
HOUSE BILL 1151

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Smith, Finn, Pearson, Kelley, Schmick, Warnick, Takko, Ross, Probst, Dammeier, Rodne, Short, Orcutt, Bailey, Haigh, Kristiansen, Carlyle, Blake, Angel, Hurst, McCune, Harris, Rolfes, Condotta, and Klippert

Read first time 01/13/11. Referred to Committee on State Government & Tribal Affairs.

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; adding a
8 new section to chapter 43.17 RCW; and adding a new section to chapter
9 34.05 RCW.

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;

17 (b) The validity of agency action shall be determined in accordance
18 with the standards of review provided in this section, as applied to
19 the agency action at the time it was taken;

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

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

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

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

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

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

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

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

37 (3) Review of agency orders in adjudicative proceedings. The court

1 shall grant relief from an agency order in an adjudicative proceeding
2 only if it determines that:

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

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

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

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

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

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

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

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

24 (i) The order is arbitrary or capricious.

25 (4) Review of other agency action.

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

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

37 (c) Relief for persons aggrieved by the performance of an agency

1 action, including the exercise of discretion, or an action under (b) of
2 this subsection can be granted only if the court determines that the
3 action is:

- 4 (i) Unconstitutional;
- 5 (ii) Outside the statutory authority of the agency or the authority
6 conferred by a provision of law;
- 7 (iii) Arbitrary or capricious; or
- 8 (iv) Taken by persons who were not properly constituted as agency
9 officials lawfully entitled to take such action.

10 **Sec. 2.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to
11 read as follows:

12 (1) In addition to any other powers and duties as provided by law,
13 the powers and duties of the superintendent of public instruction shall
14 be:

15 ~~((+1))~~ (a) To have supervision over all matters pertaining to the
16 public schools of the state;

17 ~~((+2))~~ (b) To report to the governor and the legislature such
18 information and data as may be required for the management and
19 improvement of the schools;

20 ~~((+3))~~ (c) To prepare and have printed such forms, registers,
21 courses of study, rules for the government of the common schools, and
22 such other material and books as may be necessary for the discharge of
23 the duties of teachers and officials charged with the administration of
24 the laws relating to the common schools, and to distribute the same to
25 educational service district superintendents;

26 ~~((+4))~~ (d) To travel, without neglecting his or her other official
27 duties as superintendent of public instruction, for the purpose of
28 attending educational meetings or conventions, of visiting schools, and
29 of consulting educational service district superintendents or other
30 school officials;

31 ~~((+5))~~ (e) To prepare and from time to time to revise a manual of
32 the Washington state common school code, copies of which shall be made
33 available online and which shall be sold at approximate actual cost of
34 publication and distribution per volume to public and nonpublic
35 agencies or individuals, said manual to contain Titles 28A and 28C RCW,
36 rules related to the common schools, and such other matter as the state
37 superintendent or the state board of education shall determine.

1 Proceeds of the sale of such code shall be transmitted to the public
2 printer who shall credit the state superintendent's account within the
3 state printing plant revolving fund by a like amount;

4 ~~((+6+))~~ (f) To file all papers, reports and public documents
5 transmitted to the superintendent by the school officials of the
6 several counties or districts of the state, each year separately.
7 Copies of all papers filed in the superintendent's office, and the
8 superintendent's official acts, may, or upon request, shall be
9 certified by the superintendent and attested by the superintendent's
10 official seal, and when so certified shall be evidence of the papers or
11 acts so certified to;

12 ~~((+7+))~~ (g) To require annually, on or before the 15th day of
13 August, of the president, manager, or principal of every educational
14 institution in this state, a report as required by the superintendent
15 of public instruction; and it is the duty of every president, manager,
16 or principal, to complete and return such forms within such time as the
17 superintendent of public instruction shall direct;

18 ~~((+8+))~~ (h) To keep in the superintendent's office a record of all
19 teachers receiving certificates to teach in the common schools of this
20 state;

21 ~~((+9+))~~ (i) To issue certificates as provided by law;

22 ~~((+10+))~~ (j) To keep in the superintendent's office at the capital
23 of the state, all books and papers pertaining to the business of the
24 superintendent's office, and to keep and preserve in the
25 superintendent's office a complete record of statistics, as well as a
26 record of the meetings of the state board of education;

27 ~~((+11+))~~ (k) With the assistance of the office of the attorney
28 general, to decide all points of law which may be submitted to the
29 superintendent in writing by any educational service district
30 superintendent, or that may be submitted to the superintendent by any
31 other person, upon appeal from the decision of any educational service
32 district superintendent; and the superintendent shall publish his or
33 her rulings and decisions from time to time for the information of
34 school officials and teachers; and the superintendent's decision shall
35 be final unless set aside by a court of competent jurisdiction;

36 ~~((+12+))~~ (l) To administer oaths and affirmations in the discharge
37 of the superintendent's official duties;

1 ~~((13))~~ (m) To deliver to his or her successor, at the expiration
2 of the superintendent's term of office, all records, books, maps,
3 documents and papers of whatever kind belonging to the superintendent's
4 office or which may have been received by the superintendent's for the
5 use of the superintendent's office;

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

8 ~~((15))~~ (o) To promote the adoption of school-based curricula and
9 policies that provide quality, daily physical education for all
10 students, and to encourage policies that provide all students with
11 opportunities for physical activity outside of formal physical
12 education classes;

13 ~~((16))~~ (p) To perform such other duties as may be required by
14 law.

15 (2) For rules adopted under the provisions of this chapter after
16 August 1, 2011, the superintendent of public instruction may adopt only
17 rules derived from a specific grant of legislative authority. The
18 rules must include the specific statutory section or sections from
19 which the grant of authority is derived, and may not rely solely on a
20 section of law stating a statute's intent or purpose or the general
21 enabling provisions establishing the office of the superintendent of
22 public instruction.

23 **Sec. 3.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to
24 read as follows:

25 The director shall:

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

28 (2) Have free access to all files and records of various funds
29 assigned to the department and inspect and audit the files and records
30 as deemed necessary;

31 (3) Employ personnel to carry out the general administration of the
32 department;

33 (4) Submit an annual written report of the activities of the
34 department to the governor and the chairs of the appropriate
35 legislative committees with one copy to the staff of each of the
36 committees, including recommendations for statutory changes the
37 director believes to be desirable;

1 (5) Adopt (~~such~~) rules (~~and regulations~~) as are necessary to
2 carry out the powers, duties, and functions of the department pursuant
3 to the provisions of chapter 34.05 RCW. For rules adopted under the
4 provisions of this chapter after August 1, 2011, the director may adopt
5 only rules derived from a specific grant of legislative authority. The
6 rules must include the specific statutory section or sections from
7 which the grant of authority is derived, and may not rely solely on a
8 section of law stating a statute's intent or purpose or the general
9 enabling provisions establishing the department.

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

12 The ombudsman shall perform the following duties:

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

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

22 (3) Monitor the procedures as established, implemented, and
23 practiced by the department to carry out its responsibilities in
24 delivering family and children's services with a view toward
25 appropriate preservation of families and ensuring children's health and
26 safety;

27 (4) Review periodically the facilities and procedures of state
28 institutions serving children, and state-licensed facilities or
29 residences;

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

32 (6) Submit annually to the committee and to the governor by
33 November 1st a report analyzing the work of the office including
34 recommendations;

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

1 (8) Adopt rules necessary to implement this chapter. For rules
2 adopted under the provisions of this chapter after August 1, 2011, the
3 ombudsman may adopt only rules derived from a specific grant of
4 legislative authority. The rules must include the specific statutory
5 section or sections from which the grant of authority is derived, and
6 may not rely solely on a section of law stating a statute's intent or
7 purpose or the general enabling provisions establishing the department
8 or the ombudsman's office.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.17 RCW
10 to read as follows:

11 For rules adopted under the provisions of this chapter after August
12 1, 2011, the director of each department may adopt only rules derived
13 from a specific grant of legislative authority. The rules must include
14 the specific statutory section or sections from which the grant of
15 authority is derived, and may not rely solely on a section of law
16 stating a statute's intent or purpose or the general enabling
17 provisions establishing each department.

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

20 (1) The director of general administration shall supervise and
21 administer the activities of the department of general administration
22 and shall advise the governor and the legislature with respect to
23 matters under the jurisdiction of the department.

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

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

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

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

34 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
35 all other functions necessary and proper to carry out the purposes of
36 this chapter. For rules adopted under the provisions of this chapter

1 after August 1, 2011, the director 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 department of general administration;

7 (e) Delegate powers, duties, and functions as the director deems
8 necessary for efficient administration, but the director shall be
9 responsible for the official acts of the officers and employees of the
10 department; and

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

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

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

23 **Sec. 7.** RCW 43.21A.064 and 1997 c 443 s 2 are each amended to read
24 as follows:

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

27 (1) The supervision of public waters within the state and their
28 appropriation, diversion, and use, and of the various officers
29 connected therewith;

30 (2) Insofar as may be necessary to (~~assure~~) ensure safety to life
31 or property, the director shall inspect the construction of all dams,
32 canals, ditches, irrigation systems, hydraulic power plants, and all
33 other works, systems, and plants pertaining to the use of water, and
34 may require such necessary changes in the construction or maintenance
35 of said works, to be made from time to time, as will reasonably secure
36 safety to life and property;

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

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

7 (5) The director shall, if requested, provide assistance to an
8 applicant for a water right in obtaining or developing an adequate and
9 appropriate supply of water consistent with the land use permitted for
10 the area in which the water is to be used and the population forecast
11 for the area under RCW 43.62.035. If the applicant is a public water
12 supply system, the supply being sought must be used in a manner
13 consistent with applicable land use, watershed and water system plans,
14 and the population forecast for that area provided under RCW 43.62.035;

15 (6) The director shall keep such records as may be necessary for
16 the recording of the financial transactions and statistical data
17 thereof, and shall procure all necessary documents, forms, and blanks.
18 The director shall keep a seal of the office, and all certificates
19 covering any of the director's acts or the acts of the director's
20 office, or the records and files of that office, under such seal, shall
21 be taken as evidence thereof in all courts;

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

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

27 (9) The director shall establish and (~~promulgate~~) adopt rules
28 governing the administration of chapter 90.03 RCW. For rules adopted
29 under the provisions of this chapter after August 1, 2011, the director
30 may adopt only rules derived from a specific grant of legislative
31 authority. The rules must include the specific statutory section or
32 sections from which the grant of authority is derived, and may not rely
33 solely on a section of law stating a statute's intent or purpose or the
34 general enabling provisions establishing the department;

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

1 **Sec. 8.** RCW 43.24.016 and 1999 c 240 s 4 are each amended to read
2 as follows:

3 (1) The director of licensing shall supervise and administer the
4 activities of the department of licensing and shall advise the governor
5 and the legislature with respect to matters under the jurisdiction of
6 the department.

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

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

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

13 (c) Appoint a deputy director and such assistant directors, special
14 assistants, and administrators as may be needed to administer the
15 department. These employees are exempt from the provisions of chapter
16 41.06 RCW;

17 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
18 all other functions necessary to carry out the responsibilities of the
19 department. For rules adopted under the provisions of this chapter
20 after August 1, 2011, the director may adopt only rules derived from a
21 specific grant of legislative authority. The rules must include the
22 specific statutory section or sections from which the grant of
23 authority is derived, and may not rely solely on a section of law
24 stating a statute's intent or purpose or the general enabling
25 provisions establishing the department;

26 (e) Delegate powers, duties, and functions as the director deems
27 necessary for efficient administration, but the director is responsible
28 for the official acts of the officers and employees of the department;
29 and

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

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

33 (4) The internal affairs of the department shall be under the
34 control of the director in order that the director may manage the
35 department in a flexible and intelligent manner as dictated by changing
36 contemporary circumstances. Unless specifically limited by law, the
37 director shall have complete charge and supervisory powers over the
38 department. The director may create such administrative structures as

1 the director deems appropriate, except as otherwise specified by law,
2 and the director may employ such personnel as may be necessary in
3 accordance with chapter 41.06 RCW, except as otherwise provided by law.

4 **Sec. 9.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to
5 read as follows:

6 The department shall be empowered as follows:

7 (1) To represent the state at, and fully participate in, the
8 activities of any basin or regional commission, interagency committee,
9 or any other joint interstate or federal-state agency, committee or
10 commission, or publicly financed entity engaged in the planning,
11 development, administration, management, conservation or preservation
12 of the water resources of the state.

13 (2) To prepare the views and recommendations of the state of
14 Washington on any project, plan or program relating to the planning,
15 development, administration, management, conservation and preservation
16 of any waters located in or affecting the state of Washington,
17 including any federal permit or license proposal, and appear on behalf
18 of, and present views and recommendations of the state at any
19 proceeding, negotiation or hearing conducted by the federal government,
20 interstate agency, state or other agency.

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

26 (4) To cooperate with appropriate agencies of the federal
27 government and/or agencies of other states, to enter into contracts,
28 and to make appropriate contributions to federal or interstate projects
29 and programs and governmental bodies to carry out the provisions of
30 this chapter.

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

36 (6) To develop and maintain a coordinated and comprehensive state
37 water and water resources related development plan, and adopt, with

1 regard to such plan, such policies as are necessary to (~~insure~~)
2 ensure that the waters of the state are used, conserved and preserved
3 for the best interest of the state. There shall be included in the
4 state plan a description of developmental objectives and a statement of
5 the recommended means of accomplishing these objectives. To the extent
6 the director deems desirable, the plan shall integrate into the state
7 plan, the plans, programs, reports, research and studies of other state
8 agencies.

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

13 (8) To assemble and correlate state, local and federal laws,
14 regulations, plans, programs and policies affecting the beneficial use,
15 disposal, pollution, control or conservation of water, river basin
16 development, flood prevention, parks, reservations, forests, wildlife
17 refuges, drainage and sanitary systems, waste disposal, water works,
18 watershed protection and development, soil conservation, power
19 facilities and area and municipal water supply needs, and recommend
20 suitable legislation or other action to the legislature, the congress
21 of the United States, or any city, municipality, or to responsible
22 state, local or federal executive departments or agencies.

23 (9) To cooperate with federal, state, regional, interstate and
24 local public and private agencies in the making of plans for drainage,
25 flood control, use, conservation, allocation and distribution of
26 existing water supplies and the development of new water resource
27 projects.

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

32 (11) To (~~promulgate such~~) adopt rules (~~and regulations~~) as are
33 necessary to carry out the purposes of this chapter. For rules adopted
34 under the provisions of this chapter after August 1, 2011, the
35 department may adopt only rules derived from a specific grant of
36 legislative authority. The rules must include the specific statutory
37 section or sections from which the grant of authority is derived, and

1 may not rely solely on a section of law stating a statute's intent or
2 purpose or the general enabling provisions establishing the department.

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

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

11 **Sec. 10.** RCW 43.30.215 and 2003 c 334 s 112 are each amended to
12 read as follows:

13 The board shall:

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

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

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

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

25 (5) Adopt and enforce rules as may be deemed necessary and proper
26 for carrying out the powers, duties, and functions imposed upon it by
27 this chapter. For rules adopted under the provisions of this chapter
28 after August 1, 2011, the board may adopt only rules derived from a
29 specific grant of legislative authority. The rules must include the
30 specific statutory section or sections from which the grant of
31 authority is derived, and may not rely solely on a section of law
32 stating a statute's intent or purpose or the general enabling
33 provisions establishing the board or the department.

34 **Sec. 11.** RCW 43.31C.060 and 2000 c 212 s 7 are each amended to
35 read as follows:

1 The department must administer this chapter and has the following
2 powers and duties:

3 (1) To monitor the implementation of chapter 212, Laws of 2000 and
4 submit reports evaluating the effectiveness of the program and any
5 suggestions for legislative changes to the governor and legislature by
6 December 1, 2000;

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

10 (3) To provide information and appropriate assistance to persons
11 desiring to locate and operate a business in a community empowerment
12 zone;

13 (4) To work with appropriate state agencies to coordinate the
14 delivery of programs, including but not limited to housing, community
15 and economic development, small business assistance, social service,
16 and employment and training programs which are carried on in a
17 community empowerment zone; and

18 (5) To develop rules necessary for the administration of this
19 chapter. For rules adopted under the provisions of this chapter after
20 August 1, 2011, the department may adopt only rules derived from a
21 specific grant of legislative authority. The rules must include the
22 specific statutory section or sections from which the grant of
23 authority is derived, and may not rely solely on a section of law
24 stating a statute's intent or purpose or the general enabling
25 provisions establishing the department.

26 **Sec. 12.** RCW 43.33.040 and 2009 c 549 s 5112 are each amended to
27 read as follows:

28 The state finance committee may ~~((make))~~ adopt appropriate rules
29 ~~((and regulations))~~ for the performance of its duties. The state
30 treasurer shall act as chair of the committee. For rules adopted under
31 the provisions of this chapter after August 1, 2011, the state finance
32 committee may adopt only rules derived from a specific grant of
33 legislative authority. The rules must include the specific statutory
34 section or sections from which the grant of authority is derived, and
35 may not rely solely on a section of law stating a statute's intent or
36 purpose or the general enabling provisions establishing the state
37 finance committee.

1 **Sec. 13.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to
2 read as follows:

3 The state investment board may (~~make~~) adopt appropriate rules
4 (~~and regulations~~) for the performance of its duties. The board shall
5 establish investment policies and procedures designed exclusively to
6 maximize return at a prudent level of risk. However, in the case of
7 the department of labor and industries' accident, medical aid, and
8 reserve funds, the board shall establish investment policies and
9 procedures designed to attempt to limit fluctuations in industrial
10 insurance premiums and, subject to this purpose, to maximize return at
11 a prudent level of risk. The board shall adopt rules to ensure that
12 its members perform their functions in compliance with chapter 42.52
13 RCW. Rules adopted by the board shall be adopted pursuant to chapter
14 34.05 RCW.

15 For rules adopted under the provisions of this chapter after August
16 1, 2011, the state investment board may adopt only rules derived from
17 a 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 state investment board.

22 **Sec. 14.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended
23 to read as follows:

24 The director shall be secretary of the commission and shall be
25 responsible for carrying into effect the commission's orders and rules
26 (~~and regulations promulgated~~) adopted by the commission. The
27 director shall also be authorized to employ such staff as is necessary
28 pursuant to the provisions of chapter 41.06 RCW. The commission shall
29 adopt (~~such~~) rules (~~and regulations~~) as shall be necessary to carry
30 into effect the purposes of this chapter.

31 For rules adopted under the provisions of this chapter after August
32 1, 2011, the Washington state traffic safety commission may adopt only
33 rules derived from a specific grant of legislative authority. The
34 rules must include the specific statutory section or sections from
35 which the grant of authority is derived, and may not rely solely on a
36 section of law stating a statute's intent or purpose or the general
37 enabling provisions establishing the commission.

1 **Sec. 15.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to read
2 as follows:

3 The director of veterans affairs shall (~~make such~~) adopt rules
4 (~~and regulations~~) as may be necessary to carry out the purposes of
5 this chapter. For rules adopted under the provisions of this chapter
6 after August 1, 2011, the director of veterans affairs may adopt only
7 rules derived from a specific grant of legislative authority. The
8 rules must include the specific statutory section or sections from
9 which the grant of authority is derived, and may not rely solely on a
10 section of law stating a statute's intent or purpose or the general
11 enabling provisions establishing the department of veterans affairs.
12 The department shall furnish information, advice, and assistance to
13 veterans and coordinate all programs and services in the field of
14 veterans' claims service, education, health, vocational guidance and
15 placement, and services not provided by some other agency of the state
16 or by the federal government. The director shall submit a report of
17 the departments' activities hereunder each year to the governor.

18 **Sec. 16.** RCW 43.63A.475 and 1993 c 124 s 2 are each amended to
19 read as follows:

20 The department shall adopt all rules under chapter 34.05 RCW
21 necessary to implement chapter 124, Laws of 1993, giving due
22 consideration to standards and regulations adopted by the secretary of
23 housing and urban development under the National Manufactured Housing
24 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
25 Secs. 5401-5426) for manufactured housing construction and safety
26 standards. For rules adopted under the provisions of this chapter
27 after August 1, 2011, the department of commerce may adopt only rules
28 derived from a specific grant of legislative authority. The rules must
29 include the specific statutory section or sections from which the grant
30 of authority is derived, and may not rely solely on a section of law
31 stating a statute's intent or purpose or the general enabling
32 provisions establishing the department of commerce.

33 **Sec. 17.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read
34 as follows:

35 The primary responsibility of the public health system, is to take

1 those actions necessary to protect, promote, and improve the health of
2 the population. In order to accomplish this, the department shall:

3 (1) Identify, as part of the public health improvement plan, the
4 key health outcomes sought for the population and the capacity needed
5 by the public health system to fulfill its responsibilities in
6 improving health outcomes.

7 (2)(a) Distribute state funds that, in conjunction with local
8 revenues, are intended to improve the capacity of the public health
9 system. The distribution methodology shall encourage system-wide
10 effectiveness and efficiency and provide local health jurisdictions
11 with the flexibility both to determine governance structures and
12 address their unique needs.

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

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

29 (4) Adopt rules necessary to carry out the purposes of chapter 43,
30 Laws of 1995. For rules adopted under the provisions of this chapter
31 after August 1, 2011, the department may adopt only rules derived from
32 a specific grant of legislative authority. The rules must include the
33 specific statutory section or sections from which the grant of
34 authority is derived, and may not rely solely on a section of law
35 stating a statute's intent or purpose or the general enabling
36 provisions establishing the department.

37 (5) Biennially, within the public health improvement plan, evaluate
38 the effectiveness of the public health system, assess the degree to

1 which the public health system is attaining the capacity to improve the
2 status of the public's health, and report progress made by each local
3 health jurisdiction toward improving health outcomes.

4 **Sec. 18.** RCW 43.101.085 and 2006 c 22 s 1 are each amended to read
5 as follows:

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

8 (1) Adopt, amend, or repeal rules as necessary to carry out this
9 chapter. For rules adopted under the provisions of this chapter after
10 August 1, 2011, the commission may adopt only rules derived from a
11 specific grant of legislative authority. The rules must include the
12 specific statutory section or sections from which the grant of
13 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;

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

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

21 (4) Appoint members of a hearings board as provided under RCW
22 43.101.380;

23 (5) Enter into contracts for professional services determined by
24 the commission to be necessary for adequate enforcement of this
25 chapter;

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

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

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

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

35 **Sec. 19.** RCW 43.115.040 and 2009 c 549 s 5170 are each amended to
36 read as follows:

1 The commission shall have the following powers and duties:

2 (1) Elect one of its members to serve as chair;

3 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
4 For rules adopted under the provisions of this chapter after August 1,
5 2011, the commission may adopt only rules derived from a specific grant
6 of legislative authority. The rules must include the specific
7 statutory section or sections from which the grant of authority is
8 derived, and may not rely solely on a section of law stating a
9 statute's intent or purpose or the general enabling provisions
10 establishing the commission;

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

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

17 (5) Advise the legislature on issues of concern to the Hispanic
18 community;

19 (6) Establish relationships with state agencies, local governments,
20 and private sector organizations that promote equal opportunity and
21 benefits for Hispanics; and

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

26 **Sec. 20.** RCW 43.117.050 and 2009 c 549 s 5172 are each amended to
27 read as follows:

28 The commission shall:

29 (1) Elect one of its members to serve as chair; and also such other
30 officers as necessary to form an executive committee;

31 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.
32 For rules adopted under the provisions of this chapter after August 1,
33 2011, the commission may adopt only rules derived from a specific grant
34 of legislative authority. The rules must include the specific
35 statutory section or sections from which the grant of authority is
36 derived, and may not rely solely on a section of law stating a

1 statute's intent or purpose or the general enabling provisions
2 establishing the commission;

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

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

8 **Sec. 21.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to
9 read as follows:

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

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

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

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

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

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

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

25 (iv) Learning experiences for children and parents to help prepare
26 parents and children for the experiences in school. Contracts also may
27 be awarded for research programs related to primary and secondary
28 prevention of child abuse and neglect, and to develop and strengthen
29 community child abuse and neglect prevention networks. Each contract
30 entered into by the council shall contain a provision for the
31 evaluation of services provided under the contract. Contracts for
32 services to prevent child abuse and child neglect shall be awarded as
33 demonstration projects with continuation based upon goal attainment.
34 Contracts for services to prevent child abuse and child neglect shall
35 be awarded on the basis of probability of success based in part upon
36 sound research data.

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

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

7 (4) Establish fee schedules to provide for the recipients of
8 services to reimburse the state general fund for the cost of services
9 received.

10 (5) Adopt its own bylaws.

11 (6) 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, 2011, the council 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 council.

19 **Sec. 22.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to
20 read as follows:

21 The board may:

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

25 (2) Provide technical assistance to local governments;

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

29 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out
30 the purposes of this chapter. For rules adopted under the provisions
31 of this chapter after August 1, 2011, the board may adopt only rules
32 derived from a specific grant of legislative authority. The rules must
33 include the specific statutory section or sections from which the grant
34 of authority is derived, and may not rely solely on a section of law
35 stating a statute's intent or purpose or the general enabling
36 provisions establishing the board;

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

3 **Sec. 23.** RCW 43.160.050 and 2008 c 327 s 4 are each amended to
4 read as follows:

5 The board may:

6 (1) Adopt bylaws for the regulation of its affairs and the conduct
7 of its business.

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

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

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

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

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

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

23 (8) Adopt rules under chapter 34.05 RCW as necessary to carry out
24 the purposes of this chapter. For rules adopted under the provisions
25 of this chapter after August 1, 2011, the board may adopt only rules
26 derived from a specific grant of legislative authority. The rules must
27 include the specific statutory section or sections from which the grant
28 of authority is derived, and may not rely solely on a section of law
29 stating a statute's intent or purpose or the general enabling
30 provisions establishing the board.

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

33 **Sec. 24.** RCW 43.163.100 and 1990 c 53 s 6 are each amended to read
34 as follows:

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

- 1 (1) Maintain an office or offices;
- 2 (2) Sue and be sued in its own name, and plead and be impleaded;
- 3 (3) Engage consultants, agents, attorneys, and advisers, contract
4 with federal, state, and local governmental entities for services, and
5 hire such employees, agents and other personnel as the authority deems
6 necessary, useful, or convenient to accomplish its purposes;
- 7 (4) Make and execute all manner of contracts, agreements and
8 instruments and financing documents with public and private parties as
9 the authority deems necessary, useful, or convenient to accomplish its
10 purposes;
- 11 (5) Acquire and hold real or personal property, or any interest
12 therein, in the name of the authority, and to sell, assign, lease,
13 encumber, mortgage, or otherwise dispose of the same in such manner as
14 the authority deems necessary, useful, or convenient to accomplish its
15 purposes;
- 16 (6) Open and maintain accounts in qualified public depositories and
17 otherwise provide for the investment of any funds not required for
18 immediate disbursement, and provide for the selection of investments;
- 19 (7) Appear in its own behalf before boards, commissions,
20 departments, or agencies of federal, state, or local government;
- 21 (8) Procure such insurance in such amounts and from such insurers
22 as the authority deems desirable, including, but not limited to,
23 insurance against any loss or damage to its property or other assets,
24 public liability insurance for injuries to persons or property, and
25 directors and officers liability insurance;
- 26 (9) Apply for and accept subventions, grants, loans, advances, and
27 contributions from any source of money, property, labor, or other
28 things of value, to be held, used and applied as the authority deems
29 necessary, useful, or convenient to accomplish its purposes;
- 30 (10) Establish guidelines for the participation by eligible banking
31 organizations in programs conducted by the authority under this
32 chapter;
- 33 (11) Act as an agent, by agreement, for federal, state, or local
34 governmental entities to carry out the programs authorized in this
35 chapter;
- 36 (12) Establish, revise, and collect such fees and charges as the
37 authority deems necessary, useful, or convenient to accomplish its
38 purposes;

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

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

9 (15) Give assistance to public bodies by providing information,
10 guidelines, forms, and procedures for implementing their financing
11 programs;

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

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

17 (18) Adopt rules concerning its exercise of the powers authorized
18 by this chapter. For rules adopted under the provisions of this
19 chapter after August 1, 2011, the authority 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 authority; and

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

28 **Sec. 25.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
29 read as follows:

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

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

1 (a) The state treasurer, ex officio;

2 (b) The director of ((~~community, trade, and economic development~~))
3 commerce, ex officio;

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

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

9 (e) A representative of labor interests, appointed by the governor,
10 with the consent of the senate, after consultation with representatives
11 of organized labor;

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

14 (g) Five members of the public appointed by the governor, with the
15 consent of the senate, on the basis of geographic distribution and
16 their expertise in housing, real estate, finance, energy efficiency, or
17 construction, one of whom shall be appointed by the governor as chair
18 of the commission and who shall serve on the commission and as chair of
19 the commission at the pleasure of the governor.

20 The term of the persons appointed by the governor, other than the
21 chair, shall be four years from the date of their appointment, except
22 that the terms of three of the initial appointees shall be for two
23 years from the date of their appointment. The governor shall designate
24 the appointees who will serve the two-year terms. An appointee may be
25 removed by the governor for cause pursuant to RCW 43.06.070 and
26 43.06.080. The governor shall fill any vacancy in an appointed
27 position by appointment for the remainder of the unexpired term. If
28 the department of ((~~community development~~)) commerce is abolished, the
29 resulting vacancy shall be filled by a state official who shall be
30 appointed to the commission by the governor. If this official occupies
31 an office or position for which senate confirmation is not required,
32 then his or her appointment to the commission shall be subject to the
33 consent of the senate. The members of the commission shall be
34 compensated in accordance with RCW 43.03.240 and may be reimbursed,
35 solely from the funds of the commission, for expenses incurred in the
36 discharge of their duties under this chapter, subject to the provisions
37 of RCW 43.03.050 and 43.03.060. A majority of the commission

1 constitutes a quorum. Designees shall be appointed in such manner and
2 shall exercise such powers as are specified by the rules of the
3 commission.

4 (3) The commission may adopt an official seal and may select from
5 its membership a vice_chair, a secretary, and a treasurer. The
6 commission shall establish rules concerning its exercise of the powers
7 authorized by this chapter. The rules shall be adopted in conformance
8 with chapter 34.05 RCW. For rules adopted under the provisions of this
9 chapter after August 1, 2011, the commission may adopt only rules
10 derived from a specific grant of legislative authority. The rules must
11 include the specific statutory section or sections from which the grant
12 of authority is derived, and may not rely solely on a section of law
13 stating a statute's intent or purpose or the general enabling
14 provisions establishing the commission.

15 **Sec. 26.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to
16 read as follows:

17 The department of ecology shall adopt such rules as are necessary
18 to carry out responsibilities under this chapter. The department of
19 ecology is authorized to adopt such rules as are necessary to carry out
20 its responsibilities under chapter 43.145 RCW. For rules adopted under
21 the provisions of this chapter after August 1, 2011, the department of
22 ecology may adopt only rules derived from a specific grant of
23 legislative authority. The rules must include the specific statutory
24 section or sections from which the grant of authority is derived, and
25 may not rely solely on a section of law stating a statute's intent or
26 purpose or the general enabling provisions establishing the department
27 of ecology.

28 **Sec. 27.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
29 read as follows:

30 The department of (~~community, trade, and economic development or~~
31 ~~its statutory successor~~) commerce shall adopt rules under chapter
32 34.05 RCW as necessary to carry out the purposes of this chapter. For
33 rules adopted under the provisions of this chapter after August 1,
34 2011, the department of commerce may adopt only rules derived from a
35 specific grant of legislative authority. The rules must include the
36 specific statutory section or sections from which the grant of

1 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 department of commerce.

4 **Sec. 28.** RCW 43.250.090 and 1986 c 294 s 9 are each amended to
5 read as follows:

6 The state finance committee shall administer this chapter and adopt
7 appropriate rules. For rules adopted under the provisions of this
8 chapter after August 1, 2011, the state finance committee may adopt
9 only rules derived from a specific grant of legislative authority. The
10 rules must include the specific statutory section or sections from
11 which the grant of authority is derived, and may not rely solely on a
12 section of law stating a statute's intent or purpose or the general
13 enabling provisions establishing the state finance committee.

14 **Sec. 29.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to
15 read as follows:

16 The director of financial institutions may adopt any rules, under
17 chapter 34.05 RCW, necessary to implement the powers and duties of the
18 director under this chapter. For rules adopted under the provisions of
19 this chapter after August 1, 2011, the director of financial
20 institutions may adopt only rules derived from a specific grant of
21 legislative authority. The rules must include the specific statutory
22 section or sections from which the grant of authority is derived, and
23 may not rely solely on a section of law stating a statute's intent or
24 purpose or the general enabling provisions establishing the department
25 of financial institutions.

26 **Sec. 30.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to
27 read as follows:

28 (1) The director shall supervise and administer the activities of
29 the department and shall advise the governor and the legislature with
30 respect to community and economic development matters affecting the
31 state.

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

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

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

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

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

8 (e) Prepare and submit budgets for the department for executive and
9 legislative action;

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

12 (g) Adopt rules in accordance with chapter 34.05 RCW and perform
13 all other functions necessary and proper to carry out the purposes of
14 this chapter. For rules adopted under the provisions of this chapter
15 after August 1, 2011, the director may adopt only rules derived from a
16 specific grant of legislative authority. The rules must include the
17 specific statutory section or sections from which the grant of
18 authority is derived, and may not rely solely on a section of law
19 stating a statute's intent or purpose or the general enabling
20 provisions establishing the department;

21 (h) Delegate powers, duties, and functions as the director deems
22 necessary for efficient administration, but the director shall be
23 responsible for the official acts of the officers and employees of the
24 department; and

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

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

29 (4) The director may request information and assistance from all
30 other agencies, departments, and officials of the state, and may
31 reimburse such agencies, departments, or officials if such a request
32 imposes any additional expenses upon any such agency, department, or
33 official.

34 (5) The director shall, in carrying out the responsibilities of
35 office, consult with governmental officials, private groups, and
36 individuals and with officials of other states. All state agencies and
37 their officials and the officials of any political subdivision of the

1 state shall cooperate with and give such assistance to the department,
2 including the submission of requested information, to allow the
3 department to carry out its purposes under this chapter.

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

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

18 **Sec. 31.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to read
19 as follows:

20 The transportation commission shall have the following functions,
21 powers, and duties:

22 (1) To propose policies to be adopted by the governor and the
23 legislature designed to (~~assure~~) ensure the development and
24 maintenance of a comprehensive and balanced statewide transportation
25 system which will meet the needs of the people of this state for safe
26 and efficient transportation services. Wherever appropriate, the
27 policies shall provide for the use of integrated, intermodal
28 transportation systems. The policies must be aligned with the goals
29 established in RCW 47.04.280. To this end the commission shall:

30 (a) Develop transportation policies which are based on the
31 policies, goals, and objectives expressed and inherent in existing
32 state laws;

33 (b) Inventory the adopted policies, goals, and objectives of the
34 local and area-wide governmental bodies of the state and define the
35 role of the state, regional, and local governments in determining
36 transportation policies, in transportation planning, and in
37 implementing the state transportation plan;

1 (c) Establish a procedure for review and revision of the state
2 transportation policy and for submission of proposed changes to the
3 governor and the legislature; and

4 (d) Integrate the statewide transportation plan with the needs of
5 the elderly and persons with disabilities, and coordinate federal and
6 state programs directed at assisting local governments to answer such
7 needs;

8 (2) To provide for the effective coordination of state
9 transportation planning with national transportation policy, state and
10 local land use policies, and local and regional transportation plans
11 and programs;

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

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

34 The plan shall take into account federal law and regulations
35 relating to the planning, construction, and operation of transportation
36 facilities;

37 (5) By December 2007, the office of financial management shall
38 submit a baseline report on the progress toward attaining the policy

1 goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October
2 1, 2008, beginning with the development of the 2009-2011 biennial
3 transportation budget, and by October 1st biennially thereafter, the
4 office of financial management shall submit to the legislature and the
5 governor a report on the progress toward the attainment by state
6 transportation agencies of the state transportation policy goals and
7 objectives prescribed by statute, appropriation, and governor
8 directive. The report must, at a minimum, include the degree to which
9 state transportation programs have progressed toward the attainment of
10 the policy goals established under RCW 47.04.280, as measured by the
11 objectives and performance measures established by the office of
12 financial management under RCW 47.04.280;

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

17 (7) To adopt (~~such~~) rules as may be necessary to carry out
18 reasonably and properly those functions expressly vested in the
19 commission by statute. For rules adopted under the provisions of this
20 chapter after August 1, 2011, the commission may adopt only rules
21 derived from a specific grant of legislative authority. The rules must
22 include the specific statutory section or sections from which the grant
23 of authority is derived, and may not rely solely on a section of law
24 stating a statute's intent or purpose or the general enabling
25 provisions establishing the department;

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

30 (9) To conduct transportation-related studies and policy analysis
31 to the extent directed by the legislature or governor in the biennial
32 transportation budget act, or as otherwise provided in law, and subject
33 to the availability of amounts appropriated for this specific purpose;
34 and

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

1 **Sec. 32.** RCW 48.02.060 and 2010 c 27 s 1 are each amended to read
2 as follows:

3 (1) The commissioner has the authority expressly conferred upon him
4 or her by or reasonably implied from the provisions of this code.

5 (2) The commissioner must execute his or her duties and must
6 enforce the provisions of this code.

7 (3) The commissioner may:

8 (a) (~~Make~~) Adopt reasonable rules for effectuating any provision
9 of this code, except those relating to his or her election,
10 qualifications, or compensation. Rules are not effective prior to
11 their being filed for public inspection in the commissioner's office.
12 For rules adopted under the provisions of this chapter after August 1,
13 2011, the commissioner may adopt only rules derived from a specific
14 grant of legislative authority. The rules must include the specific
15 statutory section or sections from which the grant of authority is
16 derived, and may not rely solely on a section of law stating a
17 statute's intent or purpose or the general enabling provisions
18 establishing the office of the insurance commissioner.

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

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

24 (4) When the governor proclaims a state of emergency under RCW
25 43.06.010(12), the commissioner may issue an order that addresses any
26 or all of the following matters related to insurance policies issued in
27 this state:

28 (a) Reporting requirements for claims;

29 (b) Grace periods for payment of insurance premiums and performance
30 of other duties by insureds;

31 (c) Temporary postponement of cancellations and nonrenewals; and

32 (d) Medical coverage to ensure access to care.

33 (5) An order by the commissioner under subsection (4) of this
34 section may remain effective for not more than sixty days unless the
35 commissioner extends the termination date for the order for an
36 additional period of not more than thirty days. The commissioner may
37 extend the order if, in the commissioner's judgment, the circumstances
38 warrant an extension. An order of the commissioner under subsection

1 (4) of this section is not effective after the related state of
2 emergency is terminated by proclamation of the governor under RCW
3 43.06.210. The order must specify, by line of insurance:

4 (a) The geographic areas in which the order applies, which must be
5 within but may be less extensive than the geographic area specified in
6 the governor's proclamation of a state of emergency and must be
7 specific according to an appropriate means of delineation, such as the
8 United States postal service zip codes or other appropriate means; and

9 (b) The date on which the order becomes effective and the date on
10 which the order terminates.

11 (6) The commissioner may adopt rules that establish general
12 criteria for orders issued under subsection (4) of this section and may
13 adopt emergency rules applicable to a specific proclamation of a state
14 of emergency by the governor.

15 (7) The rule-making authority set forth in subsection (6) of this
16 section does not limit or affect the rule-making authority otherwise
17 granted to the commissioner by law.

18 **Sec. 33.** 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, 2011, 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. 34.** RCW 48.46.200 and 2009 c 549 s 7153 are each amended to
34 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, 2011, 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 or her.

12 **Sec. 35.** 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, 2011, 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. 36.** 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, 2011, 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. 37.** 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, 2011, 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. 38.** 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.

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