudsman shall perform the following duties:

1 (1) Provide information as appropriate on the rights and
2 responsibilities of individuals receiving family and children's
3 services, and on the procedures for providing these services;

4 (2) Investigate, upon his or her own initiative or upon receipt of
5 a complaint, an administrative act alleged to be contrary to law, rule,
6 or policy, imposed without an adequate statement of reason, or based on
7 irrelevant, immaterial, or erroneous grounds; however, the ombudsman
8 may decline to investigate any complaint as provided by rules adopted
9 under this chapter;

10 (3) Monitor the procedures as established, implemented, and
11 practiced by the department to carry out its responsibilities in
12 delivering family and children's services with a view toward
13 appropriate preservation of families and ensuring children's health and
14 safety;

15 (4) Review periodically the facilities and procedures of state
16 institutions serving children, and state-licensed facilities or
17 residences;

18 (5) Recommend changes in the procedures for addressing the needs of
19 families and children;

20 (6) Submit annually to the committee and to the governor by
21 November 1st a report analyzing the work of the office including
22 recommendations;

23 (7) Grant the committee access to all relevant records in the
24 possession of the ombudsman unless prohibited by law; and

25 (8) Adopt rules necessary to implement this chapter. For rules
26 adopted under the provisions of this chapter after August 1, 2009, the
27 ombudsman may adopt only rules derived from a specific grant of
28 legislative authority. The rules must include the specific statutory
29 section or sections from which the grant of authority is derived, and
30 may not rely solely on a section of law stating a statute's intent or
31 purpose or the general enabling provisions establishing the department
32 or the ombudsman's office.

33 NEW SECTION. Sec. 7. A new section is added to chapter 43.17 RCW
34 to read as follows:

35 For rules adopted under the provisions of this chapter after August
36 1, 2009, the director of each department may adopt only rules derived
37 from a specific grant of legislative authority. The rules must include

1 the specific statutory section or sections from which the grant of
2 authority is derived, and may not rely solely on a section of law
3 stating a statute's intent or purpose or the general enabling
4 provisions establishing each department.

5 **Sec. 8.** RCW 43.19.011 and 1999 c 229 s 2 are each amended to read
6 as follows:

7 (1) The director of general administration shall supervise and
8 administer the activities of the department of general administration
9 and shall advise the governor and the legislature with respect to
10 matters under the jurisdiction of the department.

11 (2) In addition to other powers and duties granted to the director,
12 the director shall have the following powers and duties:

13 (a) Enter into contracts on behalf of the state to carry out the
14 purposes of this chapter;

15 (b) Accept and expend gifts and grants that are related to the
16 purposes of this chapter, whether such grants be of federal or other
17 funds;

18 (c) Appoint a deputy director and such assistant directors and
19 special assistants as may be needed to administer the department.
20 These employees are exempt from the provisions of chapter 41.06 RCW;

21 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
22 all other functions necessary and proper to carry out the purposes of
23 this chapter. For rules adopted under the provisions of this chapter
24 after August 1, 2009, the director may adopt only rules derived from a
25 specific grant of legislative authority. The rules must include the
26 specific statutory section or sections from which the grant of
27 authority is derived, and may not rely solely on a section of law
28 stating a statute's intent or purpose or the general enabling
29 provisions establishing the department of general administration;

30 (e) Delegate powers, duties, and functions as the director deems
31 necessary for efficient administration, but the director shall be
32 responsible for the official acts of the officers and employees of the
33 department; and

34 (f) Perform other duties as are necessary and consistent with law.

35 (3) The director may establish additional advisory groups as may be
36 necessary to carry out the purposes of this chapter.

1 (4) The internal affairs of the department shall be under the
2 control of the director in order that the director may manage the
3 department in a flexible and intelligent manner as dictated by changing
4 contemporary circumstances. Unless specifically limited by law, the
5 director shall have complete charge and supervisory powers over the
6 department. The director may create such administrative structures as
7 the director deems appropriate, except as otherwise specified by law,
8 and the director may employ such personnel as may be necessary in
9 accordance with chapter 41.06 RCW, except as otherwise provided by law.

10 **Sec. 9.** RCW 43.21A.064 and 1997 c 443 s 2 are each amended to read
11 as follows:

12 Subject to RCW 43.21A.068, the director of the department of
13 ecology shall have the following powers and duties:

14 (1) The supervision of public waters within the state and their
15 appropriation, diversion, and use, and of the various officers
16 connected therewith;

17 (2) Insofar as may be necessary to (~~assure~~) ensure safety to life
18 or property, the director shall inspect the construction of all dams,
19 canals, ditches, irrigation systems, hydraulic power plants, and all
20 other works, systems, and plants pertaining to the use of water, and
21 may require such necessary changes in the construction or maintenance
22 of said works, to be made from time to time, as will reasonably secure
23 safety to life and property;

24 (3) The director shall regulate and control the diversion of water
25 in accordance with the rights thereto;

26 (4) The director shall determine the discharge of streams and
27 springs and other sources of water supply, and the capacities of lakes
28 and of reservoirs whose waters are being or may be utilized for
29 beneficial purposes;

30 (5) The director shall, if requested, provide assistance to an
31 applicant for a water right in obtaining or developing an adequate and
32 appropriate supply of water consistent with the land use permitted for
33 the area in which the water is to be used and the population forecast
34 for the area under RCW 43.62.035. If the applicant is a public water
35 supply system, the supply being sought must be used in a manner
36 consistent with applicable land use, watershed and water system plans,
37 and the population forecast for that area provided under RCW 43.62.035;

1 (6) The director shall keep such records as may be necessary for
2 the recording of the financial transactions and statistical data
3 thereof, and shall procure all necessary documents, forms, and blanks.
4 The director shall keep a seal of the office, and all certificates
5 covering any of the director's acts or the acts of the director's
6 office, or the records and files of that office, under such seal, shall
7 be taken as evidence thereof in all courts;

8 (7) The director shall render when required by the governor, a full
9 written report of the office's work with such recommendations for
10 legislation as the director deems advisable for the better control and
11 development of the water resources of the state;

12 (8) The director and duly authorized deputies may administer oaths;

13 (9) The director shall establish and (~~promulgate~~) adopt rules
14 governing the administration of chapter 90.03 RCW. For rules adopted
15 under the provisions of this chapter after August 1, 2009, the director
16 may adopt only rules derived from a specific grant of legislative
17 authority. The rules must include the specific statutory section or
18 sections from which the grant of authority is derived, and may not rely
19 solely on a section of law stating a statute's intent or purpose or the
20 general enabling provisions establishing the department;

21 (10) The director shall perform such other duties as may be
22 prescribed by law.

23 **Sec. 10.** RCW 43.24.016 and 1999 c 240 s 4 are each amended to read
24 as follows:

25 (1) The director of licensing shall supervise and administer the
26 activities of the department of licensing and shall advise the governor
27 and the legislature with respect to matters under the jurisdiction of
28 the department.

29 (2) In addition to other powers and duties granted to the director,
30 the director has the following powers and duties:

31 (a) Enter into contracts on behalf of the state to carry out the
32 responsibilities of the department;

33 (b) Accept and expend gifts and grants, whether such grants be of
34 federal or other funds;

35 (c) Appoint a deputy director and such assistant directors, special
36 assistants, and administrators as may be needed to administer the

1 department. These employees are exempt from the provisions of chapter
2 41.06 RCW;

3 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
4 all other functions necessary to carry out the responsibilities of the
5 department. For rules adopted under the provisions of this chapter
6 after August 1, 2009, the director may adopt only rules derived from a
7 specific grant of legislative authority. The rules must include the
8 specific statutory section or sections from which the grant of
9 authority is derived, and may not rely solely on a section of law
10 stating a statute's intent or purpose or the general enabling
11 provisions establishing the department;

12 (e) Delegate powers, duties, and functions as the director deems
13 necessary for efficient administration, but the director is responsible
14 for the official acts of the officers and employees of the department;
15 and

16 (f) Perform other duties as are necessary and consistent with law.

17 (3) The director may establish advisory groups as may be necessary
18 to carry out the responsibilities of the department.

19 (4) The internal affairs of the department shall be under the
20 control of the director in order that the director may manage the
21 department in a flexible and intelligent manner as dictated by changing
22 contemporary circumstances. Unless specifically limited by law, the
23 director shall have complete charge and supervisory powers over the
24 department. The director may create such administrative structures as
25 the director deems appropriate, except as otherwise specified by law,
26 and the director may employ such personnel as may be necessary in
27 accordance with chapter 41.06 RCW, except as otherwise provided by law.

28 **Sec. 11.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to
29 read as follows:

30 The department shall be empowered as follows:

31 (1) To represent the state at, and fully participate in, the
32 activities of any basin or regional commission, interagency committee,
33 or any other joint interstate or federal-state agency, committee or
34 commission, or publicly financed entity engaged in the planning,
35 development, administration, management, conservation or preservation
36 of the water resources of the state.

1 (2) To prepare the views and recommendations of the state of
2 Washington on any project, plan or program relating to the planning,
3 development, administration, management, conservation and preservation
4 of any waters located in or affecting the state of Washington,
5 including any federal permit or license proposal, and appear on behalf
6 of, and present views and recommendations of the state at any
7 proceeding, negotiation or hearing conducted by the federal government,
8 interstate agency, state or other agency.

9 (3) To cooperate with, assist, advise and coordinate plans with the
10 federal government and its officers and agencies, and serve as a state
11 liaison agency with the federal government in matters relating to the
12 use, conservation, preservation, quality, disposal or control of water
13 and activities related thereto.

14 (4) To cooperate with appropriate agencies of the federal
15 government and/or agencies of other states, to enter into contracts,
16 and to make appropriate contributions to federal or interstate projects
17 and programs and governmental bodies to carry out the provisions of
18 this chapter.

19 (5) To apply for, accept, administer and expend grants, gifts and
20 loans from the federal government or any other entity to carry out the
21 purposes of this chapter and make contracts and do such other acts as
22 are necessary insofar as they are not inconsistent with other
23 provisions hereof.

24 (6) To develop and maintain a coordinated and comprehensive state
25 water and water resources related development plan, and adopt, with
26 regard to such plan, such policies as are necessary to (~~insure~~)
27 ensure that the waters of the state are used, conserved and preserved
28 for the best interest of the state. There shall be included in the
29 state plan a description of developmental objectives and a statement of
30 the recommended means of accomplishing these objectives. To the extent
31 the director deems desirable, the plan shall integrate into the state
32 plan, the plans, programs, reports, research and studies of other state
33 agencies.

34 (7) To assemble and correlate information relating to water supply,
35 power development, irrigation, watersheds, water use, future
36 possibilities of water use and prospective demands for all purposes
37 served through or affected by water resources development.

1 (8) To assemble and correlate state, local and federal laws,
2 regulations, plans, programs and policies affecting the beneficial use,
3 disposal, pollution, control or conservation of water, river basin
4 development, flood prevention, parks, reservations, forests, wildlife
5 refuges, drainage and sanitary systems, waste disposal, water works,
6 watershed protection and development, soil conservation, power
7 facilities and area and municipal water supply needs, and recommend
8 suitable legislation or other action to the legislature, the congress
9 of the United States, or any city, municipality, or to responsible
10 state, local or federal executive departments or agencies.

11 (9) To cooperate with federal, state, regional, interstate and
12 local public and private agencies in the making of plans for drainage,
13 flood control, use, conservation, allocation and distribution of
14 existing water supplies and the development of new water resource
15 projects.

16 (10) To encourage, assist and advise regional, and city and
17 municipal agencies, officials or bodies responsible for planning in
18 relation to water aspects of their programs, and coordinate local water
19 resources activities, programs, and plans.

20 (11) To (~~promulgate such~~) adopt rules (~~and regulations~~) as are
21 necessary to carry out the purposes of this chapter. For rules adopted
22 under the provisions of this chapter after August 1, 2009, the
23 department may adopt only rules derived from a specific grant of
24 legislative authority. The rules must include the specific statutory
25 section or sections from which the grant of authority is derived, and
26 may not rely solely on a section of law stating a statute's intent or
27 purpose or the general enabling provisions establishing the department.

28 (12) To hold public hearings, and make such investigations, studies
29 and surveys as are necessary to carry out the purposes of the chapter.

30 (13) To subpoena witnesses, compel their attendance, administer
31 oaths, take the testimony of any person under oath and require the
32 production of any books or papers when the department deems such
33 measures necessary in the exercise of its rule-making power or in
34 determining whether or not any license, certificate, or permit shall be
35 granted or extended.

36 **Sec. 12.** RCW 43.30.215 and 2003 c 334 s 112 are each amended to
37 read as follows:

1 The board shall:

2 (1) Perform duties relating to appraisal, appeal, approval, and
3 hearing functions as provided by law;

4 (2) Establish policies to ensure that the acquisition, management,
5 and disposition of all lands and resources within the department's
6 jurisdiction are based on sound principles designed to achieve the
7 maximum effective development and use of such lands and resources
8 consistent with laws applicable thereto;

9 (3) Constitute the board of appraisers provided for in Article 16,
10 section 2 of the state Constitution;

11 (4) Constitute the commission on harbor lines provided for in
12 Article 15, section 1 of the state Constitution as amended;

13 (5) Adopt and enforce rules as may be deemed necessary and proper
14 for carrying out the powers, duties, and functions imposed upon it by
15 this chapter. For rules adopted under the provisions of this chapter
16 after August 1, 2009, the board may adopt only rules derived from a
17 specific grant of legislative authority. The rules must include the
18 specific statutory section or sections from which the grant of
19 authority is derived, and may not rely solely on a section of law
20 stating a statute's intent or purpose or the general enabling
21 provisions establishing the board or the department.

22 **Sec. 13.** RCW 43.31C.060 and 2000 c 212 s 7 are each amended to
23 read as follows:

24 The department must administer this chapter and has the following
25 powers and duties:

26 (1) To monitor the implementation of chapter 212, Laws of 2000 and
27 submit reports evaluating the effectiveness of the program and any
28 suggestions for legislative changes to the governor and legislature by
29 December 1, 2000;

30 (2) To develop evaluation and performance measures for local
31 governments to measure the effectiveness of the program at the local
32 level on meeting the objectives of this chapter;

33 (3) To provide information and appropriate assistance to persons
34 desiring to locate and operate a business in a community empowerment
35 zone;

36 (4) To work with appropriate state agencies to coordinate the
37 delivery of programs, including but not limited to housing, community

1 and economic development, small business assistance, social service,
2 and employment and training programs which are carried on in a
3 community empowerment zone; and

4 (5) To develop rules necessary for the administration of this
5 chapter. For rules adopted under the provisions of this chapter after
6 August 1, 2009, the department may adopt only rules derived from a
7 specific grant of legislative authority. The rules must include the
8 specific statutory section or sections from which the grant of
9 authority is derived, and may not rely solely on a section of law
10 stating a statute's intent or purpose or the general enabling
11 provisions establishing the department.

12 **Sec. 14.** RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended
13 to read as follows:

14 The state finance committee may (~~make~~) adopt appropriate rules
15 (~~and regulations~~) for the performance of its duties. The state
16 treasurer shall act as (~~chairman~~) chair of the committee. For rules
17 adopted under the provisions of this chapter after August 1, 2009, the
18 state finance committee may adopt only rules derived from a specific
19 grant of legislative authority. The rules must include the specific
20 statutory section or sections from which the grant of authority is
21 derived, and may not rely solely on a section of law stating a
22 statute's intent or purpose or the general enabling provisions
23 establishing the state finance committee.

24 **Sec. 15.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to
25 read as follows:

26 The state investment board may (~~make~~) adopt appropriate rules
27 (~~and regulations~~) for the performance of its duties. The board shall
28 establish investment policies and procedures designed exclusively to
29 maximize return at a prudent level of risk. However, in the case of
30 the department of labor and industries' accident, medical aid, and
31 reserve funds, the board shall establish investment policies and
32 procedures designed to attempt to limit fluctuations in industrial
33 insurance premiums and, subject to this purpose, to maximize return at
34 a prudent level of risk. The board shall adopt rules to ensure that
35 its members perform their functions in compliance with chapter 42.52

1 RCW. Rules adopted by the board shall be adopted pursuant to chapter
2 34.05 RCW.

3 For rules adopted under the provisions of this chapter after August
4 1, 2009, the state investment board may adopt only rules derived from
5 a specific grant of legislative authority. The rules must include the
6 specific statutory section or sections from which the grant of
7 authority is derived, and may not rely solely on a section of law
8 stating a statute's intent or purpose or the general enabling
9 provisions establishing the state investment board.

10 **Sec. 16.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended
11 to read as follows:

12 The director shall be secretary of the commission and shall be
13 responsible for carrying into effect the commission's orders and rules
14 (~~and regulations promulgated~~) adopted by the commission. The
15 director shall also be authorized to employ such staff as is necessary
16 pursuant to the provisions of chapter 41.06 RCW. The commission shall
17 adopt (~~such~~) rules (~~and regulations~~) as shall be necessary to carry
18 into effect the purposes of this chapter.

19 For rules adopted under the provisions of this chapter after August
20 1, 2009, the Washington state traffic safety commission may adopt only
21 rules derived from a specific grant of legislative authority. The
22 rules must include the specific statutory section or sections from
23 which the grant of authority is derived, and may not rely solely on a
24 section of law stating a statute's intent or purpose or the general
25 enabling provisions establishing the commission.

26 **Sec. 17.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to read
27 as follows:

28 The director of veterans affairs shall (~~make such~~) adopt rules
29 (~~and regulations~~) as may be necessary to carry out the purposes of
30 this chapter. For rules adopted under the provisions of this chapter
31 after August 1, 2009, the director of veterans affairs may adopt only
32 rules derived from a specific grant of legislative authority. The
33 rules must include the specific statutory section or sections from
34 which the grant of authority is derived, and may not rely solely on a
35 section of law stating a statute's intent or purpose or the general
36 enabling provisions establishing the department of veterans affairs.

1 The department shall furnish information, advice, and assistance to
2 veterans and coordinate all programs and services in the field of
3 veterans' claims service, education, health, vocational guidance and
4 placement, and services not provided by some other agency of the state
5 or by the federal government. The director shall submit a report of
6 the departments' activities hereunder each year to the governor.

7 **Sec. 18.** RCW 43.63A.475 and 1993 c 124 s 2 are each amended to
8 read as follows:

9 The department shall adopt all rules under chapter 34.05 RCW
10 necessary to implement chapter 124, Laws of 1993, giving due
11 consideration to standards and regulations adopted by the secretary of
12 housing and urban development under the National Manufactured Housing
13 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
14 Secs. 5401-5426) for manufactured housing construction and safety
15 standards. For rules adopted under the provisions of this chapter
16 after August 1, 2009, the department of community, trade, and economic
17 development may adopt only rules derived from a specific grant of
18 legislative authority. The rules must include the specific statutory
19 section or sections from which the grant of authority is derived, and
20 may not rely solely on a section of law stating a statute's intent or
21 purpose or the general enabling provisions establishing the department
22 of community, trade, and economic development.

23 **Sec. 19.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read
24 as follows:

25 The primary responsibility of the public health system, is to take
26 those actions necessary to protect, promote, and improve the health of
27 the population. In order to accomplish this, the department shall:

28 (1) Identify, as part of the public health improvement plan, the
29 key health outcomes sought for the population and the capacity needed
30 by the public health system to fulfill its responsibilities in
31 improving health outcomes.

32 (2)(a) Distribute state funds that, in conjunction with local
33 revenues, are intended to improve the capacity of the public health
34 system. The distribution methodology shall encourage system-wide
35 effectiveness and efficiency and provide local health jurisdictions

1 with the flexibility both to determine governance structures and
2 address their unique needs.

3 (b) Enter into with each local health jurisdiction performance-
4 based contracts that establish clear measures of the degree to which
5 the local health jurisdiction is attaining the capacity necessary to
6 improve health outcomes. The contracts negotiated between the local
7 health jurisdictions and the department of health must identify the
8 specific measurable progress that local health jurisdictions will make
9 toward achieving health outcomes. A community assessment conducted by
10 the local health jurisdiction according to the public health
11 improvement plan, which shall include the results of the comprehensive
12 plan prepared according to RCW 70.190.130, will be used as the basis
13 for identifying the health outcomes. The contracts shall include
14 provisions to encourage collaboration among local health jurisdictions.
15 State funds shall be used solely to expand and complement, but not to
16 supplant city and county government support for public health programs.

17 (3) Develop criteria to assess the degree to which capacity is
18 being achieved and ensure compliance by public health jurisdictions.

19 (4) Adopt rules necessary to carry out the purposes of chapter 43,
20 Laws of 1995. For rules adopted under the provisions of this chapter
21 after August 1, 2009, the department may adopt only rules derived from
22 a specific grant of legislative authority. The rules must include the
23 specific statutory section or sections from which the grant of
24 authority is derived, and may not rely solely on a section of law
25 stating a statute's intent or purpose or the general enabling
26 provisions establishing the department.

27 (5) Biennially, within the public health improvement plan, evaluate
28 the effectiveness of the public health system, assess the degree to
29 which the public health system is attaining the capacity to improve the
30 status of the public's health, and report progress made by each local
31 health jurisdiction toward improving health outcomes.

32 **Sec. 20.** RCW 43.101.085 and 2006 c 22 s 1 are each amended to read
33 as follows:

34 In addition to its other powers granted under this chapter, the
35 commission has authority and power to:

36 (1) Adopt, amend, or repeal rules as necessary to carry out this
37 chapter. For rules adopted under the provisions of this chapter after

1 August 1, 2009, the commission may adopt only rules derived from a
2 specific grant of legislative authority. The rules must include the
3 specific statutory section or sections from which the grant of
4 authority is derived, and may not rely solely on a section of law
5 stating a statute's intent or purpose or the general enabling
6 provisions establishing the commission;

7 (2) Issue subpoenas and administer oaths in connection with
8 investigations, hearings, or other proceedings held under this chapter;

9 (3) Take or cause to be taken depositions and other discovery
10 procedures as needed in investigations, hearings, and other proceedings
11 held under this chapter;

12 (4) Appoint members of a hearings board as provided under RCW
13 43.101.380;

14 (5) Enter into contracts for professional services determined by
15 the commission to be necessary for adequate enforcement of this
16 chapter;

17 (6) Grant, deny, or revoke certification of peace officers under
18 the provisions of this chapter;

19 (7) Designate individuals authorized to sign subpoenas and
20 statements of charges under the provisions of this chapter;

21 (8) Employ such investigative, administrative, and clerical staff
22 as necessary for the enforcement of this chapter; and

23 (9) ~~((Tø))~~ Grant, deny, or revoke certification of tribal police
24 officers whose tribal governments have agreed to participate in the
25 tribal police officer certification process.

26 **Sec. 21.** RCW 43.115.040 and 1993 c 261 s 3 are each amended to
27 read as follows:

28 The commission shall have the following powers and duties:

29 (1) Elect one of its members to serve as ~~((chairman))~~ chair;

30 (2) Adopt rules ~~((and regulations))~~ pursuant to chapter 34.05 RCW.
31 For rules adopted under the provisions of this chapter after August 1,
32 2009, the commission may adopt only rules derived from a specific grant
33 of legislative authority. The rules must include the specific
34 statutory section or sections from which the grant of authority is
35 derived, and may not rely solely on a section of law stating a
36 statute's intent or purpose or the general enabling provisions
37 establishing the commission;

1 (3) Examine and define issues pertaining to the rights and needs of
2 Hispanics, and make recommendations to the governor and state agencies
3 for changes in programs and laws;

4 (4) Advise the governor and state agencies on the development and
5 implementation of policies, plans, and programs that relate to the
6 special needs of Hispanics;

7 (5) Advise the legislature on issues of concern to the Hispanic
8 community;

9 (6) Establish relationships with state agencies, local governments,
10 and private sector organizations that promote equal opportunity and
11 benefits for Hispanics; and

12 (7) Receive gifts, grants, and endowments from public or private
13 sources that are made for the use or benefit of the commission and
14 expend, without appropriation, the same or any income from the gifts,
15 grants, or endowments according to their terms.

16 **Sec. 22.** RCW 43.117.050 and 1974 ex.s. c 140 s 5 are each amended
17 to read as follows:

18 The commission shall:

19 (1) Elect one of its members to serve as (~~(chairman)~~) chair; and
20 also such other officers as necessary to form an executive committee;

21 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
22 For rules adopted under the provisions of this chapter after August 1,
23 2009, the commission may adopt only rules derived from a specific grant
24 of legislative authority. The rules must include the specific
25 statutory section or sections from which the grant of authority is
26 derived, and may not rely solely on a section of law stating a
27 statute's intent or purpose or the general enabling provisions
28 establishing the commission;

29 (3) Meet at the call of the (~~(chairman)~~) chair or the call of a
30 majority of its members, but in no case less often than once during any
31 three month period;

32 (4) Be authorized to appoint such citizen task force as it deems
33 appropriate.

34 **Sec. 23.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to
35 read as follows:

36 To carry out the purposes of this chapter, the council may:

1 (1) Contract with public or private nonprofit organizations,
2 agencies, schools, or with qualified individuals for the establishment
3 of community-based educational and service programs designed to:

4 (a) Reduce the occurrence of child abuse and neglect; and

5 (b) Provide for parenting skills which include: Consistency in
6 parenting; providing children with positive discipline that provides
7 firm order without hurting children physically or emotionally; and
8 preserving and nurturing the family unit. Programs to provide these
9 parenting skills may include the following:

10 (i) Programs to teach positive methods of disciplining children;

11 (ii) Programs to educate parents about the physical, mental, and
12 emotional development of children;

13 (iii) Programs to enhance the skills of parents in providing for
14 their children's learning and development; and

15 (iv) Learning experiences for children and parents to help prepare
16 parents and children for the experiences in school. Contracts also may
17 be awarded for research programs related to primary and secondary
18 prevention of child abuse and neglect, and to develop and strengthen
19 community child abuse and neglect prevention networks. Each contract
20 entered into by the council shall contain a provision for the
21 evaluation of services provided under the contract. Contracts for
22 services to prevent child abuse and child neglect shall be awarded as
23 demonstration projects with continuation based upon goal attainment.
24 Contracts for services to prevent child abuse and child neglect shall
25 be awarded on the basis of probability of success based in part upon
26 sound research data.

27 (2) Facilitate the exchange of information between groups concerned
28 with families and children.

29 (3) Consult with applicable state agencies, commissions, and boards
30 to help determine the probable effectiveness, fiscal soundness, and
31 need for proposed educational and service programs for the prevention
32 of child abuse and neglect.

33 (4) Establish fee schedules to provide for the recipients of
34 services to reimburse the state general fund for the cost of services
35 received.

36 (5) Adopt its own bylaws.

37 (6) Adopt rules under chapter 34.05 RCW as necessary to carry out
38 the purposes of this chapter. For rules adopted under the provisions

1 of this chapter after August 1, 2009, the council may adopt only rules
2 derived from a specific grant of legislative authority. The rules must
3 include the specific statutory section or sections from which the grant
4 of authority is derived, and may not rely solely on a section of law
5 stating a statute's intent or purpose or the general enabling
6 provisions establishing the council.

7 **Sec. 24.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to
8 read as follows:

9 The board may:

10 (1) Accept from any state or federal agency, loans or grants for
11 the planning or financing of any public works project and enter into
12 agreements with any such agency concerning the loans or grants;

13 (2) Provide technical assistance to local governments;

14 (3) Accept any gifts, grants, or loans of funds, property, or
15 financial or other aid in any form from any other source on any terms
16 and conditions which are not in conflict with this chapter;

17 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out
18 the purposes of this chapter. For rules adopted under the provisions
19 of this chapter after August 1, 2009, the board may adopt only rules
20 derived from a specific grant of legislative authority. The rules must
21 include the specific statutory section or sections from which the grant
22 of authority is derived, and may not rely solely on a section of law
23 stating a statute's intent or purpose or the general enabling
24 provisions establishing the board;

25 (5) Do all acts and things necessary or convenient to carry out the
26 powers expressly granted or implied under this chapter.

27 **Sec. 25.** RCW 43.160.050 and 2008 c 327 s 4 are each amended to
28 read as follows:

29 The board may:

30 (1) Adopt bylaws for the regulation of its affairs and the conduct
31 of its business.

32 (2) Adopt an official seal and alter the seal at its pleasure.

33 (3) Utilize the services of other governmental agencies.

34 (4) Accept from any federal agency loans or grants for the planning
35 or financing of any project and enter into an agreement with the agency
36 respecting the loans or grants.

1 (5) Conduct examinations and investigations and take testimony at
2 public hearings of any matter material for its information that will
3 assist in determinations related to the exercise of the board's lawful
4 powers.

5 (6) Accept any gifts, grants, or loans of funds, property, or
6 financial or other aid in any form from any other source on any terms
7 and conditions which are not in conflict with this chapter.

8 (7) Enter into agreements or other transactions with and accept
9 grants and the cooperation of any governmental agency in furtherance of
10 this chapter.

11 (8) Adopt rules under chapter 34.05 RCW as necessary to carry out
12 the purposes of this chapter. For rules adopted under the provisions
13 of this chapter after August 1, 2009, the board may adopt only rules
14 derived from a specific grant of legislative authority. The rules must
15 include the specific statutory section or sections from which the grant
16 of authority is derived, and may not rely solely on a section of law
17 stating a statute's intent or purpose or the general enabling
18 provisions establishing the board.

19 (9) Do all acts and things necessary or convenient to carry out the
20 powers expressly granted or implied under this chapter.

21 **Sec. 26.** RCW 43.163.100 and 1990 c 53 s 6 are each amended to read
22 as follows:

23 In addition to accomplishing the economic development finance
24 programs specifically authorized in this chapter, the authority may:

25 (1) Maintain an office or offices;

26 (2) Sue and be sued in its own name, and plead and be impleaded;

27 (3) Engage consultants, agents, attorneys, and advisers, contract
28 with federal, state, and local governmental entities for services, and
29 hire such employees, agents and other personnel as the authority deems
30 necessary, useful, or convenient to accomplish its purposes;

31 (4) Make and execute all manner of contracts, agreements and
32 instruments and financing documents with public and private parties as
33 the authority deems necessary, useful, or convenient to accomplish its
34 purposes;

35 (5) Acquire and hold real or personal property, or any interest
36 therein, in the name of the authority, and to sell, assign, lease,

1 encumber, mortgage, or otherwise dispose of the same in such manner as
2 the authority deems necessary, useful, or convenient to accomplish its
3 purposes;

4 (6) Open and maintain accounts in qualified public depositaries and
5 otherwise provide for the investment of any funds not required for
6 immediate disbursement, and provide for the selection of investments;

7 (7) Appear in its own behalf before boards, commissions,
8 departments, or agencies of federal, state, or local government;

9 (8) Procure such insurance in such amounts and from such insurers
10 as the authority deems desirable, including, but not limited to,
11 insurance against any loss or damage to its property or other assets,
12 public liability insurance for injuries to persons or property, and
13 directors and officers liability insurance;

14 (9) Apply for and accept subventions, grants, loans, advances, and
15 contributions from any source of money, property, labor, or other
16 things of value, to be held, used and applied as the authority deems
17 necessary, useful, or convenient to accomplish its purposes;

18 (10) Establish guidelines for the participation by eligible banking
19 organizations in programs conducted by the authority under this
20 chapter;

21 (11) Act as an agent, by agreement, for federal, state, or local
22 governmental entities to carry out the programs authorized in this
23 chapter;

24 (12) Establish, revise, and collect such fees and charges as the
25 authority deems necessary, useful, or convenient to accomplish its
26 purposes;

27 (13) Make such expenditures as are appropriate for paying the
28 administrative costs and expenses of the authority in carrying out the
29 provisions of this chapter: PROVIDED, That expenditures with respect
30 to the economic development financing programs of the authority shall
31 not be made from funds of the state;

32 (14) Establish such reserves and special funds, and controls on
33 deposits to and disbursements from them, as the authority deems
34 necessary, useful, or convenient to accomplish its purposes;

35 (15) Give assistance to public bodies by providing information,
36 guidelines, forms, and procedures for implementing their financing
37 programs;

1 (16) Prepare, publish and distribute, with or without charge, such
2 studies, reports, bulletins, and other material as the authority deems
3 necessary, useful, or convenient to accomplish its purposes;

4 (17) Delegate any of its powers and duties if consistent with the
5 purposes of this chapter;

6 (18) Adopt rules concerning its exercise of the powers authorized
7 by this chapter. For rules adopted under the provisions of this
8 chapter after August 1, 2009, the authority may adopt only rules
9 derived from a specific grant of legislative authority. The rules must
10 include the specific statutory section or sections from which the grant
11 of authority is derived, and may not rely solely on a section of law
12 stating a statute's intent or purpose or the general enabling
13 provisions establishing the authority; and

14 (19) Exercise any other power the authority deems necessary,
15 useful, or convenient to accomplish its purposes and exercise the
16 powers expressly granted in this chapter.

17 **Sec. 27.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
18 read as follows:

19 (1) There is ((~~hereby~~)) established a public body corporate and
20 politic, with perpetual corporate succession, to be known as the
21 Washington state housing finance commission. The commission is an
22 instrumentality of the state exercising essential government functions
23 and, for purposes of the code, acts as a constituted authority on
24 behalf of the state when it issues bonds pursuant to this chapter. The
25 commission is a "public body" within the meaning of RCW 39.53.010.

26 (2) The commission shall consist of the following voting members:

27 (a) The state treasurer, ex officio;

28 (b) The director of community, trade, and economic development, ex
29 officio;

30 (c) An elected local government official, ex officio, with
31 experience in local housing programs, who shall be appointed by the
32 governor with the consent of the senate;

33 (d) A representative of housing consumer interests, appointed by
34 the governor with the consent of the senate;

35 (e) A representative of labor interests, appointed by the governor,
36 with the consent of the senate, after consultation with representatives
37 of organized labor;

1 (f) A representative of low-income persons, appointed by the
2 governor with the consent of the senate;

3 (g) Five members of the public appointed by the governor, with the
4 consent of the senate, on the basis of geographic distribution and
5 their expertise in housing, real estate, finance, energy efficiency, or
6 construction, one of whom shall be appointed by the governor as chair
7 of the commission and who shall serve on the commission and as chair of
8 the commission at the pleasure of the governor.

9 The term of the persons appointed by the governor, other than the
10 chair, shall be four years from the date of their appointment, except
11 that the terms of three of the initial appointees shall be for two
12 years from the date of their appointment. The governor shall designate
13 the appointees who will serve the two-year terms. An appointee may be
14 removed by the governor for cause pursuant to RCW 43.06.070 and
15 43.06.080. The governor shall fill any vacancy in an appointed
16 position by appointment for the remainder of the unexpired term. If
17 the department of community, trade, and economic development is
18 abolished, the resulting vacancy shall be filled by a state official
19 who shall be appointed to the commission by the governor. If this
20 official occupies an office or position for which senate confirmation
21 is not required, then his or her appointment to the commission shall be
22 subject to the consent of the senate. The members of the commission
23 shall be compensated in accordance with RCW 43.03.240 and may be
24 reimbursed, solely from the funds of the commission, for expenses
25 incurred in the discharge of their duties under this chapter, subject
26 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the
27 commission constitutes a quorum. Designees shall be appointed in such
28 manner and shall exercise such powers as are specified by the rules of
29 the commission.

30 (3) The commission may adopt an official seal and may select from
31 its membership a vice_chair, a secretary, and a treasurer. The
32 commission shall establish rules concerning its exercise of the powers
33 authorized by this chapter. The rules shall be adopted in conformance
34 with chapter 34.05 RCW. For rules adopted under the provisions of this
35 chapter after August 1, 2009, the commission may adopt only rules
36 derived from a specific grant of legislative authority. The rules must
37 include the specific statutory section or sections from which the grant

1 of authority is derived, and may not rely solely on a section of law
2 stating a statute's intent or purpose or the general enabling
3 provisions establishing the commission.

4 **Sec. 28.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to
5 read as follows:

6 The department of ecology shall adopt such rules as are necessary
7 to carry out responsibilities under this chapter. The department of
8 ecology is authorized to adopt such rules as are necessary to carry out
9 its responsibilities under chapter 43.145 RCW. For rules adopted under
10 the provisions of this chapter after August 1, 2009, the department of
11 ecology may adopt only rules derived from a specific grant of
12 legislative authority. The rules must include the specific statutory
13 section or sections from which the grant of authority is derived, and
14 may not rely solely on a section of law stating a statute's intent or
15 purpose or the general enabling provisions establishing the department
16 of ecology.

17 **Sec. 29.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
18 read as follows:

19 The department of community, trade, and economic development or its
20 statutory successor shall adopt rules under chapter 34.05 RCW as
21 necessary to carry out the purposes of this chapter. For rules adopted
22 under the provisions of this chapter after August 1, 2009, the
23 department of community, trade, and economic development may adopt only
24 rules derived from a specific grant of legislative authority. The
25 rules must include the specific statutory section or sections from
26 which the grant of authority is derived, and may not rely solely on a
27 section of law stating a statute's intent or purpose or the general
28 enabling provisions establishing the department of community, trade,
29 and economic development.

30 **Sec. 30.** RCW 43.250.090 and 1986 c 294 s 9 are each amended to
31 read as follows:

32 The state finance committee shall administer this chapter and adopt
33 appropriate rules. For rules adopted under the provisions of this
34 chapter after August 1, 2009, the state finance committee may adopt
35 only rules derived from a specific grant of legislative authority. The

1 rules must include the specific statutory section or sections from
2 which the grant of authority is derived, and may not rely solely on a
3 section of law stating a statute's intent or purpose or the general
4 enabling provisions establishing the state finance committee.

5 **Sec. 31.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to
6 read as follows:

7 The director of financial institutions may adopt any rules, under
8 chapter 34.05 RCW, necessary to implement the powers and duties of the
9 director under this chapter. For rules adopted under the provisions of
10 this chapter after August 1, 2009, the director of financial
11 institutions may adopt only rules derived from a specific grant of
12 legislative authority. The rules must include the specific statutory
13 section or sections from which the grant of authority is derived, and
14 may not rely solely on a section of law stating a statute's intent or
15 purpose or the general enabling provisions establishing the department
16 of financial institutions.

17 **Sec. 32.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to
18 read as follows:

19 (1) The director shall supervise and administer the activities of
20 the department and shall advise the governor and the legislature with
21 respect to community and economic development matters affecting the
22 state.

23 (2) In addition to other powers and duties granted to the director,
24 the director shall have the following powers and duties:

25 (a) Enter into contracts on behalf of the state to carry out the
26 purposes of this chapter;

27 (b) Act for the state in the initiation of or participation in any
28 multigovernmental program relative to the purpose of this chapter;

29 (c) Accept and expend gifts and grants, whether such grants be of
30 federal or other funds;

31 (d) Appoint such deputy directors, assistant directors, and up to
32 seven special assistants as may be needed to administer the department.
33 These employees are exempt from the provisions of chapter 41.06 RCW;

34 (e) Prepare and submit budgets for the department for executive and
35 legislative action;

1 (f) Submit recommendations for legislative actions as are deemed
2 necessary to further the purposes of this chapter;

3 (g) Adopt rules in accordance with chapter 34.05 RCW and perform
4 all other functions necessary and proper to carry out the purposes of
5 this chapter. For rules adopted under the provisions of this chapter
6 after August 1, 2009, the director may adopt only rules derived from a
7 specific grant of legislative authority. The rules must include the
8 specific statutory section or sections from which the grant of
9 authority is derived, and may not rely solely on a section of law
10 stating a statute's intent or purpose or the general enabling
11 provisions establishing the department;

12 (h) Delegate powers, duties, and functions as the director deems
13 necessary for efficient administration, but the director shall be
14 responsible for the official acts of the officers and employees of the
15 department; and

16 (i) Perform other duties as are necessary and consistent with law.

17 (3) When federal or other funds are received by the department,
18 they shall be promptly transferred to the state treasurer and
19 thereafter expended only upon the approval of the director.

20 (4) The director may request information and assistance from all
21 other agencies, departments, and officials of the state, and may
22 reimburse such agencies, departments, or officials if such a request
23 imposes any additional expenses upon any such agency, department, or
24 official.

25 (5) The director shall, in carrying out the responsibilities of
26 office, consult with governmental officials, private groups, and
27 individuals and with officials of other states. All state agencies and
28 their officials and the officials of any political subdivision of the
29 state shall cooperate with and give such assistance to the department,
30 including the submission of requested information, to allow the
31 department to carry out its purposes under this chapter.

32 (6) The director may establish additional advisory or coordinating
33 groups with the legislature, within state government, with state and
34 other governmental units, with the private sector and nonprofit
35 entities or in specialized subject areas as may be necessary to carry
36 out the purposes of this chapter.

37 (7) The internal affairs of the department shall be under the
38 control of the director in order that the director may manage the

1 department in a flexible and intelligent manner as dictated by changing
2 contemporary circumstances. Unless specifically limited by law, the
3 director shall have complete charge and supervisory powers over the
4 department. The director may create such administrative structures as
5 the director deems appropriate, except as otherwise specified by law,
6 and the director may employ such personnel as may be necessary in
7 accordance with chapter 41.06 RCW, except as otherwise provided by law.

8 **Sec. 33.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to read
9 as follows:

10 The transportation commission shall have the following functions,
11 powers, and duties:

12 (1) To propose policies to be adopted by the governor and the
13 legislature designed to (~~assure~~) ensure the development and
14 maintenance of a comprehensive and balanced statewide transportation
15 system which will meet the needs of the people of this state for safe
16 and efficient transportation services. Wherever appropriate, the
17 policies shall provide for the use of integrated, intermodal
18 transportation systems. The policies must be aligned with the goals
19 established in RCW 47.04.280. To this end the commission shall:

20 (a) Develop transportation policies which are based on the
21 policies, goals, and objectives expressed and inherent in existing
22 state laws;

23 (b) Inventory the adopted policies, goals, and objectives of the
24 local and area-wide governmental bodies of the state and define the
25 role of the state, regional, and local governments in determining
26 transportation policies, in transportation planning, and in
27 implementing the state transportation plan;

28 (c) Establish a procedure for review and revision of the state
29 transportation policy and for submission of proposed changes to the
30 governor and the legislature; and

31 (d) Integrate the statewide transportation plan with the needs of
32 the elderly and persons with disabilities, and coordinate federal and
33 state programs directed at assisting local governments to answer such
34 needs;

35 (2) To provide for the effective coordination of state
36 transportation planning with national transportation policy, state and

1 local land use policies, and local and regional transportation plans
2 and programs;

3 (3) In conjunction with the provisions under RCW 47.01.075, to
4 provide for public involvement in transportation designed to elicit the
5 public's views both with respect to adequate transportation services
6 and appropriate means of minimizing adverse social, economic,
7 environmental, and energy impact of transportation programs;

8 (4) By December 2010, to prepare a comprehensive and balanced
9 statewide transportation plan consistent with the state's growth
10 management goals and based on the transportation policy goals provided
11 under RCW 47.04.280 and applicable state and federal laws. The plan
12 must reflect the priorities of government developed by the office of
13 financial management and address regional needs, including multimodal
14 transportation planning. The plan must, at a minimum: (a) Establish
15 a vision for the development of the statewide transportation system;
16 (b) identify significant statewide transportation policy issues; and
17 (c) recommend statewide transportation policies and strategies to the
18 legislature to fulfill the requirements of subsection (1) of this
19 section. The plan must be the product of an ongoing process that
20 involves representatives of significant transportation interests and
21 the general public from across the state. Every four years, the plan
22 shall be reviewed and revised, and submitted to the governor and the
23 house of representatives and senate standing committees on
24 transportation.

25 The plan shall take into account federal law and regulations
26 relating to the planning, construction, and operation of transportation
27 facilities;

28 (5) By December 2007, the office of financial management shall
29 submit a baseline report on the progress toward attaining the policy
30 goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October
31 1, 2008, beginning with the development of the 2009-2011 biennial
32 transportation budget, and by October 1st biennially thereafter, the
33 office of financial management shall submit to the legislature and the
34 governor a report on the progress toward the attainment by state
35 transportation agencies of the state transportation policy goals and
36 objectives prescribed by statute, appropriation, and governor
37 directive. The report must, at a minimum, include the degree to which
38 state transportation programs have progressed toward the attainment of

1 the policy goals established under RCW 47.04.280, as measured by the
2 objectives and performance measures established by the office of
3 financial management under RCW 47.04.280;

4 (6) To propose to the governor and the legislature prior to the
5 convening of each regular session held in an odd-numbered year a
6 recommended budget for the operations of the commission as required by
7 RCW 47.01.061;

8 (7) To adopt (~~such~~) rules as may be necessary to carry out
9 reasonably and properly those functions expressly vested in the
10 commission by statute. For rules adopted under the provisions of this
11 chapter after August 1, 2009, the commission may adopt only rules
12 derived from a specific grant of legislative authority. The rules must
13 include the specific statutory section or sections from which the grant
14 of authority is derived, and may not rely solely on a section of law
15 stating a statute's intent or purpose or the general enabling
16 provisions establishing the department;

17 (8) To contract with the office of financial management or other
18 appropriate state agencies for administrative support, accounting
19 services, computer services, and other support services necessary to
20 carry out its other statutory duties;

21 (9) To conduct transportation-related studies and policy analysis
22 to the extent directed by the legislature or governor in the biennial
23 transportation budget act, or as otherwise provided in law, and subject
24 to the availability of amounts appropriated for this specific purpose;
25 and

26 (10) To exercise such other specific powers and duties as may be
27 vested in the transportation commission by this or any other provision
28 of law.

29 **Sec. 34.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to
30 read as follows:

31 (1) The commissioner shall have the authority expressly conferred
32 upon him or her by or reasonably implied from the provisions of this
33 code.

34 (2) The commissioner shall execute his or her duties and shall
35 enforce the provisions of this code.

36 (3) The commissioner may:

1 (a) (~~Make~~) Adopt reasonable rules (~~and regulations~~) for
2 effectuating any provision of this code, except those relating to his
3 or her election, qualifications, or compensation. No (~~such~~) rules
4 (~~and regulations shall be~~) are effective prior to their being filed
5 for public inspection in the commissioner's office. For rules adopted
6 under the provisions of this chapter after August 1, 2009, the
7 commissioner may adopt only rules derived from a specific grant of
8 legislative authority. The rules must include the specific statutory
9 section or sections from which the grant of authority is derived, and
10 may not rely solely on a section of law stating a statute's intent or
11 purpose or the general enabling provisions establishing the office of
12 the insurance commissioner.

13 (b) Conduct investigations to determine whether any person has
14 violated any provision of this code.

15 (c) Conduct examinations, investigations, hearings, in addition to
16 those specifically provided for, useful and proper for the efficient
17 administration of any provision of this code.

18 **Sec. 35.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read
19 as follows:

20 The insurance commissioner shall (~~make~~) adopt reasonable
21 (~~regulations~~) rules in aid of the administration of this chapter
22 which may include, but shall not be limited to (~~regulations~~) rules
23 concerning the maintenance of adequate insurance, bonds, or cash
24 deposits, information required of registrants, and methods of
25 expediting speedy and fair payments to claimants. For rules adopted
26 under the provisions of this chapter after August 1, 2009, the
27 insurance commissioner may adopt only rules derived from a specific
28 grant of legislative authority. The rules must include the specific
29 statutory section or sections from which the grant of authority is
30 derived, and may not rely solely on a section of law stating a
31 statute's intent or purpose or the general enabling provisions
32 establishing the office of the insurance commissioner.

33 **Sec. 36.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each
34 amended to read as follows:

35 The commissioner may, in accordance with the provisions of the
36 administrative procedure act, chapter 34.05 RCW, (~~promulgate~~) adopt

1 rules ((and regulations)) as necessary or proper to carry out the
2 provisions of this chapter. For rules adopted under the provisions of
3 this chapter after August 1, 2009, the commissioner may adopt only
4 rules derived from a specific grant of legislative authority. The
5 rules must include the specific statutory section or sections from
6 which the grant of authority is derived, and may not rely solely on a
7 section of law stating a statute's intent or purpose or the general
8 enabling provisions establishing the office of the insurance
9 commissioner. Nothing in this chapter shall be construed to prohibit
10 the commissioner from requiring changes in procedures previously
11 approved by him.

12 **Sec. 37.** RCW 66.08.0501 and 1997 c 321 s 56 are each amended to
13 read as follows:

14 The liquor control board may adopt appropriate rules pursuant to
15 chapter 34.05 RCW for the purpose of carrying out the provisions of
16 chapter 321, Laws of 1997. For rules adopted under the provisions of
17 this chapter after August 1, 2009, the liquor control board may adopt
18 only rules derived from a specific grant of legislative authority. The
19 rules must include the specific statutory section or sections from
20 which the grant of authority is derived, and may not rely solely on a
21 section of law stating a statute's intent or purpose or the general
22 enabling provisions establishing the liquor control board.

23 **Sec. 38.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
24 read as follows:

25 (1) In establishing policies to preserve, protect, and perpetuate
26 wildlife, fish, and wildlife and fish habitat, the commission shall
27 meet annually with the governor to:

28 (a) Review and prescribe basic goals and objectives related to
29 those policies; and

30 (b) Review the performance of the department in implementing fish
31 and wildlife policies.

32 The commission shall maximize fishing, hunting, and outdoor
33 recreational opportunities compatible with healthy and diverse fish and
34 wildlife populations.

35 (2) The commission shall establish hunting, trapping, and fishing

1 seasons and prescribe the time, place, manner, and methods that may be
2 used to harvest or enjoy game fish and wildlife.

3 (3) The commission shall establish provisions regulating food fish
4 and shellfish as provided in RCW 77.12.047.

5 (4) The commission shall have final approval authority for tribal,
6 interstate, international, and any other department agreements relating
7 to fish and wildlife.

8 (5) The commission shall adopt rules to implement the state's fish
9 and wildlife laws. For rules adopted under the provisions of this
10 chapter after August 1, 2009, the commission may adopt only rules
11 derived from a specific grant of legislative authority. The rules must
12 include the specific statutory section or sections from which the grant
13 of authority is derived, and may not rely solely on a section of law
14 stating a statute's intent or purpose or the general enabling
15 provisions establishing the commission or the department.

16 (6) The commission shall have final approval authority for the
17 department's budget proposals.

18 (7) The commission shall select its own staff and shall appoint the
19 director of the department. The director and commission staff shall
20 serve at the pleasure of the commission.

21 **Sec. 39.** RCW 80.01.040 and 2007 c 234 s 1 are each amended to read
22 as follows:

23 The utilities and transportation commission shall:

24 (1) Exercise all the powers and perform all the duties prescribed
25 by this title and by Title 81 RCW, or by any other law.

26 (2) Regulate in the public interest, as provided by the public
27 service laws, all persons engaging in the transportation of persons or
28 property within this state for compensation.

29 (3) Regulate in the public interest, as provided by the public
30 service laws, the rates, services, facilities, and practices of all
31 persons engaging within this state in the business of supplying any
32 utility service or commodity to the public for compensation.

33 (4) (~~Make~~) Adopt rules (~~and regulations~~) necessary to carry out
34 its other powers and duties. For rules adopted under the provisions of
35 this chapter after August 1, 2009, the commission may adopt only rules
36 derived from a specific grant of legislative authority. The rules must
37 include the specific statutory section or sections from which the grant

1 of authority is derived, and may not rely solely on a section of law
2 stating a statute's intent or purpose or the general enabling
3 provisions establishing the commission.

4 NEW SECTION. **Sec. 40.** A new section is added to chapter 34.05 RCW
5 to read as follows:

6 When delegating authority to an agency through legislation, the
7 legislature, unless it specifically states otherwise, limits its
8 delegation of authority to:

9 (1) The minimum delegation necessary to administer the
10 legislation's clear and unambiguous directives; and

11 (2) The administration of circumstances and behaviors foreseeable
12 at the time of the legislation's enactment.

--- END ---