

E2SHB 1371 - S COMM AMD
By Committee on Ways & Means

ADOPTED 05/20/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I - AGENCY SPECIFIC PROVISIONS

4 **Eastern State Hospital Board and Western State Hospital Board**

5 **Sec. 1.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to
6 read as follows:

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

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

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

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

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

- 1 ~~(iv) One community mental health service provider;~~
2 ~~(v) Two citizens with no financial or professional interest in~~
3 ~~mental health services;~~
4 ~~(vi) One representative of the regional support network in which~~
5 ~~the hospital is located;~~
6 ~~(vii) One representative from the staff who is a physician;~~
7 ~~(viii) One representative from the nursing staff;~~
8 ~~(ix) One representative from the other professional staff;~~
9 ~~(x) One representative from the nonprofessional staff; and~~
10 ~~(xi) One representative of a minority community.~~

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

13 ~~(c) Members shall serve four-year terms. Members of the board~~
14 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~
15 ~~and 43.03.060 and shall receive compensation as provided in RCW~~
16 ~~43.03.240.~~

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

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

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

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

22 ~~(d) Monitor and review the activities of the hospital in~~
23 ~~implementing the intent of the legislature set forth in this section;~~
24 ~~and~~

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

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

36 (i) Promote recruitment and retention of highly qualified
37 professionals at the state hospitals and community mental health
38 programs;

1 (ii) Improve clinical care by exploring new, innovative, and
2 scientifically based treatment models for persons presenting
3 particularly difficult and complicated clinical syndromes;

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

6 (iv) Promote bilateral understanding of treatment orientation,
7 possibilities, and challenges between state hospital professionals and
8 community mental health professionals.

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

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

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

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

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

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

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

32 **Firearms Range Advisory Committee**

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

1 **Home Care Quality Authority**

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

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

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

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

8 NEW SECTION. **Sec. 4.** RCW 74.39A.290 is decodified.

9 **Sec. 5.** RCW 74.39A.095 and 2009 c 580 s 8 are each amended to read
10 as follows:

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

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

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

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

28 (d) Reassessing and reauthorizing services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **Sec. 6.** RCW 74.39A.220 and 2002 c 3 s 1 are each amended to read
5 as follows:

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

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

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

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

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

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

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

1 **Sec. 7.** RCW 74.39A.240 and 2002 c 3 s 3 are each amended to read
2 as follows:

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

7 ~~(1) ("Authority" means the home care quality authority.~~

8 ~~(2) "Board" means the board created under RCW 74.39A.230.~~

9 ~~(3))~~ "Consumer" means a person to whom an individual provider
10 provides any such services.

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

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

21 **Sec. 8.** RCW 74.39A.250 and 2002 c 3 s 4 are each amended to read
22 as follows:

23 ~~(1) ((The authority must carry out the following duties:~~

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

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

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

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

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

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

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

22 ~~(e) Remove~~)).

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

32 ~~(f))~~ (3) The department shall provide routine, emergency, and
33 respite referrals of individual providers and prospective individual
34 providers to consumers and prospective consumers who are authorized to
35 receive long-term in-home care services through an individual
36 provider((+

37 ~~(g))~~)).

1 (4) The department shall give preference in the recruiting,
2 training, referral, and employment of individual providers and
3 prospective individual providers to recipients of public assistance or
4 other low-income persons who would qualify for public assistance in the
5 absence of such employment(~~(; and~~

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

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

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

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

34 **Sec. 10.** RCW 74.39A.270 and 2007 c 361 s 7 and 2007 c 278 s 3 are
35 each reenacted and amended to read as follows:

36 (1) Solely for the purposes of collective bargaining and as

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

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

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

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

34 (c) The mediation and interest arbitration provisions of RCW
35 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

36 (i) With respect to commencement of negotiations between the
37 governor and the bargaining representative of individual providers,

1 negotiations shall be commenced by May 1st of any year prior to the
2 year in which an existing collective bargaining agreement expires; and

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

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

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

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

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

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

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

35 (a) The department's authority to establish a plan of care for each
36 consumer or its core responsibility to manage long-term in-home care
37 services under this chapter, including determination of the level of
38 care that each consumer is eligible to receive. However, at the

1 request of the exclusive bargaining representative, the governor or the
2 governor's designee appointed under chapter 41.80 RCW shall engage in
3 collective bargaining, as defined in RCW 41.56.030(4), with the
4 exclusive bargaining representative over how the department's core
5 responsibility affects hours of work for individual providers. This
6 subsection shall not be interpreted to require collective bargaining
7 over an individual consumer's plan of care;

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

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

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

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

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

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

37 ~~((+8+))~~ (7) The state, the department, ~~((the authority,))~~ the
38 area agencies on aging, or their contractors under this chapter may not

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

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

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

19 **Sec. 11.** RCW 41.56.030 and 2010 c 296 s 3 are each reenacted and
20 amended to read as follows:

21 As used in this chapter:

22 (1) "Adult family home provider" means a provider as defined in RCW
23 70.128.010 who receives payments from the medicaid and state-funded
24 long-term care programs.

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

28 (3) "Child care subsidy" means a payment from the state through a
29 child care subsidy program established pursuant to RCW 74.12.340 or
30 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
31 program.

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

1 an appropriate bargaining unit of such public employer, except that by
2 such obligation neither party shall be compelled to agree to a proposal
3 or be required to make a concession unless otherwise provided in this
4 chapter.

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

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

8 (7) "Family child care provider" means a person who: (a) Provides
9 regularly scheduled care for a child or children in the home of the
10 provider or in the home of the child or children for periods of less
11 than twenty-four hours or, if necessary due to the nature of the
12 parent's work, for periods equal to or greater than twenty-four hours;
13 (b) receives child care subsidies; and (c) is either licensed by the
14 state under RCW 74.15.030 or is exempt from licensing under chapter
15 74.15 RCW.

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

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

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

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

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

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

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

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

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

1 in a county with a population of one million or more whose duties
2 include crash fire rescue or other firefighting duties; (g) employees
3 of fire departments of public employers who dispatch exclusively either
4 fire or emergency medical services, or both; or (h) employees in the
5 several classes of advanced life support technicians, as defined in RCW
6 18.71.200, who are employed by a public employer.

7 **Sec. 12.** RCW 43.105.340 and 2008 c 151 s 2 are each amended to
8 read as follows:

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

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

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

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

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

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

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

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

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

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

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

10 **Horse Racing Commission--Reducing Commission Members**

11 **Sec. 13.** RCW 67.16.012 and 1998 c 345 s 4 are each amended to read
12 as follows:

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

32 **Migratory Waterfowl Art Committee**

1 NEW SECTION. **Sec. 14.** RCW 77.12.680 (Migratory waterfowl art
2 committee--Membership--Terms--Vacancies--Chairman--Review of
3 expenditures--Compensation) and 1987 c 506 s 54 & 1985 c 243 s 5 are
4 each repealed.

5 **Sec. 15.** RCW 77.12.670 and 2002 c 283 s 2 are each amended to read
6 as follows:

7 (1) (~~The~~) Beginning July 1, 2011, the department, after
8 soliciting recommendations from the public, shall select the design for
9 the migratory bird stamp (~~(to be produced by the department shall use~~
10 ~~the design as provided by the migratory waterfowl art committee)~~).

11 (2) All revenue derived from the sale of migratory bird license
12 validations or stamps by the department to any person hunting waterfowl
13 or to any stamp collector shall be deposited in the state wildlife
14 (~~fund~~) account and shall be used only for that portion of the cost of
15 printing and production of the stamps for migratory waterfowl hunters
16 as determined by subsection (4) of this section, and for those
17 migratory waterfowl projects specified by the director of the
18 department for the acquisition and development of migratory waterfowl
19 habitat in the state and for the enhancement, protection, and
20 propagation of migratory waterfowl in the state. Migratory bird
21 license validation and stamp funds may not be used on lands controlled
22 by private hunting clubs or on private lands that charge a fee for
23 public access. Migratory bird license validation and stamp funds may
24 be used for migratory waterfowl projects on private land where public
25 hunting is provided by written permission or on areas established by
26 the department as waterfowl hunting closures.

27 (3) All revenue derived from the sale of the license validation and
28 stamp by the department to persons hunting solely nonwaterfowl
29 migratory birds shall be deposited in the state wildlife (~~fund~~)
30 account and shall be used only for that portion of the cost of printing
31 and production of the stamps for nonwaterfowl migratory bird hunters as
32 determined by subsection (4) of this section, and for those
33 nonwaterfowl migratory bird projects specified by the director for the
34 acquisition and development of nonwaterfowl migratory bird habitat in
35 the state and for the enhancement, protection, and propagation of
36 nonwaterfowl migratory birds in the state.

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

15 (5) Acquisition shall include but not be limited to the acceptance
16 of gifts of real estate or any interest therein or the rental, lease,
17 or purchase of real estate or any interest therein. If the department
18 acquires any fee interest, leasehold, or rental interest in real
19 property under this section, it shall allow the general public
20 reasonable access to that property and shall, if appropriate, ensure
21 that the deed or other instrument creating the interest allows such
22 access to the general public. If the department obtains a covenant in
23 real property in its favor or an easement or any other interest in real
24 property under this section, it shall exercise its best efforts to
25 ensure that the deed or other instrument creating the interest grants
26 to the general public in the form of a covenant running with the land
27 reasonable access to the property. The private landowner from whom the
28 department obtains such a covenant or easement shall retain the right
29 of granting access to the lands by written permission, but may not
30 charge a fee for access.

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

35 **Sec. 16.** RCW 77.12.690 and 2009 c 333 s 38 are each amended to
36 read as follows:

37 (1) The (~~migratory waterfowl art committee~~) director is

1 responsible for the selection of the annual migratory bird stamp design
2 (~~and shall provide the design to the department. If the committee~~
3 ~~does not perform this duty within the time frame necessary to achieve~~
4 ~~proper and timely distribution of the stamps to license dealers, the~~
5 ~~director shall initiate the art work selection for that year~~)). The
6 (~~committee~~) department shall create collector art prints and related
7 artwork, utilizing the same design (~~as provided to the department~~)).
8 The administration, sale, distribution, and other matters relating to
9 the prints and sales of stamps with prints and related artwork shall be
10 the responsibility of the (~~migratory waterfowl art committee~~)
11 department.

12 (2) The total amount brought in from the sale of prints and related
13 artwork shall be deposited in the state wildlife account created in RCW
14 77.12.170. The costs of producing and marketing of prints and related
15 artwork(~~, including administrative expenses mutually agreed upon by~~
16 ~~the committee and the director,~~) shall be paid out of the total amount
17 brought in from sales of those same items. Net funds derived from the
18 sale of prints and related artwork shall be used by the director to
19 contract with one or more appropriate individuals or nonprofit
20 organizations for the development of waterfowl propagation projects
21 within Washington which specifically provide waterfowl for the Pacific
22 flyway. The department shall not contract with any individual or
23 organization that obtains compensation for allowing waterfowl hunting
24 except if the individual or organization does not permit hunting for
25 compensation on the subject property.

26 (~~The migratory waterfowl art committee shall have an annual audit~~
27 ~~of its finances conducted by the state auditor and shall furnish a copy~~
28 ~~of the audit to the commission.~~)

29 **Sec. 17.** RCW 77.08.045 and 1998 c 191 s 31 are each amended to
30 read as follows:

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

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

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

36 (3) "Migratory bird stamp" means the stamp that is required by RCW

1 77.32.350 to be in the possession of all persons to hunt migratory
2 birds; and

3 (4) "Prints and artwork" means replicas of the original stamp
4 design that are sold to the general public. Prints and artwork are not
5 to be construed to be the migratory bird stamp that is required by RCW
6 77.32.350. Artwork may be any facsimile of the original stamp design,
7 including color renditions, metal duplications, or any other kind of
8 design(~~(~~and~~~~

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

12 **Performance Agreement Committee**

13 NEW SECTION. **Sec. 18.** RCW 28B.10.922 (Performance agreements--
14 State committee--Development of final proposals--Implementation--
15 Updates) and 2008 c 160 s 4 are each repealed.

16 **Salmon Stamp Selection Committee**

17 NEW SECTION. **Sec. 19.** RCW 77.12.856 (Salmon stamp selection
18 committee--Creation) and 1999 c 342 s 5 are each repealed.

19 **Sec. 20.** RCW 77.12.850 and 1999 c 342 s 2 are each amended to read
20 as follows:

21 The definitions in this section apply throughout RCW 77.12.850
22 through 77.12.860 unless the context clearly requires otherwise.

23 (1) "Salmon" means all species of the genus *Oncorhynchus*, except
24 those classified as game fish in this title, and includes:

25	Scientific Name	Common Name
26	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
27	<i>Oncorhynchus kisutch</i>	Coho salmon
28	<i>Oncorhynchus keta</i>	Chum salmon

1	Oncorhynchus gorbuscha	Pink salmon
2	Oncorhynchus nerka	Sockeye salmon

3 (2) "Department" means the department of fish and wildlife.

4 (3) (~~"Committee" means the salmon stamp selection committee~~
5 ~~created in RCW 77.12.856.~~

6 ~~(4))~~) "Stamp" means the stamp created under the Washington salmon
7 stamp program and the Washington junior salmon stamp program, created
8 in RCW 77.12.850 through 77.12.860.

9 **State Advisory Board of Plumbers**

10 **Sec. 21.** RCW 18.106.110 and 2006 c 185 s 4 are each amended to
11 read as follows:

12 (1) There is created a state advisory board of plumbers, to be
13 composed of seven members appointed by the (~~governor~~) director. Two
14 members shall be journeyman plumbers, one member shall be a specialty
15 plumber, three members shall be persons conducting a plumbing business,
16 at least one of which shall be primarily engaged in a specialty
17 plumbing business, and one member from the general public who is
18 familiar with the business and trade of plumbing.

19 (2) The term of one journeyman plumber expires July 1, 1995; the
20 term of the second journeyman plumber expires July 1, 2000; the term of
21 the specialty plumber expires July 1, 2008; the term of one person
22 conducting a plumbing business expires July 1, 1996; the term of the
23 second person conducting a plumbing business expires July 1, 2000; the
24 term of the third person conducting a plumbing business expires July 1,
25 2007; and the term of the public member expires July 1, 1997.
26 Thereafter, upon the expiration of said terms, the (~~governor~~)
27 director shall appoint a new member to serve for a period of three
28 years. However, to ensure that the board can continue to act, a member
29 whose term expires shall continue to serve until his or her replacement
30 is appointed. In the case of any vacancy on the board for any reason,
31 the (~~governor~~) director shall appoint a new member to serve out the
32 term of the person whose position has become vacant.

33 (3) The advisory board shall carry out all the functions and duties

1 enumerated in this chapter, as well as generally advise the department
2 on all matters relative to this chapter.

3 (4) Each member of the advisory board shall receive travel expenses
4 in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now
5 existing or hereafter amended for each day in which such member is
6 actually engaged in attendance upon the meetings of the advisory board.

7 **Sec. 22.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to read
8 as follows:

9 (1) The director of labor and industries shall appoint an
10 apprenticeship council, composed of three representatives each from
11 employer and employee organizations, respectively. The terms of office
12 of the members of the apprenticeship council first appointed by the
13 director of labor and industries shall be as follows: One
14 representative each of employers and employees shall be appointed for
15 one year, two years, and three years, respectively. Thereafter, each
16 member shall be appointed for a term of three years. The ((governor))
17 director of labor and industries shall also appoint a public member to
18 the apprenticeship council for a three-year term. ((The appointment of
19 the public member is subject to confirmation by the senate.)) Each
20 member shall hold office until a successor is appointed and has
21 qualified and any vacancy shall be filled by appointment for the
22 unexpired portion of the term. A designated representative from each
23 of the following: The workforce training and education coordinating
24 board, state board for community and technical colleges, employment
25 security department, and United States department of labor,
26 apprenticeship, training, employer, and labor services, shall be ex
27 officio members of the apprenticeship council. Ex officio members
28 shall have no vote. Each member of the council, not otherwise
29 compensated by public moneys, shall be reimbursed for travel expenses
30 in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated
31 in accordance with RCW 43.03.240.

32 (2) The apprenticeship council is authorized to approve
33 apprenticeship programs, and establish apprenticeship program standards
34 as rules, including requirements for apprentice-related and
35 supplemental instruction, coordination of instruction with job
36 experiences, and instructor qualifications. The council shall consider
37 recommendations from the state board for community and technical

1 colleges on matters of apprentice-related and supplemental instruction,
2 coordination of instruction with job experiences, and instructor
3 qualifications. The rules for apprenticeship instructor qualifications
4 shall either be by reference or reasonably similar to the applicable
5 requirements established by or pursuant to chapter 28B.50 RCW. The
6 council is further authorized to issue such rules as may be necessary
7 to carry out the intent and purposes of this chapter, including a
8 procedure to resolve an impasse should a tie vote of the council occur,
9 and perform such other duties as are hereinafter imposed.

10 (3) Not less than once a year the apprenticeship council shall make
11 a report to the director of labor and industries of its activities and
12 findings which shall be available to the public.

13 **Sec. 23.** RCW 36.93.051 and 1991 c 363 s 93 are each amended to
14 read as follows:

15 The boundary review board in each county with a population of one
16 million or more shall consist of eleven members chosen as follows:

17 ~~(1) ((Three persons shall be appointed by the governor;~~

18 ~~(2) Three))~~ Four persons shall be appointed by the county
19 appointing authority;

20 ~~((3) Three))~~ (2) Four persons shall be appointed by the mayors of
21 the cities and towns located within the county; and

22 ~~((4) Two))~~ (3) Three persons shall be appointed by the board from
23 nominees of special districts in the county.

24 The governor shall designate one initial appointee to serve a term
25 of two years, and two initial appointees to serve terms of four years,
26 if the appointments are made in an odd-numbered year, or one initial
27 appointee to serve a term of one year, and two initial appointees to
28 serve terms of three years, if the appointments are made in an even-
29 numbered year, with the length of the term being calculated from the
30 first day of February in the year the appointment was made.

31 The county appointing authority shall designate one of its initial
32 appointees to serve a term of two years, and two of its initial
33 appointees to serve terms of four years, if the appointments are made
34 in an odd-numbered year, or one of its initial appointees to serve a
35 term of one year, and two of its initial appointees to serve terms of
36 three years, if the appointments are made in an even-numbered year,

1 with the length of the term being calculated from the first day of
2 February in the year the appointment was made.

3 The mayors making the initial city and town appointments shall
4 designate two of their initial appointees to serve terms of two years,
5 and one of their initial appointees to serve a term of four years, if
6 the appointments are made in an odd-numbered year, or two of their
7 initial appointees to serve terms of one year, and one of their initial
8 appointees to serve a term of three years, if the appointments are made
9 in an even-numbered year, with the length of the term being calculated
10 from the first day of February in the year the appointment was made.

11 The board shall make two initial appointments from the nominees of
12 special districts, with one appointee serving a term of four years and
13 one initial appointee serving a term of two years, if the appointments
14 are made in an odd-numbered year, or one initial appointee serving a
15 term of three years and one initial appointee serving a term of one
16 year if the appointments are made in an even-numbered year, with the
17 length of the term being calculated from the first day of March in the
18 year in which the appointment is made.

19 After the initial appointments, all appointees shall serve four-
20 year terms.

21 No appointee may be an official or employee of the county or a
22 governmental unit in the county, or a consultant or advisor on a
23 contractual or regular retained basis of the county, any governmental
24 unit in the county, or any agency or association thereof.

25 **Commission on Pesticide Registration**

26 **Sec. 24.** RCW 15.92.090 and 1999 c 247 s 1 are each amended to read
27 as follows:

28 (1) A commission on pesticide registration is established. The
29 commission shall be composed of twelve voting members appointed by the
30 (~~governor~~) director as follows:

31 (a) Eight members from the following segments of the state's
32 agricultural industry as nominated by a statewide private agricultural
33 association or agricultural commodity commission formed under Title 15
34 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato
35 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry

1 growers; (vii) wine grape growers; and (viii) the nursery and landscape
2 industry. Although members are appointed from various segments of the
3 agriculture industry, they are appointed to represent and advance the
4 interests of the industry as a whole.

5 (b) One member from each of the following: (i) Forest protection
6 industry; (ii) food processors; (iii) agricultural chemical industry;
7 and (iv) professional pesticide applicators. One member shall be
8 appointed for each such segment of the industry and shall be nominated
9 by a statewide, private association of that segment of the industry.
10 The representative of the agricultural chemical industry shall be
11 involved in the manufacture of agricultural crop protection products.

12 The following shall be ex officio, nonvoting members of the
13 commission: The coordinator of the interregional project number four
14 at Washington State University; the director of the department of
15 ecology or the director's designee; the director of the department of
16 agriculture or the director's designee; the director of the department
17 of labor and industries or the director's designee; and the secretary
18 of the department of health or the secretary's designee.

19 (2) Each voting member of the commission shall serve a term of
20 three years. (~~However, the first appointments in the first year shall~~
21 ~~be made by the governor for one, two, and three year terms so that, in~~
22 ~~subsequent years, approximately one third of the voting members shall~~
23 ~~be appointed each year. The governor shall assign the initial one,~~
24 ~~two, and three year terms to members by lot.)) A vacancy shall be
25 filled by appointment for the unexpired term in the same manner
26 provided for an appointment to the full term. No member of the
27 commission may be removed by the (~~governor~~) director during his or
28 her term of office unless for cause of incapacity, incompetence,
29 neglect of duty, or malfeasance in office. Each member of the
30 commission shall receive travel expenses in accordance with RCW
31 43.03.050 and 43.03.060 for attending meetings of the commission and
32 for performing special duties, in the way of official commission
33 business, specifically assigned to the person by the commission. The
34 voting members of the commission serve without compensation from the
35 state other than such travel expenses.~~

36 (3) (~~Nominations for the initial appointments to the commission~~
37 ~~under subsection (1) of this section shall be submitted by September 1,~~

1 1995. ~~The governor shall make initial appointments to the commission~~
2 ~~by October 15, 1995.~~

3 (4)) The commission shall elect a chair from among its voting
4 members each calendar year. After its original organizational meeting,
5 the commission shall meet at the call of the chair. A majority of the
6 voting members of the commission constitutes a quorum and an official
7 action of the commission may be taken by a majority vote of the quorum.

8 **Community Economic Revitalization Board**

9 **Sec. 25.** RCW 43.160.030 and 2008 c 327 s 3 are each amended to
10 read as follows:

11 (1) The community economic revitalization board is hereby created
12 to exercise the powers granted under this chapter.

13 (2) The board shall consist of one member from each of the two
14 major caucuses of the house of representatives to be appointed by the
15 speaker of the house and one member from each of the two major caucuses
16 of the senate to be appointed by the president of the senate. The
17 board shall also consist of the following members appointed by the
18 ~~((governor))~~ director of commerce: A recognized private or public
19 sector economist; one port district official; one county official; one
20 city official; one representative of a federally recognized Indian
21 tribe; one representative of the public; one representative of small
22 businesses each from: (a) The area west of Puget Sound, (b) the area
23 east of Puget Sound and west of the Cascade range, (c) the area east of
24 the Cascade range and west of the Columbia river, and (d) the area east
25 of the Columbia river; one executive from large businesses each from
26 the area west of the Cascades and the area east of the Cascades. The
27 appointive members shall initially be appointed to terms as follows:
28 Three members for one-year terms, three members for two-year terms, and
29 three members for three-year terms which shall include the chair.
30 Thereafter each succeeding term shall be for three years. The chair of
31 the board shall be selected by the ~~((governor))~~ director of commerce.
32 The members of the board shall elect one of their members to serve as
33 vice-chair. The director of ~~((community, trade, and economic~~
34 ~~development))~~ commerce, the director of revenue, the commissioner of

1 employment security, and the secretary of transportation shall serve as
2 nonvoting advisory members of the board.

3 (3) Management services, including fiscal and contract services,
4 shall be provided by the department to assist the board in implementing
5 this chapter.

6 (4) Members of the board shall be reimbursed for travel expenses as
7 provided in RCW 43.03.050 and 43.03.060.

8 (5) If a vacancy occurs by death, resignation, or otherwise of
9 appointive members of the board, the ((~~governor~~)) director of commerce
10 shall fill the same for the unexpired term. Members of the board may
11 be removed for malfeasance or misfeasance in office, upon specific
12 written charges by the ((~~governor~~)) director of commerce, under chapter
13 34.05 RCW.

14 (6) A member appointed by the ((~~governor~~)) director of commerce may
15 not be absent from more than fifty percent of the regularly scheduled
16 meetings in any one calendar year. Any member who exceeds this absence
17 limitation is deemed to have withdrawn from the office and may be
18 replaced by the ((~~governor~~)) director of commerce.

19 (7) A majority of members currently appointed constitutes a quorum.

20 **Commute Trip Reduction Board**

21 **Sec. 26.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to read
22 as follows:

23 (1) A sixteen member state commute trip reduction board is
24 established as follows:

25 (a) The secretary of ((~~the department of~~)) transportation or the
26 secretary's designee who shall serve as chair;

27 (b) One representative from the office of ((~~the governor or the~~
28 ~~governor's designee~~)) financial management;

29 (c) The director or the director's designee of one of the following
30 agencies, to be determined by the ((~~governor~~)) secretary of
31 transportation:

32 (i) Department of general administration;

33 (ii) Department of ecology;

34 (iii) Department of ((~~community, trade, and economic development~~))
35 commerce;

1 (d) Three representatives from cities and towns or counties
2 appointed by the ((governor)) secretary of transportation for staggered
3 four-year terms from a list recommended by the association of
4 Washington cities or the Washington state association of counties;

5 (e) Two representatives from transit agencies appointed by the
6 ((governor)) secretary of transportation for staggered four-year terms
7 from a list recommended by the Washington state transit association;

8 (f) Two representatives from participating regional transportation
9 planning organizations appointed by the ((governor)) secretary of
10 transportation for staggered four-year terms;

11 (g) Four representatives of employers at or owners of major
12 worksites in Washington, or transportation management associations,
13 business improvement areas, or other transportation organizations
14 representing employers, appointed by the ((governor)) secretary of
15 transportation for staggered four-year terms; and

16 (h) Two citizens appointed by the ((governor)) secretary of
17 transportation for staggered four-year terms.

18 Members of the commute trip reduction board shall serve without
19 compensation but shall be reimbursed for travel expenses as provided in
20 RCW 43.03.050 and 43.03.060. Members appointed by the ((governor))
21 secretary of transportation shall be compensated in accordance with RCW
22 43.03.220. The board has all powers necessary to carry out its duties
23 as prescribed by this chapter.

24 (2) By March 1, 2007, the department of transportation shall
25 establish rules for commute trip reduction plans and implementation
26 procedures. The commute trip reduction board shall advise the
27 department on the content of the rules. The rules are intended to
28 ensure consistency in commute trip reduction plans and goals among
29 jurisdictions while fairly taking into account differences in
30 employment and housing density, employer size, existing and anticipated
31 levels of transit service, special employer circumstances, and other
32 factors the board determines to be relevant. The rules shall include:

33 (a) Guidance criteria for growth and transportation efficiency
34 centers;

35 (b) Data measurement methods and procedures for determining the
36 efficacy of commute trip reduction activities and progress toward
37 meeting commute trip reduction plan goals;

38 (c) Model commute trip reduction ordinances;

1 (d) Methods for assuring consistency in the treatment of employers
2 who have worksites subject to the requirements of this chapter in more
3 than one jurisdiction;

4 (e) An appeals process by which major employers, who as a result of
5 special characteristics of their business or its locations would be
6 unable to meet the requirements of a commute trip reduction plan, may
7 obtain a waiver or modification of those requirements and criteria for
8 determining eligibility for waiver or modification;

9 (f) Establishment of a process for determining the state's affected
10 areas, including criteria and procedures for regional transportation
11 planning organizations in consultation with local jurisdictions to
12 propose to add or exempt urban growth areas;

13 (g) Listing of the affected areas of the program to be done every
14 four years as identified in subsection (5) of this section;

15 (h) Establishment of a criteria and application process to
16 determine whether jurisdictions that voluntarily implement commute trip
17 reduction are eligible for state funding;

18 (i) Guidelines and deadlines for creating and updating local
19 commute trip reduction plans, including guidance to ensure consistency
20 between the local commute trip reduction plan and the transportation
21 demand management strategies identified in the transportation element
22 in the local comprehensive plan, as required by RCW 36.70A.070;

23 (j) Guidelines for creating and updating regional commute trip
24 reduction plans, including guidance to ensure the regional commute trip
25 reduction plan is consistent with and incorporated into transportation
26 demand management components in the regional transportation plan;

27 (k) Methods for regional transportation planning organizations to
28 evaluate and certify that designated growth and transportation
29 efficiency center programs meet the minimum requirements and are
30 eligible for funding;

31 (l) Guidelines for creating and updating growth and transportation
32 efficiency center programs; and

33 (m) Establishment of statewide program goals. The goals shall be
34 designed to achieve substantial reductions in the proportion of
35 single-occupant vehicle commute trips and the commute trip vehicle
36 miles traveled per employee, at a level that is projected to improve
37 the mobility of people and goods by increasing the efficiency of the
38 state highway system.

1 (3) The board shall create a state commute trip reduction plan that
2 shall be updated every four years as discussed in subsection (5) of
3 this section. The state commute trip reduction plan shall include, but
4 is not limited to: (a) Statewide commute trip reduction program goals
5 that are designed to substantially improve the mobility of people and
6 goods; (b) identification of strategies at the state and regional
7 levels to achieve the goals and recommendations for how transportation
8 demand management strategies can be targeted most effectively to
9 support commute trip reduction program goals; (c) performance measures
10 for assessing the cost-effectiveness of commute trip reduction
11 strategies and the benefits for the state transportation system; and
12 (d) a sustainable financial plan. The board shall review and approve
13 regional commute trip reduction plans, and work collaboratively with
14 regional transportation planning organizations in the establishment of
15 the state commute trip reduction plan.

16 (4) The board shall work with affected jurisdictions, major
17 employers, and other parties to develop and implement a public
18 awareness campaign designed to increase the effectiveness of local
19 commute trip reduction programs and support achievement of the
20 objectives identified in this chapter.

21 (5) The board shall evaluate and update the commute trip reduction
22 program plan and recommend changes to the rules every four years, with
23 the first assessment report due July 1, 2011, to ensure that the latest
24 data methodology used by the department of transportation is
25 incorporated into the program and to determine which areas of the state
26 should be affected by the program. The board shall review the
27 definition of a major employer no later than December 1, 2009. The
28 board shall regularly identify urban growth areas that are projected to
29 be affected by chapter 329, Laws of 2006 in the next four-year period
30 and may provide advance planning support to the potentially affected
31 jurisdictions.

32 (6) The board shall review progress toward implementing commute
33 trip reduction plans and programs and the costs and benefits of commute
34 trip reduction plans and programs and shall make recommendations to the
35 legislature and the governor by December 1, 2009, and every two years
36 thereafter. In assessing the costs and benefits, the board shall
37 consider the costs of not having implemented commute trip reduction
38 plans and programs with the assistance of the transportation

1 performance audit board authorized under chapter 44.75 RCW. The board
2 shall examine other transportation demand management programs
3 nationally and incorporate its findings into its recommendations to the
4 legislature. The recommendations shall address the need for
5 continuation, modification, or termination or any or all requirements
6 of this chapter.

7 (7) The board shall invite personnel with appropriate expertise
8 from state, regional, and local government, private, public, and
9 nonprofit providers of transportation services, and employers or owners
10 of major worksites in Washington to act as a technical advisory group.
11 The technical advisory group shall advise the board on the
12 implementation of local and regional commute trip reduction plans and
13 programs, program evaluation, program funding allocations, and state
14 rules and guidelines.

15 **Sec. 27.** RCW 38.52.040 and 1995 c 269 s 1202 are each amended to
16 read as follows:

17 (1) There is hereby created the emergency management council
18 (hereinafter called the council), to consist of not more than seventeen
19 members who shall be appointed by the (~~governor~~) adjutant general.
20 The membership of the council shall include, but not be limited to,
21 representatives of city and county governments, sheriffs and police
22 chiefs, the Washington state patrol, the military department, the
23 department of ecology, state and local fire chiefs, seismic safety
24 experts, state and local emergency management directors, search and
25 rescue volunteers, medical professions who have expertise in emergency
26 medical care, building officials, and private industry. The
27 representatives of private industry shall include persons knowledgeable
28 in emergency and hazardous materials management. The council members
29 shall elect a chairman from within the council membership. The members
30 of the council shall serve without compensation, but may be reimbursed
31 for their travel expenses incurred in the performance of their duties
32 in accordance with RCW 43.03.050 and 43.03.060 as now existing or
33 hereafter amended.

34 (2) The emergency management council shall advise the governor and
35 the director on all matters pertaining to state and local emergency
36 management. The council may appoint such ad hoc committees,
37 subcommittees, and working groups as are required to develop specific

1 recommendations for the improvement of emergency management practices,
2 standards, policies, or procedures. The council shall ensure that the
3 governor receives an annual assessment of statewide emergency
4 preparedness including, but not limited to, specific progress on hazard
5 mitigation and reduction efforts, implementation of seismic safety
6 improvements, reduction of flood hazards, and coordination of hazardous
7 materials planning and response activities. The council or a
8 subcommittee thereof shall periodically convene in special session and
9 serve during those sessions as the state emergency response commission
10 required by P.L. 99-499, the emergency planning and community right-to-
11 know act. When sitting in session as the state emergency response
12 commission, the council shall confine its deliberations to those items
13 specified in federal statutes and state administrative rules governing
14 the coordination of hazardous materials policy. The council shall
15 review administrative rules governing state and local emergency
16 management practices and recommend necessary revisions to the director.

17 **Emergency Medical Services and Trauma Care Steering Committee**

18 **Sec. 28.** RCW 70.168.020 and 2000 c 93 s 20 are each amended to
19 read as follows:

20 (1) There is hereby created an emergency medical services and
21 trauma care steering committee composed of representatives of
22 individuals knowledgeable in emergency medical services and trauma
23 care, including emergency medical providers such as physicians, nurses,
24 hospital personnel, emergency medical technicians, paramedics,
25 ambulance services, a member of the emergency medical services
26 licensing and certification advisory committee, local government
27 officials, state officials, consumers, and persons affiliated
28 professionally with health science schools. The ((governor)) secretary
29 shall appoint members of the steering committee. Members shall be
30 appointed for a period of three years. The department shall provide
31 administrative support to the committee. All appointive members of the
32 committee, in the performance of their duties, may be entitled to
33 receive travel expenses as provided in RCW 43.03.050 and 43.03.060.
34 The ((governor)) secretary may remove members from the committee who
35 have three unexcused absences from committee meetings. The

1 ((governor)) secretary shall fill any vacancies of the committee in a
2 timely manner. The terms of those members representing the same field
3 shall not expire at the same time.

4 The committee shall elect a chair and a vice-chair whose terms of
5 office shall be for one year each. The chair shall be ineligible for
6 reelection after serving four consecutive terms.

7 The committee shall meet on call by the ((governor~~7~~)) the
8 secretary(~~7~~) or the chair.

9 (2) The emergency medical services and trauma care steering
10 committee shall:

11 (a) Advise the department regarding emergency medical services and
12 trauma care needs throughout the state.

13 (b) Review the regional emergency medical services and trauma care
14 plans and recommend changes to the department before the department
15 adopts the plans.

16 (c) Review proposed departmental rules for emergency medical
17 services and trauma care.

18 (d) Recommend modifications in rules regarding emergency medical
19 services and trauma care.

20 **Horse Racing Compact Committee**

21 **Sec. 29.** RCW 67.17.050 and 2001 c 18 s 6 are each amended to read
22 as follows:

23 (1) There is created an interstate governmental entity to be known
24 as the "compact committee" which shall be comprised of one official
25 from the racing commission or its equivalent in each party state who
26 shall be appointed, serve, and be subject to removal in accordance with
27 the laws of the party state he or she represents. Under the laws of
28 his or her party state, each official shall have the assistance of his
29 or her state's racing commission or the equivalent thereof in
30 considering issues related to licensing of participants in live racing
31 and in fulfilling his or her responsibilities as the representative
32 from his or her state to the compact committee. If an official is
33 unable to perform any duty in connection with the powers and duties of
34 the compact committee, the racing commission or equivalent thereof from
35 his or her state shall designate another of its members as an alternate

1 who shall serve in his or her place and represent the party state as
2 its official on the compact committee until that racing commission or
3 equivalent thereof determines that the original representative official
4 is able once again to perform his or her duties as that party state's
5 representative official on the compact committee. The designation of
6 an alternate shall be communicated by the affected state's racing
7 commission or equivalent thereof to the compact committee as the
8 committee's bylaws may provide.

9 (2) The ((governor)) horse racing commission shall appoint the
10 official to represent the state of Washington on the compact committee
11 for a term of four years. No official may serve more than three
12 consecutive terms. A vacancy shall be filled by the ((governor)) horse
13 racing commission for the unexpired term.

14 **Productivity Board**

15 **Sec. 30.** RCW 41.60.015 and 2000 c 139 s 1 are each amended to read
16 as follows:

17 (1) There is hereby created the productivity board, which may also
18 be known as the employee involvement and recognition board. The board
19 shall administer the employee suggestion program and the teamwork
20 incentive program under this chapter.

21 (2) The board shall be composed of:

22 (a) The secretary of state who shall act as chairperson;

23 (b) The director of personnel appointed under the provisions of RCW
24 41.06.130 or the director's designee;

25 (c) The director of financial management or the director's
26 designee;

27 (d) The director of general administration or the director's
28 designee;

29 (e) Three persons with experience in administering incentives such
30 as those used by industry, with the ((governor,)) lieutenant governor,
31 secretary of state, and speaker of the house of representatives each
32 appointing one person. The ((governor's)) secretary of state's
33 appointee shall be a representative of an employee organization
34 certified as an exclusive representative of at least one bargaining
35 unit of classified employees; and

1 (f) Two persons representing state agencies and institutions with
2 employees subject to chapter 41.06 RCW, and one person representing
3 those subject to chapter 28B.16 RCW, both appointed by the ((governor;
4 and

5 ~~(g) In addition, the governor and board chairperson may jointly~~
6 ~~appoint persons to the board on an ad hoc basis. Ad hoc members shall~~
7 ~~serve in an advisory capacity and shall not have the right to vote))~~
8 secretary of state.

9 Members under subsection (2)(e) and (f) of this section shall be
10 appointed to serve three-year terms.

11 Members of the board appointed pursuant to subsection (2)(e) of
12 this section may be compensated in accordance with RCW 43.03.240. Any
13 board member who is not a state employee may be reimbursed for travel
14 expenses under RCW 43.03.050 and 43.03.060.

15 State Council on Aging

16 **Sec. 31.** RCW 43.20A.685 and 1981 c 151 s 2 are each amended to
17 read as follows:

18 (1) ~~((The initial members of the council shall be appointed by the~~
19 ~~governor to staggered terms such that approximately one third of the~~
20 ~~members serve terms of one year, one third serve terms of two years,~~
21 ~~and one third serve terms of three years. Thereafter,))~~ Members of the
22 council shall be appointed ((by the governor)) to terms of three years,
23 except in the case of a vacancy, in which event appointment shall be
24 for the remainder of the unexpired term for which the vacancy occurs.
25 No member of the council may serve more than two consecutive three-year
26 terms. Each area agency on aging advisory council shall appoint one
27 member ((shall be appointed)) from ((each)) its state-designated
28 planning and service area ((from a list of names transmitted by each
29 area agency on aging advisory council, such list including the names of
30 all persons nominated within the planning and service area together
31 with the area agency on aging advisory council's recommendations)).
32 The governor shall appoint one additional member from names submitted
33 by the association of Washington cities and one additional member from
34 names submitted by the Washington state association of counties. In
35 addition, the governor may appoint not more than five at large members,

1 in order to ensure that rural areas (those areas outside of a standard
2 metropolitan statistical area), minority populations, and those
3 individuals with special skills which could assist the state council
4 are represented. The members of the state council on aging shall
5 elect, at the council's initial meeting and at the council's first
6 meeting each year, one member to serve as chairperson of the council
7 and another member to serve as secretary of the council.

8 (2) The speaker of the house of representatives and the president
9 of the senate shall each appoint two nonvoting members to the council;
10 one from each of the two largest caucuses in each house. The terms of
11 the members so appointed shall be for approximately two years and the
12 terms shall expire before the first day of the legislative session in
13 odd-numbered years. They shall be compensated by their respective
14 houses as provided under RCW 44.04.120, as now or hereafter amended.

15 (3) With the exception of the members from the Washington state
16 association of cities, the Washington state association of counties,
17 and the nonvoting legislative members, all members of the council shall
18 be at least fifty-five years old.

19 **Washington State Horse Park Commission**

20 **Sec. 32.** RCW 79A.30.030 and 2000 c 11 s 85 are each amended to
21 read as follows:

22 (1) A nonprofit corporation may be formed under the nonprofit
23 corporation provisions of chapter 24.03 RCW to carry out the purposes
24 of this chapter. Except as provided in RCW 79A.30.040, the corporation
25 shall have all the powers and be subject to the same restrictions as
26 are permitted or prescribed to nonprofit corporations and shall
27 exercise those powers only for carrying out the purposes of this
28 chapter and those purposes necessarily implied therefrom. The
29 nonprofit corporation shall be known as the Washington state horse park
30 authority. The articles of incorporation shall provide that it is the
31 responsibility of the authority to develop, promote, operate, manage,
32 and maintain the Washington state horse park. The articles of
33 incorporation shall provide for appointment of directors and other
34 conduct of business consistent with the requirements of this chapter.

1 (2)(a) The articles of incorporation shall provide for a seven-
2 member board of directors for the authority, all appointed by the
3 ((governor)) commission. Board members shall serve three-year terms,
4 except that two of the original appointees shall serve one-year terms,
5 and two of the original appointees shall serve two-year terms. A board
6 member may serve consecutive terms.

7 (b) The articles of incorporation shall provide that the
8 ((governor)) commission appoint board members as follows:

9 (i) One board member shall represent the interests of the
10 commission(~~(. In making this appointment, the governor shall solicit~~
11 ~~recommendations from the commission));~~

12 (ii) One board member shall represent the interests of the county
13 in which the park is located. In making this appointment, the
14 ((governor)) commission shall solicit recommendations from the county
15 legislative authority; and

16 (iii) Five board members shall represent the geographic and sports
17 discipline diversity of equestrian interests in the state, and at least
18 one of these members shall have business experience relevant to the
19 organization of horse shows or operation of a horse show facility. In
20 making these appointments, the ((governor)) commission shall solicit
21 recommendations from a variety of active horse-related organizations in
22 the state.

23 (3) The articles of incorporation shall include a policy that
24 provides for the preferential use of a specific area of the horse park
25 facilities at nominal cost for horse groups associated with youth
26 groups and (~~the disabled~~) individuals with disabilities.

27 (4) The ((governor)) commission shall make appointments to fill
28 board vacancies for positions authorized under subsection (2) of this
29 section, upon additional solicitation of recommendations from the board
30 of directors.

31 (5) The board of directors shall perform their duties in the best
32 interests of the authority, consistent with the standards applicable to
33 directors of nonprofit corporations under RCW 24.03.127.

34 **Educational Opportunity Gap Oversight and Accountability Committee**

1 **Sec. 33.** RCW 28A.300.136 and 2010 c 235 s 901 are each amended to
2 read as follows:

3 (1) An ((achievement)) educational opportunity gap oversight and
4 accountability committee is created to synthesize the findings and
5 recommendations from the 2008 achievement gap studies into an
6 implementation plan, and to recommend policies and strategies to the
7 superintendent of public instruction, the professional educator
8 standards board, and the state board of education to close the
9 achievement gap.

10 (2) The committee shall recommend specific policies and strategies
11 in at least the following areas:

12 (a) Supporting and facilitating parent and community involvement
13 and outreach;

14 (b) Enhancing the cultural competency of current and future
15 educators and the cultural relevance of curriculum and instruction;

16 (c) Expanding pathways and strategies to prepare and recruit
17 diverse teachers and administrators;

18 (d) Recommending current programs and resources that should be
19 redirected to narrow the gap;

20 (e) Identifying data elements and systems needed to monitor
21 progress in closing the gap;

22 (f) Making closing the achievement gap part of the school and
23 school district improvement process; and

24 (g) Exploring innovative school models that have shown success in
25 closing the achievement gap.

26 (3) Taking a multidisciplinary approach, the committee may seek
27 input and advice from other state and local agencies and organizations
28 with expertise in health, social services, gang and violence
29 prevention, substance abuse prevention, and other issues that
30 disproportionately affect student achievement and student success.

31 (4) The ((achievement)) educational opportunity gap oversight and
32 accountability committee shall be composed of the following members:

33 (a) The chairs and ranking minority members of the house and senate
34 education committees, or their designees;

35 (b) One additional member of the house of representatives appointed
36 by the speaker of the house and one additional member of the senate
37 appointed by the president of the senate;

38 (c) A representative of the office of the education ombudsman;

1 (d) A representative of the center for the improvement of student
2 learning in the office of the superintendent of public instruction;

3 (e) A representative of federally recognized Indian tribes whose
4 traditional lands and territories lie within the borders of Washington
5 state, designated by the federally recognized tribes; and

6 (f) Four members appointed by the governor in consultation with the
7 state ethnic commissions, who represent the following populations:
8 African-Americans, Hispanic Americans, Asian Americans, and Pacific
9 Islander Americans.

10 (5) The governor and the tribes are encouraged to designate members
11 who have experience working in and with schools.

12 (6) The committee may convene ad hoc working groups to obtain
13 additional input and participation from community members. Members of
14 ad hoc working groups shall serve without compensation and shall not be
15 reimbursed for travel or other expenses.

16 (7) The chair or cochairs of the committee shall be selected by the
17 members of the committee. Staff support for the committee shall be
18 provided by the center for the improvement of student learning.
19 Members of the committee shall serve without compensation but must be
20 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative
21 members of the committee shall be reimbursed for travel expenses in
22 accordance with RCW 44.04.120.

23 (8) The superintendent of public instruction, the state board of
24 education, the professional educator standards board, and the quality
25 education council shall work collaboratively with the (~~achievement~~)
26 educational opportunity gap oversight and accountability committee to
27 close the achievement gap.

28 **Capitol Campus Design Advisory Committee**

29 **Sec. 34.** RCW 43.34.080 and 1990 c 93 s 1 are each amended to read
30 as follows:

31 (1) The capitol campus design advisory committee is established as
32 an advisory group to the capitol committee and the director of general
33 administration to review programs, planning, design, and landscaping of
34 state capitol facilities and grounds and to make recommendations that

1 will contribute to the attainment of architectural, aesthetic,
2 functional, and environmental excellence in design and maintenance of
3 capitol facilities on campus and located in neighboring communities.

4 (2) The advisory committee shall consist of the following persons
5 who shall be appointed by and serve at the pleasure of the ~~((governor))~~
6 director of general administration:

- 7 (a) Two architects;
- 8 (b) A landscape architect; and
- 9 (c) An urban planner.

10 The ~~((governor))~~ director of general administration shall appoint
11 the chair and vice chair and shall ~~((instruct the director of general
12 administration to))~~ provide the staff and resources necessary for
13 implementing this section. The advisory committee shall meet at least
14 once every ninety days and at the call of the chair.

15 The members of the committee shall be reimbursed as provided in RCW
16 43.03.220 and 44.04.120.

17 (3) The advisory committee shall also consist of the secretary of
18 state and two members of the house of representatives, one from each
19 caucus, who shall be appointed by the speaker of the house of
20 representatives, and two members of the senate, one from each caucus,
21 who shall be appointed by the president of the senate.

22 (4) The advisory committee shall review plans and designs affecting
23 state capitol facilities as they are developed. The advisory
24 committee's review shall include:

25 (a) The process of solicitation and selection of appropriate
26 professional design services including design-build proposals;

27 (b) Compliance with the capitol campus master plan and design
28 concepts as adopted by the capitol committee;

29 (c) The design, siting, and grouping of state capitol facilities
30 relative to the service needs of state government and the impact upon
31 the local community's economy, environment, traffic patterns, and other
32 factors;

33 (d) The relationship of overall state capitol facility planning to
34 the respective comprehensive plans for long-range urban development of
35 the cities of Olympia, Lacey, and Tumwater, and Thurston county; and

36 (e) Landscaping plans and designs, including planting proposals,
37 street furniture, sculpture, monuments, and access to the capitol
38 campus and buildings.

1 **Correctional Industries Board**

2 **Sec. 35.** RCW 72.09.070 and 2004 c 167 s 1 are each amended to read
3 as follows:

4 ~~((1))~~ There is created a correctional industries ~~((board of~~
5 ~~directors))~~ advisory committee which shall have the composition
6 provided in RCW 72.09.080. The advisory committee shall make
7 recommendations to the secretary regarding the implementation of RCW
8 72.09.100.

9 ~~((2) Consistent with general department of corrections policies~~
10 ~~and procedures pertaining to the general administration of correctional~~
11 ~~facilities, the board shall establish and implement policy for~~
12 ~~correctional industries programs designed to:~~

13 ~~(a) Offer inmates meaningful employment, work experience, and~~
14 ~~training in vocations that are specifically designed to reduce~~
15 ~~recidivism and thereby enhance public safety by providing opportunities~~
16 ~~for legitimate means of livelihood upon their release from custody;~~

17 ~~(b) Provide industries which will reduce the tax burden of~~
18 ~~corrections and save taxpayers money through production of goods and~~
19 ~~services for sale and use;~~

20 ~~(c) Operate correctional work programs in an effective and~~
21 ~~efficient manner which are as similar as possible to those provided by~~
22 ~~the private sector;~~

23 ~~(d) Encourage the development of and provide for selection of,~~
24 ~~contracting for, and supervision of work programs with participating~~
25 ~~private enterprise firms;~~

26 ~~(e) Develop and select correctional industries work programs that~~
27 ~~do not unfairly compete with Washington businesses;~~

28 ~~(f) Invest available funds in correctional industries enterprises~~
29 ~~and meaningful work programs that minimize the impact on in-state jobs~~
30 ~~and businesses.~~

31 ~~(3) The board of directors shall at least annually review the work~~
32 ~~performance of the director of correctional industries division with~~
33 ~~the secretary.~~

34 ~~(4) The director of correctional industries division shall review~~
35 ~~and evaluate the productivity, funding, and appropriateness of all~~
36 ~~correctional work programs and report on their effectiveness to the~~
37 ~~board and to the secretary.~~

1 ~~(5) The board of directors shall have the authority to identify and~~
2 ~~establish trade advisory or apprenticeship committees to advise them on~~
3 ~~correctional industries work programs. The secretary shall appoint the~~
4 ~~members of the committees.~~

5 ~~Where a labor management trade advisory and apprenticeship~~
6 ~~committee has already been established by the department pursuant to~~
7 ~~RCW 72.62.050 the existing committee shall also advise the board of~~
8 ~~directors.~~

9 ~~(6) The board shall develop a strategic yearly marketing plan that~~
10 ~~shall be consistent with and work towards achieving the goals~~
11 ~~established in the six year phased expansion of class I and class II~~
12 ~~correctional industries established in RCW 72.09.111. This marketing~~
13 ~~plan shall be presented to the appropriate committees of the~~
14 ~~legislature by January 17 of each calendar year until the goals set~~
15 ~~forth in RCW 72.09.111 are achieved.))~~

16 **Sec. 36.** RCW 72.09.090 and 1989 c 185 s 6 are each amended to read
17 as follows:

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

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

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

34 **Sec. 37.** RCW 72.09.100 and 2005 c 346 s 1 are each amended to read
35 as follows:

36 It is the intent of the legislature to vest in the department the

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

17 (1) CLASS I: FREE VENTURE INDUSTRIES.

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

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

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

1 (d) The department (~~(of corrections)~~) shall supply appropriate
2 security and custody services without charge to the participating
3 firms.

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

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

14 (2) CLASS II: TAX REDUCTION INDUSTRIES.

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

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

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

27 (A) Public agencies;

28 (B) Nonprofit organizations;

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

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

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

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

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

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

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

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

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

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

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

34 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

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

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

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

8 (iii) Whenever possible, to offset tax and other public support
9 costs.

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

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

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

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

25 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

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

31 (b) Class IV correctional industries shall be reviewed by the
32 (~~correctional industries board of directors~~) department to set policy
33 for work crews. The department shall (~~present to the board of~~
34 ~~directors~~) prepare quarterly detail statements showing where work
35 crews worked, what correctional industry class, and the hours worked.
36 (~~The board of directors may review any class IV program at its~~
37 ~~discretion.~~) Class IV correctional industries operated in work camps

1 established pursuant to RCW 72.64.050 are exempt from the requirements
2 of this subsection (4)(b).

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

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

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

14 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

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

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

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

25 **Sec. 38.** RCW 72.09.015 and 2010 c 181 s 1 are each amended to read
26 as follows:

27 The definitions in this section apply throughout this chapter.

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

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

36 (3) "Community custody" has the same meaning as that provided in

1 RCW 9.94A.030 and also includes community placement and community
2 supervision as defined in RCW 9.94B.020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) Physical restraint; or

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

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

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

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

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

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

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

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

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

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

13 **Sec. 39.** RCW 72.62.020 and 1989 c 185 s 12 are each amended to
14 read as follows:

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

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

27 **Sec. 40.** RCW 72.09.080 and 1993 sp.s. c 20 s 4 are each amended to
28 read as follows:

29 (1) The correctional industries (~~board of directors~~) advisory
30 committee shall consist of nine voting members, appointed by the
31 (~~governor~~) secretary. Each member shall serve a three-year staggered
32 term. (~~Initially, the governor shall appoint three members to one-~~
33 ~~year terms, three members to two year terms, and three members to~~
34 ~~three year terms.~~) The speaker of the house of representatives and
35 the president of the senate shall each appoint one member from each of
36 the two largest caucuses in their respective houses. The legislators

1 so appointed shall be nonvoting members and shall serve two-year terms,
2 or until they cease to be members of the house from which they were
3 appointed, whichever occurs first. The nine members appointed by the
4 (~~governor~~) secretary shall include three representatives from labor,
5 three representatives from business representing cross-sections of
6 industries and all sizes of employers, and three members from the
7 general public.

8 (2) The (~~board of directors~~) committee shall elect a chair and
9 such other officers as it deems appropriate from among the voting
10 members.

11 (3) The voting members of the (~~board of directors~~) committee
12 shall serve with compensation pursuant to RCW 43.03.240 and shall be
13 reimbursed by the department for travel expenses and per diem under RCW
14 43.03.050 and 43.03.060, as now or hereafter amended. Legislative
15 members shall be reimbursed under RCW 44.04.120, as now or hereafter
16 amended.

17 (4) The secretary shall provide such staff services, facilities,
18 and equipment as the board shall require to carry out its duties.

19 **Hanford Area Economic Investment Fund Committee**

20 **Sec. 41.** RCW 43.31.425 and 1998 c 76 s 2 are each amended to read
21 as follows:

22 The Hanford area economic investment fund advisory committee is
23 hereby established to advise the director of the department of
24 commerce.

25 (1) The committee shall have eleven members. The (~~governor~~)
26 director of the department of commerce shall appoint the members, in
27 consultation with Hanford area elected officials, subject to the
28 following requirements:

29 (a) All members shall either reside or be employed within the
30 Hanford area.

31 (b) The committee shall have a balanced membership representing one
32 member each from the elected leadership of Benton county, Franklin
33 county, the city of Richland, the city of Kennewick, the city of Pasco,
34 a Hanford area port district, the labor community, and four members
35 from the Hanford area business and financial community.

1 (c) Careful consideration shall be given to assure minority
2 representation on the committee.

3 (2) Each member appointed by the ((governor)) director of the
4 department of commerce shall serve a term of three years(~~(, except that~~
5 ~~of the members first appointed, four shall serve two year terms and~~
6 ~~four shall serve one year terms)~~). A person appointed to fill a
7 vacancy of a member shall be appointed in a like manner and shall serve
8 for only the unexpired term. A member is eligible for reappointment.
9 A member may be removed by the ((governor)) director of the department
10 of commerce for cause.

11 (3) The ((governor)) director of the department of commerce shall
12 designate a member of the committee as its chairperson. The committee
13 may elect such other officers as it deems appropriate. Six members of
14 the committee constitute a quorum and six affirmative votes are
15 necessary for the transaction of business or the exercise of any power
16 or function of the committee.

17 (4) The members shall serve without compensation, but are entitled
18 to reimbursement for actual and necessary expenses incurred in the
19 performance of official duties in accordance with RCW 43.03.050 and
20 43.03.060.

21 (5) Members shall not be liable to the state, to the fund, or to
22 any other person as a result of their activities, whether ministerial
23 or discretionary, as members except for willful dishonesty or
24 intentional violations of law. The department may purchase liability
25 insurance for members and may indemnify these persons against the
26 claims of others.

27 **Sec. 42.** RCW 43.31.422 and 2004 c 77 s 1 are each amended to read
28 as follows:

29 The Hanford area economic investment fund is established in the
30 custody of the state treasurer. Moneys in the fund shall only be used
31 for reasonable assistant attorney general costs in support of the
32 committee or pursuant to the decisions of the committee created in RCW
33 43.31.425 for Hanford area revolving loan funds, Hanford area
34 infrastructure projects, or other Hanford area economic development and
35 diversification projects, but may not be used for government or
36 nonprofit organization operating expenses. Up to five percent of
37 moneys in the fund may be used for program administration. For the

1 purpose of this chapter "Hanford area" means Benton and Franklin
2 counties. The director of (~~community, trade, and economic~~
3 ~~development~~) commerce or the director's designee shall authorize
4 disbursements from the fund (~~after an affirmative vote of at least six~~
5 ~~members~~) with the advice of the committee created in RCW 43.31.425
6 (~~on any decisions reached by the committee created in RCW 43.31.425~~).
7 The fund is subject to the allotment procedures under chapter 43.88
8 RCW, but no appropriation is required for disbursements. The
9 legislature intends to establish similar economic investment funds for
10 areas that develop low-level radioactive waste disposal facilities.

11 **Home Inspector Advisory Licensing Board**

12 **Sec. 43.** RCW 18.280.040 and 2008 c 119 s 4 are each amended to
13 read as follows:

14 (1) The state home inspector advisory licensing board is created.
15 The board consists of seven members appointed by the (~~governor~~)
16 director, who shall advise the director concerning the administration
17 of this chapter. Of the appointments to this board, six must be
18 actively engaged as home inspectors immediately prior to their
19 appointment to the board, and one must be currently teaching in a home
20 inspector education program. Insofar as possible, the composition of
21 the appointed home inspector members of the board must be generally
22 representative of the geographic distribution of home inspectors
23 licensed under this chapter. No more than two board members may be
24 members of a particular national home inspector association or
25 organization.

26 (2) A home inspector must have the following qualifications to be
27 appointed to the board:

28 (a) Actively engaged as a home inspector in the state of Washington
29 for five years;

30 (b) Licensed as a home inspector under this chapter, except for
31 initial appointments; and

32 (c) Performed a minimum of five hundred home inspections in the
33 state of Washington.

34 (3) Members of the board are appointed for three-year terms. Terms
35 must be staggered so that not more than two appointments are scheduled

1 to be made in any calendar year. Members hold office until the
2 expiration of the terms for which they were appointed. The
3 ((governor)) director may remove a board member for just cause. The
4 ((governor)) director may appoint a new member to fill a vacancy on the
5 board for the remainder of the unexpired term. All board members are
6 limited to two consecutive terms.

7 (4) Each board member is entitled to compensation for each day
8 spent conducting official business and to reimbursement for travel
9 expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

10 **Real Estate Appraiser Commission**

11 **Sec. 44.** RCW 18.140.230 and 2005 c 339 s 19 are each amended to
12 read as follows:

13 There is established the real estate appraiser commission of the
14 state of Washington, consisting of seven members who shall act to give
15 advice to the director.

16 (1) The seven commission members shall be appointed by the
17 ((governor)) director in the following manner: For a term of six years
18 each, with the exception of the first appointees who shall be the
19 incumbent members of the predecessor real estate appraiser advisory
20 committee to serve for the duration of their current terms, with all
21 other subsequent appointees to be appointed for a six-year term.

22 (2) At least two of the commission members shall be selected from
23 the area of the state east of the Cascade mountain range and at least
24 two of the commission members shall be selected from the area of the
25 state west of the Cascade mountain range. At least two members of the
26 commission shall be certified general real estate appraisers, at least
27 two members of the commission shall be certified residential real
28 estate appraisers, and at least one member of the commission may be a
29 licensed real estate appraiser, all pursuant to this chapter. No
30 certified or licensed appraiser commission member shall be appointed
31 who has not been certified and/or licensed pursuant to this chapter for
32 less than ten years, except that this experience duration shall be not
33 less than five years only for any commission member taking office
34 before January 1, 2003. One member shall be an employee of a financial
35 institution as defined in this chapter whose duties are concerned with

1 real estate appraisal management and policy. One member shall be an
2 individual engaged in mass appraisal whose duties are concerned with ad
3 valorem appraisal management and policy and who is licensed or
4 certified under this chapter. One member may be a member of the
5 general public.

6 (3) The members of the commission annually shall elect their
7 chairperson and vice chairperson to serve for a term of one calendar
8 year. A majority of the members of said commission shall at all times
9 constitute a quorum.

10 (4) Any vacancy on the commission shall be filled by appointment by
11 the (~~governor~~) director for the unexpired term.

12 **Escrow Commission**

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

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Committee" means the escrow advisory committee of the state of
18 Washington created by RCW 18.44.500.

19 (2) "Controlling person" is any person who owns or controls ten
20 percent or more of the beneficial ownership of any escrow agent,
21 regardless of the form of business organization employed and regardless
22 of whether such interest stands in such person's true name or in the
23 name of a nominee.

24 (~~(+2)~~) (3) "Department" means the department of financial
25 institutions.

26 (~~(+3)~~) (4) "Designated escrow officer" means any licensed escrow
27 officer designated by a licensed escrow agent and approved by the
28 director as the licensed escrow officer responsible for supervising
29 that agent's handling of escrow transactions, management of the agent's
30 trust account, and supervision of all other licensed escrow officers
31 employed by the agent.

32 (~~(+4)~~) (5) "Director" means the director of financial
33 institutions, or his or her duly authorized representative.

34 (~~(+5)~~) (6) "Director of licensing" means the director of the
35 department of licensing, or his or her duly authorized representative.

1 ((+6+)) (7) "Escrow" means any transaction, except the acts of a
2 qualified intermediary in facilitating an exchange under section 1031
3 of the internal revenue code, wherein any person or persons, for the
4 purpose of effecting and closing the sale, purchase, exchange,
5 transfer, encumbrance, or lease of real or personal property to another
6 person or persons, delivers any written instrument, money, evidence of
7 title to real or personal property, or other thing of value to a third
8 person to be held by such third person until the happening of a
9 specified event or the performance of a prescribed condition or
10 conditions, when it is then to be delivered by such third person, in
11 compliance with instructions under which he or she is to act, to a
12 grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor,
13 bailee, bailor, or any agent or employee thereof.

14 ((+7+)) (8) "Escrow agent" means any person engaged in the business
15 of performing for compensation the duties of the third person referred
16 to in subsection ((+6+)) (7) of this section.

17 ~~((+8+)) "Escrow commission" means the escrow commission of the state
18 of Washington created by RCW 18.44.500.)~~

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

22 (10) "Licensed escrow officer" means any natural person handling
23 escrow transactions and licensed as such by the director.

24 (11) "Person" means a natural person, firm, association,
25 partnership, corporation, limited liability company, or the plural
26 thereof, whether resident, nonresident, citizen, or not.

27 (12) "Split escrow" means a transaction in which two or more escrow
28 agents act to effect and close an escrow transaction.

29 **Sec. 46.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read
30 as follows:

31 The director shall, within thirty days after ((the)) a written
32 request ~~((of the escrow commission))~~, hold a public hearing to
33 determine whether the fidelity bond, surety bond, and/or the errors and
34 omissions policy specified in RCW 18.44.201 is reasonably available to
35 a substantial number of licensed escrow agents. If the director
36 determines and the insurance commissioner concurs that such bond or

1 bonds and/or policy is not reasonably available, the director shall
2 waive the requirements for such bond or bonds and/or policy for a fixed
3 period of time.

4 **Sec. 47.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read
5 as follows:

6 A request for a waiver of the required errors and omissions policy
7 may be accomplished under the statute by submitting to the director an
8 affidavit that substantially addresses the following:

9
10 **REQUEST FOR WAIVER OF
ERRORS AND OMISSIONS POLICY**

11 I,, residing at, City of, County
12 of, State of Washington, declare the following:

13 (1) ~~((The state escrow commission has determined~~
14 ~~that))~~ An errors and omissions policy is not reasonably
15 available to a substantial number of licensed escrow
16 officers; and

17 (2) Purchasing an errors and omissions policy is cost-
18 prohibitive at this time; and

19 (3) I have not engaged in any conduct that resulted in
20 the termination of my escrow certificate; and

21 (4) I have not paid, directly or through an errors and
22 omissions policy, claims in excess of ten thousand dollars,
23 exclusive of costs and attorneys' fees, during the calendar
24 year preceding submission of this affidavit; and

25 (5) I have not paid, directly or through an errors and
26 omissions policy, claims, exclusive of costs and attorneys'
27 fees, totaling in excess of twenty thousand dollars in the
28 three calendar years immediately preceding submission of
29 this affidavit; and

30 (6) I have not been convicted of a crime involving
31 honesty or moral turpitude during the calendar year
32 preceding submission of this application.

1 THEREFORE, in consideration of the above, I,
2 , respectfully request that the director of financial
3 institutions grant this request for a waiver of the
4 requirement that I purchase and maintain an errors and
5 omissions policy covering my activities as an escrow agent
6 licensed by the state of Washington for the period from
7 , 19, to, 19

8 Submitted this day of day of, 19

9

10 (signature)

11 State of Washington, }

12 } ss.

13 County of }

14 I certify that I know or have satisfactory evidence that
15 , signed this instrument and acknowledged it to
16 be free and voluntary act for the uses and
17 purposes mentioned in the instrument.

18 Dated

19 Signature of

20 Notary Public

21 (Seal or stamp)

21 Title

22 My appointment expires

23 **Sec. 48.** RCW 18.44.195 and 2010 c 34 s 9 are each amended to read
24 as follows:

25 (1) Any person desiring to become a licensed escrow officer must
26 successfully pass an examination as required by the director.

27 (2) The examination shall be in such form as prescribed by the
28 director with the advice of the (~~escrow commission~~) committee.

29 **Sec. 49.** RCW 18.44.510 and 1984 c 287 s 37 are each amended to
30 read as follows:

31 The (~~escrow commission~~) committee members shall each be
32 compensated in accordance with RCW 43.03.240 and shall be reimbursed
33 for travel expenses as provided for state officials and employees in
34 RCW 43.03.050 and 43.03.060, when called into session by the director

1 or when otherwise engaged in the business of the ((commission))
2 committee.

3 **Sec. 50.** RCW 18.44.500 and 1995 c 238 s 3 are each amended to read
4 as follows:

5 There is established ((an escrow commission)) a committee of the
6 state of Washington, to consist of the director of financial
7 institutions or his or her designee as ((chairman)) chair, and five
8 other members who shall act as advisors to the director as to the needs
9 of the escrow profession, including but not limited to the design and
10 conduct of tests to be administered to applicants for escrow licenses,
11 the schedule of license fees to be applied to the escrow licensees,
12 educational programs, audits and investigations of the escrow
13 profession designed to protect the consumer, and such other matters
14 determined appropriate. The director is hereby empowered to and shall
15 appoint the other members, each of whom shall have been a resident of
16 this state for at least five years and shall have at least five years
17 experience in the practice of escrow as an escrow agent or as a person
18 in responsible charge of escrow transactions.

19 ((The members of the first commission shall serve for the following
20 terms: One member for one year, one member for two years, one member
21 for three years, one member for four years, and one member for five
22 years, from the date of their appointment, or until their successors
23 are duly appointed and qualified.)) Every member of the ((commission))
24 committee shall receive a certificate of appointment from the director
25 and before beginning the member's term of office shall file with the
26 secretary of state a written oath or affirmation for the faithful
27 discharge of the member's official duties. On the expiration of the
28 term of each member, the director shall appoint a successor to serve
29 for a term of five years or until the member's successor has been
30 appointed and qualified.

31 The director may remove any member of the ((commission)) committee
32 for cause. Vacancies in the ((commission)) committee for any reason
33 shall be filled by appointment for the unexpired term.

34 Members shall be compensated in accordance with RCW 43.03.240, and
35 shall be reimbursed for their travel expenses incurred in carrying out
36 the provisions of this chapter in accordance with RCW 43.03.050 and
37 43.03.060.

1 **Livestock Identification Advisory Board**

2 **Sec. 51.** RCW 16.57.015 and 2003 c 326 s 3 are each amended to read
3 as follows:

4 (1) The director shall establish a livestock identification
5 advisory ~~((board))~~ committee. The ~~((board))~~ committee shall be
6 composed of six members appointed by the director. One member shall
7 represent each of the following groups: Beef producers, public
8 livestock market operators, horse owners, dairy farmers, cattle
9 feeders, and meat processors. As used in this subsection, "meat
10 processor" means a person licensed to operate a slaughtering
11 establishment under chapter 16.49 RCW or the federal meat inspection
12 act (21 U.S.C. Sec. 601 et seq.). In making appointments, the director
13 shall solicit nominations from organizations representing these groups
14 statewide. The ~~((board))~~ committee shall elect a member to serve as
15 chair of the ~~((board))~~ committee.

16 (2) The purpose of the ~~((board))~~ committee is to provide advice to
17 the director regarding livestock identification programs administered
18 under this chapter and regarding inspection fees and related licensing
19 fees. The director shall consult the ~~((board))~~ committee before
20 adopting, amending, or repealing a rule under this chapter or altering
21 a fee under RCW 16.58.050, 16.65.030, 16.65.037, or 16.65.090. If the
22 director publishes in the state register a proposed rule to be adopted
23 under the authority of this chapter and the rule has not received the
24 approval of the advisory ~~((board))~~ committee, the director shall file
25 with the ~~((board))~~ committee a written statement setting forth the
26 director's reasons for proposing the rule without the ~~((board's))~~
27 committee's approval.

28 (3) The members of the advisory ~~((board))~~ committee serve three-
29 year terms. However, the director shall by rule provide shorter
30 initial terms for some of the members of the ~~((board))~~ committee to
31 stagger the expiration of the initial terms. The members serve without
32 compensation. The director may authorize the expenses of a member to
33 be reimbursed if the member is selected to attend a regional or
34 national conference or meeting regarding livestock identification. Any
35 such reimbursement shall be in accordance with RCW 43.03.050 and
36 43.03.060.

1 **Sec. 52.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read
2 as follows:

3 (1) The director may adopt rules:

4 (a) To support the agriculture industry in meeting federal
5 requirements for the country-of-origin labeling of meat. Any
6 requirements established under this subsection for country of origin
7 labeling purposes shall be substantially consistent with and shall not
8 exceed the requirements established by the United States department of
9 agriculture; and

10 (b) In consultation with the livestock identification advisory
11 (~~board~~) committee under RCW 16.57.015, to implement federal
12 requirements for animal identification needed to trace the source of
13 livestock for disease control and response purposes.

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

17 **Superintendent of Public Instruction**

18 NEW SECTION. **Sec. 53.** A new section is added to chapter 28A.300
19 RCW to read as follows:

20 In addition to any board, commission, council, committee, or other
21 similar group established by statute or executive order, the
22 superintendent of public instruction may appoint advisory groups on
23 subject matters within the superintendent's responsibilities or as may
24 be required by any federal legislation as a condition to the receipt of
25 federal funds by the federal department. The advisory groups shall be
26 constituted as required by federal law or as the superintendent may
27 determine.

28 Members of advisory groups under the authority of the
29 superintendent may be paid their travel expenses in accordance with RCW
30 43.03.050 and 43.03.060.

31 Except as provided in this section, members of advisory groups
32 under the authority of the superintendent are volunteering their
33 services and are not eligible for compensation. A person is eligible
34 to receive compensation in an amount not to exceed one hundred dollars
35 for each day during which the member attends an official meeting of the

1 group or performs statutorily prescribed duties approved by the
2 chairperson of the group if the person (1) occupies a position,
3 normally regarded as full-time in nature, as a certificated employee of
4 a local school district; (2) is participating as part of their
5 employment with the local school district; and (3) the meeting or
6 duties are performed outside the period in which school days as defined
7 by RCW 28A.150.030 are conducted. The superintendent may reimburse
8 local school districts for substitute certificated employees to enable
9 members to meet or perform duties on school days. A person is eligible
10 to receive compensation from federal funds in an amount to be
11 determined by personal service contract for groups required by federal
12 law.

13 **Quality Education Council**

14 **Sec. 54.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4
15 are each reenacted and amended to read as follows:

16 (1) The quality education council is created to recommend and
17 inform the ongoing implementation by the legislature of an evolving
18 program of basic education and the financing necessary to support such
19 program. The council shall develop strategic recommendations on the
20 program of basic education for the common schools. The council shall
21 take into consideration the capacity report produced under RCW
22 28A.300.172 and the availability of data and progress of implementing
23 the data systems required under RCW 28A.655.210. Any recommendations
24 for modifications to the program of basic education shall be based on
25 evidence that the programs effectively support student learning. The
26 council shall update the statewide strategic recommendations every four
27 years. The recommendations of the council are intended to:

28 (a) Inform future educational policy and funding decisions of the
29 legislature and governor;

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

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

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

8 (3) The chair of the council shall be selected from the
9 councilmembers. The council shall be composed of the following
10 members:

11 (a) Four members of the house of representatives, with two members
12 representing each of the major caucuses and appointed by the speaker of
13 the house of representatives;

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

16 (c) One representative each from the office of the governor, office
17 of the superintendent of public instruction, state board of education,
18 professional educator standards board, and department of early
19 learning; and

20 (d) One nonlegislative representative from the ((achievement))
21 educational opportunity gap oversight and accountability committee
22 established under RCW 28A.300.136, to be selected by the members of the
23 committee.

24 (4) ((In the 2009 fiscal year, the council shall meet as often as
25 necessary as determined by the chair. In subsequent years,)) The
26 council shall meet no more than four ((times)) days a year.

27 (5)(a) The council shall submit an initial report to the governor
28 and the legislature by January 1, 2010, detailing its recommendations,
29 including recommendations for resolving issues or decisions requiring
30 legislative action during the 2010 legislative session, and
31 recommendations for any funding necessary to continue development and
32 implementation of chapter 548, Laws of 2009.

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

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

36 (ii) Recommendations for a program of early learning for at-risk
37 children;

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

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

11 (6) The council shall submit a report to the legislature by January
12 1, 2012, detailing its recommendations for a comprehensive plan for a
13 voluntary program of early learning. Before submitting the report, the
14 council shall seek input from the early learning advisory council
15 created in RCW 43.215.090.

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

18 (a) Recommendations for specific strategies, programs, and funding,
19 including funding allocations through the funding distribution formula
20 in RCW 28A.150.260, that are designed to close the achievement gap and
21 increase the high school graduation rate in Washington public schools.
22 The council shall consult with the ((achievement)) educational
23 opportunity gap oversight and accountability committee and the building
24 bridges work group in developing its recommendations; and

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

27 (8) The council shall be staffed by the office of the
28 superintendent of public instruction and the office of financial
29 management. Additional staff support shall be provided by the state
30 entities with representatives on the council. Senate committee
31 services and the house of representatives office of program research
32 may provide additional staff support.

33 (9) Legislative members of the council shall serve without
34 additional compensation but may be reimbursed for travel expenses in
35 accordance with RCW 44.04.120 while attending sessions of the council
36 or on official business authorized by the council. Nonlegislative
37 members of the council may be reimbursed for travel expenses in
38 accordance with RCW 43.03.050 and 43.03.060.

1 **PART II - OTHER PROVISIONS**

2 **Sec. 55.** RCW 43.03.220 and 2010 1st sp.s. c 7 s 142 are each
3 amended to read as follows:

4 (1) Any part-time board, commission, council, committee, or other
5 similar group which is established by the executive, legislative, or
6 judicial branch to participate in state government and which functions
7 primarily in an advisory, coordinating, or planning capacity shall be
8 identified as a class one group.

9 (2) Absent any other provision of law to the contrary, no money
10 beyond the customary reimbursement or allowance for expenses may be
11 paid by or through the state to members of class one groups for
12 attendance at meetings of such groups.

13 (3) (~~Beginning July 1, 2010, through June 30, 2011,~~) (a) No
14 person designated as a member of a class one board, commission,
15 council, committee, or similar group may receive an allowance for
16 subsistence, lodging, or travel expenses if the allowance cost is
17 funded by the state general fund. Exceptions may be granted under
18 section (~~605, chapter 3, Laws of 2010~~) 63 of this act. Class one
19 groups, when feasible, shall use an alternative means of conducting a
20 meeting that does not require travel while still maximizing member and
21 public participation and may use a meeting format that requires members
22 to be physically present at one location only when necessary or
23 required by law. (~~Meetings that require a member's physical presence~~
24 ~~at one location must be held in state facilities whenever possible, and~~
25 ~~meetings conducted using private facilities must be approved by the~~
26 ~~director of the office of financial management.~~

27 (~~4) Beginning July 1, 2010, through June 30, 2011,~~) (b) Class one
28 groups that are funded by sources other than the state general fund are
29 encouraged to reduce travel, lodging, and other costs associated with
30 conducting the business of the group including use of other meeting
31 formats that do not require travel.

32 **Sec. 56.** RCW 43.03.230 and 2010 1st sp.s. c 7 s 143 are each
33 amended to read as follows:

34 (1) Any agricultural commodity board or commission established
35 pursuant to Title 15 or 16 RCW shall be identified as a class two group
36 for purposes of compensation.

1 (2) Except as otherwise provided in this section, each member of a
2 class two group is eligible to receive compensation in an amount not to
3 exceed one hundred dollars for each day during which the member attends
4 an official meeting of the group or performs statutorily prescribed
5 duties approved by the chairperson of the group. A person shall not
6 receive compensation for a day of service under this section if the
7 person (a) occupies a position, normally regarded as full-time in
8 nature, in any agency of the federal government, Washington state
9 government, or Washington state local government; and (b) receives any
10 compensation from such government for working that day.

11 (3) Compensation may be paid a member under this section only if it
12 is authorized under the law dealing in particular with the specific
13 group to which the member belongs or dealing in particular with the
14 members of that specific group.

15 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person
16 designated as a member of a class two board, commission, council,
17 committee, or similar group may receive an allowance for subsistence,
18 lodging, or travel expenses if the allowance cost is funded by the
19 state general fund. Exceptions may be granted under section (~~605,~~
20 ~~chapter 3, Laws of 2010~~) 63 of this act. Class two groups, when
21 feasible, shall use an alternative means of conducting a meeting that
22 does not require travel while still maximizing member and public
23 participation and may use a meeting format that requires members to be
24 physically present at one location only when necessary or required by
25 law. (~~Meetings that require a member's physical presence at one~~
26 ~~location must be held in state facilities whenever possible, and~~
27 ~~meetings conducted using private facilities must be approved by the~~
28 ~~director of the office of financial management.~~)

29 (5) (~~Beginning July 1, 2010, through June 30, 2011,~~) Class two
30 groups that are funded by sources other than the state general fund are
31 encouraged to reduce travel, lodging, and other costs associated with
32 conducting the business of the group including use of other meeting
33 formats that do not require travel.

34 **Sec. 57.** RCW 43.03.240 and 2010 1st sp.s. c 7 s 144 are each
35 amended to read as follows:

36 (1) Any part-time, statutory board, commission, council, committee,
37 or other similar group which has rule-making authority, performs quasi

1 judicial functions, has responsibility for the administration or policy
2 direction of a state agency or program, or performs regulatory or
3 licensing functions with respect to a specific profession, occupation,
4 business, or industry shall be identified as a class three group for
5 purposes of compensation.

6 (2) Except as otherwise provided in this section, each member of a
7 class three group is eligible to receive compensation in an amount not
8 to exceed fifty dollars for each day during which the member attends an
9 official meeting of the group or performs statutorily prescribed duties
10 approved by the chairperson of the group. A person shall not receive
11 compensation for a day of service under this section if the person (a)
12 occupies a position, normally regarded as full-time in nature, in any
13 agency of the federal government, Washington state government, or
14 Washington state local government; and (b) receives any compensation
15 from such government for working that day.

16 (3) Compensation may be paid a member under this section only if it
17 is authorized under the law dealing in particular with the specific
18 group to which the member belongs or dealing in particular with the
19 members of that specific group.

20 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person
21 designated as a member of a class three board, commission, council,
22 committee, or similar group may receive an allowance for subsistence,
23 lodging, or travel expenses if the allowance cost is funded by the
24 state general fund. Exceptions may be granted under section (~~605,~~
25 ~~chapter 3, Laws of 2010~~) 63 of this act. Class three groups, when
26 feasible, shall use an alternative means of conducting a meeting that
27 does not require travel while still maximizing member and public
28 participation and may use a meeting format that requires members to be
29 physically present at one location only when necessary or required by
30 law. (~~Meetings that require a member's physical presence at one~~
31 ~~location must be held in state facilities whenever possible, and~~
32 ~~meetings conducted using private facilities must be approved by the~~
33 ~~director of the office of financial management.~~)

34 (5) (~~Beginning July 1, 2010, through June 30, 2011,~~) Class three
35 groups that are funded by sources other than the state general fund are
36 encouraged to reduce travel, lodging, and other costs associated with
37 conducting the business of the group including use of other meeting
38 formats that do not require travel.

1 **Sec. 58.** RCW 43.03.250 and 2010 1st sp.s. c 7 s 145 are each
2 amended to read as follows:

3 (1) A part-time, statutory board, commission, council, committee,
4 or other similar group shall be identified as a class four group for
5 purposes of compensation if the group:

6 (a) Has rule-making authority, performs quasi-judicial functions,
7 or has responsibility for the administration or policy direction of a
8 state agency or program;

9 (b) Has duties that are deemed by the legislature to be of
10 overriding sensitivity and importance to the public welfare and the
11 operation of state government; and

12 (c) Requires service from its members representing a significant
13 demand on their time that is normally in excess of one hundred hours of
14 meeting time per year.

15 (2) Each member of a class four group is eligible to receive
16 compensation in an amount not to exceed one hundred dollars for each
17 day during which the member attends an official meeting of the group or
18 performs statutorily prescribed duties approved by the chairperson of
19 the group. A person shall not receive compensation for a day of
20 service under this section if the person (a) occupies a position,
21 normally regarded as full-time in nature, in any agency of the federal
22 government, Washington state government, or Washington state local
23 government; and (b) receives any compensation from such government for
24 working that day.

25 (3) Compensation may be paid a member under this section only if it
26 is authorized under the law dealing in particular with the specific
27 group to which the member belongs or dealing in particular with the
28 members of that specific group.

29 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) Class four
30 groups, when feasible, shall use an alternative means of conducting a
31 meeting that does not require travel while still maximizing member and
32 public participation and may use a meeting format that requires members
33 to be physically present at one location only when necessary or
34 required by law. (~~Meetings that require a member's physical presence
35 at one location must be held in state facilities whenever possible, and
36 meetings conducted using private facilities must be approved by the
37 director of the office of financial management.~~)

1 **Sec. 59.** RCW 43.03.265 and 2010 1st sp.s. c 7 s 146 are each
2 amended to read as follows:

3 (1) Any part-time commission that has rule-making authority,
4 performs quasi-judicial functions, has responsibility for the policy
5 direction of a health profession credentialing program, and performs
6 regulatory and licensing functions with respect to a health care
7 profession licensed under Title 18 RCW shall be identified as a class
8 five group for purposes of compensation.

9 (2) Except as otherwise provided in this section, each member of a
10 class five group is eligible to receive compensation in an amount not
11 to exceed two hundred fifty dollars for each day during which the
12 member attends an official meeting of the group or performs statutorily
13 prescribed duties approved by the chairperson of the group. A person
14 shall not receive compensation for a day of service under this section
15 if the person (a) occupies a position, normally regarded as full-time
16 in nature, in any agency of the federal government, Washington state
17 government, or Washington state local government; and (b) receives any
18 compensation from such government for working that day.

19 (3) Compensation may be paid a member under this section only if it
20 is necessarily incurred in the course of authorized business consistent
21 with the responsibilities of the commission established by law.

22 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person
23 designated as a member of a class five board, commission, council,
24 committee, or similar group may receive an allowance for subsistence,
25 lodging, or travel expenses if the allowance cost is funded by the
26 state general fund. Exceptions may be granted under section (~~605,~~
27 ~~chapter 3, Laws of 2010~~) 63 of this act. Class five groups, when
28 feasible, shall use an alternative means of conducting a meeting that
29 does not require travel while still maximizing member and public
30 participation and may use a meeting format that requires members to be
31 physically present at one location only when necessary or required by
32 law. (~~Meetings that require a member's physical presence at one~~
33 ~~location must be held in state facilities whenever possible, and~~
34 ~~meetings conducted using private facilities must be approved by the~~
35 ~~director of the office of financial management.~~)

36 (5) (~~Beginning July 1, 2010, through June 30, 2011,~~) Class five
37 groups that are funded by sources other than the state general fund are

1 encouraged to reduce travel, lodging, and other costs associated with
2 conducting the business of the group including use of other meeting
3 formats that do not require travel.

4 NEW SECTION. **Sec. 60.** A new section is added to chapter 39.29 RCW
5 to read as follows:

6 Except under a specific statute to the contrary, agencies are
7 prohibited from entering into personal service contracts with members
8 of any agency board, commission, council, committee, or other similar
9 group formed to advise the activities and management of state
10 government for services related to work done as a member of the agency
11 board, commission, council, committee, or other similar group.

12 **Sec. 61.** RCW 43.03.050 and 2010 1st sp.s. c 7 s 141 are each
13 amended to read as follows:

14 (1) The director of financial management shall prescribe reasonable
15 allowances to cover reasonable and necessary subsistence and lodging
16 expenses for elective and appointive officials and state employees
17 while engaged on official business away from their designated posts of
18 duty. The director of financial management may prescribe and regulate
19 the allowances provided in lieu of subsistence and lodging expenses and
20 may prescribe the conditions under which reimbursement for subsistence
21 and lodging may be allowed. The schedule of allowances adopted by the
22 office of financial management may include special allowances for
23 foreign travel and other travel involving higher than usual costs for
24 subsistence and lodging. The allowances established by the director
25 shall not exceed the rates set by the federal government for federal
26 employees. However, during the 2003-05 fiscal biennium, the allowances
27 for any county that is part of a metropolitan statistical area, the
28 largest city of which is in another state, shall equal the allowances
29 prescribed for that larger city.

30 (2) Those persons appointed to serve without compensation on any
31 state board, commission, or committee, if entitled to payment of travel
32 expenses, shall be paid pursuant to special per diem rates prescribed
33 in accordance with subsection (1) of this section by the office of
34 financial management.

35 (3) The director of financial management may prescribe reasonable
36 allowances to cover reasonable expenses for meals, coffee, and light

1 refreshment served to elective and appointive officials and state
2 employees regardless of travel status at a meeting where: (a) The
3 purpose of the meeting is to conduct official state business or to
4 provide formal training to state employees or state officials; (b) the
5 meals, coffee, or light refreshment are an integral part of the meeting
6 or training session; (c) the meeting or training session takes place
7 away from the employee's or official's regular workplace; and (d) the
8 agency head or authorized designee approves payments in advance for the
9 meals, coffee, or light refreshment. In order to prevent abuse, the
10 director may regulate such allowances and prescribe additional
11 conditions for claiming the allowances.

12 (4) Upon approval of the agency head or authorized designee, an
13 agency may serve coffee or light refreshments at a meeting where: (a)
14 The purpose of the meeting is to conduct state business or to provide
15 formal training that benefits the state; and (b) the coffee or light
16 refreshment is an integral part of the meeting or training session.
17 The director of financial management shall adopt requirements necessary
18 to prohibit abuse of the authority authorized in this subsection.

19 (5) The schedule of allowances prescribed by the director under the
20 terms of this section and any subsequent increases in any maximum
21 allowance or special allowances for areas of higher than usual costs
22 shall be reported to the ways and means committees of the house of
23 representatives and the senate at each regular session of the
24 legislature.

25 (6) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person
26 designated as a member of a class one through class three or class five
27 board, commission, council, committee, or similar group may receive an
28 allowance for subsistence, lodging, or travel expenses if the allowance
29 cost is funded by the state general fund. Exceptions may be granted
30 under section (~~605, chapter 3, Laws of 2010~~) 63 of this act.

31 **Sec. 62.** RCW 43.03.060 and 1990 c 30 s 2 are each amended to read
32 as follows:

33 (1) Whenever it becomes necessary for elective or appointive
34 officials or employees of the state to travel away from their
35 designated posts of duty while engaged on official business, and it is
36 found to be more advantageous or economical to the state that travel be
37 by a privately-owned vehicle rather than a common carrier or a state-

1 owned or operated vehicle, a mileage rate established by the director
2 of financial management shall be allowed. The mileage rate established
3 by the director shall not exceed any rate set by the United States
4 treasury department above which the substantiation requirements
5 specified in Treasury Department Regulations section 1.274-5T(a)(1), as
6 now law or hereafter amended, will apply.

7 (2) The director of financial management may prescribe and regulate
8 the specific mileage rate or other allowance for the use of privately-
9 owned vehicles or common carriers on official business and the
10 conditions under which reimbursement of transportation costs may be
11 allowed. The reimbursement or other payment for transportation
12 expenses of any employee or appointive official of the state shall be
13 based on the method deemed most advantageous or economical to the
14 state.

15 (3) The mileage rate established by the director of financial
16 management pursuant to this section and any subsequent changes thereto
17 shall be reported to the ways and means committees of the house of
18 representatives and the senate at each regular session of the
19 legislature.

20 (4) No person designated as a member of a class one through class
21 three or class five board, commission, council, committee, or similar
22 group may receive an allowance for subsistence, lodging, or travel
23 expenses if the allowance cost is funded by the state general fund.
24 Exceptions may be granted under section 63 of this act.

25 NEW SECTION. **Sec. 63.** A new section is added to chapter 43.03 RCW
26 to read as follows:

27 Exceptions to restrictions on subsistence, lodging, or travel
28 expenses under this chapter may be granted for the critically necessary
29 work of an agency. For agencies of the executive branch, the
30 exceptions shall be subject to approval by the director of financial
31 management or the director's designee. For agencies of the judicial
32 branch, the exceptions shall be subject to approval of the chief
33 justice of the supreme court. For the house of representatives and the
34 senate, the exceptions shall be subject to the approval of the chief
35 clerk of the house of representatives and the secretary of the senate,
36 respectively, under the direction of the senate committee on facilities
37 and operations and the executive rules committee of the house of

1 representatives. For other legislative agencies, the exceptions shall
2 be subject to approval of both the chief clerk of the house of
3 representatives and the secretary of the senate under the direction of
4 the senate committee on facilities and operations and the executive
5 rules committee of the house of representatives.

6 **Effective Dates**

7 NEW SECTION. **Sec. 64.** Except for sections 53 and 60 of this act,
8 this act is necessary for the immediate preservation of the public
9 peace, health, or safety, or support of the state government and its
10 existing public institutions, and takes effect July 1, 2011.

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E2SHB 1371 - S COMM AMD
 By Committee on Ways & Means

ADOPTED 05/20/2011

1 On page 1, line 1 of the title, after "commissions;" strike the
 2 remainder of the title and insert "amending RCW 72.23.025, 74.39A.095,
 3 74.39A.220, 74.39A.240, 74.39A.250, 74.39A.260, 43.105.340, 67.16.012,

1 77.12.670, 77.12.690, 77.08.045, 77.12.850, 18.106.110, 49.04.010,
2 36.93.051, 15.92.090, 43.160.030, 70.94.537, 38.52.040, 70.168.020,
3 67.17.050, 41.60.015, 43.20A.685, 79A.30.030, 28A.300.136, 43.34.080,
4 72.09.070, 72.09.090, 72.09.100, 72.09.015, 72.62.020, 72.09.080,
5 43.31.425, 43.31.422, 18.280.040, 18.140.230, 18.44.221, 18.44.251,
6 18.44.195, 18.44.510, 18.44.500, 16.57.015, 16.57.353, 43.03.220,
7 43.03.230, 43.03.240, 43.03.250, 43.03.265, 43.03.050, and 43.03.060;
8 reenacting and amending RCW 74.39A.270, 41.56.030, 18.44.011, and
9 28A.290.010; adding a new section to chapter 28A.300 RCW; adding a new
10 section to chapter 39.29 RCW; adding a new section to chapter 43.03
11 RCW; decodifying RCW 74.39A.290; repealing RCW 79A.25.220, 70.127.041,
12 74.39A.230, 74.39A.280, 77.12.680, 28B.10.922, and 77.12.856; providing
13 an effective date; and declaring an emergency."

--- END ---