

School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of RCW 28A.58.800 through 28A.58.810.

*Sec. 7. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The superintendent of public instruction shall review annually the transitional bilingual instruction program and shall submit a report of such review to the legislature on or before January 1 of each year.

Passed the House February 28, 1984.

Passed the Senate February 25, 1984.

Approved by the Governor March 7, 1984, with the exception of section 7, which was vetoed.

Filed in Office of Secretary of State March 7, 1984.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 7, Engrossed Substitute House Bill No. 1456, entitled:

"AN ACT Relating to transitional bilingual instruction."

Section 7 of this bill prohibits the provision of transitional bilingual instruction to an individual student for more than three years. Federal and state courts have found that children with limited ability to speak English have a constitutional right to an appropriate program of special instruction. This right is based on the individual student's need for assistance in order to participate in the basic public education program offered in English for all children. Both the existing statutory provisions and the language I proposed in my Special Needs bill provide an opportunity for districts to provide transitional bilingual education for longer periods of time if termination of services would inhibit the child's access to a basic education.

With the exception of section 7, which I have vetoed, Engrossed Substitute House Bill No. 1456 is approved."

CHAPTER 125

[Substitute Senate Bill No. 3238]

PLANNING AND COMMUNITY AFFAIRS AGENCY NAME CHANGED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT

AN ACT Relating to the planning and community affairs agency; amending section 3, chapter 74, Laws of 1967 and RCW 43.63A.030; amending section 2, chapter 74, Laws of 1967 and RCW 43.63A.020; amending section 4, chapter 74, Laws of 1967 as amended by section 10, chapter 40, Laws of 1975 and RCW 43.63A.040; amending section 6, chapter 74, Laws of 1967 and RCW 43.63A.060; amending section 10, chapter 74, Laws of 1967 and RCW 43.63A.100; amending section 2, chapter 269, Laws of 1981 and RCW 43.63A.190; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; amending section 9, chapter 10, Laws of 1982 as amended by section 27, chapter 161, Laws of 1983 and RCW 42.17.240; amending section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; amending section 2, chapter 19, Laws of 1977 ex. sess. as amended by section 149, chapter 151, Laws of 1979 and RCW 43.132.020; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39-.070; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 21, chapter 99,

Laws of 1979 and RCW 43.131.189; amending section 63, chapter 99, Laws of 1979 and RCW 43.131.190; adding new sections to chapter 43.63A RCW; creating new sections; repealing section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200; repealing section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210; repealing section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220; repealing section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230; repealing section 1, chapter 74, Laws of 1967 and RCW 43.63A.010; repealing section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess., section 132, chapter 151, Laws of 1979 and RCW 43.63A.070; repealing section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080; repealing section 11, chapter 74, Laws of 1967 and RCW 43.63A.110; repealing section 28, chapter 271, Laws of 1969 ex. sess. and RCW 58.17-.270; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 74, Laws of 1967 and RCW 43.63A.030 are each amended to read as follows:

There is hereby established to carry out the purposes of this chapter a ~~((new agency))~~ department of state government ~~((in the office of the governor))~~ to be known as the ~~((planning and community affairs agency))~~ department of community development.

The purpose of this chapter is to establish a department of the state to aid in providing financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with access to opportunities for productive and coordinated development beneficial to the well-being of the communities and their residents.

Sec. 2. Section 2, chapter 74, Laws of 1967 and RCW 43.63A.020 are each amended to read as follows:

For the purposes of this chapter and unless the context shall clearly indicate otherwise:

(1) ~~((Agency))~~ "Department" means the ~~((planning and community affairs agency as created in RCW 43.63A.030))~~ department of community development.

(2) "Director" means the director ~~((of planning and community affairs as provided for in RCW 43.63A.040))~~ of community development.

Sec. 3. Section 4, chapter 74, Laws of 1967 as amended by section 10, chapter 40, Laws of 1975 and RCW 43.63A.040 are each amended to read as follows:

The executive head of the ~~((planning and community affairs agency))~~ department shall be a director appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((He))~~ The director shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. ~~((He shall be bonded in an amount to be determined by the director of the department of general administration under the provisions of RCW 43.19.540, the cost of which shall be considered an office expense.))~~

Sec. 4. Section 6, chapter 74, Laws of 1967 and RCW 43.63A.060 are each amended to read as follows:

The director shall supervise and administer the activities of the ~~((planning and community affairs agency))~~ department and shall advise the governor and the legislature with respect to matters affecting ~~((planning and community affairs))~~ the communities of the state generally and more especially on the extent the state should participate in ~~((such planning and community affairs))~~ the provision of services to such communities.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; ~~((he))~~ the director may act for the state in the initiation of or participation in any multi-governmental ~~((agency))~~ program relative to the purposes of this chapter; and ~~((he))~~ the director may accept gifts and grants, whether such grants be of federal or other funds. When federal or other funds are received by the ~~((agency))~~ department they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The director shall prepare and submit for executive and legislative action thereon the budget for the ~~((planning and community affairs agency, he))~~ department; the director shall make ((an annual)) a report to the governor and to the legislature in 1985 and biennially thereafter on the activities of the ((office)) department and the nature of existing community problems, and after consultation with and approval by the governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter; and ~~((he))~~ the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of this chapter.

The director may delegate such ~~((of his))~~ functions, powers and duties to other officers and employees of the ~~((office))~~ department as ~~((he))~~ the director deems expedient to the furtherance of the purposes of this chapter.

NEW SECTION. Sec. 5. There is added to chapter 43.63A RCW a new section to read as follows:

The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, non-profit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with

local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

NEW SECTION. Sec. 6. There is added to chapter 43.63A RCW a new section to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) develop expertise in federal, state, and local community and economic development programs; (2) assist communities and businesses to secure available financing; and (3) work closely with the department of commerce and economic development on financial and technical assistance programs available to small and medium sized businesses. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to the effective date of this 1984 act.

NEW SECTION. Sec. 7. There is added to chapter 43.63A RCW a new section to read as follows:

The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to design and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor

force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

The department shall report annually on December 31 to the governor and the legislature on funds expended and projects developed using matching funds.

NEW SECTION. Sec. 8. There is added to chapter 43.63A RCW a new section to read as follows:

The department shall assist in the fostering of local community and economic development strategies which facilitate effective partnerships between the public and private sectors.

Sec. 9. Section 10, chapter 74, Laws of 1967 and RCW 43.63A.100 are each amended to read as follows:

The legislature hereby declares that the successful execution of the purposes of this chapter is dependent upon all activities and programs of those state agencies which might have an impact on community affairs being fully coordinated with the ~~((planning and community affairs agency))~~ department.

NEW SECTION. Sec. 10. There is added to chapter 43.63A RCW a new section to read as follows:

In designating local community action agencies or local community service agencies, the department shall give special consideration to (1) agencies previously funded under any community services or antipoverty program; (2) agencies meeting state and federal program and fiscal requirements; and (3) successors to such agencies.

Sec. 11. Section 2, chapter 269, Laws of 1981 and RCW 43.63A.190 are each amended to read as follows:

Funds appropriated by the legislature as supplemental resources for border areas shall be distributed pursuant to a formula developed by the ~~((planning and community affairs agency))~~ department under chapter 34.04 RCW based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All funds received by Whatcom county under this section shall be spent within the Point Roberts area.

As used in this section, "border area" means any incorporated city or town located within seven miles of the Washington-Canadian border and any point of land surrounded on three sides by water and adjacent to the Canadian border.

Sec. 12. Section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, ~~((and))~~ (14) the department of corrections, and (15) the department of community development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 13. Section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, ~~((and))~~ (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01-.041, and the director of game shall be appointed by the game commission.

PUBLIC DISCLOSURE SECTION

Sec. 14. Section 9, chapter 10, Laws of 1982 as amended by section 27, chapter 161, Laws of 1983 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen), every chief executive state officer as specified in RCW 43-.17.020, as now or hereafter amended, the chief administrative law judge, the director of financial management, the director of personnel, (~~the director of the planning and community affairs agency;~~) the director of the state system of community colleges, the executive director of the data processing authority, the executive secretary of the forest practice appeals board, the director of the gambling commission, the director of the higher education personnel board, the secretary of transportation, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the board of prison terms and paroles, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college, each professional staff member of the office of the governor, each professional staff member of the legislature, and each member of the state board for community college education, data processing authority, forest practices board, forest practices appeals board, gambling commission, game commission, higher education personnel board, transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency committee for outdoor recreation, parks and recreation commission, personnel board, personnel appeals board, board of prison terms and paroles, public disclosure commission, public employees' retirement system board, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, state housing finance commission, and the utilities and transportation commission, shall after January 1st and before April 15th of each year for the preceding calendar year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate or being appointed to such elective office, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, for the preceding twelve months; file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family: PROVIDED, That no individual

shall be required to file more than once in any calendar year: PROVIDED HOWEVER, That a statement of a candidate or appointee filed during the period January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of such statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to the person reporting by the governmental entity for which such person serves as an elected or appointed public officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With

respect to a governmental unit in which the official holds any office or position, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: **PROVIDED**, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: **PROVIDED, FURTHER**, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: **PROVIDED**, That if a description of such property has been included in a report previously filed, such

property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

COLUMBIA RIVER GORGE SECTION

Sec. 15. Section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080 are each amended to read as follows:

The (~~office of planning and community affairs~~) department of community development is hereby authorized to provide certain staff services from its existing personnel as are feasible and necessary to assist the commission to perform its duties and powers as set forth in the provisions of this chapter.

FISCAL NOTE SECTION

Sec. 16. Section 2, chapter 19, Laws of 1977 ex. sess. as amended by section 149, chapter 151, Laws of 1979 and RCW 43.132.020 are each amended to read as follows:

The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note".

Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of ~~((the office of))~~ financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of ~~((the planning and community affairs agency))~~ community development, the daily report shall also include the date and time such referral was made.

STATE HOSPITAL COMMISSION—TECHNICAL ADVISORY COMMITTEE

Sec. 17. Section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70-.39.070 are each amended to read as follows:

In order to assist the commission in carrying out its duties, the governor shall appoint a technical advisory committee, hereinafter referred to as "committee", which shall consist of ~~((eleven))~~ ten members as follows:

(1) One member who shall be a certified public accountant licensed pursuant to chapter 18.04 RCW and who shall be knowledgeable in the financial affairs of hospitals.

(2) One member who shall be a health care practitioner licensed under the laws of this state and who shall be knowledgeable in hospital administration.

(3) Five members who shall be representative of the interest of investor-owned, district, not-for-profit, osteopathic, and university hospitals.

(4) One member who shall be representative of consumers of health care.

(5) One member who shall be the secretary of ~~((the department of))~~ social and health services, or his designee, to provide continuing liaison, data and support from those functions of the department which may affect the responsibilities of the commission.

(6) ~~((One member who shall be the director of the planning and community affairs agency, or his designee, to provide continuing liaison with the planning efforts of the comprehensive health planning council.~~

(7)) One member of the commission, elected by the commission.

The members shall serve concurrently and shall have four-year terms. Any vacancy shall be filled by appointment by the governor and an appointee selected to fill such vacancy shall hold office for the balance of the term for which his predecessor was appointed. The committee shall elect from its members a chairman and a vice-chairman to serve concurrently with the chairman. The executive director of the commission shall act as executive secretary to the committee, and the commission shall otherwise offer such staff services and supplies as the committee may require to carry out its responsibilities.

The committee shall meet on call of the chairman of the commission, or on request of a majority of the commission. Members of the committee shall serve without compensation but shall be reimbursed for their expenses in the same manner as members of the commission.

ENERGY FACILITY SITE EVALUATION COUNCIL

Sec. 18. Section 3, chapter 45, Laws of 1970 c.s. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established the "energy facility site evaluation council".

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor and shall be removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.040. The chairman shall be deemed a "state employee" for the purposes of chapter 42.18 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions and committees or their statutory successors:

- (a) Department of ecology
- (b) Department of fisheries
- (c) Department of game
- (d) Department of parks and recreation
- (e) Department of social and health services
- (f) State energy office
- (g) Department of commerce and economic development
- (h) Utilities and transportation commission
- (i) Office of ~~((program planning and fiscal))~~ financial management
- (j) Department of natural resources
- (k) ~~((Planning and community affairs agency))~~ Department of community development
- (l) Department of emergency services

- (m) Department of agriculture
- (n) Department of ~~((highways))~~ transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 19. Section 21, chapter 99, Laws of 1979 and RCW 43.131.189 are each amended to read as follows:

The ~~((planning and community affairs agency))~~ department of community development and its powers and duties shall be terminated on June 30, ~~((1983))~~ 1989, as provided in RCW 43.131.190.

Sec. 20. Section 63, chapter 99, Laws of 1979 and RCW 43.131.190 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1984))~~ 1990:

- (1) ~~((Section 1, chapter 74, Laws of 1967 and RCW 43.63A.010; (2)))~~ Section 2, chapter 74, Laws of 1967, section 2 of this 1984 act and RCW 43.63A.020;
- ~~((3))~~ (2) Section 3, chapter 74, Laws of 1967, section 1 of this 1984 act and RCW 43.63A.030;
- ~~((4))~~ (3) Section 4, chapter 74, Laws of 1967, section 10, chapter 40, Laws of 1975, section 3 of this 1984 act and RCW 43.63A.040;
- ~~((5))~~ (4) Section 5, chapter 74, Laws of 1967 and RCW 43.63A.050;
- ~~((6))~~ (5) Section 6, chapter 74, Laws of 1967, section 4 of this 1984 act and RCW 43.63A.060;

- (6) Section 5 of this 1984 act and RCW 43.63A.—;
~~(7) ((Section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess. and RCW 43.63A.070;~~
~~(8) Section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080;~~
~~(9) Section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977 and RCW 43.63A.085;~~
~~(10)) Section 9, chapter 74, Laws of 1967 and RCW 43.63A.090;~~
~~((11)) (8) Section 10, chapter 74, Laws of 1967, section 9 of this 1984 act and RCW 43.63A.100;~~
~~((12) Section 11, chapter 74, Laws of 1967 and RCW 43.63A.110;~~
~~(13)) (9) Section 10 of this 1984 act and RCW 43.63A.—;~~
(10) Section 13, chapter 74, Laws of 1967 and RCW 43.63A.130;
~~((14)) (11) Section 14, chapter 74, Laws of 1967 and RCW 43.63A.140;~~
(12) Section 2, chapter 269, Laws of 1984 as amended by section 11 of this 1984 act and RCW 43.63A.190; and
~~((15)) (13) Section 16, chapter 74, Laws of 1967 and RCW 43.63A.900.~~

NEW SECTION. Sec. 21. References in the Revised Code of Washington to the planning and community affairs agency and to the director of planning and community affairs shall be construed to mean the department of community development and the director of community development, respectively.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) Section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200;
- (2) Section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210;
- (3) Section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220;
- (4) Section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230;
- (5) Section 1, chapter 74, Laws of 1967 and RCW 43.63A.010;
- (6) Section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess., section 132, chapter 151, Laws of 1979 and RCW 43.63A.070;
- (7) Section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080;
- (8) Section 11, chapter 74, Laws of 1967 and RCW 43.63A.110; and
- (9) Section 28, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.270.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. Headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1984.

Passed the Senate February 28, 1984.

Passed the House February 23, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 126

[Substitute Senate Bill No. 3064]

TAXICAB COMPANIES REGULATED

AN ACT Relating to the regulation of taxicab companies; and creating a new chapter in Title 81 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds and declares that privately operated taxicab transportation service is a vital part of the transportation system within the state and provides demand-responsive services to state residents, tourists, and out-of-state business people. Consequently, the safety, reliability, and economic viability and stability of privately operated taxicab transportation service are matters of state-wide importance. The regulation of privately operated taxicab transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to permit political subdivisions of the state to regulate taxicab transportation services without liability under federal antitrust laws.

NEW SECTION. Sec. 2. To protect the public health, safety, and welfare, cities, towns, counties, and port districts of the state may license, control, and regulate privately operated taxicab transportation services operating within their respective jurisdictions. The power to regulate includes:

(1) Regulating entry into the business of providing taxicab transportation services;

(2) Requiring a license to be purchased as a condition of operating a taxicab and the right to revoke, cancel, or refuse to reissue a license for failure to comply with regulatory requirements;

(3) Controlling the rates charged for providing taxicab transportation service and the manner in which rates are calculated and collected, including the establishment of zones as the basis for rates;